

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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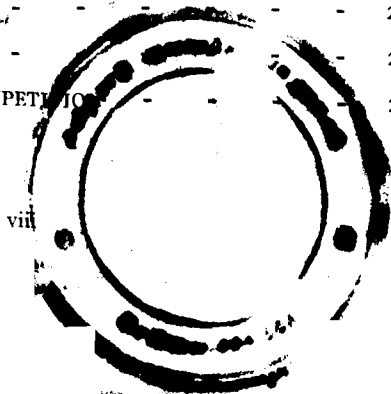
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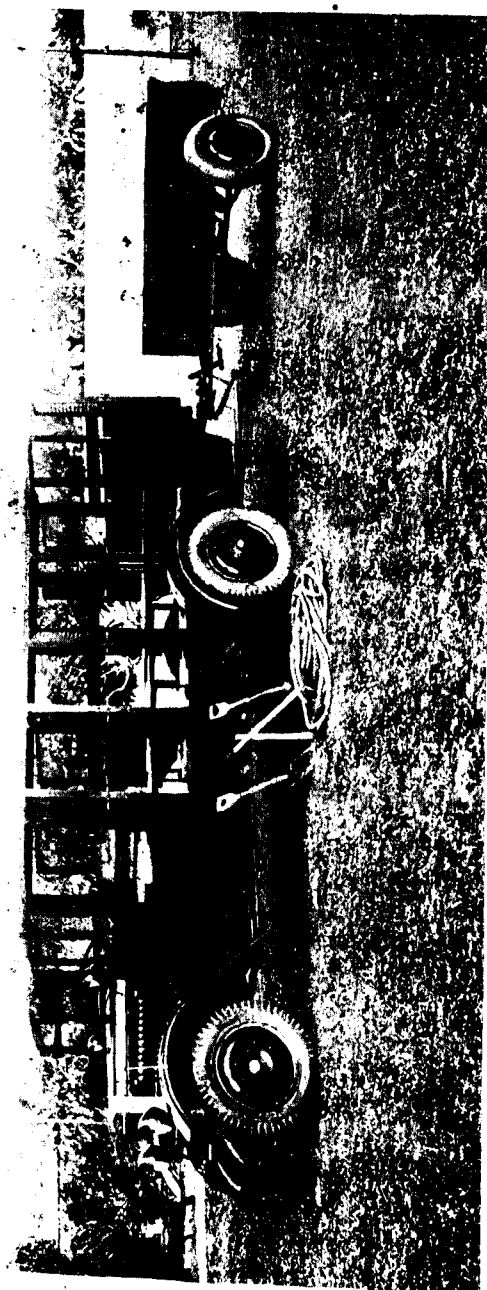


Notes on Recent Crime

THE case of *Rex v. Manley*, which established that it is a common law misdemeanour to cause or effect a public mischief, is a decision of very great utility, but is liable to abuse. An extraordinary case at the Old Bailey, in which a man named Brown, an estate agent, and a man named Foulstone, a motor driver, were indicted for conspiracy to effect a public mischief by procuring a marriage with a French prostitute so that she could ply her trade without fear of deportation, is an instance of its utility. The system was to pay £15 or £20 to hard-up Englishmen to marry these French prostitutes and thereby make them Englishwomen. The bridegrooms then disappeared and the women were installed in expensive flats, upon the letting of which Brown drew commission, in addition to lump-sum payments for his services from white-slave persons in Paris.

According to police evidence, Brown had been successful at least 22 times; the police had known of the system and had been investigating it for a number of years. It is difficult to think of any charge but one of effecting or conspiring to effect a public mischief, with which Brown could have been successfully charged. Brown received twenty-three months' hard labour, one month less than the maximum of two years. A case at Exeter Assizes before du Parc J. illustrates the danger of *Rex v. Manley* being abused. A man, Hurford, was charged with effecting a public mischief, because he complained to the police that he suspected a certain boy of stealing £2, while the money was all the time in the lining of his waistcoat. Du Parc J., in directing an acquittal, said

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A ZANZIBAR POLICE LORRY
THE LORRY CARRIES A TRAILER, FOR REINFORCEMENTS, AND COMPLETE EQUIPMENT

Frontispiece

it was no offence to make an inaccurate statement, if it was made in the honest belief it was true.

It is a healthy sign, no doubt, that public opinion should be sensitive to a man being wrongfully arrested, and the police should not resent the fact. The unfortunate case of Flying Officer Fitzpatrick in the summer aroused a good deal of public discussion and led to new regulations for the Metropolitan Police, where it was clear that a mistake had been made. The public must, however, recognize that mistakes cannot be entirely avoided. The police have a common-law power, and even a duty, to arrest anyone upon reasonable suspicion of his having committed a felony. It is safe to say that without such power a great deal of crime, particularly of the petty larceny type, would go unpunished. This was strongly borne in on the writer of these notes, when in the apple season he paid a professional visit to Bromley Police Court. There were five charges of crime, every one an accusation of stealing apples, in which the accused pleaded guilty and were suitably fined. In every instance an alert constable had seen men laden with a suspicious number of apples, and questioning had led to arrest and conviction.

An admirable example of English criminal justice at its best has been provided by the trial before Horridge J., at Chelmsford Assizes, of thirty-six persons accused of unlawfully assembling to prevent a tithe distraint. The judge insisted on the prosecution strictly proving its case against each defendant individually and twenty-nine of the thirty-six persons were acquitted at various stages. Seven defendants were left, one of whom admitted that he was availing himself of the crowd present to put pressure on the persons distraining; they were convicted and bound over. The judge said, 'It is an evil thing if in this country when people think they have got a grievance they should take the law into their own hands and should by collective numbers coerce people against whom they think they have a grievance'. The distrainers had been locked in a barn, and rotten eggs had been thrown at them.

A curious case before Lord Moncrieff in Scotland, in which a man accused of breaking and entering and stealing from a safe was acquitted by a verdict of 'not proven,' is interesting on the question of finger-prints. There was no real evidence against the man, except that two of his finger-prints were found, one on a glass panel of a door and one on the window through which entry had been effected. In the ordinary way, in the absence of any reasonable explanation as to how the prints came there, this would have been enough for a conviction. It was, however, suggested by the defence and put before the jury as a possibility by the judge, that the finger-prints might have been forged by someone with a grudge against the accused. The inspector from Scotland Yard said that he had never heard of this being done, but the jury must have felt that the possibility could not be ruled out. It seems an extremely unlikely theory.

Two murder acquittals at the Old Bailey are of interest. The first was the case of one Field, who gave himself up to the police for the murder two years ago in an empty Soho shop of Nora Upchurch and made a detailed confession. Apart from such confession there was no evidence at all against him, and at the Old Bailey the accused on oath said his confession was all false, he did not even know the girl and he made the confession so as to have a trial in which he could demonstrate his innocence to the world, because the questioning addressed to him at the inquest pointed to him as the guilty person. 'A peculiar proceeding to establish your innocence,' said Swift J., but he directed an acquittal on lack of evidence. There must be some corroboration of a confession, where it is not followed by a plea of guilty. It need, no doubt, be only slight, if the confession fits the facts, but there must be some evidence that the confession is true. The second case was one of an alleged suicide pact, in which a man and his mistress both took poison and the woman died. Goddard J., in directing an acquittal, ruled that it was not sufficient evidence of a suicide pact that two people attempted to commit

suicide at the same time, and said that suicide agreements must be strictly proved.

Real cases of mistaken identity crop up from time to time. One of the difficulties is that this defence is so often entirely a bogus one. A Roumanian Jew, named Ivankovski, was convicted and sentenced to six months' imprisonment for fraud on a hotel at Eastbourne. The man was in fact in Paris at the time, and the sworn evidence as to his identity was mistaken. The Home Office upon satisfactory proof released him. The police cannot, of course, be blamed for this kind of thing happening, unless they try to make witnesses more confident than they can honestly be. The safeguard should be the vigilance of the defence, who are as much a part of the machinery of justice as the prosecution.

On a recent autumn morning, just after daybreak, a uniformed constable in Liverpool saw a man scramble over a yard wall and drop into the yard at the rear of a lock-up fish shop. Despite the hour, when asked by the constable to account for his presence there, he replied, 'I went into the lavatory for a doss.' Not satisfied with this answer the constable arrested him and charged him with 'being a suspected person loitering with intent to commit a felony.' It transpired the prisoner was a well known thief with convictions for housebreaking by means of the 'Gimlet' method. Later in the same day reports were received intimating that dwelling-houses in the neighbourhood had been entered by forcing the back kitchen window. In one case the thief had trodden on the occupier's lunch, which had been left on the kitchen table immediately underneath the window, and a piece of cake appeared to have been flattened out by a boot.

The prisoner was questioned about these cases but denied all knowledge of them, although the police were sure he was the thief. His boots were examined by the detective who found traces of what appeared to be cake adhering to the

soles. The boots were sent to the analyst for examination. Portions of cake had adhered to the sole and instep of both boots, which, when subjected to microscopic and micro-chemical analysis were found to be identical with the flattened out cake found at the scene of the crime. Upon hearing the result of the examination the thief pleaded 'Guilty' to all the offences.

The Police and the Law

A QUARTERLY RECORD

Arrest of Person suspected of Felony

THE police are well aware of the risks which they run when, without the authority of a warrant, they arrest a person on the suspicion that he has committed a felony. Whenever such an arrest has been made it is possible that the arrested person may bring an action for wrongful arrest, false imprisonment and, if proceedings are taken, malicious prosecution.

The law is clearly stated in Bullen and Leake, 3rd Edition, page 795 :

‘ A constable is justified in arresting a person without a warrant upon a reasonable suspicion of a felony having been committed and of the person being guilty of it, although no felony has in fact been committed, and whether the reasonable grounds for suspicion are matters within his own knowledge or are facts stated to him by another.’

The question which the police—and more especially Chief Constables—have to consider is whether, in the circumstances of the particular case, there is reasonable and probable cause for suspicion. This question frequently arises. It is of great importance and requires sound judgment and discrimination.

As Lord Wright pointed out in a recent decision in the Court of Appeal, to which reference is made below, any information coming from others on which a constable proposes to act must be information which has come to him in a way which justifies him in giving it credit. This is really what is meant by a ‘ reasonable ’ suspicion. But there is one parti-

THE POLICE AND THE LAW

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cular point which has often given rise to doubt and difficulty, viz. whether it is right for the police to take into consideration the known bad character and past record of the person whom it is proposed to arrest. This particular point was considered by the Court of Appeal in the recent case (not yet reported) of *McArdle v. Egan and Others*. An action for damages for wrongful arrest and false imprisonment had been brought by the plaintiff against the defendants, Major M. J. Egan, Chief Constable of Southport, and two Liverpool police constables. The facts were, briefly, that certain clothes had been stolen from a Reformatory School and the plaintiff was suspected of having stolen them and was arrested. Among the various considerations which weighed with the Chief Constable was the fact that some clothing apparently left behind by the thief at the School was identified by two witnesses as having been worn by the plaintiff when he visited the School, shortly before the theft took place. The Chief Constable also took into consideration a number of other circumstances, including information he had received as to the plaintiff's character. Eventually, on the case coming before the Magistrates, the charge was withdrawn and the plaintiff thereupon commenced his action. The action was tried at Liverpool Assizes and judgment was given for the plaintiff by Lawrence J., who ruled, on the authority of certain judicial decisions, that it was not open to the defendants to rely on information in their possession as to the plaintiff's character and as, in the opinion of the learned judge, the rest of the matters which the defendants had taken into consideration did not amount to ‘ reasonable and probable cause ’, he gave judgment for the plaintiff.

The defendants appealed to the Court of Appeal and that Court allowed the appeal on the ground that, apart from any question of the plaintiff's character, taking all the facts into consideration the Chief Constable, on the other materials before him, was quite entitled to come to the conclusion that the plaintiff was sufficiently under suspicion to justify arrest. The views expressed by Lord Wright, who was a member of

the Court of Appeal, are of special interest and we take the liberty of quoting the following passage from his judgment :

'It is, no doubt, very important that the liberty of the subject should be preserved from undue interference, and in this case the charge has been withdrawn from the man and it is not now suggested that he was guilty of the offence. On the other hand, it has got to be remembered that, in the public interest, it is very important that Police Officers should be protected in the reasonable and proper execution of their duty : they should not be hampered or terrified by being unfairly criticised if they act on a reasonable suspicion. Although the amount here is very small, I think the question of principle is very important. It has to be remembered that Police Officers, in determining whether or not to arrest, are not finally to decide the guilt or innocence of the man. Their functions are not judicial, but ministerial, and it may well be that if they hesitate too long when they have a proper and sufficient ground of suspicion against an individual, they may lose any opportunity of arresting him, because in many cases steps have to be taken at once in order to preserve evidence. I am not saying that as in any way justifying hasty or ill-advised conduct ; far from that ; but once there is what appears to be a reasonable suspicion against a particular individual, the Police Officer is not bound, as I understand the law, to hold his hand in order to make further inquiries if all that is involved is to make assurance doubly sure.'

Lord Wright then proceeded to deal with the question whether the learned Judge at the Assizes was right in ruling out character and previous convictions as irrelevant. The learned Lord, after stating that it was not necessary to express any decided view on this question, made the following interesting observations :

'I gather the authorities are conflicting, and there may well be reasons why there should be a certain hesitation to treat a man who has already been convicted too readily as liable to be guilty of a further offence. What I should want to guard myself against would be to be thought to rule in any general way that evidence of previous convictions of a man should be treated as entirely irrelevant for the purpose of guiding a Police Official in his delicate decisions. I can conceive cases where an offence of a particular sort has been committed and it is well known that a particular individual has committed other offences of that character, and there are other strong circumstances pointing

to the probability that he is the guilty man, and constituting a ground of reasonable suspicion that he is the guilty man. It may well be that the man's special character in this regard may be taken into account by a Police Official in his ministerial duty if his mind is just in the balance, or it may be a matter which must receive some weight, although it may never be decisive on the question whether he should be arrested or not. It may, however, be some help, and I think, without deciding it, probably it is a matter which ought to be treated as having some weight, though not perhaps very great weight, if the justification of a Police Constable in arresting a man for a felony is called into question.'

The law on this aspect of the matter has never been clearly laid down. The only cases in which the point has been dealt with were decided many years ago (*Newsam v. Carr* (1817) 2 Starkie 69 ; *Cornwall v. Richardson* (1825) Ry. and Moo. 305 ; *Downing v. Butcher* (1841) 2 Moo. and Rob. 374) ; and the effect of these decisions, as stated in the leading text-books, is that bad character is not admissible for the defendant in actions for false imprisonment on the question of 'reasonable and probable cause'. The present decision of the Court of Appeal at least makes it clear that, if there are sufficient reasonable grounds for suspecting a person of felony apart from his known bad character, the mere fact that the police, in deciding to arrest that person, were influenced by their knowledge of his bad character will not 'put them out of court'. But the views expressed by Lord Wright suggest that he would have been ready to go rather further than this, if it had been necessary to do so, and to decide that in circumstances such as existed in *McArdle v. Egan* it would be quite proper for a Chief Constable to allow his knowledge of a suspected man's character and criminal record to turn the scale in favour of a decision to arrest him, provided there are other circumstances strongly pointing to the probability that he is the guilty man. An actual decision to that effect would not, we think, make any serious inroad on established principles or shock the conscience of those who are quite rightly jealous of any development in our law which may seem to threaten, however slightly, the liberty of the subject.

The Law as to Picking Mushrooms

It is probable that many police officers whose duties are carried out in country districts are from time to time troubled by inquiries and complaints about the position of persons who 'go trespassing' on private property in search of blackberries and mushrooms. Partly as a result of the unusually prolific crop of mushrooms (due to a warm summer followed by rain) the year which has just come to a close has, within the present writer's own experience, produced also a specially large crop of the kind of inquiries and complaints referred to. Although some people think that the law on this subject is neither clear nor satisfactory, probably most people—whether residents or 'hikers' in country districts—are perfectly satisfied with the law in its present state. It may be useful, however, to make some attempt to explain what is the actual state of the law.

Of the ordinary law of trespass it is unnecessary to say more than that mere trespass on land is no concern of the criminal law; criminal law only steps in to provide a penalty for wilful damage actually done by persons who trespass; and actual damage to an appreciable extent must be proved and found as a fact (see *Eley v. Lytle*, 50 J.P. 308). It follows that anyone who goes into a field to look for mushrooms does not expose himself to any criminal liability merely because he wanders about on another person's property for that purpose. Even if he is lucky enough to find some mushrooms and pulls them up and takes them away, he does not in the present state of the law commit any offence unless (a) the mushrooms were 'cultivated' mushrooms, or (b) he wilfully did some damage other than the taking of the mushrooms. The law on this subject was considered in the well-known case of *Gardner v. Mansbridge* (1887) 19 Q.B.D. 217. In that case the proceedings were taken under the Malicious Damage Act, 1861, s. 52. (This section of the Act was repealed by the Criminal Justice Administration Act, 1914, and the present law is contained in s. 14 of the latter Act; but the question

of the principle we are now discussing remains unaffected.) In this case the facts were that in one of the fields belonging to a farmer there grew mushrooms which were a source of profit to the farmer, being worth about £7 a year. The farmer did not cultivate the mushrooms in any way—they were 'wild' mushrooms; and in the field in question cattle were turned out to graze and no doubt, in the clumsy fashion peculiar to cows, they did a good deal of damage to the mushrooms. One day the farmer saw the defendant in the field apparently picking the mushrooms, chased him into the next field and found about two shillings' worth of mushrooms in his basket. From the facts stated in the report of the case it seems likely that the farmer was specially annoyed with the defendant because some of the mushrooms were smaller than the farmer himself would have gathered, and if the mushrooms had been allowed to grow till the next day they would have doubled in value. There was no evidence of any damage to the grass or the fences of the field. The justices found that the mushrooms were growing in a 'wild and spontaneous manner'. If they had been *cultivated* by the farmer, the defendant could have been dealt with under s. 24 of the Malicious Damage Act, 1861, or possibly under s. 37 of the Larceny Act, 1861, to which reference is made below. As it was, he could only be dealt with under s. 52 of that Act, and he was accordingly charged with wilfully or maliciously committing damage or injury to *real property*, i.e. the land itself. The question which the High Court had to consider on appeal from the justices was whether the wilful removal of the mushrooms amounted to damage or injury to the land. In other words, did the mushrooms growing in the land form part of the land? The court came to the conclusion that for the purposes of this section the mushrooms could not be regarded as part of the land. In the words of A. L. Smith J. the court held that 'if as in this case proof of damage is confined solely to damage to the product growing upon the realty and consequent loss to the owner of such product no offence is established within s. 52 of the Act'.

The reasons of the court for this conclusion are of some interest as the following passage from the same judgment will show :

' There are numerous sections in the Act, as above pointed out, making it an offence to damage the product of realty, and in our judgment unless a case is brought within those special sections relating to such products, damage done to the product alone and not to the realty itself is no offence within the Act. The words of the Act are ' damage to real property ', not ' loss to the owner thereof '. To hold otherwise would render a person liable to be convicted of a crime and sent to hard labour for two months for merely gathering primroses, blackberries, or the like, upon proof given of some actual loss to the owner thereof, whereas the legislature by s. 24 has only created the penalty of one month for maliciously destroying any cultivated root or plant used for the food of man. Can it be conceived that the legislature intended that for simply gathering mushrooms growing wild in a field and uncultivated, a person might be liable to two months' hard labour, whereas for maliciously destroying cultivated roots or plants used for food of man, he was only to be liable to one month ? It seems to us impossible.'

The decision in *Gardner v. Mansbridge* is still good law so far as regards the question discussed above. It applies to any fruit or flowers growing in an uncultivated state such as primroses and blackberries ; and this state of the law is a source of some of the complaints which the police from time to time receive. We should be sorry to attempt to hold the balance between the comparative immunity which ' hikers ' and others have long enjoyed, and still enjoy, and the farmers and other occupiers of land who suffer at certain seasons of the year.

Doing damage to, or stealing, *cultivated* roots is a different matter. Under the Larceny Act, s. 37, it is an offence to steal or damage with intent to steal any cultivated root or plant used for the food of man or beast and growing in any land, open or enclosed. It is under this provision that anyone who picks and takes away mushrooms or such things as flower roots, watercress, etc., which are actually being *cultivated*, can be dealt with. Exactly what amounts to ' cultivation ' does not appear to have been decided judicially. But

we agree with the view expressed in Stone's Justices' Manual in the notes relating to this section that if the occupier of land has contributed to the growth the conviction would be upheld. It seems to follow that if a farmer were to go to the expense of using manure for the express purpose of stimulating the growth of mushrooms a person who picks and takes away any such mushrooms might be guilty of an offence under this section.

A British View of Hitlerism

The British people have been described as a race of well-bred mongrels. That this description is not very far from the truth is apparent from our early history. It is the mingling of race and blood that has produced our national characteristics. One of those characteristics is reputed to be a profound respect for law and order and a deep-seated instinctive (though often unconscious) faith in the rule of law as the foundation of national institutions and the liberty of the individual. Above all, we believe in liberty of opinion and in the complete freedom of the citizen (provided he keeps clear of sedition and incitement to mutiny) to express his views on any subject whatever, whether it be the method of government, politics, or religion. It is interesting to contrast this familiar state of affairs with the position created by recent events in Germany. One sees Germany under the control of Herr Hitler arming herself with new powers and ' Nazi ' methods of government, while the ordinary law seems to be completely submerged. Underlying the tremendous revolution which Herr Hitler has contrived is the idea that the German race must be purified ; it must become essentially German and nothing else. ' The right to personal freedom ', he says, ' comes second in importance to the duty of maintaining the race '. Such a project seems to many of us irrational and, even if it were attainable, it would be unlikely to produce results satisfactory either to Germans or to the rest of the world.

But whatever we may think of the Hitler revolution in Germany, it cannot be denied that never before (except

possibly in Soviet Russia) have the internal and domestic affairs of any country been followed with such eager and anxious world attention. Those who wish to do so can trace the origin of Herr Hitler's ideas and policy by studying the extraordinary book which he published this year. Some of his ideas make Englishmen gasp; they are a complete negation of everything that we have been taught to regard as essential for good government. The whole nation is to be dragooned; and there are no guarantees, as we understand them, for individual liberty. The general effect of his political ideals were well summed up in a leading article in *The Times*: 'Marxism must be destroyed before Germany can be great, and Parliamentary institutions, decisions by discussion, majority votes, and the right of free speech and individual liberty must give way to an all-dominating State, whose decrees are not only absolute but are also to be instantly carried into effect.'

Will the German nation, muzzled and sterilised from contact with other races, be able to stand the strain of this patriotic but ruthless despotism? Historians viewing the developments in Germany naturally feel anxious because they know something of the serious results which follow when a democracy is displaced by a despotism which demands the wholesale sacrifice of the individual in the interests of the State. It is possible for a limited period to work up tremendous enthusiasm in any country by making an emotional appeal to nationalism and patriotism. But sooner or later there always comes a moment when an appeal to the emotions begins to lose its effect. We wonder whether the police in Germany who are in actual contact with the immediate results of Hitlerism are beginning to see signs that this moment is approaching. It is on the police that much of the burden of this revolution falls; and the difficulty of their task must be enormously increased by frequent and sudden invasions of their jurisdiction by the Nazi 'storm troops'. Probably the police in Germany know better than anyone else the extent of public feeling aroused by the multitude of decrees which it is their unpleasant duty to enforce.

Recent Judicial Decision

R. v. Larssonneur

A WOMAN landed in March 1933 at Folkestone with a French passport which was endorsed 'Leave to land granted at Folkestone this day on condition that the holder does not enter any employment, paid or unpaid, while in the United Kingdom.' On 22nd March, 1933, the condition was varied by the following endorsement: 'The condition attached to the grant of leave to land is hereby varied so as to require departure from the United Kingdom not later than the 22nd March, 1933.' On that day the appellant went to the Irish Free State. An order for her deportation from the Irish Free State was made by the executive of that country, and on 20th April, 1933, she was brought back in the custody of the Irish Free State police to Holyhead and handed over to the police there, where she was detained until a police officer from London arrived. On the following day she was taken to London in custody, and on 22nd April was brought before the London Sessions charged on an indictment, in the first count 'being an alien failing to comply with a condition imposed by the Secretary of State, viz., to leave the United Kingdom,' and in the second count, 'being an alien to whom leave to land in the United Kingdom has been refused was found in the United Kingdom.' The Chairman ruled that the Irish Free State was not part of the United Kingdom for the purposes of the first count of the indictment and that there was no case to go to the jury on that count. On the second count the jury returned a verdict of 'Guilty through circumstances beyond her own control,' and the Chairman passed a sentence of three days' imprisonment and made an order recommending the appellant for deportation.

In the Court of Criminal Appeal it was argued that this

alien did not really commit an offence under Article 18 (1) (b) which reads as follows :

' If any alien, having landed in the United Kingdom in contravention of Art. 1 of this Order, is at any time found within the United Kingdom he shall be guilty of an offence against this Order.'

It was contended that the mere fact that she had been found in the United Kingdom after the time limited for her departure therefrom had expired, was not in itself an offence, and it was argued that the evidence showed that she had not landed at all, but had been landed by a superior force over which she had no control and that, having thus come to be found in the United Kingdom, she was not guilty of an offence of landing in contravention of the order.

The Lord Chief Justice, after stating the facts, said that so far as this appeal was concerned, the circumstances in which the appellant came back from the Irish Free State were perfectly immaterial. The fact was that she was at Holyhead on a date after the day limited by the condition on her passport.

' In these circumstances, it seems to be quite clear that Art. 1 (4) of the Aliens Order, 1920 (as amended by the Orders of March 12, 1923, and August 11, 1931), applies. The Article is in the following terms : " An immigration officer, in accordance with general or special directions of the Secretary of State, may, by general order or notice or otherwise, attach such conditions as he may think fit to the grant of leave to land, and the Secretary of State may at any time vary such conditions in such manner as he thinks fit, and the alien shall comply with the conditions so attached or varied. An alien who fails to comply with any conditions so attached or varied, and an alien who is found in the United Kingdom at any time after the expiration of the period limited by any such condition, shall for the purposes of this Order be deemed to be an alien to whom leave to land has been refused."

' The appellant was, therefore, on 21st April, 1933, in the position in which she would have been if she had been prohibited from landing by the Secretary of State and, that being so, there is no reason to interfere with the finding of the jury. She was found here and was, therefore, deemed to be in the class of persons whose landing had been prohibited by the Secretary of State, by reason of the fact that she had violated the condition on her passport. The appeal, therefore, is dismissed and the recommendation for deportation remains.'

The Wallace Murder

THE investigation of the Wallace murder presented astonishing difficulties and concluded in almost unparalleled results. Rarely is a man convicted of murder on such slight evidence as was finally presented to judge and jury ; and even more rarely has a conviction for the capital charge been reversed, or has its reversal aroused such widespread and vigorous comment.

Julia Wallace, a married woman, aged 53 years, was found murdered in the sitting-room of her home, 29 Wolverton Street, Liverpool, on the evening of Tuesday, January 20, 1931. Her head had been battered in by at least eleven violent blows—any of which might have proved fatal.

The deceased lived at the above address with her husband, William Herbert Wallace, aged 53 years. The house was about the middle one in a short street of uninteresting bow-fronted artisan's dwellings, and here they had lived for the past sixteen years, during which time the husband had been in regular employment as an insurance agent with average earnings estimated at £6 per week.

Both husband and wife were of a retiring disposition and led a secluded life. They had been married for more than eighteen years, but there were no children. They treated their neighbours distantly, rarely visited or entertained, and had few friends, but they were intimate with Wallace's brother's wife, who lived in the neighbourhood. Those who had known Mrs. Wallace testified that she had been old-fashioned in her ways, somewhat untidy in her dress and habits, and careless in the management of the home. Wallace was said to be artistic, methodical and interested in many intellectual

pursuits. His hobbies were music, science and chess. Outside his business acquaintances and a few members of a local chess club of which he was a member, he appeared to have formed few friendships. His clients said he was very reserved—almost surly. He did not drink to excess. Neighbours, friends, all who were acquainted with the home life of the Wallaces, stated that they appeared to be devoted to one another and to lead a happy and contented life in a quiet way.

Wallace was a member of the Central Chess Club, which met to play at the City Café once a fortnight—on alternate Mondays. The club had no telephone of its own, and merely met in a room hired for the occasion. Wallace attended irregularly.

On Monday, January 19, 1931, the club met at the café to play in a chess match. For several days prior to the 19th a notice had hung in the café intimating that the match would be played off on that date, and that, amongst other players, Wallace had been chosen.

At about 7.15 p.m. that evening (the day preceding the murder) a telephone message came through to the café making a business appointment for Wallace to meet a Mr. Qualtrough at 25 Menlove Gardens East, at 7.30 p.m. on the following evening (January 20). Wallace had not arrived at the café at the time the message was received, so it was taken down by the captain of the club and given to Wallace upon his arrival about twenty minutes later. Wallace immediately inquired the direction of Menlove Gardens East of several members, and it was suggested it was probably a good-class residential road leading off Menlove Avenue—a feasible suggestion, since Menlove Gardens North, South and West actually lead off this avenue, though there is no Menlove Gardens East in the city.

Travelling home from the chess club that evening, Wallace discussed this appointment with two of his companions, adding, 'Qualtrough, that's a funny name; I have never heard it before.' When it was suggested that he should travel as far as Menlove Avenue by bus—the speediest and

most direct way—he intimated that if he went at all he would go by tram.

When he arrived home that evening he informed his wife of the appointment, and at about 6.45 p.m. on the following evening, after a normal day's work, he left the house to keep it. He was the last person to see his wife alive, for when he returned at 8.40 p.m. he found her murdered.

The body was discovered in the parlour. The deceased was lying face downwards and diagonally across the hearth-rug with feet together and touching the end of the fender nearest the window. The head had been viciously battered in on the left side with some heavy instrument, and in front of the left ear there was a large wound approximately half an inch by three inches, from which bone and brain substance was protruding. On the back of the left side of the head there was a big depression of the skull with several wounds, the details of which were obscured by matted hair. When the medical witnesses arrived at 10.5 p.m. the hands and forearms were cold, but the upper arms and body were warm. *Rigor mortis* was present in the left arm and neck. The head was fixed rigidly. On the edge of the hearthrug was a large patch of blood clot, some brain matter and a piece of bone.

The walls of the parlour and articles of furniture were bespattered with blood, some of the splashes being seven or eight feet high, whilst tucked against the deceased's head and shoulders was a man's mackintosh. It was in a crumpled condition, and on the front and the inside of the sleeve cuffs there were many splashes and blotches of blood. A portion of the bottom of the mackintosh on the left side was burnt, and between the folds were two spent matches. It was significant in helping to fix the time of the murder that there was no smell of burning mackintosh in the room when it was first entered. The skirt of the deceased had been slightly burnt in the front in a manner suggesting that she fell against the gas fire before finally collapsing across the hearthrug.

A thorough search and examination of the premises was immediately carried out, with a view to discovering any

weapon with which the crime had been committed or anything that might assist in establishing the identity of the murderer. Wallace was asked if any tool or instrument, likely to have been used as the weapon for striking the blows, was missing from its place in the house. After a careful search he said nothing had been taken. On the edge of the basin of the w.c. pan in the bathroom upstairs was a small clot of blood, which indicated that after committing the crime the murderer washed himself or his hands in the bathroom.

Wallace insisted that theft was the motive, and pointed out that £4, a crossed cheque for £5 17s. and a postal order for 4s. 6d. were missing from an unlocked cash-box which always stood on the top of a bureau in the kitchen. He drew the attention of the police to the fact that several drawers in the bedrooms had been ransacked and the contents strewn everywhere. None of the deceased woman's jewellery was missing, and her bag, which contained money and was on a chair in the kitchen, had not been touched. Protruding from a vase on the mantelpiece in the middle bedroom (where the couple slept) were four £1 Treasury notes and a postal order for 2s. On the face of the inside note was a small clot of blood. The door had been wrenched off a flimsily built wooden cabinet which stood in the kitchen, and silver coins were scattered on the floor immediately below it, but the detectives engaged in the investigation of the crime regarded all the indications of theft as unnatural, and were convinced that this was not the work of a burglar, but of some person attempting to imply that a burglary had been committed.

Photographs of the body, the clot of blood on the w.c. pan and of the sitting-room were taken, and the body was then removed to the mortuary for fuller post-mortem examination.

Wallace, who was present during the preliminary investigations, was questioned as to his movements that evening. He stated that at about 6.30 p.m. the milk was delivered, and shortly afterwards the evening paper, and that about ten minutes later he left the house. His wife was then alive and in the house. He left by the back door and heard his wife

bolt it behind him. He went by tram to Menlove Gardens, made inquiries in the neighbourhood for Menlove Gardens East, but was unable to locate it. He hurriedly returned to 29 Wolverton Street by tram, arriving at the house at 8.40 p.m. He tried to unlock the front door with his key, but it appeared to be bolted; he knocked gently and called to his wife, but received no reply. Then he went round to the back of the house, went up the yard—the yard door being unbolted—and tried to open the back kitchen door. This would not open, so he again went to the front, and, after trying for some moments to unlock the front door, decided it was bolted on the inside. Having a suspicion that all was not in order, he again rushed round to the back of the house, and this time saw his next-door neighbours, Mr. and Mrs. Johnston, 31 Wolverton Street, leaving by their back door. He asked them if they had heard any suspicious noises at his house during the last two hours, adding he was afraid something must be wrong since he could not get in, and, although his wife was sure to be at home, there was no response to his knocking. The Johnstons said that they had heard no unusual noises, but would stand by whilst he again attempted to get in. He once more tried the back door, and this time it opened easily: he walked through the back kitchen into the kitchen, and lit the kitchen gas. He went upstairs, entered each of the upstairs rooms and noticed the general disorder of the rooms, but found no trace of his wife. He came downstairs, calling to her all the time, went into the parlour, struck a match and found his wife lying on the floor. At first he thought that she had fainted, so lit the gas. He felt her hand and found she was dead. He rushed to the back and called in Mr. and Mrs. Johnston, who immediately summoned the police. Detectives arrived almost immediately afterwards and found the body as described.

Wallace was asked if the mackintosh was his. For some time he did not reply, but eventually stated: 'If there's a patch on the inside, it's mine. Of course it was not burnt like that when I wore it this morning.' When asked if his wife was in the habit of wearing his mackintosh, he said she was

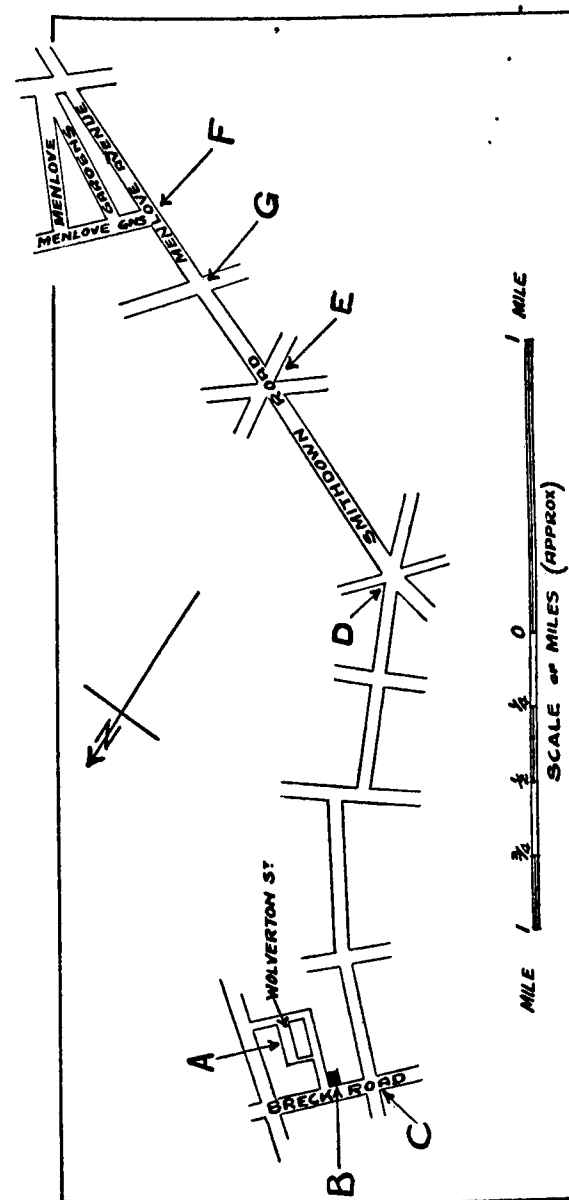
not, but added that she was suffering from a chill, and that probably if she went to the door to answer a knock and felt a draught she might pick up the mackintosh, which was hanging in the hall, and throw it over her shoulders for warmth and comfort.

Immediate instructions were issued for inquiries to be made at lodging-houses, railway stations, night cafés and other likely places for suspects to be interrogated, bearing in mind that the assailant's clothing would be blood-stained. After the preliminary statement had been taken from Wallace, his clothing and boots were thoroughly searched for blood-stains, but none were found, and although during the following days he was frequently questioned about his movements, he unwaveringly stuck to his first statement.

The fact that a telephone message had been sent on the night before the crime proved that the murder had been premeditated at least twenty-four hours before it was committed.

From the first Wallace was suspected of the murder. If he was not guilty, then who was the murderer, and what was the motive? Unfaithfulness was out of the question, and jealousy could not be the motive. There was no evidence of any struggle, and the neighbours had heard no suspicious noises. Nor was there any evidence that the premises had been forcibly entered, or convincing evidence of theft. Wallace in the capacity of insurance agent collected big sums of money every week, but anyone conversant with his habits—as the murderer *must* have been—would know that on Mondays and Tuesdays his collections were very slight, that his incomings were very much greater for the last week of every month, and that he rarely kept much money by him in the house.

It was therefore assumed that the murderer was either admitted to the house by the deceased, or entered by a duplicate key, or was a person who had a right to be there, namely, Wallace himself. As Mr. Justice Wright remarked at the trial, 'If Wallace had not committed the murder, then who, in the name of Providence, had done so? . . .'



- A 29 WOLVERTON ST
- B HOLY TRINITY CHURCH
- C WALLACE BOARDED FIRST TRAM
- D WALLACE BOARDED SECOND TRAM
- E WALLACE BOARDED THIRD TRAM
- F WALLACE ALIGHTED AT MENLOVE GARDENS WEST
- G WALLACE INTERROGATED P.C. ON POINT DUTY.

During the next few days there were important developments. The police ascertained that on the night of the 20th, and obviously only a very short while before the murder, the milk and the evening paper had been delivered at 29 Wolverton Street. A milk boy testified that he delivered the milk to Mrs. Wallace herself at 6.31 p.m.—he could be positive about the time, because he had glanced at Holy Trinity church clock (B),¹ sixty yards away, as he passed it.

As a result of inquiries through the intelligence department of the Post Office, it was ascertained that the telephone message from 'Mr. Qualtrough' at 7.20 p.m. on the 19th had been sent from a public call box, a matter of 300 yards from 29 Wolverton Street. Excluding private telephones, this was the nearest to Wallace's address. A record of the message had been made at the telephone exchange, for when the caller was first 'plugged' through he received no answer, necessitating a second call. He complained to the operator at the exchange of not being put through properly in the first instance, and after some conversation, the operator refunded the 2d. he had paid for the second call, and the telephone call box number was obtained from him. The operator then made out a slip showing the telephone numbers, the time of the call and the nature of the complaint.

Two different operators had dealt with 'Mr. Qualtrough,' and they testified that the man who booked the call had an 'ordinary light voice' and was rather polite, whereas the captain of the chess club—who took down the message—stated the voice that delivered the message was deep and gruff. He had known Wallace for eight years, but could not state that the voices of 'Mr. Qualtrough' and Wallace were identical.

The post-mortem examination revealed that the blow in front of the deceased's head was the most severe, and was probably the first to be struck, no doubt being inflicted whilst the deceased was seated in the armchair. It was presumed that she then fell forward on to the hearthrug, burning the

¹ See diagram on page 23.

front part of her dress as it brushed against the lighted gas stove when she fell: and that, after this, ten other blows were struck in quick succession. The medical witnesses arrived on the scene of the crime at 10.5 p.m., and declared that death had taken place some time after six o'clock. The temperature of the body was not taken, but they arrived at this conclusion after taking into consideration such factors as age, environment and the fact that the extremities of the arms and legs were cold. After examination they concluded that the clot of blood found on the w.c. pan and on the Treasury Note had been spilt at the same time as the blood clots by the body. It was suggested that a heavy instrument had been used to strike the blows.

A charwoman, who had been employed by the deceased for four hours of every week, was interrogated and asked to examine the house. She found that a thin poker was missing from the kitchen, also an iron rod, which was generally used for cleaning out the gas fire, from the sitting-room fireplace. It was approximately 15 inches long and $\frac{1}{8}$ inch thick. She was positive it was there on January 7, because, under the deceased's supervision, she had used it to rake under the gas stove for a gas jet screw which was missing.

When Wallace was informed that the bar of iron was missing from the sitting-room grate, he emphatically denied that any such bar had ever been there. When told the charwoman had used it on many occasions and well remembered it, he said that if such a bar had belonged to the house and was missing, then the charwoman must have thrown it out with the ashes.

A locksmith who examined the locks of both doors stated that the springs which pressed down the wards of the front door lock were missing and that the wards were stuck in a neutral position. In his opinion the lock had been in that condition for a long time. Owing to the worn condition of the lock, if the key was turned more than half way the lock slipped back into its original position, but anyone familiar with the working of it would easily be able to open the door.

It will be remembered that Wallace stated that after

leaving his wife at 6.45 p.m., he went by tram to interview 'Mr. Qualtrough.' When investigations were commenced to verify his statement numbers of people came forward to testify that they had seen him engaged on the inquiry.

He had been seen at every point of the journey, and could account for his movements from about 7.5 p.m. At 7.10 p.m. he boarded a car in the neighbourhood of Wolverton Street (C), and travelled by it to Smithdown Road (D), where he boarded a car of another route and said to the conductor, 'Does this car take me to Menlove Gardens East?' The conductor informed him that it only went part of the way to Menlove Avenue, to which he replied, 'I am a stranger in this district, and I have important business.' Shortly afterwards he again addressed the conductor and said, 'You won't forget, guard, I want to get to Menlove Gardens East.' At about 7.15 p.m. he left this car (E) and boarded another, only one stop from Menlove Gardens West (F), where he asked to be put down, saying to the conductor, as he stepped off the tram, 'I want Menlove Gardens East—I am a complete stranger round here.'

After this he called at 25 Menlove Gardens West, and was informed by the occupier there was no Menlove Gardens East in the neighbourhood. At 7.20 p.m. he accosted a civilian and was given the same negative information. Twenty minutes later he approached a police constable on point duty (G) and asked him the same question, to which he received a similar reply. He then narrated to the constable the full 'Qualtrough' incident, and before leaving him said, 'It isn't eight o'clock yet, is it?' at the same time pulling out his watch. The constable replied, 'No, it is only a quarter to.' Finally, Wallace called at a nearby newsagent's shop and asked for the loan of a directory, stating that he wanted to 'look up' Menlove Gardens East. He then returned home by tram.

As an innocent man engaged upon lawful business he seemed to have made an exceptional number of inquiries before he was convinced that the name 'Qualtrough' and the

address '25 Menlove Gardens East' did not exist. Presuming he was guilty, he appeared to be over-anxious to establish an alibi.

When interrogated on this point Wallace stated he quite expected 'Qualtrough' wished to take out a £100 policy at least. He questioned the tram-drivers frequently since he was quite a stranger in the Menlove Avenue district, and he conversed a good deal with the police officer because he seemed jovial and disposed to be friendly.

As the result of inquiries it was ascertained that two days after the crime Wallace approached the captain of the chess club and said to him, 'Oh, that telephone message—can you definitely remember what time you received it?' The captain replied to the effect that it was received at 7.0 p.m. or shortly afterwards. Wallace asked him if he could be clear about the exact time, as it was important for him, although the police had cleared him. When questioned by the police about this conversation he said, 'It was indiscreet of me.'

Wallace maintained that the front door was bolted on the inside, but the police officer who was standing near by when Wallace opened the front door was unable to say whether he drew the bolt or not.

Wallace informed the police that an acquaintance of his, a young insurance agent, might have been guilty of the offence. The man in question had temporarily had charge of Wallace's round during Wallace's illness in 1928. Wallace stated that if this man, or any other person, called at the house asking to see him on business during his absence, and volunteered to await his return, his wife would be certain to show him into the sitting-room, and to light the gas and the gas fire there. The man referred to by Wallace, however, was able satisfactorily to account for his movements on the night of the crime.

A police constable who knew Wallace well stated that at 3.30 p.m. on the afternoon of the murder he saw Wallace, whose face was then haggard and drawn. He appeared to have been crying, and was dabbing his eyes with his coat sleeve.

The officer had never seen him in that state before. Little, if any, significance was attached to this, and many of Wallace's clients stated that when he visited them on the day of the crime his demeanour was perfectly natural. His accounts were in order. Wallace had £150 to his credit at the bank, and his wife more than half that amount. The deceased was only insured for £20, payable at death.

Wallace had been in the habit of keeping a diary. In every instance he referred to his wife in endearing terms.

Wallace's medical history was carefully considered. It was revealed that in 1907 his left kidney had been removed, and that as recently as June, 1930, he had been an in-patient at a local hospital, suffering from kidney trouble. The opinion was expressed that his physical condition was such that it would affect his mentality, and it would be quite consistent with his condition to premeditate and commit such a violent crime. This opinion could not be discountenanced when reviewing the full facts.

There was no question of insanity.

A superintendent collector of the insurance company who was directly responsible for Wallace's accounts stated that during the past 3½ years Wallace had visited him frequently. Great importance was attached to this testimony, because it showed that Wallace should have been well acquainted with the Menlove Avenue district, for his colleague lived within 300 yards of Menlove Gardens. When interviewed later, this witness declared that Wallace had only visited him four or five times.

The following is a summary of the case showing the reasons why Wallace was suspected, and, where possible, against each reason is expressed the argument in his favour :

Against

The chess club was of very limited membership, was not shown in the Telephone Directory, and Wallace was only in the

For

If the message was not sent by Wallace to establish an alibi, it was sent by the murderer, other than Wallace, to get the husband

Against

habit of attending casually. He had not attended for at least a fortnight previous to the murder, and any evil-disposed person would scarcely rely upon his receiving a message telephoned to the club.

The message was sent from a call box about 300 yards from his house, within, according to his own statement, a few minutes of his leaving the house that evening. The call box was by a tram stop where he could board a car which would convey him to the chess club in twenty or twenty-five minutes.

The person sending the telephone message used one tone of voice in speaking to the telephone operators and another when giving the message to the club captain—who knew Wallace's natural voice.

After having been closely interrogated on several occasions by the police about the crime, Wallace waylaid the captain of the chess club and inquired what time he actually received the message, as 'it may be very important,' adding, 'The police have cleared me.'

N.B.—He had never been accused.

If the message had been sent by the murderer, other than Wallace, to decoy Wallace from the house on the following evening, the murderer would not be sure that Wallace would receive the mes-

For

away from the house. This was possible if the murderer had good grounds for believing Wallace would go to the club that night and would be sure to receive the message.

A notice for anyone to see was displayed in the café stating that Wallace had been chosen to play in a chess match to be held on that date (January 20, 1932).

Such person would watch Wallace leave the house on the evening of the murder and then commit the crime, providing he could peaceably enter the house and attack deceased without her resisting him.

Against

sage. (The captain of the chess club had informed the sender of the message that he was not certain Wallace would visit the club that evening to receive the message).

Deceased was last seen alive at about 6.35-6.45 p.m., and Wallace was next definitely seen *en route* on the tram at 7.10 p.m. He could have committed the murder any time after about 6.30 p.m., and would have had until 6.50 p.m. at least before leaving the house to be at the point where he was recognised at 7.10 p.m.

There was an entire absence of forcible entry, or any struggle having taken place. It is improbable that a thief, after committing murder and taking money from the cash-box, would replace the lid which was loose, and put it back in its proper position on a high shelf.

The cabinet could be opened without forcing it.

The money in the handbag and in the vase would have been more conspicuous. It was not touched, though money was taken from an almost hidden cash-box.

N.B.—The murderer went upstairs.

A spot of blood, identified as human blood, of the same period as deceased's blood, was found on the w.c. pan in the bathroom.

No other blood-stains, apart from those in the parlour and on the w.c. pan, were found in the house. Such stains would be

For

The murderer, other than Wallace, had from about 6.45 p.m. until 8.40 p.m. in which to commit the crime.

If Wallace had committed it, he had only twenty minutes in which to commit the crime and remove all blood-stains from himself.

The thief, having entered by the unbolted back door, might have taken the money from the cash-box in the kitchen, heard deceased moving in the sitting-room, murdered her, and made off without taking the other cash.

(But blood was found in the bathroom).

The murderer might have been admitted by the deceased under a pretext, but such person would commit the murder before stealing and so leave blood-stains on the cash box, etc.

No blood-stains were found on Wallace or his clothing. (Except the mackintosh.)

Against

expected if a thief had committed the crime, and it is improbable that a thief would go upstairs to the bathroom after committing the crime. A sink, with hot and cold water, was in the scullery, and he would have to pass it on his way out through the back door.

N.B.—The front door was bolted.

A mackintosh belonging to Wallace was found alongside the body, covered with blood. This was badly burnt at the bottom, and there were blood-stains inside both sleeve cuffs. It was probable the murderer wore the mackintosh when he committed the crime and so shielded the rest of his body and clothing from bloodstains. In burning, the mackintosh would give off a smell of burning rubber, but there was no such smell at 8.40 p.m., suggesting the murder was committed considerably earlier, as did the fact that the kitchen fire had practically burnt out by that time (8.40 p.m.).

The mackintosh was shown to Wallace, who hesitated over identifying it, and did not reply when asked if his wife had a similar one. It was not until an opinion was expressed that it was a man's mackintosh that he closely examined it and identified it by some repairs. Up to that point he had not intimated that he had a similar mackintosh, nor did he look into the hall to see if his was hanging there.

For

Any murderer might have snatched up the mackintosh from the hook, where Wallace said he left it, to protect himself from the blood. Wallace hesitated about identifying the mackintosh as his property until he had examined it closely and discovered a repair.

Against

Assumption :—He realized that the mackintosh might be identified by the patch which had not been destroyed by the burning, and so admitted it was his.

Wallace, when questioned, denied any knowledge of a rough iron bar being missing from the fireplace in the parlour, and even denied knowledge of its existence. This was proved to be missing by the charwoman. No other murderer would bother to dispose of the weapon since it belonged to the house and would not betray finger-print impressions.

Wallace, having struck one blow, would strike sufficient subsequent blows to ensure death, since his wife would denounce him. A thief would probably only strike one blow to ensure his escape.

Wallace appeared to have taken elaborate pains to establish the fact that he was in the Menlove Avenue district, even going so far as to tell a constable his business, and that he was an insurance agent. He was not a talkative man.

He examined every room in the house before visiting the parlour where his wife lay murdered.

His state of health was such as is frequently associated with mental changes, delusions, mania and temporary fits of insanity.

Deceased was insured for £20 and had £90 in the bank.

For

It could be proved that Wallace did know of the existence of the iron bar. Any murderer may have used the bar as a weapon and taken it away with him.

A homicidal maniac would strike several blows.

A thief who was known to Mrs. Wallace would strike several blows since she would denounce him.

He might have been anxious not to miss a chance of securing new business.

Possibly he thought his wife had retired to bed—he knew she had a cold.

He was not in any financial difficulties.

After consultation with the Director of Public Prosecutions it was decided to arrest Wallace and charge him with the murder, and accordingly he was arrested on the evening of February 2, 1931—thirteen days after the offence was committed. When formally cautioned and charged he replied, 'What can I say in answer to a charge of which I am entirely innocent?'

The trial lasted for four days at the Liverpool Spring Assizes, 1931.

The prosecution alleged that on the evening of January 19, Wallace had sent the telephone message to the chess club to establish an alibi. On the evening of January 20, shortly after the milk and the evening paper had been delivered at about 6.30 p.m., he enticed his wife to enter the parlour and light the gas and the gas fire. He then went upstairs, undressed, and wearing the mackintosh as a dressing-gown, came downstairs and committed the murder with the iron bar taken from the fireplace. Discarding the mackintosh and taking elaborate precautions not to leave any tell-tale impressions, he went upstairs to the bathroom and washed very carefully. After he had washed and tidied himself he dressed and set about creating a suspicion of burglary by disarranging the contents of drawers, etc. When he left the house he took the weapon, which had been wrapped up, with him and possibly dropped it down a near-by main drain.

Numerous time tests had been made, and it was contended that between 6.31 p.m. and 7.10 p.m. there was ample time to do all this and board the tram.

The defence alleged that Wallace had been lured away in the track of possible business. Shortly after he left the house at about 6.45 p.m., Mrs. Wallace—who was sitting sewing in the kitchen—went to answer a knock at the door, and as she passed the rack in the hall picked up her husband's mackintosh and threw it over her shoulders. The caller said he wanted to see Mr. Wallace on business, and, when told Wallace was out, asked to be allowed to step inside to write a note to leave for him. Mrs. Wallace showed him into the sitting-room.

She lit the gas ; she then lit the gas fire, and as she was rising from doing this was struck down. ' This theory,' said the barrister for the defence, addressing the jury, ' fits in with every fact of this case—with the burnt skirt and burnt mackintosh. And how otherwise can you account for the presence in a room which they never used, of a husband clad only in a mackintosh, with his wife, when in the kitchen they had a fire ; the lady's sewing was on the table there. They had obviously been sitting there, for the evening newspaper was in that room.'

The defence called two witnesses, both newsboys, to discredit the evidence of the milk-boy who stated he saw Mrs. Wallace alive at 6.31 p.m. when he delivered the milk to her. One newsboy stated that at exactly 6.30 p.m. he delivered the evening paper at 29 Wolverton Street, as usual, by dropping it through the letter-box. There was no light in the Wallace's house ; he heard no sound, and although he looked up and down the street he did not see the milk-boy or anybody else. The other newsboy stated that at about 6.35 p.m. he was delivering an evening paper at 27 Wolverton Street, next door, when he saw Mrs. Wallace speaking to the milk-boy. Other witnesses were called who testified they had heard the milk-boy say he delivered the milk to Mrs. Wallace at 6.45 p.m., so that it was obvious the milk-boy witness could only swear to a reconstructed time.

The case for the prosecution was that the milk had been delivered at about 6.31 p.m., and the defence criticised the action of the police in not calling the newsboy witnesses who could swear that the milk-boy *must* have seen Mrs. Wallace alive several minutes later than he stated was the case. The prosecution had not considered that their statements were material evidence, but, even if it was so in the case of the newsboy who delivered the paper at the Wallaces' house, the boy was a witness brought forward by the defence some time after the murder, and Wallace's solicitors had taken the first statement from him.

Referring to this in his summing up, the judge stated he

thought the police were guilty of an error of judgment in not calling the newsboys to give evidence.

It is noteworthy that there was no submission to have the charge withdrawn at the conclusion of the case for the Crown.

The judge's summing up lasted for seven hours, and after an absence of only an hour the jury returned a verdict of ' Guilty.'

An appeal was lodged and was heard at the Court of Criminal Appeal by Lord Chief Justice Hewart and Justices Branson and Hawke on 18th May 1931.

The main grounds for the appeal were as follows :

1. The prosecution never sustained the onus of proof.
2. It could be said that the evidence, taken as a whole, was consistent with guilt or with innocence.
3. The prosecution was relying upon circumstantial evidence, which in this case did not exclude the possibility that someone other than the accused had committed the crime.

After a brief deliberation their Lordships concluded that the evidence was summed up fairly and accurately by the Assize judge, adding, ' It would not have been in the least surprising if the verdict had been the acquittal of the prisoner. It was a case that was eminently one of difficulty and doubt, but they were not concerned with suspicions, however grave, or with theories, however ingenious. The evidence had not fulfilled the real test of circumstantial evidence—it did not exclude the possibility that someone other than the appellant had committed the crime.' The appeal was therefore allowed and the conviction quashed.

Recent Changes in Prison Administration

By G. D. TURNER

Assistant Prison Commissioner, Home Office

IN his report on the disorder at Dartmoor prison in January 1932, Mr. Justice du Parcq expresses the view that there are many disadvantages in the situation of the prison from the prison officers' point of view and that the prison is unsuitable for prisoners of the dangerous modern type to which he has referred. The closing of Dartmoor prison would undoubtedly come as a surprise, possibly almost as a shock, to the general public. It has for so long been associated in the popular mind with the grim sanctions of the law, and is supposed, quite erroneously, to hold unmentionable terrors for the hardened criminal, and to constitute, by its horrors, a real bulwark against the organized forces of the underworld. Any incident in the prison, if it reaches the ear of the Press, is usually magnified out of all proportion to its significance, while the escape of a convict from Dartmoor gives rise to public interest and excitement very much greater than a similar occurrence at any other penal establishment.

The facts about Dartmoor prison are, that it is unpopular among prison officers largely because of the difficulties their families experience in living in an isolated and exposed position on the moor, that it is popular with prisoners mainly on account of the facilities for 'extra-mural' employment and that it is an extremely expensive establishment to maintain.

Built originally in the beginning of the nineteenth century

to accommodate prisoners-of-war it fell into disuse after the Napoleonic era. When the practice of transporting criminals ceased towards the middle of the century and provision had to be made for housing convicts in this country, the Dartmoor site was considered suitable for long-term adult convicts 'who could profitably be employed on the land and in the quarries', and in 1850 Government took from the Duchy of Cornwall a lease of the old prison buildings and commenced their reconditioning. An immense amount of granite has been quarried by Dartmoor convicts, but in modern times this industry has ceased to be profitable and the quarries are practically closed. An increasing struggle has been waged for eighty years against the moor, advantage going sometimes to one side, sometimes to the other, but usually to the moor.

The decline, in recent years, of the prison population and more particularly in the number of convicts available for Dartmoor has led the Prison Commissioners from time to time to consider the advisability of closing the prison. From an economic point of view alone this was desirable, as a small population occupying a huge establishment increased very considerably the *per capita* cost, and this cost would be much reduced if the Dartmoor population could be distributed amongst other establishments. Towards the end of 1931, some months before the Dartmoor disorder, it was decided to make certain changes in the distribution of the convict population.

The scheme elaborated by the Prison Commissioners had three main objects. First, to break down the artificial distinction between 'convicts' and 'prisoners.' Second, to provide a suitable system of training for young recidivists with their first sentence of penal servitude. Thirdly, to get rid, if this should prove feasible, of the incubus of Dartmoor prison.

Prisoners and Convicts

Few people, outside official circles, are clear as to the distinction between 'penal servitude' and 'imprisonment,'

between 'prisoners' and 'convicts.' The term 'convict' is almost invariably used by the sensational press to designate any person in custody about whom a newspaper paragraph can be written. It applies, strictly speaking, only to those persons who are sentenced to penal servitude in contradistinction to imprisonment. The difference between the two forms of sentence is mainly one of length, the former cannot be for less than three years the latter may not be for more than two. As long ago as 1885, it was officially recognized that the distinction between the two forms of sentence had ceased to have any real significance and was misleading. 'Penal servitude' is a historic survival, a relic of the transportation which it superseded in the middle of last century.

Such differences as existed in the past in the treatment of the convict and the local prisoner have continually tended to disappear. The treadmill survives only in the cross-word puzzles of *The Times*. The term 'hard labour' is still used in our courts but has no bearing on any form of employment in our prisons. The cellular confinement of last century applies equally to convicts and prisoners during the night as does associated employment during the day. Broad-arrow clothing, close crops, leg-irons and other 'features' of convict treatment in the popular mind have entirely disappeared.

While, however, the material differences no longer exist the social distinction has remained. The convict is apt to consider himself the social superior of the local prisoner, his graduation in crime having entitled him to enter the ranks of the aristocracy. For every sentence of penal servitude an alphabetical letter is added to the register number of the convict, different letters denoting the year in which the sentence was passed. A string of letters gives to some convicts as much satisfaction as academic distinctions. This sense of superiority was naturally fostered by the system of separate establishments for penal servitude prisoners. Until recently men with such sentences were sent either to Maidstone, Parkhurst, or Dartmoor. The first named received 'Star' convicts only. These, speaking generally, were men who had

not been previously convicted of crime or at any rate had not served a sentence in prison. To Dartmoor was sent the less hopeful type of recidivist, usually men with many previous convictions, while Parkhurst accommodated a mixed population, including the mentally and physically weak and the younger recidivists.

Allocation of Prisoners

The arrangement made by the Prison Commissioners towards the end of 1931 made possible a different allocation of penal servitude prisoners. The 'Stars,' instead of being relegated to a 'convict' prison, are now sent to one or other of the two 'Star' prisons at Wakefield and Maidstone. There they are associated with 'Star' local prisoners with fairly long sentences who have been transferred from other prisons to Maidstone and Wakefield to benefit from the special régime in these establishments. 'Star' convicts now, therefore, serve their sentences not in a 'convict prison' but in a 'Star' prison.

For young recidivists serving their first sentence of penal servitude Chelmsford prison was reopened as a special establishment with a régime of its own. Further reference is made to this below. The remainder of the recidivists are, if their sentences are more than three years, sent to Parkhurst or Dartmoor. Those with the most common sentence of three years are retained in the local prisons, if there is room for them, and treated in just the same way as local prisoners. This explains some recent incidents which must have seemed very curious to the uninitiated. On several occasions prisoners in the dock have asked judges to give them a sentence of four years' penal servitude. They did this, presumably, to ensure their eventual arrival at either Dartmoor or Parkhurst, shrewdly suspecting that a penal servitude sentence would be passed, and knowing that, if it was only one of three years, they would probably have to serve it in a local prison. Prisoners, naturally enough, compare the amenities of different estab-

ishments. Confinement in a local prison has usually the advantage of greater proximity of, and consequently more frequent visits from, friends and relatives. On the other hand, the same facilities do not exist in the local prison, as at Dartmoor and Parkhurst, especially the former, for working in the open air and outside the walls. Generally speaking, the man with home ties would prefer the local prison, the man without would rather go to Dartmoor, and, failing Dartmoor, Parkhurst.

It will be seen that under these dispositions, if the ordinary population in the local prisons were to decrease sufficiently to provide accommodation for more of the three-year convicts, and if, concurrently, there should also be a fall in the numbers sentenced to longer periods of penal servitude, it might be possible for Parkhurst to absorb all longer-term recidivist convicts not considered suitable for Chelmsford and the closing of Dartmoor might be contemplated. Unhappily, there has been in the last two years an increase and not a decrease in the prison population and there seems little prospect, at present, of the tide flowing the other way. The question of closing Dartmoor prison would seem, therefore, to require indefinite postponement.

The principle which has been established, however, will remain, viz. of making no distinction between the men sentenced to penal servitude and to imprisonment, except as regards the proportion of the sentence which the two classes are required to serve. The convict can still obtain his release after he has served three-quarters of his sentence, while the local prisoner must serve five-sixths of his sentence before securing his discharge; but whereas the latter is discharged unconditionally the former is still released on licence. The period of licence is normally a quarter of his sentence.

The Young Criminal

It is still too early to pass judgment on the experiment at Chelmsford where young recidivists serving their first sentence of penal servitude have been brought together into

one prison. From one point of view it would appear very sound to subject men of this class to a régime adapted to their age and character. Formerly they were merely an element in the heterogeneous population of Parkhurst, where it was impossible to provide for them any specialized treatment. Not only was there a danger of their being contaminated by older offenders but the pace of the institution was much too slow and the régime too stereotyped, the general conditions being determined by what was suitable for the majority.

From another point of view, however, it might seem very unwise to associate in one prison only young men under thirty, many of them already old in crime, not a few convicted of violence and definitely regarded as dangerous. In a small minority amongst a population of older men these young criminals have in the past shown little disposition to create trouble; but by themselves, without the sobering influence of the more mature convict, they might be expected to resist prison discipline, more especially as the discipline in force at Chelmsford is considerably more strict than anything they have yet experienced in or out of prison.

The Prison Commissioners were not blind to this aspect of the question, but it was considered that the youth of this particular group gave it a special claim to a further effort at reclamation before its members definitely joined the ranks of the persistent offender. Chelmsford will provide a real opportunity for any young man of this class who is willing to try to break with his past, but, if it does only this, it will not have fulfilled the whole of its purpose. The chief enemy of these young criminals themselves, as it is of the community in so far as this class of criminal is concerned, is the gang spirit. It is the main difficulty facing the administration of the prison; for, existing as it does among the inmates of the prison, it is quickened in prison by their homogeneity. If the prison administration can deal effectively with this gang spirit, it will accomplish a great deal for the community and for the men themselves. For this evil there is no specific and it has to be attacked in various ways. The technique is being worked out

by a selected staff, ably and perseveringly encouraged by the Board of Visitors and the Visiting Magistrates. For the time being a certain number of prisoners with long local sentences are being associated with the convicts at Chelmsford. These are men of the same age and character. In course of time, however, the accommodation at Chelmsford will be fully occupied by men with penal servitude sentences. It will be two or three years before this establishment is in full working order; no estimate can therefore be made at present as to its chances of fulfilling its purpose.

Work for Prisoners

Another experiment of the Prison Commissioners is still only in its earliest shape, but it is a matter of such interest and importance that it may well be described in these pages. For some years it has been becoming increasingly difficult to provide prisoners with work. The prisons depend very largely for their industries on demands from other Government departments, and these, in consequence of measures of strict economy and other causes, have tended to decrease. At the same time the prison population has increased. It has become acutely necessary to investigate the possibility of employing prisoners in other ways than in the manufacture of articles in workshops for the use of one or other of the state departments.

Moreover, there is a constant and not unreasonable demand from prisoners doing long sentences for hard manual work in the open air. Such work has everything to commend it. In pursuance of these objects the Prison Commissioners have recently taken the lease of an area of land situated about eight or ten miles from Wakefield prison. It is land that in the ordinary course could not possibly be brought under cultivation, and the utilization of prison labour in developing it can, in no possible way, aggravate the problem of agricultural unemployment. This land is being cleared and worked by a party of prisoners who are taken out daily by lorry from Wakefield prison. Some fifty men are thus employed under

the supervision of three prison officers. Reclaiming and cultivating land is not new work for prisoners, the novelty consists in undertaking such work at a distance from the prison.

The opportunities for escape are naturally very much greater in a working party of this kind. Nevertheless, the likelihood of attempted escapes is probably no greater. The vast majority of the prison population has no desire to escape from prison, however much it may desire to leave it. The penalties attaching to such attempts and the probability, amounting almost to certainty, of recapture deter all but a few from the thought of it, and some, at any rate, of these few are actuated more by a desire to outwit the authorities than to gain temporary freedom.

If the experiment at Wakefield is not vitiated by an epidemic of escapes, it may become possible to develop work for prisoners on similar lines in different parts of the country and even to envisage a type of prison in which the element of security, which is by far the most expensive item in the present system, would be given secondary consideration. It is only along such lines that it would seem possible, without enormous expense to the country, to put into effect the recommendations of the committee on persistent offenders. That problem urgently awaits solution.

'Don'ts' for Documents

By LT.-COL. W. R. MANSFIELD

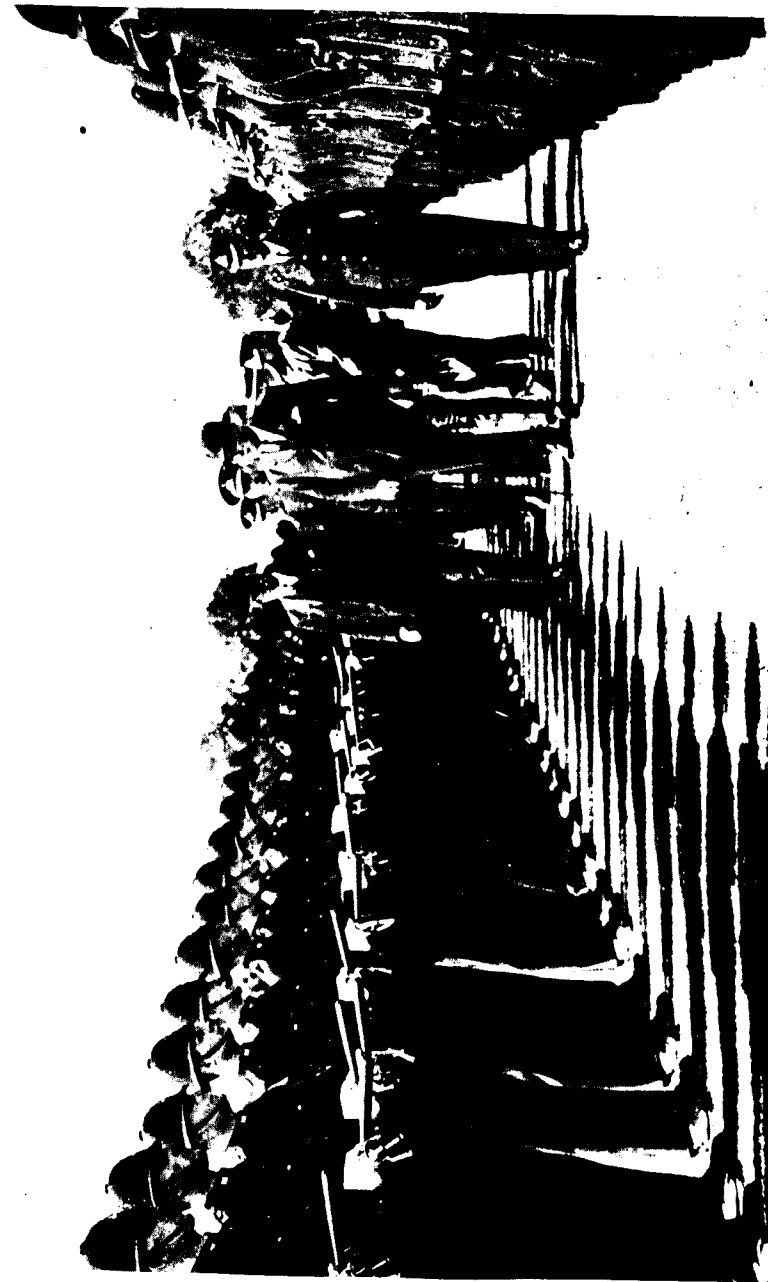
TO a number of readers of *The Police Journal*, more especially to some members of the legal profession and to members of the police forces, it may come as a surprise to hear that sometimes a single dot, or comma, or some other tiny stroke, or insignificant particular of a stroke of a single letter, has been instrumental in getting the jury to decide a lawsuit in which a dispute was waged around a document. Bearing this in mind one can realise how easily such tiny specks of important evidence can be eliminated or altered, sometimes accidentally through ignorance, often, however, with intent to confuse the issue for the purpose of obtaining a favourable judgment.

The writer has seen frail but important documents being handled in and out of Court in a manner that should never be tolerated. It may therefore be interesting to give a list of 'Don'ts.' But first, bear this maxim in mind :

'See to it that after a long protracted trial, the disputed document is in exactly the same condition as it was when first produced.'

Now for the 'Don'ts.'

(1) If a folded document is obtained or produced, or taken from a prisoner, or found during a search, don't keep unfolding it and folding it back again. The best method is to unfold it at once, and then keep it flat in an envelope that is large enough to hold it unfolded. If a document is often enough folded and unfolded then the paper is liable to break



CITY OF SHEFFIELD POLICE ANNUAL INSPECTION

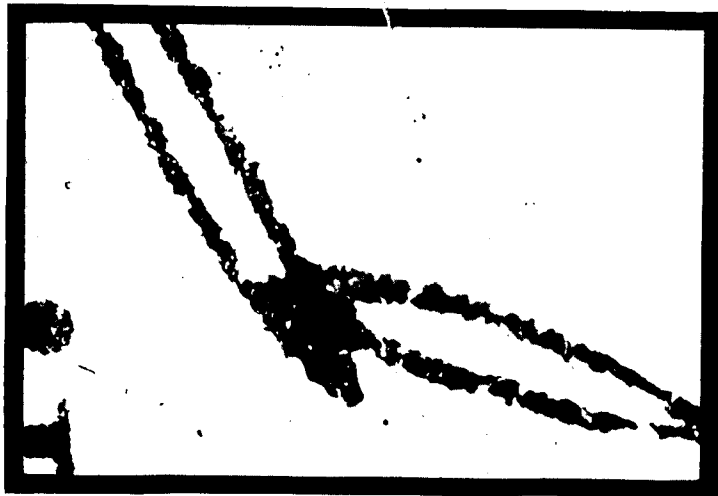
BY H.M. INSPECTOR OF CONSTABULARY, MAJOR-GENERAL SIR L. W. ATCHERLEY, C.M.G., C.A.O.

at the folds, and thereby the condition of the document may become seriously altered, sometimes to the detriment of the claimant in whose favour the judgment ought to be given.

In a certain case the writer has in mind, one of the principal points put forward by him, and which he believes considerably influenced the jury to find for his clients, arose in this manner. The plaintiffs stated that an agent (the action was started a few weeks after his death) had visited them and then had taken a certain mortgage registration form out of his pocket. The form was 14" x 9", which is, of course, larger than foolscap size. In Court the plaintiffs stated and demonstrated how the folded form had been taken by the agent out of his inside pocket, how it was folded in four and then unfolded and laid on the table. The plaintiffs then stated that the agent had explained the contents to them in what they now knew to have been a fraudulent manner, and that, in consequence of this, they were induced to sign the document, and that therefore they should have judgment. The agent's employers said that from the correspondence available between the agent and themselves, they believed that the form had not been signed under the conditions and at the place stated by plaintiffs, but on the table in the agent's office, fifty miles away, and that after it had been signed, the document was folded, placed in an envelope, and sent to the head office.

If this was true, then plaintiff's case had become untenable. Fortunately, the signature of one of the plaintiffs was written right along and over one of the folds, and the present writer was able to satisfy the jury that that signature was written *before* the document had been folded, which, of course, meant that the story told by the plaintiffs was untrue.

Illustration No. 1 depicts writing before and after folding. Writing executed before folding shows that the paper is broken at the fold, and that the ink film on top of the fibre is also broken. If, on the other hand, the paper had been folded first, then the ink would have run slightly at the fold, because in a fold the fibres of the paper surface, having been disturbed (and for



TWO SIGNATURES JUST CROSSING
EACH OTHER
(FROM AN EXHIBIT IN RIDDLE AND HOLDER v.
MIDLAND BANK LTD.)
THE MICROGRAM SHOWS TWO DIFFERENT INKS.
THE DIFFERENCE IS VERY SLIGHT AND HARDLY
PERCEPTIBLE BY THE HUMAN EYE



A FOLD IN THE PAPER

(FROM A MICROGRAM IN A FOREIGN WILL CASE)

THE FOLD GOES FROM F TO BEYOND C. THE DARK INK STROKES WERE WRITTEN BEFORE THE PAPER WAS FOLDED, BECAUSE AT A, B, AND C THE PAPER-FIBRES ARE BROKEN, AND WITH IT THE INK-FILM, SO THAT THE WHITE PAPER UNDERNEATH SHOWS THROUGH. THE STROKE D-E WAS MADE AFTER THE PAPER WAS FOLDED

various other reasons), will absorb more ink, which in consequence flows out and shows small blobs. The illustration shows this. If the document in question had been folded and refolded many times, before the writer was in a position to make a microgram for the purpose of showing the ink-line at the fold such excessive folding, of course, would have got the document into such a condition that a definite illustration of the facts might have become quite impossible.

(2) Don't make a new fold in a document. Although it seems far-fetched, a new and additional fold may possibly obscure the issue and perhaps cause judgment to be given against the party who should have obtained it.

(3) Don't cut or tear a document in any way. A certain textbook advocated cutting large documents into smaller pieces to make them suitable for photomicrographical treatment. This is entirely erroneous, and should never be allowed. Every properly equipped laboratory nowadays can make suitable micrograms from any sized document without cutting it to pieces. If parts of the document are required for comparison, then photographs should be made, and the photographs should be cut to pieces.

(4) Don't touch a document with any liquid whatsoever, whether paste (see one exception below), glue, chemical liquid, varnish, or anything else. Your opponent can sometimes successfully contend that by your action you have robbed him of the possibility of proving his case, and therefore he is entitled to claim the benefit of the doubt. If you had not touched the document, you might have won your case. In an article in the January issue of this *Journal*, it is suggested that blotting paper containing disputed writing should be treated with cellulose varnish. The writer suggests that this should not be done. This method was advocated twenty-five years ago already by Dr. Schneickert in his *Kriminalistische Spurensicherung*, who suggested 'Zellin,' a cellulose varnish.

To preserve a piece of blotting paper, or any other document, intact, so that it can be examined and both sides photographed, place it simply flat between two pieces of glass. Place

rubber bands round the opposite edges to keep the glass plates together, and, if necessary, place the lot in a small wooden frame for easy handling. To make, as suggested, a varnish by using scrap cellulose dissolved in amyl acetate seems dangerous. The scrap cellulose may contain some impurities or foreign coatings that will readily dissolve and chemically affect and alter the ink strokes on the blotting paper; furthermore, covering over ink lines with an amyl acetate varnish renders ultra violet photography impossible, and thereby excludes a possible means of detection of forgery. So that, looking at it from every angle, it seems not only unnecessary, but also fraught with danger.

Another bad habit is to bleach away an ink line or a whole letter or letters for the purpose of showing that a pencil line is underneath the inkline. The idea is that pencil is not bleached by the liquid, but ink is, and that therefore, after the operation, the ink line disappears and the pencil line remains visible. This also should not be allowed unless photographic means have failed to produce the necessary details that are required for the elucidation of the matter in dispute, and unless both parties agree to this chemical treatment. Modern photographic methods, and more especially ultra violet work, can conclusively show graphite under an ink film, even if the ordinary microscope cannot penetrate such an ink film.

It is to be remembered that, once an ink stroke has been bleached away, it becomes invisible to the human eye, and therefore one of the parties may lose an important item in their case. There are, of course, instances where it is quite immaterial for the issue whether part of the ink line is eradicated or not. Generally speaking, however, this bleaching should not be allowed.

Another matter that should be utilised only as a very last resort is the so-called chemical testing of ink lines. When it is considered that the identification of two ink lines to declare them definitely to be of the *same* ink is almost beyond the reach of human science, it will be seen that for such a purpose chemical tests may lead and do lead a long way, but are not

sufficiently conclusive for a conviction. Where, however, it has been maintained that two signatures were written at the same time, and with the same ink, then it is sometimes possible to show by chemical means that the two inks are chemically different, that they belong to two entirely different classes of ink, which is, of course, quite another story from an attempt to show them as being identical. As a rule, this difference can be shown by means of photograms, if suitable light filters have been utilised.

Another test which should never be allowed is the so-called wet copying test, the application of which is sometimes suggested by people who do not know better. Let us assume that a will is in dispute and that it is maintained that an interpolation had been added six years ago. It should be said here at once that, in these circumstances, copying will produce no evidence whatsoever, but that it will certainly destroy any evidence which it might perhaps have been possible to produce by photographic means. The same remarks apply to line crossings of ink strokes. Copying these for the purpose of showing a lapse of time between the making of two strokes would only be suggested by somebody who was entirely ignorant of modern optical methods.

(5) Don't touch a document with a pencil, pen, or paint brush. Although it seems almost absurdly unnecessary to mention this 'don't,' it is one of the habits that are continually indulged in. So as to avoid pencil or pen marks being made on a disputed document, nobody should be allowed to point to a letter or part of a letter with a pen or pencil. Some solicitors have the habit of ringing with a blue pencil what they believe they have discovered and what in their opinion will make their case a good one, but they do not realise that this ringing or underlining may reverse everything, and spoil their case entirely. The expert may place an entirely different and perhaps detrimental value on this marked passage. It is quite clear that, in addition to the ringing on a disputed document, underlining should also be strictly tabooed. Also your handwriting expert should not be allowed

to put any pencil or ink dates or numbers under a disputed signature, as is suggested, for instance, by a well-known American expert. The writer could mention a number of cases where the placing of additional marks on a document has seriously hampered the investigation and has even caused a good deal of unnecessary expense.

In the recent case *Trustees Ross v. the Bank of England and Others*, there was one document which was said by the plaintiffs to contain a forged signature that had been made by first placing a pencil outline of the signature on the document, and inking this over subsequently. The plaintiffs stated that there were graphite particles on this document in the immediate vicinity of the signature, which therefore made their case seemingly quite strong. When the writer made micrograms of this document, it was found that the letter 'c' in the signature had been ringed by means of a black pencil, and therefore the answer suggested itself that the graphite found by the plaintiffs emanated from this ringing. Eventually it was established that the ringing of this letter 'c' had been done a long time after the signature had been affixed, and this will show how somebody, perhaps in discussing the case without thinking of possible consequences, placed a little pencil ring round this letter 'c,' not realising that by so doing he would not only considerably hamper his own defence but might possibly invite defeat.

The writer also remembers a case of an anonymous letter where pencil notes added by the plaintiff to the document were such that he had to advise abandoning the action that had been started. The well-known writer, Osborn, suggests that if unauthorised pencil marks have been made, they should be erased. In the writer's opinion, this seems a very dangerous thing to do, because the other side may contend that, to their detriment, something had been erased; and, as very often it is not possible to reconstruct erased pencil writing, the dangers arising from such a contention will be easily understood and appreciated.

(6) Don't touch a document with an eraser of any kind,

whether rubber, hard or soft, knife or any other instrument, or with an erasing liquid. As a rule, such actions, although quite innocent, can easily be misconstrued to the detriment of the right party. It is quite clear that, if the other side can show that an erasure has taken place in a document, then the effect of such a disclosure might be detrimental to the one side, and although the erased part may have been quite immaterial to the issue, as long as it was present and visible, the mere fact of its having been erased is bound to raise doubts or suspicions.

(7) Don't make a tracing of a disputed document. By doing this, it is not only very easy to damage a document beyond repair, but you can easily lose your case.

A case occurred a few years ago in Germany which will illustrate this. The managing director of a certain firm thought that a signature on a document had been forged, and he instructed his secretary to make a careful copy of that signature before the document was allowed to leave the office. The secretary took another piece of paper, placed on top of it a piece of carbon sheet, and on the top of this the suspected document, then with a hard pencil overwrote the signature so as to obtain an exact replica on her bottom sheet. Then, with a soft rubber, she took away those particles of graphite that her pencil had left on and near the ink line. Eventually an action started, and the first expert who examined the document for the suspecting party said that he was much puzzled, because the signature seemed to be an exceedingly clever forgery, perpetrated by a clumsy method, since it had been produced by tracing; he could see at the back of the document how the original act of tracing had produced a ridge, showing the whole length of the signature, and on the front there were numerous indications of raised and disturbed paper fibres pointing to an erasure with a soft rubber! This was, of course, very strong evidence against the genuineness of the signature, and only quite accidentally, under cross-examination of the secretary on an entirely different point, it was brought to light that she had, with a pencil, as described, over-written the signature for the purpose of making a copy.

This over-writing, of course, explained the indentation that was visible on the reverse of the document, as well as the disturbed paper fibres. In this case it was only quite accidental that the truth became known, because the expert for the other side, although he said he believed the signature to be genuine, had also to advise his client that the indentations and fibre displacements certainly were a very strong factor against him.

(8) Don't expose documents to heat, excessive light, or damp. It is not generally known that a difference in delicate shades of ink sometimes decides a trial, and these very fine hues can be entirely spoilt or altered beyond recognition by exposing documents, for instance, to an undue amount of sunlight. The writer knows of a case where a document with somewhat faded writing, but still sufficiently visible to provide convincing photographs, was placed for three weeks in a new safe. When the document was again to be examined prior to photographing, it was taken out of the safe, when it was found that the differences in the very delicate shades had disappeared. It is also advisable not to carry documents in one's inside breast pocket after they have been filed away for a long time amongst old papers, because the heat of the body is sometimes quite sufficient to interfere with fine differences in inks.

(9) Don't make unnecessary repairs. If a document is torn, it is better to leave it in this condition and place it between two glass plates. Using strips of gummed paper or, as the writer once saw, a piece of adhesive plaster, may be useful, but, on the other hand, may be a contributory cause to losing the action.

If a document has been torn up into small pieces, these should be assembled in the manner of a jigsaw puzzle and then mounted, not on a cardboard or piece of stout paper, but on a piece of glass, and in such a manner that only a tiny speck of paste is used on a small part of each piece, and always at such a place where there is no writing either on the front or on the back. These pieces are then carefully placed

together and fastened down on the piece of glass, whereafter a second piece of glass is placed over the whole. In this way, both sides can be photographed.

It sometimes happens that torn-up documents are found on which an attempt has been made at copying the signature more freely and fluently, preliminary to the perpetrating of a forgery, and it is, of course, from the prosecutor's point of view, most useful to secure such writings. In a recent case pages were extracted from an account book and then torn to bits, but these pieces were recovered, and after they had been assembled in the way mentioned above (but photographed before being covered with a second piece of glass, because invisible light as used for this purpose does not penetrate glass), were photographed by the writer by means of invisible short-wave ultra violet light, when it was found that a number of chemical erasures had been made and other figures substituted. The job, however, was very badly done, and this probably made it appear necessary to the guilty person to extract from the account book the torn-up pages. If the pieces had been mounted in the usual manner with paste or glue on a cardboard, then it would not have been possible to make such a photograph by invisible light, because the light action of the paste or glue to ultra violet is so overpowering that it obliterates the fine traces of the erased writing.

(10) Don't rub your fingers over an erasure. In a recent trial the expert, learned counsel, and the judge, were all seen to rub their fingers to and fro over a name where the expert in question had said that an erasure had been made and that by rubbing his fingers over same he could feel it. Others said they could feel nothing at all, and the judge also exclaimed that, although he believed his finger-tips to be very sensitive, he could feel no erasure. This gave the writer, who was appearing for the other side, the opportunity of saying that the graphite particles, which the plaintiff said were to be found in the vicinity of the signature, had been brought there by the rubbing that had just been done. To this, of

course, there was no reply. Needless to say, if there had been fine differences in ink tints or fine differences in a line crossing, or if there had been a chemical erasure, then it might have become quite impossible to produce photograms, micrograms or luminograms (as the writer calls the invisible light photographs made by his method) to show the real facts.

The writer remembers one case where a man with a long list of previous convictions had obtained money by false pretences by means of a forged bill. The bill was negotiated, and eventually the third party issued a summons. This man appeared as a witness. During the trial, a letter was produced from defendant in which appeared the word 'bill,' but to the writer it seemed that some other word had been there before. An erasure had been very carefully made, and, in addition, there were very fine but well-marked traces of finger-prints. Everything was very faint, and it was not quite certain whether it would have been possible to bring out everything by means of a photograph and a luminograph. The witness was handed the original letter, and, quite unnoticed, he moistened his thumb in his mouth, and, before he could be stopped, passed it right over the important place, thereby destroying all hope of bringing out clear finger-prints and of showing by invisible light what the original word was under the word 'bill.' This shows that it is useful to place important documents in Cellophane envelopes, which owing to their high transparency, allow of inspection without the document being touched.

There are, of course, many other 'Don'ts' in connexion with documents, but the foregoing, if observed, should in many instances assist to bring to justice criminals who would otherwise escape.

Our National Programme, in the United States, for Traffic Safety

By W. H. CAMERON

Managing Director, National Safety Council, U.S.A.

The Problem to be Faced

A FEW months ago some of our newspapers in the United States carried a report stating that there were an average of eighteen deaths a day in Great Britain from automobile accidents ; and the report further quoted the Minister of Transport to the effect that the automobile safety problem in Great Britain had become ' a national nightmare.'

One of our own editorial writers, in commenting on the statement by the Minister, said : ' No, the automobile accident situation in Great Britain, with only 18 *autocides* per day, is only " a fitful dream." Because we, in the United States, must reserve the term " nightmare " for our own situation, with something like 90 *autocides* a day.' Of course, our population in the United States is considerably greater, and we have many more automobiles. But, even thus, I understand that the United States has a motor vehicle death-rate per 100,000 of population, which is more than twice as great as the death-rate for Great Britain. You will observe, also, from the above quotation, that we have developed here in the United States a special, shortened word to designate our motor vehicle fatalities ; we call them ' *autocides*.'

We had in the United States during 1932 an estimated total of 29,500 deaths from automobile accidents ; and an estimated total of 850,000 non-fatal injuries from automobile

accidents ; and the economic loss which resulted from these injuries and deaths, including wage loss, medical expense, and overhead insurance (but not including property damage), has been roughly estimated at \$600,000,000.

Towards meeting this situation, we are carrying on in the United States an intensive programme for traffic safety. The results from this programme have been quite encouraging. For example, during the year 1932, for the first time since the coming of the automobile, there was a reduction in the total number of motor vehicle fatalities—from 33,740 in 1931 to an estimated total of 29,500 for 1932 ; and a drop in non-fatal motor vehicle accidents from approximately 1,000,000 in 1931 to an estimated 850,000 for 1932.

It is true that there was some decline in 1932 in automobile registrations and in gasoline consumption, but this would account for only a part of the reduction in accidents. Undoubtedly one of the greatest factors in this remarkable estimated saving of more than 4,000 lives and 150,000 additional injuries was due to our co-operative national traffic safety programme. One of the most important features of this programme was the National Traffic Safety Contest, sponsored by the National Safety Council and conducted throughout the year, in which 442 American cities, with a total population of more than 40,000,000, officially entered.

At the time of the organization of the National Safety Council about twenty years ago, when only a comparatively few automobiles were in use, the paramount safety problem in the United States was industrial. So the National Safety Council at that time gave the greater part of its attention to safety in factories and in other industrial activities ; though some attention, even that early, was given to street and highway and home safety and to the teaching of safety in our schools. The effectiveness of our early national safety programme is shown by the fact that if our general 1913 accident death-rate had continued unchecked in 1932 there would have been in the United States approximately 175,250 additional accident fatalities. When the rapidly increasing

annual totals of automobile accidents for this period are taken from the general totals, it is evident that there has been a remarkable reduction, due in large part at least to our national co-operative safety programme, in industrial accidents. This reduction apparently has been between 30 and 40 per cent. Thus, our national safety problem in the United States is growing steadily less acute in our industrial establishments and more acute on our streets and highways.

As early as 1920 in the United States, our motor vehicle accident problem had become recognized as most serious. During that year there were 12,542 fatalities from motor vehicle accidents, representing a rate of about 11.8 per 100,000 of our population. The annual total gradually increased until it reached 33,500 for 1931, which represented a rate of 27 per 100,000 of population. This startling increase was due, of course, most largely to the increase in the number of motor vehicles brought into use on our streets and highways. This is proved by the fact that even in 1921 we had in the United States 131.8 deaths per 100,000 cars in use, and this rate per cars in use has never been quite this high since, having been reduced to 128.4 deaths per 100,000 cars for 1931.

Another factor in increasing our automobile hazard and in keeping our automobile death-rate per 100,000 cars in use practically the same, regardless of our undoubted national progress toward greater traffic safety, has been the increased average speed of our motor vehicles on our streets and highways. In one sense this increase in average speed reflects engineering improvements in our streets and highways and improvement in traffic control at intersections and in other ways. But in another sense this average increase in speed, regardless of our great improvements in the mechanical control of our cars through better brakes and in other ways, does represent an increased accident hazard, for it cannot be denied that 'the greater the speed the more serious the accident.' An accident which might have been only a minor one at low speed may become a major one at high speed.

How the Council has worked

Since the beginning of its activities, the National Safety Council has been co-operating closely with from thirty to sixty affiliated local safety councils of various cities and communities of the United States, in conducting their local traffic safety programmes. The Council some years ago organized a Public Safety Division, which now includes a Street and Highway Traffic Section, to specialize in traffic and other public safety activities. This Division conducts city traffic surveys; carries on and assists in scientific and applied studies of traffic and driver control problems; prepares and distributes many Safe Practices Pamphlets and other safety booklets for drivers, commercial vehicle fleet managers and others; prepares many traffic safety posters; published a *Traffic Officers' Training Manual*; publishes 'The Safe Driver' magazine, PUBLIC SAFETY, which has a widespread circulation among city and state traffic officials. This work has been carried on by a co-operative group of hundreds of members of the Street and Highway Traffic Section. The members include government and state and city departments, traffic officials, traffic experts, city police and state highway departments, and a variety of local and national civic and welfare organizations.

Each year, as a part of the general Annual Safety Congress and Exposition, the Streets and Highway Traffic Section of the National Safety Council holds the most important traffic safety conference of the year in the United States. The annual session last year was held in Chicago from October 2 to 6. The 1932 session, held in Washington, D.C., from October 3 to 7, consisted of five days of sessions which were attended by hundreds of delegates from all parts of the United States and a number of foreign countries. These sessions included many features of interest to police officials and other municipal administrators. One half-day session, for example, was on the general subject 'Accident Studies and Records,' with Mr. W. A. Van Duzer, Director of Traffic of Washing-

ton, D.C., as chairman. One specific topic was a 'High Accident Location Clinic,' with discussions of problems submitted by delegates in the form of collision diagrams. Another topic was 'Traffic Accident Records,' planned to answer the question 'What Information should the Accident Report Give?' and 'Traffic Accident Record Problems of the Police Department.'

Another half-day was given to a 'Traffic Observation Tour and Demonstration,' during which the delegates were transported in large buses to points of interest illustrating specific traffic problems and methods which had been devised to meet these problems. As another feature, a complimentary dinner was given by the Metropolitan Police Department of Washington to all police delegates who were registered at the Congress. There were special sessions for police officials, which included the discussion of such topics as 'What Can Police Do About Traffic?' 'Organizing and Training the Traffic Force,' 'Discussion of Problems of Public Relations,' 'First Aid Demonstration for Police,' 'Report of the Committee on Enforcement on National Law Enforcement Demonstrations.' Other sessions were devoted to 'Treating Accident Proneness of Motor Vehicle Drivers,' 'Drivers' Licence Administrations,' 'Uniform Traffic Laws.'

One of the important activities of the National Safety Council has been its participation in two sessions, in 1924 and 1926, of the National Conference on Street and Highway Safety which resulted in the formulation of the National Uniform Vehicle Code, a Model Municipal Traffic Ordinance, and a Manual of Street Traffic Signs, Signals and Markings. The Council, following these conferences, has been active in promoting the adoption of these model laws by the various cities and states. The Uniform Vehicle Code includes a Model Drivers' License Law which a considerable percentage of our states have adopted either completely or in part.

Another important activity of the Council, in co-operation with various local Safety Councils, has been the organization and promotion of commercial vehicle safety contests in cities,

and a national inter-city motor vehicle fatality contest. More of these contests are being conducted each year, and they include increasing percentages of the motor fleets of these cities. For 1931, 555 fleets operating over 35,000 vehicles engaged in almost all kinds of transportation, reported their detailed accident records to the Council. From these contests there have come some remarkable results. For example, the Council summarized all of the accident fatality reports which are available for private passenger cars and commercial vehicles for the period of 1927 to 1931 inclusive. They found that accident fatality rates for private passenger cars, whose drivers are quite largely unregulated through any sort of traffic safety control, showed for this period an increase of about 50 per cent. In sharp contrast, the accident fatality rates for all of the commercial vehicles, many of whom have been taking part in traffic safety contests, showed an average *decrease* of 12 per cent. in traffic fatalities. This remarkable result was undoubtedly due in large part to the systematic traffic safety training which is received by most of the individual drivers of the commercial vehicles. To encourage individual drivers of commercial vehicles to make safety records, the Council began, in 1931, to give No-Accident Driver Awards to all drivers who were able to go for a full year without a chargeable motor vehicle accident. This has been supplemented, later, by two-year awards and three-year awards. At the date of this writing the Council has presented a total of 4,442 one-year No-Accident Driver Awards, 785 two-year awards, and 30 three-year awards.

The presentation of No-Accident Driver Awards often is an outstanding public event in cities, commanding a great deal of newspaper space.

The Safety Contest

Perhaps the most important event of 1932 toward the reduction of traffic accidents was the National Traffic Safety Contest, conducted under the auspices of the Council and

extending throughout the year, in which 442 American cities officially entered through applications signed by the Mayor, the City Manager, or the President of the Village Board of the respective cities. 'Safest City' awards were presented to the cities making the highest traffic safety scores in seven different population groups, the awards being made by a committee of three nationally known traffic experts. The contest was opened without cost to all cities in their respective population groups, the only obligation being the submitting of monthly accident reports on standard forms. The grading schedule was so planned that no city could win a traffic safety award either through a lucky accident record alone or through a 'paper' programme which produced no real results. A large percentage of all important cities of the United States entered.

In the booklet which officially stated the conditions of the contest it was recommended, under the heading 'Fundamentals of Traffic Safety,' that the city contest manager should concentrate his traffic safety programme under the 'Three E' group of activities, which were outlined as follows:

1. Engineering.—Get the facts about accidents—how many, where, when, how, and why. Analyze the hazards of dangerous spots. Use scientific study, not guesswork, as the basis for new signs, signals, ordinances, and regulations.

2. Education.—Tell every child and every adult, every driver and every pedestrian, about accidents and the need for personal caution, observance of traffic laws, support of public officials.

3. Enforcement.—Have an ordinance that can be enforced. Have police and courts organized to deal with the 1932 traffic by 1932 methods. Have firm, courteous, impartial handling of law-breakers.

The cities which entered the contest were judged (on the basis of 110 points for a perfect score) on the following seven different groups of activities:

1. Accident Board, 50 points.—This will be based on: (a) the motor vehicle death-rate per 100,000 population, for the year, including only deaths from accidents within city

limits; and (b) a reduction of such death-rate, compared with the average rate of three years preceding.

2. Accident Reporting, 5 points.—This will include the use of the Standard Traffic Accident Reporting System or its equivalent.

3. Traffic Engineering, 10 points.—This will include traffic engineering facilities; traffic engineering survey; character of the city's traffic engineering activities; conformance with recognized standards for traffic signals and signs.

4. Traffic Law Enforcement, 15 points.—This will include conformance with the Model Municipal Traffic Ordinance; proper organization of traffic police forces; accident investigation; traffic court or traffic sessions of court; traffic violations bureau; report on number of arrests and summonses and number of convictions.

5. Child Safety, 10 points.—This will include safety instruction in elementary schools; junior safety councils or patrols; safety instruction and activity in high schools; safety activity on summer playgrounds and beaches.

6. Public Education, 10 points.—This will include newspaper publicity; radio traffic safety programme; street safety posters; special campaigns; commercial driver activities.

7. Community Safety Organization, 10 points.—Community safety council or other body carrying on continuous, comprehensive traffic safety programme.

The Educational Programme

One of the outstanding features in the public educational programme of the Council to aid the National Traffic Safety Contest was the publication of a little booklet called 'A Balanced Programme for Reducing Traffic Accidents.' The booklet was introduced with a cartoon to illustrate the fact that there had been during the previous year approximately 10,000 homicides, 17,000 suicides, and 33,000 'autocides.'

Here are four important questions which are answered in the 'Balanced Programme.'

1. *What do we with our automobiles each year?*

We kill more than 33,000 people. We injure 1,000,000 others. We produce an estimated economic loss of one and a quarter billion dollars—more than twice the fire loss of the country.

2. *Why should this be?*

Because 26 million motor cars have come upon our roads all within a single generation, and their drivers have not yet adapted themselves to bring these cars under control. Because we have streets and highways inadequately designed for traffic and inadequately equipped and controlled. Because cars have speed and power, many have inadequate safety features, and others have developed dangerous mechanical defects. Because we have drivers of every type, too many of whom are reckless, thoughtless, inexperienced, and others are physically or mentally incompetent.

3. *What can we do about it?*

Experience has shown that the following five activities bring definite results:

A. *Legislation*—through which we can and we must: Get laws passed that will provide uniformity in traffic regulations and will require universal licensing of drivers. Advocate strong governmental traffic control administration based on traffic engineering.

B. *Engineering*—through which we can and we must: Build safety into our highways. Develop and adopt comprehensive traffic plans for the community. Install signs and signals only after careful engineering study. Build safety into the automobile. See that automobiles are inspected and kept safe.

C. *Education*—through which we can and we must: Provide education in safety for all school children, including safety patrols in all schools. See that all new drivers and all drivers with bad records are given instruction and training. Require that all new drivers be given an adequate examination before

being licensed. See that commercial drivers have close supervision by employers. Ensure that all traffic officers are given special training. Advocate widespread public education through meetings, posters, newspapers, radio, etc.

D. *Enforcement*—through which we can and we must: Provide a competent motor vehicle department in every state. Insist upon a modern, well-trained and adequate state highway patrol and traffic police in every city and state. Require investigation of all traffic accidents as a basis for prosecution of traffic violators. Facilitate enforcement by adoption of the Uniform Vehicle Code and Model Traffic Ordinance drafted by the National Conference on Streets and Highway Safety.

E. *Research*—through which we can and we must: Expand study, local and national, for increasing our knowledge of accident causes and remedies.

4. *How can we apply these remedies?*

The application of these remedies to every highway, every vehicle, every driver and every pedestrian, requires the co-operative effort of local, state and national governments, the schools, the automobile industry, insurance organizations, transportation companies, employers, motor clubs, civic organizations, and newspapers.

The 'Balanced Programme' recommends the following detailed steps for achieving greater safety on our 'Streets and Highways':

1. Modern engineering standards—with respect to width, crown, surface, curves, grades, vision, shoulders, guard rails, and similar items—should be applied as rapidly as practicable to old as well as new highways and city streets.

2. For heavy traffic, four- or six-lane highways, preferably with a centre strip, will reduce the interference of opposing streams and the hazards of overtaking.

3. Traffic control, through proper signs and signals, is just as essential a factor in highway design and construction as the pavement itself.

4. In all new construction for heavy traffic, grade separa-

tions should be provided, both for crossings of a railroad with a highway and for crossings of two streams of highway traffic. Many existing crossings which cannot be separated can be made safer or less congested than at present by redesign.

5. Sidewalks are needed for pedestrian safety near cities and towns as well as in them.

As related to 'Discipline and Law Enforcement,' the 'Balanced Programme' recommends the following items:

1. Training and discipline are intimately related: neither can be completely successful without the other. Discipline for the employed driver may mean lay-off or discharge; for all drivers it may mean a fine, imprisonment, or loss of driver's license. Certainty of punishment is more important than severity. The need for severe penalties can be reduced by an effective system of education and training.

2. Effective enforcement of traffic laws requires: (a) Traffic ordinances and state traffic laws that fully cover modern requirements and that are enforceable. (b) An adequate traffic division in the police department, organized and operated on modern lines. (c) A separate traffic court or traffic sessions, and a traffic violation bureau for minor offences. (d) An enforcement policy which emphasizes those kinds of violations that actually cause accidents. (e) Mobilization of public opinion to support the officials in an impartial, constructive programme.

3. The state's best contribution to traffic law enforcement and accident control is an effective driver's licence law administered by a competent motor vehicle department. Such a law, to be effective, must include: (a) Adequate examination of all new drivers by the state; or, if by local officials, then under state control. (b) Mandatory revocation of licence for specified offences. (c) Discretionary suspension of licence by the motor vehicle commissioner for other serious or repeated violations or accidents.

4. An adequate state highway police force is essential.

As a part of their programme to aid the national Traffic Safety Contest, the National Safety Council recommend for

the month of September that all cities in the National Safety Contest should take part in a National Traffic Law Enforcement Demonstration. Thirty-two cities reported their experiences quite completely, and about twenty others sent in less complete reports. It is quite interesting to note, as the result of this Demonstration Month, that there apparently is an important relationship between vigorous traffic law enforcement and reduced traffic accidents. The following statement, in three paragraphs, summarizes the conclusions of traffic experts who studied the results:

1. Cities with a high standard of law enforcement have, on the average, a low accident rate. A good 'yardstick' for comparing enforcement in different cities is the number of convictions for driving violations per personal injury accident.

2. Fourteen out of eighteen cities which increased their enforcement in September were able thereby to reduce their accidents.

3. The cities which made the greatest decreases in accidents, through increased enforcement, were those in which the enforcement was already strict enough to be taken seriously by the people, but not so extremely good as to make further improvement difficult.

Some Results

As stated previously, it has been assumed that the 1932 National Traffic Safety Contest among American cities was an important factor in the reduction of our motor vehicle fatalities by more than 4,000 for that year as compared with the previous year. The contest proved to be so successful in encouraging and aiding cities to study their traffic safety problems, that there was a general demand among cities that the contest should be continued. Therefore, a second National Traffic Safety Contest was conducted during 1933, and nearly 300 American cities, with a total population of over 40,000,000, entered the 1933 contest.

As a result of the 1932 contest, 'Safety City' plaques

were presented to winning cities. The presentation programmes in most cities included the talks of several nationally prominent persons over a national hook-up of radio stations reaching these cities.

The police departments of many important cities of the United States are co-operating members of the Street and Highway section of the National Safety Council. The general purposes of the Street and Highway Section have been summarized as follows :

1. To promote uniform motor vehicle laws in all the states, and uniform ordinances in all the cities of the United States.
2. To gather and distribute facts about traffic problems and their solutions.
3. To encourage better enforcement of traffic laws.
4. To develop methods of preventing accidents on rural highways.
5. To prepare valuable and interesting programmes on traffic at regional meetings and at the Annual Safety Congress and Exposition.
6. To increase membership in the Section, so that the work may be carried on more effectively and over a wider area.

A large percentage of all American cities are active in programmes to control traffic accidents. But the traffic accident problem in the United States is broader than that of the cities. The latest available statistics indicate that about 60 per cent. of all traffic accident fatalities of the United States are in 'rural' districts, which includes all cities and towns under 10,000 population. Thus, the traffic safety problem is acute in our state highways, and this problem is commanding an increasing amount of attention and more intense traffic safety programmes by state highway departments.

A special committee on Rural Highway Hazards made a recent investigation of this problem, reporting at the last annual session of the Street and Highway Traffic Section of the Council. This committee found, for the United States

at large, that there were 50 per cent. more fatal accidents on our rural highways than on our city streets. They found that approximately 30 per cent. of our rural highway fatalities were from collisions with pedestrians ; 26 per cent. were from non-collision accidents ; 22 per cent. were from collisions with other motor vehicles ; 11 per cent. from collisions with fixed objects ; and 8 per cent. were from collisions of motor vehicles with railway trains or street cars. This committee recommended as remedies :

1. Greater and more complete reporting of rural highway accidents.
2. The separate compilation of rural highway accident statistics.
3. Development of a systematic plan of attack on the entire situation.
4. The development of sound treatment for specific conditions.

Our traffic safety problem is far from controlled in the United States, but we feel that we have been making substantial progress, and that we have developed methods which, when more completely applied, will bring still greater traffic accident reduction.

tion and Licensing) Regulations, 1924. In passing it ought to be mentioned that there have been many changes in the rates of duties since the Finance Act, 1920, but rates of duty are outwith the scope of this article and are of little interest to the police.

Motor Vehicles and Drivers' Licences

By INSPECTOR G. A. LEMEN

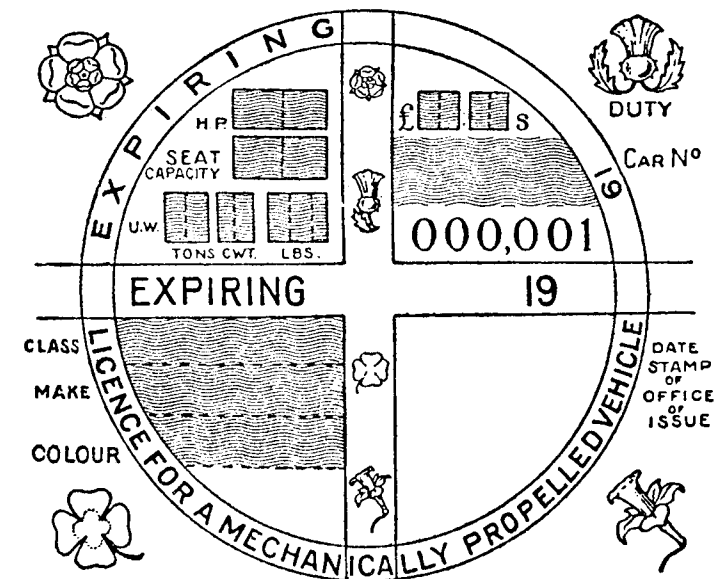
Greenock Burgh Police

AS the examination of motor vehicle and drivers' licences forms no mean part of a policeman's daily work, especially during the 'days of grace,' the writer, who fills the dual offices of issuing clerk in a Local Taxation Office and a police officer, hopes to show as simply as possible to men on street duty, and to that newly set up branch of the service, the Motor Patrols, how entries on a vehicle licence—which are different for each class of vehicle—are arrived at; also how the various types of drivers' licences set out in the Road Traffic Act are issued. It may not be out of place here to mention that though the work of inspecting these two types of licences forms an important part nowadays of the powers and duties of the police, in England, out of the eighty-three boroughs having separate licensing authorities, only eight chief constables are local taxation officers, and in Scotland one out of the seven burghs has a separate licensing authority.

1. Motor Vehicle Licences

The present type of licence (Diagram A), which is familiar to all, came into being by the Roads Act, 1920, which provided for the collecting of duties on mechanically propelled vehicles. These duties were laid down in the Finance Act of that year, and section 12 of the Roads Act empowered the Minister of Transport to make regulations governing the method of collection and, amongst other things, the type of licence to be carried, and we have therefrom the Road Vehicles (Registra-

-- Diagram A.--



There are two types of vehicle licences issued, annual and quarterly, and as displayed are circular in shape. The former has either a perpendicular, or, as in the case of last year's, a horizontal bar of a distinguishable colour, and all such licences expire on 31st December, no matter on what date they are issued. The latter is of a different colour for each quarter, but with it the whole of the licence is the same colour. The quarters are, First, expiring 24th March; Second, 30th June; Third, 30th September, and Fourth, 31st December. The date of expiry of all licences is printed in the horizontal bar on the face of the licences.

Having laid down the two types of licences that are issued, we will next take the various classes defined in the Finance Acts and show how these classes are inserted on the

licences opposite the word 'Class' in the bottom left division. Apart from the Index Mark and Number which is inserted in the top right division, the left half of a licence contains all the information pertaining to the vehicle displaying it. So that the relationship may be more easily understood, opposite—in Column 1 is shown the square(s) in the top left division which bear an entry, and in Column 2 the word(s) inserted opposite to 'Class' appropriate to that entry. Column 3 gives the definition of the class in Column 2, and where shown in brackets is the definition on the form of application for a licence.

Regulation 14 of the Road Vehicles (Registration and Licensing) Regulations, 1924, which is really the foundation of the above table, reads, *inter alia*, 'that where duty has been paid with reference to seating capacity or weight unladen at the maximum rate the letters 'Max.' shall be inserted'; this is done by writing these letters above the squares 'Seat Capacity' and 'U.W.' when either of them show an entry, which explains why the *actual* seating capacity or unladen weight is not inserted on a licence.

Another common word that may be observed inserted on a licence is 'Trailer,' and is joined on to several of the classes shown in Column 2, *e.g.*, 'Goods Steam and Trailer,' which denotes that duty is paid for the right to draw a trailer. Nowadays it is a common sight to see a private car drawing a trailer of the caravan type, but it should be kept in mind that no additional duty is payable in respect of a trailer drawn by a private car, therefore it is not shown on the licence.

Within recent years the fitting of pneumatic tyres to vehicles of the Goods and Hackney Classes has been encouraged by the Ministry of Transport, and reduced rates of duty are paid on Goods Vehicles over two tons in weight unladen, and Hackney carriages with a seating capacity of more than eight persons, so fitted. The licence issued to a vehicle enjoying this reduced rate bears a stamp which reads, 'This vehicle must be fitted entirely with Pneumatic Tyres.'

1	2	3
H.P. ☐	Private Car	Shortly, this class covers any vehicle not hereafter defined.
Seat Capacity ☐	Hackney ¹ Bicycle Cycle and Sidecar	(... any vehicle standing or plying for hire ...) See below at 'Tricycle.'
The word 'Seat' is crossed out when entry applies to 'Bicycle' or 'Cycle and Sidecar' to show that the duty paid is based on the cylinder capacity of engine.		
U.W. ☐ ☐ ☐ tons cwt. lbs.	Tons Goods ² Goods Steam Goods Electric Tractor Tricycle Bicycle Cycle and Sidecar	(... vehicle constructed or adapted for use and used for the conveyance of goods or burden of any description, whether in the course of trade or otherwise ...) (... vehicle which is constructed for haulage solely and not for the purpose of carrying or having super-imposed upon it any load except such as is necessary for its propulsion or equipment ...) (... any mechanically propelled vehicle with less than four wheels weighing not more than 8 cwt. in weight unladen, but does not include a vehicle adapted and used for invalids and weighing not more than 5 cwt. in weight unladen.

The entry is made in these squares when the duty on a 'Cycle' or 'Cycle and Sidecar' is based on the unladen weight.

¹ Except in the case of petrol-driven vehicles, 'hackney' is followed by the word denoting the power by which it is driven, *e.g.* steam, electric, etc.

² There are also a number of Entries coming under this heading, namely of vehicles on which duty is assessed on the basis of their weight. A few of these vehicles were exempt from duty prior to the Finance Act, 1932. No definition is required, as they are mostly constructed for the purpose which their name implies, viz: 'motor plough,' 'threshing machine,' 'trench digger,' 'excavator,' 'mowing machine.'

II. Drivers' Licences

The Road Traffic Act, 1930, gave birth to a new system of issuing drivers' licences, as it repealed the Motor Car Act, 1903, which was in force when the great motor car age burst upon us.

--Diagram B.--

D.L. No.	
— — COUNCIL	
ROAD TRAFFIC ACT, 1930.	
DRIVER'S LICENCE	
.....	
of	
is hereby licensed to drive a * ..	
..... from	
..... 19.... until	
..... 19.... inclusive.	
Fee of	LOCAL TAXATION OFFICER.
3/-	(ADDRESS)
received.	
Usual Signature of Licensee	
.....	

Section 4 of the Road Traffic Act lays down the rules for granting and producing licences; section 9 defines the class of vehicle persons of certain ages can drive; and section 30 grants the Minister of Transport authority to make regulations.

From the latter we have the Motor Vehicles (Driving Licences) Regulations, 1930.

Most readers are no doubt familiar with the red cloth-bound cover bearing on the front in black 'Driver's Licence' now issued to drivers, into which is gummed the particular type of licence they are entitled to.

As there are some six different types of licences issued, Diagram B shows the size and layout of these licences—but omitted from it is the name of the class of vehicle. Below in Column 1 is given the class of vehicle, which is printed in after the asterisk, Column 2 the ages permitted to drive the class shown in Column 1, and in Column 3 the number which appears after the letters D.L. in the top left-hand corner.

1	2	3
Motor Vehicle of any class or description	Over 21	2
Motor Car and Motor Cycle only	Over 17 and under 21	3
(It should be noted that by the Road Traffic Act, section 2, a goods vehicle not exceeding 2½ tons in weight unladen comes within the definition of motor car.)		
Motor Cycle only	Over 16 and under 17	4
Invalid Carriage only	do.	5
Vehicles of a Special Type	do.	5
(1) Motor Car or Motor Cycle and (2) a Motor Vehicle of any class or description when in use for Naval, Military or Air Force purposes.	Over 17 and under 21	8

The above list of ages would no doubt cause one to come to the conclusion that a person under 16 years could not drive even a motor cycle with the coming into force of the Road Traffic Act. Whilst this is actually true to-day, attention must be called to sub-sections (1) and (3) of section 9 of the above Act, which reads . . . 'unless on first applying for a licence after the commencement of this Act he satisfies the licensing authority that he was during the six months immediately preceding the first day of January nineteen hundred and thirty, in the habit of driving a motor vehicle (of that class).' The last three words only appear in sub-section 3, and the

reason for this can be easily understood when one remembers that sub-section (1) refers to persons under 16 years of age, and (3) to persons over 17 and under 21.

The writer has given the above-quoted words much thought, and ventures to give the following opinion in explanation of the statement that no person under 16 can to-day drive even a motor cycle. Firstly, persons holding licences on 1st December, 1930, the date on which this part of the Act came into force, have grown older, therefore all the holders of licences under 16 then will have qualified to drive a 'motor cycle only' on or before 31st December 1931. As for those covered by sub-section (3), over 17 and under 21, they cannot be disposed of so easily, but by 31st December 1933, indeed, after 1st July 1933, they will have 'come of age.' In other words, the holder of a licence under the Motor Car Act, 1903, on 1st July 1929, *i.e.*, six months preceding 1st January 1930—the date quoted in the sub-sections, entitling him to drive a 'motor vehicle of any class or description' because he was then over 17 years of age, the age laid down by that Act—will have become 21 between July and December 1933, and fulfilled the requirements laid down in the above table.

All the licences specified in the above table are issued for one year from date of issue.

There is another licence, issued under section 5 of the Road Traffic Act, which is only valid for any period up to three months, called a Provisional Licence. It measures roughly 4 inches broad and 7 inches long, and is not enclosed in the usual red cloth holder. The wording of this licence is similar to that on Diagram B, but after 'inclusive' is printed the following: 'Subject to the condition that this licence shall only be used by the licensee when under the supervision of a person fit and competent to give instruction in the driving of a motor vehicle, who, except in the case of a motor cycle or invalid carriage, shall be present in the vehicle with the holder of the licence.' This licence is issued to persons who have not previously held a licence and who are suffering from 'any defect in movement, control, or muscular power, or have lost either

hand or foot.' Persons to whom a provisional licence is issued must undergo a test before receiving one of the general type of licences.

In conclusion, a note as to the method of issuing both vehicle and drivers' licences may not be out of place to those in doubt.

Licences for vehicles are issued by the Local Taxation Officer for the area in which the vehicle is ordinarily kept, and drivers' licences by the same officer for the area in which the applicant's permanent residence falls. The foregoing are quite simple, but, like all rules, provision has to be made to cover exceptional cases. Regarding vehicle licences, large firms having a number of vehicles which are in use in towns in different parts of the country can apply for all their licences to the Local Taxation Officer for the area in which the address of their registered office falls. Then vehicles owned by government departments are licensed from the office of the head of the department to which they belong. The exceptional driver is the one who has no permanent residence, and to overcome that difficulty he must give the name and address of an agent through which he can be traced.

The 'days of grace' referred to in the opening paragraph are fourteen days before and fourteen days after the date of expiry of annual and quarterly licences.

No 'days of grace' are allowed for renewing drivers' licences, but, again, they can renew them one month before they expire, the dates inserted on the new licence being those following on the licence presently in force.

if it has been completely detached ; the expression ' owner ' includes any part owner, or any person having possession or control thereof, or a special property in anything capable of being stolen.

(3) Everything which has value and is the property of any person and if adhering to the realty, then after severance therefrom shall be capable of being stolen ; Provided that (a) save as hereinafter expressly provided with respect to fixtures, growing things, and ore from mines, anything attached to or forming part of the realty shall not be capable of being stolen by the person who severs the same from the realty, unless after severance he had abandoned possession thereof ; and (b) the carcase of a creature wild by nature and not reduced into possession while living shall not be capable of being stolen by the person who has killed such creature, unless after killing it he has abandoned possession of the carcase. (Section 1.)

Simple Larceny

Section 2 of the Larceny Act, 1916, provides : Stealing for which no special punishment is provided under this or any other Act for the time being in force, shall be simple larceny, and a felony punishable with penal servitude, for any term not exceeding five years, and the offender, if a male under the age of sixteen years, shall be liable to be once privately whipped in addition to any other punishment to which he may by law be liable.

Although in the majority of cases stealing is felony, there are offences in which it is not. By stealing a dog an offence is committed against Section 18 of the Larceny Act, 1861, for which imprisonment not exceeding six months may be awarded with or without hard labour. It is not felony—but a person found guilty of this offence after a previous conviction of such an offence, commits misdemeanour—and may be sentenced to imprisonment for not exceeding eighteen months, with or without hard labour. (Larceny Act, 1916, Section 5.)

NOTE : It is, of course, felony to steal a dog's collar.



EXETER CITY POLICE ROAD PATROL AND
UTILITY VAN

Among other offences not amounting to felony, are stealing trees, shrubs, fences (live or dead), plants, fruit, roots, or vegetables growing in gardens, etc. (Larceny Act, 1861, Sections 33 to 37.) But under Section 8 of the Larceny Act, 1916, an offence of such a nature, committed by a person having a previous conviction for such an offence, becomes felony.

Powers of Arrest

Section 103 of the Larceny Act, 1861, provides: Any person found committing any offence punishable, either upon indictment or upon summary conviction, by virtue of this Act, except only the offence of angling in the daytime, may be immediately apprehended by any person, and forthwith taken together with such property, if any, before some neighbouring justice, to be dealt with according to law.

Section 41 of the Larceny Act, 1916, provides: (1) Any person found committing any offence punishable under the Act except an offence under Section 31 (relating to libel), may be immediately apprehended without a warrant by any person and forthwith taken, together with the property, if any, before a justice of the peace to be dealt with according to law.

(2) Any person to whom any property is offered to be sold, pawned, or delivered, if he has reasonable cause to suspect that any offence has been committed against this Act with respect to such property, shall, if in his power, apprehend and forthwith take before a justice of the peace the person offering the same, together with such property, to be dealt with according to law.

(3) Any constable or peace officer may take into custody without warrant any person whom he finds lying or loitering in any highway, yard, or other place during the night, and whom he has good cause to suspect of having committed or being about to commit any felony against this Act, and shall take such person as soon as reasonably may be before a justice of the peace to be dealt with according to law.

Search Warrant or Search by Written Authority of Chief of Police

By Section 42 of the Larceny Act, 1916, provision is made for the grant by a justice of the peace of a warrant to search any person or his premises, where there is reasonable cause for believing he has in his possession or custody any property whatsoever, with respect to which any offence against the Act has been committed.

NOTE: It will be noted that such a warrant authorizes a constable to search for and seize goods, etc., obtained by means other than larceny, but must have been obtained by an offence against the Larceny Act, 1916. Goods obtained by means of false pretences, for example.

Under the same Section a constable may, if authorized in writing by a chief officer of police, enter any house, shop, warehouse, yard or other premises and search for and seize any property he believes to have been *stolen*, but such written authority may only be given by a chief officer of police when: (1) the premises to be searched are, or within the preceding twelve months have been, in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves; or (2) the premises to be searched are in the occupation of any person who has been convicted of any offence involving fraud or dishonesty and punishable with penal servitude or imprisonment.

Larceny in Dwelling-house

Every person who steals in any dwelling-house any chattel, money, or valuable security—(a) if the value of the property stolen amounts to five pounds; or (b) if he by any menace or threats puts any person being in such dwelling-house in bodily fear. FELONY. (Larceny Act, 1916, Section 13.)

NOTE: For other offences of this nature, but in which the provisos (a) and/or (b) are not complied with, see 'Simple Larceny.'

This class of offence is often committed by persons of the

tramp or beggar class who, owing very frequently to the carelessness of householders, have many opportunities presented to them. Doors and windows are left open, articles of value are often left lying or hanging within reach, and it is but the work of a moment or so for the sneak thief to 'win' anything he can whip into his pockets, or put on his back in the form of clothing.

Many thieves get away because their victims assist them by failing to give information to the police without delay.

Larceny from the Person—Pickpockets

Every person who steals any chattel, money, or valuable security from the person, is guilty of felony. (Larceny Act, 1916, Section 14.)

Pickpockets usually operate in gangs of two or more, and frequent places where large numbers of people congregate, such as at railway stations, tram and 'bus termini, race meetings, football matches, etc. They will move among the crowd and gently 'tap' pockets to find those containing wallets, purses and other valuables.

To detect a pickpocket actually committing the offence, a police officer must be extremely vigilant. The actual thief rarely retains the article stolen, but skilfully passes it to an accomplice who will either pass it on to a second confederate or himself get away with it.

Numerous tricks are practised in order to gain access to the pocket of an intended victim. The person selected may be jostled by one or more of the gang, or have his hat 'accidentally' tilted by them, and it is while he is raising his hands to replace or regain the hat that the pickpocket will endeavour, and probably succeed, in relieving him of his wallet, or anything else worth 'winning,' or 'knocking off,' as the experienced thief calls it.

Two or more members of a gang present on a football ground, or other place frequented by a crowd, often act in such a manner as will attract the attention of a section of the spectators—it may be by starting a scuffle, an apparent heated argument, or act of tomfoolery among themselves—and while

people are pushing their way to see what is taking place, the pockets of some of them are being picked by others of the gang. The light-fingered fraternity have also been known to cause a mild panic to help them in their nefarious work, by making people think more of personal safety than of their belongings.

Pickpockets are sometimes pious-looking individuals, and lady-like females.

After a stolen purse or wallet has been emptied of valuables and 'un-identifiables,' it is given a home in the nearest drain or handy receptacle.

Among criminals the pickpocket is spoken of as a 'hook' or a 'whizzer.'

On a charge of pocket-picking evidence of suspicious conduct on the part of the alleged offender just before and in the same circumstances as the offence charged is admissible.

Larceny by Trick

The question, 'What is the difference between "larceny by trick" and "obtaining by means of false pretences"?' is somewhat difficult to answer. But it has been ruled that, if possession of the money or goods has been parted with, but the owner did not intend to part with the property in them, and the parting with the possession has been obtained by fraud, it is larceny. If, on the other hand, the owner was induced by fraud to part, not only with the possession, but also with the property in the goods, etc., then the offence is that of obtaining by means of false pretences.

It is probable that, the difficulty in defining the difference between these offences being appreciated, it was deemed necessary to provide therefor in the 'Larceny Act, 1916,' Section 44 of which lays down, in Sub-section 3: If on the trial of any indictment for stealing it is proved that the defendant took any chattel, money, or valuable security in question in any such manner as would amount in law to obtaining it by false pretences with intent to defraud, the jury may acquit the defendant of stealing and find him guilty of obtaining the chattel, money, or valuable security by false pretences, and thereupon

he shall be liable to be punished accordingly. And in subsection 4 : If on the trial of any indictment for obtaining any chattel, money, or valuable security by false pretences, it is proved that the defendant stole the property in question, he shall not by reason thereof be entitled to be acquitted of obtaining such property by false pretences.

The tricks practised by thieves are many, and increase daily. The ancient ' Confidence Trick ' is still being worked with success, and though the methods adopted may vary, they always amount to offering the dupe something for nothing, or the chance of getting rich quickly. It is usually practised by two persons who, appearing as strangers to one another, strike a ' chance acquaintanceship ' with the intended victim, whose circumstances or business have become known to them. Conversation is entered into, and it is soon discovered that they have interests in common. The conspirator-in-chief will gain the confidence of the dupe by spending money lavishly on refreshments, etc., by not permitting him or the accomplice to pay for anything, or by other actions make it appear that he is a man of substance who has ' made his pile,' and is much stronger financially than either the dupe or the second conspirator. Having so far succeeded, the chief conspirator will, in a casual manner, make the prearranged proposal in which the dupe is invited to hand over a certain amount of money for the purpose of proving his confidence in the conspirator, or for that individual to invest for him in such a way as will give a quick and large profit—possibly by backing horses after the result of the race is known. To make the proposal appear genuine beyond doubt the accomplice will also hand over his money, and when the chief conspirator fails to turn up to settle he will express his anxiety and his intention to go and investigate the cause of the delay. He does not return, but joins his pal, who divides the spoils.

Ringing the Changes

This is a trick practised by swindlers when taking or giving change. One of these tricks which often meets with

success is worked in the following manner. The trickster enters a public-house bar in which a barmaid is serving, calls for a drink costing a few coppers, hands the girl a ten-shilling note and after she has placed the change on the counter he will say, ' I am sorry to trouble you, Miss, but I find that I have plenty of silver and would like the note back.' The girl gets the note and places it on the counter near the change previously given, and the trickster who has made the change up to ten shillings in value will say, ' Give me a pound note for this.' She complies, and, in most cases, does not realize until the trickster has vanished, that she has been defrauded of the ten-shilling note.

Another common trick is to enter a shop in which a girl or woman is serving and to ask for change for a florin or half-crown, and as soon as the change is placed on the counter to ask for two or more small-priced articles in order to confuse, and pay for them with the change, ' forgetting ' to hand over the coin for which change was asked.

NOTE : Offenders are often brought to justice by police warning traders of these practices whenever such a trickster is gazetted as operating in the vicinity or within a few miles' radius.

Ring-dropping

This trick is practised in the following manner : The swindler, who is in possession of one or more finger rings made of brass, or similar metal of low value, but highly polished or lightly plated to resemble gold, will lie-in-wait for a ' mug,' walk a few paces in front of him, suddenly stoop and make it appear that he has found something. As the intended victim draws level with him he will, somewhat cautiously, display a ring and speak of his good luck. He will express an opinion as to the value of his ' find ' which is heavy, and say that as he is without money he will sell the ring for a certain sum. If the ' mug ' takes the bait he will close the deal without troubling to examine the ring too closely on the spot, and goes on his way well satisfied with his bargain, to find out later that he has been ' stung.'

Welching

This is the term applied to the offence committed by a bogus bookmaker, who at a race offers to lay odds and receives money on bets with which he absconds before the result of the race is known.

These offences have been held to be larceny (trick).

NOTE: As there is no special punishment provided for larceny by trick, this offence comes within the category 'Simple Larceny' which is punishable with penal servitude for not exceeding five years.

Taking a horse or motor-car, etc., for the pretended purpose of testing, driving away and stealing it is larceny (trick). Placing pieces of metal, etc., in automatic machines and obtaining cigarettes, chocolates, etc., etc., thereby, is larceny (trick) of the articles obtained.

SPECIMEN REPORTS

No. 1. LARCENY—TRICK

Date,.....

SIR,

I have to report that about 11.5 a.m., on Monday, 5th June, 1933, Mr., of, called me into his shop and complained to me of this offence. He stated that at 10.15 a.m., that day, a woman whom he did not know entered his shop, purchased half-a-pound of margarine, tendered a £1 note in payment, and after receiving 19s. 8d. change (including a ten-shilling note), left the shop. About fifteen minutes later a man, also a stranger to complainant, entered the shop, purchased a quarter of a pound of boiled ham, tendered a 10s. note and was given 9s. 2d. change. The man said, 'You have made a mistake. I gave you a one-pound note.' Complainant answered 'I am sure you gave me a ten-shilling note.' The man then said, 'I can prove that it was a one-pound note as I always take the number of each note I have,' and produced a small pocket-book in which was the entry $\frac{N}{37}$ 739536. The man invited

complainant to look in his till for the note described. He did so and found a one-pound note bearing that number. Complainant gave the man a ten-shilling note to complete the change and apologized for his 'error.' The man left the shop. Almost immediately complainant went to the shop door and saw the man, accompanied by the woman who had previously bought the margarine, walking quickly in the direction of Queen Street.

Complainant then realized that he had been defrauded of the ten-shilling note by the man and woman acting in collusion, and that the man had given the number of the £1 note tendered by the woman. He was unable to leave the shop to go in pursuit of the offenders, but states that he can identify them. The one-pound note referred to is being retained in case the offenders are arrested when its serial number could be checked with the entry in the man's note-book, which would possibly be found in his possession, and so establish his connexion with the offence.

The offenders are described:

Woman.—Age 25 to 28 years; height 5 ft. 2-3 in.; hair dark brown (bobbed); complexion fresh, and good looking.

Dress.—Brown costume, white silken jumper, small brown fine straw hat trimmed with yellow at front, brown shoes and stockings. Of respectable appearance.

No peculiarities of speech or gait noticed.

Man.—Age 40 to 45 years; height 5 ft. 9-10 in.; hair dark brown; complexion very dark, and of broad build. Upright in carriage, and well spoken.

Dress.—Navy blue suit, black bowler hat, soft collar and light blue tie; black shoes. Of smart appearance.

I at once proceeded to the Detective Office, and on the way gave particulars and the description of the offenders to Patrol Inspector, and requested him to acquaint the uniform branch.

Inquiries were at once made at tram termini, railway stations, etc., and throughout the borough, but without result. Details were telephoned to the surrounding districts and the various police forces.

Shopkeepers have been warned, and requested to inform the police without delay in the event of the offenders calling upon them.

Inquiries proceeding. Warrant issued.

....., *Detective Constable 96.*

No. 2. THE 'OLD VIOLIN'

Date.....

SIR,

I have to report that about 9 p.m. on Friday, 2nd June, 1933, in consequence of a telephone message received at Headquarters, I went to the '.....' Hotel,, and there saw the Licensee,, who complained to me that he had been tricked and defrauded of £50 in £1 Bank of England notes early in the afternoon. He stated that at about 1.30 p.m. that day a man carrying a violin and bow went into the bar, had a glass of beer, got into conversation with other customers about the state of business in the country, and complained of things being so bad that he had been forced to get his living by playing his violin in the streets. About five minutes later he asked the complainant if he would take care of the violin as he desired to meet some friends and did not wish them to guess what he was doing for a living. The complainant agreed, and the man left. About 2.25 p.m., another man, who was of gentlemanly appearance, entered the bar, called for a double whisky, and pointing to the violin which was on a shelf at the back of the bar asked, 'What have you there?' The complainant handed the violin to the man who examined it very closely. The man then said 'Is this yours?' and the complainant said, 'Why do you ask?' The man replied 'This is a genuine "Strad," and I would give a hundred pounds for it.' The complainant then suggested that the man come back to the premises during the evening when, possibly, he could buy the violin, and the man agreed to return at 6 p.m.

At 3.15 p.m. the man who had left the violin in the first

instance returned to the hotel and asked for the instrument. The complainant invited him into the private part of the premises and asked him if he wished to sell the violin. The man said: 'No, I do not wish to part with it, it was my grandfather's, and it would take a great deal of money to tempt me to sell.' The complainant offered the man £30 for the violin, but this offer was refused, and after a time the man said, 'I'll take fifty pounds and not a penny less.' The complainant handed the man fifty one-pound notes and he left the premises. The second man—who had offered £100 for the violin, did not put in another appearance, and is not now expected to return. The violin has been examined by , musical instrument dealer of , and he values it at 15s.

The two men are described as follows:

1st. Age
.....
2nd. Age.....
.....

All possible inquiries have been made within the Borough but without result. Full particulars have been circulated to Divisions and all Forces. Inquiries proceeding.

....., *Detective Sergeant.*

NOTE: An Offence such as this also amounts to Conspiracy to Defraud.

Death in Blenheim Swamp

By JOHN VIBART

HAD anyone been present on a certain autumn evening some years ago, he would probably have noticed two figures emerge from the dense woods that have grown up on one side of that track of Canadian waste-land known as 'Blenheim Swamp', and make their way along the edge of the marshy land. In the uncertain light of advancing night they seemed to be two men, walking, one behind the other, with slow deliberate steps. Had the hidden watcher been interested in their movements he would have suddenly heard two short, sharp reports like the crack of a whip or revolver shots. The figures, he would have observed, had disappeared from view. Shortly after, however, one of them is seen rapidly retracing his footsteps in the direction of the woods whence he had come. He slowly fades into the misty distance and the silence settles down heavier, and more forbidding than before.

Dawn was breaking, damp and chilly, when some woodcutters appeared, trudging along the rim of the swamp to their work in the thick woods which we have already mentioned. There were three of them, and in silence they progressed, one behind the other, well in keeping with the sad solitudes that surrounded them.

Suddenly the leading man stopped and pointed a little way into the swamp.

'Say, boys, look at that! Something to take home to the missis!'

'Why,' said the second, approaching as far as he dare

into the soaking, quaking earth. 'It's a bloomin' boot! And a good 'un at that. Let's fish it out.'

'Wait a bit,' remarked the third man, gazing at the unusual object, whose toe was sticking up out of the mud as if in derision of their astonishment. 'How did a boot like that get here?'

'Some poor blighter got tired o' the sight of his boots an' chucked 'em in, I 'xpect!' suggested the leading woodcutter.

'Not he!' replied the third man. 'That boot's a good 'un. There's somethin' happened, I reckon!'

'Anyways, I'm goin' in to get it,' interrupted the second man. 'Yer never know yer luck, do you? So here goes! Catch hold o' me legs, boys, and pull like hell when I hollers!'

'Don't be a fool, Bob!' cried the man who had made the discovery, trying to restrain his friend. 'Ye'll get sucked in for a cert, yer know what the swamp's like.'

But Bob would take no denial. Dropping on his stomach, carefully and cautiously he wormed his way along the treacherous, oozy ground—knees and elbows sinking far into the swampy depths which emitted sundry chuckles and gurgles, as if delighting at the prospect of another victim, while the two men on firm ground, each held on to a leg, waiting for the signal.

Slowly but surely Bob approached the object of his desire, while the tentacles of the swamp gradually gathered around his body, tightening the terrible grip which would ultimately drag him down to a death of slow suffocation.

'Pull!' gasped Bob at last, half buried in the swamp and alarmed at its hold which seemed to be crushing every bit of breath out of his body, while his hand seized the top of the boot.

'Pull, boys, for God's sake! It—it's got me!'

His friends exerted all their strength—and then, a horrible thing happened.

Bob was brought to safety, still clutching the boot, but

there was something else beside a boot—something that required the united efforts of all before the reluctant swamp gave up its secret.

Following the boot came what appeared to be a leg or branch of a tree, after this a second leg or branch, curiously doubled up, then a trunk, and lastly what might be a head.

A moment later, three horrified men were gazing down at something lying at their feet. It resembled human shape, but whether man or woman, boy or girl it was impossible to say, owing to the black mud and green slime that covered the small slight body from head to foot.

Frightened at their discovery, and fearful to be left alone with the gruesome object, the woodcutters hastened back to their village homes a few miles away and there related to the local police what they had found.

'Some stranger, I expect, wandering about has got into the swamp. We've had 'em doing it before now,' grumbled the sergeant-in-charge, scenting a lot of unnecessary trouble.

'Well, he's got a good boot on him, for certain,' remonstrated Bob.

'You're in a pretty mess, anyway ; where have you been?' asked the sergeant, turning a suspicious eye on the mud-stained woodcutter.

'I went into the swamp to get the boot that we saw stickin' up,' replied Bob.

'You leave his boot alone. The body and all belonging to it is the property of the State until claimed by the next-of-kin,' said the police officer with importance. 'Don't you fellows go meddling further in what's no affair of yours. All right, I'll see to it.'

Shortly afterwards the body was brought into the village, placed in a shed, cleaned and examined by a surgeon.

It appeared to be that of a youth—almost a boy—of some eighteen or twenty years of age, somewhat frail-looking, and fair-haired with refined, delicate features. He had been shot twice in the back of the head. The wounds could not have

been self-inflicted and, therefore, pointed to deliberate murder, by some person or persons unknown. Death had taken place not more than twenty-four hours before.

The sergeant-in-charge of the little village police station realized that the matter went far beyond his capacity, and at once communicated with Police Headquarters at Toronto, who despatched an inspector to the scene of the crime. Precious time was lost in fruitless inquiry, while the murderer, by now, was far away.

Then it was that the Chief of Police in Toronto summoned Detective-Inspector John Wilson Murray and placed the matter in his hands.

Murray was, perhaps, one of the greatest detectives of his day, and even now his name is whispered with bated breath among the criminal classes of Canada and the United States. His amazing capture of Davidson, the forger, remains an epic of criminal detection.

Murray journeyed to Blenheim and there viewed the body.

He was at once impressed by the culture and refinement of the dead boy's face. He noticed, too, that his clothes were made of exceptionally good material and of the best English 'cut,' while the fine underclothes were of a kind only made in England. With these facts in mind, Murray decided that here was the body of a youth of about nineteen years of age, gently born of well-to-do English parents who moved in the best circles in England. But what, thought Murray, was such a person doing here in the dreaded Blenheim Swamp? Where could be the motive for such a cruel, callous murder, as had evidently been committed? Every possible sign of identification had disappeared from the clothes, the label from the hat, and even the buttons had been cut off from jacket, waistcoat, and trousers.

Murray's trained instincts told him that he was handling a mystery which would require all his skill and resource to unravel. He was pitting his intelligence against one whom he believed was a clever, cunning criminal, who had killed his

victim only twenty-four hours before the body had been discovered in a lonely, deserted spot, several miles from Eastwood, the nearest railway station, and yet had completely vanished without leaving a trace.

Such was the puzzle that Detective-Inspector Murray was called upon to solve—a puzzle which gave him no clue to work upon—no sign of a trail that could be followed, and no scrap of evidence that could be brought home to the murderer, who had done his work well.

Reluctantly, therefore, Murray decided that he must summon the power of the press to his aid. He had the body photographed and the picture reproduced in nearly every newspaper throughout the world. But the days slipped by into weeks and there was no response. It was hardly conceivable that there was no one who could recognize the likeness of this mysterious youth, thought Detective Murray, yet, this, apparently was the case.

Disappointed and somewhat depressed at the results of his efforts, Murray went down to the swamp once again to examine the spot where the lad's body had been discovered. He had several yards of reeds cut away, and some of the swamp itself, in which the body had been lying, carefully removed. A minute inspection of this soil at last brought him his reward. Here, choked up with dirt, he came across the broken end of an ivory cigar-holder. Curling round and up the stem, in an unusual design, was the remains of a gold band upon which were engraved the initials, 'R.W.B.'

This might be an important clue or it might be nothing. It was impossible to say whether the holder had been lying in the swamp for years or if it had been placed there recently. Murray, however, was on the point of advertising his discovery through the columns of the press, without mentioning the place where it had been found, when something occurred which made him hold his hand.

* * * * *

On the same day as the discovery of the cigar-holder, the detective received a letter, posted, it appeared, in a township,

some fifty miles from the scene of the murder. It was an application to view the body of the dead youth, and was signed by a 'Reginald W. Birchall.' Detective Murray stared at the signature and then at the initials on the piece of cigar-holder. Strange, he mused, that both initials should be identical.

The letter went on to say that the writer and his wife believed they could identify the body as that of a young man named Richard Whickam Benwell, who had been a passenger with them on board the *S.S. Britannic* which had arrived at New York from Liverpool a few weeks ago. Their attention had been attracted by the photograph in the papers.

Murray immediately abandoned his local line of inquiry and, picking up the new trail, hurried off to interview Mr. and Mrs. Birchall.

Birchall, he found, was a well-made man of about thirty, of average height and wearing a light moustache. That he had unusual personal charm, a frank, open manner and every appearance of a gentleman, Murray soon discovered. Birchall, in fact, had seen much of the world, lived well and was popular everywhere he went. The great detective, who considered himself a good judge of character, was favourably impressed by him.

Birchall's wife was a quiet, refined-looking woman, but a certain strained, anxious look about her eyes did not escape the detective's vigilant notice.

As the detective entered the room, Birchall hastened forward, hand outstretched and a smile of welcome upon his face.

'I am glad to meet you, Mr. Murray,' he said in quiet, cultured tones. 'You have lost no time in coming to see us. This is my wife,' he added, turning to introduce the woman behind him. 'Won't you sit down?'

Murray bowed and took a seat with his back to the window.

'I have come, of course, in response to your letter,' he began. 'I think you——'

'Ah, yes,' replied Birchall. 'Poor fellow. It is terrible

—if our suspicions are correct. Needless to say, Mr. Murray, my wife and I are most anxious—most eager to give you every help in our power.'

'You can do that, Mr. Birchall,' said the detective curtly, 'by telling me everything—everything you know—and as shortly as possible.'

Birchall sat down at the table while his wife went towards the window.

'There is but little to tell,' he went on. 'My wife first saw the picture in a newspaper, and we were both struck by the resemblance to Dick Benwell. Of course,' he added with a shrug of the shoulders, 'of course, we may be entirely mistaken, but I shall know at once when I have seen the body.'

'What do you know of young Benwell? Where did you meet him? How long have you known him?' asked the detective quietly.

'We met him, as I told you in my letter, on board the *Britannic* during the voyage from Liverpool to New York. He was alone and seemed a bit home-sick. My wife and I chummed up to him, and we became great friends. He was a dear fellow and we grew really fond of him. You can imagine the terrible shock to us when we saw this photograph.'

'It was some little time, then, before you saw this photograph, apparently,' remarked Murray slowly.

'Well, you know, we were travelling from place to place, and we hardly had time to open a paper.'

'But, Mr. Birchall, surely you had heard of the murder?'

'Oh yes, but it did not really interest us.'

'Did not interest you!' echoed Murray in some surprise. 'A young English boy—like the one you befriended on the *Britannic* found murdered in a swamp. Did not interest you!'

'I did not know it was an English boy.'

'Do you mean to say, Mr. Birchall, that you have only just learnt this fact? The murder, you know, has been committed some weeks now.'

'Yes. Only since seeing the photograph.'

'But the news of this crime has been published in nearly every paper throughout the world. Surely——'

'I tell you,' interrupted Birchall a trifle impatiently, 'as soon as I saw this picture I put two and two together and immediately communicated with you. Really, Mr. Murray,' he went on with an aggrieved air, 'I could hardly have done more, you will allow.'

The two men looked at each other long and closely. Murray, usually able to sum up his man fairly quickly, found himself hesitating here. He wanted to like this fellow—there was something very likeable about him, but instinct was warning him against the man. What was it? He noticed too, that his first favourable impression was fading. Why was that? If Birchall was in any way connected with this crime why should he want to identify the body? Was it bluff? If so, he was playing a dangerous—terribly dangerous game.

Suddenly Mrs. Birchall turned from the window and approached them.

'I think, if you do not mind, that I will leave you gentlemen to finish the conversation alone. All that my husband says, of course, I corroborate. He knows more of this dreadful matter than I do. It—it is upsetting me greatly.' And with a sob in her voice she left the room.

After a further short silence, Murray went on:

'Did you and Benwell part company at the end of the voyage?' he asked.

'No,' said Birchall. 'We went on together to the Niagara Falls. It was after then that he left us.'

'Where did he go?'

'I—I believe to London, Ontario.'

'What did he go there for, do you know?'

'To visit some friend, I think, with a view to starting farming.'

'Had he any experience of farming?'

'I do not know.'

'Was he well off?'

'He seemed to have plenty of money.'

'Did anybody else accompany you to the Falls?'

'No.'

'Just you three—alone, eh?'

'Yes.'

'Do you know anything of this boy's family?'

'I know nothing.'

'He never mentioned his father or mother to you?'

'Never.' There was a short silence, then Birchall resumed:

'Must I take it, then, Mr. Murray, that you have no clues to work on—that you have done nothing to bring this criminal to justice?'

'Why should you ask me that question, Mr. Birchall?' fenced the detective. 'I have not said that there are no clues.'

'How can you have found a clue when the body is not even identified?'

'I have several clues,' replied the detective and then paused. 'Here is one!' And, suddenly, he took from his pocket the broken bit of cigar-holder.

Birchall never flinched, not a muscle of his face moved as he stared intently at the piece of ivory.

'Ah,' he breathed softly. 'That settles it. Dick Benwell's cigar-holder. He always used it. Poor, poor fellow!'

'You notice the initials, Mr. Birchall—R.W.B.?'

'Yes, yes! The same as mine. We often joked about it. I used to say that if I stole his holder I should have as much proof that it was mine as he would. But,' with raised voice, 'who killed him? How did he get into that dreadful place? It is terrible. Poor, dear fellow!' And, apparently overcome with emotion, he hid his face in his hands and remained silent for some time.

Murray looked at the man in front of him. Was he speaking the truth or was he lying? If the latter, it was the finest bit of acting, the detective thought, that he had ever seen. But why should he suspect him? His answers had been straightforward and open, and his story clear as daylight. Murray

could find no flaw anywhere, yet deep down in his heart he was convinced there was a snag somewhere and he would find it, cost what it may. This man was not as he appeared to be, and from that moment the famous detective decided upon his course of action.

Mr. Birchall raised his head.

'There will be really no need for me to view the body of my young friend now, Mr. Murray. You will realize, I know, how—how painful it would be. I identify him from that holder. I assure you that I *know* now it is the body of Dick Benwell which you have found. It could be no one else. Surely that is enough, Mr. Murray?'

'Certainly it is, Mr. Birchall,' said Murray sympathetically. 'I shall not trouble you further on that point. Indeed, I am most grateful to you for the very prompt and ready help you have given to me. I think I see my way clear now.'

Birchall gave the detective a swift glance and then dropped his eyes again.

'But,' went on Murray. 'I'm afraid I must ask you to keep me posted as to your whereabouts. I will, of course, trouble you as little as possible, though I may require your further assistance at any time. Are you stopping here long and where are you going when you leave?'

Birchall paused before replying. Then he said:

'We are probably leaving to-morrow for Niagara Falls. We shall go to the "Falls" hotel.'

Murray noted the address in his pocket book, expressed his sympathy with the bereaved friend and took his departure.

Straight from the Birchall's hotel Detective Murray went to the telegraph office and despatched the following code-telegram to the Niagara Falls police:

Man and woman named Birchall probably arriving Falls hotel tomorrow. Shadow them until I arrive. Detain if they try to cross over into the States.

* * * * *

Satisfied that he could lay his hands on the Birchalls at

any time if needed, Murray sent a cable to Scotland Yard and then proceeded to London, Ontario.

There, he made the most exhaustive inquiries as to Benwell's visit, and, as he expected, no one knew anything of the wealthy young Englishman who was visiting the town with a view to taking up farming. Nobody had seen him about. Every resident and farmer in the district were appealed to, but without result.

Birchall might be a liar, and evidently was, commented Murray, but this did not prove him to be a murderer.

Hurrying back to Niagara, Murray found Scotland Yard's reply to his cable awaiting him. This informed him that Birchall had been an undergraduate at Oxford University. He had left there suddenly, under a cloud. There were rumours at the time that he had been converting sums of money to his own use, but no action was taken. He had left many debts behind him. Subsequently, he had eloped with the daughter of a railway official, and, under the name of 'Lord and Lady Somerset' they had crossed to Canada, where they had been suspected of defrauding several persons. Scotland Yard was interested in Mr. Birchall's movements and would like to interview the gentleman.

Such was the record of this well-spoken, charming man whom Murray was watching, and it was enough for the detective. He determined to take the plunge—risk everything and have Birchall arrested. It was, indeed, a very grave risk. He had nothing to warrant such drastic action. If the step was a false one, he would have to face possible ruin and degradation. But Murray trusted in his 'Gambler's luck' which had never failed him yet.

To his astonishment and indignation therefore, Birchall found himself and his wife arrested, charged with murder and remanded. Murray had staked his all—and he won!

At the same time he announced in the Press that the body found in Blenheim Swamp had been identified as that of a young Englishman named Richard Whickam Benwell, and invited any who had knowledge of the deceased to come forward.

The day after this startling news had been published, Detective Murray received a visit from a Mr. Pelly, the son of an English clergyman. Mr. Pelly was a young man of twenty and he had an astonishing tale to relate.

'You may not believe what I am going to tell you, Mr. Murray,' he said as he sat with the detective in the latter's private room in the 'Falls' hotel. 'But it is as true as God's gospel. I cannot say more.'

'Go ahead, Mr. Pelly,' replied Murray. 'I am all attention.'

'Two months ago,' began Pelly, 'I was in England and saw an advertisement which read as follows:

Canada.—University man, having farm wishes to meet gentleman's son to live with him and to learn the business with a view to partnership: Must invest £500 to extend stock; Board and 5 per cent. till partnership is arranged.

'Well, I was keen on farming and always wanted to come to Canada. So, with my father's help, I got into touch with Mr. R. W. Birchall. An interview was arranged and he finally agreed to take £250 in advance, and £250 more after I had been a month on his farm. I should tell you, that his usual practice, he said, was to receive the £500 premium at the start. The matter being settled I was told to join Mr. Birchall and his wife on board the *Britannic*. I did so, and found another young Englishman was also of the party—a Mr. R. W. Benwell, who had been attracted by the same advertisement as I had. Benwell was a first-rate fellow—one of the best, and we became tremendous friends at once. The Birchalls, too, were charming and did everything to make the voyage pleasant and comfortable for us. Among the sports on board was target-shooting at sea, and I noticed that Birchall was a dead shot.'

'One moment, Mr. Pelly,' interrupted the detective. 'Was this young friend of yours a smoker, by any chance?'

'He never smoked,' replied Pelly. 'I often chaffed him about it, and once persuaded him to try a cigarette, but he hated it.'

'He never had anything like this, then, I suppose?'

remarked Murray, drawing for the second time the broken bit of cigar-holder from his pocket.

'No, but Birchall did. Why!' exclaimed the youth excitedly, springing from his seat. 'Why, that is Birchall's! Look at the gold spiral band with the initials R.W.B. engraved! I often saw him using it.'

'So,' mused Detective Murray to himself. 'The final link in my chain.' Then in a louder voice. 'Will you swear to this on oath, Mr. Pelly?'

'Certainly, I will! Where did you find it, Mr. Murray?'

'Go on with your story,' said the detective quietly, ignoring the question. 'I am deeply interested.'

'A few days after we had left the ship, I was taken ill,' said Pelly, resuming his seat. 'It was during that time that Birchall intimated to me that he and Benwell were going "up country" to inspect the farm of which Birchall had never tired of giving a glowing account. He said they would be absent for some days. At the end of that time, Birchall, smiling and satisfied, returned—alone. Benwell, he said, had taken a strong dislike to the place, refused to live there, and had gone to visit some friends with regard to another farm. Birchall considered him an ungrateful fellow and washed his hands of him entirely.'

'I was astonished at this story and not a little uneasy. Benwell and I had become close friends and we had arranged never to part without leaving an address by which we could correspond. Now, he had vanished without a word of farewell and leaving nearly all his kit behind him.'

'Where did all this occur, Mr. Pelly?' asked Murray.

'At Buffalo.'

'Some little distance from Blenheim Swamp, then. Please go on.'

'Shortly after this we read of the discovery of the body in the swamp, and, I think, three or four days later, I saw and recognized the photograph. Horrified, I showed it to Birchall, who laughed at my fears and said that he saw no likeness to our friend. I urged him, at least, to go and view the body and

make certain. He refused to be mixed up in the affair. I had no suspicion at this time, but I was becoming alarmed. For the next two weeks I worried Birchall to take the matter up, but he resolutely refused. Then, at last, I threatened to get into touch with the police myself if he didn't. Birchall became very angry at this but eventually promised to communicate with the authorities.'

'But, why did you not take the matter up yourself, when Birchall refused to act—if you were so certain that it was your friend's body which had been found?' asked Detective Murray.

'Because,' returned Pelly, 'Birchall was personally responsible for Benwell, who was only eighteen years of age, and I had become accustomed to take his advice in everything. He had great influence over us both.'

'Ah, I understand. By the way, did Mrs. Birchall see this photograph?'

'I do not think so.'

'You did not show it to her?'

'No, never!'

'I see. Well, what happened, then?'

'Birchall told me that he had written to the police and he became his usual charming self again. The following day he asked me to go with him to see the Niagara Falls.'

'And you went?' asked the detective somewhat eagerly.

'Yes, I went,' returned Pelly slowly. 'And my eyes were opened.'

'What do you mean, Mr. Pelly?'

'We went to the Falls. Birchall took up his position on the very edge of the waters. He called to me. He said, "Come and stand here. The view is superb!" I was going towards him when I caught a horrible look in his eyes. I cannot explain it, but it was terribly evil and murderous. Call it what you will—instinct, self-preservation, thought-reading—I knew for a certainty what was passing through Birchall's mind—*what he meant to do to me* when I reached his side. I stopped and stared at him and at that moment

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stranger walked up the slope and took up his position quite near to Birchall. That man's arrival, I know now, saved my life.'

'Probably your imagination, Mr. Pelly,' smiled Murray.

'No,' replied Pelly sharply, 'it was not. I was afraid of Birchall now—and on my guard. The next morning he persuaded me—somehow I could not resist him—to walk over the bridge to the United States side of the river and return by the lower suspension bridge. When we arrived at the latter, I was lagging behind, purposely. Having arrived at the centre of the bridge, he turned and called to me to hasten. I stopped. He shouted, "Walk with me!" I did not reply. He advanced towards me. I stepped back. He stood and looked at me for a minute, went very white, turned on his heel and passed over on the Canadian side. I have not seen him since. When I read of his arrest I came to see you at once.'

There was silence in the room for a space.

'You have told me a strange story, Mr. Pelly,' said Murray. 'What, do you think, was the motive behind this behaviour of Birchall's, presuming, of course, that all you say is correct?'

'It was this,' replied Pelly, leaning forward in his chair. 'Having got £500 out of poor Dick Benwell, he killed him at the first opportunity, but I, having only paid half that sum, was allowed to live until I had paid the other half, then, I too, would have been quietly put out of the way. As it was, he tried to kill me at the Falls, after I had threatened to communicate with the police. I was interfering in his plans too much. When he sent that letter to you, you may have thought that it was the height of audacity that a murderer should wish to identify the body of his victim. But, he did it under compulsion—I forced his hand unknowingly. If you had not found that bit of cigar-holder, Birchall, probably, would have viewed the body and bluffed that it was not Dick Benwell. Who would have contradicted him? I would not like to say how many other fellows he has treated in the same way.'

'This is a very grave statement to make, young man,' said Murray severely. 'After all, it is only what you think, and such thoughts uttered aloud may have serious consequences, you know.'

'But my statement is true,' returned Pelly standing up in his eagerness. 'And you know it!'

John Wilson Murray, reader of men's souls, also rose from his seat and looked long and keenly into the eyes of the boy.

'Yes,' he said softly. 'I think it is true!'

* * * * *

Ever since his fruitless visit to London, Ontario, Detective Murray had shown astonishing skill and industry in collecting and piling up evidence which, slowly but surely, was knotting the rope round Birchall's neck.

He had found a girl who knew Birchall by sight and swore that she saw 'Lord Somerset,' as she thought he was, on Eastwood station on the night of the murder, between seven and eight o'clock. She remembered the hour because she herself was waiting for the 7.50 down-train. He seemed pressed for time. She recognized him standing on the opposite platform under the station lamps. A reedcutter working in his swamp-boat far out on the swamp heard two shots the same evening. They were unusual sounds in those solitudes and he timed them as 'soon after six.' Eastwood station, by a short cut through the woods is four miles from Blenheim Swamp. The news of Birchall's arrest and the identification of Benwell's body had brought forward several passengers who had travelled with the two men on the *Britannic*. Each of these, independently, recognized the cigar-holder as like the one used by Birchall on the ship. Again, under the detective's interrogation, the unhappy Mrs. Birchall was compelled, amid tears and entreaties, to admit that she had seen Birchall destroying clothing that was not his own. 'But,' she sobbed, 'I asked no questions. I was afraid.' Further examination proved that it was property left behind by Benwell when he went upon his fatal journey. And now came Pelly's

story—Pelly, who had since identified the body of his friend. Surely, thought Murray, it was enough—the chain was complete. And so it proved.

When invited to explain the presence of the cigar-holder on the spot where Benwell's body had been found, Birchall said that he had given it to the boy; but, on being informed that Benwell was a non-smoker, he shrugged his shoulders and said nothing. Asked why he had attempted to delude Detective Murray into thinking the holder had always been Benwell's property and that the engraved initials were his as well, Birchall again remained silent. Indeed, there was no more to be said on the point.

The trial was a sensational one and Birchall loudly protested his innocence. His counsel put up a strong defence, but it came tumbling down like a house of cards before the cold, incisive logic of the Crown, and Birchall was found guilty and hanged.

Mrs. Birchall was acquitted.

On the eve of his execution Birchall was urged to confess to the crime. For a long time he did not reply. Then, rising slowly to his feet, he said in a loud voice:

'God and I alone know the truth of this matter; but the jury were fair and my judge was just!'

The Force in Verse

ALTHOUGH usually as a minor and more or less stock character, the policeman has been for many years a familiar figure in novels and on the stage. In verse, however, he has never appeared to anything like the same extent. The few references, moreover, being almost invariably made by some person in conflict with the force, are usually of a hostile character. A fair example is Mr. Chesterton's 'Logical Vegetarian,' who, being arrested for the confessed offence of being drunk and disorderly, proceeds to accuse the constable of perjury.

The one quality to which the versifier bears tribute, although usually unwillingly, is efficiency. If one does certain things, a constable appears automatically and without question. The anonymous author of 'If I had a Donkey' wrote:

'As Bill and I did break the peace,
To us came up the new Police
And marched us off, as sure as Fate,'

and no later ballad-monger has run counter to the precedent thus established.

It is only in the verses of W. S. Gilbert that the policeman rises above a mere appendage to the story, and is treated as a man and not as a phenomenon. In addition to the almost over-familiar 'Policeman's Lot' he has left us, besides frequent references, both laudatory and critical, three ballads dealing wholly or mainly with police duty; as well as an instructional lyric 'To a Little Maid,' which might be alternated 'Or How to make a Tactful Arrest.'

In the narratives we get glimpses of all qualities, good,

bad, and often contrasting. Sergeant Peter Forth is 'not naturally bad' but easy-going, with all the virtues and defects of that humour. Proud and calm in the face of difficulties and hatred, he renounces his mischievous ways when he realises the resentment they have caused, but it is to be feared that under the influence of popularity he may have returned to his custom of humouring 'his wagsome turn,' and welcomed with renewed vigour the increased opportunities for practical joking given by his irregular promotion.

Constable John is perhaps the worst of our three musketeers. Passionate and undignified, he is arbitrary in the exercise of his duties, and harsh in manner. Yet he forgives the man to whom he owes his disturbed mind, and it is not until his successful rival for the lady's hand has twice offended that he takes him up for the offence which brings the culprit a well-merited 'lifer.'

Even more interesting and instructive, perhaps, is the story of Constable 32 James. Years before science became the handmaid of police work, Gilbert gives an amazing forecast of the possibilities of what is called by the popular press, 'The New Policeman.'

A gentleman of high rank calls the constable, who, on arrival, finds him struggling with another man. An apparently clear case of felony under the 'Garrotters Act, 1863 (26 and 27 Vict. c. 44),' P.C. James is not led away by appearances. He calms the infuriated complainant and proceeds with his investigation. He states his qualifications,

'I some years ago
Assisted a phrenologist.'

By means of this science the accused assailant is found to be morally incapable of the offence. His many excellent qualities are enumerated :

'He of true Christian ways
As bright example sent us is,'

sums up James, and closes with a Latin tag.

Sir Herbert White is impressed, more convinced, and even begins to doubt himself.

'Uncover, please, my skull,
And tell me what you find in it.'

Quickly the constable's suspicions are confirmed :

'Sir Herbert, you've a skull
That teems with inhumanity.'

Another string of qualities—bad this time. Sir Herbert White breaks down, confesses, and begs to be taken in charge. Then comes one of the touches which make Gilbert's policeman, unlike the conventional type, men and not machines. P.C. 32 James is human, and his pride, increased by his prisoner's earlier jibes, appears on his face. We feel he says 'I told you so.'

An eminent actor, who has devoted his life to the portrayal of Gilbert's characters, has recently declared that there is no possible incident or institution which Gilbert has not summed up in a couple of lines. Certainly this is true of the police service. In spite of faults, and he has certainly not passed them over—he mentions 'squaring'—he alone shows signs of friendship for the service of which he might well be called the Laureate, and his final opinion is none the worse for being moderate in tone :

'John was a very good man on the whole.'

The components of the outfit are as follows :

Fig. 2

1. Filter Papers.
2. Rubber Gloves.
3. Electric Torch.
4. Physiological Saline Solution.
5. Benzidine.
6. Glacial Acetic Acid } For blood tests.
7. Hydrogen Peroxide. }
8. Sterilized test tubes for exhibits, etc.
9. " " "
10. " " "
11. Scissors.
12. Pipette.
13. Case containing knife, small phials, assorted tweezers, litmus paper for acid tests, foil, etc.
14. Forceps.

Fig. 3

1. Finger-Print Copper Block.
2. Camel Hair Brush.
3. Finger-Print Forms.
4. Powder Blower (graphite).
5. Powder Blower (grey powder—mercury and chalk).
6. Appliance for finger-printing dead bodies.
7. Magnifying Glass.
8. Finger-Print Ink.
9. Grey powder for use other than spraying.
10. Black powder for use other than spraying.
11. Glass Cutter.
12. Roller.

For examination of suspected blood-stains the benzidine test appears to be the most satisfactory, and is extremely sensitive. It is prepared as follows :—Benzidine, 1 part, glacial acetic acid, 2 parts, and hydrogen peroxide, 9 parts—in this order. The reaction with blood-stains is instantaneous, a greenish-blue coloration being produced. Whilst positive action may not be conclusive evidence of the presence of

¹ Test Tube No. 10 has since been replaced by a 'Laminex' magnifier.

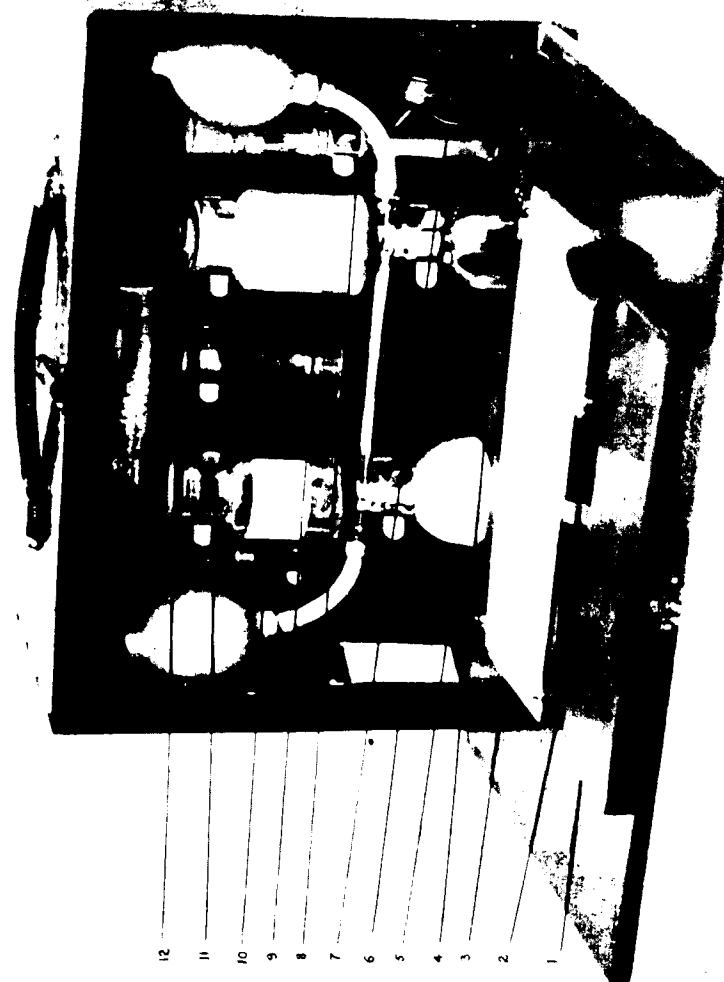


FIGURE III
APPLIANCES FOR THE DETECTIVE-OUTFITTER

blood, negative reaction certainly eliminates blood as the cause of the stain. The test is only used as a preliminary one on a minute part of a suspected stain. Where blood-stains are found at the scene of a crime (and proved to be such) and the offender has not been arrested, the fact that he will have sustained some injury is useful information for the force, especially when circulated immediately the crime is known to the police.

Physiological saline solution (0.9% sodium chloride), together with filter paper, is included for removing blood-stains on immovable objects. Receptacles are also included for blood-stains which can be scraped off for the usual microscopical and micro-chemical tests.

Receptacles are also provided for dust, dirt, hairs, fibres, etc., for microscopical examination in the laboratory at headquarters.

The powder blowers used in the finger-print outfit, details of which are enumerated above, are the De Vilbiss No. 36 type, and have been proved most efficient for all purposes. The bulbs are easily removed, and can be used for blowing off surplus powder.

With an outfit such as this duplicated visits to the scene of a crime are eliminated, and valuable time is saved. It must not be said of the police officer, as of the plumber—'He had to go back for his tools.'

Police Forces Overseas

A SOUTH AFRICAN SKETCH

A PROLONGED drought had killed off most of the goats and sheep in the location, and the resident natives were living on short meat rations. What animals remained were in poor condition and hardly fit for eating.

Small wonder then that Molepe was yearning for a full and satisfying meal of fat cooked sheep. Tidings had come of some fat yearlings on a farm six miles off. This decided Molepe. A moonless, cloudy night gave further opportunity. The venture proved successful.

Early next morning Molepe and family revelled in juicy roast meat till nought remained but dry-sucked bones, which were duly buried outside the hut, with all traces of burial removed.

The usual morning count of the deprived farmer revealed the loss of one sheep. Promptly the police were informed. A sergeant took up the trail on foot which led in the direction of the location. The spoor made by ordinary boots yielded no distinguishing feature.

Now the trail died away, for the veld was dry and stony and studded with thorn bushes. The sergeant felt he was beaten when he caught sight of a piece of old cloth, about an inch long and half an inch wide, impaled on a thorn bush, about three feet above the ground. About two feet higher on the same bush was a tiny shred of sheep's wool. Carefully the bit of cloth and piece of wool were removed. They might prove useful.

No sign of spoor showed, yet the sergeant continued towards the location. He interviewed the headman. He well knew no live lamb would ever be found, but an apparently casual inspection could do no harm.

Curiosity brought the men folk out of their huts. Yes, there was Molepe, grinning 'Good day.' But stay, that faded blue serge jacket he was wearing was identical in colour with the piece of cloth even now in the sergeant's pocket—the same threadbare, coppery look. A fresh tear, too, showed just over Molepe's hip, with a bit of material missing.

Turning to the headman the policeman ventured, 'I suspect this man Molepe.' Came vehement denials from Molepe and protestations from the headman. Out flashed the tell-tale bit of blue fabric. Placed over the rent it fitted exactly. Further argument proved unavailing.

Molepe was arrested, tried, convicted and punished as a sheep-stealer. The sergeant was complimented in open court on his smart capture.

J. G. VAN ALPHEN.

THE BIRTH AND EARLY HISTORY OF THE NEW SOUTH WALES POLICE FORCE

BY HENRY BATESON

It was on 26th January, 1788, that the city of Sydney, New South Wales, was founded. Governor Arthur Phillip, a naval officer on half-pay, had been despatched from England the previous year to form a penal settlement at Botany Bay, an inlet on the eastern coast of Australia, but finding the proposed site unsuitable, he made a cursory survey of Port Jackson, five miles to the north, and selected the shores of Sydney Cove as the most advantageous situation for the new colony. Phillip had with him some 209 marines to guard the 529 male and 188 female convicts who survived the long voyage, and, strictly speaking, this military detachment was Australia's first police force.

It proved hopelessly inefficient. The marines were willing enough to protect the settlement from the natives and to prevent the convicts from escaping, but they regarded their other duties with aversion, practically declining to superintend the convicts at work and utterly neglecting to maintain law and order. Between Major Ross, their commandant, and Phillip there existed continual friction, with the result that all manner of obstacles were placed in the dogged, hard-working Governor's way.

Robberies and petty thefts were daily and nightly occurrences, and not only did the marines make no attempt to check them, but they were themselves among the most notable offenders. Thus, Phillip found that the very men upon whom he had to rely for the maintenance of law and order were the most active in the commission of crimes, and eventually, in March, 1789, he was forced to have six soldiers executed for robbing the public stores, a very grave offence in view of the unsatisfactory state of the colony's provisions and its dependance for the necessities of life upon the uncertain arrival of ships from England.

Shortly after this episode a convict named Harris proposed giving effect to the dictum of 'Set a thief to catch a thief.' He suggested to Judge-Advocate Collins that a night-watch of the best-conducted and most trustworthy convicts should be established. The idea appealed to Phillip, and in August 1789, he issued regulations dividing the settlement into four divisions and providing for the appointment of twelve convict watchmen, who, in parties of four, were to patrol the encampment from 'as soon as the taptoo has done beating until the working-drum beats in the morning.' These watchmen were 'fully authorized to patrol at all hours in the night, and to visit such places as may be deemed necessary for the discovery of any felony, trespass, or misdemeanour, and for the apprehending and securing for examination any person or persons that may appear to them concerned therein, either by entrance into any suspected hut or dwelling, or by such other manner as may appear expedient.'

Phillip's regulations provided for each district being placed under the particular inspection of one person, who was to inform himself of the actual residence of each individual in his district, as well as of his business, connexions, and acquaintance. Convicts found selling or bartering their slops or provisions, or staking them in gambling, were to be reported to the

Judge-Advocate, while any soldier or seaman found straggling after the taptoo or discovered in the convicts' huts was to be detained and lodged at the nearest guard-house. There was a threat that any negligence on the part of the watchmen would be punished with the utmost rigour of the law, and they were expressly prohibited from accepting any rewards.

'They are never to receive any fee, gratuity, or reward from any individual to engage their exertions in the execution of the above trust,' declared Phillip's ordinance; 'nor are they to receive any stipulated encouragement for the conviction of any offender; but their diligence and good behaviour, will be rewarded by the Governor, and for which purpose their conduct will be strictly attended to by those who are in authority over them.'

Such were the duties of, and the conditions governing, Australia's first civilian police force. Provision had been made for the appointment of twelve watchmen, but only nine were apparently appointed, although it is possible that subsequently the number was increased to twelve. The patrols were under the inspection of Herbert Keeling, a convict undergoing sentence of transportation for life. He was pardoned in 1800 on account of his services.

The experiment proved an immediate success, and very shortly Phillip was able to transmit a highly favourable report to England. 'The watch . . . so fully answered the purpose,' he declared in a despatch to Lord Sydney dated 1st February, 1790, 'that for three months not a single robbery was committed in the night. . . . They were particularly cautioned against having any dispute with a soldier or sailor, and were promised to be rewarded in future if they were honest and vigilant, which they were, for they acted very properly on several occasions when they met with soldiers or sailors in the night, and they prevented many robberies.'

But once again Phillip's good work was destined to be practically destroyed by the action of the military. The regulations had been submitted to Major Ross for his approval, which he gave after a few minor amendments. Three months later, and despite the fact that in that time no complaint had been lodged against the conduct of the watchmen, he took strong exception to convict watchmen possessing the right to stop a soldier, informing the Judge-Advocate 'that he considered a soldier being stopped, when not committing any unlawful act, as an insult to the corps, and that they would not suffer themselves to be treated in that manner or be controlled by the convicts while they had bayonets in their hands.'

Phillip reasoned in vain. He pointed out that robberies had been effectually stopped, that the soldiers had robbed the public stores the year round, which would have been impossible had the watch then existed, and that there was little probability of detecting a soldier if he was never to be questioned except when caught in the act of stealing. Major Ross continued to persist that it was an insult to the corps, and in November 1789, Phillip was reluctantly forced to withdraw the order respecting the stopping of soldiers.

In the years that follow we hear little of the convict watch. No newspapers were then in existence to chronicle its deeds, and on rare occasions only were its activities deemed of sufficient importance to warrant being mentioned in an official despatch from the Governor to the Secretary of State in England. Presumably it worked fairly satisfactorily, at any rate for the first two or three years, but as the settlement expanded and fresh ship-

ments of convicts arrived, the watch lost much of its effectiveness. Crime steadily increased, and although the number of watchmen, or constables, as they were now termed, was increased, no improvement resulted.

By this time the outlying settlements also had their watchmen, each district being under the control of a high constable. The most famous and at the same time infamous of these was George Barrington, a noted pick-pocket. In England he had for long been almost a public figure, but eventually, in September 1790, he was convicted at the Old Bailey of picking pockets and sentenced to seven years' transportation. On the voyage to New South Wales he became a religious convert, performing service and giving a sermon twice on Sundays. His conduct on arrival was exemplary, and within a few weeks he was given a post as watchman at the Toongabbie barracks. In 1792 he was granted a conditional pardon. Barrington became high constable and superintendent of convicts at Parramatta, a few miles outside Sydney. He proved much more efficient as a policeman than as a pick-pocket, and his ability and diligence brought him high praise from Governor Hunter in 1796. Four years later Barrington resigned his post, being granted half-pay because of his services. He died about 1802.

The steady influx of convicts into the fledgling colony saw a considerable deterioration in the efficiency of the watch, and Governor Hunter found that the constables were negligent and not to be trusted. He sought to encourage them by allowing them a suit of clothing annually, a pint of spirits on Saturdays, and the same rations as were served to the military and free people. In addition, a convict transported for seven years was granted a pardon after three years satisfactory service as a constable, one transported for fourteen years was given the same reward after serving for seven years, and the 'lifer' was entitled to conditional emancipation—he was given his liberty, but prohibited from leaving Australia—after ten years' service.

These various rewards, however, brought about no improvement, and in 1796 Hunter divided the settlement into areas and made the inhabitants of each area select annually 'three decent and respectable fellow-residents' to serve as constables. Whether this system of police was substituted for the earlier night-watch is questionable; probably it represented the creation of an additional force of watchmen. In any case, the alteration proved a failure, possibly because the wrong type of constable was selected or because he did not feel inclined to pay over much attention to his duties. Nocturnal robberies and escapes from gaol steadily increased, so that Hunter was forced to suggest that they were due either to the negligence or connivance of the constables and watchmen. Yet it was not until 1810 that any determined attempt to reorganize this corrupt force was made, but Governor Macquarrie, who arrived in the colony at the end of 1809, set about the reorganization of the police system with characteristic vigour and thoroughness.

At first he utilized military patrols for maintaining order in the streets at night, but at the end of a year he inaugurated a system of semi-civilian constables under a Superintendent of Police, and laid the real basis upon which the New South Wales police force of to-day has been reared. It is rather remarkable that Macquarrie's regulations bear a close resemblance to many of the fundamental principles of all modern police systems. In the first place, he divided the growing town into five police districts, and ordered that a watch-house should be erected in each district. Seven constables were allotted to each district, one of these in each case being

designated the District Constable and placed in charge of the district. Two constables were to patrol each district by night, the District Constable being instructed to visit the watch-house and to see that the other constables were attending to their duties at certain hours each night. Armed with a cutlass and carrying a rattle instead of a whistle for sounding an alarm, the ordinary constables had to patrol their beats every half-hour, and it was part of their duty to call the hour as they went by. Like the modern constable, they had to examine the doors and windows of houses and shops and make certain that they were secure.

The District Constables were under the immediate direction of a Chief Constable, and he in turn took his instructions from the Superintendent of Police. The latter, besides having complete control of the police force, was also a magistrate, and he had to try those prisoners arrested by his constables. If the charge was a minor one, such as drunkenness or a trifling felony, he administered summary justice, sentencing the prisoner to a public whipping or a short term of hard labour, but on the more grave charges he had only to satisfy himself that a *prima facie* case had been made out, and he then committed the prisoner to stand his trial in the Criminal Court.

If we may believe Macquarrie, his police system proved remarkably effective. 'It gives me much Satisfaction to be enabled to add that those Regulations have been productive of the happiest Effects,' he wrote, lavish as ever with his capitals, 'and have answered all the purposes for which they were framed, in a Manner far beyond my most Sanguine Expectations; for I may here observe that the Regularity and Efficiency of the present System is not surpassed by that of any City in Europe. Previous to this Police Establishment, our Streets frequently exhibited the most disgraceful Scenes of Rioting, Drunkenness, and Excesses of every kind, and each Morning brought to light the History of Thefts, Burglaries, and Depredations which had been Committed the Night before. Happily, such Occurrences are now almost totally suppressed, and when an Occasional Plunder does take place, such is the Vigilance of the Police that Justice speedily overtakes the Delinquent.'

Despite the increase which occurred in the population, it was by slow degrees only that the police force was increased. In 1810 it consisted of the Superintendent of Police, the Chief Constable, five District Constables and forty-five petty constables. Later an Assistant Superintendent and an Assistant Chief Constable were appointed, but by 1819 the number of petty constables had only increased to fifty, although the following year the number was brought up to sixty-four. The Superintendent received a salary of £200 per annum, and the Assistant Superintendent and the Chief Constable £60 each. The District Constables received £10 per annum, slop clothing from the public store, a ration and a half, with rations for their families, per day, and an occasional issue of clothing, while the petty constables received the same allowance of rations and clothing, but no pay. In actual fact, however, the clothing allowance was always in arrears, and the policemen were lucky to receive an issue of slops once in a while.

Minor changes in the system were made from 1820 onwards. They were the result of an alteration in material conditions rather than of any deliberately intended reform, but the police force continued to grow, new ranks were created, and greater efficiency was secured. In course of time the Superintendent of Police became the Inspector-General of Police, and

inspectors, sub-inspectors and superintendents came into being. In 1824, as the result of the activities of bushrangers and the extension of settlement, a mounted police force was organized by Governor Brisbane, men who could ride being drafted from the troops stationed in the colony. This force remained subject to military law, and the troopers wore a semi-military uniform. They fully proved their worth in the incessant battle with bushrangers, a battle which lasted for many years.

Nevertheless, the police system as a whole was defective and unsatisfactory. Broken into numerous sub-divisions that acted independently of one another, it lacked cohesion and effective organization, a defect which became glaring when goldfields sprang up in almost every direction. Serious outbreaks on many fields occurred; but it was not until the riot at Lambing Flat in 1861, when a thousand miners raided the Chinese quarter, burning the huts, destroying the property and stealing the gold of the Celestials, that the Legislature realized the necessity for inaugurating a properly organized and effectively controlled police force. The ringleaders at Lambing Flat were arrested, but a body of between 2000 and 3000 miners demanded their release, and sought to rush the police stockade, defended by less than 100 foot and mounted police. In the pitched battle that followed eight miners were killed, and later the police station and every Government building on the field was burned, the arrival of a large body of bluejackets and police alone ending the period of anarchy.

As a result of this event the Police Act of 1862 was passed. This placed the New South Wales police force on a proper basis, under one central control, with headquarters in Sydney. The colony was divided into divisions, each of which was controlled by a Superintendent and policed with inspectors, sub-inspectors, senior-sergeants, sergeants, senior-constables, constables and supernumeraries. The foot and mounted police were now under one control, and although by reason of the low strength of the force, and its wide distribution, it was not as effective as it might have been, yet the new system was a distinct advance on that which had previously existed. Indeed, the system laid down in 1862, and which had grown by slow stages from the convict watch of Phillip's time, remains to-day. It has been extended and modified to meet altered conditions, but the fundamental principles remain the same, and the modern and efficient police force of New South Wales may be said to date from the year after the battle of Lambing Flat.

CORRESPONDENCE

STREET TRAFFIC

To the Editor of THE POLICE JOURNAL.

SIR,

In your issue of July last you published a review of my book, *Street Traffic Flow*. Your reviewer expressed distrust of my conclusions, and took exception to my assertion that no appreciable and inherent improvement in the traffic situation would follow the abandonment of tramways in London—were that possible—on the ground that traffic conditions in the Kingston area are noticeably better, following the closing down of the tramways there. I am afraid that your contributor has not read my book properly, or else is not well acquainted with the traffic conditions surrounding the tramways to which he refers. I expressly condemned tramways in narrow streets, and pointed out their disabilities in busy shopping streets. A great proportion of the Kingston tramways were laid in narrow streets, implying either double tracks with inadequate margins—putting trams at the mercy of slow and parked vehicles—or single lines and passing loops, a most objectionable arrangement in shopping streets. No appreciable traffic was passed up to London, and there was no heavy rush traffic or very congested crossings. In London proper traffic flow at intersections in rush hours is of dominating importance, and the disadvantages of buses in smaller capacity, straddling traffic lanes, non-reversibility and inability to operate subways and lateral semi-private tracks (as on the Embankment) are distinctly serious. Such an observation does not apply to the trolley buses now giving a 20 per cent. faster service than that hitherto provided in Kingston by the antiquated cars formerly used. It may be noted, however, that the trolley buses are still slower than the remaining L.U.T. tramways using high-powered cars, mostly on wide streets.

The Kingston conversion has no lesson at all as regards London generally, and a considerable amount of nonsense is being spoken about it by people who do not know much about it. There was not a single route free from single lines or inadequate margins.

Contrary to your reviewer's suggestion, my assertions are not without a considerable amount of support by mathematical analysis and practical observation. But I am not concerned, in my book, with popular opinions on subjects about which few people have any worth-while knowledge, *e.g.*, tramways.

I observe that your contributor has no comments to make on my *treatment* of this subject, but dislikes the *conclusions* since they do not conform to his opinions. Nor has he any observations to make as regards my treatment of the many intricate subjects dealt with apart from tramways, *e.g.*, crossing control, parking, horse traffic, etc.

Some thirty reviews of my book have appeared in technical journals, and several chief constables have expressed considerable interest in it. Your contributor's is the only one that can be said to be disparaging. Obviously in a book of this size and character there must be scope for criticism, but I am afraid that your reviewer has failed to point to its real defects.

HENRY WATSON.

[Our reviewer writes: 'If Mr. Watson will read the review carefully he will see that no opinion was expressed by the reviewer as to the author's views on tramways. The comment made was that "all questions of this character must be brought to the touchstone of fact"; and for that purpose Mr. Watson's contention that no traffic advantage would accrue from the substitution of flexible transport for tramways in *suburban* London was considered in the light of the development in Kingston (where the tramways were very similar to those in many other parts of suburban London). The point taken by the reviewer was that, in the one instance in which this thesis of Mr. Watson's has been brought to the test of fact, it has been proved to be wrong. As the issue relates to *suburban* London, Mr. Watson's remarks above as to tramways in "London proper" are not relevant.

'The comments which Mr. Watson desires as to his treatment of the various phases of traffic will be found in the second paragraph of the review and the first sentence of the third paragraph.']

FAKING

To the Editor of THE POLICE JOURNAL.

SIR,

The faker of works of art is a worthy object of police vigilance, and I found the article in your October issue particularly interesting.

A collector of antiquities is also vulnerable in other ways in addition

to the deliberate intention on the part of the vendor to deceive. May I relate an instance in my own experience where through the anomalous conditions of public auction I was relieved of a goodly sum as recently as last year?

I visited a famous saleroom to see two old English bracket clocks, both by known makers. Full prominence was given to such important pieces by a full-page illustration, and only three items (including these) occupied a whole page in the catalogue. Moreover, the owner's name, a well-known collector, was boldly given on the title page and against the property—I suppose as an additional assurance of quality and authenticity.

In a dim corner of the large room one of the clocks rested on a card-table, the leg of which was broken, and my attention was rather directed to the safety of the valuable object on top.

I did little more than identify the clock without, according to a collector's custom, making a proper examination. The reputation of the auctioneer and the owner seemed conclusive guarantee. I asked my usual expert to go to the auction rooms and vet the clock, but just before the sale I heard he was unable to do so, so I telephoned my bid to the auctioneer's clerk. Next morning I received an invoice for the clock, which had been bought for me at somewhat below my limit. Of course I was pleased and sent my messenger for it.

As it needed a little attention, I sent it to my restorer and it was returned to me on my return from my summer holiday. The same day the expert who should have vetted it in the auction room called and asked to be allowed to examine it.

Removing the movement from the case revealed the worst fake I have ever seen. Only the case and dial were genuine—the remainder was a worthless modern movement with an engraved back-plate maliciously smeared with dirt to give the appearance of age.

I at once called upon the auctioneer, and was most courteously informed they accepted no responsibility—clearly printed conditions accompanying every catalogue protecting them.

My solicitor then took the matter up with the owner, and he repudiated any claim on the excuse he had himself bought it believing it to be genuine. *Caveat emptor*. Further comment seems superfluous.

Yours faithfully,

F. H. GREEN.

THE CADET SYSTEM .

To the Editor of THE POLICE JOURNAL.

SIR,

Nemo has made an interesting contribution in the July number in 'The White Paper : A Criticism.' He speaks with full experience both on the proposed short-service periods and curtailment of Police Federation meetings ; as a police officer of twenty-four years' service I am in agreement with him in his remarks on these two subjects. I cannot, however, agree with his views on the cadet system. He does not speak here from experience, nor does he appear to have studied other police systems where the police cadet system is in force, and has proved a hundred per cent. success.

As a member of the great Indian Police Service (I use the word 'great' in its fullest sense, for the Indian Police is to-day the largest police service in the British Empire and perhaps in the world), I think I am qualified to express an opinion contrary to Nemo.

When one considers the point closely, it comes as a revelation to find that there are few if any professions where the cadet system is not in force, in one form or another.

Until very recently, when the University of London started it, there was no such thing as a Commercial degree. The way to get on in business was to start as office boy, and learn what you could as you went along. You toiled painfully up the ladder. To-day the largest firms find it to their advantage to take the young man who has not toiled from office boy to junior clerk, but who has spent that period in an intensive study of those subjects which the degree concentrates upon, the higher and intricate issues of modern commerce. He may be put to junior clerk's work to gain that experience, but he is soon lifted out of it.

But let us come to where the cadet system cannot be denied, the Army and Navy. There is no question here of university degree or diplomas. Because there have been successful rankers in these services, can it be said truly that the best way to become a commander is to enlist ?

Nemo argues thus for the police : ' It is difficult to understand why men who need the inducement of certain and almost immediate preference to the higher ranks—and whose ability would apparently not carry them there through the very wide meshes of the Police Regulations (Army, Navy Regulations) should be recruited for the higher posts, to the obvious detriment of suitable candidates for such positions who are sufficiently confident of their own ability to make themselves

available for the fairest of all systems, viz., selection from the ranks.' The argument is as specious for the police as it obviously is wrong for the Army and Navy.

Under the system Nemo upholds for the police, if it was in force for the Army and Navy, we should not have had a Nelson because he would have been judged physically unfit to be a sailor, nor would Roberts have been able to stand the strain of the ranks.

The cadet system has been in force in the Indian Police Service for close upon forty years. Because it has proved such an undoubted success, it has been extended to even the subordinate ranks. Again the results of this step have fully justified the experiment.

The gazetted officers of the Indian Police Service are divided into two grades. The Imperial, which is recruited by the Secretary of State for India in England, and the Provincial, which is recruited in India by the local government of each province, generally Indians.

The former, until Indianisation came into it, was purely European. Aspirants had to be between the ages of 19 and 25. They sat in open competitive examination, the syllabus being the same as that for candidates for the Military Academy of Woolwich. As the entrance age is set higher, candidates for the police generally put in a couple of years at one of the Universities.

With the academic test, is the 'personal interview' which, carrying as it does about a third of the marks of all the other subjects, is the most important of all. In this physique, ability at games, general sportsmanship, the power of control and command as evidenced by captaincy, etc., at school, is taken into account.

The successful candidate is now gazetted to the service with a rank equivalent to that of a 2nd Lieutenant in the Army. He remains on probation for two years. During this time he must pass his departmental examinations. These comprise Criminal Law and Procedure, the Law of Evidence, Jurisprudence—in short, his attainments in Law must be such that he is qualified to prosecute any criminal case before any court, and in the event of an adverse verdict by the court, should be able to frame grounds for appeal. It is fast becoming the custom for officers of the Indian Police to enter Inns of Court after some years of service.

In addition to legal examinations, there are examinations in Administration, and a pass is required in two or more languages of the province the probationer is serving in. There is a period of attachment to a regiment, for officers of the Indian Police have to be prepared to take command of that branch of the police force which is kept and trained purely as a military body as apart from the ordinary constabulary which maintains law and order.

The probationer also puts in a period at accountant's and head clerk's work, takes charge of a police station house and investigates offences, holds inquests; in short, there is not one single branch of police work that he does not do for the first three years of his appointment.

At the same time, however, it must be stated that even the man who joins as a humble constable of the lowest rank can work himself up to gazetted rank. Experience, however, showed that the long years spent in the unintellectual grind of subordinate positions was not conducive to efficiency in the higher grades. By the time the man arrived there he was, as a general rule, mentally and physically tired. He had lost much of mental vigour and breadth of vision. He disliked new ideas and set store by that worn-out slogan of 'old and well-tried systems which have stood the test of time.' The last thing in the world a police officer should have is conservatism of ideas.

Where there is ability, youth and vigour it is a mistake to waste that, the best period of a man's life, in years of unproductive and mentally stagnating work, and that is what the cadet system seeks to avoid.

It is due entirely to the system which Nemo upholds (promotion from the ranks) that the British police labours under that Victorian snobbery which sees its superior and highest posts filled by individuals who have not an iota of police experience, administration and law, and who are unable to check and control the departmental work of their subordinates because of ignorance of practical police work.

The cadet system will replace that of the 'Squire and his relations,' and although those serving at present may at the most still be obliged to continue 'in their proper stations,' the cadet system opens up to their sons at school that advancement to the highest positions which is denied to their fathers.

The cadet system will not close the higher ranks to the ranker; on the contrary, it will create more openings, by the very reason of sympathy and more far-seeing choice and proper appreciation. Even if the posts are as limited to the ranker as at present, the rank and file of the force will have that consolation at least of knowing that their officers are not mere figure-heads, but are as practical policemen as themselves. An *esprit de corps* will be created of mutual confidence and that understanding to which the present system cannot hope to attain.

'CRAGIEHALL.'

[We have had slightly to curtail this letter, owing to the requirements of space.—EDITOR.]

THE STORY OF A CHEQUE

To the Editor of THE POLICE JOURNAL.

SIR,

I read this article in your April issue with interest, and I certainly think your readers should accept Chief Inspector Watson's advice. I am convinced that if they do there will be some very interesting cases published in *The Police Journal*.

After a careful consideration of the article and the cases referred to therein, I suggest that larceny of the cheque should not have been rejected. The authorities referred to were all decided before the Larceny Act, 1916, but, quite apart from this, if the reports of those cases are carefully considered, it will be found that the facts are quite different from those in the case under consideration.

Chief Inspector Watson does not make it clear in his article as to whether the name of the person at 291 was the same as or bore any resemblance to the name of the addressee, but I consider this important. Let us assume it was not the same, and that there was no similarity, and call the person at 291 A. B.

From the earliest times, it would appear that a felonious 'taking' is essential to larceny, and that a fraudulent conversion of property after an innocent taking, though in some cases criminal by statute, does not amount to larceny at common law. In *R. v. Fish*; *R. v. Davies*; *R. v. Ashwell*; and *R. v. Mucklow*—to mention a few of the authorities referred to—it will be observed that the letters were addressed to a person of the same name—or who was known by the same name—and therefore when the letter was opened it was held there was no *animus furandi*. In *R. v. Mucklow* the letter was addressed to a person of the same name, and the prisoner opened it and discovered enclosed therein a draft for £10 11s. 6d., which he appropriated. It was held that it was not larceny, presumably on the ground that he got possession of the draft at the time the letter was delivered to him, and there was nothing wrong in his assuming the letter was for him. If the letter had been addressed to a person with a totally different name I wonder if the decision of the judges would have been the same.

However, since those cases were decided, the Larceny Act, 1916, was passed, and section 1, 2 (1) (c) interprets the meaning of the word 'takes' as including obtaining possession under a 'mistake on the part of the owner with knowledge on the part of the taker that possession has been so obtained.' In my opinion there was larceny of the cheque, because A. B. knew at the time he opened the letter—I assume

for the moment he did so—that it was not addressed to him, and he had *animus furandi* when he received it. If, therefore, he misappropriated the cheque he was guilty of larceny, as there was a mistake on the part of the owner and knowledge on the part of A. B. that he had obtained possession by mistake.

Did Chief Inspector Watson consider section 12 (3) of the Larceny Act, 1916? That section provides that: Every person who steals any chattel money or valuable security out of a postal packet in course of transmission by post shall be guilty of a felony. The expressions 'postal packet' and 'in course of transmission by post' have the same meaning in that Act as in the Post Office Act, 1908. By section 89 of the Post Office Act 'postal packet' includes a letter, and by section 90 'a postal packet shall be deemed to be in course of transmission by post from the time of its being delivered to a post office to the time of its being delivered to the person to whom it is addressed.'

Whether the evidence was sufficiently strong to justify proceedings is another matter, and I appreciate the difficulty as to lack of evidence of delivery and the absence of the cheque. I venture to suggest, however, that very few postmen could, some days afterwards, remember whether they delivered an ordinary letter to an address unless there was some particular reason to recall the occasion, but surely the actual evidence of the postman that he actually delivered the letter is not absolutely necessary. In my view if it could have been proved, as I have no doubt it could have been, that (1) the letter was actually posted at a particular post office the day before the cheque was presented, (2) that a certain cheque was enclosed, (3) that the same cheque was presented the next day at the bank, (4) that the person who presented the cheque was A. B., who resided at 291, and (5) that he had no authority from J. P. to present it on his behalf, this was sufficient evidence to establish a *prima facie* case against A. B. If A. B. had denied that he had the cheque or presented it, of course the whole case would have depended upon the evidence of the bank clerk, but it would appear he would have easily identified A. B. if he could pick out his photograph from a number of others.

Liverpool.

THOMAS R. JONES,
Solicitor.

FRAUDS IN CONNEXION WITH PUBLIC AUCTIONS

To the Editor of THE POLICE JOURNAL.

SIR,

With reference to the article which appeared in your last quarter's issue headed, 'Faking and Frauds relating to Antiquities,' may I say, first of all, that the Society very much appreciates this, and that we shall always be glad to give assistance to your readers when they are in need of it?

Over the past ten years I have gathered together a considerable dossier relative to auction frauds and the persons who have engaged in this nefarious business.

In the considered view of my Council, it will only be possible effectively to deal either with the fraudulent auctioneer or the 'man of straw' estate agent when a measure of compulsory registration has been passed into law. (Compare also the comments of the Recorder of Portsmouth at the Midsummer 1933 Quarter Sessions.)

Does not the author of your article fall into error when he says that auctioneers are required to display a copy of the Auctioneers Act, 1845, in their salerooms? What they are required to display are the *particulars required* by this Act (name and address of the auctioneer) and a copy of the 1927 Auctions (Bidding Agreements) Act.

JOHN STEVENSON,

General Secretary,

The Incorporated Society of Auctioneers.

34 Queen's Gate,
London, S.W. 7.

REVIEWS

FAMOUS FEATS OF DETECTION AND DEDUCTION. By LEONARD R. GRIBBLE. (Harrap.) 7s. 6d. net.

HERE we are provided with a real feast of the works of the mighty: Mace, Goron, Vidocq, Berré, Carlin, Prothero, Berrett, Murray, Belshaw, Heinrich and the Pinkertons. With this great cast at his disposal Mr. Gribble allows them each one turn, but it is he who is the raconteur. The examples which he has chosen from the work of these detectives are admirably suited to show the great qualities which they all possessed. Much is required of a detective, but nothing more than patience. Days, weeks, may be months are frequently occupied in following up false trails, and investigating every clue which can possibly be of any use. There are in this collection several old friends, but they are none the less welcome. It is always interesting to see how the various features of a well-known crime are treated by different historians, and to note the relative importance attached by each of them to the available clues. We are therefore glad to see the Gutteridge murder and the Southampton garage crime included in this volume, though many of the readers of *The Police Journal* could by now probably write an admirable account of either of them from memory. The same may also be true of the Brixton taxi-cab murder. The other eight cases in Mr. Gribble's book will be found to be much less familiar to the British reader as they are all concerned with crimes which occurred outside this country. Three come from France, three from the United States, one from Canada and one from Belgium. Where every single one justifies its inclusion in these pages, it would be almost invidious to attempt to say which was the greatest feat of detection and deduction. Readers will come to all sorts of different conclusions, but it will be surprising if Dr. Heinrich's solution of the burnt laboratory problem does not figure high on most lists of preferences, while Chief Inspector Prothero's handling of the Southampton garage crime will win for him many adherents.

THE CHILDREN AND YOUNG PERSONS ACT, 1933. Edited by the Hon. DOUGALL MESTON. (Sweet & Maxwell: Stevens & Sons.) 7s. 6d. net.

THIS is a useful publication dealing with an important recent statute, to which a considerable number of people will have constantly to refer. An explanatory introduction generally summarizes the provisions of the Act, and the Statutory Rules and Orders already made under the Act follow the text. There is also a careful and comprehensive index.

HENRY FIELDING, *Novelist and Magistrate*. By B. M. JONES, M.A., LL.B. of the Middle Temple. 1933. 8s. 6d. (George Allen & Unwin, Ltd.)

MR. JONES deals with Henry Fielding in three aspects, (1) as novelist and playwright, (2) as a barrister, and (3) as Bow Street and Westminster magis-

trate, and it is to his work in the last capacity that more than half the book is devoted. Chapter 4 of Part III deals with 'The establishment of the first detective force in England.' This is within its limits a clear enough account of Fielding's Bow Street 'thief-takers,' but it is disappointingly meagre. It contains less information on the subject than the article on 'Police Reform before Peel' in *The Police Journal* for January 1929, which put Henry Fielding's achievements in proper perspective. Mr. Jones has apparently no general knowledge of this subject. Speaking of the Westminster watch he says, 'Acting along with the watch was the High Constable, among whose duties were setting the watch and seeing that they were at their posts. This he did by going round during the night.' This was the duty not of the High Constable but of the Burgess of the Ward and of the ordinary constable. We should be glad to know the authority for Mr. Jones' statement that the High Constable was paid about £80 a year (in Fielding's time).

However, for those who desire a brief account of Fielding's activities as Magistrate and reformer, as well as the story of his life and work in general, the book can confidently be recommended, although it does not merit the statement in the introduction by Mr. Justice Du Parc that Mr. Jones has collected all that is known of Fielding as Lawyer and Magistrate. It is to be regretted that no one has yet written a life of Sir John Fielding, because it was during his long regime at Bow Street that Henry Fielding's work in establishing the first beginnings of an organised Police Force came to fruition.

COURTS AND JUDGES IN FRANCE, GERMANY AND ENGLAND. By R. C. K. ENSOR. 1933. 6s. net. (Oxford University Press, London: Milford.)

THIS book is a comparative study of the judicial systems of England, France, and Germany. It gives a very lucid account of the fundamental differences between our own and Continental systems of administering justice, a matter about which a well-informed police officer should certainly know something.

The first point that stands out is the enormous number of paid Judges or Magistrates abroad. In France there are some 3,600 *Magistrats*, (i.e. judges of all sorts), and in Germany there are about 9,000 *Richter*. Judges or *Magistrats* in France and *Richter* in Germany form a profession quite distinct from the Bar—a Civil Service under the control of the Ministry of Justice in which there is promotion from the lowest to the highest grade. Judged by our standards it is a very poorly paid profession, the highest judicial post in France receiving only about £1200 a year, and salaries are much the same in Germany.

Mr. Ensor explains clearly two institutions which often puzzle those who attempt to compare English and Continental procedure in criminal cases, viz. the *Juge d'Instruction* and *Parquet*. The *Juge d'Instruction* is the investigating Judge or Magistrate who has charge of all the preliminaries of a criminal trial. He orders the arrest of the suspected or accused person (who may languish in custody for a long period, as on the Continent there is no Habeas Corpus Act), and conducts the preliminary interrogation, in the spirit not of a judge but of a prosecutor. The *Parquet*, or *Ministère Public*, is, broadly speaking, the department of public prosecution which exists in all Continental countries, and has a far wider scope than our Director of Public Prosecutions. Every Court in France has a *Parquet* with a State Attorney or *Procureur* at its head with a number of assistants. The function

of the *Parquet* is to represent the State both in civil and criminal cases. It conducts prosecutions and for this purpose has at its disposal the services of the detective police (known abroad as the judicial police), who thus serve two masters, their administrative police superiors, and the *Parquet*.

It should be noted that in France the relations of Judge and Prosecutor are rather inverted; 'The French Judge's attitude is that of an Inquisitor bent on extracting the truth from the prisoner by severe cross-examination; the duty of the *Parquet* (as representing the State's attitude) is to see fair play.' The Judges and the members of the *Parquet*, however, all belong to the same profession and pass from one branch to the other in the course of their careers.

The differences between our own and the Continental systems are historical in origin, and it may be said that the English system displays the simplicity and unity impressed upon it in the twelfth century, whereas the Continental systems are all the complex creations of Napoleon. The English system remains unique in Europe whereas Napoleon's has received the compliment of imitation in varying degrees in nearly every Continental country. The readers of this book will be in a position to form an opinion as to which is the best.

THE COLONIAL POLICE

The following police appointments are announced by the Colonial Office:

EHRKE, R. C.	- - -	Police Probationer, Federated Malay States.
HARRISON, J. N. D.	- - -	Police Probationer, Federated Malay States.
HODGSON, W. F.	- - -	Superintendent of Prisons, British Guiana.
YATES, D. W.	- - -	Police Probationer, Federated Malay States.
MILNE, H. O. (late Assistant Inspector of Police, Kenya)	-	Assistant Inspector of Police, Tanganyika.
NICOLL, Major F. A. B. (Deputy Commissioner of Police)	-	Commissioner of Police, Tanganyika.
ROBINS, G. H. (Police Probationer)	- - -	Assistant Superintendent of Police, Ceylon.

THE POLICE JOURNAL

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Editorial

MORE than a year has passed since THE POLICE JOURNAL reduced its price and commenced a new series. It is now possible to take stock of the situation and see how far this attempt to increase the usefulness of the JOURNAL has met with a response which has justified what Mr. A. L. Dixon in his introductory article described as a 'venture of faith.'

It was necessarily a venture of faith, for to reduce the price from 2s. 6d. to 1s. 6d., while retaining almost exactly the same amount of matter as before, meant that there would have to be a large increase in the circulation if there was not to be financial loss. We are glad to be able to record that the circulation has been doubled. But unhappily, this is not enough, and moreover it does not amount to anything like the circulation which could be secured.

What indeed stands out as so remarkable a feature, when we analyse the amount of support which THE POLICE JOURNAL receives, is the uneven distribution of that support. In some police forces the number of subscribers is 80 per cent. of the total roll, an energetic correspondent has been appointed to encourage readers to send up articles, letters and photographs to the Editor, and every effort is being made continually to bring the claims of THE POLICE JOURNAL before all ranks. We cannot thank these friends too warmly. In other forces, however, hardly a copy is bought and no sort of interest in the JOURNAL seems to be aroused, in spite of the efforts which we have made to emphasize its claims. It would be invidious to give actual examples; but among some of the largest forces, where at least a measure of support might have been expected, THE POLICE JOURNAL seems to be ignored entirely.



A DETACHMENT OF KENYA POLICE—NORTHERN FRONTIER PROVINCE

No doubt we ourselves may be to some extent to blame. In one area a decrease of subscriptions was traced to disapproval of certain features which appeared in a recent number. In regard to this we can only say that we wish that those who have been in any way dissatisfied would let us know and express their criticisms frankly, rather than merely withdraw their support. We are most anxious to receive criticisms, for our desire is to improve the JOURNAL far above its present standard and to make it an organ which is of the greatest possible value to the Police. We would also point out that as THE POLICE JOURNAL is an independent publication and is free from any sort of official control, no reader need feel any sort of compunction in pointing out to us what he considers to be mistakes, and in suggesting directions in which the editorial features can be improved.

Nearly all the communications we have received, however, both from police forces at home and overseas, have been letters of warm appreciation. Naturally we value these, and the number of them has been quite remarkable. We do, however, appeal also for criticisms and suggestions from those who feel that they cannot at present give the JOURNAL their whole-hearted support.

The fact remains that if we take the lowest average amount of support from police forces where THE POLICE JOURNAL circulates, and if we calculate what would happen if this minimum degree of support were forthcoming proportionately from every police force, our circulation would be ten times what it is now. We should then be able to introduce a large number of further improvements and perhaps still further reduce the price of each copy. Is it too much to hope that that wider response may yet be realized?

Notes on Recent Crime

IT is a curious thing how absolutely new points of criminal law crop up from time to time. In the case of *R. v. Hare*, in the Court of Criminal Appeal, it was decided for the first time that a woman can be convicted of an indecent assault. The woman in question had indecently assaulted a little boy of twelve. It is most strange that the point should not have been decided before. Another Court of Criminal Appeal decision in *R. v. Goodwin* is of interest to the police as to how far they may go in obtaining a confession. The man was charged with arson and the police said to him, 'We are police officers and we want to know.' The man thereupon confessed. The Court quashed the conviction, on the ground that the confession was not sufficiently voluntary.

The law is known to be 'a hass,' but it is not so much 'a hass' that it can be contravened by mere specious pretences of legality. No less a person than the Duke of Atholl has discovered this at Bow Street to his cost. The Duke ran a nation-wide sweepstake and sought to evade the Lotteries' Act by asking for subscriptions and not announcing what he would do with them till after their collection. The Duke was convicted, despite his ingenuity. It is not so easy to make a fool of the law as some people imagine.

It is noticeable in certain recent blackmail trials that the judge has permitted the truth or otherwise of the blackmailer's charges against his or her victim to be gone into, and has even asked the victim in open Court whether they are true, to give him an opportunity of clearing his character; and, where the

charges are admitted, has used strong language about the victim. We would respectfully suggest that this may be most unfortunate and may, where the charges are disgraceful and true, prevent the victim in spite of the screen of anonymity from coming forward. Blackmail is most dangerous and most wicked where the charges are true, and, if the victim is to be pilloried, even as Mr. X or Y, he will not prosecute unless he is driven to absolute desperation. Whether the victim has as a fact committed, say a homosexual offence, which the blackmailer threatens to expose, is all quite irrelevant to the issue whether money has been demanded by menaces.

Another big financial case has ended in a conviction—that of Harman before Macnaghten J. at the Old Bailey. Two of his associates were acquitted on the ground that they were left in the dark, while one was convicted. Harman, whose sentence was eighteen months, had taken money out of the coffers of a prosperous company, of which he was a director, to bolster up other companies, of which he was also a director. His defence was that it was clever finance in the interests of the whole group of companies, in which he was the leading spirit. The law, however, does not permit one to rob Peter to pay Paul, on the plea that such robbery is in the joint interest of both Peter and Paul. Directors have separate responsibilities to each company which they control. A wholesome principle to be established in these days of groups and cartels and men laying claim to financial wizardry in their control!

Two sensational murder cases, that of a young burglar named Hobday, who stabbed the occupier of the house in the back with a knife, and that of a groom named Brown, who having had relations with his master's wife, shot his master in his garage and tried to burn away all traces of his crime, have ended in conviction and execution. Much able detailed work went to the building up of both cases. For example, Brown's case started with a charred body and a cut telephone

wire as the foundation upon which to build an edifice of proof. Both cases were, however, so cast-iron as finally presented, that they hardly call for extended comment.

An interesting case as to the difference between murder and a bad case of manslaughter came before Charles J. at the Old Bailey. An attempt had been made to outrage an old lady and death had resulted. If she had been successfully outraged and death had resulted it would have been murder. But, as the attempt did not succeed, the judge told the jury that the question was whether the prisoner, a man named Roberts, ought reasonably to have contemplated that he might kill her or cause her grievous bodily harm. The jury found manslaughter and the man received a fifteen years' sentence. A woman, named Gudgeon, tried before Swift J. at Manchester, was acquitted on the ground that in stabbing a man she was defending her honour. The case was interesting, because the woman admitted that on other occasions she had consented to sexual intercourse with the man.

A very bad receiving case at London Sessions ended in a sentence of seven years for a man named Tucker, described as the 'King of Receivers,' and in lesser sentences for his associates. For years apparently, Tucker, operating from a house in Waterloo Road, had been receiving stolen property on a wholesale scale. He had two fast cars, he hired out revolvers at ten shillings a time, he had a dummy ceiling in his house. He had escaped suspicion by having an alias of quiet respectability, like the crook in Priestley's *Laburnum Grove*. He was a compositor earning a steady wage and kept a lodging house and a coffee shop, and he did not splash his money about. Such men often for a long time escape detection.

We have on several previous occasions commented on perjury in these Notes. Recent examples have shown, however, that it is not easy to get convictions in these cases. Witnesses can and do honestly or half-honestly give them-

selves latitude with regard to the truth, so that, though their evidence is false, they are not conscious of it, even if they ought to be.

A NOTE ON THE STAVISKY CASE

As police reform has been so much in the air recently on this side of the Channel it may be of interest to readers of THE POLICE JOURNAL to know something of the troubles in the French Police in connexion with the Stavisky scandals.

The importance of 'l'affaire Stavisky' is, no doubt, mainly political. The implication of French Members of Parliament and even Ministers in dubious or dishonest financial operations, brought to light by the exposure of Stavisky, led to the fall of M. Chautemps' Government on 27th January, to the resignation of his successor, M. Daladier, after the riot of 6th February, and finally to the formation of a national government under M. Doumergue. The general situation seemed even to threaten the stability of parliamentary institutions in France. Paris was the scene of riots in January, but these had their lighter side, as when the rioters and the police on one afternoon of conflict agreed, according to Press reports, to call off their opposing forces because it was very wet and everyone wanted to go home and change his socks. Rain is nearly always an invaluable ally of law and order.

Stavisky had committed the most incredible frauds in connexion with the issue of bonds, purporting to be backed by credit, in the pawnbroking establishment of the small town of Bayonne, and these bonds had been recommended officially as suitable investments. The carrying on of pawnshops, it should be explained, is in France among the functions of the local municipalities, and the credit behind the bonds in question was the value of the property pledged in the Bayonne pawnshop. With the connivance of the local officials these pledges had been valued and entered in the books at amounts enormously in excess of their real value, jewellery worth a few

pounds being put down as worth many thousands. Stavisky had been previously engaged in somewhat similar operations at Orleans and he had been concerned in other fraudulent schemes, in respect of which there were outstanding criminal charges against him, but their prosecution had been unaccountably held over or delayed for several years.

The Government of M. Chautemps, after successfully repelling in the French Chamber, by substantial majorities, attacks arising out of the Stavisky scandals, collapsed owing to the resignation of important Ministers whose conduct was being called in question in connexion with the Stavisky case or other related cases. The French Minister of Justice resigned when it appeared that he would have to undergo interrogation by a *juge d'instruction*, one of the examining magistrates on whom a large part of the work of criminal investigation devolves in France. As the whole judicial service, of which the *juge d'instruction* is a comparatively humble member, comes under the control of the Minister of Justice, the situation was much as it would be in this country if the Home Secretary was required to attend at Scotland Yard to undergo examination by one of the C.I.D. Inspectors as to his associations with individuals suspected or convicted of financial frauds.

During the debates in the French Chamber, M. Chautemps declared that there had been various failures or derelictions of duty on the part of both the police and magistracy, and that the police service generally was in need of extensive reorganization. The changes he proposed related to (1) the French Detective Police, and (2) the jurisdiction of the Paris Prefect of Police, whose position corresponds broadly to that of the Commissioner of Police of the Metropolis.

As regards (1) he stated that the Detective Police, known in France as *la police judiciaire* (judicial police), were 'astraddle between' the Ministry of the Interior and the Ministry of Justice, with the result that they were under no proper control, and to remedy this, he proposed to make the Minister of the Interior definitely responsible for all their activities. In order

to understand this proposed reform and the need for it, it is necessary to appreciate the difference between the French and the English systems in regard to the detection and investigation of crime. In this country the police constitute the general organization for the prosecution of crime, and criminal investigation is entirely a police duty. In France, however, it is divided between the police, the *juge d'instruction* and the *parquet*. The *parquet*, or *ministère public*, is the Department of Public Prosecutions, with an organization covering the whole of France, and the *juge d'instruction* takes up the case in conjunction with the *parquet*.

The French detective police are known as the *police judiciaire* or judicial police, because they are regarded, when carrying out their inquiries in a criminal case, as assistants to the *parquet* and the *juge d'instruction*, who both form part of the magistracy. They also carry out inquiries on their own account, but it is difficult, for a foreigner at all events, to make out the respective parts played by the police, the *parquet* and the *juge d'instruction* in criminal investigations. The system bears some resemblance to the division of work between the police and the Procurator-Fiscal in Scotland, but is far more complicated. The result, however, as regards the French detective police is that they have or have had a divided allegiance. As police officers they are under the control of their police superiors and the French Home Office or Ministry of the Interior, but in actual investigations they are associated with officials who come under the Ministry of Justice. Whether this dual control will in fact be ended remains to be seen.

As regards the Paris Prefecture of Police, it should be understood that in France the whole police service comes under the general control of the Central Government, *i.e.* of the Minister of the Interior, and each department or province of France has at its head a Prefect who is the representative of the Central Government and as such the head of the police in the department. In Paris, however, which is in the department of the Seine, there has been for more than a century a special Prefect of Police who exercises control over

all police services in the Seine department, to the exclusion of the Prefect of the department. This Paris prefecture of police was established by Napoleon and has continued ever since. It has hitherto included the uniform or municipal police (*gardiens de la paix* and *sergents de ville*), and the detective or judicial police of Paris and also the department of *Renseignements Généraux*, a political branch of the police which carries out some of the functions entrusted in this country to the Special Branch of the Metropolitan Police. M. Chautemps proposed to transfer the control of the municipal police to the Prefect of the Seine so that in this respect Paris would be brought into line with the rest of France. He also introduced a Bill for the transfer of the Paris judicial police and the *Renseignements Généraux* from the Prefect of Police to the Minister of the Interior. The Note prefixed to the Bill stated that there had hitherto been a total lack of co-operation between the two. They had been carrying out parallel inquiries in the Stavisky case, without any intercommunication or exchange of information. It has since been admitted before the commission of inquiry that in practice they ignored each other.

It also remains to be seen whether this 'force within a force' of the Paris Prefect of Police is to be brought to an end. Under M. Chautemps' proposals the Prefecture would be shorn of the greater part of its jurisdiction. The circumstances and the respective police organizations of this country and France are so different that it is difficult to suggest any parallel to the proposed change, but perhaps it can best be pictured by imagining that the functions of the Commissioner of Police of the Metropolis were limited to a few matters, such as traffic control, and that all the rest of Scotland Yard were placed directly under the police division of the Home Office.

The riot on 6th February was serious and there was shooting. How this shooting came about is the main question which is to be investigated by one of the two special commissions of inquiry now sitting.

The Police and the Law

A QUARTERLY RECORD

The Police and the Courts

IN a well-known judgment in the House of Lords the police were described as the instrument through which the central government preserves law and order ; and we have it on the authority of the late Mr. Justice McCardie that they are public servants and officers of the Crown (*Fisher v. Oldham Corporation* (1930) 2 *K.B.* 364). They are not 'civil servants,' but they share with civil servants some of the consequences of the curiously widespread supposition that all civil servants are eager to grasp hold of power in order to gratify a passion for managing other people's affairs. Their functions are, of course, quite different in kind from those of the administrative departments of government. They do not administer the law but enforce it. But they have a multitude of miscellaneous duties to carry out and of these the control of traffic is what brings them most closely into contact with the public and the civil courts. Every one of 'the public' who is involved in a road accident is a potential litigant.

The number of serious road accidents is growing (84,752 more casualties in 1933 than in 1926!) and the number of 'running-down' actions is increasing ; so also is the number of motoring offences. It is the business of the police to bring the motorist offender to justice, and for this reason every constable who inquires into an accident on the spot has to submit a report to his superior officers. Attached to these reports are the statements which, for the purposes of that report, he has been able to take from the parties involved

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and from any other witnesses whose evidence may be useful. It is natural that solicitors should be anxious to take advantage of material collected by the police in order that they may be able to advise their clients as to their position if there is any question of a claim for damages. If there is litigation and the case comes into court, it is not surprising that the court should encourage the idea that in the interests of justice between the parties it is proper that the statements obtained by the police should be available for the purpose of testing the reliability of evidence given by those witnesses in the witness box. Out of these circumstances there has arisen a demand by solicitors that they should be able to obtain from the police copies of witnesses' statements before the case comes into court or even before any action is begun.

The position has been to a certain extent ventilated by the decision of Macnaghten J. in November last in *Spigelman v. Hocker*—a decision which indicates the circumstances under which a statement made to the police by a party to an accident may be relevant important evidence. This decision achieved a certain amount of publicity and provoked an almost equal amount of popular misconception as to the reasons why the Secretary of State objected on the ground of public interest to the production by a police officer on subpoena of a statement which had been taken by the officer. The conduct of the police and the conduct of His Majesty's Ministers are quite naturally regarded as a convenient target for criticism ; and when the conduct of both can be called in question simultaneously certain sections of the daily press are not slow to take advantage of the opportunity. Now that this decision has been reported fully (see 50 *Times L.R.* 87) it may be of interest to consider at leisure precisely what is its effect. The issue on which Macnaghten J. delivered his judgment arose in the course of a running-down action, in which damages were being claimed by the passengers in one car against the drivers of both the cars involved in the accident. The circumstances suggested that one or other of the drivers was guilty of negligence, and a police sergeant who came on the

scene of the accident a few minutes after it had happened wrote in his notebook a note of a brief statement made to him by one of these drivers. Two or three days later the same officer went to a hospital where this driver was undergoing treatment and, after warning him in the usual way, took down in writing a full statement which the driver signed. This statement was taken by the sergeant in the execution of his ordinary duty to make inquiries and investigations for the purpose of submitting a report to his superior officers, which report would, he knew, be considered with a view to deciding whether any criminal proceedings should be taken against any of the persons involved in this accident. It was ultimately decided that no such proceedings should be taken against the driver in question. But civil proceedings were instituted against him and the driver of the other car, and the solicitors acting for the latter served on the sergeant a subpoena to produce the written statement in question. The object of this move was to take advantage of any admission of negligence that might be contained in the statement. When the sergeant was called as a witness and was asked to produce this statement, objection was made by Counsel on behalf of the Home Secretary that, as the statement was a document of a class which it was contrary to the public interest to produce, it was privileged on that ground from production. After some argument the hearing was adjourned to give an opportunity for the production of evidence showing that the Home Secretary had examined the document and took objection to its production on the ground indicated above. When the proceedings were resumed the Attorney-General produced a letter signed by the Home Secretary. In this letter the Home Secretary said that having seen the document he was satisfied that the production of that document, as of other documents of the same class, would be contrary to the public interest. The Attorney-General, in putting his argument before the court, said that he wanted to make it perfectly plain to all the parties that the attitude taken up by the Home Secretary had nothing to do with the rights or wrongs of the different parties. He

further made it clear that immunity was being claimed for the statement in question not because of its *actual contents*, but because it was obtained by a police sergeant in accordance with instructions given to him to make inquiries and to obtain a statement for police purposes, and thus belonged to a class of documents which ought not in the public interest to be disclosed. He (the Attorney-General) relied on a number of judicial decisions including *Ankin v. London and North Eastern Railway Company* (1930) 1 K.B. 527. In that case an objection by the Minister of Transport to the production of a report of an accident made to him by a railway company was upheld by the Court of Appeal. The objection was taken not because of the actual contents of the report, but because it came within a certain class of documents, *i.e.* reports made under the Regulation of Railways Act, 1871.

Macnaghten J. accepted, as he was bound to do, the decision of the Court of Appeal in Ankin's case, but overruled the objection taken by the Home Secretary on the ground that it had not been taken in the manner required so as to bring it within that decision. It is not easy to follow the reasoning of the learned Judge in reaching this conclusion. He appears to have assumed it was necessary for the Home Secretary to base his objection on the actual contents of the document, and that it was not sufficient in order to justify a claim to privilege in the public interest to assert that all police documents of a particular kind (*e.g.* statements given in confidence to the police) ought not to be produced.

Underlying this matter is a serious question of principle which affects police administration and is of some concern to police officers in their relations with the public. In the first place, there is obviously an important difference between a right to withhold a particular document from a civil court on account of the confidential nature or 'secrecy' of its contents and a right to withhold all documents of a certain class, irrespective of their actual contents. Everyone (including Mr. Justice Macnaghten) appears to recognize that the reports which every police officer constantly has to make to

his superior officers are a 'class' of document which ought not to be liable to production. The fact that the disclosure in a court of the contents of a particular report would do no one the slightest harm is immaterial; if a police officer when he makes a report knows that it may be produced in court or otherwise made public, he may refrain from saying things which he would put in a report which he knows is to be kept confidential. It follows that if police reports generally are to be treated as more or less public property, the work of the police might be seriously affected. But a police report may, and frequently does, contain a record of statements made to the officer concerned in the course of his investigations, or the report refers to separate documents in which such statements are written out. If the report is made in the course of investigating an ordinary criminal charge, *e.g.* housebreaking or false pretences, no one would suggest that it was desirable for any purpose to make public either the report itself or witnesses' statements. In certain circumstances the record of a statement taken by the police, if produced by the police officer on subpoena in civil proceedings, may be useful for the purpose of testing the reliability of evidence given orally by the same person in court at a later date; and if the statement was made by a party to the proceedings *and contains an admission of negligence* its production may be called for as evidence of that admission. Apart from these two exceptions, statements obtained for police purposes ought to be regarded both in law and practice as confidential communications which are not for publication or production in court.

When, however, the investigation which a particular police officer is conducting is an inquiry into the question whether anyone concerned with a road accident has been guilty of conduct which may amount to an offence under the Road Traffic Act, solicitors who act for the parties are apt to think that all police documents connected with the accident should be made available to them. The result is that the police have come to be regarded as public servants in a somewhat peculiar sense, *i.e.* as servants whose duty it is to help

members of the public and solicitors in connexion with possible proceedings arising out of road accidents. It is from this point of view that a persistent demand has come from the legal profession for facilities for inspection of statements of witnesses in road accident cases. Such inspection, before proceedings are commenced, would naturally help a solicitor when he is asked by a client to advise him as to his position in connexion with an accident in which he has been involved in some way. If before the case comes into court the solicitor cannot obtain inspection of the particular statements that he wants to see (he has, of course, no legal right to demand that he should see them), his only alternative is to issue a subpoena requiring the officer concerned to produce them in court. It is only at the latter stage that any question of privilege arises. But the demand for the disclosure of these statements misconceives the position of the police and could not be conceded without injury to the public interest. Any such statement is made in confidence and usually in the belief that it will not be used for other than police purposes; and it is obvious that a person making it might well have a grievance if the statement is handed out by the police to be used for other purposes, or if it is always to be liable to production on subpoena in civil proceedings. The knowledge that their statements may be disclosed is likely to affect the readiness of people to make statements to the police and prejudice public interest by restricting the source of information on which the police depend.

We think it would be unfortunate if the decision of *Macnaghten J.* were to encourage the idea that statements obtained by the police in road accident cases ought to be open to inspection by litigants before trial as well as liable to production on subpoena. That there is no legal right to such inspection is clear law. Whether the law on the question of privilege is likely to be further clarified by other judicial decisions we cannot say; but for the time being it is most important that the limits of the decision which holds the field for the moment should be accurately understood. The decision

related, as has been explained above, to a signed statement containing an admission which was relevant to the issue before the court in a civil action in which the witness himself was a party. It cannot strictly be taken as authority for establishing that privilege on the ground of public interest cannot be claimed in respect of statements obtained in other cases, in circumstances which are materially different.

*Right of the Police to Seize Papers when Executing
a Warrant of Arrest*

At the time of going to press the only available report on the much discussed case of *Elias and Others v. Passmore and Others* is that which appeared in the *Times* of the 24th January 1934. In this report the judgment of Mr. Justice Horridge is set out with sufficient fullness to enable one to appreciate the importance of the issues upon which he reached a decision. It is hardly necessary to recall in detail the facts out of which the action arose. It is sufficient to say that the action was brought against two Inspectors of Police and against the Commissioner of the Metropolitan Police claiming damages for alleged trespass to, and the conversion and detainment of, certain books and documents. This somewhat formidable cause of action arose out of a raid by the police on the offices of the National Unemployed Workers' Movement, the police at the time of their entry of these premises being in possession of a warrant for the arrest of Hannington (one of the plaintiffs in the action) on a charge of having attempted to cause disaffection among the members of the police force. Hannington was inside the premises at the time and was arrested in pursuance of the warrant; and the police who searched the premises thereupon seized a number of documents belonging to the N.U.W.M.

Apart from the somewhat technical issue as to trespass to the documents, which we need not discuss here, the most important questions raised in the action were:

- (1) The right of the police to search the person arrested.

- (2) Whether the police could take all the articles which were in the possession or control of the person arrested and which might be, or were, material on a charge against him or any other person.

- (3) Whether the police, having lawfully entered the premises, were protected if they took documents which subsequently turned out to be relevant on a charge of a criminal nature against any person whatever.

- (4) Whether the police were entitled to retain property taken until the conclusion of any charge on which the articles were material.

As regards the first point—the right to search on arrest—Horridge J. decided on the authority of *Bessell v. Wilson* 20 L.T., O.S. 223, that such a right existed, but that it did not authorize what was done in this case, viz. the seizure and taking away of large quantities of documents and other property found on premises occupied by persons other than the person arrested on the authority of the warrant.

On the second point, the learned Judge adopted the view taken by the High Court in Ireland in *Dillon v. O'Brien and Davis* 20 L.R.Ir. 300 at p. 316, that constables were entitled on a lawful arrest by them of a person charged to take and detain property found in his possession which would form material evidence on his prosecution for that crime. Horridge J. added that this would, in his view, include property which would form material evidence on the prosecution of any criminal charge.

On point (3) mentioned above, the learned Judge said that no direct authority had been cited to him in support of this proposition so far as English law was concerned. But he came to the conclusion that the interests of the State must include the seizure of documents, which seizure would otherwise be unlawful if it appeared in fact that such documents were evidence of a crime committed by anyone. It was held, therefore, that so far as the documents in the present case fell into that category the seizure of them was excused.

On the fourth point Horridge J. found in favour of the

plaintiffs, *i.e.* he thought that there was no answer to the claim for the detention of the documents after demand or for the £10 claimed as damages for their detention.

Of the above points probably the most important from the police point of view is the third. The decision of Horridge J. on the case generally has been regarded as limiting their right of search and seizure when effecting a warrant of arrest. Consideration of the effect of the judgment does not, however, lend much support to that view of the case. The decision, though in some respects it creates new difficulties for the police, may be of assistance in clarifying a branch of the law on which there has hitherto been some doubt.

THE KING'S POLICE MEDAL

THE following announcement has been made from the Home Office :

The King has been pleased to command that in future the King's Police Medal, when awarded for gallantry, shall be distinguished from the Medal when awarded on other grounds, as follows : The Medal when awarded for gallantry shall bear on the reverse the words ' For Gallantry ' and be suspended by a blue riband with white and red stripes ; and the Medal when awarded on other grounds shall bear on the reverse the words ' For Distinguished Service ' and be suspended by a blue riband with white stripes as at present.

Members and ex-members of police forces and fire brigades who have in the past been awarded the Medal for gallantry will continue to wear the Medals with which they were presented, but they may obtain the new riband, if resident in Great Britain and Northern Ireland, by applying in writing to the Under Secretary of State, Home Office, London, S. W. 1. All applications should give the date when the Medal was awarded, and the name of the force or brigade in which the applicant was then serving. The arrangements for obtaining the new riband in the case of persons resident overseas will be notified locally.

Nottingham City Police Wireless

BY CAPTAIN ATHELSTAN POPKESS

Chief Constable, Nottingham

SINCE the publication of my article ' Pursuit by Wireless,' which appeared in *The Police Journal* in January, 1933, so many inquiries have been received as to the kind of work done by our wireless patrols, that it may save future inquirers some trouble if a few typical messages are quoted. They are taken at random from our Wireless Station Diary for the quarter 15th July to 15th October, 1933. These particular ones have been chosen to illustrate generally the use to which we put bi-lateral wireless communication. Our medium is of course wireless telegraphy and not wireless telephony, as we have found the former preferable :

Date and
Time.

- 14.7.33. *From H.Qs. to No. 6 Patrol.*
- 14.33. 2 men Harrington Drive offering to buy sovereigns for 32/6 each.
- 14.55. *From No. 6 Patrol to H.Qs.*
Have interviewed 2 men and am satisfied with their explanation.
- 17.7.33. *From H.Qs. to No. 4 Patrol.*
- 21.27. Go 17 Mapperley Hall Drive break-in.
- 21.37. *From No. 4 Patrol to H.Qs.*
No particulars for circulation waiting for C.I.D.
- 2.8.33. *From H.Qs. to Patrols Nos. 1, 2, 3, 4, 5, 6 & 7.*
- 17.15. 166 Aker Street. Man seen going over wall. Surround premises.
- 17.30. *From No. 2 Patrol to H.Qs.*
Premises searched no trace of man. Resuming patrols.

Date and
Time.

- 3.8.33. *From H.Qs. to Patrols Nos. 1, 2, 3, 4, 5 & 6.*
 21.54. Stolen from Mansfield between 21.15 & 21.30 today Wolseley
 Hornet R.B.7365. Action 5.B.
 23.18. *From No. 3 Patrol to H.Qs.*
 Car recovered Canning Circus thieves arrested.
 26.8.33. *From No. 2 Patrol to H.Qs.*
 14.54. Sid Swan, 6 Watcombe Circus reports man in brown suit
 and cap sallow complexion acting in suspicious manner
 outside house. Have searched vicinity no trace. House
 unoccupied request attention.
 16.07. *From H.Qs. to No. 2 Patrol.*
 Man seen outside 6 Watcombe Circus has been interviewed.
 All correct.
 26.8.33. *From No. 2 Patrol to H.Qs.*
 22.38. Has been accident at Moor Bridge. Injured man being con-
 veyed to General Hospital in Unity Bus. Am going to
 Hospital to inquire.
 23.20. *From No. 2 Patrol to H.Qs.*
 Made inquiries. No useful information from injured man.
 Resuming patrol.
 31.8.33. *From H.Qs. to No. 1 Patrol.*
 20.44. Proceed 33 S— Road, and warn husband of woman who
 lost 2/6d that he must not threaten man once suspected of
 stealing it.
 21.30. *From No. 1 Patrol to H.Qs.*
 Been to disturbance. No case for police action.
 31.8.33. *From No. 5 Patrol to H.Qs.*
 21.55. Re larceny of lamp. Made arrest and taken to Leenside.
 Making further inquiries.
 6.9.33. *From No. 4 Patrol to H.Qs.*
 12.47. Am watching man in Arlington Drive will call you when I
 have interviewed him.
 13.03. *From No. 4 Patrol to H.Qs.*
 Have interviewed man satisfied all O.K.
 9.9.33. *From No. 8 Patrol to H.Qs.*
 20.52. Watching car at Greyhound Track. Further information
 later.
 21.29. *From No. 8 Patrol to H.Qs.*
 Motor car at Greyhound Track O.K.
 30.9.33. *From No. 1 Patrol to H.Qs.*

Date and
Time.

- 14.39. Have found child reported missing what shall I do with it ?
 14.41. *From H.Qs. to No. 1 Patrol.*
 Take to Hyson Green.
 4.10.33. *From H.Qs. to Nos. 4 & 5 Patrols.*
 22.08. Go to Samuels, Long Row, alarm bell ringing.
 22.19. *From No. 4 Patrol to H.Qs.*
 O.K. Samuels alarm bell short-circuiting.
 10.10.33. *From H.Qs. to No. 4 Patrol.*
 20.09. 9 Carisbrook Drive. Suspicious noises.
 20.19. *From No. 4 Patrol to H.Qs.*
 Searched grounds no trace. Resuming patrol.
 10.10.33. *From No. 7 Patrol to H.Qs.*
 22.38. Send ambulance to Hucknall Lane boundary serious accident.
 22.50. Ring County Police Hucknall to send tape measure.
 11.10.33. *From No. 6 Patrol to H.Qs.*
 22.19. Inform Lighting Dept. overhead lights in Wheeler Gate are
 out.
 12.10.33. *From No. 4 Patrol to H.Qs.*
 09.41. Contact with suspected vehicle G.Y.9166 Kirkewhite Street
 at 09.40.
 09.48. Suspected vehicle now delivering Skinner & Rook Clumber
 Street.
 10.02. Suspects delivering Pullman's Parliament Street.
 10.18. Suspects delivering Black's Factory, Sherwood Street.
 10.33. Suspects delivering Boulevard Works, Radford Boulevard.
 10.38. Suspect & receiver arrested shop Ilkeston Road. C.I.D.
 bringing in prisoners.
 10.45. *From H.Qs. to No. 4 Patrol.*
 Resume patrol.
 12.10.33. *From No. 5 Patrol to H.Qs.*
 Traffic signal lights King Edward Street out of order.
 13.10.33. *From H.Qs. to No. 4 Patrol.*
 Indecent exposure outside school Woodborough Road. Get
 in touch with area man and work in conjunction with him.
 13.10.33. *From H.Qs. to Patrols Nos. 1, 2 & 4.*
 13.15. Walk-in Woodborough Rd. Man described age 35 5' 6"
 slim build, C.S. long thin face. Mouth sunk. Grey suit
 & cap. Patrol vicinity.
 14.17. *From No. 4 Patrol to H.Qs.*
 No trace walk-in.

Date and
Time.

- 14.19. *From H.Qs. to Nos. 1, 2 & 4 Patrols.*
Return patrol areas.
- 14.10.33. *From H.Qs. to No. 4 Patrol.*
- 23.29. Man loitering Chestnut Grove.
- 23.49 *From No. 4 Patrol to H.Qs.*
Taking man loitering into C.I.D. for interrogation.
- 15.10.33. *From No. 3 Patrol to H.Qs.*
- 23.33. Am standing by for communication purposes at big fire Basford.

For the purposes of analysis we separate 'Operation Messages,' *i.e.* messages requiring specific action being taken on their receipt, from 'Routine Messages,' *i.e.* messages referring to routine changes of schedule points within Radio Patrol Areas, etc. Our wireless patrol system has been in full working order for something over two years now, and the average number of 'Operation Messages' put on the air has been 5000 per annum. The total number of messages of all sorts put out per annum have been almost too many to keep track of. The effect of wireless communication upon the speeding-up of the whole police system of the city, and the saving of many thousands of hours of patrol time, will be too evident to require comment.

The statement that wireless telegraphy has been found preferable to wireless telephony requires perhaps some qualification. Actually both have been tried in Nottingham, and even now experiments in telephony are being continued.

As recently as a few weeks ago one of the foremost wireless manufacturers in this country, as the result of their attractive booklet on 'Police Wireless,' was invited by the writer to have their wireless telephony outfit tried out in Nottingham under service conditions.

The booklet in question set out to give both bi-lateral and uni-lateral telephony. When put to the test the firm in question asked to be excused the bi-lateral demonstration, and in actual practice they failed in the demonstration of uni-lateral communication too. Interference from overhead elec-

tric tram wires and telegraph wires, and even passing buses and motor cars, was such as to prevent the efficient reception of messages. So bad was it in fact that before the vehicle could receive anything at all it had to draw off a main road and go up a quiet sideroad away from traffic to receive the message, and even then the message was received incomplete.

The same message was received by telegraphy at the same spot, and was taken perfectly without moving position. The message consisted of seventeen words. It was taken over the telephone and transmitted and received in morse in forty-three seconds. Certain abbreviations were of course used. The message took actually longer to receive by wireless telephony than by wireless telegraphy, which goes to disprove the popular belief that telegraphy is not so fast as telephony.

Actual experience under normal city conditions is calculated to explode most wireless theories, and this latest demonstration of wireless telephony exploded with as loud a bang as its predecessors have done in Nottingham.

It would be far off the mark to condemn out of hand wireless telephony for police purposes on the demonstrations we have had in Nottingham. All we can say is that there must be a very great improvement in it as a medium of communication even uni-laterally before it can be called a practical and reliable proposition. Bi-laterally it is not yet on the map.

While the telephony demonstration was taking place, it was tested for interference with ordinary B.B.C. programmes. A new 4-valve selective receiver (screen grid) was used. At one mile from the transmitter, interference was so bad between 250 and 500 metres as almost completely to blot out the programmes. If the interference was as bad at a range of one mile from the transmitter as it proved to be, it is fair to assume that some measure of interference extended over a far wider area, especially with sets not so highly selective as the one with which we carried out this test. The power used by this telephony transmitter was 300 watts in the aerial.

There is no doubt that being limited to wave lengths round 145 is a very big disability to police telephony.

Before telephony can become a practical police proposition, interference both static and man-made with reception must be reduced, also interference with B.B.C. listeners consequent upon spread. And it must be possible to limit the range of transmission to the minimum of local requirements so as to get as many main stations as possible on the few wave lengths available to the police. This, in the view of the writer, is the police wireless telephony problem in a nutshell. At present nothing approaching these requirements has been obtained on the limited wave lengths allocated to the police by wireless telephony.

The Medical Side of Criminal Investigation¹

By J. E. W. MACFALL, Esq., M.D., B.S., Ch.B., D.P.H.

Professor of Forensic Medicine in the University of Liverpool

I T is with some diffidence that I write upon the medical side of criminal investigation. My only excuse is that I have a time qualification, as from my earliest qualified days, day and night, on and off, I have been considering these problems, and the little knowledge of criminal investigation which I have has been obtained, as it were, on the field of battle.

There are very few new facts which I can present, but if I can show any of these from an unfamiliar standpoint I may have attained my object. A comprehensive consideration of medical methods will not be required. There is plenty of literature upon these, but we may take a few of the more commonly recurring medical aspects. We are well aware that it is one thing to catch the culprit and another to prove conclusively that he is guilty, and it is frequently the case that the medical evidence is most useful in attaining that object.

I have never been able to understand why, in a purely local crime, the aid of outside experts is called from afar, generally after some lapse of time, to aid in police investigations. It may be due to a feeling of distrust in local capabilities or that the police are without much local help; if so, it is the fault of the police, but I think it is due more to the fact that the personnel is not developed at hand.

Even in a medical investigation a local knowledge of man and manners will tell a good deal, and if the very earliest use is not made of developed local talent, evidence, which cannot be obtained later, is being rapidly lost.

I have very strong views upon the proper person to act

¹ This article was read as a paper before the Chief Constables' Association at their last Annual Conference.

for the police and I think in many cases there is considerable misunderstanding as to the authority who should be referred to for information. Delay in investigation is fatal to good results, and so far as we in the North of England are concerned, we have the best medical personnel possible and would welcome the formation of a local institution such as is usual on the Continent, where immediate reference could be made to the Medical Director upon any question arising. This principal should be a very energetic and alert person. He must be prepared night and day to proceed without delay to what our Scottish friends call the 'locus.' He should beat the C.I.D., and from the medical material he is able to collect, make the selection for examination by his appropriate colleagues.

I am sorry to say that I find throughout the whole country investigations are carried out by the wrong persons. As examples, you send the lady's chemise to the public analyst to look for spermatozoa and blood, and ask him to give evidence upon sex questions of which he has generally no experience whatever, or has gained at your expense. These are questions for the consideration of the histologist, the biochemist or the doctor. Medico-legal investigations usually refer to a sudden interference with or stoppage of the normal physiological functions of the body, and have certain characteristics which experience alone can recognise. There is no question of disease, and as pathology is the study of diseased conditions, the term is wrongly, though commonly, applied to the inquiry and investigator.

For example, shooting, stabbing, hanging, drowning, burning and poisoning, with all their attendant manifestations, are distinctly medico-legal considerations. There may be, and frequently are, pathological considerations, but speaking generally the inquiry offers a much wider field for investigation. The continental description 'Médecin-Légiste' is a more proper term; but is difficult to adopt in the English language.

Recently a nearby town at the request of the Home Office asked Liverpool to send them a pathologist to investigate the evidence at the site of a murder. I made that investigation,

only to find that the points to be decided depended mainly upon an acquaintance with blood-shedding and spurting with the concomitant evidence and no pathology whatever. The success of the R.A.M.C. in the War did not depend upon the medical skill of the higher staff but upon the knowledge of those to whom they should delegate the work to be done. Of course there were several instances of fitting a round peg in a square hole, but on the whole the general policy of medical aid was good, the reason being the careful and appropriate distribution.

He who undertakes the duties of a medico-legal expert must have gained experience by being in continual touch with the problems involved. Laboratory work will never give this; it must be a practical experience, involving an intimate acquaintance with the methods of life of all sorts of people, such an experience as is acquired by the doctor in his daily practice. In the absence of an institute for immediate reference, if care is taken in the first instance in choosing the police surgeon he should be the man, and if he is keen on his job he will soon become most useful. He should be given every opportunity, with entire charge of the medical side of the investigation, with power to call in the aid of any bacteriologist, pathologist, biochemist, analyst or other specialist he may think suitable. If a police force is fortunate enough to have an enthusiastic M.O., the more opportunities given to him, the more experienced and valuable he and his opinion will be.

Let us consider the medical requirements in the case of a call for a medico-legal opinion, say in a case of murder. Get your doctor on the spot immediately, for when a crime is discovered so far as the medical evidence is concerned it begins to disappear rather rapidly, or the edge goes off it; it becomes less convincing, and the very investigation itself tends often to destroy it. Here, more than in any other case, too many cooks spoil the broth. There is an obliteration of traces by too many investigators, and my advice to the C.I.D. officer on contemplating the scene of a crime is to put his hands in his pockets and keep them there. I deprecate the disturbance of a dead body, the result of an evident crime, until a thorough

medical examination has been made. The condition of spilled blood often tells a fairly definite tale with regard to time. The direction of blood-spurting in relation to the body and the wound often enables one partially to reconstruct the act. Condition of *rigor mortis* although somewhat arbitrary will give valuable data where differences of time are to be considered, and disturbance of the body destroys this rigidity. Photographs of the undisturbed body are almost a necessity. A replacement of the body to take a photograph is almost useless, not only from a medical standpoint but for ordinary police evidence; condition of clothing and surrounding articles are never quite the same.

We have an example in one well-known case where the photograph showed a mackintosh, not beneath the body; when I saw it first, it was partly under the body. In the words of the late Professor Glaister, we are liable to draw a wrong conclusion from false premises. I myself always carry in my car a loaded camera ready for use, and in several cases recently it has proved most useful to me. Of course, I prefer the police professional photograph when available, but a moderate photograph is better than none at all.

The eminent Belgian criminologist, Niceforo, says: 'a plan is only a drawing, while a photograph is the living man himself'; also a complete scientific examination of the dead body can hardly be made by the medico-legal examiner at the autopsy, so it is necessary that the police themselves at their first view of the body should have evidence which will give to their research a proper orientation, and a photograph should be part of that first inspection to facilitate the work of the investigators. An experienced eye can find upon such photographs, details which the first investigator has not noted, although present at the scene of the crime.

The general psychology of the criminal is rather an explanation of the crime, although it may be an aid in identification, and an important medical consideration which sometimes arises in a criminal investigation is the mental condition of the accused. Our boast is that in England the police will

collect all evidence to get the truth about a crime, and I quote a case to my foreign friends to show that, while the police desire the conviction of a criminal, yet if there are any extenuating circumstances these are not withheld. The legal object is to prove the act and the guilty mind according to the legal maxim, *Actus non reum facit nisi mens sit rea*,¹ and in considering the criminal responsibility of the insane the legal point is, what was the condition of the mind of the accused at the moment of committing the act, and if insane it is an excuse for conduct.

The case I have in mind also illustrates my point as to the immediate collection of evidence. It was where a mother cut the throats of her two sons with a razor. I was on the spot immediately, and among other things made a careful note of the woman's mental condition, and in my report I said I had formed a certain opinion with regard to the woman's mental state. I was asked what that was, and said that she was insane when I saw her, although later in Walton Jail she was found to be sane. British justice was exemplified by the instruction of the Public Prosecutor that my evidence should be given to the defence, and the ultimate result was that she was detained during His Majesty's pleasure.

No article on medico-legal work would be complete without some reference to alcoholic influence. The 'drunk' question is too large for present discussion, but I may mention that we have made a recent advance in this subject and have arrived at a definite conclusion (Prof. S. Smith) that the amount of alcohol taken and the amount excreted are hardly factors to be considered. What we have to decide and prove is whether the symptoms are due to alcohol, and by suitable physical tests applied to the body, show up the extent of this alcoholic effect, and demonstrate a want of co-ordination of thought and movement which makes the functioning of mind and body ineffective and dangerous. These are largely tests which demonstrate a disorganization of the nervous system, and used by the physician in his diagnosis of disease; for

¹ The act does not make a man guilty unless his mind is guilty.

example, the (Rhombberg) test for unsteadiness may demonstrate in disease a permanent pathological condition of the spinal cord, and for alcoholic effect an evanescent one. I would emphasize the importance of the early and prolonged examination in order to avoid arriving at hasty conclusions. I may illustrate this.

A few years ago, in the middle of the night, I examined a man charged with being drunk. He had evidently had a little drink but was quiet, gentlemanly, fairly steady, and answered many tests. I told the sergeant that I thought he was not drunk. The sergeant replied, 'Well, sir, he was a little while ago when he was brought in here.' I went to fill in the book but was delayed; meanwhile the young man started an argument with a young P.C. and to my astonishment soon became roaring drunk. He had been able to pull himself together for a time but could not keep it up.

The nature, extent and severity of wounds supplies a good deal for medical consideration, and I will limit myself to a description of one specimen. At 1.30 a.m. a shopkeeper heard a crash of glass, went downstairs and found the glass panel in his shop door broken, and some blood on the floor. He informed the police and at 4 a.m. a P.C. saw two young men, one with a blood-stained handkerchief on his left hand. He arrested them and called for medical aid to dress the wound. Contemplation of the wound enabled one to tell the C.I.D. officer that if he went to the shop (and if this young man had cut his hand there) he would find two maggot-like pieces of skin on the lower edge of the broken glass. The officer was rather sceptical, but in the morning was enthusiastic and said he had found one as described, and the other on the floor beneath. When spread out and mounted, and compared with the wounds or the photograph they were undeniable proof in size, shape, and bits of included cartilage.

Another small exhibit is interesting, as showing the combined work of several specialists, and how a small amount of material with perseverance may produce some definite evidence. These remains were found in a back entry; they con-

sisted of mud, cinders, a portion of child's skull, two or three cervical vertebrae, three ribs, portions of a clavicle and femur, and in semi-fluid material—a testicle.

Careful separation showed a twisted piece of lace curtain which had been tied tightly round the neck, covering and preserving it, and showing a distinct and typical strangulation mark. Under the clavicle was a small portion of lung tissue, which, examined microscopically, showed in all sections distension of the alveoli. The distal epiphysis of the femur showed a point of ossification. The testicle denoted the sex, and from this small supply of material, which apart from the dirt did not weigh more than $2\frac{1}{2}$ oz., we were able to say fairly definitely that the child was a male of full-term development born alive, and probably strangled by application of twisted lace rope.

There is a distinct similarity between the education and training of the doctor and the detective. In both cases we are developing the trained observer with the object of a diagnosis or solution. The making of a diagnosis is the deduction drawn from physical and other evidence, and the train of thought is very similar in doctor and detective.

The heads of our medical schools are insisting more and more upon clinical teaching. They recognise that practical training is more to the student than lectures; in fact, some look back with an approving eye to the time when the curriculum consisted solely of an apprenticeship. So far as the medical points which it is desirable a detective should know, I should prefer to demonstrate them in an actual case on the spot, where they can be shown more convincingly, and so far as this side is concerned I would not like to see the practical field training subordinated to the spoon-feeding of artificial demonstration and lectures.

I may conclude that, for the medical side of criminal investigation to be effective, the police must call us early and call us often, and our duty is to obey that call without any delay. I have touched upon only a few of the questions which arise, but if they have evoked interest, aroused criticism and have added to the knowledge of the reader, I am rewarded.

Murder in the Guise of Suicide

By CHIEF INSPECTOR STOREY

Liverpool City Police

THINGS are not always what they seem. That is a maxim that a policeman must ever have in mind, especially in cases of death from violence, where nothing should be taken for granted. First impressions, experience teaches us all, are often wrong.

In this article I propose to discuss three cases within my own knowledge. In one case death was an accident reported as definite suicide; in the second case death was correctly reported as suicide when the details available suggested murder; and in the third case natural causes was reported when it must have been either suicide or murder.

When a dead body bearing wounds is found without any history the question arises—Are the wounds caused by homicidal, suicidal, or accidental violence? To obtain the answer one becomes involved in the scrupulously careful consideration of a number of criteria which experience has formulated to assist in the diagnosis. While the person who discovers the body should send for the doctor, he should in the meantime observe carefully and note the wounds, position of body, and other details that can be ascertained without disturbing anything connected either with the body or the clothing.

An examination of the body in the exact position in which it has been found renders the work of the police less difficult. No reconstruction of the crime or replacing of the body where it was supposed to have been found can ever reproduce truly the appearances in their original aspect. It is the doctor's

concern to ascertain the cause of death, and not his task to investigate the crime. That is the job of the police, who must, therefore, be in a position to obtain the fullest information as to foot-marks, blood-stains, indications of a struggle having taken place, the presence of a weapon in the hand or near the body, or any other details the observant eye will detect which may have some relation to the crime.

A mental photograph of the body is not sufficient. That point cannot be too forcibly stressed, as experience has repeatedly shown that two persons giving a mental picture of the position of a body will differ in some detail as to how the body lay. One will say the left hand was under the head, while the other will be equally emphatic that the head was resting on the right hand. In cases in which an actual photograph has not been made of the body, the defending barrister at the Assizes will quickly have the witnesses at variance and the jury fogged over what may be a vital point as to how the body was found.

In most of the books on forensic medicine we are told that any part of the body may be wounded by a second person; that certain parts are inaccessible to the suicide, and that other parts are preferentially selected by him. For the most part this axiom holds good. But there are exceptions, and one cannot always be sure whether a wound has been self-inflicted or not, no matter where it be.

Now I come to the vital questions of suicide and the casual manner in which investigations are made in the majority of cases. Every police officer must be made to realise the ease with which murder can be committed under the guise of suicide. While I cannot from memory recall a case which was reported as suicide but which proved to be murder in one of its grossest forms, I must emphasise that no stretch of imagination is required to appreciate that by adopting the ruse of imitating suicide, murder can be committed without detection. I will take a simple case as an example.

A woman is found dead in bed in her night attire, having undoubtedly succumbed in her sleep. There is a note on the

dressing-table, 'Good bye, Jim. You have been good to me.' The woman's death is due to coal-gas poisoning, and at the inquest 'Jim,' the husband, will very likely be the only one asked if the handwriting of this message was that of his wife. His affirmative reply leads to a verdict of suicide, and the only question remaining is as to whether the woman was of unsound mind at the time. The question of murder is never raised. Indeed, on considering the possibilities, one realizes the almost unsurmountable difficulty of proving this to be a case of murder with 'Jim' as the culprit.

Yet how easily he could have committed the murder! All that was necessary was to let the woman get to sleep, then turn on the gas, and leave the room, closing the door behind him.

This is, of course, a very elementary case, but it is sufficient to illustrate my point that murder under the guise of suicide is possible, and that inquiries into suicide cases should, therefore, be all the more searching.

The murder of a person and disposal of the body in water offers a likely means of simulating suicide or accident, and in all cases careful and early investigation should be made.

Of course, where a man throws himself deliberately in front of a train, or into a river, suicide is obvious. But special training in observation is required when a body is found with no history and no eye-witnesses, if one is to be able to report with any degree of certainty as to the circumstances of the person's death.

Unless suicide is obvious, it is wrong to assume the case is self-murder without making the fullest inquiries. Let me illustrate my point by a case within my own knowledge. A man was found dead in bed at an hotel, with the room full of gas and the tap fully turned on. The man seemed down and out, had no relatives that we could ascertain, and the tap was close-fitting and could not have been accidentally turned on. Those inquiring into the matter were satisfied that this was a case of suicide. Further inquiries, however, showed that there was water in the pipes in this part of the hotel, and when the gas was lighted the flame flickered and sometimes almost went out. A test was made of the gas jet in question and the

light actually went right out. A gas engineer found 6 oz. of water in the pipe, and it thus became clear that the man did not take his life, but lost it through this accidental cause.

Here is a case of a more serious nature from the crime point of view, where suicide was reported under circumstances which pointed ominously to murder. A man was found unconscious, seated in his kitchen at home. There was a gunshot wound in his head, and a very heavy calibre revolver was lying at his feet. He was taken to hospital, where he died shortly afterwards. The man lived alone, and neighbours rushed in on hearing the revolver fired. The doctor at the hospital, however, stated that there was only an entrance wound in the head, and no exit wound, as might have been expected with such a heavy revolver. A search of the kitchen failed to reveal any bullet mark. It was reported that the man had been stopped at his work through slackness, but continued inquiries showed this not to be the case, but that he had left his job for a better position nearer his home. Everything indicated that the man was happy and contented. All the circumstances suggested homicide rather than suicide—the one wound, the revolver at his feet and not clasped in his hand, an absence of engraining of the skin at the point of the bullet entrance. The puzzle was solved by a witness who knew the man well, who said that when in drink he often declared he would shoot himself, and that she had seen the revolver in his house. Finally the matter was clinched by the doctor, who, on making a further minute examination, discovered an exit wound. Thus it was confirmed as a clear case of suicide. It does seem strange that a case like this could have been reported as suicide in the first instance when at that time the factors were so much opposed to the suicide theory.

I now quote a mysterious poisoning case as an example of the difficult problems which from time to time arise. A young woman, a spinster, was taken suddenly ill during the night. A doctor who was immediately called diagnosed puerperal eclampsia, and was prepared to sign a certificate giving this as the cause of death, he having been present when

she died. As, however, death was very sudden, he decided to report it to the coroner. Inquiries revealed that the woman had been seized with violent twitching and jerking of the muscles, which later became rigid and stiff, while the body arched until only the back of the head and the heels touched the bed, a condition known to the medical profession as opisthotonos. The mouth showed a peculiar grin (*risus sardonicus*). While in some respects this form of death showed eclampsia, it more resembled death from other than natural causes. A search for bottles of poison was fruitless, but a teaspoon was found on a chest of drawers by the bed. This contained a scarlet substance which proved to be innocuous, and the same colouring was observed on the lips of the woman. She was far advanced in pregnancy. The doctor's diagnosis, together with the innocuous staining of the lips and the absence of any poison near at hand seemed to confirm the view of the doctor that death was due to natural causes. But one could not get away from the fact that the mode of death was typical of strychnine poisoning, though when this was put to the doctor he ridiculed the suggestion. The autopsy showed that strychnine poisoning was the cause of death, and an analysis of the organs proved that a strong dose had been taken.

There were two points that puzzled us. First, how could she have possibly taken the poison without some trace of it being found near her? Next, what was the purpose of the scarlet stain? Many theories were advanced. The man responsible for her condition was traced, and he was able to prove he had not seen her for months. Suspicion remained unsupported by any evidence. All that could be proved was that strychnine was in the house and that the woman had placed some in a teaspoon and after getting into bed had drunk it. But why the scarlet staining? It is just possible that a man who shortly afterwards committed suicide in the house carried the secret away with him.

This is one of the cases that shows how the paths of the police are paved with difficulties, and that, as I said in my opening sentence, things are not always what they seem.



THE KENYA POLICE, EXPERIMENTAL CAMEL PATROL



CAMEL PATROL, NORTHERN FRONTIER PROVINCE, KENYA

The Mentally Defective Criminal¹

By ROY N. CRAIG, M.D., D.P.M., B.S.

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Different Types

IN dealing with mental defectives it is customary to recognize four quite *different types* : idiots, imbeciles, feeble-minded persons, and moral imbeciles. The feeble-minded group is usually sub-divided further into low grade, middle grade, and high grade types. The law lays down quite clearly the definition of these different types.

An idiot is a person so deeply defective in mind, from birth or from an early age, as to be unable to guard himself against the common dangers of life.

An imbecile is a person in whose case there exists, from birth or from an early age, mental defectiveness not amounting to idiocy, but of a sufficient degree that he is incapable of managing himself or his affairs, or of being taught to do so.

A feeble-minded person is one in whose case there exists, from birth or from an early age, mental defectiveness not amounting to imbecility yet so pronounced that he requires care, supervision and control, for his own protection and the protection of others.

A moral imbecile is a person who from an early age displays some permanent mental defect coupled with strong vicious or criminal propensities on which punishment has had little or no deterrent effect.

¹ An address given to the Detectives' Conference for the South-Western District organized by the Chief Constables' District Conference at Torquay.

So much for the different groups.

Now, which of these are the police likely to come in contact with in their work? Obviously the high, middle and low grade types of feeble-minded person and the moral imbecile. The simple idiots or imbeciles are generally so obviously afflicted mentally that either the parents, school officials or doctor has dealt with them before they have had an opportunity of getting into trouble, and they are therefore more likely to be the victims than the perpetrators of any crime; such persons (as the Act lays down, being unable to protect themselves against the common dangers of life) are liable to be assaulted, raped or injured in some way.

In what way is *the feeble-minded person* defective mentally, with the result that he commits crimes? He is defective in attention and lacks the ability to apply himself steadily to any occupation for a prolonged period, and is in consequence unable to hold a post for any length of time. He is very susceptible to the suggestive influences of his environment and tends to go with the stream rather than against it. His ability to evolve new ideas is pronouncedly defective: though sometimes he shows no little ingenuity in the manufacture of untruths in an endeavour to escape the consequences of his acts; a feature of these untruths is, however, that they are used where the truth would serve equally well. His memory is defective. His self control is at a very low level, and the easiest way out of any difficulty is always taken irrespective of the consequences. He is also defective in reasoning, and lacks the ability to carry any argument to a logical conclusion.

Criminal Consequences

Now, in consequence of these defects what crimes ensue?

Prostitution ranks high, and is due to the failure to follow a steady occupation, the deficiency in self control and moral sense and the tendency to follow the line of least resistance.

Arson also ranks high in the list. It is curious why so many feeble-minded persons show a predilection for this crime: in all probability, in many cases, it bears close rela-

tionship to the childish pleasure which all children experience over a bonfire or fireworks. In other cases the crime may be committed to wreak vengeance on some person for a real or imaginary injury. There is always, however, an utter failure to appreciate the consequences of it in the fullest sense; and when questioned the perpetrator usually resorts to indiscriminate lying, or to the firm assertion that he was quite justified in what he did.

Rape, unnatural sexual offences, come next. The cause of these offences is not far to seek: the deficient moral sense, which is often perverted, and deficient control, are more than sufficient to bring these about. The indictable offences in this group range from sodomy, bestiality, exposure, and offences against children, down to actual rape. This type of crime is all too common, and I have no hesitation at all in saying that a very high percentage, if indeed not all, of the perpetrators will be found to be low or middle grade feeble-minded persons. In such feeble-minded persons there is, of course, a total absence of aesthetic as well as moral sense, so that the utter repulsiveness of what they do is completely lost upon them.

The Homosexual

This type of sexual offender should be clearly differentiated from the true homosexual who commits sodomy or some such act. The homosexual is one of the most unfortunate, if not the most unfortunate, individual that you come into contact with. I am pretty sure that a very small percentage of persons have the smallest conception of the utter mental misery that the homosexual endures in being afflicted with a tendency, or abnormality, over which he has little or no control, and with the almost certain knowledge that sooner or later he will hear the prison door close behind him for four or five years and that he is powerless to prevent it. Further, it seems to me the most extraordinary position that whilst two women may commit this very same type of sexual crime yet they are immune from the law; surely what is sauce for the

goose is sauce for the gander? It will no doubt come as somewhat of a surprise to many of you to know that it is by no means an uncommon thing for physicians to be consulted by homosexual patients, who come and ask to be cured of their condition: the soundest advice—without going too deeply into the psychiatric aspect of the disease—is to urge the unfortunate sufferer to realize that whilst he cannot help his unnaturally developed tendencies he can and must control his acts. It is patently clear to those of us who have experience of this disease that prison, for however long, has not the smallest curative influence and merely acts in a protective capacity.

Robbery

Reverting to the criminal characteristics of the feeble-minded, robbery comes next on the list. All quite normal children show an active instinct of acquisition. Most people in their own children have noticed the amazing collection of string, chestnuts, bits of wire and so on that they amass. Now, as the child grows older it gradually learns that which it can take and that which it cannot, and its moral control and logical sense help it to differentiate between the various articles. The feeble-minded person, on the other hand, being defective in these qualities, takes what he wants as being the easiest way of obtaining it, and lacks the reasoning and logical sense and moral control to prevent him from misconducting himself.

So far, then, crimes of arson, robbery, and unnatural sexual offences and rape, which we have dealt with, are most likely to be committed by either low or middle grade feeble-minded persons, or moral imbeciles. The latter group I will deal with in a moment, as they are the worst type of all mental defectives and will need special attention.

The High Grade Feeble-minded

We have not yet dealt with the high grade feeble-minded person. Such persons present very great difficulties to all

concerned. They are defective in judgment, precision and foresight, and, as such, are unable to foresee with any degree of accuracy the final result of their actions. They in common with the other two groups of feeble-minded persons cannot swim against the stream but must go with it, and in consequence are particularly susceptible to the influences of those with whom they come into contact. If such persons are brought in contact with those who are lax morally, who thief, pick pockets or commit actual crimes of violence such as robbery with violence, so they too will nearly always follow the same path and take to crime. These high grade feeble-minded persons, though they may know automatically the difference between right and wrong, are defective in reasoning and in all the higher intellectual faculties.

The tests which I use in cases of suspected high grade feeble-mindedness are these: (1) 'In Russia a rich man lived next to a very poor widow with four children. He went to the baker and stole bread for the widow, who could not afford to buy it. Did he do right or wrong?' The answer is usually that he did right. 'Why?' 'Because they needed food.' Again, (2) 'You are walking across a field, alone, and with no one in sight. You get over a stile and see a purse with £4 in it. What would you do with it, and how would you spend it?' The majority will tell you how they would spend it. Some will say they would push it under the hedge for awhile and come back later: and others will say that they would take it to the police station, but when asked why can only say 'because I've been told to'—no reasoning, in fact.

The Moral Sense

Now this leads us to the next practical difficulty in this group, the question of knowing the difference between right and wrong, and concealment. I personally think that too much stress is laid on these two points. I have already pointed out that the differentiation between right and wrong is learnt so often in an automatic sort of fashion, much in the same way as the twice-times table is learnt: but, surely, one

must go into the matter somewhat more deeply than this and ascertain that the person is capable not only of knowing that what he is doing is wrong, but of knowing why it is wrong and understanding the consequences of his action to himself and to other people? Therefore, some inquiry into their faculty for reasoning and logical sense must be made before holding them fully responsible. Let me illustrate a case in point. A man battered to death with a gun his small son to whom he was devoted, and murdered his wife and two other children, and was in due course charged with his crime and came up for trial. He was held to be responsible for his act, and stood to pay the penalty of it. It was maintained that he well knew that he was committing murder at the time that he did it. When the reason for this man's act was investigated it became apparent that, as his wife was about to have another child and he thought that his father would disapprove of it, he thought that the right thing to do was to wipe out the whole of his family. If he believed that this action was the right one under those particular circumstances, then, in my opinion, he did not know the difference between right and wrong, owing to defective reasoning.

Again, the question of a person's capability of resisting temptation when it arises, and their general moral control, surely must be taken into account? Is it fair to hold a person who is incapable of swimming against the stream, who through defectiveness of mind takes the easiest way of getting anything he wants, by stealing, who cannot assess the results of so doing, and whose judgment and control and general intellectual development are impaired, as being responsible for his crime? I think not. It is on this point that I think that the examination of young persons, as at present carried out, completely fails: too much attention is paid to the bare faculty of differentiation between right and wrong; and the supports of it, reasoning and logic, are either not examined for at all or only a cursory examination is carried out with regard to them. There is, I think, far too much tendency to hold young people responsible for crime, and to regard them as being

normal. At present, unless a person either bites a succulent policeman, breaks up the police station, or creates a first-class disturbance, he is looked upon as being normal. It will often be found that young people who commit a whole series of petty thefts, attack women, expose themselves, and so on, are either reacting to undesirable surroundings or companions and are too weak to resist the influence, or are generally too defective to be held responsible for their actions, and therefore need permanent care and protection.

Concealment

Then we come to the question of concealment, either by giving a subterfuge, or escape: it is argued that in so doing the perpetrator of a crime shows quite clearly that he knew that that which he was doing was wrong. But the instinct of flight from danger is, surely, one of the most primitive instincts and is apparent even in animals? Because after committing a crime a feeble-minded person seeks to escape his responsibility seems to me no indication that he should be held responsible; as he may have subsequently realized, in an automatic fashion, that he had done wrong and so instinctively made some attempt to avoid punishment. I hope I have made this clear; as the point is so often raised at a trial, 'But, Doctor, he seems to know quite well the difference between right and wrong, as he tried to escape detection.' Therefore, in order to weigh up the responsibility for crime in a young person we should inquire carefully into his mental make-up as a whole, not a casual investigation; and, where a stream of past petty thieving and so on has existed, a degree of high or middle grade feeble-mindedness should always be uppermost in our minds.

The Moral Imbecile

Now, the next important group is *the moral imbecile*: a larger class than most of us realize, and one with which the police are continually in contact. It is highly probable that a large number of the permanent-population (if I may use

that word) of our prisons are really moral imbeciles. That is to say, persons who, from an early age and upwards, show some mental defect coupled with strong vicious or criminal propensities on which punishment has little or no deterrent effect. (How often have most of us heard a judge say, 'I am going to send you to penal servitude for so many years, as punishment seems to have had no effect upon your actions.')

Speaking broadly, I think that we may divide the moral imbecile group into three classes, namely (1) those in whom misconduct is due to defective perception, (2) those in whom it is due to abnormal impulses, and (3) those in whom it is due to defective control.

With regard to those in whom misconduct is due to defective perception, it is quite clear that ignorance of the law may easily lead to it being broken, and that many moral imbeciles in the early stages break the law because they do not know what it is, though this can only apply to cases under the age of seventeen. In other cases these people understand what they are doing but not the significance of their acts. They appreciate the nature of their act but not the quality of it.

With regard to those in whom misconduct is due to abnormal impulses, and those in whom it is due to defective control, their crimes tend to get more serious as the person grows older. Where in early age it is petty thefts, interference with small children, thieving, and minor sexual offences, they later on descend to robbery with violence and other more serious offences. Further, throughout all their crimes can be discovered a type of conduct in which a strong element of childishness persists: by that, I mean unfettered and uncontrolled action of the instincts. These instincts, which act in an uncontrolled state in the moral imbecile are those of acquisition, self-assertiveness, and reproduction. They are more than apparent in children, except the latter, which is the last to be developed; as the normal child grows up, however, they are so moulded, controlled and adapted that they fit in with the requirements of the community—an obvious necessity for the well-being of the community at large.

Now, these persons, moral imbeciles, in whom these instincts do not become properly controlled, are in the first place definitely anti-social; they cannot and will not conform to the dictates of society or of the community at large. They have an over-active instinct of self-assertiveness, out of all proportion to that which can reasonably be regarded as normal. The instinct of acquisition expresses itself over-strongly by thieving, without any thought of the consequences either to the thief himself or the victim. The instinct of reproduction, instead of being used in its proper fashion, expresses itself in moral crimes such as rape and the more serious sexual offences. So, it will be found that, running through the whole of this group, there is a certain instinctive action which has not been properly controlled and adapted as the individual has grown up: in other words, the individual either cannot or will not adapt himself to the dictates of the herd or the community, and refuses to admit of the rightness of that which has been laid down by the herd for its well being: he is a person apart.

It is an interesting problem what right the community has, or indeed whether it has any right, to inflict its dictates upon individuals who do not wish to accept them. But, if we do not admit that principle, gone are the very elements of civilization and gone is the home life and the life of the nation and country as a whole. Nevertheless, there are people who have some qualms about insisting on these individuals being made to accept the dictates of a community which they will not recognize.

These moral imbeciles, then, either have such abnormally developed instinctive tendencies that those tendencies take precedence over normally controlled behaviour, or, alternatively, are defective in the necessary acquirements which would enable them to adapt themselves and so mould their instincts into their proper place: and in either case the result is the same—simple, uncontrolled, instinctive action. Such persons know quite clearly the difference between right and wrong; but the standards of the community are not accepted by them. They have their own standards of that which is

right and that which is wrong. Most policemen must have constantly come in contact with persons who would not hesitate to commit robbery with violence, and to carry out a snatch-and-grab raid, and yet who would be horrified at the idea of 'spilling the beans' about a comrade or a receiver—a horror by no means based on the fear of what might come to them if they did, but because they conscientiously feel that it is wrong to do so.

How to deal with these cases

How are we to deal with them? I admit quite frankly that I see no alternative to prison. If we allowed unfettered and uncontrolled instinctive action to reign, then there could be no real basis or stability in civilization at all. It is perhaps, to say the least of it, unfortunate for the person who happens to be born in this group; but, obviously, the individual must suffer rather than the community as a whole. It is perfectly true that many moral imbeciles who spend their lives in prison are highly skilled and very intelligent and industrious people, but whose criminal propensities make them permanent residents in one of our institutions: and as such it is obviously something of a tragedy that they are thus unable to do anything of much use to the community at large, even if they wanted to, and have to spend their time making mail-bags or cracking stones. However, under existing conditions, they clearly must be under restraint, and prison seems to be the only solution short of colonization: though it always seems to me that if it were possible to give such people greater freedom their labour might be productive of far more results—provided always that the amount of freedom was consistent with the safety of the community.

One of the great practical difficulties in the way, at the moment, in dealing with all types of *the mentally defective criminal*, is that the magisterial bench possesses an entirely wrong view of what a mental defective requires. I have lived to see the carefully considered opinions of two mental experts, with years of training, completely over-ridden by a man who

was a porter by profession and a magistrate in his spare time. I have heard solicitors plead for mentally defective children, the moral defectives, not to be 'put away for life,' and a sympathetic bench with tears rolling down their faces readily acquiescing to the suggestion that they should be bound over and have ample opportunity to continue perpetrating their uncontrolled acts to the detriment of other people and their property.

Lastly, I would suggest that where a young person becomes charged with a number of indictable offences over six, before reaching the age of eighteen, he should automatically be subjected to a careful mental examination. I believe that by so doing a very considerable economy in time and expenditure would be effected (particularly when you take into account the amount of time and money spent by the police in investigating and charging and bringing home petty crimes); and, further, it would ensure that those young persons already showing criminal or vicious tendencies, who were living in a bad environment, might get something helpful and constructive done for them before they sink irretrievably into atavistic tendencies from which they cannot be reclaimed.

The Founders of the River Police

By A. G. LINNEY

Editor of *The P.L.A. Monthly*

FROM time to time in *The Police Journal* references have been made to the earliest efforts to establish efficient guardianship over property on the River Thames and subsequently within the enclosed docks. In a notice of Sir John Moylan's book (*The P.L.A. Monthly*, September, 1929) on 'Scotland Yard and the Metropolitan Police,' it was pointed out that the body of men usually called 'The River Police' was, in reality, 'the Thames Division of the Metropolitan Police: they patrol the river from Barking to Teddington and form the oldest section of the London Police Force.'

Whenever the history of the origin and growth of the docks system in the Port of London is traced, stress is laid upon the fact that it was the unparalleled depredations of river thieves which forced the hand of London's West India merchants and led to the construction of the West India Dock, opened in the year 1802. Sir David J. Owen, in *The Port of London: Yesterday and Today*, remarks that 'An old document puts the number of water and riverside thieves at about eleven thousand. Swarms of rascals—captains, mates, crews, revenue officers, watchmen and labourers—it was said, committed "semi-piracy under cover of darkness" . . . The whole business of robbery was incredibly wholesale and comparatively unchecked, and it was estimated that the annual losses to merchants and the public revenue amounted to a figure somewhere between £250,000 and £800,000 a year.'

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The art of organized plundering and the methods adopted by the robbers were outlined in an article, 'River Gangsters of a Bygone Age,' which appeared from the pen of Mr. A. E. Wildey in an issue of *The P.L.A. Monthly* in April, 1932.

It would appear that the pioneers in the movement to establish a system to prevent river piracy were Patrick Colquhoun and John Harriott. The one has left behind a volume, bearing the lengthy title, 'A Treatise on the Commerce and Police of the River Thames: containing an Historical View of the Trade of the Port of London; And suggesting Means for preventing the Depredations thereon, by a Legislative System of River Police. With an Account of the Functions of the Various Magistrates and Corporations exercising Jurisdiction on the River; and a General View of the Penal and Remedial Statutes connected with the subject'—and Harriott's comments on the subject are contained in the third volume of a strange collection to which was given as title, 'Struggles through Life, exemplified by Various Travels and Adventures in Europe, Asia, Africa, and America, of John Harriott, Esq. Resident Magistrate of the Thames-Police. To which also are added Thoughts on the Subject of Police, Suggestions arising From the Abuse of Private Mad Houses, Contemplations on Death, and the Philosophy of Religion.' Colquhoun's book bears the imprint, 'London: Printed for Joseph Mawman, in the Poultry, Successor to Mr. Dilly. MDCCC': Harriott's work was published about fifteen years later.

Patrick Colquhoun was a Scotsman, born in 1745. As a youth he went out to Virginia, but returned to Glasgow on attaining his majority. In 1782 he became Provost of Glasgow and busied himself keenly in the endeavour to stimulate several branches of trade, notably the Lancashire cotton trade. He was a man of unbounded and rather discursive energies. His numerous pamphlets included one on the subject of the Police of the Metropolis (he had come to London in 1789) which ran to seven editions and contained useful proposals.

Other of his tracts dealt with soup kitchens, the value of fish as food, and cheap education.

In 1797 the London West India Merchants sought his advice when they were considering how to combat river thieving, and from this came forth Colquhoun's book with the enormous title set out above. The Government listened favourably to the propositions put before them and Colquhoun was appointed Superintendent Magistrate of the 'Marine Police,' his office being at Queen-square, Westminster. He held this position from 1798 until 1818, when he resigned. His death occurred in 1820.

John Harriott may be said to have shared with Colquhoun the leading practical position in the beginnings of the story of the Thames 'River Police.' He was a strange fellow and there is little doubt that he was something of a crank. Born in Essex, he entered the Royal Navy as a young man and had a variety of adventurous experiences before he passed into the Merchant Marine and made many voyages across the Atlantic. He himself has asserted (but the India Office records do not support the idea) that he held a military appointment in the East Indies and saw considerable fighting service. After travels in Sumatra and South Africa, we find him in London; hence, after failure as an underwriter and then as a wine merchant, Harriott settled as a farmer in Essex. He received an award from the Royal Society of Arts for embanking work in the neighbourhood of Foulness, but after the destruction of his farmhouse by fire he went to the United States, remaining there for five years.

John Harriott must have been in a fair financial position by the end of the eighteenth century, for it is recorded that he subscribed £500 to Pitt's 'Loyalty Loan.' One of his interests is shown in the invention of a ship's pump and his ownership of a factory for its manufacture.

In the thirteenth chapter of his wide-ranging collection of treatises, he writes: 'I was led to consider the great advantages that would result to all concerned in the shipping-commerce of the Port of London, if a River-police was

established. . . . I made various inquiries, and at last wrote to the Duke of Portland, then Secretary of State for the Home Department, with a plan for a River-police; my letter was dated the 30th of October, 1797.'

A few months later Harriott was invited to dinner with Patrick Colquhoun in order to discuss River Police plans. Colquhoun took speedy action, so effectual that Harriott recorded, 'My acquaintance with Mr. Colquhoun warrants my assertion, that he is not only one of the most punctual men living, but I think him the most indefatigable persevering man I ever knew in whatever he undertakes.' Compliments of equal warmth emanating from Colquhoun towards Harriott are recorded in the book written by the former. He says: 'Mr. Harriott had for several years acted as a Magistrate for the County of Essex, where his talents, integrity, and public spirit had justly procured him one of the most handsome public testimonies of intrinsic worth that ever fell to the lot of any individual to receive.'

The upshot was that Harriott was recommended to assist Colquhoun and to take up the post of Resident Magistrate 'at a commodious office, conveniently situated close to that part of the River which forms the centre of the discharging berths, or places, where the Ships deliver their Cargoes, at No. 259, Wapping New Stairs.' It is to be added that to-day, at this spot, stands the Wapping Police Station, which is the headquarters of the Thames Division of the Metropolitan Police.

It will easily be understood that the task facing Colquhoun and Harriott was no slight one. Says the latter: 'In the organization and carrying it into complete execution, I need not hesitate in saying I took a full share. We seized the bull by the horns, and never quitted our hold for upwards of two years. It was a labour not unworthy of Hercules, and we succeeded, by our joint efforts, in bringing into reasonable order some thousands of men, who had long considered plunder as a privilege.'

Among those who gave the most trouble was 'an unruly

set of beings, the half-savage Irish coal-heavers. There are from twelve to fourteen hundred of this class of men, who mostly reside in the neighbourhood of the office.' Some months after Harriott had been installed at Wapping, 'some hundreds of coal-heavers, encouraged by notorious receivers and others, made a most furious attack on the office.' This attack was sternly resisted and the defenders were compelled to fire on the attacking mob. Harriott makes this remark regarding 'two or three gentlemen from the City' who happened to be in the office: 'one ran up to the top of the house and hid himself, and the rest made a prudent retreat by getting into a boat and rowing away.'

Harriott's indefatigable energy and his stern sense of duty later brought him into trouble with some members of his staff who, obviously, were unsatisfactory. Being exposed as guilty of swearing to false accounts and other evil conduct, these men brought up charges against Harriott himself. 'Of these accusations against me, there were no less than fifty-three counts in one indictment, of more than fifty feet in length, manufactured by these young men, who must have conceived that, in pelting away with so much mire, it was a chance but some of it might stick.' The case came before the Court of the King's Bench. Of the array of charges, but one was held to have any ground. Harriott's ship pump factory had received an order for three pumps, and 'the mere withholding of my name was considered by the learned judge as a misdemeanor, which it may be of service to others to learn.' A small fine under this head was imposed.

It is quite evident that the authorities continued to have entire trust in Harriott, for, 'Soon after the trial, I received a letter from the Secretary of State, signifying His Majesty's command that I should resume my situation, as resident magistrate of the Thames Police.' The lawyer who defended Harriott took occasion to signify his appreciation of the character of his client by returning to him all fees received. Harriott was touched by this sign of confidence—'an act'

(he writes) 'possibly unprecedented in the annals of the law; pouring balmy comfort into a wounded spirit.'

John Harriott continued to carry out his duties from that time (1809) for some years, though his health broke down. He died in Spitalfields in the year 1817.

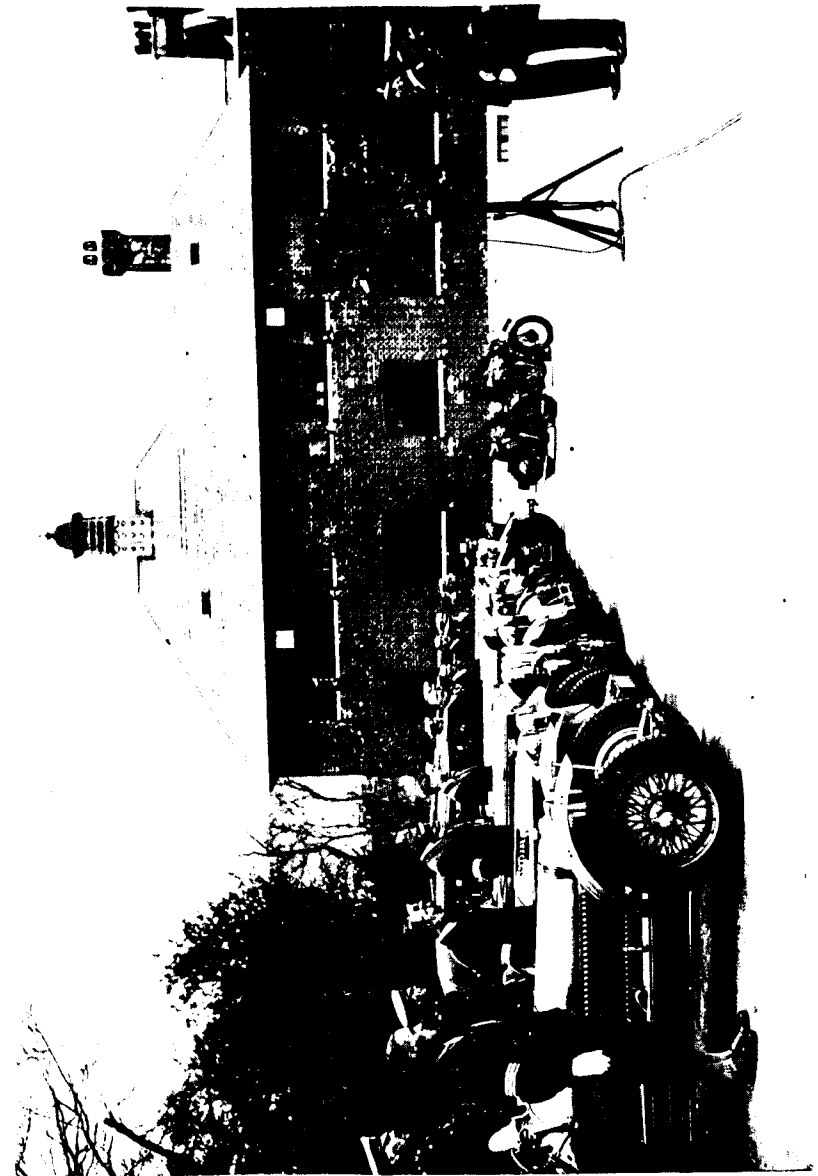
The first resident Thames Police Court magistrate must have been an odd and rather self-centred man. I have glanced through some of his other outpourings and gained a mingling of amusement and of respect for this serious-minded Harriott. In 'Advice given to my sons on their embarkation for the East Indies' comes this passage: 'On your passage to India, be careful with whom you form any intimacy. . . . The officers of the ship, down to the fourth mate, are most of them gentlemen, with whom you may freely associate if you find them agreeable; but, with the inferior officers, such as the carpenter, boatswain, etc., you must avoid an acquaintance. Not but these men may be as worthy as those above them; but in every naval and military service, there is a certain gradation.' And there is this encouragement to temperate habits: 'My dear son, there is one resolution I wish you to form and keep firmly until you arrive at one-and-twenty years of age; this is, to refrain from drinking more than three glasses of wine, or other liquor, after dinner, in general.'

On the subject of private madhouses Harriott lets himself go at length, recounting the indignities suffered by sundry people known to him. A dissertation on gout leads him to plump for 'cold applications' as being no worse than anything else he knows.

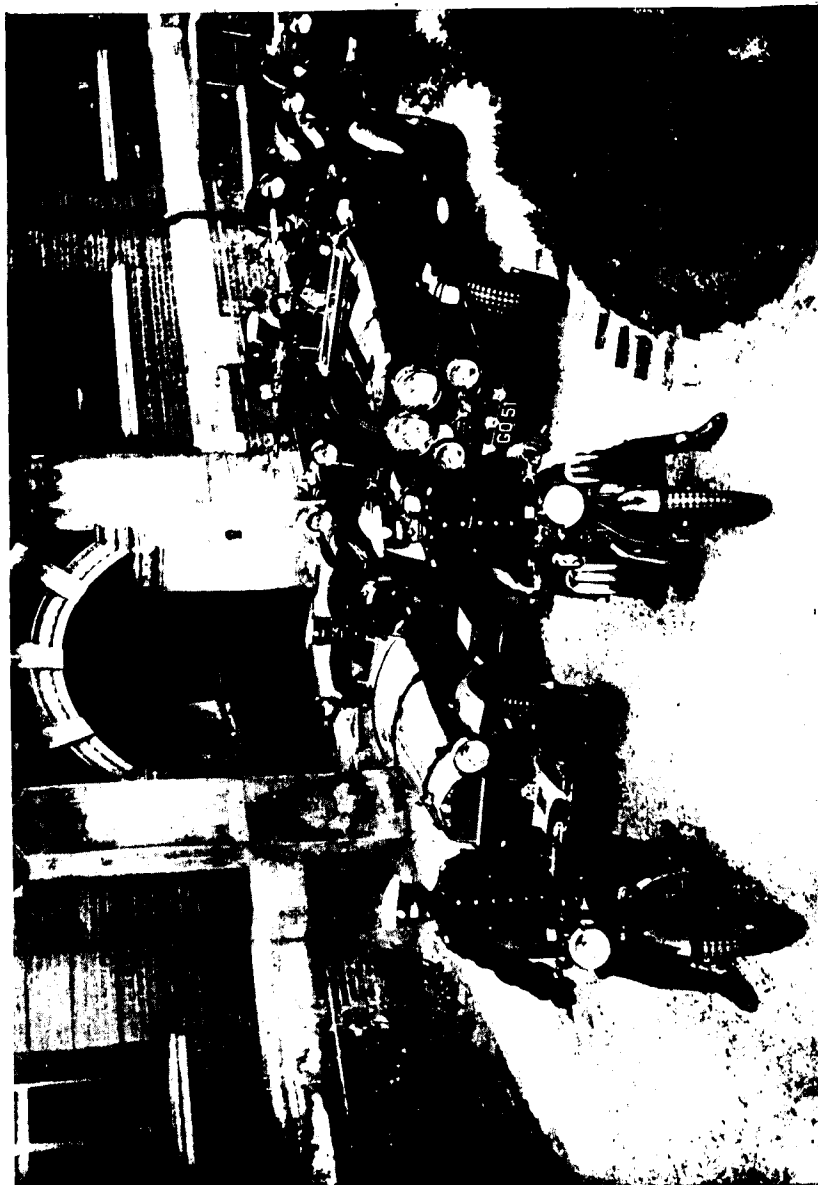
A mellowed and moderate philosophy reveals itself in his chapter entitled, 'Reflections on the means, by which a firm-minded man, grown wise by experience, and past the grand climacteric of life, may become as truly independent, on a very moderate income, as the wealthiest man in the creation; the Author's content and resignation.' But Harriott had his more morbid moments, for in this discourse he relates how (1808) he opened out the family vault to look at 'the remains of my much revered parent, my two beloved wives, together with

those of my infant children. . . . Beginning with my father, I successively raised every skull, and, saluting them, endeavoured by a close examination to trace out a resemblance to what I had formerly known so well: imagination, no doubt, greatly assisted me in this scrutiny.' After this grisly task Harriott goes on to record that 'whilst smoking my solitary, soothing, ruminating pipe, before I retired to rest, I experienced a mental satisfaction, far beyond what language can express.'

Without following Harriott into his 'Comfortable and heart-satisfying contemplations on the subject of death,' we may conclude that pioneer Thames Police magistrates appear to have taken their pleasures sadly!



REIGATE SPECIAL CONSTABULARY FLYING SQUAD ON PARADE



SPECIAL CONSTABULARY FLYING SQUAD LEAVING THE MUNICIPAL BUILDINGS, REIGATE

Reigate Borough Police

SPECIAL MOBILE CONSTABULARY

BY W. H. BEACHER, Chief Constable
Reigate Borough Police

THE organization of the Special Mobile Constabulary, as a Branch of the Special Constabulary of this Force, in 1932, was not the outcome of a sudden 'brain wave' on my part, but rather the result of careful thought over a considerable period, thought which had travelled along similar channels as that which brought mobile police into existence to combat the criminal of to-day, who seeks a fast means of travel to and from the site of his activities.

This Special Branch of the Special Constabulary soon became known as 'The Special Constabulary Flying Squad,' and is now well known throughout the country. Reigate, as a small borough, is fortunate in possessing a fleet of no less than twenty-three fast motor cars, with Sir Malcolm Campbell as the Chief Inspector, and Major Gardener as Inspector. The 'Flying Squad' is, of course, comprised of motorists resident in the borough, each possessing a fast, or sports, type of car. These gentlemen are all Special Constables of the borough, many of them for a number of years.

The following cars are in use in the 'Flying Squad': *Mercedes, Bentley, Sunbeam, Rolls Royce, Minerva, Talbot, Riley, Invicta, Alfa-Romeo*. All these have been on parade and tested at speed. A photograph is reproduced on another page showing Sir Malcolm Campbell leading the 'Squad' in a test, which was highly successful in every way and demonstrated a very high efficiency on the part of both cars and drivers.

The object of the Special Mobile Section is not only to have a body of Mobile Special Constabulary for use within the Reigate Borough alone, but for use of adjoining police districts where serious crime may occur and our co-operation enlisted; especially in instances where there is a likelihood of the offender passing through or near to the Borough of Reigate—in such cases the 'Flying Squad' would prove invaluable, and have already done so on one or two occasions since their formation.

It should be emphasized that the Special Mobile Section have been organized as an emergency squad only. On no account is it called upon to take responsibilities which belong to the regular police.

The practice adopted by me in the organization of this body has been to have the Special Constable drive his own car with a uniformed police officer accompanying him. In no instance, or under no circumstances, will a Special Constable be allowed to take the road in pursuit of crime without the accompanying police officer. All members of the 'Flying Squad' are

on the telephone and so situated that they control the cardinal points of the borough; so that should their services be required, say in the south, a rapid series of 'phone calls would be made to all residing close to the southern boundary, and even, if all were not present to receive same, a sufficient percentage could be drawn upon to be of practical use. Again I should like to mention that we have been very fortunate in having sufficient members of the Special Mobile Section residing at advantageous sites close to the borough boundary, and in all parts of the borough, so that we are able to draw upon them in sections, as it were.

The possibility of the adoption of this system in other parts of the country obviously depends upon the gentlemen who form the Mobile Special Constabulary. In Reigate Borough I had no difficulty, and in fact, although extremely reluctant to do so, had to turn some good gentlemen away on account of residential qualification. I advised all whom I could not enrol as Special Constables in this borough to make application to the Police Chiefs of their respective districts. Many of them were keen to help the police all they could, and especially in this capacity of Mobile Special Constabulary. I do not doubt but that it was the sense of keen activity which appealed to them so strongly, and I certainly appreciated their application to become members of the 'Squad,' as it showed a new light on the subject of co-operation of Police and Public—a closer bond as it were, between civilian and police life, in their combat with a common enemy—dishonesty.

The Faking and Detection of Jewellery and Gold and Silver

By G. D. MITCHELL

IT is sometimes said that pearls, diamonds, rubies and other stones precious and semi-precious, together with the recognized precious metals, gold and silver, cannot be faked, and in a sense this is perfectly true. Just as no one can manufacture a lump of iron, so no one can make gold—and in spite of all curious attempts, mediaeval and modern, is never likely to. Similarly, although 'synthetic' forms have been obtained for most of the precious stones, with the exception of the emerald, they have either, like that of the diamond, not been made to any purpose, or they have remained something different from the real stone, which is a product of nature.

But it is a statement which is little more than a quibble. The importance and significance of the faked article lies not in whether it can so imitate the real as to be impossible of detection but in the chance it offers to the fraudulent dealer to deceive the public. If we take this meaning of the word faked there is not a precious stone or metal that has not been counterfeited with astonishing success. But the fault has mostly been with the public, not for failing to know the difference but for not taking steps to have their purchase tested.

During the 'gold rush' of the past eighteen months, thousands of articles of jewellery have been taken to the jeweller for the value of the gold mounting. They were bought as gold perhaps 50 to 100 years ago. Their owners naturally believed them to be gold. They had the number of gold carats stamped on them—9, 15 or 18. Yet, on assay, the amount of gold in them often proved to be infinitesimal. Similarly,

many gold seals were found to be mainly composed of base metal. Antique locket and pendants were filled with lead, brass and copper, and metal domes well gilt were found to cover the movement of watches, while the outside case was boldly marked 18 ct. It should be noted that all these articles, although marked, were not hallmarked, a point which will be dealt with later. These articles were manufactured many years ago and there is every reason to believe that such practices are fairly rare to-day.

A mere touch of acid reveals gold, and the test for standard (that is, whether the gold is 9, 12, 14, 18 or 22 carat) is so simple that this type of fraud is not likely to be practised except on the more ignorant classes, as at country markets or in cheap-jack auction rooms. But in the world of precious stones there is infinitely more scope for fraud and imposition on the public. It may not always be the fraudulent offering of an imitation gem as a real one. It can be fraud (in reality if not in law) by selling a comparatively worthless, though genuine stone for a good price. Colour, rarity, lustre are not attributes which can be submitted to a chemical or other decisive test; the comparative values of stones must in the final result rest on opinion—an opinion in which taste, expert knowledge and sometimes the demands of fashion play their part. For this reason alone it seems incredible that anyone not having expert knowledge should attempt to buy jewellery at any high price without the safeguard afforded by going to well-known and established firms or by otherwise obtaining an expert opinion.

Faking, Ancient and Modern

The art of faking is not new although some new methods have been invented in recent years. It is just as old as the demand for jewels, and it will continue to exist while the public is made gullible by vanity or love of a bargain. In Roman times, according to Pliny, such stones as topaz, lapis lazuli and amethyst were all counterfeited, either by stones less rare or by imitations made of coloured glass. Amber

could be coloured, as it can and often is to-day, and obsidian was used to counterfeit hyacinths and sapphires. With the development of collecting, whether by private individuals or museums, there also developed another class of faking—that of the antique. In modern times the rise of the United States as a collecting nation, the rivalry among its private collectors and between them and collectors in the old world, and the widespread craze among the people there to own something old, has led to a vast amount of faking. Coins, medals, bronzes, pictures, objets d'art, furniture, silver, autographs—there is not an object that might be of value if antique that is not faked.

In saying this it is not to suggest that faking is done always with the intention of misleading the public. The art of the restorer is a perfectly legitimate one and many a piece of antique silver, say, is restored by modern additions with the approval of Goldsmiths' Hall. In such cases, however, the hallmark on the addition is of modern date and one knowing anything about hallmarks could not be deceived. The difference between restoration and faking is in the intention or in the handling of the piece after it has left the restorer. A clever worker in silver can reproduce almost perfectly the antique models, such as Queen Anne pepper boxes, cream jugs and other articles which when genuinely antique fetch a high price per ounce of silver. (For the uninitiated it should be explained that silver ware is always sold by the ounce.) There naturally follows the temptation in some cases to go a step further with such reproductions and forge or use an old hallmark (see an account of the Fileman case given below), thus making it difficult, though not impossible, even for the expert to discover the imposition.

The business of faking is by no means ended with the manufacture of the article. It has yet to be passed off as the real, and this often involves considerable ingenuity.

Disposing of the Article

There are many methods of disposing of the spurious article. For instance, the Caledonian Market acquired a

reputation at one time as a place where one could pick up good bargains in antiques. It is possible a few bargains were picked up, but the fakers took full advantage of the reputation to unload their wares. It is on the cards that the reputation itself was invented. In a similar way it is easy to suggest that pieces have been found in out-of-the-way country districts.

Innumerable tricks are played or attempted in the auction rooms, although it should be emphasized that no reputable auction room lends itself to such practices and indeed takes every step to prevent them. Faked articles may be listed in catalogues of some fairly noted collection. Or they may be put up for auction and bought in by the owner at high prices, thus establishing documentary evidence of value for the future private deal of the high sums they commanded. The commission paid on a buying-in sale is comparatively negligible and the dealer can afford to display the details to a prospective customer with the candid admission: 'There you are, you see what I paid for it.' Another method is to get confederates—Peter Funks they are called in the trade—to bid up as far as the reserve price. If an outside bidder then secures the article, so much the better. If it is bought in, then it has secured the reputation of a good price.

The only precious metals in law are gold and silver, although attempts are now being made to secure recognition for platinum and perhaps one or two other of the very rare metals. It is a curious fact—at first sight—about silver that although compared with gold it is intrinsically cheap—its price in the market has ruled about 18d. an ounce this year—yet more faking, forging and counterfeiting is done in connexion with silver than with gold. The reason is that it is not the actual metal that is counterfeited, except in a comparatively small way, but its age. Second-hand silver spoons, hand-forged and of the finest workmanship, but modern, fetch little more than their intrinsic value as silver. Yet similar spoons, dating from the reign of Queen Anne, might sell for more than a hundred shillings per ounce. Greater differences still are to be found between the prices of more elaborate

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modern and antique wares, some of the latter running into several hundreds of shillings an ounce. Here is at once the explanation for the existence of the faker.

Yet for nearly 500 years silver wares, with trifling exemptions, produced in this country have been required to be stamped with the date—in code—of the year of their manufacture. How does it come about that the faker can flourish? For answer it is necessary, first of all, to touch on the vast subject of hallmarks.

Hallmarking

The British hallmark, which has been in existence for nearly 1000 years—there are recorded examples from the year 1479—is an institution of world-wide recognition which denotes an unquestionable standard of quality. Apart from its special meaning, and because of it, the word hallmark has become a world term signifying supreme quality.

Hallmarking is the accurate determination and official recording of the proportionate content of precious metal in gold and silver wares. It is a guarantee of purity or fineness. It also guarantees the authenticity of the piece as the work of a certain artist, factory or mint of a certain date. At present there are seven Goldsmiths' Halls empowered and required to carry out the provisions of the hallmarking enactments—London, Birmingham, Chester, Sheffield, Edinburgh, Glasgow and Dublin, and each of these has its special town mark, which is impressed with the hallmarks on the wares. These town marks are as follows:

London	-	-	-	-	-	A leopard's head
Birmingham	-	-	-	-	-	An anchor
Chester	-	-	-	-	-	A sword erect between 3 wheat sheaves
Sheffield	-	-	-	-	-	A Crown for silver A York Rose for gold
Edinburgh	-	-	-	-	-	A three-towered castle
Glasgow	-	-	-	-	-	A tree, a fish and a bell
Dublin	-	-	-	-	-	The figure of Hibernia

The assay offices are not Government departments, although working under various statutes. To the public in general they are more or less unknown. The address of Goldsmiths' Hall, Assay Office, in London is given in the telephone directory simply as E.C. 2. It is tucked away in a narrow lane off Cheapside, and anyone going there is met with locked doors on each side of an open hall. Only those having business there are admitted, for the strict functions which it carries out are jealously guarded. Here and here only, for London, are the dies with which the hallmarks are stamped.

The staff are engaged in work of the greatest exactitude, and they, with the other assay offices, are the bulwarks against fraudulent dealings in spurious gold and silver wares. A single day spent in this office would reveal the ingenuity of this or that faker; constant attempts to pass off the spurious article; the continual stream of doubtful cases, which have to be rigidly inspected and pronounced upon. At one moment a jeweller in Regent Street rings up to say that he has been offered a Georgian tea service. He is of opinion that the hallmarks are perfectly genuine but in one piece—the teapot stand—he has a suspicion that an old hallmark on a false bottom has been soldered on to a modern piece of work. He wishes it to be examined. The American Customs in London telephones to say that several pieces have been returned from New York as suspected of being the work of a forger who has just been convicted. Gold and silver wares come in for assay and stamping. And so the day goes on, the work of detection and protection proceeding surely and unhurriedly.

Speaking broadly there are four marks to be placed on every article and each separate piece of an article that comes to the Assay Office to receive the guarantee.

These are :

(1) The maker's mark. This was enforced in 1363, and on a gold tablet at Goldsmiths' Hall are the casts of every maker's mark whose wares have passed through the Hall. If there is any doubt of such a mark on an old piece it is here compared with the authentic mark. The maker's mark

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consists of two initials, *e.g.* Goldsmiths & Silversmiths Company Ltd., Regent Street, would be G.S. & Co. Ltd.

(2) Then follows the town mark, the symbols for which have already been given. It should be noted that the present marks of Chester and Dublin replace other devices, while on some old wares may be found the town marks of York, Norwich, Exeter, Newcastle and Bristol. These cities have ceased to hallmark wares.

(3) The mark guaranteeing purity or fineness, known as the Standard mark. This was introduced in 1545 and for England was, and remains for silver, a Lion Passant. The silver standard mark for Edinburgh is a Thistle, for Glasgow a Lion Rampant, and for Dublin, a Harp Crowned.

The standard mark for gold is rather more complicated, and in London the different degrees of fineness are denoted by differences in the shield surrounding the Leopard's Head. All the Assay offices denote fineness by stamping on the number of carats. Thus for English assay offices the Standard mark becomes

Crown	22
„	18
15	·625
12	·50
9	·375

(Recently a new standard of 14 carats has been recognized and has replaced the former 15 ct.)

It will be noticed that the Crown is omitted for the lower standards. In Glasgow, however, the Lion Rampant replaces the Crown and is on all standards, while a Thistle replaces the Crown in Edinburgh. Irish marks are different again.

(4) Finally, there is the Date mark. This was introduced as far back as 1478, and is denoted by a single letter of the alphabet within a shield or other form of special design. 20 letters of the alphabet only are generally employed, those omitted being *j*, *v*, *w*, *x* and *z*. In order to obtain variety the fount of these letters is varied every twenty years, so that the date of the cycle itself can readily be determined. No doubt

the easiest plan would have been to stamp the actual date on the ware, but this apparently was too simple a procedure for the 'Mystery of the Goldsmiths.' The result is that since also different assay offices employ different cycles, the date mark is an extraordinarily complicated mark to decipher. Nor would even an expert attempt to assign a year to any doubtful article without referring to the set of date tables and also examining the configuration of the containing shield. And there are other pitfalls.

The above description of marks is intended only as an indication of the marks to be found on hallmarked gold and silver wares. There have been so many changes in the course of the centuries, so many exceptions, and so many differences in the practices of the different assay offices that nothing short of a chronological set of tables for each office would suffice to display the true position.

In speaking of the standard or fineness of gold it is important to note that it is a ratio and not a weight. Pure or fine gold is denoted by 24 carat, but since it is extremely soft it cannot be used unalloyed. If then a wedding ring is marked 22 carat it means that it contains 22 parts of pure gold to two of alloy. Standard alloys usually consist of gold-copper, gold-silver or gold silver-copper, and gold-zinc in 9 carat gold. White golds, which are not controlled by enactment, contain alloys of silver, copper, zinc, nickel or palladium. Gold coinage is not hallmarked.

The Standard mark is the only protection without an assay or acid test that the public has as to the purity of the precious metals, since gold and silver can each be alloyed considerably below its various legal standards without possible detection by the eye. For this reason any reputed gold or silver articles that are not hallmarked, even when they come within the list of exemptions, are liable to be suspect. On every article of gold or silver required to be hallmarked the marks must appear on every separate and distinct piece requisite to complete the article. The penalty involved in an infringement of this rule is £10.

Exemptions from Compulsory Marking

But there are considerable exemptions from compulsory hallmarking, chiefly in regard to very small articles. Nearly all silver has to be marked except jewellers' work and sundry small articles, but the exemption of jewellers' work in gold leaves a more considerable field untouched. In addition the following are some of the gold articles that need not be marked: rings (other than wedding rings and mourning rings), locket, thimbles, pipe lighters, sliding pencils, and wrought seals or seals set with stones. No gold that is less than .0076 inches thick, or silver that is less than .002 inches thick, is hallmarked.

It will be obvious that the list of exemptions leaves considerable scope for the fraudulent jeweller or dealer to pass off base metal as gold, although the practice is growing of having wares otherwise exempted voluntarily marked. In particular there is no degree of certainty in buying old gold jewellery unless an assay is obtained. In the case of modern gold jewellery the public are safe in dealing with a reliable firm and a guarantee can always be obtained on the invoice. The best jewellery, when it is not set in platinum, is made with 18 carat gold, but 15 carat is used for coloured jewellery of fine quality. 22 carat gold is largely confined to wedding rings, although such are also made of 18 and 9 carat gold.

There is a practice among some makers of placing private carat marks on exempted gold articles. The article is stamped 15 c or 15 ct. It should be made clear that such marks do not denote that the gold has been assayed at one of the State Assay Offices and it is a serious misrepresentation for a retailer to describe them as hallmarks.

The hallmark is a mark that is placed on wares of British manufacture of known origin and is their guarantee.

For goods that are imported from abroad or whose origin is unknown there is stamped a second and different mark, varying according to the assay office and enclosed in different shields for gold and silver.

From the foregoing it is obvious that the British hallmark

offers a very considerable safeguard to the public. It gives a check to fraud ; it is all important in valuations for probate ; it establishes a standard for British wares and prescribes a standard for foreign wares coming into the country ; it renders plate a safe investment and good security ; and it also determines the history of the wares in question.

Transposing Marks

Yet there are loopholes for fraud and various deceptions that cannot be legally classed as fraud. For instance, since the date mark on silver is of the highest importance to collectors there is all the more encouragement to the forger to tamper with these marks, and however vigilant the assay offices, forgeries or alterations or substitutions cannot be entirely prevented. Needless to say it is illegal to tamper with hallmarked silver (either the silver, unless it is duly date-marked afterwards by the Assay Office, or the marks), but that does not prevent a variety of fraudulent practices. Such are the adding of metal, except under conditions laid down by law, to hallmarked ware, the transposition of hallmarks, the counterfeiting of hallmarks or the obliteration of hallmarks.

The transposition of marks (*i.e.* from an insignificant old piece to a heavier modern article) is a common mode of fraud. It is not exaggerating to say that a considerable number of the minor antique articles, such as spoons and forks, that are bought at high prices per ounce in the open market eventually find their way into the transposer's hands. They are valuable not in themselves but for their marks.

One well-known jeweller told me that two or three years ago he sold a silver tea and coffee service and tea tray, the work of Benjamin Smith and dated 1832. It was therefore not quite old enough to go into U.S.A. duty free. A little later, he heard again of this service. The maker's initials B.S. had been skilfully changed to P.S., representing Paul Storr, while the date mark, a small *r*, had been transformed into an *l*, signifying 1826. By these means the articles had been converted for American purposes from a value of 10/- an ounce

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to 30/- an ounce. The articles in question were confiscated by Goldsmiths' Hall.

The expert maintains that when modern silver is treated to make it appear old there is always something to give it away. Of course it is not necessarily the mark, since that may be genuine—in fact the only genuine part of the fake. The expert's suspicion is aroused by the patina or the solder or the absence of the appearance afforded by real wear and tear. Nevertheless, modern silver is frequently simulated to look like old with success. Silver never retains its pristine brightness, but becoming coloured or oxidized acquires a soft pleasing light and shade. In order to make this patina the faker uses a mixture of sulphur or chlorine, the most common mixture being liver of sulphur. When old marks have been soldered into new pieces it is maintained that the solder line can always be discovered.

R. v. Fileman

Cases of forgery or other offences occasionally come before the Courts, and as it happens, one of the most interesting in recent times was tried this year.

Charles Isaac Fileman, 29, an antique dealer of 46 Lonsdale Road, Barnes, appeared before Judge Whiteley, K.C., at the Central Criminal Court, on February 8, on a charge of having in his possession silver ware bearing impressions of a forged die, contrary to Section 8 (2) of the Forgery Act, 1913. He pleaded not guilty.

Prosecuting counsel said : ' It is said in this case that the evidence establishes the fact that this man had in his possession, over a period of time, some nine articles which in fact bore hallmarks which had not been put on the articles by the Assay Office, and hence they were forgeries.' He added that the matter came to light between August 1931 and October and September 1932, when the defendant had supplied various dealers in silverware in such cities as London, Oxford and Exeter, with nine pieces of silver ware of the Queen Anne period. In fact those articles were examined by the Assay

Office and it was found that the marks on them were not put on by that office. The defendant was subsequently interviewed by Inspector Thomas in September 1932. Fileman was asked where he obtained the articles and he made a statement to the effect that he had purchased the goods from a man named Hines, or Hyams in the Caledonian Market. Fileman told the officer that he did not know where Hyams lived but he had purchased articles from him at different dates. The basis of his explanation was that he had not the slightest idea they were forged articles of silver, and that he was quite innocent in the matter.

The defending counsel said that the accused was a young man who had been carrying on his business for 10 or 12 years without any business premises. Fileman had bought and sold silver and he had acquired a certain knowledge of the trade. Fileman's judgment of silver was apparently quite good in most cases. He had never sold any articles which had been mentioned in the case to private purchasers, but he had gone to the oldest people in the trade and had sold to the greatest names in the trade. The defence was that Fileman had no knowledge that these things were wrong when he sold them.

Fileman in evidence said that he had dealt in silver for six or eight years, going round the country in a motor car, buying from one dealer and selling to another at a margin. About two years ago he began buying from the Caledonian Market. He came across Hyams in June or July 1931. Hyams carried on his business by laying out his wares on a piece of cloth in the market. He bought some Irish silver ware from Hyams in June or July 1931. Witness described Hyams as being 5 ft. 10 in. or 11 in., heavy build, swarthy, of foreign appearance and he had a small moustache. Hyams told witness he had got in with a family who had a lot of antique stuff.

Witness added that his wife accompanied him when he travelled the country. He had not knowingly sold any forged articles. There were cases where articles were 'wrong' but that did not mean that the hallmark was forged.

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In cross examination Fileman said he had paid Hyams £300 during about 10 months in 1931 and 1932. He had no documents to show that that amount had been paid.

The following passage then took place: 'Did it strike you as curious that a man in that market should have such a good supply of pieces of the Queen Anne period?'—'No.'

'Are they easy to pick up?'—'Yes, for me.'

'What was the largest transaction you had with Hyams?'—'About £150.'

The Judge: 'Were you buying the goods as genuine Queen Anne?'—'Yes.'

'And did Hyams believe he was selling genuine Queen Anne?'—'Yes, I believe so.'

'Did you ever ask for a receipt?'—'No, I had the goods. He had the money.'

'Have you any idea where Hyams lives?'—'Not the slightest.'

'He would have been a very valuable person for you?'—'I thought I had just struck a lucky patch.'

Fileman's Counsel pointed out that in every case where one of the forged articles was offered for sale, Fileman went to the heads of the trade, not to unsuspecting members of the public. 'Would he walk into the lion's den,' he added, 'if he knew that anything was wrong with the articles he was trying to sell to this sort of people?'

Prosecuting Counsel, in his address to the jury, said the case was a serious one, because there could be nothing more important from the commercial point of view than maintaining the hallmark on silver or gold. The expression hallmark had found its own meaning in the English language and it was used quite apart from its technical meaning. It was something beyond reproach and suspicion. If hallmarks are being made with impunity it would be an extraordinarily serious matter for many persons in this vast City of London.

Fileman was found guilty and was sent to prison for six months.

Thinness of Metal

One term that is much abused is that of 'solid silver', and the public can be easily deceived by it. For example, candlesticks that are described as solid silver are frequently filled with plaster of Paris or some base metal. While no silver article that is made partly of base metal can be hallmarked, there are certain articles, such as candlesticks which are so marked, since it is an understood thing in the trade that they are not of solid silver. Certain conditions, however, attach to the marking. The loading metal must be fixed in such a manner as to be unattached to the hallmarked silver. Unless the two metals, the precious and the base, are entirely separated, the assay authorities regard such loading as an offence.

Another way in which the public is misled is by the thinness of the metal used, particularly in gold watches. Thousands of gold watch cases are sent to the assay offices for assay and marking, which are so thin that they cannot adequately perform their function of protecting the mechanism. As many as forty such cases have been known to go to the ounce. In some examples that were bought the value of the gold case was found to be 4s. 6d. while it was estimated that the cost of producing the watch itself—one of the cheapest of movements—was only 12s. to 15s. Yet, because these watches were gold watches, they were being sold for £3 10s. Other similar examples were offered at £4 4s. To complete the trickery the tickets on the watches read 'Government hallmarked.'

Needless to say the trade in general does not endorse such methods; in fact, at a recent meeting of the National Association of Goldsmiths the practice was strongly condemned and a resolution was passed asking that no watch cases should be hallmarked unless they had a minimum gauge of .25 mm. Nevertheless, as things stand, it is possible by perfectly legal methods to pass off a comparatively worthless article for several pounds.

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Another practice with watches emanates from America, although, since gold watch cases coming into this country must pass the Assay Office, no great quantity of these watches can be sold here. Watch movements are bought in this country and are taken to U.S.A. for casing. There is no official hallmarking system in U.S.A. and there is nothing, therefore, to prevent the cases from being marked 18 carat and with forged English hallmarks, even though the gold is nothing more than 8 carat. This does happen on a considerable scale, and it would appear to be a moment for caution when an American offers to sell his watch in this country.

Platinum

If silver and gold lead to fraud, what can be said of platinum, which, while not recognized as a precious metal, is more valuable than either? There is no authority at present to establish a standard fineness for platinum; it is not a metal with which the public in general is familiar; nor can it be easily identified. On top of this there has recently been invented a stainless steel which has deceived experts. This steel will withstand aqua regia, the acid test for platinum as for gold, and it thus presents great opportunities for fraud. It has been discovered, however, that ferric chloride will attack it, while an assay for platinum of course is always conclusive.

Platinum is more and more being used as a setting for jewellery and for bracelets, bangles, watch cases and similar articles. Naturally, the reliable jeweller, in his own interest, is careful to see that none other than platinum of 950/1000 assayed standard is used, and to guarantee this to his customer. The custom with manufacturers is to stamp all such platinum with the letters Pt. Wedding rings that are of both gold and platinum are only marked (on the gold) by the assay offices if the platinum is up to standard, and a growing proportion of such rings is passing through the offices.

All these, however, are only voluntary safeguards and there is not the slightest doubt that much of the metal sold as platinum is either not platinum at all or is of a very low

standard. It is known, for instance, that the stainless steel mentioned has been made into heavy bracelets. Some of these have found their way into the hands of the respectable trade and have been sent to the assay offices, where they have been confiscated. Sometimes articles are plated with rhodium, which gives an untarnishable effect to any metal and the appearance of the very best quality of platinum. An increasing number of watch cases are being made of ordinary stainless steel and are being sold as platinum.

Precious Stones

In treating of precious stones it must be borne in mind that very few valuable gems are likely to pass hands without expert knowledge on both sides or, what amounts to the same thing, advice from experts. The cultured classes in general have a considerable knowledge of the subject and are not likely easily to lay themselves open to fraud. Nor is fraud likely to be attempted by the highly respectable firms from whom such gems would ordinarily come. Outside this class of buyer and seller, however, are the dealers who traffic in any type of stones that will bring big profits—in genuine but comparatively worthless stones, in faked stones or in stolen stones; and on the other hand the purchasers, who from vanity or belief that they are securing a bargain, are readily taken in. Let us consider the different precious stones, the types of fraud attempted and some of the means by which the various frauds can be detected, always remembering that the imitation of a stone does not necessarily imply an attempt at fraud. The stones accepted as precious, on account of rarity, beauty and durability, are five—the emerald, diamond, ruby, sapphire and precious opal. The pearl, which is not technically a stone, is classed with them. Below these come the semi-precious stones—amethyst, topaz, spinel, jade, beryl and others that have ornamental value when cut and polished.

In general it may be said that all the precious stones, with the exception of the precious opal, have been manufactured or imitated with success. The ways of doing this are by synthetic

manufacture, by reconstruction, by imitation, by doublets and in the case of pearls by culture. These methods are described below:

(1) *By synthetic manufacture.* Diamonds, rubies and sapphires have been made synthetically, the first, however, with no commercial success. The two latter are frequently used in moderately expensive jewellery, and of course there is no fraud unless the article is sold as a real gem.

Diamonds in composition are much the same as common soot, and considerable sums of money have been expended in the attempt to manufacture them. The first to obtain a synthetic diamond was Moisson, a French chemist. He mixed together carbon and iron and subjected the mixture to a heat of 4000° C in an electric furnace for a short time, after which the resulting solution was plunged into cold water.

The sudden cooling resulted in the formation of a crust of iron round the liquid and expanding interior, since iron expands when passing from the liquid to a solid. The pressure so produced was enormous and some of the carbon thrown out assumed the crystalline form of diamonds. But the crystals were extremely small and of no commercial importance, while the process was highly expensive. There have been numerous attempts since then to make diamonds but without greater success.

The making of synthetic rubies and sapphires is an easier and less expensive process and a very creditable article is turned out, although it is not possible to obtain the best colour and such stones would not deceive an expert. Their manufacture takes place chiefly in Germany, France, Switzerland and Czechoslovakia. The composition of both rubies and sapphires is alumina, and they are made in the following way. Pure ammonium alum and a little chrome alum are fused together by blowpipe, whereupon, under suitable conditions, pear-shaped crystals are formed from which the stones can be cut. To obtain sapphires small quantities of magnetic oxide of iron and titanac acid are added to the alumina in order to achieve the blue colour. Synthetic rubies

are used, perfectly legitimately, for studding watch movements.

(2) *By reconstruction.* This process is applied only to rubies, although the reconstruction of sapphires is apparently possible. Put simply, a reconstructed ruby is a number of small rubies made into one large one, and herein lies its value, since large rubies are extremely rare. They were first produced in 1904 by a French chemist, and with such success that the ruby market was for a time thrown out of gear. The process is to fuse together a number of small natural rubies of no value by means of an oxy-hydrogen blowpipe, allowing the resultant mass to cool and crystallize.

(3) *By imitation.* Practically all stones, precious and semi-precious, are imitated in glass, but no one with the least knowledge would be deceived. They are generally known as paste or strass. The paste diamond is glass and can be scratched with a file—needless to say an impossible feat with a diamond. The cheap strings of beads (frequently sold for as much as 10s.) which plausibly counterfeit rubies and other gems for the ornamentation of the million are just glass, although faceted and cut in such a way as to make good use of refraction and reflexion. Pastes of various kinds of glass are often foiled or backed with quicksilver, while in the better qualities lead oxide is introduced to increase the lustre. But paste rapidly tarnishes and its brilliance disappears in a very short time.

Again, there is an imitation pearl made in France of blown glass filled with prepared wax and coated with a solution known as '*essence d'orient*,' which is prepared by a fairly expensive process from certain fish found in the Baltic Sea. These unit pearls are easy to detect since, in contrast to the natural pearl, the outer surface of which gives a gritty sensation, they are smooth to the touch. Probably one's teeth are the best quick test.

The best imitations of precious stones are achieved by the unscrupulous use of other stones. For instance, a number of stones are passed off as rubies, including the garnet (often

called a balas ruby). This is darker in colour than the ruby. It would never deceive the expert, and in any case large rubies are so rare that an example would at once call for circumspection. Similarly white sapphires are sometimes substituted for diamonds, and the fact that they are extremely hard leads to some deception. The tests for specific gravity, colour dispersion and refraction, however, would soon reveal the difference if there was any doubt in the first place. White zircons are also used for diamonds and here the brilliant play of colour and the possibly higher refraction lend a certain degree of plausibility.

(4) *Doublets.* Doublets are a combination of two stones joined together to look like a single stone, the intention being either to increase the size or enhance the colour by using an artificial stone or backing. They are made in various ways. Sometimes the upper half, or crown, is of real stone, while cemented on to it is a base of artificial stone deeply coloured. Sometimes a stone is cut in halves and a thin strip of coloured gelatine is inserted between the two in order to give colour and therefore value to an otherwise worthless gem.

Emeralds, sapphires and rubies are frequently seen in these forms of doublets and triplets, but to the practised eye there is always some suspicious circumstance, and where the gems are not set the joined edges can of course be readily detected. To the non-expert they can prove an extremely clever deception.

(5) *The Cultured Pearl.* Unlike the other precious stones the pearl, a thing of marvellous beauty, is of organic origin, and while it has a known chemical composition—it is formed indeed of the same material as the shell of the oyster—it is solely the product of the oyster itself. What happens is that the oyster absorbs into its shell some minute irritant. It may be a grain of sand, a parasite or a particle of rock or some horny material. If this irritant is not expelled the natural instinct of the oyster is to exude a liquid, known as nacre, in order to cover the irritant. The nacre hardens, and layer after layer, like an onion, is gradually formed. The resulting

pearl is small or large according to the length of time the process had been going on.

Cultured Pearls

A little more than ten years ago, it suggested itself to some ingenious Japanese minds that what the oyster did naturally and in limited quantities it might be encouraged to do artificially and with a greatly increased output. After all, if the oyster made the pearl it must still remain a pearl. The calculation proved to be correct. Experiments were made and the results turned out to be a huge success. When the first cultured pearls came in about 1921 the market was thrown into a turmoil. The finer and larger of the cultured pearls could not be distinguished by eye from the real. They had the same beauty, and a woman could feel quite assured that her neighbour would not be able to detect the difference. The prices were high too. Yet to-day the price of cultured pearls is far below that of the real. What is the explanation and what is wrong with cultured pearls?

Let us see how they are produced. The oyster is first of all given an anaesthetic, for the operation is a delicate one and not all oysters can survive it. A small bead of mother-of-pearl—the larger the bead the poorer the quality of the pearl produced—is then inserted into the shell as a substitute for the natural irritant, the oyster is put back into its bed and is left for one year, two years or perhaps ten years to make its pearl. Fewer than 40 per cent. of such oysters are likely to produce pearls and of these only a very small percentage are marketable pearls.

A good cultured pearl—that is, one that has been in the oyster for several years and has been formed round not too large a core—is practically indistinguishable from the real gem, although experts will frequently say that there is an indefinable difference. They assert that the orient of the pearl, which is the name given to the delicate sheen or bloom, is missing. Be that as it may, the unscrupulous dealer is tempted, not now perhaps to sell cultured pearls for real, but

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at least to insert several into genuine pearl necklaces. The discovery of a method of detecting the cultured pearl from the real has rendered any wider fraudulent practice out of the question in the case of ordinary buying and selling.

In other words, the fact that the cultured pearl can be detected and the increase in its production have led to a big drop in its value. It must always be remembered that jewels are not only ornaments but have their value as securities. For this reason alone then, a real pearl necklace is something to be highly prized as compared with its forced relation, apart from a well recognized facet of human nature that there is little satisfaction to be obtained from possession of the artificial article even though that article may pass among friends for the real. Jewellers have no quarrel with the sale of cultured pearls; they consider it leads to a taste for the real gems.

The method of detecting cultured pearls is based on the fact that, while the real pearl is built up on concentric strata, the cultured is in horizontal. A tiny hole, the size of a silken thread, is drilled through the pearl, and into this hole is inserted a steel hollow needle containing two mirrors. Through this needle a ray of light is sent, and the concentric strata are revealed, if the ray is returned through the other end of the needle, thus establishing the identity of the pearl.

Cultured pearls do not wear so well as the real. The space between the nacre and the bead tends to develop and the outer nacre to split and crumble away.

It might be mentioned that pearls can be white, black, yellow, blue, salmon pink, red and brown, but the most valued have a rosy tint. These come only from the Persian Gulf. Pearls are sometimes found in fresh water and in Scotland, but they have little value in comparison with the Eastern pearl. Now and again a jeweller receives an excited customer who has found a pearl in an oyster he was eating. Alas, it was the oyster (at present prices) that was the more valuable of the two!

How Fakes can be Discovered

However expertly stones may be faked there is nearly always some innate difference that declares itself to the practised eye, and, if a fake is more than ordinarily difficult, the lapidary with his scientific knowledge of the varying hardness of stones, their optical properties, their degrees of reflection and refraction, the specific gravity and the pleiochroistic characters of stones, can always make scientific tests.

The latter are highly technical matters, but it might be interesting to touch on one or two particulars. For instance, the degree of hardness of gems, from which property springs the durability of their lustre, has been definitely determined and a scale drawn up. Diamonds head the list. To its optical properties the diamond owes its superlative brilliancy and its flashing forth of 'living fire,' and the ruby its intensity of hue and beauty. No imitation can capture these fires. Again, the fact that some stones when viewed by transmitted light under certain conditions show a plurality of colours—their pleiochroistic character—is exceedingly valuable in the determination of these gems. Under the instrument used, a blue sapphire, for instance, is seen to possess the twin colours of greenish straw and blue; a ruby, aurora red and carmine red; an emerald, yellowish green and bluish green.

Speaking more generally there are various ways by which the competent jeweller, with the aid of a microscope, can discriminate between, say, a synthetic and a real gem. The synthetic stone contains small air bubbles which are generally round. If bubbles are present in the natural stone, they are always irregular in shape and frequently resemble the original form of the crystal. If striae are present they are straight in the natural stone and curved in the synthetic. In synthetic rubies and sapphires the peculiar internal optical effect, known as silk, which is shown by many natural stones, is never present. Finally, the colour of synthetic stones is never satisfactory.

Porous stones are frequently dyed to improve their colour,

and this especially applies to the semi-precious stones. Carnelians, agates, chalcedony, jasper, onyx, turquoises, jade and amber are all thus treated, but the colours are not always permanent and a piece of white jade, for instance, that has been stained green quickly begins to reveal the dull 'mutton-fat' shade that is of little value.

A comparison between the values of precious stones is liable to correction by changes in fashion, by a slump in the purchasing power of the wealthy classes or by a discovery of new mines. The last two causes have contributed to a fall in the prices of diamonds although the price is now again on the mend and the best judges anticipate a considerable rise. In recent times the emerald has been in the greatest favour, and it can be said to command the highest prices, but with the qualification that a large ruby is of incomparable value. If one were to take a 5 carat stone of each kind and of the very best quality, the prices at the moment would rule roughly as follows:

5 ct. Emerald	-	-	-	-	£600 per carat
„ Diamond	-	-	-	-	£400 „ „
„ Ruby	-	-	-	-	£300 „ „
„ Sapphire	-	-	-	-	£100 „ „
„ Black Opal	-	-	-	-	£10 „ „

A pearl the size of an ordinary pea, £250.

A 20 carat emerald might fetch as much as £20,000, but a 20 carat ruby is so rare that there would be no such thing as a quotable market price. It might fetch as much as £50,000.

Finally, a word or two might be added as to the tints or colours most prized. The finest diamonds are colourless or nearly so, the best being those which exhibit pale blue scintillations. Cheaper grades of diamonds, many of which come from South Africa, have tinges of yellow or brown.

The rarest colour for the ruby is the famous pigeon-blood red, and for the sapphire a deep velvet blue. But there are yellow, green, purple and white sapphires, none of which has anything like the value attached to the blue stone.

The emerald at its best is of a lovely velvety green, and while the crystal from which it is obtained is comparatively common, the portions which carry this colour are rare. The emerald is the only green stone which retains its colour under artificial light. The black opal, which is sometimes classed as only a semi-precious stone, shows a variety of colours, including emerald greens, reds, and sapphire blues. The best are those in which the reds predominate.

In conclusion, a bibliography is appended for those who may wish to study the subject further. One of the most valuable books on precious stones is that of the late Mr. E. W. Streeter, but all those in the list will be found useful. To these, and more particularly to The Goldsmiths & Silversmiths Company Limited, 112 Regent Street, W. 1, I am indebted for many of the facts in this article.

The Gentle Art of Faking, by Riccardo Nobili.

A Modern Antique, by Riccardo Nobili.

The Metal Worker's Handy Book, edited by William T. Brannt.

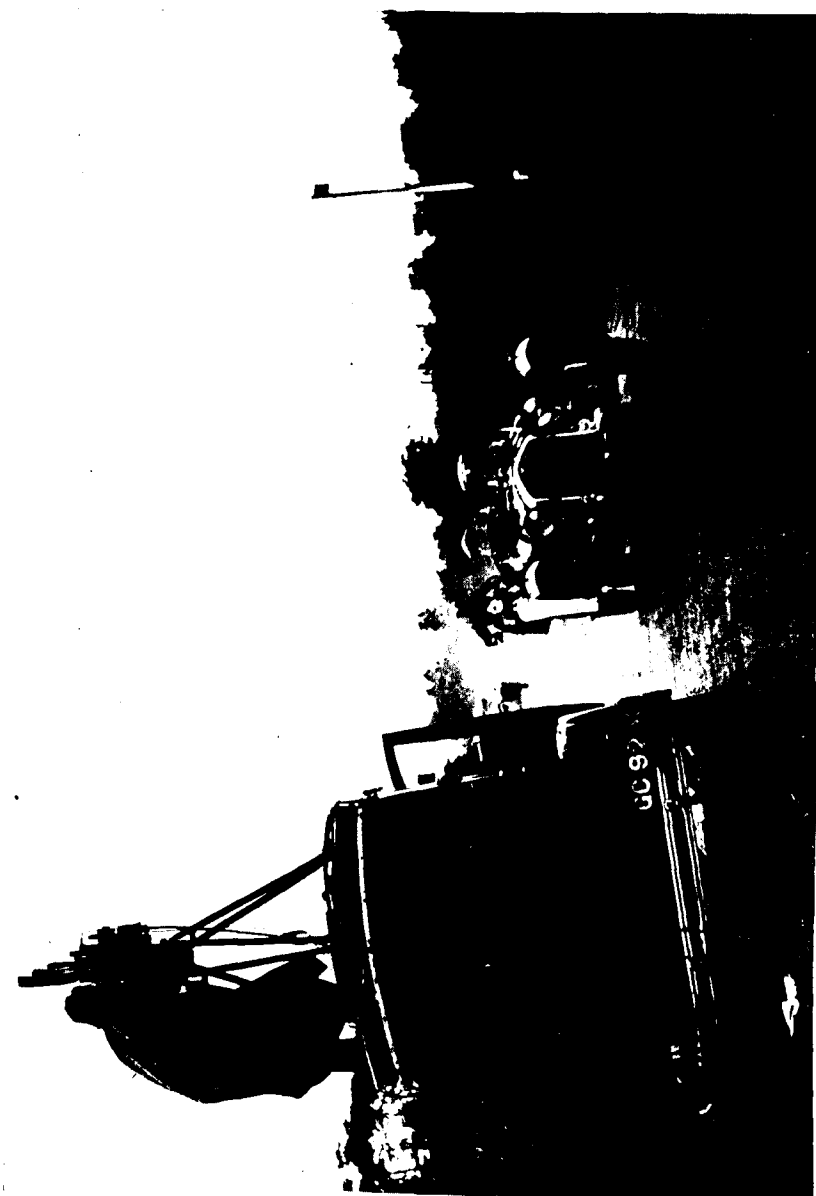
Silver : Its History of Romance, by Benjamin White.

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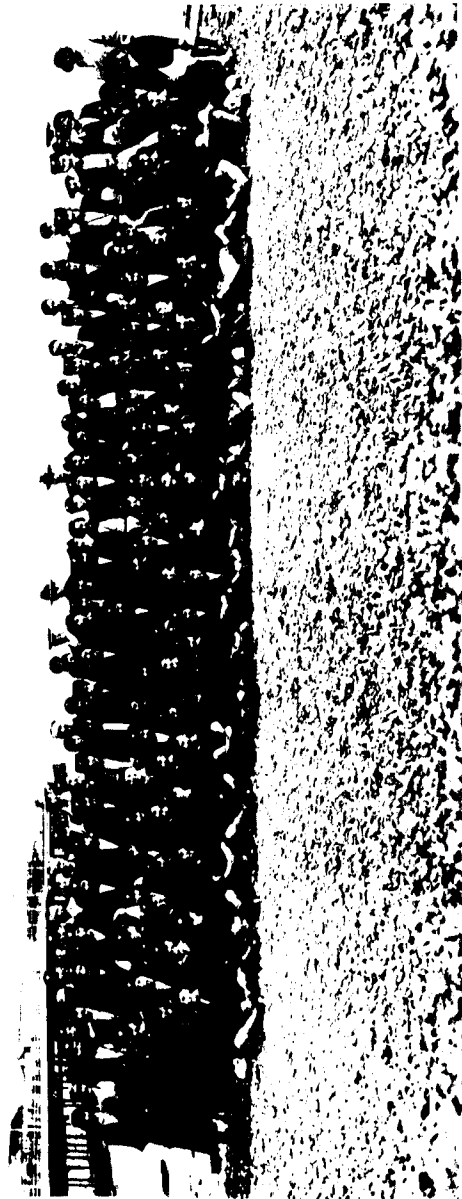
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See also 'The Discrimination and Testing of Precious Stones and Pearls', *The Police Journal*, Vol. I, p. 475.



SPECIAL MOBILE CONSTABULARY, REIGATE

SIR MALCOLM CAMPBELL WITH A POLICE SERGEANT TRAVELLING AT 95 MILES PER HOUR



CHILDREN AND STAFF OF THE SOUTHERN PROVINCIAL POLICE ORPHANAGE
THE FUNDS FOR THIS OUTING WERE RAISED BY THE OFFICERS AND MEN OF THE REDHILL
DIVISION, REIGATE BOROUGH POLICE

Criminal Statistics as a Guide to Police Efficiency

By R. G. B. SPICER, M.C.

Inspector-General, Palestine Police

THE statistics of police forces which are published in annual reports and in other documents which emanate from the various police forces of countries throughout the world differ in so many ways that it is difficult to understand the real purpose for which they are published.

These statistics may, of course, answer several purposes, in that they are figures of general interest throwing light on various factors which come of police organization; on the other hand they may demonstrate either perhaps increasing efficiency or inefficiency of a police force, and lastly the lessening of increasing criminality of a country and its inhabitants.

There is a vast difference between these statistical returns, and many attempts have been made to correlate criminal with judicial statistics, but in most cases without success, accuracy or point.

Returns of the Judiciary deal as a rule with persons who are brought before court. No attention whatsoever is paid to the undetected criminal or to the absconder who has escaped arrest.

It is obvious, therefore, that in a country where Judicial figures are taken as a basis for the growing criminality or otherwise of that country, such a return can only demonstrate quite falsely the state of crime, and this is a point which is seldom understood by laymen whose minds are not alive to the real position of affairs.

If Judicial returns show an increase of persons convicted, it does not necessarily mean that crime is growing in that country. It may very obviously mean, and to my certain knowledge can mean, that the efficiency of the police force in the investigation and detection of crime has improved.

In endeavouring to make this point stronger I would instance a hypothetical case in which a murder has been committed in open daylight and has been witnessed publicly; the murderer escapes, but an inefficient police force fails to arrest him. The Judicial returns, if they are to be taken as the guide of the country's crime, show that no murder has been committed because such murderer has not been brought to trial. This of course is *reductio ad absurdum*.

A further example may be noted:

Thirty-seven cases of, for example, animal theft are reported in a province during the twelve months under review. In no case has the accused been detected or brought to court; hence according to the Judicial figures there is no animal theft for that year. A year later 60 per cent. of the animal thieves are detected and convicted. Although there is a considerable decrease in cases reported, it is assumed therefore, erroneously, that animal theft in that particular province has increased.

It is to my mind fundamentally faulty for any police force to work on any basis but that of cases reported. The whole fundamental principle of police work lies in the prevention of crime. The policeman who allows only one case to occur in his area in a given period but fails to detect the perpetrator is a better policeman than he who in the same area, and over the same period, permits ten cases to occur and by brilliant investigation brings the guilt home in one of these cases.

By careful and well-thought-out treatment of cases reported, the real true state of crime as affected by police efficiency can be arrived at. It is, of course, essential that these figures should be kept with absolute honesty and with no idea of producing a favourable effect, as these figures, like most balance sheets in doubtful companies, can be cooked by

a dishonest accountant with a profit or loss on whichever side may suit the public for whose gullible edification they are produced.

Statistics and their cross-checks of all police registration must be the object of the most careful scrutiny by inspecting officers.

Subsidiary registers must not be allowed; such registers, if kept, are subterfuge and to my mind dishonest. Let us publish all true cases reported, for the only case that is not true is the one that is definitely proved to be false by facts. Assume every case to be true unless you can prove that it is not; as, for instance, the report of the stolen bracelet that is subsequently found in another drawer; but unless they do prove it to be false, the police must accept every case as true and build from that.

The ordinary layman for whom police statistics have so often to be compiled is, as a rule, left unconvinced when shown a mass of figures under intricate sections of various codes which convey nothing to him. I therefore strongly advocate that the graph system should, whenever possible, be used when demonstrating criminal statistics under any particular head. This appeals to the layman; he understands it; he can grasp the position, while to the police statistical officer the graph system means a very easy and ready reference.

In compiling returns of cases reported, let us take a definite head of grave crime such as:

ANIMAL THEFT

we must first of all separate the true from the untrue cases. It frequently happens that an animal owner reports theft of animals; our efficient policeman proceeds to the scene, and after arduous search discovers the cattle not to be stolen but strayed. A grateful farmer gets his cattle back, and the 'theft' is thus proved to be false. It would be obviously unfair to record this as a police failure to detect, but it is a record of police work, well done, and accordingly must be shown under an 'untrue' head for statistical purposes.

Having separated our cases then into their respective heads of true and untrue, honestly and without any attempt at a pleasing return, we must next analyse our true cases, in order to show without quibble police success or failure in these true cases.

In some, we know the offender and fail to arrest him; in others we fail to establish any clue; these must be plainly shown as failures on our part, as well as cases in which, although we prosecute, we fail to establish our prosecution to the satisfaction of the magistrate.

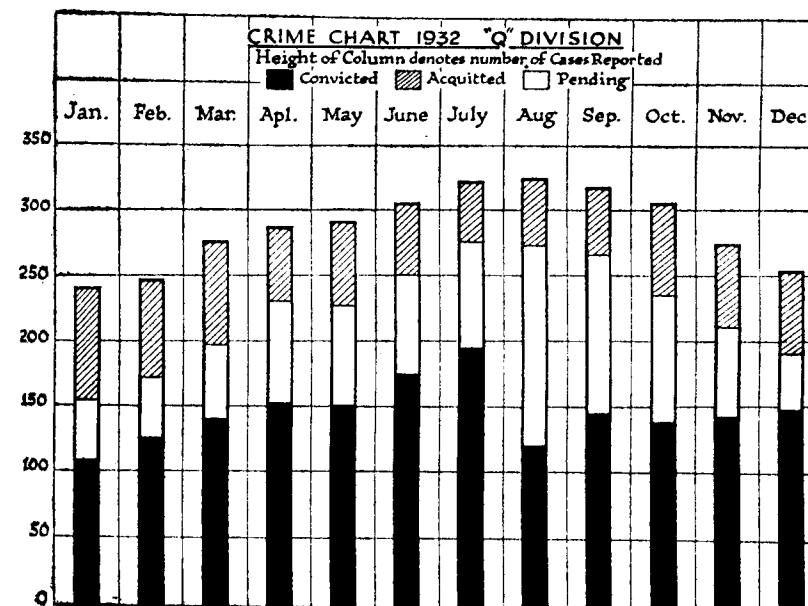
On the other hand, in those cases in which, as a result of our investigation and prosecution, the accused before the court are convicted, we may definitely claim police success. Many a police officer has let down the name of his force in his efforts to produce a pretty crime return; by doing so he undermines the confidence of his inspecting officer, the magistrates and the public. It is not for him to obtain convictions, but to lay the true facts of every case before court, for the court, should it see fit, to convict; the common tendency not to act in strict accordance with this principle is one of the greatest stumbling blocks to our young and zealous officers.

The categories into which cases reported may be classified differ in many countries; it often depends upon the law prevalent, but in any case our Palestine endeavour should be to prevent crime, and where crime is committed to analyse that crime honestly, in order that Government and the public may be truly and accurately informed as to the work, with resulting success or failure, performed by their police.

The following are examples of various graphs used in the Palestine Force, which, I submit, are simple and easy to understand, but at the same time records which are not only easily intelligible to the interested layman but of great value to the police themselves:

Larceny—Monthly Graph

Height of column denotes number of true cases reported.



(a) LOWER PORTION OF COLUMN SHOWS NUMBER OF CONVICTIONS

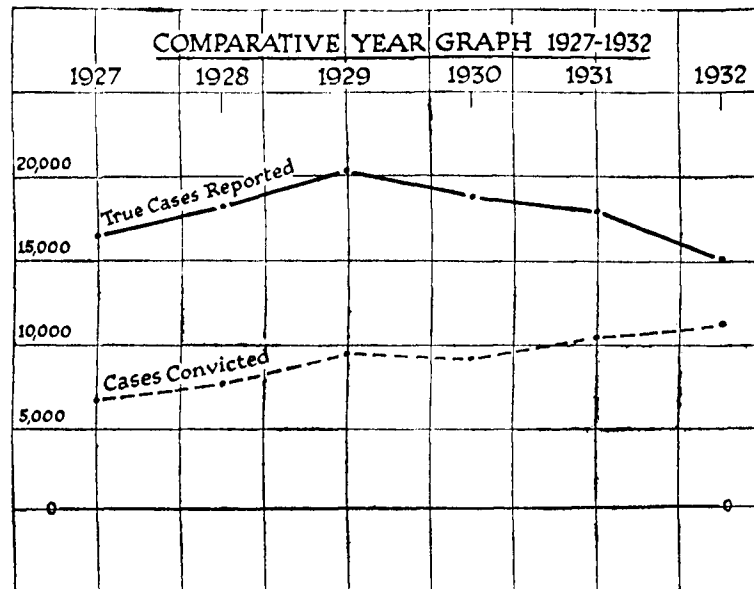
(b) UPPER PORTION SHOWS NUMBER OF ACQUITTALS

(c) PORTION OF COLUMN LEFT BLANK SHOWS NUMBER OF CASES PENDING, INCLUDING POLICE 'FAILURES'

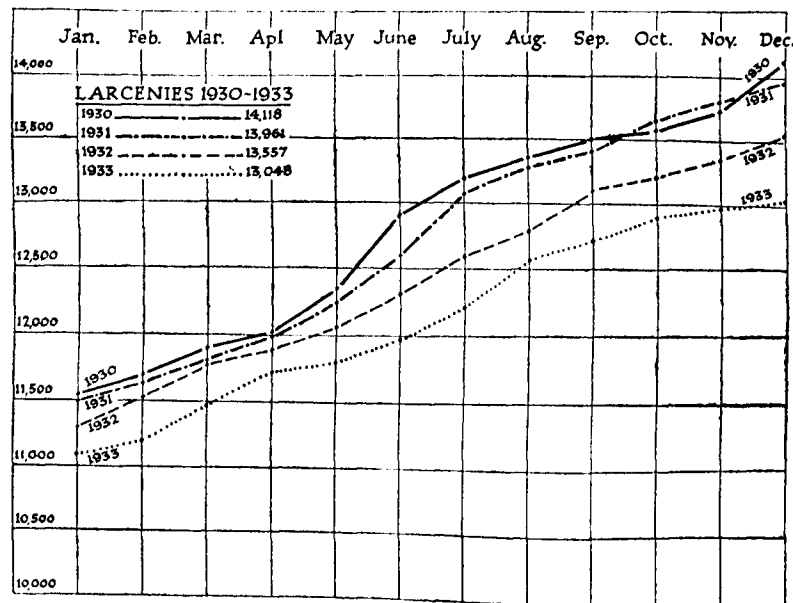
EXACT FIGURES FOR (b) AND (c) CAN BE OBTAINED BY A PROCESS OF SIMPLE SUBTRACTION

For annual returns we use the simplest of all forms of graph.

Top line	-	-	True cases reported.
Second line	-	-	Convictions.

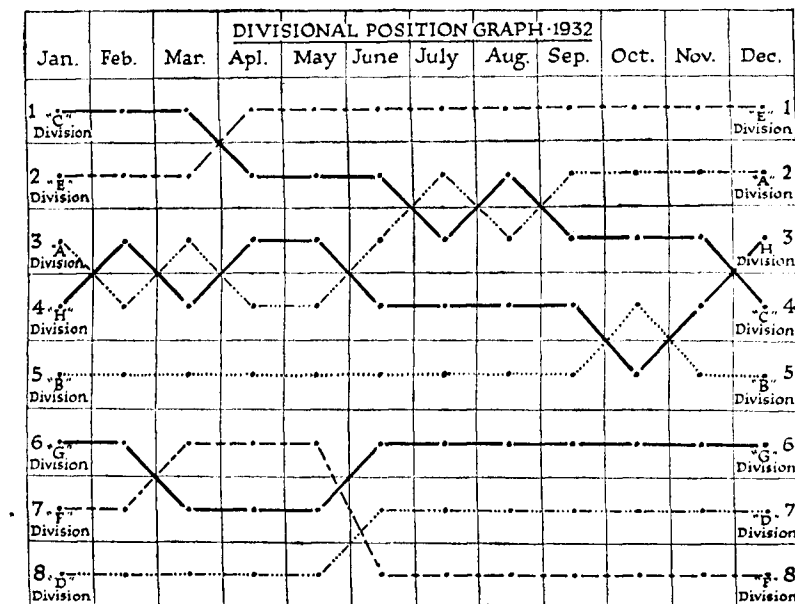


Another form in general use is the monthly and accumulative graph which rises throughout the year—the more acute the line the more crime, the more horizontal the line the less crime.



The Divisional crime return maintained in Head Office, which is a comparative and accumulative graph showing how divisions are faring, is a little complicated at the first glance, but by the use of coloured inks and line formations is an extremely valuable record.

In this Force we take the figures of crime at the end of January and give them that place in order of crime seniority; we then trace and plot the rise or fall of each division at the end of each month, accumulatively ending of course in December.



I am certain that system of graphing adds interest to one's work, and gives any inspecting officer information at a glance which is invaluable to him. At the same time may I, at the risk of reiteration, re-emphasize the imperative necessity of honest figures, whether they demonstrate police success or failure.

Qualifications of a Detective

BY SERGEANT JAMES HEALY

Liverpool City Police

CRIME is, as a general rule, the product of a clear intellect and a non-developed will. It needs both a keen intellect and an iron will to detect it. Crime here means a violation of laws, which at times is difficult to assign to the culprit, hence the necessity of a shrewd capable man in investigating the evidence. The great but interesting difficulty in these cases is that the detective has to start at the end of the trail and work back to the unknown destination.

It has been truly said 'a detective is born not made.' Such a man must be endowed with natural gifts of observation, powers of retention and concentration, and a good memory for faces. He must further possess zeal and application, be quick to think and act, ready to sacrifice his time and pleasure in furthering his investigations. Again, he must be perfectly honest, sober, straight and truthful, because otherwise he cannot be relied upon. Further still, he must have a sound knowledge of the criminal law and its background. To illustrate the last qualification, he may be called upon to deal with a suspect, and discover that the statute creating the offence does not give him power of arrest at the time.

In investigating a crime he should start with an open mind and listen to every one who can give him information. He will naturally form a great number of impressions; the important point is to know the exact moment when to form a definite opinion. If he allows himself to be dominated with one idea he will often find himself on a false scent.

There is a golden rule to be remembered. 'Never alter

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the position of, pick up, or even touch anything, until minute notes have been made of them.' Experience teaches that one has not the slightest idea what turn a case will take, or what is of importance, or what will be denied. A small hair was once found at the scene of a murder and led to a conviction; this was due to the scientific handling of the case; it proved that the person had his hair recently cut, that he was fat (the root of the hair had wasted through perspiration) and that he was a dark man...

The value of experts should never be lost sight of. The detective has at his disposal, doctors, professors, locksmiths, joiners, photographers, fingerprint experts, and various other scientific men. Recently a girl was attacked by a man who caused injury to her hand with a weapon which had peculiar indentations, and these were apparent from the injuries. The detective had the injuries photographed. The assailant was later identified by the girl, and although the injury healed up, the photograph was useful as an exhibit, supported by medical testimony. After the arrest an instrument was found in a box at the accused's lodgings with similar indentations relevant to the injury.

Every crime involves (1) a particular physical condition (Blackstone calls it 'a vicious act'); (2) a particular mental condition (Blackstone calls 'a vicious will'). It is not, however 'will' in Austin's sense of the word, but is closely akin to, and includes his 'intention.' The *modus operandi* of the thief is important, for he rarely departs from his mode of attack or entry. These are often the main characteristics of the case.

Technical knowledge is very important to the C.I.D. man; he may perform his every day duty perfectly, but some men specialize in crime, such as cases of forgery, conspiracy, etc. Hence the necessity for using the man with a higher trained mind, in certain cases.

Great tact must be exercised in taking statements which form his chain of evidence—every link in the great chain must be sound. It is on the weakest link that the detective should

concentrate. No matter how strong a chain is, if there is a weak link it will snap, whereas a true unblemished link will stand any just weight applied to it. An important feature to be remembered is that false witnesses come forward ; this has been established in a recent case at the Liverpool Assizes which brought thanks and commendations from Judge and Jury to the detectives concerned. Again, sometimes a medical examination has to be undergone and a substitute will be sent ; a woman may send another woman instead of herself to prove her virginity.

Fine points of law have to be decided by the detective on the spot, without any reference to law books. He is alone and unassisted, and he has to decide on the first step. The defence at their leisure will devise their case. The prisoner will allege the detective adopted 'Third Degree' methods. The detective also is on his trial.

It may be well to remember that crime may be attributed to five main causes :

- (1) Passion.
- (2) Opportunity, *e.g.* exposure to some sudden temptation.
- (3) Acquired habit (usually the result of social surroundings).
- (4) Insanity, from neurasthenia, absence of self-control to active mania.
- (5) Innate instinct, inheritance from some early stage in the development of the human race.

In conclusion, the most important qualification for a detective to possess is never to disclose his mind, even to his most intimate friend.

Science and the Criminal

THE DEVELOPMENT OF CONTEMPORARY LAW

By 'T. F.'

Sheffield City Police

PROBABLY no other subject in the history of mankind has received as much attention from social reformers, psychologists and writers, as that queer incomprehensible manifestation of human activity vaguely classified as crime. Despite the years of study and research, and the thousands of books which have been written upon this subject, it is still difficult to find a satisfactory definition of the term.

It has been defined as a violation of divine law, an anti-social act, and, in more recent years, as a psychological weakness. But none of these definitions satisfactorily covers all those acts which nowadays render a man liable to punishment in the criminal courts.

It is, for example, a generally accepted principle of law that no criminal responsibility shall be incurred by a man unless it is proved that the offence with which he is charged was done with a criminal intent—'*Actus non facit reum, nisi mens sit rea.*' Even the most cursory survey of any day's proceedings in a Court of Law, however, shows that the presumption of '*mens rea*,' or evil intent, is in many cases nothing more than a pleasant fiction.¹

The present state of the law affecting motor traffic is a typical case in point. Men are frequently convicted of manslaughter because they have driven motor vehicles carelessly or negligently. In practically all such cases, it is obvious that the offences have been committed without any evil intent,

¹ See 'The Police and the Law,' *The Police Journal*, Vol. VI, p. 18.

and judged from the standpoint of Mosaic laws, the men are entirely innocent of any crime.

The truth is, of course, that 'criminal' and 'non-criminal' are relative terms which are interpreted differently in different eras.

Each generation must of necessity define its own standards of what are criminal and non-criminal acts and uphold those standards by laws appropriate to that particular age. Thus, throughout the history of mankind the community has found itself faced with the necessity of protecting itself from that minority of its members who—either from evil motives or mere careless disregard for the rights and liberties of others—commit acts which are injurious to the welfare of the whole.

In the earliest days of the human race, this difficulty was undoubtedly overcome by the use of mere physical force. If one takes an imaginative flight back into the life of prehistoric man, one finds that the primitive cave dweller's most valuable possessions were his own physical strength and his food. In such a community, valuables—as we understand the term—were non-existent. The virtues of fabrics, precious stones, metals and minerals had not been discovered, there were few personal possessions in existence, no man possessed anything which could not be obtained quite easily by every other member of the community, and life was therefore a comparatively simple affair.

With the first steps towards civilization, however, complications arose. Gold, lead, tin, iron and other metals were discovered, but as they were found only in limited quantities, a few members of the community acquired tools and weapons which—owing to their superiority and novelty—were coveted by other members of the tribe.

It is easy to see that faced by a common difficulty—the covetousness of their fellows—the minority who were in possession of such forms of wealth would band themselves together on the principle of 'United we stand, divided we fall'—thus forming the first primitive form of Government.

The law of self-preservation eventually led to passing

laws which aimed first at protecting their own lives, and secondly at protecting property.

It therefore follows that, as time went on, the advantage which the first property owners had acquired by reason of their possession of superior weapons enabled them to acquire more and more personal possessions, until it eventually became impossible for a man to keep all his property under his own personal supervision.

Up to this point, crimes against property had naturally consisted chiefly of robbery from the person—usually with violence—but the acquirement of property which could not be carried about, and had to be deposited in some particular place, resulted in what is nowadays classified as 'larceny without violence.'

Goods were stolen during the absence of the rightful owners, and because they had neither seen nor heard the thieves, it became necessary for the owners to discover who had committed the crimes, and to endeavour to recover their property by a process of deduction and elimination—thus causing the art of 'criminal investigation' to spring into being.

The first recorded application of practical science to the detection of crime was made by Archimedes in 250 B.C., when—by following mere physical laws—he demonstrated indisputably that a crime had been committed by a certain person.

A goldworker attached to the Court of Hiero the King had been supplied with a definite weight of gold to make a crown for the Emperor. When it was completed, however, suspicion somehow arose that the crown did not contain all the gold which had been supplied to the goldsmith. As the weight of the crown corresponded exactly with the weight of the original golden block, and withstood all the known chemical tests, it was impossible to prove that any trickery had been practised by the goldsmith, until the matter was brought to the notice of Archimedes, who was then a tutor attached to the Court.

Archimedes solved the problem by immersing a block of gold and a block of silver of exactly the same weight in a bowl of water, and comparing the volume of water displaced by each. He found that the silver block displaced almost twice as much water as the block of gold. When the crown was immersed in water, however, it displaced an amount of water which was intermediate between these two volumes, thus proving that the crown was made of an alloy of gold and silver—not of solid gold.

From that first primitive demonstration of applied science has sprung the whole complicated structure of modern scientific criminal investigation.

The Crime Parallel

Analogies between crime investigation and military tactics have been so often drawn that one hesitates to follow the custom. Nevertheless, there is a parallel between the perpetual efforts of the police to check crime and the efforts of the garrison of a besieged town to repulse the repeated onslaughts of an invading army.

In the latter case, the successful repulse of the first attacks gives rise to the hope that the protective measures of the defenders are superior to the offensive measures of the attackers—an illusion which is speedily dispelled by the introduction of new and more cunning offensive tactics on the part of the enemy force. These tactics are in turn countered by extending and developing the defensive measures of the garrison; and thus the isolated conflicts gradually resolve into a protracted struggle in which first one side, and then the other, gain a temporary advantage.

In practically the same way, the struggle between the police and the criminal elements is characterized by the temporary triumph of one side or the other. One must remember, however, that both the police and the criminal classes are subordinate sections of society itself, and the tactics of both sides depend to a large extent upon the stage of civilization and scientific progress achieved by society as a whole, rather than on the initiative of either side.

The criminal of mediaeval times used crude forcible methods in the commission of his crimes, and relied on his fleetness of foot or his horse, and the general ignorance of the people, to escape detection. To-day, vastly different conditions govern the world of crime.

The general increase in the educational standard of the people, and the rapid extension of mechanization into practically every phase of daily life, have placed in the hands of the criminal weapons which he has been quick to utilize in his attacks on society. Step by step he has kept pace with the development of science, and converted modern inventions to uses little dreamt of by their inventors. The problem of checking this trend towards mechanized crime is one of the gravest problems which confront the police authorities to-day.

Notwithstanding the many and obvious difficulties with which the problem bristles, however, one is frequently informed from various quarters that the police are too conservative in their outlook—too prone to rely on antiquated methods, and not sufficiently appreciative of the aid which modern science can render in the gradual elimination of crime.

Is this pungent criticism justified? In the opinion of the writer, the reply is a very definite negative.

During recent years, the police have done—and are still doing—an admirable work, both in curtailing the activities of the criminal and in performing services of general public utility, by applying modern scientific principles to police administration.

Notwithstanding the progress made in this direction, however, it is obvious that the police service of the future must rely more and more on scientific devices in its task of eliminating the criminal element from society—if, indeed, it can ever be completely eliminated by human means.

Of all the various branches of modern science, none offers greater prospects of assistance to the police service than electricity. Indeed, in the electrical age of the future, it is probable that uncanny electrical appliances will replace the human element completely in many branches of police work.

A definite development in this direction is already obvious in the widespread growth of automatic traffic signals, dictaphones, duplicators, etc.

Larceny

Larceny in its various forms has been with us since the days of the Amalekites; and it is probable that, so long as poverty and destitution exist, it will be frequently committed. But, although it cannot be eradicated, it can be minimized in various ways—the most practical of which is by ensuring that every criminal is detected and brought to justice.

The latest tool which modern science has devised to achieve this object is the photo-electric cell—or, as it has been aptly termed, 'the electric eye.' From time immemorial the fundamental advantage of the criminal has been his fondness for perpetrating his offences during the hours of darkness, with the result that he is very rarely seen or caught committing a crime.

A recognition of this fact led scientific crime investigators to the conclusion that if it was only possible to watch all premises in places where a crime was likely to be perpetrated, and thus identify the criminal with absolute certainty, there would be little or no crime.

As this solution was obviously a physical impossibility, they next turned their attention to the possibility of using a scientific device which would work for them as a mechanical eye, and warn them if premises were entered or interfered with, during the absence of their owners.

Reasoning along these lines eventually led scientists to consider the possibilities of using that rare element, selenium, in crime investigation, and—what is even more important—crime prevention. It was well known that the electric resistance of selenium—a solid non-metallic element found in conjunction with sulphur, pyrites, etc., although only in small quantities—varied according to whether it was illuminated or not. Thanks to this peculiarity, it is possible to construct a selenium 'bridge' which reacts to light rays by acting

like an electric switch when light is directed on to it, and conversely when light is suddenly cut off from it.

This device contained various interesting possibilities from a police point of view; for example, if a selenium cell was placed at the side of a door in a shop, or bank, and a beam of light was directed on to it from the opposite side of the door, it could be made to switch on an alarm bell when the beam of light was temporarily broken by an intruder passing through the door.

Similarly, in another type of apparatus, the selenium cell adopted by several large banks and stores was placed behind a peephole in the door or shutter, through which the policeman on night duty directed his torch. The selenium cell was connected with the ordinary lighting circuit, and responded to the rays of light by switching on all the electric lights on the premises. A clockwork device which kept the lights on for several minutes was incorporated in the apparatus to enable the policeman to view the interior through the various windows, and so satisfy himself that all was in order.

Interesting as such devices were from a theoretical point of view, they suffered from three grave defects when put in practice. In the first place they were too apparent to the potential criminal, so that he would carefully avoid setting them in motion. Secondly, the selenium was unreliable. And thirdly, they were often set in motion unnecessarily by such lights as motor-car head-lamps, street lamps and natural lighting.

The matter therefore remained in abeyance until—as so often happens—the development of a totally different branch of science, television—supplied a solution to the problem by the perfection of a 'new light sensitive valve' which possesses all the attributes of the selenium cell without its drawbacks.

Not only is this new 'light sensitive valve'—or, as it has become known, the 'photo-electric cell'—far more reliable than the selenium cell, but it is sensitive to infra red light¹

¹ See 'Uses of Ultra Violet Light in Criminal Investigation' by Herman Goodman, B.Sc., M.D.—*The Police Journal*, Vol. IV, p. 225.

which being low down in the spectrum scale is absolutely invisible to the human eye. When installed as a burglar-alarm, the photo-electric cell is placed inside premises likely to be burgled in exactly the same manner as the selenium cell, except that the beam of light focused upon it consists of the invisible infra red rays only. The nocturnal marauder, who of course cannot see the ray, inevitably breaks it by walking through it. The photo-electric cell responds by ringing an alarm bell and switching on the ordinary electric lights.

In America this system—which unfortunately is still in an experimental stage in this country—has been further developed to operate an indicator in police headquarters, showing the actual building from which the alarm emanates.

Various European police forces have recently adopted a machine in which the photo-electric cell is used to classify and file criminal records. Cards of many different colours are used to classify photographs and records of criminals—each primary colour being devoted to a particular branch of crime—such as burglary, false pretences, motor banditry, etc. These colours are sub-divided into various shades to denote the *modus operandi*. The cards, when inserted in the machine, pass under a powerful arc lamp, and the photo-electric cell—responding to the various rays of light reflected by the differently coloured cards—automatically separates them into many different compartments.

Lists of criminals previously convicted of particular types of crime are therefore immediately obtainable, and the large amount of time and labour usually involved in the maintenance of a records department is almost entirely abolished.

Traffic Control

Among the host of extra duties which modern legislation has imposed on the police during recent years, none has exacted a greater toll of police time and man-power than the duty of traffic control. Vast sums of money have been spent to overcome the problems presented by the phenomenal post-war development of road traffic.

One of the minor difficulties of the situation, however, is that modern inventions succeed each other with such bewildering rapidity, that no sooner is a device adopted on a large scale than it is superseded by some new and more complicated device. Thus, it is only a comparatively short time since the red and green 'Stop' and 'Go' type of signals working to a fixed time cycle were sprung upon the community. Yet already they are being abolished as obsolete in many towns and replaced by far more elaborate systems—notably the electro-matic and semaphore type.

The latest invention which modern science has produced to cope with the traffic problem—as described by that distinguished scientist, Professor A. M. Lowe, D.Sc., in a recently published paper on 'Automatic Traffic Control'—has several novel features, and functions on the photo-electric system already described in connexion with larceny. In this case, the 'light sensitive valve'—encased in a suitable cabinet to protect it from damage—is placed at the edge of the pavement in a minor street a few yards from the point at which it intersects the main highway, and a beam of 'infra-red light' is focused upon it from a specially constructed lamp in the centre of the road—or, in the case of one-way streets, the opposite pavement.

A motor-car approaching the main highway along the minor street is therefore bound temporarily to interrupt the flow of infra-red light as it passes between the lamp emitting the rays and the 'light resistance valve.' The switch which controls the traffic signals at the road intersection ahead then automatically comes into operation, and secures a free passage for the car by flashing a red 'Stop' signal on the main road, and a green 'Go' signal on the side street. The signals remain in this position for about fifteen seconds to allow the motorist to clear the main road, and then automatically revert to their former position of red on the side street and green on the main road. A timing device is incorporated in the mechanism to ensure that an unexpected flow of traffic along the side street does not monopolize the right of way for more than a limited period.

The experimental tests of this type of signal were naturally productive of several unforeseen difficulties ; for example, it was found that the signals were often actuated unnecessarily by the passage of pedestrians. To overcome this defect, it was necessary to re-adjust the apparatus so that an interruption of several seconds was needed to actuate the control switch.

The cabinet containing the valve was then painted a bright yellow and a sign was erected which said, 'Stop opposite the Yellow Box for Green Signal.' This had the desired effect of stopping motor-cars for the two or three seconds' interval necessary to set the apparatus in motion.

A curious and rather amusing sidelight on human nature was provided by the behaviour of many motorists who were so intrigued by the uncanny functioning of the signals, that they drove repeatedly along the same side streets, in an endeavour to solve the apparent mystery—thus upsetting the balance of traffic which had been carefully estimated beforehand. This problem was, however, merely a temporary one which solved itself when familiarity bred—if not contempt, then comparative indifference.

Like most mechanical appliances, this apparatus became subject to the possibility of breakdowns from various causes ; but every possible endeavour is used to minimize the possibility of mechanical failure. Thus, the burning out or breakage of the lamp which emits the infra-red light—the blowing of a fuse and corrosion or dirt obstruction in the working parts—causes the apparatus automatically to revert to the fixed time interval principle.

The widespread adoption of this method of automatic traffic control will probably depend on its development as a commercial proposition ; but of its value to both the police and the public there can be no doubt whatever. Apart from the obvious fact that it will definitely augment the man-power of the service by releasing men from traffic duties for their more fundamental work, it holds great possibilities of minimizing the present appalling toll of human life which modern road transport exacts.

It will be generally agreed that any device which does this is of incalculable benefit to humanity, and should not be lightly discarded.

Television Possibilities

Another branch of applied science which promises to become a valuable adjunct to the already imposing list of scientific aids to police duty is television—which, thanks to its association with wireless, needs little explanation regarding its fundamental object—the transmission of recognizable images of moving objects, by means of ether waves or telephone lines. The vision of a distant event, or a person many miles away, is a wonderful achievement to the layman ; but to the police officer its potential possibilities in the scientific development of his profession are truly enormous.

Unfortunately, economic conditions during recent years have restricted the amount of attention which police administrators would have devoted to television in more fortunate circumstances. Nevertheless, it is clear that in order to keep pace with contemporary life, the use of television must become an essential feature of police administration.

The rapidity of modern transport and communication systems is undoubtedly the greatest asset of the modern criminal, and renders the rapid transmission of photographs of prisoners, suspects, fingerprints and documents a matter of the greatest urgency ; and no other medium within the present knowledge of man offers such opportunities of negating this criminal advantage, as television.¹ Indeed, it is not beyond the bounds of possibilities that at some distant date, television screens which reflect panoramic views of whole areas of property, main roads, etc.—coupled with street amplifiers which transmit all sounds—will be situated in all police stations, and render the present systems of beat-patrolling unnecessary.

An interesting indication of progress in this direction is furnished by the announcement that an instrument known as

¹ See 'Mechanization as an Aid to Police Duties,' by F. T. Tarry—*The Police Journal*, Vol. VI, p. 219.

the 'noctovisor' has recently been installed in the Police Headquarters of several American States. The 'noctovisor'—a hybrid production incorporating the principles of television with those of ultra-violet ray photography (described in previous articles published in this *Journal*),—consists of a specially constructed lamp which emits ultra-violet rays, and the ordinary television apparatus.¹

The lamp, which is situated in the cell wall, floods the interior of the cell with infra-red rays, and by means of telephone wires transmits the view to a television screen situated in an adjoining room. Thus a prisoner—although alone and apparently in total darkness—comes under the invisible rays, and can be clearly seen by police officers in the other room.

This method is somehow repugnant to British ideas of fair play; but it has one great advantage which—in the light of the Samuel Furnace and other recent cases—deserves serious consideration. This advantage is that it is a safeguard against prison-cell suicides.

Yet another continental adoption of the photo-electric cell is the filming of a criminal under infra-red light by an invisible camera, when he is interviewed by police officers. The prisoner is unaware that he is being filmed, as both the camera and the light rays are invisible, and the pictures secured are therefore much truer to life than the old-fashioned 'full-face' and profile types of photographs.

Incidentally, it may be observed that the introduction of such a film would effectively negative the allegations of 'third degree' methods which are so frequently brought against the police.

What of the Future?

The rôle of a prophet is a notoriously hazardous occupation; but the astounding post-war developments in police administration justify some speculation as to the future of the Police Service.

¹ 'Uses of Ultra-Violet Light in Criminal Investigation.'—*The Police Journal*, Vol. IV, p. 225.

Among the more obvious developments of the future is the inevitable abolishment of the present system in which isolated police forces, although confronted with the same problems, work independently of each other, and the consequent wastage of man-power through overlapping, and the duplication of executive staffs. The facilities for rapid transport now at the disposal of every wrong-doer have changed the whole complexion of modern police work, and crime can no longer be regarded from the 'parish pump' point of view.

The Electrical Age, on the threshold of which we now stand, will produce new social problems, new crimes, and—however much we dislike the fact—new and cleverer criminals. Thus we return to the hypothetical parallel between the Police Service and the army. Just as the army must prepare for new wars to maintain peace, so the police must prepare for new crimes to maintain law and order.

It is indeed curious to reflect that science—which in each generation confers fresh boons on mankind—also enables the 'Ishmaels of Society' to prey on their fellowmen with an efficiency and ease which cannot be hoped for by the guardian of society—the Police Service.

The very nature of police work has, in the past, made it impossible for the police to take the initiative—the first blow in each round of the perpetual conflict with the criminal element has always been struck by the criminal class. Whether the scientific developments which are now being utilized in police work will remove this handicap remains to be seen.

One thing, at least, is certain—if at some future date the final stages of civilization culminate in the formation of a world state in which all nations and peoples are as brothers, it will be due in no small measure to the persistency with which science, throughout the ages, has endeavoured to eradicate crime.

Examinations for Promotion

BY SERGEANT CYRIL M. M. COOK

Bristol City Police

IT is not every candidate's lot, no matter how hard he works, to be successful in examinations at which he may sit. Some *must* fail, or the primary object of competitive testing is defeated. But failure should leave no taste of bitterness; no feeling that those who have been successful are less capable than those who have failed. In this connexion, then, the present method of conducting examinations for promotion in the Police Service is, perhaps, worthy of some consideration.

Promotion in the police forces of this country, outside the metropolitan area, is, of course, still governed by Sections 27 to 32 of the Police Regulations made by the Secretary of State under the Police Act, 1919. These regulations provide, among other things, that :

No member of a Police Force shall be promoted to the rank of Sergeant or Inspector unless :

- (1) if a Constable, he has completed five years' service and has for the last two years been free from punishment other than reprimand or caution, and if a Sergeant, he has completed one year in that rank free from punishment other than reprimand or caution :
- (2) he has passed, after having completed not less than four years' service, an examination in educational subjects and an examination in police duties :
- (3) he has had not less than one year's service in the performance of ordinary outside police duty.

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The examinations shall be conducted by means of written papers and/or oral examinations upon the following subjects :

(1) Examination in educational subjects including :

- (a) Reading aloud.
- (b) Writing, including handwriting, spelling, punctuation, and the writing and composition of simple reports.
- (c) Arithmetic, for promotion to Sergeant, first four rules, simple and compound, including Imperial Weights and Measures and simple fractions : for promotion to Inspector, first four rules, simple and compound, including Imperial Weights and Measures, reduction, vulgar fractions and decimals (excluding recurring decimals), ratio and proportion, averages and percentages.
- (d) Geography, especially the geography of the British Isles.
- (e) General knowledge and intelligence.
- (f) Any special subjects which may be required in the circumstances of a particular force or forces.

(2) Examination in police duties, including :

- (a) Criminal Law.
- (b) Evidence and Procedure.
- (c) General Statutes, regulations and orders.
- (d) Local Regulations and Bye-Laws.
- (e) Extra duties performed by the particular force concerned.
- (f) Principles of Local Government.

The papers on the educational subjects (b), (c), (d) and (e) shall be set and marked by a central examining authority approved by the Secretary of State, or other such competent examining body as the Police Authority of the force may adopt. The examinations in police duties, and, where necessary, the educational subjects (a) and (f) shall be conducted by the Chief Officer of Police, or, where the size of the force permits, a board of officers acting under his directions. The object of the required examinations is to test the educational and theoretical knowledge of the candidate, and the fact that he has passed them shall not entitle him to promotion, or to promotion before another member of the force who has passed the examination at a later date.

Soon after these Regulations came into force, the Scottish

Police Authority inaugurated a Central Examining Board for the whole of the police of that country. This board has successfully arranged and carried out the promotion examinations in Scotland ever since. No such board has been empanelled, or employed, for the police of England and Wales, and, in many quarters, it is felt that the employment of such a body would obviate much of the dissatisfaction which now exists in connexion with the promotion examinations in those countries.

At present, examinations in England and Wales are purely local. Each authority prepares, or arranges for the preparation of, its own examination papers. Providing the questions set come within the standard demanded by Par. 29 (1) of the Police Regulations, it is quite in order for them to do so. The wording of sub-section (3) of that particular regulation permits of the papers being set and marked by '... such other competent examining body as the Police Authority of the force may adopt.' There is, therefore, nothing to prevent the Police Authority appointing the Chief Constable as a competent examining body. In many cases, this is actually done.

While, in the majority of police forces, the required standard of proficiency is high, in others the standard is a much lower one. One has but to study the examples of questions which have been set for promotion examinations in different forces (such as are frequently published in *The Police Review* and other papers of Service interest) to realize how widely the standard varies.

While some authorities expect their embryo-sergeants to answer general knowledge questions on electro-magnetic science, dynamics, elementary chemistry and physics, and kindred subjects, and successfully to negotiate a paper on Law and Practice which would puzzle a solicitor, others are content if theirs can pass a general knowledge test which would occasion no misgivings to a fourth-form schoolboy and a Law paper of the simplest kind.

This being so, it is obvious that many officers who have failed in promotion examinations have done so not because

they are less efficient than colleagues in other forces who have passed, but because the former have had to face a test which was incomparable with that undergone by the latter. This is an anomaly which should be removed. It could be, quite easily, by the standardization of police promotion examination papers.

To-day, when the increasing mechanical ingenuity of the age has so vastly extended the criminal's field of activity, when fast cars transport him from one end of the kingdom to the other as easily as he formerly moved from one town to another, it cannot be suggested that the police of one area need to be more—or less—efficient than those of another. The rural policeman, stationed at some tiny hamlet, is now as likely to be confronted with the perpetrator of a serious crime as his Metropolitan colleague. The vast motoring public, too, expect efficiency from the policeman no matter where he may be found patrolling.

Prior to the regulations made under the Police Act, 1919, there were no examinations. Promotion was made solely by selection. Officers who were serving prior to the post-war period will, no doubt, remember the heartburning and discontent which was thus created.

The introduction of the qualifying examinations put an end to this unsatisfactory state of affairs and ensured that no man received promotion unless he had proved his ability to pass the prescribed tests. But, slowly but surely, owing to certain natural sequences, the original position is again arising. Unless the required standard of proficiency is maintained at a high level, the number of candidates who qualify for promotion, by passing the examinations, will become so high that promotion by selection only will become the order of the day. If the tests are made too easy, all, except the most hopelessly inefficient, will pass. Then the very purpose for which the regulation was framed will be defeated.

The education of the post-war policeman is, unquestionably, superior to that of the majority of his predecessors. It is not suggested that he is a better policeman, but he is a better

scholar. The education of the community in general has greatly improved and, even if the raised status of the Service has not drawn into its ranks sufficient men of the public or secondary school type to fulfil the needs of Lord Trenchard, it has certainly attracted a better class of recruit than the shockingly poor pre-war wage produced.

It follows, therefore, that present-day policemen should be able to pass such examinations as are prescribed and, unless these examinations are maintained at a high standard, every post-war man should qualify for promotion. Suggestions have been made that, in view of the increasingly large number of men who have qualified, promotion should be by further competitive examination among them. It is, of course, recognised that the man who gains 90 per cent. marks in an examination may not be 90 per cent. efficient in actual practice. It does seem, however, that unless some such suggestion is adopted, Chief Officers will be compelled to resort again to promotion by selection only.

There is another matter of some importance in connexion with examinations in which the papers are set and marked by officers of the force concerned. Such an arrangement leaves a loophole for unfounded, yet nevertheless dangerous, suspicion. Suspicion that favouritism or antagonism is shown to particular men! The writer does not, for one moment, suggest that such favour or disfavour is actually shown, but it is an undeniable fact that, in many forces, there is a feeling, unjustified perhaps, yet very potent, that such things do happen.

Under such circumstances, one frequently hears of men who attribute their failure in examination to the fact that 'their face did not fit,' and of others who were 'bound to get through.' One often is questioned as to why men who are engaged in Chief Constables' Offices and in other Administrative Departments never fail to pass! It seems useless to point out that men who have been chosen, by virtue of their superior education, experience or ability, to fill staff positions should normally be able to pass examinations.

The regular hours—with no changes from days to nights, from early turn to late, no wet boots and soaked uniform to dry and clean—which are enjoyed by 'staff' men, are also conducive to more regular and efficient study on their part than on the part of the man on the beat. The writer would, in view of the foregoing remarks, desire to add that he is *not* employed in an administrative capacity!

The fact remains, however, that nothing, except the verdict of an entirely disinterested examining body, will ever allay or remove these suspicions and misconceptions. The establishment of a Central Examining Board for the police of England and Wales, or, as a measure of present-day economy, the utilization of one of the several efficient Boards which are now functioning for other professions, would effect three desirable changes. It would ensure a fair and even standard of proficiency being demanded; it would relieve Chief Officers of Police of a responsibility which, in many cases, is unwanted, and it would remove any suggestion, however unwarranted, of local prejudice.

Referring to the present-day police officer, the man on the beat, Mr. Albert Lieck, Chief Clerk to the Marlborough Street Police Court, in his *Justice and Police in England*, observes:

'A policeman's duties are heavy and varied and, in carrying them out, he has to acquire a great deal of miscellaneous information. For one thing, he has to have a good working knowledge of the criminal law. He is expected, also, to pick up some notions of the law of evidence and of the procedure of the Criminal Courts. He has to detect a lame horse and a faulty motor-car silencer. He is expected to discriminate between drunkenness and illness. He should be able to render "first aid" to the injured. He must be prepared, at any moment, to tackle a hostile person, be he big or little, armed or unarmed, and he must handle troublesome persons so as to hurt them as little as possible. He must know for what offences and under what circumstances he has power of arrest. He must be able to stand alone and yet be a useful man in a force of men acting together. He must be forceful yet patient, convincing yet tactful, all the time quietly observant. He must be capable of recording his observations accurately and intelligently. He needs a good memory and a good temper.'

These observations, accurate as they are, afford but an outline of the manifold attributes the present-day policeman needs to possess and of the multitudinous duties he is called upon to perform. Our ever widening statutes are constantly adding to his responsibilities and every Parliamentary session seems to thrust fresh offices upon him. Obviously, then, to ensure the efficient performance of these duties, many of which call for specialization, and to ensure the ability to pass examinations based upon the correct carrying out of such work, intensive study is essential.

While many police authorities are keenly interested in the physical welfare of the men under their control, and encourage every form of sport, there are many who do little or nothing to stimulate their mental faculties. It is well to remember that although the body, with its nerves, muscles, arteries, and the co-ordination of its delicate mechanism, is the medium through which the mind must function, a strong body does not, necessarily, ensure a powerful mind.

In many forces, classes are held and lectures are given for the benefit of those either studying for promotion or seeking to augment their knowledge of police work. In Bristol, Sheffield, and Glasgow, to name but three forces at random, lectures on subjects of general police interest have been given by qualified instructors. Members of the legal profession have spoken on the Road Traffic Act, on Larceny, Homicide, Law of Evidence, and kindred subjects. Medical men have outlined the principles of medical jurisprudence and certified engineers have dealt with such aspects of the mechanically propelled vehicle as are of interest to the police. These lectures, and the useful and instructive discussions which have followed them, will prove of incalculable value not only to the individual officers who attended them, but to the police authorities by whose foresight they have been—and are still being—provided.

It is an unfortunate fact, however, that in many forces no such provision is made and, when a man has passed through his probationary period, he receives no further training in his work other than that he acquires by practical experience.

Undoubtedly experience is an excellent teacher, but it is apt to be an expensive one! Undoubtedly, too, an ounce of practice is worth a ton of theory, but it must be remembered that no policeman can effectively carry into practice work of which he has an unsound theoretical knowledge.

The man on the beat, or in the station, cannot afford to make mistakes. They are likely to bring serious consequences to him personally and discredit to the Police Service generally. He must be sure of his ground before he acts, and that sureness can only be attained by constant and intensive study of the theoretical side of his work. Every police authority should, then, by arranging classes and lectures, ensure that the men under its control are given opportunities to study in such a way as will ensure the best results, not only in promotion examinations, but in the actual performance of their duties.

In his annual report for the year 1929, the Chief Constable of Worcestershire advocated 'Refresher Courses' for senior members of the Police Service, particularly those likely to be promoted to higher rank. The immediate adoption of that very practical suggestion would be of great benefit. For a recruit to have gained his appointment, for a constable to have reached the rank of sergeant, or for a sergeant to have attained an inspectorship, ability, in varying degrees, must have been shown. In many instances, however, when the desired goal—which may be either of the three stages mentioned!—has been reached, this ability is allowed to lie dormant and so diminish.

The constant toning up of this knowledge, by 'Refresher Courses,' would, unquestionably, tend to greater keenness and efficiency. In this connexion, one might reasonably suggest a further practical use for the Police College. The training of a yearly average of thirty to forty Junior Station Inspectors though a laudatory objective is not a particularly ambitious one. Why should the College not also be used to provide 'Refresher Courses' for selected serving police officers, both metropolitan and provincial, as a supplementary objective to the principal one?

It would be quite a simple matter to prepare and carry through, without great addition to the College staff, a curriculum which would not only revitalize acquired knowledge but supplement it with the latest developments in the anti-crime warfare. The course need occupy no more than about six weeks and the majority of the work could be done in conjunction with the ordinary routine of the College. Local Police Authorities, if they decided to adopt the scheme, would select and propose a specified number of candidates (according to the size of the force concerned) each year and would, of course, be responsible for the payment of such training and maintenance fees as would be necessary.

These expenses, which would be recognised as police expenditure for the Government grant, need not be heavy. In any case, such monies as were expended in this direction could rightly be regarded as gilt-edged investments which would pay increasing dividends in the shape of increasing efficiency. In these days of stringent national and local economy it cannot be too strongly stressed that true economy lies not so much in saving as in wise spending. The adoption of such a scheme would benefit not only those men fortunate enough to be selected for participation in it. It would benefit the Police Service as a whole, for it is to the men who are likely to be promoted to higher rank that the younger men look for guidance in the work and study which are essential to their career. They must not look in vain!

Police Forces Overseas

A SUPERSTITIOUS MURDER MYSTERY IN AFRICA

BY INSPECTOR A. E. PREST
Nigerian Police

THROUGHOUT the world we are surrounded by phenomena which have been occurring since the earth began, and we have never yet been able to complete our investigations of them. In every corner of the globe explanations have been put forward by those who have undertaken the propounding of theories which tend to prove or disprove the alleged existence of superstition.

The primitive African often relies so much on the superstition of others that he becomes a slave of superstition and allows himself to be led by it to a quite inexplicable act. With his strong belief in 'juju' worship, his life is governed by what he thinks are the dictates of the spirits of his juju.

Many great crimes in Africa can only be explained by superstition. If one were to reject these abominable acts as being due to an abnormal state of mind, we should be committing an error; the doer of them is perfectly sane but is wrapped up in a cloud of superstition. There are instances not only of those doings of the Africans connected with the belief in 'witchcraft,' but also acts connected with the sacrifice with human blood due to superstition.

Nigeria is not singular in having in its midst superstitious beliefs, and one of the most significant instances is the murder case tried recently at the Assizes held at Onitsha, in Southern Nigeria.

* * * * *

'At night of date 24.12.32, whether life or death is entirely at the hand of Odo Osuma who was very much grievance for the death of his son his looking on me for the whole day of 24.12.32 was very very bad although I did not hear his language.'

This was Obi's last message. A promising citizen of Onitsha, who left his home for abroad to seek for that which is more precious than rubies—health.

Onwu Obi, on or about November 1932, left his home at the invitation of a relative to consult a native physician at Alagbette, in the Ubiaja Division, in Southern Nigeria. He was stricken in health and for many months had been fighting against that painful agony, piles. He was unable to get satisfaction from his home doctors, and he therefore decided to wander abroad—but never to return any more.

At Alagbette, Obi was introduced to a powerful and popular native physician, named Odo Osuma, who lived at a little village called Amaru, not far off from Alagbette.

Doctor Odo was consulted, and on his advice Obi went to live with him for treatment. Obi left his relative Mr. Nkpe at Alagbette on the 5th of December, 1933.

Although Obi could not speak the 'Ishan' dialect, both patient and doctor appeared to be living in real harmony, through the medium of one Fatuma, one of Doctor Odo's wives, who acted as interpreter in English.

This is what Obi wrote to his relative after a short stay with his doctor.

'Dear Mr. Nkpe,

I am writing to ask of your present health Awabo and others. . . Odo Osuma is trying little by little in his work by God's power I am sure he will succeed in curing me.

Odo and his people are O.K. as well as myself too.

I remain,

Truly yours,

R. Onwu Obi.

18.12.32.'

Unfortunately, however, although faith predominated in the affairs of Obi, the atmosphere was bound to change, for just a few days after, on the 20th December, the doctor lost his beloved son, who was accidentally killed in a gunpowder explosion.

Odo was very much aggrieved, and wondering what might have caused this premature and accidental death, consulted a diviner, who informed him that it was a 'juju' that had killed his son and that very soon it would kill another woman in his house, unless he performed a feast of sacrifice for his juju.

It would appear that Odo then began to wonder what had angered the 'juju.' He had very shortly before taken an important native title of 'Osuma,' that appeared in the olden days to have been taken before going to war, and the taking of the title was probably in those days attended with ceremonies and sacrifices now prohibited. It may be presumed therefore that from that day Odo determined to appease the 'juju.'

The 'Osuma' is an ancient war title, the holders of which rank eminent with other recognized warriors, and one of its important obligatory rules is that the holder shall, before taking the title, show proof that he has performed some very great deed, *e.g.* killed a human being. The 'Osuma' entitles the holder to carry a regalia called 'Eben,' a broad brass sword.

Doctor Odo's attitude from this day towards his patient became suspicious, and gave the latter cause for grave alarm. Obi mentioned this fact to his interpreter, Fatuma, and what is more, he possessed that inestimable quality which is very rare on such occasions—he committed his statement of fear to paper. This was on the 24th of December, and from that date Obi was seen no more—he had vanished into oblivion, so to say.

So, on a Christmas morning, while the family of Obi was awakening to the joy of Yuletide and wishing their far distant son a Merry Christmas and speedy recovery, the little village of Amaru was receiving the shock of perhaps the most wanton and brutal crime in its history.

Obi was missing. Neither the doctor nor the inmates of the house could

tell his whereabouts. His relative at Alagbette could not trace him. Messengers were sent all over the neighbouring villages with no result. The news reached Onitsha and it was confirmed that Obi was not there.

Mr. Nkpe therefore had no alternative but to report the incident to the authorities, and on the 7th of January, 1933, the police found themselves faced with a mystery which was to tax to the utmost the abilities of the best detective talent. Investigation ensued, and for a long time the story of the disappearance of Obi appeared to be genuine, until a search of Doctor Obi's house was made, when this important document gave the clue to the mysterious disappearance of Obi.

Inside the pocket of a khaki shirt hanging on the wall were found two letters purporting to have been written by Obi and bearing his signature. The shirt was admitted by Odo as being the property of Obi, and he also produced other properties which he alleged Obi left behind.

Although it sounds very strange and hard to believe that Obi should have deserted the doctor's house—where he had come from such a far distance for treatment—without being cured, and, what is more, left his properties behind, yet Fatuma stated emphatically to the police that she believed Obi had gone home as she met him going towards Alagbette where his relative resided, on the date that Obi was alleged to have disappeared. But the fact remains, that whether Obi disappeared or not, he did so because he was in fear, and the police decided to probe the reason for that important document left behind by Obi. It was written on a piece of notepaper and it ran thus:

'Note.

At the night of date 24.12.32, whether life or death is entirely at the hand of Odo Osuma who was very much grievance for the death of his son his looking on me for the whole day of 24/12/32 was very very bad although I did not hear his language.

R. O. Obi. 24.12.32.'

* * * * *

'My life is at the hand of Odo Osuma especially the night of date 24/12/32. I was about to go to Alabetta but afterwards disposed therefore I slept at Odo's room.'

* * * * *

Unfortunately for Odo and his wife Fatuma, the latter of whom stated on further examination that she was returning from a visit to her father at Alagbette when she met Obi on the road, Fatuma's father was subsequently interviewed by the police and he denied having seen his daughter for over a month. When Fatuma was confronted with the story later, she broke down and made a clean breast of what she knew. This is how Fatuma gave herself away.

A corporal dressed as a native of Ubiaja, and a diviner, visited the house of Odo and took lodgings. He then began to divine to the villagers, and others pre-arranged, until he was able to capture the interest of Fatuma and the household. It was not long before Fatuma herself was inspired to consult this famous diviner, as she was troubled in mind. In the course of his duty, he was able to elicit all the information he required, the most important being a 'juju' to which Doctor Odo had sworn the household. This the diviner

interpreted would cause very grave results to the women in the house, owing to the fact that it was a prohibited juju for women, especially as it would prevent them from bearing children, if any slight breach of the oath was committed. Fatuma soon began to see signs of discomfort, and it did not take the corporal long to resolve the atom which was to blow all the household to pieces. Husband and wives began to find home life very uneasy, there were quarrels, and the corporal chose an opportune moment to take leave of his host.

There was no time to waste, for the corporal returned two days later with a bag full of questionnaire.

The first duty of the police this time was to get the Doctor to revoke his juju called 'Odene' to which he had sworn the household. At first Odo refused to revoke this juju, saying that it was intended to put a stop to 'witchcraft' which he suspected was being practised by his wives, etc., and which ultimately caused the death of his son; but after a very tedious interrogation in which Fatuma was very interested, Odo at last gave up all hope and revoked the 'Odene.'

Fatuma, without fear or favour, then gave her story as follows: That on the 23rd of December, Obi complained to her that he was afraid of Odo's attitude towards him, while she, Fatuma, was away from the house. She took Obi before her husband, and the latter explained that his actions had no reflexion on Obi at all, but that he was troubled in mind owing to the death of his son, and therefore could not attend him carefully as he used to do. She stated that she saw Obi in the house till late on the 24th night before she went to her own hut to sleep. That in the middle of the night, she heard a voice in the Ibo dialect crying 'Ewo' from someone near her house, which was a cry of fear, and that as Obi was the only Ibo in the neighbourhood she suspected it was Obi's voice, and wondered what had happened, but was afraid to come out.

That just after cockcrow next morning, Odo came to her house and said he was looking for Obi, and she mentioned to her husband what she had heard in the night. But the husband scolded her and brought her to the house, where he collected all the inmates of the house, and made them swear on the 'Odene' juju, which belonged to Odo, that no one should dare mention anything about Odo's disappearance, otherwise he or she would die. That the belief in that juju was very strong in the neighbourhood, and that any attempt at committing a breach of its law would certainly mean death. Hence she told the police the first story about Obi's disappearance which was a dictation of her husband.

The police then carefully gleaned the whole truth from one Ogbechie, Odo's personal servant, who gave his master away on the quiet:

He was sleeping in an apartment in Odo's house, when in the middle of the night, one Omachono, Odo's half-brother, came and woke him, saying that he heard some strange cry outside. He accompanied Omachono outside and, truly, there was a faint cry coming from the direction of the waterside. They walked towards the waterside and saw people talking in low voice. When they got near, they saw Doctor Odo, Akigbe, his brother and Eletamino, his son, all standing near a body lying on the ground, which they identified to be the body of Obi who appeared to be dead. They saw Akigbe and Eletamino tying a heavy stone round Obi's body. His second, Omachono, spoke to Odo and told him that what he was doing was very bad

in view of the fact that he had only recently taken a big title. They took no notice of them. They saw Obi's body put in a canoe and Akigbe and Eletamino paddled away into the midstream, and they returned home. And they all swore to the 'Odene' juju. This statement was later confirmed in toto by Odo's half-brother, Omochono.

Unfortunately, a search of the stream later by twenty-six expert native divers brought specially for the purpose revealed no sign of Obi's remains. This was not surprising, in view of the fact that the crime had occurred about three months before the search was made, that the stream was very swift and deep and the bed covered with roots and snags.

A very striking coincidence however occurred, which confirmed the very strong suspicion that Obi was done to death. On a subsequent search being made of Odo's juju house, the title regalia 'Eben' was found decorated in a most conspicuous manner. The 'Eben' was spotted with red and white chalk, and Cowries and 'Ekan' bead tied to the handle. This was a very significant emblem of great deeds, and it was conclusively proved on further investigation that neither the chalk spots nor the bead were on the 'Eben' when it was presented to Odo; what was more important was the fact that the 'Eben' was not so decorated prior to the disappearance of Obi.

The custom is that the 'Ekan' bead is only adorned by a person who has recently performed some great deed, killing a human being, elephant, or the like; and even then it is only worn on the wrist, and never tied to an 'Eben.'

It was a tacit assumption therefore that Odo wished to show to his 'juju,' which was angry with him for not taking his title properly, that he had made up in some manner for his neglect.

Odo's defence was a complete denial of any knowledge of Obi's disappearance, and his explanation of the new decoration of his 'Eben' was that being a notable hunter he had full right to decorate it at any time, and that it was done before Obi's disappearance.

With these overwhelming circumstantial evidences, Doctor Odo, his brother, Akigbe, and his son, Eletamino, were all charged with the murder of Obi.

The presiding Judge after a long deliberation found that in the absence of the 'corpus delicti,' he was bound to find the accused not guilty of murder, but that he was satisfied beyond all reasonable doubt that there was an attempt to murder Obi, and he accordingly found them guilty of attempting to murder, and sentenced each to ten years penal servitude.

A GHASTLY HYDERABAD MURDER

By S. N. R.

ON 24th March, 1931, information reached the police at about 6 p.m. that a dismembered body of a woman had been discovered in the cactus bushes of a deserted part of Narayanguda locality in a highly decomposed condition. On examination by the police officers it was discovered that the body was headless and legless with the nether garment (*sari*) missing. The woman's bodice (*choli*) was intact though the knot was undone. It was impossible to do anything at the time as it was getting very dark, and the prickly pear is

noted for sheltering poisonous snakes. A watch was kept over the body with the help of hurricane lanterns for the night, so that no street dog or wild fox should disturb the body.

Early next morning the police removed the body from the bushes and the hunt for the missing parts of the body was started. From a neighbouring bush a few yards away the dismembered legs were discovered. After a great deal of search the head also was discovered in the same prickly pear bush. From a close examination of the body it was considered that the murder might have taken place a week or ten days before the discovery. The face was almost unidentifiable. Without identifying the body it would have been difficult to trace the culprit. On a minute examination of the arms it was discovered that there were tattoo marks on the same. Here was a clue for the policemen to follow up. The best man on the staff, Inspector Fazle Rasool Khan of the C.I.D., was put in charge of the case. On deciphering the marks it was discovered that the name 'Daday Lachmaya' was tattooed on the right arm in Telugu. That part of the skin was removed and preserved in spirit. Information was circulated in all the police divisions of the city to trace any man named 'Daday Lachmaya.'

That same evening men were detailed to find out if any woman had been missing for the last eight or ten days round about Narayanguda locality. After a great deal of search one of the constables brought a lad, by name Lachiga, a labourer of Dher caste, aged about twenty, and told the investigating officer that the fellow had a kept woman of the same class, caste, and age, who was supposed to have left suddenly for her village some eight or ten days ago. The room she had rented was locked, and the landlord did not know when she would return. As the circumstances looked suspicious, Lachiga was questioned. He was very cool and collected and replied to every question in a reasonable manner. His story was that he had kept the woman Yanki, but, as she had proved unfaithful to him, he had given her up for the last two months and knew nothing about her whereabouts. The photographs of the dead woman were shown to him and he was asked if he could identify the person as Yanki. He asserted that the photograph was not like that of Yanki.

The investigating officer then went across to Yanki's room and forced it open. The room disclosed that the woman had left with the intention of returning again, as the food she had cooked was still there in the pots: she seemed to have left the room without any preparation for a long absence. As the suspicions became stronger, Lachiga was detained. Further inquiries in the locality elicited the fact that Lachiga was in the habit of quarrelling with the woman and that he had a row with her a day or two before her sudden departure. He used to accuse her of her unfaithfulness, and she would insist that he must not visit her any more. Another witness said that a day or two after the quarrel, he had met Lachiga and Yanki going towards the deserted parts, where the body was later discovered, obviously in a friendly conversation. He thought they had made up their quarrels, as is often the case with people who quarrel when they are drunk and make up soon after.

None of the witnesses could, however, identify the photograph as that of Yanki, as the body was in a highly putrified condition. Although the suspicions were growing strong against Lachiga, there was nothing to show that the murdered woman was Yanki or that Lachiga was the murderer.

That night a mason, by name Daday Lachmaya, was discovered by Afzalgunj Divisional Police, living in their jurisdiction. He was brought to the police station for the purpose of examination, but he was so drunk that he was not in a fit condition to answer. He was, however, called up the next morning and questioned. His story was that he was a mason building a bungalow near Narayanguda locality and had many men and women working as coolies (labourers) under him. Yanki was also a coolie, but had not been to him for work for the last ten or twelve days. He knew Lachiga who also worked under him as coolie and was still regularly attending work. As Yanki was a kept woman of Lachiga, he had inquired of the latter why she was not coming to the work and he had told him that she had gone to her village. He also said that once some tattooing women had come to the place where he was building, and as some of his coolie women expressed a wish to get their arms tattooed, he had had it done at his expense. He himself had written his name on the arms in ink and had asked the tattoo woman to tattoo the same. Yanki was one of the women who had got her arm tattooed with his name, Daday Lachmaya, written in Telugu. All the remaining women were still working, except Yanki, who, according to Lachiga, had gone to a village. He was then shown the pieces of skin preserved in spirit with the name of Daday Lachmaya on it. He identified it as his writing. He later produced the remaining women who had also similar names tattooed on their arms.

Lachiga at this stage found the evidence too overwhelming against him, and volunteered to confess everything and even to point out the knife with which he had done this foul deed, and the *sari* of the murdered woman. He therefore led the police first of all to the hut where he lived. Pointing to a large stone, he said that he had put the knife and some gold beads the murdered woman was wearing under that stone. The police removed the stone and discovered the knife and the beads as the accused had said. Nearer the scene of the crime, he pointed out a small cactus bush and said that he had hidden the murdered woman's blood-stained *sari* in that bush under a stone. This too was recovered. The full story that he confessed to the police, and later to the committing magistrate, was that he had kept the woman, Yanki, and she had proved unfaithful to him. Thus, quarrels arose between them, but she would never give up her other paramour. On this he decided to wreak his vengeance on her. After his last quarrel with her he again went to her on the day of the murder at about dusk, and asked her pardon and promised never to worry her. His last request to her was to give him the pleasure of her company for that one evening and after that he would worry her no more. He also promised to her a bottle of country arrack if she accompanied him. The last promise perhaps lured her to her death. She accompanied him to the deserted locality, where they sat under a tree and finished the liquor Lachiga had brought. According to Lachiga, after the drink Yanki was half senseless, and he cohabited with her. Soon after he took out the knife which he had kept hidden in his waist folds and started severing her head. After severing the head panic overtook Lachiga, and he determined to dispose of the body by cutting it into small pieces; accordingly, he severed the legs. By that time it was pitch dark and fear overcame him. Therefore he threw the legs and the head into the nearest bush and took the trunk to a nearby bush and threw it in there. He then hid the *sari* in a third bush and went to his hut nearby and washed himself and his clothes.

This is the story of a ghastly murder that the police had to unravel in Hyderabad. The lesson the police learnt from this was that high decomposition could not destroy tattoo marks. These marks could be preserved for the identification of the murdered person. They have been of great help to the court while examining witnesses. They were the cause of a capital sentence being passed by the court on the accused, which was commuted to a life sentence later.

THE COLONIAL POLICE

The following appointments are announced by the Colonial Office :

GOWING, Captain D. S. (Assistant Commissioner of Police, Gold Coast)	Assistant Chief of Police, Gibraltar.
MCKINLAY, D. R. (late Assistant Engineer, Public Works Department)	Assistant Commissioner of Police, Gold Coast.
MACLEOD, N. C. (Assistant Inspector of Police, Northern Rhodesia)	Assistant Inspector of Police, Tanganyika.
MERRY, I. D. (Police Probationer)	Assistant Superintendent of Police, Ceylon.
WILLCOCKS, Major J. L., D.S.O., M.C. (Assistant Commissioner of Prisons)	Commissioner of Prisons, Kenya.
ALDERSON, D. (British Section, Palestine Police)	Inspector of Police, Bermuda.
BLACKWELL, H. (late Assistant Inspector of Police, Kenya)	Assistant Inspector of Police, Uganda.
MORANT, N. D. (Assistant Inspector of Police, Kenya)	Assistant Superintendent of Police, Tanganyika.
VERNON, Captain T. F. (Assistant Superintendent of Prisons)	Superintendent of Prisons, Nigeria.
O'MORCHOE (The), Captain A. D. M. (Superintendent of Police, Zanzibar)	Commissioner of Police, Gold Coast.

REVIEWS

UP FOR MURDER. By BENJAMIN BENNETT, in collaboration with F. P. ROUSSEAU. (Hutchinson & Co., Ltd.) 15s.

THIS book is an account of some dozen murder trials in South Africa, together with the story of a few crimes in which the perpetrator was never brought to justice. There is a chapter also on a few native murder cases. All these accounts are well told, and the general detective-reader will find this volume as exciting and sensational as any fiction. The book has, however, a value for those who are concerned with the detection of crime in real life. There are many interesting conclusions to be drawn from the manner in which the evidence was discovered and on the treatment of these cases, most of them famous cases, in court. South African criminal procedure differs slightly from that which obtains in England. Since 1917 trial by jury is optional: the accused person can elect to be tried by a judge, who usually calls in two assessors to sit with him on the bench. There is no inquest, and a prisoner who is accused of murder is held, during the examination before a magistrate, without bail.

The book is illustrated, one photograph having been taken in court, during a trial, without the knowledge of the court. It is obviously impossible to describe in any detail the contents of this volume, but this notice should be sufficient to show that from many points of view its publication will meet a need. Most readers in Great Britain, indeed, will know little beforehand of the crimes which are here related.

A PRIMER ON THE STORAGE OF PETROLEUM-SPIRIT AND CARBIDE OF CALCIUM. By MAJOR SIR THOMAS H. CROZIER and LIEUT.-COLONEL R. A. THOMAS, C.B.E. (Charles Griffin & Co., Ltd.) 7s. 6d. net.

THIS is a third edition, rendered necessary by the Petroleum Consolidation Act of 1928, and should be of particular use to local authorities. The regulations for the conveyance of petroleum-spirit by road in Great Britain have been included, and a new section added, dealing with conveyance and measuring pumps.

KETTLE DRUMS. By N. RAMABHADRAN. With a foreword by R. S. Sarma, Esq., C.I.E., M.L.A. (Printed at the Basal Mission Press, Mangalore, S.K.) 1933. Price, one rupee.

SIR! 'If you wish to have a just notion of the magnitude of this city you must not be satisfied with seeing its great streets and squares, but must survey the innumerable little lanes and courts.' Thus the Sage of Fleet Street! So too, they who would form a just idea of India with perhaps ninety per cent. of its vast population in villages, may well peruse these

amusing little sketches of Indian village life, and the administration of justice therein, by magistrates, police and headmen. A number of letters from 'distressed daughters' afford further insight into Indian conditions.

The author has some surprising things to tell us about cruelty to animals; and gives an interesting history of chess as played in India and elsewhere.

His experiences during a visit to Madras and on a racecourse; a selection of Indian ethical sayings, and a rather inadequate glossary complete the little volume.

POLICE LAW. BY CECIL C. H. MORIARTY, O.B.E., LL.D. Third edition. (Butterworth & Co.) 5s. net.

THIS admirable book has now been brought further up to date, so as to incorporate the provisions of the Children and Young Persons Act, the Pharmacy and Poisons Act, etc. New sections have been added, and the law as to public service vehicles, vehicular and traffic regulations, speed limits, etc., have been placed in a more convenient form.

THE LAW RELATING TO CHILDREN AND YOUNG PERSONS.
BY the late SIR WILLIAM CLARKE HALL and A. C. L. MORRISON.
(Butterworth & Co.) 15s. net.

THE 1933 Act has made a volume such as this essential to all who are concerned with the working of the law. The book is excellently arranged and furnishes the fullest information as to all aspects of the subject. Sir William Clarke Hall was to have written a preface giving his views as to the purpose and ideals of the juvenile court, but unfortunately he died before this was done. No one had a greater experience and love of children than Sir William, and this book will serve at least as, in part, a memorial of his life-long services.

MEMORANDUM ON PRECOGNITION EVIDENCE AND RECALL OF WITNESSES IN CIVIL AND CRIMINAL LAW. Revised by JOHN MACKAY. (William Hodge & Co., Ltd.) 1s.

THE Criminal Appeal Court in Scotland, in the *McNeilie* case, gave certain important rulings in regard to evidence which have caused much concern to those engaged in the administration of criminal law. This pamphlet questions the soundness of the decision. A foreword has been written by Mr. P. J. Sillitoe, the Chief Constable of the City of Glasgow Police.

THE SECRET OF TANGLES. BY LEONARD R. CRIBBLE. (Harrap.) 7s. 6d. net.

THE CLUE OF THE DEAD GOLDFISH. BY VICTOR MACCLURE. (Harrap.) 7s. 6d. net.

WATCH THE WALL. BY LAURENCE W. MEYNELL. (Harrap.) 7s. 6d. net.
COMPETITION on a vast scale has forced a high standard of technique on detective fiction. It is curious, indeed, to look back at the detective novels published at the beginning of the century, and observe how remarkably the average has improved. No longer is Watsonian supineness tolerated, nor do the police invariably persist in following the wrong clues, obstinately refusing the lead of the clever amateur.

The first of these three books is written, as one would expect of Mr. Cribble, with considerable knowledge of police methods. It is sensational

and suffers from the mistake, which is common to many modern detective stories, of over-complication of the motive for the crime, as also in an over-crowding of the canvas. There is plenty of action, however, and the clues are admirably followed up.

Mr. MacClure's story is the best, in many respects, which we have lately encountered. It suffers only from one curious defect, namely, that the criminal is evident from almost the first chapter. This might appear to be a serious flaw, for what distinguishes fiction so markedly from fact is that in the former the guilty person is always to be looked for among the most unlikely characters. But Mr. MacClure's novel has this valuable originality; it is really a study of police detection rather than an attempt to keep the reader guessing. The interest is sustained throughout—in spite of any absence of doubt as to who is guilty—there are some good characterizations, and we commend the book warmly.

Mr. Meynell's novel is on a quite different level. It begins well, as a sympathetic sketch of a very likeable young man. It begins sanely. But very soon it wanders off into sensational phantasy and the improbabilities become glaring. The villains are incredibly daring. The hero takes unjustifiable risks and carefully refrains from obtaining the help of the police, who could have done the work much better. It is a disappointing development which suffers from the unrealities apparently always attendant on the desperate adventures of drug-traffic gangs, a path of crime which novelists are becoming too fond of choosing for their adventures.

'PRIVATE POLICE.' BY DR. J. P. SHALLOO. (Publishers, The American Academy of Political and Social Science, Philadelphia.) 1933.

IN this volume Dr. Shalloo has submitted to a close and searching analysis the private police system as it exists in the United States and more particularly in Pennsylvania. His object is to point out certain abuses and anomalies which have resulted from the employment of very large numbers of police who, though sanctioned by law, are privately paid and controlled police. He recognizes that the development of modern transportation and of the coal, iron and steel industries have made private policing imperative in America; but he is concerned to ask that the State should assume more responsibility for private police than it has hitherto done and that it should 'through duly appointed agents tie in all private police under the direction and administration of the police department in whose area they are employed; or, at the least, that some central body should be made responsible for the appointment, control and administration of all private police.' He is impressed with the disadvantages which follow from the want of a unified and coherent scheme of organization and control; and he has a number of useful suggestions to make for the purpose of attaining this end.

Dr. Shalloo deals separately and fully with the two great industries in which private police are employed on a large scale: Railroad Police, and Coal and Iron Police. He traces the development of the system of railroad police from the 'cinder dick' to the elaborate police departments which now possess an organization and efficiency comparable to those existing in the public police service. He tells us that in 1929 there were more than 10,000 of such police in the United States with an estimated annual pay-roll of 18,000,000 dollars, exclusive of private detectives or others employed by the railways in 'checking, spotting and claims investigation.' Their general

duty is to protect railway property, to prevent and detect thefts, and to safeguard the property and interests of passengers. But in addition to these manifold duties a number of unusual tasks fall to the lot of the railway policeman. For example, it is his job, when required, to look after demented persons in transit; to travel on the 'deportation train' which makes a monthly trip to points of embarkation; or to inquire into the disappearance of passengers from trains. It appears also that the railway police, who are frequently called upon to exercise their powers of arrest, are responsible for bringing delinquents before the courts in co-operation with the appropriate official authorities. We are not surprised that the continued existence of this elaborate and extensive system, while admittedly indispensable under existing conditions, seems to Dr. Shalloo to show up the inadequacy of the public police service. The State of Pennsylvania, at any rate, exercises no control whatever over these modern private armies. After conferring police power by statute, the State 'simply forgets about it.'

Dr. Shalloo's criticism of the railway police system in the United States is severe; but his criticism of the 'Coal and Iron' policemen, to which a large part of this book is devoted, is devastating. Their employment is authorized by law; but they are actually the employees of the companies engaged on these industries. With this dual capacity—that of private employees and public officers—they exist partly for the purpose of protecting owners' property and partly for the purpose of ensuring that the mines, etc. will be worked even during strikes. No test of fitness for employment is apparently imposed by law. The number so employed varies according to requirements. In a time of industrial strike it has in Pennsylvania alone reached six thousand. The use of these police as strike-breakers has frequently aroused caustic criticism and sometimes passionate resentment and action on the part of labour and the general public. In the great strikes of 1902, 1910, 1922 and 1925 the presence of large numbers of such police not infrequently contributed to danger and disorder; and Dr. Shalloo, who evidently feels strongly on the subject of the position in Pennsylvania, denounces the system under which the State, without undertaking any responsibility or providing for any regulation or supervision, 'literally created "islands" of police power which were free to float as the employers saw fit.'

In the United Kingdom police are employed—in comparatively small numbers—by the railway companies under statutory authority; but there is nothing comparable to the system of private police as described in the interesting volume which is at once both a lesson and a warning to those countries that may be inclined to adopt a similar system.

It is a pity that Dr. Shalloo has allowed the eagerness in pursuing his objective to lead him into discursiveness, repetition, and super-abundance of detail and quotation from correspondence and official documents.

ANONYMOUS LETTERS. A Study in Crime and Handwriting by ROBERT SAUDEK. (Methuen.) 5s. net.

DR. ROBERT SAUDEK devotes three chapters of his eight to the consideration of Anonymous Letters, and in the second and third of these he deals with two written by blackmailers. His study of the handwriting itself is valuable, but as a graphologist he *must* theorize as to the characters of the writers.

The book contains a great many interesting things, such as the similar and dissimilar writing of 'true twins,' and that produced by a girl who, born without fingers, uses both hands to hold her pen, and who can draw so cleverly that she won a scholarship at the Royal Academy of Arts.

In dealing with forgeries of parts of documents, Dr. Saudek illustrates a case where '£375' had been made into £7,375. Here the ink from the cross of the 't' in the word 'let' in the line below the figures had run up and down the tail of the '7' in '75' showing that this '7' was there first, while the ink of the tail of the other '7' had run up and down the loop of the 'l' in the same word, proving that this figure had been added afterwards.

At the beginning, Dr. Saudek sets himself to explain 'Why the Public and legal authorities distrust handwriting experts' and he shows that the prejudice is an ancient one, going back a thousand years before the days of the 'skilled viewers.' Their tasks were admittedly to produce forgeries or to testify in the courts to the genuineness of such forgeries, or to supply colleagues who served the same masters with the written material which was needed to condemn a man.

The fact that handwriting experts disagree, appears to be the main reason at the present day for the distrust, but the same is true of other expert witnesses. Dr. Saudek, however, does not seem to have found a case in which the good faith of the handwriting experts can be doubted, though some of them, he contends, were evidently ignorant.

In his second chapter the author gives the history of the trial of Dreyfus, which he considers to be the most famous case of modern times, and the first occasion when the old school of handwriting experts clashed with the new.

In two places Dr. Saudek claims that the tendency to accept the evidence of an amateur expert might lead to unintentional class injustice, because a wealthy defendant would always be in a position to secure the services of an amateur expert, who would with a clear conscience testify in his favour.

Dr. Saudek also says that he knows of judges who would accept the evidence of two unskilled 'experts' should chance will it that they should agree once in a way.

In summing up his conclusions, Dr. Saudek finds two main difficulties:

(1) 'that we have no definite standards by which to establish whether a disputed writing which shows great similarity to a genuine writing, but is lacking in fluency and rhythm, is to be regarded as a skilful freehand copy, or as a genuine writing produced under some incidental acute handicaps.'

(2) 'that there are, though very rare, cases of forgers whose skill is greater than that of the experts. They may produce a number of writings of quite different styles, each of which is consistently carried out in all its details.'

'A skilful forger with scientific training stands a good chance of beating the expert on these two points.'

CRIMINAL LAW AND PROCEDURE IN A NUTSHELL. BY MARSTON GARSIA, B.A., Barrister-at-law. Fifth edition. 1933. (Sweet and Maxwell.) 4s.

'CRIME is conduct injurious to society': a definition in a nutshell which we owe to the late Dr. C. A. Mercier (*Crime and Criminals*, p. 92). But whereas Mercier was concerned with the philosophy of Criminal Law, Mr. Garsia is concerned with 'the present state of the Criminal Law and its Procedure

as administered and practised in the Criminal Courts to-day.' So he gives a selection of such definitions as may best serve students of Law for whom his book is intended.

It is interesting to compare Dr. Mercier's biological classification of crimes, vide *Crime and Insanity* (Home Univ. Library), as seen by a student of Jurisprudence with the much fuller, more practical, if rather less logical, classification elaborated by Mr. Garsia. The author's own excursions into the subject of the Law as it should be are mostly relegated to the Appendix; wherein—as elsewhere—information is given as to several important Acts passed in 1933, and as to 'stealing the use' of a car for 'joy-riding' Motor Traffic Act 1930. A sketch of the history of criminal courts, tables of cases and statutes, and a good index complete the work.

A work of this kind which reaches a fifth edition in eleven years, on familiar lines, but now nearly three times the length of the first edition, must meet a want felt by many of those who administer the Law, J.P.s and Police, as well as by most of the students thereof. It is excellently printed and so spaced out as to allow no little room for readers' own notes.

WE have received the Constabulary and Judicial Statistics for 1933 of the counties of Perth and Kinross.

WE have received the first number of a quarterly review issued by the Duke University School of Law, Durham, North Carolina (60 cents each number). Each issue will deal with a particular subject, the present number being concerned with various aspects of, and including various articles on, the Protection of the Consumer of Food and Drugs. Although, of course, of direct interest to the American reader, this publication ought to have considerable legal value in a wider field.

IN the January number in the description of the lower of the two illustrations appearing opposite page 45, the words 'ink-filing' should read 'ink-film.' The illustration occurs in the article entitled "'Don'ts'" for Documents.'

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, 1933. The subject was:

'The Police Service as a Career: a review of the Past with suggestions for the future.'

The number of entries was larger than in the previous year and the prizes have been awarded as follows:

His Majesty's Gold Medal and first prize of thirty guineas:

Detective Inspector RALPH KITCHENER, Metropolitan Police.

It was decided to divide the total amount of the second and third prizes between the next two competitors as it was felt that their essays were of equal value:

P.C. ALEXANDER GRAY, Glasgow City Police;

Inspector THOMAS HOLMES, Durham Constabulary.

The following essays have been 'commended':

Major MAURICE TOMLIN, O.B.E., Metropolitan Police;

P.C. FRANK ELMES, Dorset Constabulary;

Sub-Inspector HOPE, Bechuanaland Protectorate Police, Mafeking, S. Africa;

P.C. S. W. STEPNEY, Bristol City Police.

The Council has pleasure in announcing that Mr. J. C. CURRY, late Deputy Commissioner of Police, Bombay City, has joined the Council.

They also announce that they have received a grant of £40 from the National Police Fund with certain conditions.

Police Gold Medal Essay Competition

RULES FOR THE 1934 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 thirty 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 twenty guineas and ten 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 motto, and containing the competitor's name, rank 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 a 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 1934

The Prevention and Detection of Serious Crime.

Essays must be submitted on or before the 1st November, 1934, to—

THE SECRETARY OF THE COUNCIL OF THE
POLICE GOLD MEDAL ESSAY COMPETITION,

HOME OFFICE,

WHITEHALL,

LONDON, S.W. 1.

THE POLICE JOURNAL

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JULY—SEPTEMBER 1934

Notes on Recent Crime

NO society can tolerate bribery and corruption, and yet remain healthy. Wherever this evil rears its ugly head, it must be most vigorously stamped on. The case of Captain Miles, head of the London Salvage Corps at a salary of over £1000 a year, plus perquisites, has been quite the worst case of recent years. He was proved to have been in the regular pay of Leopold Harris, head of an arson gang, for a considerable time, and to have had his bank account guaranteed by him up to £1000. The maximum penalty was two years, but Hawke J., under the Hayley Morris Act which provides for a cumulative sentence where more than one offence is proved, sent Miles to four years' penal servitude.

Another bad case was that of Knight, an R.S.P.C.A. Inspector in the East-end of London, who for some years had regularly taken bribes from horse owners to let them down lightly in the police courts. He was sentenced to twelve months' imprisonment. The task of the police in this type of case is a difficult one. If the person bribed or the person bribing is unwilling, a trap of course can be set as in a blackmail case, and all then is plain sailing. More often, the two parties are not at all unwilling, but in league, to gain an unfair advantage. A course of bribery may and does go on for years, till one party out of spite or remorse tells tales about the other. Such a person is clearly an accomplice and a jury must be warned that it is unsafe to convict on his evidence unless it is corroborated. Miles' case provides an interesting example of such corroboration. Notes were traced from Harris' account to Miles'; Harris' original guarantee at the bank was produced. Miles was then called upon



A PALESTINE POLICEMAN IN THE RECENT RIOTS

to show how this could have been innocent—which he lamentably failed to do. This was a case of large sums—the difficulties are of course greater in a case of small sums.

The fantastic tales by which people can be parted from their money are a never-ending surprise in criminal courts. There have been two extraordinary recent cases, one of a man and wife named Killick, tried at the West Kent Sessions and sentenced to two years' hard labour, and another of a woman, named Forman, sentenced to seven years' penal servitude, at the Old Bailey. Mrs. Killick in six years obtained over £23,000 by the device of forging a will, in which she and the victim (who did not know the testator) were left substantial legacies, and telling great stories of a dump heap which she was buying. The woman, Forman, had obtained £18,000 from two elderly sisters by tales such as that she had recovered a judgment for £15,000 at Bow Street, affirmed on appeal at the Old Bailey, but only on condition that a counter-claim was paid first. In another case 'Lord Justice' Avory had ordered her to pay certain sums of money. It is impossible to protect people who can believe such tales.

The new Act facilitating appeals from police court convictions and enabling poor prisoners in proper cases to appeal free, should prove extremely useful. Already much use is being made of it. It cost about £50 in the old days, and injustice, no doubt, sometimes resulted. Quarter Sessions now, however, have the power like the Court of Criminal Appeal to increase a sentence and London Sessions have exercised this power. This should tend to check frivolous appeals, where a man is merely having a last shot in a hopeless case.

Smart detective work has led to the appearance in the dock at the Old Bailey of three Poles, who came to England with forged Unemployment Insurance stamps, to the value of over £44,000, concealed in their baggage. Scotland Yard officers, upon information, went to Warsaw and traced the

fraud, with the help of an informant, who was used to trap the defendants. The defence tried to make capital of this, but Macnaghten J. saw nothing at all improper in his employment. The three men were shadowed across Europe and arrested on their arrival at Harwich. Najmark, the leader, was sent to four years' penal servitude, while the other two got two years each.

Three interesting murder cases have ended in convictions and sentences to death. The Bath murderer, Hinks, who ostentatiously wore a mourning band for his victim and loudly put his counsel right, had killed his father-in-law, aged eighty-five, for money, and staged an elaborate fake-suicide with a gas oven. The mistake was that the preparations were too elaborate. Why should Hinks say to the police, before they had examined the body, 'you may find a bruise at the back of the head but it was caused in such and such a way?'

Two young men, Parker and Probert, have been hanged for murdering an eighty-year-old shopkeeper at Portslade. Again, numbers of small points went to prove their guilt. Human blood on Probert's overcoat, a button from his overcoat found in the shop, the men seen together outside the shop before the crime, a number of farthings found on each of the men while there were some farthings on the shop's floor. Finally, Parker accused Probert in the witness box, admitting his own complicity, while Probert denied it altogether. In the third case three men, Martin, Ansell and Ross, were sentenced for the murder of a Croydon widow, named Ray, who was seventy-six. The motive of this crime also was money. All three were said to have carried out robbery with violence, and Macnaghten J. pointed out that, if men join to commit a felony and plan to commit violence that may reasonably result in death, they are one and all guilty of murder. An important point in these gangster days! Two of them, however, were released, the convictions having been quashed in the Court of Criminal Appeal, owing to a slip in the summing-up.

Recent Judicial Decisions

R. v. Hatch

THE case of *R. v. Hatch*, reported on page 100 of *Twenty-four Criminal Appeal Reports*, is one in which the conviction of a housebreaker was quashed owing to the fact that at his trial evidence which suggested that he had attempted to break into two other houses (offences with which he was not charged) had been improperly admitted.

The decision may have given rise to misunderstandings as to the admissibility of evidence to the effect that marks on doors might have been produced by particular implements, and the judgment of Mr. Justice Avory, reproduced below, should be carefully read :

‘ This appellant was convicted at Gloucestershire Sessions of the offence of being found by night in possession of an implement of housebreaking without lawful excuse, contrary to section 28, sub-section 2 of the Larceny Act, 1916. The statute provides that the proof of lawful excuse shall lie upon the accused. The implement in question was a timber dog, an implement which may be, and ordinarily is, used for a lawful purpose. There is no question that the appellant was found in the early hours of the morning in possession of a timber dog. There is also no doubt that this fact, coupled with the conduct of the appellant when he was challenged by a police officer and with the opinion expressed by the police officer in the witness-box that this was an instrument capable of being used for housebreaking purposes, afforded ample evidence on which the accused might be lawfully convicted of the offence charged.

‘ The appellant comes before this Court on a certificate from the Deputy-Chairman on the issue whether he properly admitted evidence not merely that marks had been found upon doors which corresponded with or might have been caused by an implement exactly like this one, but also the evidence of a police officer, who was asked by the accused whereabouts one of those houses was and replied : “ On the north side of the city, where you were stopped by the policeman—it is just about there.” That answer could only suggest to the jury that the accused was the person who had caused the marks on the door of that particular house.

‘ When the Deputy-Chairman came to sum up, notwithstanding that the accused, who defended himself with considerable ability, had pointed out that these marks need not necessarily have been caused by the particular implement in question and that the officer had been bound to reply that he could not say that they had been caused by the particular implement, but only by one exactly like it, he said : “ Probably you will come to the conclusion that it is an instrument of housebreaking, and that he has not satisfied you he was in lawful possession of it.” It would have been better if the Deputy-Chairman had said : “ You will probably come to the conclusion that it is an instrument of housebreaking and it is for you to say whether he has satisfied you that he had a lawful excuse.” Unfortunately the matter does not rest there. He proceeded to call the attention of the jury to the fact that the last three or four witnesses stated where, with such an instrument, attempts had been made to break into a house. He proceeded : “ If you come to the conclusion after hearing that evidence that that weapon was used for trying to break into a house, it becomes a housebreaking implement.” It is clear to this Court that in this particular case the jury were being invited to come to the conclusion that the appellant had attempted with this particular implement to break into the two houses.

‘ We are not prepared to lay down any general principle that evidence of marks found on doors which correspond with

an instrument found in the possession of an accused person may not be admissible in evidence, but the circumstances of this case were peculiar. Before the accused came to trial, he had at one time been warned by the police that he would be charged with attempting to break into these two houses, but later, upon his inquiring whether he was to be charged with those offences, he was told by the police that they did not propose to proceed with any such charge against him. He came, therefore, to trial with the assurance that he was not going to be charged with either of those offences. Notwithstanding that, this evidence was given and the summing-up was directed to showing that he was the person who had committed those other offences. Grievous injustice may, therefore, have been done to the accused. If he had been actually charged with those offences or told that a further indictment would be preferred against him, it is possible that he might have had a complete answer, or at all events he would have had the opportunity of showing that he could not have been the person who had actually committed those offences. Therefore, in the circumstances of the admission of this evidence suggesting that he was the person who attempted to break into those houses and of the direction to the jury that they might come to that conclusion, he was deprived of any possible opportunity of answering this charge by persuading the jury that he had a lawful excuse.

'It is necessary to add one word upon a question raised by the judgment of Baron Alderson in *Oldham* (2 Den. C.C. 472, at p. 474; 21 L.J.M.C. 134, at p. 135). It was upon the basis of that judgment that this evidence was admitted. We do not decide that there is any fault to be found with that judgment, in which it is said: "Suppose that all the keys of a long street were found in the possession of a person without lawful excuse, there could be very little doubt that he meant to use them as implements of house-breaking; or suppose a chisel, which fitted a mark in a particular door, which someone had evidently been endeavouring to force open, was found upon a man, there could not be

much doubt that it was an implement of housebreaking, although capable of being used for lawful purposes." That may be a perfectly correct direction on the circumstances of a particular case; on the other hand, it cannot be taken to apply to every case where a man is found in possession of a chisel, when there may be hundreds of the same kind which might produce the same marks. Although counsel for the Crown has told us that the police are anxious to have guidance in this matter for the future, we do not lay it down that evidence of this kind would not have been admissible, if it had been confined merely to the fact that the marks on the doors corresponded with the implement or might have been made by an implement like the one in question.

'In the circumstances of this case we think that there was a misdirection to the jury and that there may have been a miscarriage of justice, and that this appeal, therefore, ought to be allowed.'

R. v. Hare

The case of *R. v. Hare*, page 108 of the same volume, which was referred to in the 'Notes on Recent Crime' appearing in the last issue of *The Police Journal* is worth noting. The appellant (a woman) was convicted of indecent assault on a boy of twelve. It was argued that the offence of indecent assault on a male dealt with under Section 62 of the Offences Against the Person Act 1861 could not be committed by a woman, as offences under that section should be limited to offences of a sodomitical character. The appeal was dismissed. Mr. Justice Avory pointed out that the heading of the group of sections in the Act 'Unnatural offences' did not govern the words 'any indecent assault upon a male person' in Section 62 and said that there was no ground for limiting those words in the manner suggested. He also added that there could be no reason for saying that a woman could not be guilty of indecent assault upon another woman under Section 52 of the same Act. This latter point has rarely, if ever, been before the Court.

Classification of Handwriting and Counterfeit Coins

BY CAPTAIN A. POPKESS
Chief Constable of Nottingham

AS classification of handwriting and counterfeit coins is not done in England, it occurs to the writer that the systems recently adopted in Nottingham may be of interest.

Handwriting

We attempt only to classify handwriting for the purposes of registration and to 'get a line' on somebody. Such a system of classification is of considerable value in certain types of offences such as breaks-in, blackmail, false-pretences, anonymous letter writing, etc.

We make no attempt to give evidence on handwriting itself, as such evidence is best left to experts like Quirke and Gurrin. But the value of even these gentlemen is minimized unless there is a suspect. And it is with the view of trying to find a suspect that this system of handwriting classification is devised.

For the purposes of our system we classify handwriting in three main or 'pure' Groups: 'Arcade,' 'Angular' and 'Garland': and these again into combinations making a total of seven Groups altogether. For the moment we will not concern ourselves with the combinations, but will stick

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to the three main Groups. These may be recognized as follows:

- (a) Arcade or 'M' Group: 
- (b) Angular Group: 
- (c) Garland or 'U' Group: 

Anyone who has noticed the construction of an archway, and also how Christmas paper decorations and street bunting are hung, will appreciate the aptness of the description 'Arcade' and 'Garland' respectively. The term 'Angular' explains itself.

These three main Groups may be illustrated by writing the word 'immune' exclusively in each. In doing so it will be found that it is only the spacing of and between the letters that saves the word from being illegible.

- (a) Illegible: 
- (b) Arcade: 
- (c) Angular: 
- (d) Garland: 

The handwriting of many people is not consistent with any one of the three main Groups, but is a combination of two or more of them.

Quirke in his excellent book *Forged, Anonymous and Suspect Documents* says that the manner in which a writer carries out the inter-letter connexions of his writing is so inseparably a part of his personality, and is so much a characteristic element of his handwriting, that a study of this feature is of definitely greater value than any other.

For this reason, therefore, we select for classification the inter-letter connexions only, and these letters are limited to *i, m, n, u, h, k, l*. We do not use their capital equivalents except as shown later at another stage of the classification, when we use the whole of the capital letter and not merely its inter-letter connexion.

As a primary classification we use the above-mentioned seven (non-capital) letters, and the classification is carried out as follows: Every sample of the seven letters is examined. If the writing available is of sufficient quantity, the first twenty-four samples of each letter are taken, and any obvious abnormalities are rejected. An average is then taken of each individual letter and the writing grouped accordingly.

The next classification is as to characteristics of the writing as a whole, *i.e.* whether it is inclined to left or right or is upright or is irregular in this respect, whether it has sharp angles or the letters are of varying sizes, etc. There are twenty-seven of these characteristics recognized.

The third and last classification is the selection of any particular letters which are uncommon in form. And for this purpose both small and capital letters are used: also figures.

The Register is in two Sections. Section 1 is of Known persons, on a pink card, and consists of Class 1: (a) Persons convicted of breaking and entering premises, (b) Persons convicted of simple larceny and likely to commit offences against property with violence. Class 2: Persons convicted of offences under M.O. 4 and 5.

To get sufficient writing for classification purposes, a convicted person is required to fill in in his own handwriting

on his 'Description and Antecedents' Form, the following information:

Date of birth.

Where born (full address if possible).

Occupation.

Last employer.

Married or Single. If married how many children, and their names.

Present address.

Signature (in full).

The handwriting contained in this information is subsequently traced on to the back of the Classification Card, and the writing classified.

The following is the handwriting classification of a known housebreaker:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	Br.
a				e	f	g						h				r	s					x	y	z	Br.	
He																										

NOTTINGHAM CITY POLICE.

REGISTER OF HANDWRITING.

Name WILLIAM HENRY SMITH Handwriting Group C

M.C.R. No. 38014 Crime Group 2.2

Section 2 is of Unknown persons, on a blue card, and consists of:

Class 1. Anonymous complaints *re* Public Houses.

Class 2. Anonymous complaints *re* Police Officers.

Class 3. Miscellaneous anonymous complaints.

- Class 4. Anonymous slanderous or blackmailing letters, etc., on general public.
- Class 5. Writing found at scene of a crime.
- Class 6. Miscellaneous (cheques, documents, etc.).

Here is a blackmailing letter :

*If you dont pay up and look
pleasant I'll tell the kops
what you did last month to
the young lady. No
monkey bussiness this
time. Robin Hoodair
1/2/33.*

It will be traced on to the back of the card, or as much of it as possible, and it will be classified as follows :

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	Br.
<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>I</i>	<i>J</i>	<i>K</i>	<i>L</i>	<i>M</i>	<i>N</i>	<i>O</i>	<i>P</i>	<i>Q</i>	<i>R</i>	<i>S</i>	<i>T</i>	<i>U</i>	<i>V</i>	<i>W</i>	<i>X</i>	<i>Y</i>	<i>Z</i>	<i>Br.</i>
<i>1</i>	<i>2</i>	<i>3</i>																								

NOTTINGHAM CITY POLICE.

REGISTER OF HANDWRITING.

File No. 16804

Handwriting Group E

Nature of Subject or Crime BLACK MAIL

The twenty-seven characteristics of writing mentioned are as follows:

1. Inclined well to right.
2. Inclined well to left.
3. Upright.
4. Irregular—upright, and leaning left and right.
5. Sharp angles.
6. Same letter written in different ways.
7. Connexion of letters—connected.
8. Connexion of letters—disconnected.
9. Size of letters—small writing.
10. Size of letters—large writing.
11. Large spaces between letters.
12. Small spaces between letters.
13. Upper portion of letters long in relation to rest.
14. Upper portion of letters short in relation to rest.
15. Lower portion of letters long in relation to rest.
16. Lower portion of letters short in relation to rest.
17. Regular handwriting.
18. Ornamental handwriting.
19. Final stroke of last letter in word inclined to left.
20. Long stroke in first letter.
21. Shaky handwriting.
22. Pressure used when writing—heavy.
23. Pressure used when writing—light.
24. Pressure difference between up and down stroke.
25. Beginning of letter or word well marked.
26. Peculiarities in dotting 'i's.'
27. Peculiarities in crossing 't's.'

Counterfeit Coins

The advantages of being able to tell whether certain counterfeit coins have been cast from the same mould; whether the coins handed over to the Police by tradesmen or banks are from the same mould or different and new moulds; whether the coins are in fact new ones cast by some person unknown, or old ones from the mould of *X* seized some months ago, are too obvious to require comment.

Where there is no means of classifying coins, it is invariably only possible for a travelling counterfeiter to be punished for uttering in the locality in which he happens to have been apprehended.

At present all that can be done by way of advertising counterfeiters in Police Reports and Gazettes, is the bald statement that *X* is in custody at such-and-such a place for counterfeiting and may be wanted elsewhere, and a little further information as to the dates and coins in question, which information is of limited value to anybody else desiring to trace the source of counterfeit coins in their areas.

A counterfeit coin may have certain blemishes or characteristics. These may be either (a) indentations, scratches, etc., or (b) protuberances.

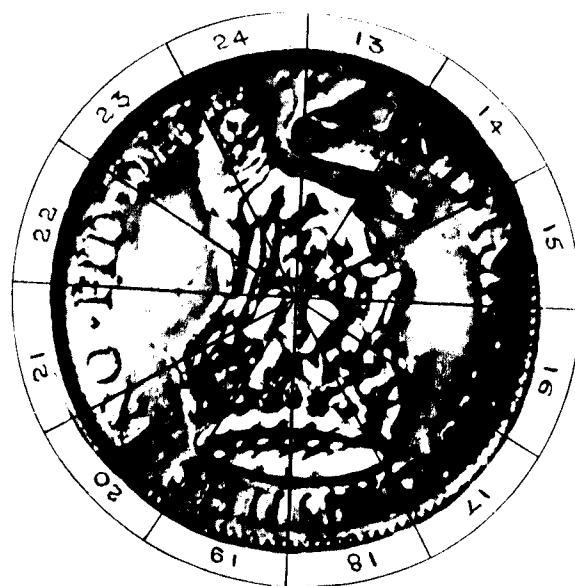
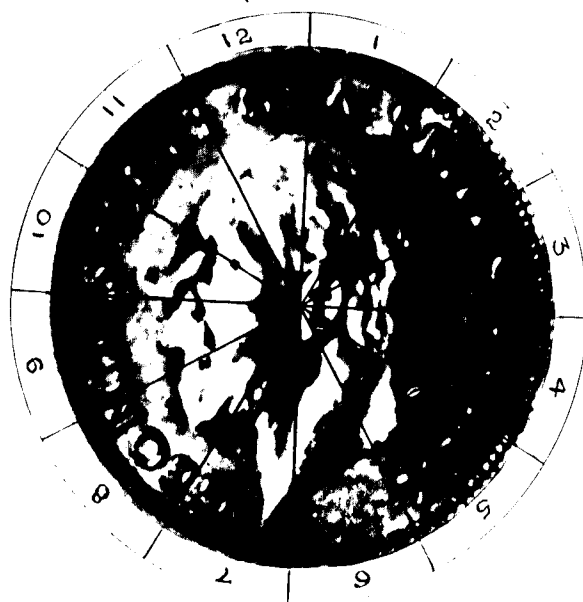
For the purposes of identification it is unsafe to accept (a) as characteristics, as they may only be the result of foreign matter in the mould when that particular coin is being cast, or have been caused after the coin has been in circulation. On the other hand a protuberance cannot have been caused by anything else than a fault in the mould, and it will therefore be characteristic of every coin emanating from that particular mould. For this reason protuberances only are considered suitable for purposes of identification.

The classification is carried out as follows :

1. According to denomination of coin (*i.e.* 2s. 6d., 2s., 1s., and 6d.)

FLORIN

SHILLING



HANDWRITING AND COUNTERFEIT COINS 271

2. According to date of coin.
3. Extraneous characteristics caused by imperfect mould.

These are confined to protuberances. Indentations, etc., are ignored. For coding purposes each coin is divided into sections as follows :

Half crown : Head 1 to 16. Reverse 17 to 32.
 Florin : Head 1 to 16. Reverse 17 to 32.
 Shilling : Head 1 to 12. Reverse 13 to 24.
 Sixpence : Head 1 to 12. Reverse 13 to 24.

Examination of the coin is made commencing at ' 1,' (see illustrations opposite) and when a characteristic is found, note is made of the section in which it is situated. The coin is filed under this first section. The examination is continued and the two subsequent protuberances are noted and indexed individually in red ink.

Scrutiny of the coin is confined to the lettering, but in the event of there being no characteristics in this area, search is made elsewhere in the same manner (commencing at ' 1 ') in which case the section is noted in red ink.

COIN	2/-	YEAR	1932
CODE	1		7-8
CRIME NO.	1360/33		
DATE RECEIVED	1-12-33		
FROM WHOM:	John J. Smith 1 High Street Nottingham		
OFFICER	P. C. 121 Brown		
DIVISION	'C'		

The coin is then filed for future reference in a special paper container as illustrated on the previous page.

The writer suggests that if this very simple system were generally adopted throughout the country, it would be possible to trace the counterfeiter through the characteristics of his coins in much the same way as is the housebreaker traced through the characteristics of his finger-prints.

The McKenzie Murder

By T. H. SPENCELY

Liverpool City Police

BROWNLOW Street is situated in a drab slum area in the heart of the city of Liverpool. When built at the close of the 18th century the houses were good-class residential property—three-storey cellar-kitchen houses—but to-day most of them are poor-class apartment houses, many of ill-repute. Generally speaking, the tenants occupy the basement quarters and live on the proceeds of sub-letting.

No. 14 Brownlow Street is occupied by Mary Pannell. The house, like others in the street, consists of a kitchen and scullery in the basement, two rooms on the ground floor furnished and used as bedrooms, two bedrooms on the first and again two bedrooms on the second floor. Pannell uses the kitchen in the basement and reserves the top front bedroom for her own use. The rest of the rooms she sub-lets.

At the beginning of May, 1921, the back room on the ground floor became vacant and was advertised in the local press, with the result that the room was let at ten shillings per week to a man who stated he was called John Brown, a traveller in woollen and cotton goods.

When Brown arrived at the house he brought no luggage with him. He was a middle-aged man with two peculiarities, a large ragged brown moustache and a slight foreign accent. His room was furnished simply and contained a bed, table, a couple of chairs and a few other necessities. He was supplied with a key for the door of his room, though during the day he left the door unlocked in order that Pannell might enter to

tidy the room, make the bed and empty the slops. Board he did not require, but since he expected to be out at all irregular hours, he was also given a key for the front door.

The surmise that his hours would be irregular proved correct. On some mornings he left the house as early as five or six, at other times it would be as late as eight or nine. He generally returned about noon and invariably carried a suitcase to and fro. It was customary for him to go out at about seven every evening and to return at about ten, but since he had a latch key and a key to his own room he gave very little trouble to Pannell and was rarely seen in or about the house.

This state of affairs continued for about ten weeks and then Brown absented himself from the house for three or four nights. Upon his return he stated he had been staying with his sister, an officer's widow, who was ill and had no one to nurse her. Almost a week later, that is to say on or about the 12th July, 1921, he brought to 14 Brownlow Street a stout middle-aged woman whom he introduced to Pannell as his sister. It was obvious the woman suffered from heart trouble, and she informed Pannell that, owing to her unsatisfactory state of health, she had decided to give up housekeeping and intended renting a room near to her brother in order to assist him in his business. Shortly after this introduction Brown and the woman left the house.

Pannell saw the two together on several occasions, the last being at about 6.30 p.m. on Friday, 15th July, 1921.

On Saturday, 16th July, 1921, Pannell went as usual to clean and tidy Brown's room. The door was locked. Although this was unusual she did not think anything amiss, presuming Brown was again staying with his sister, nor did she suspect anything until the 20th—four days later—when, looking through the keyhole she noticed the contents of Brown's room in general disorder. Suspecting Brown had left without giving her notice and her rent being due on that day, she instructed one of her lodgers, a man named Grant, to enter by the window, unlock the door from the inside and let her in. Upon forcing the window Grant noticed a bad

smell and lots of flies in the room and upon entering it saw what appeared to be a human leg protruding from under the bed. He at once retreated by the window and sent for the police.

A detective arrived almost immediately afterwards and burst open the door. Behind the door and close to the wall was a bed which he moved, revealing the much mutilated body of a woman dressed only in a chemise and lying on her right side in a pool of congealed blood. There was a large gash on the left side of the throat and on the floor by the body was some fleshy material. The doctor pronounced life extinct and after the room had been photographed the body was removed to the mortuary.

The deceased was identified by Pannell as the woman known to her as Brown's sister.

The postmortem examination showed that death had taken place several days previously. There were two incised wounds on the left side of the neck, the lower one, 3" long and 1" deep, running directly backwards from the point of the chin in a line with the lower jaw-bone; the other, a large wound extending from the point of the chin backwards to the middle of the neck, to the external occipital protuberance. All the vessels, muscles and tissues were severed on that side and the lower edge of the lower jaw-bone was exposed for about 3", bearing four or five marks or cuts as if a sharp instrument had been forced along the edge, jumping from one mark to the other and indicating the use of great force. The wounds were putrefying and were covered with mould. The fleshy material found by the body was the external genital organs which had been completely and cleanly removed, leaving a large wound extending from the mons Veneris to the anus. On the left side of the wound and upon the left thigh were some abrasions as if scraped by a sharp instrument. The edges of the wound were clean and had the appearance of having been made with a clean instrument. There was no evidence of bleeding and the incisions appeared to have been made after death. There were no fingermarks or smudges

about the wound or legs, which indicated the hands had been cleaned before touching them. The external genital organs were clean, showing no indication of venereal disease. The doctor was of the opinion that death took place several days before 20th July and was due to haemorrhage from the large wound in the neck, caused by a sharp instrument such as a razor and which would have a broken and jagged edge, having been used with such force against the lower jaw-bone. He also stated that the incising of the genitals was done after death and not with the instrument used to cut the throat, but with a clean sharp instrument, the hands of the culprit having been cleaned meanwhile.

Investigations in the room at 14 Brownlow Street yielded little that was helpful in identifying the deceased or the man Brown. On the mantelpiece was a bloodstained razor with pieces chipped out of the blade and the deceased's clothes were in a heap on the floor. The costume, bloomers and corsets had been cut up the back with a sharp instrument and apparently slipped off the body. The mattress was saturated with blood and it appeared probable that the woman had been murdered on the bed and later lifted down to the floor and pushed under the bed. A small piece of the razor blade was adhering to the blanket by congealed blood. The room was in a state of great disorder. Quantities of new cotton and woollen goods, such as a commercial traveller might stock for the purpose of trade, were scattered about the room. The odds and ends belonging to the deceased bore no helpful marks and very few personal belongings had been left behind by Brown. Amongst these was an old waistcoat, in a pocket of which was a visiting card bearing the name and address of a licensed broker, living in Manchester, two collars marked '4 BR. 40 GU.E.B.', an envelope with the word 'Guelph' written on the flap, a sheet of brown paper with the word 'Braem' written thereon in Roman capitals in blacklead and a small memo book in which had been written 'E. Braem, 14 Brownlow St., Liverpool.' There was also a piece of paper on which was scrawled, 'R. Nicholson, S.S. *Bakara*,

Commonwealth Government Line, Australia House, Strand, London.'

Immediate inquiries were made in Manchester at the address of the licensed broker and at the London office of the Commonwealth Government Steamship Line. The broker stated that on several occasions during the past six months he had bought household linen and other effects from a man who said his name was Maurice Ottoman, who appeared identical with Brown. He last visited the shop on 11th July, on which occasion he informed the broker he was going to Liverpool where he had been offered a job as hairdresser. The result of inquiries at the Shipping Office was more disappointing. 'R. Nicholson' proved to be a marine-fireman engaged on the S.S. *Bakara* and stated the particulars on the slip of paper were in his handwriting. His ship docked at Liverpool on 11th July 1921, remaining there until 22nd July, during which time he frequently went ashore but always in the company of shipmates. He believed the paper had dropped out of his pocket and had been picked up by someone.

The result of local inquiries was more gratifying. The deceased was identified as Mary Sarah McKenzie Clarke, a woman addicted to drink but not known to be morally bad. A suitcase full of clothing was found at her lodgings, which together with most of the property found in Brown's room was identified as the proceeds of thefts from vehicles temporarily left unattended during the early morning hours.

As the result of persistent inquiries the police traced the laundry hand who had marked the collars found in Brown's room. She identified the markings and distinctly remembered the collars had been handed in at the laundry by a foreign-looking man who said his name was Edward Brown and that he lived at 40 Guelph Street, Liverpool.

This address proved to be a small boarding-house, and the occupier when interviewed remembered that a man, apparently identical with Brown, had lodged with her during the April of that year. He had stated his name was Braem and that he was a native of Courtrai, Belgium, in consequence

of which he was asked to fill up an A.R.E. form, and did so in his own handwriting, supplying the following particulars :

Surname—Braem.
 Christian name—Edouard.
 Nationality—Belgian.
 Birthplace—Courtrai.
 Date of birth—10/3/73.
 Present address—40 Guelph Street.
 Last address—5 Veke Street, Antwerp.
 Occupation—Cap-cutter.
 Served in Belgian Army (Lancers).
 signed E. BRAEM.

This was most important information, for the signature on the A.R.E. form was identical with that found in the memo book in Brown's room : inquiries shifted to London.

There was no trace of an alien named Braem at the Central Registry, Home Office, and inquiries were made at the Registry of Aliens, St. Stephen's House, Embankment, with the same disappointing result. At New Scotland Yard it was ascertained that Braem had been arrested for the Sheffield police on 17th May 1915, on a charge of false pretences. His arrest had been effected in the Metropolitan Police area and the charge of false pretences had been withdrawn and one substituted of being an alien failing to notify his change of address.

On this charge he had been sentenced to three months imprisonment. It was further ascertained that he had registered as an alien at Peckham on 27th December 1916 when he was issued with an Identity Book. At that time he had in his possession a passport issued at London by the Belgian Consul on 21st December 1916. His photograph was obtained from the Criminal Record Office, New Scotland Yard, and identified by Pannell and other witnesses. It was presumed that he might have left the country, and, as a result of a search of the records at the Registry of Shipping and at all seaports, it was learnt that he had crossed to Ostend via Dover on 21st July 1921.

Investigations had reached this very satisfactory point

by 26th July. Less than six days after the finding of the body of the murdered woman, an unknown man had been identified and tracked to Dover, where he had booked a passage to Ostend, possibly with the intention of returning to Antwerp to his old haunts and associations. It was therefore deemed advisable that an officer should immediately go to Antwerp to continue investigations there, and Detective Chief Superintendent McCoy left for Antwerp on 27th July, and on the following day reported to the Chief Commissioner of Police of that city.

After a consultation to inquire into the circumstances of the case the local Police decided that owing to the mode of living in Antwerp, it was inadvisable to make any inquiries until the early morning hours. Inspector de Rooke was instructed to co-operate with McCoy.

At 6.0 a.m. on 29th July the two officers proceeded to 5 Veke Street—a cafe in a low-class neighbourhood—and found Braem living there. He was arrested and conveyed to the local Police Headquarters. After being cautioned he was charged with the offence, and stated :

'I knew at once what you wanted, but I did not do the murder. It was done by a man named Fisher, who belongs to Manchester. I will not say anything more.'

In Braem's room at 5 Veke Street the officers found and took possession of a quantity of property similar to that found at his Liverpool lodgings. They also found a pair of bloodstained scissors and a shirt with two bloodstains thereon. The trousers he was wearing had no turn-ups and appeared to be identical with the material of the turn-ups found at his Liverpool address. In his purse were two cuttings from English newspapers giving an account of the murder.

After charging Braem the officers went immediately to the Royal Courts of Justice and placed the full facts of the case before the Procureur du Roi. He informed them that an immediate request must be made by the Prosecuting Solicitor, Liverpool, for proceedings for wilful murder to be started, otherwise Braem could not be detained. Superintendent

McCoy offered to make this request on behalf of the Chief Constable of Liverpool, but the offer was not accepted and he was informed that such a request must be made by some person of 'official status' similar to that of the Procureur. A message was telegraphed to the Chief Constable, Liverpool, requesting that this be done immediately.

By 3 p.m. on the same afternoon no reply had been received and the Procureur stated that Braem could not be detained any longer and would have to be released, but after lengthy discussion his temporary detention was arranged for another twenty-four hours on condition that McCoy again telegraphed to the Liverpool Police authorities. This was done and early on the morning of 30th July the Procureur du Roi received a telegram from the Prosecuting Solicitor, Liverpool, to the effect that the Stipendiary Magistrate had issued a warrant for Braem's arrest and that extradition proceedings were being considered. It requested his provisional detention and informed the Procureur that the warrant and depositions were being dispatched through the usual diplomatic channels at the earliest possible opportunity.

Upon receipt of this message the examining Magistrate opened the committal proceedings.

Giving evidence upon oath Braem stated that early in 1921 he met a man named Fisher in a Liverpool public-house. Fisher said he was a thief and asked Braem, who then called himself Brown, to assist in the disposal of the stolen goods. Braem agreed to this and went to lodge in the room at 14 Brownlow Street. Fisher frequently went there, taking with him stolen property which Braem sold. Fisher was intimate with the deceased, who often accompanied him to Braem's lodgings. She was also engaged in the disposal of the stolen property.

On 15th July the deceased, Fisher and Braem had been drinking together in a nearby public-house and at about 10 p.m. went to Braem's room. They were all drunk and Fisher and McKenzie started to quarrel about the proceeds of the sale of some stolen property. When Fisher told McKenzie

she must wait for a settlement she threatened to expose him to the police; Fisher then took her by the throat, threw her on to the bed and cut her throat with Braem's razor which was close at hand.

Braem stated he was too drunk to realize what was happening but remembered assisting Fisher to place the body under the bed. He noticed the bed was covered with blood, so they turned it and both lay down on it and went to sleep. He slept very soundly because he was drunk. At 7 a.m. on 16th July they both left the house, locking the door behind them.

Braem was very closely questioned concerning the man Fisher, whom he could only describe as being thirty-five to thirty-six years of age, a smallish man with blue staring eyes, an Australian by birth but recently living in Manchester. He added that no one at 14 Brownlow Street had ever seen Fisher visit the house, although he had done so on many occasions, nor was he able to give the name of any person who knew Fisher or could assist the police in tracing him. The hearing was then adjourned.

The Director of Public Prosecutions instructed the Home Office to arrange for Braem's extradition in order that the trial might be conducted in Liverpool. The Belgian Government declined to extradite him, promising he should be prosecuted in Belgium.

Immediately after the adjournment Chief Superintendent McCoy returned to Liverpool and inquiries were made to test the veracity of Braem's evidence, particularly regarding the man Fisher. The witness Pannell and the sub-tenants at 14 Brownlow Street were further interrogated, but no one recollected seeing a strange man visit Braem's room on any occasion. They all stated it was highly improbable that a stranger could enter the house without knocking, for the front door was fitted with a yale pattern lock and was usually closed, whilst a dog kept in the basement by Pannell invariably barked at strangers.

Braem had stated that after the crime had been committed he assisted Fisher to turn the mattress, turning the blood-

stained side downwards. The blood had not soaked through the mattress and it was proved that the bloodstained side was uppermost when first the room was entered on 20th July.

The interrogation of Fisher was most important, but Braem's description of him was so vague that it was necessary to interview all persons of that name living in Manchester and Liverpool. The result of weeks of tireless investigation was disappointing until on 29th August the police located a Liverpool sailor named Harry Fisher, aged 33 years. He identified the photograph of Braem as that of a man whom he met on several occasions between 1919-1921, in Liverpool Wine Lodges. Fisher was an employee of a steamship line sailing between England and Australia and testified that Braem was a public-house acquaintance with whom he was fond of discussing conditions of life in Australia. He satisfactorily proved that he was in no way connected with the crime.

On 31st August an officer was sent to Antwerp to interview Braem to ask him to identify the photograph of Fisher. This he failed to do, but supplied the police with a much fuller description of the man he alleged had committed the crime. This description answered that of Harry Fisher and further information about the acquaintanceship coincided with Fisher's story.

In the interest of Braem, the Procureur du Roi sent his deputy to make personal observations on the scene of the crime, and on 21st January 1922 he was present at 14 Brownlow Street, when a series of tests was made to ascertain if any noise should have been heard by the occupants of the house on the night of the murder. It was agreed that if all the doors in the house were closed, screams, or the noise of a great confusion could only be heard in the back first-floor room—the tenant of which was very old, infirm and deaf.

The committal proceedings dragged on well into the spring of 1922. Braem was sent for trial and appeared before judge and jury on 10th July 1922. Seventeen English witnesses were called to give evidence, and he was found guilty of wilful murder and sentenced to penal servitude for life.

Traffic Safety Education

By CLARENCE F. TAYLOR

Traffic Engineer, Department of Public Works, Commonwealth of Massachusetts

EDUCATION of any kind may be carried on in a variety of ways, but none has yet been found which surpasses that of individual instruction through close personal contact between teacher and pupil. This being an indisputable fact let us at once recognize the importance and value of traffic officers and constables as teachers of traffic safety. It is possible for these men to do more good in the majority of cases by explaining to an erring operator what he should have done than by punishing or scolding him for what he did wrong. Then, too, traffic officers, if properly trained, can be very effective as safety speakers for meetings of all sorts. In fact, the school children particularly can be benefited by the school authorities arranging to have officers appear and give a short talk before the children at regular intervals. Children absorb the message and take it home to the family.

Traffic Schools

A traffic school is essential to a complete programme of traffic education. Such a school should be operated by the government if there is to be any control over the subject matter taught. In such schools the beginner can learn how to drive and at the same time can be taught many of the duties and responsibilities which a courteous and considerate driver should practise. Moreover, officers and judges can send

drivers, who need special instruction in some phase of driving, to the school where attention can be given to improving the driving ability of such an operator in the field where he was found most deficient. A school of this nature is one of the very constructive means which has been devised for preventing accidents by teaching those things which it has been found that a certain number of the drivers need to know.

Publicity Committees

Traffic safety publicity committees are very useful for steering public sentiment in the right direction. Through the various means of publicity at their disposal they can quickly educate a mass of people on a new subject, and by continual repetition drive home necessary ideas relative to safety. They can make traffic work easier and more effective by aligning public sympathy with the officer and his work. Committees of this nature must, of course, guard against monotony or staleness of material or outlook. Better to withdraw from public notice during periods when there is nothing to say than weary the public with dull platitudes and so lose their receptiveness to the ideas presented.

Enforcement Drives

Enforcement drives are a poor substitute for legitimate enforcement methods, but it is a fact that when a new regulation is to be put into operation the enforcement drive, if used after an educational campaign, is a potent means for gaining public attention and putting the regulation into effect. Drives on old regulations are inexcusable and are symptomatic of a poorly planned traffic programme or a poorly manned traffic department.

Selective Teaching

If a modern educator were given the task of teaching traffic safety, one of the first things he would do would be to test all drivers as to their driving qualifications. The majority

he would likely find were capable and he would bother no further with these. Those who had minor faults which could be corrected easily he would instruct in order to remedy the defect, and when they could meet the minimum requirements for drivers, he would allow them the usual driving privileges again. Those few whom he found utterly incapable of driving or learning to drive with safety he would banish from the road.

In the case of new drivers applying for driving privileges he would, no doubt, test and handle them in exactly the same way. This done, he could feel certain that as far as human foresight was concerned the palpably ignorant and the physically unfit were eliminated before they could do any damage. With this group out of the way he would know that his work of teaching drivers the things they should know and practise would be simplified and would be a great deal easier for him.

Unless a method is provided for eliminating the hopelessly unfit operator, officers will be greatly handicapped in their work. If an educator would not waste his time trying to teach a dull person some subject he cannot understand, why should an officer be expected to spend his valuable time trying to teach traffic safety to certain persons incapable of comprehending or using it? Obviously, machinery for getting the unfit operator off the roads is essential to the efficient teaching of traffic safety.

Education of the Normal Person

Now, if we can assume that the persons with whom we must deal are capable of becoming safe operators, we can apply many of the discoveries of the teaching profession to the problem of traffic education.

Let us define the purpose of traffic education. If the purpose of academic education is to fit the individual better to meet the various problems of life, then the purpose of traffic education should be to fit the individual better to meet the various traffic problems with which he will be confronted. Traffic education is a positive thing designed to help people,

not a negative thing to be used as an excuse for arresting, browbeating or persecuting traffic law violators.

In the last twenty years educators have learnt a great deal about how to teach efficiently. They have learnt that all people are not alike, that the same method of teaching certain facts or principles may be very successful for one person or a particular group of persons, and yet fail utterly when applied to another person or another group of persons. Let any officer or constable concerned with the handling of traffic conduct a simple experiment along this line. Suppose that he makes it a point to note the reaction and result of his contact with ten or more different offenders whom he tries to treat as nearly as possible in exactly the same way. He will discover a very fundamental principle, namely, that different people react differently to the same treatment. A further experiment should be tried. This time let the officer size up each offender and handle him in such a way as to secure as uniform a result as possible. He will discover that by varying his tactics to suit the individual he can nearly always produce a uniform reaction of the kind desired. The average of success will not be 100 per cent. of course, since no officer can be expected to be an infallible judge of human nature. Yet trials of this sort will convince any thoughtful person that here is a principle which ought to be applied by all officers who are interested in teaching traffic safety and reducing traffic accidents. Each case should be handled as the characteristics of the person, the needs of the situation and the ultimate results sought demand. When this principle is recognized and applied, officers and constables will make real progress in teaching safety and reducing accidents. In addition, they will regain the sympathy and support of the public and thus multiply the effect of their efforts many fold.

Driving Manners

Probably the first thing officers should teach drivers is good road manners. Many of the examples of bad road manners are not covered by law any more than are our social manners

or etiquette. Yet poor road manners are admittedly a most important source of accidents. Social manners and etiquette are a result of centuries of living together and being forced to adopt practical standards of behaviour for a number of more or less standard situations. It eases the strain of living among people, and with most of us manners and etiquette are matters of habit and require almost no thought. That is the goal which officers should have in mind as they attempt to teach good road manners. Good road manners must be brought to a state of habit requiring no thought on the part of operators. Obviously we do not wish to wait centuries for such a development; we want drivers to habitually exercise good manners—now if possible.

To bring good driving manners to a state of habit it is necessary both to put a stop to the wrong practices and at the same time to make it clear, if possible, what was the right thing to have done. To stop wrong practices, drivers committing them must be censured upon each occasion that a breach is made, and at the same moment, if possible. This means more work than the police can possibly perform, especially if they are going to take the time to deliver a ten or fifteen minute lecture on each occasion. It is not necessary to spend any time at all on most offences, as by far the majority are trivial. For very minor violations the officer need only catch the driver's eye, shake his head, point, signal to slow down, or utter a few words of instruction as to what the driver should do, in order to dispose of such infractions. For the more serious cases a sensible talk may be sufficient. In other cases the officer may go so far as to take the driver's name and address, to be kept at headquarters for future reference, pending good behaviour, or as a last resort bring him to court if the offence was a serious breach of law.

Public Support

The police cannot see every misdeed and this is where public support can come in. If the public is put in the right

frame of mind it will itself help to stamp out bad road manners and replace them with good ones. For example, passengers can often influence a driver by broad hints or actual complaints about his driving. Then, too, the public can be informed that all complaints made by any person against an operator will receive the attention of the police and the name of the complainant withheld. The operator can be informed of the complaint, asked to co-operate in the name of safety and fair play and informed that the complaint is being held in a file under his name and that action on the revocation of his licence to drive will be taken, if he continues to drive in this way.

Police Contacts

It is quite possible for the police to use this system themselves whenever driving about in a car or motor-cycle. At a small expense a 'public address' system can be mounted in a police car or motor-cycle thus allowing the motorized officer to talk directly to an offending driver or pedestrians or bicyclists for that matter, in stentorian tones. The effect on the person spoken to is electric. And, if the officer has a smile in his voice and applies the words 'please' and 'thank you' liberally to his messages, nothing but the most favourable reaction and results will be obtained. In one city where the system was installed it was found that an officer contacted about ten times as many offenders as he did without the aid of the loud speaker.

Educate the Traffic Officer

Officers who handle traffic should receive a different training from that furnished to officers who are expected to handle criminals. The people whom the traffic officers contact are not criminals: generally, they are the average run of the population—some dull, some smart, some rich, some poor, some ignorant, some educated, some low and some high. To direct and control wisely such a wide variety of people requires men especially selected for this work and specially

trained. Moreover, they should be assigned to traffic work only, and given a uniform or an insignia different from the regular patrol officer, so that the public will recognize them as specialists in traffic matters.

Obviously, if such an officer is to teach traffic safety he must himself be well educated in all of its principles and some of its ramifications. Consequently, his education should include instruction in automotive construction; vehicle operation; laws of physics as applying to speed, stopping and skidding; physiology and psychology of memory, vision, action, reaction and thought processes; traffic law; common law (in connexion with accidents); criminal investigation; court procedure; accident investigation and plan-making (for accurately charting scenes of accidents); photography; composition; public speaking and first aid. An educated officer can constructively help operators to see things right, whereas the officer who is without the advantage of such enlightenment must fall back on abuse to justify an action he has taken for reasons with which he is unfamiliar.

Police Performance

Officers ought to have clearly before them exactly what their traffic duties are. Any person who has only a vague notion as to what he is expected to do cannot do his work efficiently. First, let it be clear that officers are expected to work hard and make contact with as many persons requiring attention as possible. Then the officers should understand that the thought at the back of every action should be to teach safety, break up bad habits and train the public in good traffic habits. This is the means by which the officers will reduce and prevent accidents. It is incidental and almost immaterial as to exactly how the officers get results, so long as their methods are irreproachable. It is the training the men have received which will make it possible for them to select the best means for securing results in each specific case.

To reach the peak of efficiency an officer must have

support, both moral and directive, from headquarters. To encourage the good officer, and to help one who is not getting along so well, it is first necessary to be able to identify which is which, not by opinion but by facts. Accident statistics kept by beats furnish knowledge as to whether accidents in a certain area are increasing or decreasing, and serve as an admirable basis for judging the efficiency of the officer in preventing accidents. Then, by keeping track of the number of complaints made about drivers and traffic conditions: the number of complaints against the officer: the number of commendations of him, both within and without the department: the number of reports filed by the officer about drivers and traffic conditions: the number of his arrests, the percentage of convictions: the number of stolen cars and the number of cars recovered, it would be possible to tell how well any officer was doing his work. In addition, a superior officer ought to visit each traffic man at least twice during each tour of duty to see how he is getting along and offer suggestions as to how to improve his technique.

If the effectiveness of the men is further to be increased, there should be an ably handled record and statistical bureau at headquarters. Such a bureau should have a driver's file in which all accidents, arrests, complaints, etc. involving drivers are filed under the operator's name. When a driver's record becomes bad he should be summoned to headquarters for a conference with a man expert in diagnosing a driver's basic trouble as well as skilled in selecting a method of effecting a cure. In this way special treatment is accorded to those who need it most. An index of accidents, filed by location, will help officers to know where to spend the greater part of their time and what kind of offences or errors to watch for. Accident statistics can be used to arrange working hours and vacations, so that the force will be strongest at the times needed most: and to show what actions in general are the most productive of mishaps, so that officers will know to what to attach the most importance, and with what to bother the least. It is indeed surprising how often such scientific studies will reveal items,

generally considered unimportant, to be the cause of a great number of collisions: and how often the things considered to be the cause of many accidents to be in reality only the cause of a very few.

If traffic education is to produce tangible results in the way of accident prevention it must be carefully planned and followed up continuously by a lot of hard work and scientific thinking. Traffic is not a job for amateurs, busybodies or theorists—it is a serious business for capable and experienced men.

The Police as a Career

A REVIEW OF THE PAST, WITH SUGGESTIONS FOR THE FUTURE

By 'CLIFTON REYNES'

[This is the winning essay of the King's Gold Medal Essay Competition, 1933.]

WHEN Shakespeare gave us the immortal Dogberry and showed him giving his charge to the Watch in 'Much Ado about Nothing,' he gave us at the same time a picture which may have been an exaggeration, but which none the less was partly true of the ancient Watch and Ward of the England of some centuries ago.

'Are you all good men and true?' asked Dogberry; and, being satisfied that they were, proceeded to give them their instructions. That two of them could read and write, he thought, called for some notice. 'Well, sirs,' he said; 'for the favours you have, give God thanks, and make no boast of it; and for your reading and writing, let that be until there is need for such vanities.' During their night watch they were to stop only such men as were willing to be stopped, they were not to babble and talk in the streets, and, above all, they were to make sure that if they slept their bills were not stolen from them.

The picture is drawn as only Shakespeare could draw it, and generation after generation has laughed over it. It is, of course, an exaggeration, but an exaggeration is only such in proportion to the real fact, and from the Dogberry scene we can arrive at a fairly accurate approximation of what actually took place in the old Watch and Ward of England. Dogberry undoubtedly was drawn true to life, and the system of

which he was a part continued without much change until the end of the eighteenth century.

It was not until the beginning of the nineteenth century that the question of the policing of the country received anything like the serious attention which the subject demanded. It is true that there had been isolated cases in which individual and enlightened persons, such as the Fieldings, had made brave attempts to bring matters into a better condition, but their efforts had not received the support of the Government to anything like the extent that was necessary, and for all practical purposes the police system of the country was as yet non-existent. Crime was fast getting beyond control, and it was plain that something would have to be done to cope with the situation. As usually happens, however, for a time Government action was postponed; Committee after Committee was appointed to inquire into and report upon the problem, and almost without exception they emphasized the need for fresh measures. Finally, when the matter had become too urgent to be any longer shelved, Peel was called upon to take it in hand. Very wisely he began with the Metropolis, and when the system he there had initiated had had time to prove itself efficient and successful it was gradually extended to embrace the whole of the country. For the purpose of this essay it will be appropriate if we take as typical of the country as a whole the problem as presented and dealt with in the Metropolis, and examine the problems of a police career in the past before coming to matters relating to the present time.

The Beginnings of Modern Police

Nowhere is the problem that faced the country a century ago in this matter more succinctly set out than in the Metropolitan Police Act, 1829 (10 Geo. 4, c. 44). The preamble to that Act declares that:

'Whereas offences against property have of late increased in and near the Metropolis; and the local establishments of nightly watch

and ward and nightly police have been found inadequate to the prevention and detection of crime, by reason of the frequent unfitness of the individuals employed, the insufficiency of their number, the limited sphere of their activity, and their want of connexion and co-operation with each other; and whereas it is expedient to substitute a new and more efficient system of police in lieu of such establishments of nightly watch and nightly police, within the limits hereinafter mentioned, and to constitute an office of police, which, acting under the immediate authority of one of His Majesty's principal Secretaries of State, shall direct and control the whole of such new system of police within those limits:

Be it therefore enacted, etc.' . . .

Sec. 4. . . . 'A sufficient number of fit and able men shall from time to time by directions of one of His Majesty's Secretaries of State, be appointed as a police force for the whole of such district, who shall be sworn in by one of the said justices to act as constables for preserving the peace, and preventing robberies and other felonies, and apprehending offenders against the peace; and the men so sworn . . . shall obey all such lawful commands as they may from time to time receive from any of the said justices for conducting themselves in the execution of their office.'

The problem given to Peel for solution is there set out clearly and the broad lines on which he was to proceed are laid down. How he dealt with the problem is now well known, and subsequent generations have been loud in their praises of the work he accomplished. That work was of no mean order, but it presented him with a task which, in his own words, called for the exercise of the whole of his powers. 'It has given me,' he wrote, 'more trouble than anything I ever undertook'; and some of the difficulties he had to face can easily be understood. When a beginning had been made and the force had been called into being, the Duke of Wellington wrote to Peel to congratulate him on the success he had achieved. But the congratulations show that Wellington's expectations had not been very high. Speaking of the new police he said, 'It is impossible to see anything more respectable than they are'; and one can almost hear him adding, 'they are better than I expected them to be.'

Although the scope of police duties has been very greatly enlarged during the time that has elapsed since Peel initiated the Metropolitan Police, the main purpose for which the police forces of this country were called into being has undergone little change. One of the Commissions that were set up to report on the problem showed in their report that they had a clear understanding of the nature of the problem, for they declared without any equivocation that, 'It should be understood at the outset that the principal object to be attained is the prevention of crime.' Other objects have had to be included, but that declaration is as true to-day as it was when it was first made, and a further pronouncement of the Commissioners can scarcely be improved upon; 'this,' they said, 'should constantly be kept in mind by every member of the police force as a guide for his own conduct.'

The new police, of course, were in their early days looked upon in the light of an experiment, and it is interesting to note what directions were given them, for not only were they to occupy themselves with the prevention of crime, but their position in relation to the rest of society was a question of some concern.

'At the commencement of the new system,' reported the Commission already quoted, 'the powers of the constable, as will appear hereafter, are, when properly understood and duly executed, amply sufficient for every purpose. He is regarded as the legitimate peace officer of his district; and both by the common law and by many Acts of Parliament, he is invested with considerable powers and has imposed upon him the execution of many important duties.'¹

The attractions of a police career at the time of which we are speaking could scarcely have been very noticeable. It is easy to see, reading between the lines of the report just quoted, that even those who were friendly disposed towards the new police entertained some uneasiness as to whether or not the police would exploit their powers. Freedom of the citizen has always been one of the most jealously guarded rights in this country, and it was plain that everything that might be

¹ *A History of Police in England*, Capt. W. L. Melville Lee, 1901, p. 241.

done would be very carefully examined by the community, and that a fairly large section distrusted the whole scheme as the beginning of an arbitrary authority which would interfere with the ordinary operations of everyday life. The pay offered was 19s. per week, with no pension rights, and the rapid changes that were taking place, coupled with the fact that the whole system was still only in the experimental stage, gave the recruit no promise either of continued employment for his maintenance or of an honourable career for his ambition. As the setting up of further police forces throughout the country continued, however, more settled conditions began to operate. The British Police system, from being regarded as suspect and a dangerous experiment, gradually gained the respect of the public in this country and abroad, and finally came to be looked upon with admiration by the whole world.

Police and the State

As compared with other systems the British Police system has retained its own clearly defined characteristics, and any consideration of the police as a career must give due weight to what those characteristics are. Although the constable in the street may confine himself to his immediate street duties, no officer concerned with the higher administration of the force can afford to ignore the deeper issues or to be ignorant of the legal development or the psychological causes that underlie the system now operating in this country. A detailed examination of those aspects of the problem would be impossible within the scope of the present essay, but a glance at the subject may be helpful towards a better understanding of the position that has now been arrived at.

One of the clearest features that emerge from a study of British constitutional law is that in all periods of our history there has been a determined insistence upon the maintenance of the rights of the subject. Time after time, on occasions of stress, this principle has been enunciated and re-affirmed. It is to be seen in nearly all the great measures that have been

passed, and has remained intact to the present time. Apprehension that personal liberty would be encroached upon has resulted in the declaration of safeguard after safeguard. Dealing with Magna Charta one of our great historians says, 'Legal protection against the King's officers and the right of a fair and legal trial were assigned to all freemen'; and the same writer continues, 'Numerous clauses apply sharp checks to various lawless and tyrannical habits of the King's officers, both in his forests and elsewhere, which, if patiently suffered, would have created a tradition of the worst type of continental "droit administrative".'¹

We shall have cause at a later stage to examine the great though subtle implications that are contained in the question of the 'droit administrative.'

Centuries later, in what is known as the Bill of Rights (1689), the principle is again emphasized, and that measure declares, that 'all and singular the rights and liberties asserted and claimed in the said declaration are the true, ancient, and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed and taken to be' and 'all officers and ministers whatsoever shall serve their majesties and successors according to the same in all times to come.'

At the same period the question of a standing army entered into the matters in issue, and there is no doubt that the apprehension of a misuse of powers entrusted to lawful authority, or 'the King's officers,' was responsible for the fact that even to the present day the maintenance of a standing army in this country depends upon the passing of an annual Act of Parliament.

It can easily be seen therefore that the principle that has been briefly touched upon cannot but be of very great importance from a police point of view. So far as the rights of the citizens are concerned, police are in some respects even more closely restricted than are the military. The soldier is, to a large extent, under the orders of a superior officer, and the

¹ *History of England*, G. M. Trevelyan, 1926, p. 171.

responsibility for any action he may take—however mistaken it may be—so long as it is not distinctly illegal, does not rest upon him but upon the officer who gives him his orders to act. On the other hand, the police officer is personally responsible for anything he may do. He alone is answerable for the actions he takes, and if his action is illegal or even excessive, he may be proceeded against in the courts. A soldier is bound to obey all lawful orders given him, but the police officer is more often than not called upon to act upon his own initiative, and, except in the big cities and centres, he is dependent upon his own resources. The legal position as distinct between the soldier and the police officer, therefore, is a very important one.

“What,” asks a leading authority, “is, from a legal point of view, the duty of the soldiers? The matter is one which has never been absolutely decided; the following answer given by Mr. Justice Stephen, is, it may fairly be assumed, as nearly a correct reply as the state of the authorities makes it possible to provide:

‘I do not think however, that the question how far superior orders would justify soldiers or sailors in making an attack upon civilians has ever been brought before the courts of law in such a manner as to be fully considered and determined. Probably upon such an argument it would be found that the order of the superior would justify his inferiors in executing any orders for giving which they might fairly suppose their superior officer to have good reasons. Soldiers might reasonably think that their officer had good grounds for ordering them to fire into a disorderly crowd which to them might not appear to be at that moment engaged in acts of dangerous violence, but soldiers could hardly suppose that their officer could have any good grounds for ordering them to fire a volley down a crowded street when no disturbance of any kind was either in progress or apprehended.’¹

No such doubt has been allowed to remain so far as the police officer is concerned. He is, unquestionably, the person responsible for any action he may take. He seems to be regarded in the eyes of the law, to some extent, as a safeguard

¹ *Law of the Constitution*, Prof. Dicey, 1926, p. 300.

between the military and the public. Once disorder passes beyond control there is nothing between the public and military force. ‘We are well served by our police, because we have wisely made them responsible for their actions,’ says Capt. Melville Lee. ‘The constable suffers equally with the non-official citizen for any illegal action he may commit; the law protects him only in the performance of acts authorised by law; nor can he divest himself of responsibility by pleading the orders of his superior officer, if those orders should chance to be illegal.’¹

‘*Droit Administrative*’ and personal responsibility

In recent years some apprehension has been felt by some thoughtful persons that there has been a tendency to enlarge the powers of public officials too widely. Various administrative bodies have been given powers to make regulations affecting matters dealt with by their particular departments, and there has been a feeling that this tendency to delegate powers has been an encroachment upon functions that should rightly be carried out by Parliament alone. Whilst there does appear to be some ground for the apprehension, a closer study seems to show that the delegation of powers has not been misused.

... ‘Though the powers conferred on persons or bodies who directly or indirectly represent the State have been greatly increased in many directions,’ says Prof. Dicey, ‘there has been no intentional introduction into the law of England of the essential principles of *droit administratif*. Any official who exceeds the authority given him by the law incurs the common law responsibility for his wrongful act; he is amenable to the authority of the ordinary Courts, and the ordinary Courts have themselves the jurisdiction to determine what is the extent of his legal power, and whether the orders under which he has acted were legal and valid.’²

Obviously, therefore, different principles must be borne in mind when the question of training for the two different professions is considered. In cases of large-scale disorders,

¹ *A History of Police in England*, Capt. W. L. Melville Lee, 1901, p. 401.

² *Law of the Constitution*, Prof. Dicey, 1926, p. 384.

for which the authorities must always be prepared, both military and police may be called in, but they will at such times usually act under the direction of other authority represented by the justices, and any reasonable action they may take will be quite justified. But there will be many occasions on which the police officer must act upon his own responsibility and initiative, and where the circumstances will not justify the calling in of the justices. In any course of training for police of higher ranks, whether in a police college or otherwise, this principle would have to be very carefully borne in mind. It must be remembered that police may be, and indeed probably will be called upon to deal with sudden disorders and disturbances of the peace, and they must not only know the legal extent of their powers and duties, but they must be possessed of the ability to exercise those powers in the most effective and suitable manner. To some extent they may be prepared by theoretical training, but a college course will be valuable only as it is brought to bear wisely upon the circumstances and events that are taking place.

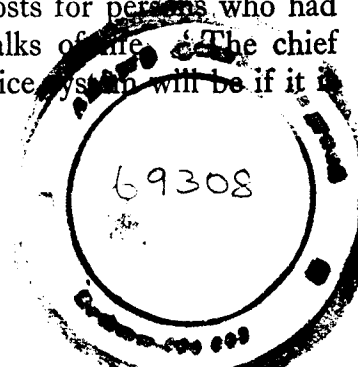
The value of the police officer in this direction is generally the sum of his past training and experience combined with his own personality. The officer, for instance, who tried to control a disorderly crowd simply by carrying out the law of the land or local regulations to the letter, would meet with a speedy disillusionment, and, so far from effecting his object, would probably add to the disorder he set out to end. He must have a sense of values, and, bearing in mind the powers given him, no less than the safeguards by which those powers have been circumscribed, he must act in such a manner as will ensure an absence of crime and give the community that protection of life and property which they have a right to expect.

Early Police Types

Up to this point we have been concerned chiefly with the origin and psychological background of the police system, an understanding of both of which is necessary for a proper

appreciation of the problem. The question of a police career can only be studied efficiently along these lines, for an examination of the details of police work otherwise would be tantamount to an ignoring of the fundamentals of the problem. Now that some idea of the underlying principles has been arrived at, a more detailed examination may be made of the practical questions and problems with which police administration is concerned, and it will be well worth while to examine briefly the police officer's position in society as it has been up to the present. What manner of men were those 'fit and able men' of the early days of police, and how far has the interpretation of that term resulted in a variation of the type of men selected from time to time 'to preserve the peace, prevent robberies and other felonies, and apprehend offenders against the peace'? Answers to those questions will go a long way towards giving a fair appreciation of the position and the implications and requirements of a police career.

Those who were responsible for the creation of the new police system a century ago must have found the question of what type of men they should appoint as constables one of the most difficult with which they were faced. They had to create a force unlike anything that had gone before, and obviously the results of their endeavours would depend very largely upon the individual members of the force which they would set up. They had to find men of sound physique and good character who would be willing to serve for what was, even in those days, very small wages; the recruits would not only be new to the work but would have no clear idea of what that work would be. They would necessarily have to be subject to discipline, but the discipline would be of a nature different from any they had known before. On the other hand, what had up to then been the common understanding of the position of the old watch would no doubt continue to make itself felt, and the new police force might be looked upon as a suitable means for providing posts for persons who had rendered active service in other walks of life. The chief danger of the failure of the new police system will be if it is



made a job,' wrote Sir Robert Peel; 'if gentlemen's servants and so forth are placed in the higher offices. I must make regulations to guard against this as effectually as I can.'¹

Had Peel gone farther and spoken of the danger of appointing such candidates to the lower as well as to the higher posts he would not have been unduly apprehensive, for it is clear that he was referring to the appointment of men who had already passed the best years of their life, and whom it was desired to place in relatively assured positions where they would not be called upon to exercise undue activity or accept any special responsibility.

The danger recognized by Peel, however, was guarded against, and the problem was met by the appointment of men of sound physique taken chiefly from the agricultural and labouring sections of the community, with about ten per cent of ex-soldiers. The period concerned was, of course, considerably before the days of compulsory education, and for many years the type of man recruited was found suitable for the work he was required to perform. Brawn was one of the chief requirements, and he was not more illiterate than the majority of the rest of the population. In the rapid developments of the nineteenth century, however, the inclusion of brain with brawn became a more urgent requirement, and the difficulty of finding suitable recruits increased accordingly. During more recent years the need has become more pressing, and the problem is now clearly an urgent one when the Receiver of the Metropolitan Police Force is forced to write that, 'The Metropolitan Police, in common with other Forces, may still be said to be recruited mainly on the basis of good character, physique, and a knowledge of the three R's.'²

A very cursory examination of the nature of the problem suffices to show the seriousness of the position in this direction. Police duties have increased enormously within recent

¹ *Scotland Yard*, by George Dilnot, 1927, p. 327.

² *Scotland Yard and the Metropolitan Police*, J. F. Moylan, C.B., C.B.E., 1929, p. 100.

years, and are fast becoming more and more diversified. The policeman whose only qualification is his brawn is now little more than useless, for the active and efficient exercise of police functions now requires an intellectual outlook and a general grasp of manifold and multitudinous regulations which, but a few years ago, would have been found in only a small section of the total force. The force of to-day requires men not so much of brawn, as of brain and brawn combined, and a successful police career will entail the stringent application of abilities and qualifications little if any short of those called for in many of the higher professions.

Police work as a career

It cannot be said that up to the present police work has been regarded as one of the professions, and it has carried with it no social prestige whatever. The community as a whole has been as slow to recognize the changes taking place, as the force itself has been to keep abreast of advancing civilization. The result has been that the police officer as an individual in society has been almost in the position described by the poet:

'Placed on an isthmus of a middle state' (Pope).

He has been looked upon as being below the professions on the one hand, and out of the pale of the trades on the other.

Recent developments have had a profound effect upon the police officer's standing in society. The policeman is still upon his 'isthmus of a middle state,' but his position on the isthmus has tended to draw nearer to the professions and away from the trades. It has come to be recognized that police work now demands more than physically 'fit and able men'; and the man who enters the force seriously prepared to render his best service to the community will find that it offers him every scope for all his abilities, and calls for the exercise of mental powers which would carry him a long way in any of the so-called learned professions.

What, actually, are the requirements of a man who is entering the police service to make it his profession? They are difficult to define. In the memorandum of the proposed changes presented to Parliament by the Secretary of State the question is touched upon but not answered. 'Weight will be given,' it was said, 'not only to educational qualifications but to the other attributes of a good police officer.' No list of those attributes was, or even could be given, for reasons which are obvious. Some of them might be included under terms such as intelligence, personality, resource, determination, honesty and zeal, but even by such a list the question would not satisfactorily be answered. The aim must be to produce the complete man. With physical fitness there must also be mental development and alertness. Every officer, no matter how well equipped mentally, must also be prepared for physical action at a moment's notice, and the efficient and valuable officer will be he who can apply either quality as the need arises.

An important aspect to be kept in mind is that the man coming to the police service to make it his career must enter it recognizing the importance of the profession of which he is about to become a member. The duties thrust upon police in these days make police work one of very great importance to the community. Rightly carried out it ensures that degree of ordered life for the State which is so necessary for steady progress, and without which serious and far-reaching troubles may result. The police service unquestionably affords an honourable career for men of ability and character, but, even more than most other professions, it calls for something over and above the desire for an honourable profession; it contains a call for service, and should be approached from a high sense of duty.

It is therefore of great importance that the police officer should be a man of high principle and clear personality. He will be called upon to make decisions and take action on occasion at very short notice, and his actions may require a good deal of courage—courage, not only of the physical sort,

but courage to take upon himself the responsibility for action that may afterwards be called in question. The officer in charge of a body of police may find himself faced by an unruly mob, and the action he takes, or fails to take, may result either in the restoration or preservation of order, or in added danger to the peace and safety of the public. A clear instance of this can be seen from the records of the historic meeting in Trafalgar Square on the 8th February, 1886, and from the disorder that arose therefrom. Had the demonstrators on that occasion been taken firmly in hand at an earlier stage than was actually the case, the disorder that followed the meeting would have been much less widespread. A mistake in the disposition of the police reserves gave the demonstrators an opportunity to commence their riot without adequate check, and the vacillations of some of the police officers in charge allowed the riot to continue. When, however, a resolute inspector and a small body of subordinates numbering only sixteen men met the rioters at Marylebone Lane, with determined opposition of the right sort, the disorder was very soon checked and the mob taken under control.

Decisions involving results of equal importance do not, of course, fall upon the police officer in the first years of his experience. An examination of what is implied in a police career, however, naturally assumes that the man who enters the service intending to make it his life career, will have within his mind the ambition of rising at a later stage to a position of responsibility within the service. He must therefore come to the service prepared in due course to accept responsibility, and to carry out his duties in a manner most conducive to the public good. Further, he must have a keen interest in his job. The everyday details of police work are never properly carried out by the clock watcher. The officer in the street can easily, if he will, close his eyes to much that is going on around him; he can carry out his duties to the letter; he can patrol a specified length of street and be present when he ought to be present at a particular spot; and he can carry out all the duties given him, and yet, while escaping censure,

carry out his duties in such a manner as to be a total failure.

The officer, therefore, must have an interest in his work. He must take it seriously, and if he is a man of principle he will prepare himself by study for the calls that may, though not necessarily will, be made upon him. The wide nature of the duties that may fall to him necessitates, almost more than any other profession, that the police officer should acquire a wide general knowledge. He must be an all-round man, rather than a narrow specialist, and he will not be going to an extreme length if he take all knowledge for his field. Alexander Pope's declaration that 'a little learning is a dangerous thing,' is less applicable in the case of the police officer than it is with most people. In one sense, at all events, he must know a little of everything; he must keep abreast of current affairs and modern developments, and be prepared to adapt the latter to his own work. Rapid changes are taking place in the world, and the man who interests himself in the world's developments along one or two lines, or solely in his own profession, will soon find himself left high and dry, and a failure so far as the efficient performance of police work is concerned. Nothing less than the complete man should be the aim, both by the individual officer and by those responsible for his training and development. The question of how this object may be achieved will form the subject matter of the remainder of this essay.

Recruiting

In any consideration of the methods by which the perfect police officer can be produced the question of recruiting must necessarily be of paramount importance. Lord Trenchard has rightly pointed out that the standard of education required in recruits for the Metropolitan Police Force has not advanced to the point that might reasonably have been expected, and in this matter, obviously, changes are called for. In the past the question of physical fitness of the recruits was given pride of

place; so long as the young candidate could pass the necessarily rigorous medical examination and had sufficient inches to his frame and was of good character, there was little fear of his not being accepted for the force. True, he was given what, for the sake of courtesy, was called an educational examination, and in some forces had to show what steps to continue his education he had taken since leaving school, but for all practical purposes the test did little more than weed out those men who were almost illiterate. Many whom the test allowed to enter should not have been accepted, and concerning them even the most optimistic observer had no expectation that they would advance even the first step up the ladder, and in some cases they were never able to write an intelligible report on the simplest happenings that came under their notice.

There is every reason to expect, unfortunately, that the present unemployment problem will remain for many years to come. That being so, there will probably be little difficulty in obtaining a steady supply of candidates with the higher standard of education that is required. Secondary school headmasters, and even the authorities in colleges, are finding themselves faced with a very serious problem in seeking for positions for their students when the latter have completed their courses of training, and any quarter from which they think even the slightest relief can be found is carefully examined. Hundreds of young men who have completed the normal course at secondary schools, finding it impossible to obtain employment, are remaining at school longer than usual, continuing their studies, and hoping that matters will presently improve and that professional employment will be available for them. A report issued by the Headmasters' Employment Committee during the past summer emphasized the critical nature of the position, and, dealing with the report, the *Times Educational Supplement* of 22nd July, 1933, contained the following:

'Placings in clerical work, which were 1,220 in 1929, fell to 551 in 1932. There were, for instance, only five lads who obtained posts

in banking firms in 1932, compared with 79 in 1929. Insurance companies and brokers took 50 lads in 1932 as against 174 three years earlier. The banks are unlikely to offer again the opportunities which existed before mechanization. The staff controller of one of the "Big Five" informed the Committee that since the adoption of mechanization the average annual intake by his bank of 250 boys had been reduced to 14.'

It therefore seems probable that the numbers of young men with a higher education who are seeking employment will be steadily increased, and there is no doubt, in view of the fewer opportunities that may be expected in certain professions, as compared with the past, that many of those who first aimed at other professions unsuccessfully, will be forced to look elsewhere and will seek a career in the police service. The same consideration applies, also, with regard to students from central schools. Many of them get within sight of the matriculation standard; and there is every reason to expect that it will be much easier in the future than it has been in the past to obtain recruits whose standard of education is appropriate to that required if police duties are to be properly carried out.

For the reasons advanced it may be assumed that a considerably higher standard of education in recruits could safely be adopted. The entrance examination might well be as difficult as the present Civil Service examination for second-class certificate. Any would-be officer whose education fell below that standard might surely be expected to show enough keenness to work up to what was required. The applicant who is below the standard and will not or cannot work up to it cannot be regarded as a suitable man for the police service and should not be accepted.

In the same way similar considerations should enter into the question of examinations for promotion to higher ranks. It is admitted that in the past there have been many failures among the candidates for promotion, so far as first and second-class Civil Service certificates have been concerned; but the arguments that have been advanced in relation to candidates

for the service apply with equal or even more weight when the question of advancement is concerned. A knowledge of the three R's only is quite inadequate, and much more should be required. After a man has been admitted to the service he should be expected to continue his studies to a greater extent than has been the case in the past. In most of the professions, as is well known, the entrance examination is regarded as only a preliminary, and entrants are not only expected but required to continue a course of study for some considerable time, and to pass specified examinations as a condition of continued employment. The bank clerk must take the bankers' examination; and accountants, estate agents, surveyors, solicitors and many others, who were expected to have matriculated before commencing their respective careers, are also required to continue appropriate courses of study. Their studies usually carry them over several years, and are in addition to, and not in place of any practical professional training. It is not suggested that the studies and examinations for police should be of the standard required for the professions mentioned, but police work calls for a much wider knowledge of affairs and life than is generally recognized, and examinations should follow a much wider course than has been the case up to the present.

Now that the principle of a shorter length of service for a proportion of the Metropolitan Police has received the sanction of Parliament, consideration might well be given to the question of whether there should not be a co-ordinating of the length of engagement with a higher standard of education. A scheme could easily be devised under which the required numbers of recruits could be regulated in such a way as to provide a higher standard for the men who are to remain in the service, as compared with that of the men who are to be engaged for ten years. Men could be recruited, also, on conditions which provided that, if they succeeded within a specified time in passing examinations laid down, the length of their engagement could be increased, and they could be allowed to make the police service their life career. Where

they were not successful in passing the examination, they could still continue their service as originally contracted for, and retire from the force at the conclusion of the ten years for which they were appointed.

Training

The higher educational standard that may be expected among recruits from now onwards renders it very important that the best use be made of the new material. For a very long time after the formation of the new police system in this country little or no real training was given to the recruit. He was left to learn his duties from practical experience, and, in some cases, was sent on to the streets with no other preparation than being clothed in a police uniform. During recent years there has certainly been a great improvement, and no recruit is now allowed to commence his duties without a fairly good elementary knowledge of what to do in the many contingencies with which he may be faced.

By far the greater part of police work must necessarily continue to be that done on the streets by the men who come directly in contact with the public, and the training given to the officer in his early days must be directed towards this end. In many of the larger forces the present methods of training are quite adequate, and no great changes are called for. As the officer goes forward in the service, however, his work changes, and the training of his early days needs augmenting. Broadly speaking, the uniform constable engaged on street duty is concerned chiefly with the relatively less important matters such as traffic regulation and those duties included in the general term of 'protection of life and property.' The C.I.D. officer, on the other hand, is called on to deal with more serious crimes in which a very detailed knowledge of criminal law and procedure is required and in which his training must be more specialized. The nature of his further training from this point must be decided upon after an examination of the matters with which he will be called upon to

deal, and it is well worth while to study the proportions of the different offences that occur, before arriving at a decision as to the training that shall be given.

In recent years newspaper reporting has tended to place in the public mind the idea that motor banditry is getting out of hand, and the result has been that many people have not hesitated to declare that this side of crime has received too little attention on the part of police. There have been calls for an increase in the motor arm of the service, from the assumption that an augmentation of the mobile section was what was needed to deal with the problem. Undoubtedly the mobile section has proved its worth, but it is a matter of opinion if any further extension in this direction is either justified or even necessary. Motor banditry has not reached the scale that is often conceived, and the uses of the mobile section, though pronounced in some directions, are decidedly limited.

The report for 1932 by the Commissioner of the Metropolitan Police shows that out of an approximate number of 40,000 crimes committed during the period July-December, 1932, 7,270 fell within the categories of 'Breakings' of one kind or another; that no less than 26,450 were larcenies; and that the total of all other indictable offences reached only 6,480. It is obvious, therefore, that chief attention in the problem of the prevention or detection of crime—which still remains the primary object of police—must be given to the general offences which fall within the Larceny Acts. In other words, the C.I.D. officer must apply his energies mainly against burglars, housebreakers and thieves, and a co-ordination of his activities with those of the uniform branch must bear this end in view.

The writer is not one of those who accept without hesitation the sweeping statement that in recent times criminals have become a great deal more scientific. Criminals do, unquestionably, make use of some facilities which modern developments place at their disposal; they find abundant opportunities for rapid transport, either in the ownership or

theft of motor cars ; and various inventions have given them very effective tools for use in such offences as burglary : but in actual practice lawbreakers have not changed their methods to anything like the extent that is often supposed. In some ways police difficulties have increased by reason of the facts indicated, but not all inventions have been on the side of the criminal. When all the facts have been considered there appears every reason to think that the main problem has undergone very little change. The criminal sets his cunning against the law, and the police officer must use his intelligence to circumvent the criminal's efforts. Along one main line crime has changed very little ; the average criminal still uses those methods which appeal to him particularly, and which become part of his unconscious self. Consequently, a careful study of crimes occurring in a district at any one time will frequently give the intelligent officer some indication as to the means by which he may cope with them.

Mere theoretical training in itself is not enough to produce a good police officer. There must be the intelligence to apply at the right moment the training that has been received, and this intelligence, as has already been pointed out, is the most important requisite. Given the intelligence, training along certain lines may be of great value. The C.I.D. officer, for instance, who is investigating a crime of violence or outrage that has occurred in a building may derive quite valuable assistance from photographs of the interior. He may be able to call for expert aid to provide him with the photographs, but there seems no serious obstacle in the way of his taking the photographs for himself if he has the necessary knowledge of photography. A short practical course of photography should be sufficient in these days to provide any intelligent man with enough knowledge of photography to take pictures of the scene of a crime ; and a camera of simple construction could easily be kept available for use by C.I.D. officers on suitable occasions.

Many of the offences that call for investigation at the present time are concerned with matters of business and

accounts, and all officers of any standing are at times called upon to deal with matters in which a knowledge of business methods is necessary. Here again, in the past, officers have been left to learn by haphazard methods. The number of officers who have a knowledge of business methods when they enter the service is very small, and men are left to worry through in typical John Bull fashion. They generally overcome the handicap, but with many men the process is a very slow one. A suggestion has already been made that examinations for promotion should be of a higher standard, and in this connexion an additional subject might well be included under the term of 'Business Methods.' All officers of any rank above that of constable should know something of the elements, at least, of such matters as simple book-keeping, insurance and banking.

In assessing an officer's value from the point of view of promotion points should be given—apart from the usual technical examination—for a knowledge of such subjects as shorthand, typewriting and foreign languages. There should be at every police station of any size at least one officer with a working knowledge of a language other than his own, with French, the language of diplomacy, ranking first in order. It is not desirable that officers should all be equipped in the same way, and for this reason the examination for promotion should be conducted along the lines of those examinations in which candidates are required to pass in a stipulated number of subjects to be chosen by them from a given list. Such a list might be the following : English (including essay writing), geography, arithmetic, précis writing, French, German, shorthand and typewriting, and elementary business methods.

Officers should be encouraged to improve themselves by extending their qualifications in directions of which the value is not always realized. Up to the present, for instance, little inducement has been offered to men to qualify in a foreign language. Mild approval may have been expressed, but there the matter generally ended. As compared with

the practice in the Armed Forces the official police attitude has been almost one of non-interest. Commissioned officers are actively encouraged to learn foreign languages, and when they have qualified and have been appointed to act as interpreters they are given allowances varying, in the Navy, from 1s. 6d. to 4s. per day. So far as police are concerned, however, the practice appears to be that unless an officer is called upon to act as an interpreter in a court of law any knowledge of a foreign language he may have is not recognized. The importance of foreign languages to police officers within this country is not, of course, anything like it is to officers serving in H.M. Navy, but it is not without some value. A small weekly allowance for foreign languages, such as that of 3s. per week given to shorthand writers in the Metropolitan Police, would be easily justified. The pay of one constable would provide many allowances, and the added value to the public of the officers who had acquired the extra qualifications would be very much in excess of the slight extra expenditure involved. It is true that some of the officers might never be called upon to use the language they had learned, but the fact that they had applied themselves to a useful course of study would add to their value by giving them a mental training which would greatly assist them in dealing with problems with which they would be called upon to deal.

Police Service in the Future

One principle that emerges from a review of the police system is that no matter what methods may be adopted, any system that is to be effective must be of a nature to provide for future developments. Inflexibility is doomed before it has taken shape. The police of the country must move with the times and adapt its methods to changing conditions. In the same way as with the science of finger-prints, wireless and telephones, further inventions may be made which will have to be incorporated into police methods for combating crime and maintaining law and order within the State. Every im-

provement as it comes must be utilized to ensure for the public that protection of their life and property, and the enjoyment of social amenities which they have a right to expect.

At the same time, although police progress must keep pace with the march of events and developments of civilization, it must not be unregulated. Hasty reforms may do more harm than good, and the wisest course is that of steady progress. In the long run the remark that is so often heard among old and experienced officers is found to be fairly near the mark, and it is still true that 'the best thing in police work is applied commonsense.'

The rapid changes that take place from time to time in the life of the community necessarily make it incumbent upon police at times to deal with matters for which no previous guidance has been laid down by regulations, and it is at such times that 'applied commonsense' is found so valuable. More and more duties are being thrust upon police and each new responsibility carries its own problems. The fear that was expressed in the past that the multiplication of police duties might 'render the work of police constables so complex and varied that men of average talent and education will be unable to perform it thoroughly,'¹ has been found in subsequent events less grounded than might have been expected; but the practice has at any rate emphasized the necessity for providing a higher standard of education in the future than was adequate in the past.

A mere raising of the standard of education in recruits, however, is not enough to deal efficiently with the problem as indicated. The importance of keeping police officers informed of changes in the law, for instance, can scarcely be exaggerated. New Acts of Parliament one after another continue to thrust new duties upon police in some directions, and to limit police activities in others. It is vitally important that officers should be made aware of these new factors as they arise. Too often in the past it has been left for police to learn

¹ *History of Police*, Capt. Melville Lee, p. 407.

casually of what is taking place. It has been presumed that everyone will know, from a perusal of the press or in some other way, what the changes are that are taking place, and police have followed rough and ready methods hoping for the best. Often the method has answered the need; by the time a case under the new factors has come within an officer's ambit he has seen or heard of other cases of a similar nature, and he has been able to follow the same lines as those that were taken in the earlier cases. The method, however, is too inefficient. Steps should be taken to ensure that lines of procedure should be the same throughout the whole of the country. There should be one common procedure by police, and the latter should be prepared in advance to deal with each new situation as it arises.

The Police College

The importance of the reforms initiated by Lord Trenchard at New Scotland Yard makes it imperative that any essay on the police as a career should contain some reference to the question of the police college, which will probably turn out to be one of the most important parts of Lord Trenchard's reforms. Looking at the question from a national point of view, as distinct from that of the Metropolitan Police only, one cannot but think that the effects of the Police College will be far-reaching and very widely felt. The vexed question of a national police force is outside the scope of the present essay, but it seems inevitable that the influence of the Police College must be felt far outside the limits of the Metropolitan Police Force. Officers who have passed through the College will no doubt be regarded in some cases by Watch Committees and Standing Joint Committees as ideal men for vacant Chief Constableships, and it is highly improbable that the country as a whole will be content for all the men from the College to remain in London. Many of them will no doubt find their way to different parts of the country, and the benefit of their training will be felt by the

nation as a whole, rather than within the comparatively restricted limits of the Metropolitan Police District.

The question of the training to be given in the Police College, therefore, becomes one of very great importance. Until some time has elapsed it will be impossible to decide as to the best course of studies that should be given to the men who pass through the College, but in some directions the matter is beyond doubt. Officers must clearly be given a course of police law and procedure, and if the course of law can be made to embrace a short sketch of constitutional history so much the better. Inasmuch as the higher officers of police are more and more being brought into direct contact with government departments, public authorities and certain semi-public bodies, a short course of lectures on civics would also be of value. As time goes on officers will increasingly be called upon to deal less with matters of detail and more with questions of policy and principles; the ideal course of training, therefore, will be that which will produce the officer of broad outlook rather than the man who is so concerned with detail that the main question escapes him. The police force of the present and future can offer men of character and ability all the scope they need for the exercise of their powers.

Candidates' qualifications

The qualities of candidates for the Police College will be very difficult to assess, and the scheme to produce the right men will require to be very carefully thought out. Theoretical training and the ability to pass examinations, by themselves, would be far from sufficient. It is a common-place among experienced officers that the man who has performed the greater part of his service at the desk is not the best police officer—and nothing less than the best must be the aim in view. Many men have passed through the police service with a complete knowledge of police regulations and procedure, but without any ability to do more—or less—than is laid down in the letter of the regulations. Police work calls

for more than that; it needs not only a knowledge of the regulations and procedure, but a grasp of the spirit as well as the letter. It requires the ability to decide upon the right action, and the moral courage to take that action not only when it is in accordance with the letter of the law but even when the action may be unprovided for, or in opposition to the letter. The type of officer to be aimed at is the man with the mental equipment to understand the legal side of questions that may arise and the ability to carry out the practical side of police work in all conditions—in the calm of the office, or under conditions of urgent stress and storm. It will be in the attempt to discover the latter qualities that any selection board will find its chief difficulty. The possession of these qualities is frequently a matter of surprise; men who normally may be expected to have them are frequently found wanting when the need arises, and on the other hand the qualities are often found in unexpected places. They might almost be described as an indefinable *savoir faire*; a man either has them or has not, and when he has started life without them it is but rarely that he acquires them in his later days.

It appears necessary, therefore, that whatever tests are applied to candidates for admission to the college, some scheme should be devised by which the value of the applicant, apart from his mere academic qualifications, can be arrived at. It may be that a personal interview by a board of examiners might be sufficient, but, whatever the scheme is that may be adopted, some provision should be made whereby the value of the candidate's personality can fairly accurately be assessed.

In the examination for admission to the college a certain percentage of points should be allowed to the man who has already served some years in the force. The practical experience he has gained in his contact with the public is of distinct value, and should go some way towards balancing the disadvantage he may be under by reason of lost opportunities in the sphere of educational acquirements.

Police Service an honourable career

No comparison has been made in this essay of the attractions and disadvantages of a police career. The omission was deliberate, but the writer is of the opinion that the time has now come when more direct efforts should be made to attract a higher type of recruit to the police service. Little endeavour has been made in the past to attract young men to the service; it has been left to the would-be recruit to take the first step, and more than sufficient candidates numerically have been forthcoming. It is probable, however, that if the right steps were taken many desirable candidates of a higher standard, who in the normal way would not give a thought to the police service, might be drawn to apply.

Although the police service is by no means a bed of roses it does unquestionably offer an honourable career to men of character and personality. It is true that the nature of the work tends to separate the police officer from the rest of the community and make it difficult for him to maintain a broad outlook; police are bound to keep themselves to some extent out of public life, and it is quite easy for their outlook upon life to become restricted. On the other hand assured employment offers a great attraction to many men, and has its advantages over a business or professional career where the uncertainties of engagement can never be lost sight of. The day to day routine duties that fall to the young officer may at times appear very monotonous, but as the officer progresses in the service he finds that problems which require the application of the whole of his powers are presented to him. If he take an intelligent and honest interest in his job he will find that he has embarked on a career that for variety and interest is second to none. He must enter the service, however, in no mere bargaining spirit, for, more than in almost any other profession, the exact nature of what he will be called upon to give in exchange for a stipulated reward cannot be laid down. He will often be called upon to work long hours without any recompense beyond his ordinary wages, and on occasions he

will feel that his time has been taken up in such a way as to show nothing in return. There will be times, however, when the unravelling of difficult problems seizes hold upon him and even in spite of himself he will be carried away by his work. He will experience that absorbing pleasure in his occupation which is felt only by the man who gets his greatest reward in achievement of work well done, and he will come to a realization of the fact that he is rendering not only a necessary but a useful service to society at large. The extraordinarily rapid changes that are taking place at the present day make it impossible to forecast what the position will be even a few years ahead, but, whatever the changes may be, it will still be necessary that 'a sufficient number of fit and able men' shall 'act as constables for preserving the peace, preventing robberies and other felonies, apprehending offenders against the peace,' and for maintaining that good order and security which modern civilization requires.

The Englishman who embarks on such a career can feel that he is performing a useful function for the community, and the honest and efficient performance of his duties will ensure him an honourable career.



THE FEMALE PLANT



THE MALE PLANT

INDIAN HEMP
(see page 330)



THE CRIMINAL INVESTIGATION RESEARCH LABORATORY AT BRISTOL

Bristol Criminal Investigation Research Laboratory

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ALTHOUGH the establishment of a Research Laboratory at the Central Police Office, Bristol, is of recent date, we feel that an outline of the work now undertaken and the proposed lines of development may be of value at the present time, when, perhaps, more than ever before there is a general feeling that the forces of science must be used in every possible way in the fight against crime.

The work of the laboratory can be classified under two main headings—routine work and research—and I propose briefly to consider in this paper some of the investigations included in these two categories.

Routine Work

Routine work comprises the carrying out of comparatively well-known tests which are of assistance in the detection of crime, and which have, up to the present, been carried out, when occasion has demanded, in other laboratories. The advantage of being able to carry out such tests on the spot are, of course, quite obvious; there is a considerable saving of time, and the closer co-operation between the police officers and the director of the laboratory results in a greater

appreciation of the value of such tests on the part of the police, while the scientist, by being in closer touch with practical problems, is likely to be able to devise new methods of investigation to meet the needs of his colleagues.

Let us now consider some of the routine investigations which can be carried out in such a laboratory.

The examination of stains on weapons, garments, floor, or furniture is frequently necessary, and their nature may be investigated by chemical, spectroscopic, microscopic, and biological methods.

In the case of suspected blood-stains one must determine (1) if the stain is due to blood, (2) if it is, whether it is human or animal blood.

By means of the tests mentioned above it is possible to answer these questions, even if the stain has been present for a considerable time, or if it has been subjected to heat. It is also possible to separate blood from rust when the two substances are both present on weapons, and to distinguish between stains due to blood and those produced by fruit, ink, paint, etc. It is further possible to classify human blood into four groups, and this may provide some corroboration in certain cases.

In cases of alleged rape it is often important to be able to identify seminal stains on underclothing and other articles, and to differentiate these stains from those produced by pus and by vaginal and nasal discharges.

Seminal stains can be recognized by microscopic and chemical tests.

In a recent case stains on a cushion were stated by the prosecutrix to be seminal stains, produced at the time of the alleged assault, while the prisoner stated that he had noticed the stains but had no knowledge of their origin. Chemical tests proved them to be seminal stains, and the prisoner was convicted.

The microscope, of course, has many uses in the detection of crime, apart from those which have already been mentioned. Hairs adherent to a weapon, or grasped in the

hand of the victim may be identified as belonging to a certain individual, and it is also possible to decide whether the hairs have fallen out or have been pulled out. Human hairs can be distinguished from those of animals; the age and race or the individual may sometimes be determined, and it is also possible to tell from what part of the body the hairs have been derived. Fibres of clothing found at the scene of a crime may be identified as coming from the clothes of a certain person who may be under suspicion, while in other cases microscopic examination of material found under the finger-nails of a suspected person, *e.g.* fragments of skin, etc., has provided valuable clues. Dust from clothing may be examined and shown to be derived from certain occupations, localities, etc. Brain substance on weapons may be identified on microscopic examination after appropriate preparation, while the examination of sections of skin will differentiate bruises caused during life from post-mortem stains and injuries. The examination of sections of internal organs obtained at post-mortems may give valuable information in certain cases.

The use of the microscope in proving that bullets or cartridge cases have been fired from a certain weapon has been recognized for some time, while the use of the microscope in identifying cuts made on wood as having been made by a certain knife was described in a recent paper in this *Journal*.

These are merely a few of the ways in which the microscope can help us, and do not, in any way, claim to be a complete list; many other cases in which the microscope can be of service will doubtless suggest themselves to the reader. The preservation of impressions made by footprints can be undertaken by the laboratory, and together with photographs, may provide useful evidence of identification.

In cases of persons found dead under circumstances which point to death being due to burning, it is possible to determine by chemical examination of blister fluid and spectroscopic examination of the blood if death took place before or after the injuries caused by burning.

There is another extremely important branch of police

work which can be carried out in the laboratory, and that is the investigation of suspected cases of poisoning: this of course includes analysis of food, vomitus, hairs, nails, etc., and of materials obtained at post-mortem.

Research Work

With regard to research, it is impossible in an article such as this to do more than indicate some of the investigations which it is proposed to carry out.

As in all scientific research it is, of course, expected that new problems will present themselves and that one piece of work will lead to another.

Briefly, we propose to consider new ways in which known scientific methods may be applied to police problems, and we also hope to devise new methods which may be of assistance in this work. The use of filtered ultra-violet light in order to detect differences in the fluorescence of various substances has been applied to police work.

The analytic quartz lamp has been used in the detection of forged bank notes, postage stamps, and documents of various kinds, in the detection of erasures or alteration of cheques, for the examination of gems, and for reading invisible writing used by criminals.

It is known that certain stains have a marked fluorescence under the light.

Much of this work is still in the experimental stage and a large number of experiments have to be made in order that its sphere of usefulness may be more accurately assessed. The use of infra-red rays also promises to be of great assistance in our investigation. Close co-operation between the research laboratory and the photographic department is essential in both these branches of research.

Another problem which may be considered is the difficult one of persons charged with being under the influence of drink, and the value of chemical tests for discovering the alcohol content of the blood and urine may be investigated.

In this paper I have not attempted to describe all the ways in which a laboratory may play its part in police work, but I hope that these few suggestions will show that it has a very definite part to play, and one which will inevitably become greater as time goes on.

My object is to stimulate interest in this matter, for, as I have already said, in order that the best results may be obtained co-operation between the police officer and the research worker is essential. Again, if other police laboratories are inaugurated in various parts of the country co-ordinated work on the part of these laboratories should be productive of extremely valuable results.

There can be no doubt that in the future the resources of medicine, chemistry, physics, and the other sciences will be concentrated on the problems with which the police have to deal in such a way that the scientific detection of crime will become one of the recognized applied sciences.

A Child's Mysterious Death at Swansea

A CASE of more than usual interest which the Swansea Police were called upon to investigate occurred at Morriston, near Swansea, on the afternoon of the 30th January, 1934, when the death of Doris Miriam Leyshon was the subject of inquiries.

The circumstances of the case were as follows :

On the afternoon of the 30th January, 1934, the mother of the child dressed her and took her to her grandmother's house about half a mile away. When dressing the child the mother placed an artificial silk scarf in two loops round her neck. The scarf was about a yard long and it was tied in a careless, gypsy type of bow on the left hand side of the neck, with the bow to the front. The little girl was wearing two coats and the ends of the scarf were placed over the one coat and underneath the other and were thus concealed from view.

The mother and the child arrived at their destination about 3 p.m., and, whilst the mother assisted with the housework, the little girl played around the house.

The houses in Bath Road, Morriston, are built in rows on either side of the road, but at one end, and adjoining the block of cottages in which the grandmother lived, is a piece of rough waste ground. It slopes slightly upwards from the roadway to the rear of the houses on the roadway above and is used principally as a short cut to a 'bus route. It is the recognized playground for the children in the neighbourhood and it is overlooked by the persons using the roadway.

About 30 yards from the grandmother's house and about

5 yards from the front door of a dwelling-house is a small excavation, about 3 yards square and about 9 inches deep on the side farthest from the roadway.

Doris was seen by her mother at 3.30 p.m. and then went out to play, and about 15 minutes later she was found face downwards in the excavation, apparently lifeless. The red beret which she had been wearing was on the ground above the excavation, whilst a small picture book which she had been carrying was at her feet.

She was found in this position by a woman from the house nearest to the spot, who was using one of the rough pathways as a short cut to the 'bus route. Two dogs were playing around the body when it was discovered ; one a rough haired fox-terrier and the other a trained spaniel. The latter had its front paws on the body.

Upon examination it was found that the bow of the scarf had become undone and the scarf had been drawn tightly around the neck. A doctor who was called pronounced life extinct. There were no signs on the ground of a struggle, no screams had been heard in the nearby houses, there were no marks of violence on the body and no one had been seen in the vicinity of the child.

When taken from the child's neck, the artificial silk scarf was found to be damp in places and in the middle of the scarf, in the portion which would come at the back of the child's neck, there were found a number of small punctured tears as would be caused by a dog's teeth. Later inquiries revealed that there were no such tears when the scarf was originally placed on the neck by the child's mother.

In view of the peculiar circumstances surrounding this case and the possibilities of foul play, the Chief Constable of Swansea (Mr. F. J. May) immediately called in the services of an eminent pathologist, Dr. A. F. Sladden, of the Swansea General Hospital.

He made a preliminary examination of the body and in the meantime exhaustive inquiries were made by the Criminal Investigation Department staff in the Morriston area. Photo-

graphs were also taken of the scene of the occurrence for future reference and for the information of the Coroner.

Dr. Sladden's preliminary examination revealed two superficial bruises on the back of the head. The front aspect of the neck was quite pale and above this pale area, occupying the curve of the neck upwards to the margin of the lower jaw, the skin was congested and this congestion was more intense on the right side than on the left. From the sides of the neck at the angles of the jaw a curved line of congestion $4\frac{1}{2}$ in. long and $\frac{1}{2}$ in. wide extended around the back of the neck, curving slightly upwards and passing about 2 in. below the occiput.

Later a post-mortem examination was held by Dr. Sladden and it was revealed that the child had a constitution which was particularly prone to shock. The examination of the congested skin on the neck showed the congestion to be very superficial, and all other parts of the body being normal, Dr. Sladden formed an opinion that death was due to a combination of constriction of the neck and shock. The evidence of the constriction was definite both by external and internal examinations and there was nothing found to suggest any attempt at strangling the child by the hand.

During his preliminary examination Dr. Sladden took away portions of the material of the scarf from three different places; two portions from the middle and from where the scarf was found to be stained and damp, whilst the third portion was taken from near the end of the scarf in order that comparison could be made with an unstained portion.

A bio-chemical test revealed the presence of saliva in the fabric where the stains were found and a test of the stained centre portion of the scarf, near where the punctured tears were found, showed diastatic ferment ten times in excess of the other portion and left no doubt at all that it was due to saliva.

Inquiries made by the Police showed that there could be no motive for any sane person to cause the death of the child and attention was then directed to the possibilities of accidental death.

The incident was reconstructed by means of a scarf of similar material and length which was placed around a wax model of a child's head and neck of the same circumference as that of the deceased child. The scarf was passed twice round the neck and tied in the same careless manner as had been previously done by the mother. It was then found that in the event of one end of the bow becoming untied it was possible for the knot in the scarf to become a slip knot and on the long end being pulled it would tighten considerably around the neck. It was also found that, owing to the scarf having been passed twice round the neck, a pull on either of the loose ends of the bow or on any portion of the two loops, either back or front, would cause the scarf to tighten around the neck and severely check respiration. Thus, if in playing, one end of the bow had become loose, in climbing the 9 in. excavation the child could easily step on the long end of the scarf, thus causing it to tighten around the neck and partially choke her. Artificial silk has considerable binding qualities and thus the scarf would remain tight until released externally and consequently the choking effect would continue. It is thought that the dogs were playing with the child in the excavation and on her collapsing playfully tugged at the loops in the scarf around the child's neck, thus tightening them even more and eventually causing her death.

At the inquest Dr. Sladden gave evidence and stated that his medical examination and test of the scarf would be consistent with the scarf having been mauled by dogs but he could not say that their action was the conclusive cause of death.

After other theories had been inquired into by the Borough Coroner the Jury returned an open verdict.

The case aroused considerable interest and the Chief Constable of Swansea received numerous communications from persons who read the case in the daily press and who gave detailed particulars of similar scenes which they had actually seen enacted, but which by reason of their presence had not resulted in such a sad termination.

A Case of Hashish Poisoning in England

THE Hashish Habit which is prevalent in the East and has spread to Mexico and South America is fortunately rare in Great Britain. The plant, which gives rise to the habit, is *Cannabis sativa* (Family *Urticaceæ*) and the following instance of its being smoked is of interest because the symptoms exhibited by the young woman are almost typical of its poisonous effects. It has also some legal importance because, at present, only the extract and tincture prepared from the plant come under the provisions of the Dangerous Drugs Acts, and the smoking of the herb itself in order to produce deliriant narcotic effects does not appear to be an offence, unless the drug be given to another with harmful intent or result (Offences against the Person Act 1861).

The initial facts are that in May, an unemployed but enterprising sheet-metal worker, aged 28, strewed a handful of parrot seed over his front garden as he could not afford flower seeds. He was rewarded by the appearance of a mixed collection of sunflower and other plants, amongst which was one unknown to him or his friends. He decided it had grown from a particular seed and this, from samples seen in a bird retailer's window, he was able to identify with hemp seed. About this time he had been trying to find a satisfying substitute for tobacco and remembered having read somewhere that hemp leaves were smoked. He consulted a book *The Chemistry of Common Life* which was in his home. This book contained not only an illustration of the hemp plant

which confirmed the identity of his plants, but also gave a description of the method of its use in India and its effects. The plants, which had grown in September to 5 feet high, were not decorative, hence some were cut down; finding these in dry condition, he decided to try to smoke the leaves as he had read was done in India.

His first attempt took place while he was in bed reading about 1 a.m., when he smoked three or four leaves rolled together in a pipe and inhaled the smoke. Shortly afterwards, he felt anxious, fearful of some disastrous result, and experienced palpitation and throbbing of the blood vessels in his neck; his limbs felt heavy and his head seemed to be lower than his body and feet. He next observed, what he shyly termed 'soft ideas' occurring in his mind; he drifted rapidly through a series of small and confined rooms beautifully decorated with furniture and with vivid colours of different hues. He imagined—an idea gained doubtless from reading—in those rooms little brown men sitting cross-legged and negroes with shining skins. He may have fallen asleep but—unconscious of the lapse of time—he later (about 3 a.m.) got out of bed, to find that he staggered and felt giddy. He sat on a chair with the window open until he felt better, then returned to bed but felt very drowsy next morning.

On several occasions during three weeks he recollects smoking less amounts of the plant rolled into cigarettes which made him feel drowsy only.

He related his experiences to his brother and also to his fiancée. The latter, aged 23, was incredulous and curious: so she decided to smoke one of the cigarettes, which was about the thickness of one's little finger and of the usual length, but which was made from the top of a fruiting plant. She smoked about two-thirds of the cigarette and inhaled a portion of the smoke about 10.10 p.m. Simultaneously he smoked a similar cigarette. At first the young lady felt no effects but soon fell asleep. A few minutes later, the young man touched her shoulder, when she awoke with a start and tried to fend him off as if she were afraid. Her eyes were very bright and

she looked intoxicated ; her hands were twitching and she asked where she was (obviously she had hallucinations), but she seemed very happy. About 10.25 p.m., the young man supported her for a short walk during which she showed unusual outbursts of laughter and of affection ; her speech was slurred, which the young man ascribes to the dryness of the mouth and a feeling that the tongue is too large for the mouth.

As her condition did not improve, the young man took her to a doctor and explained the situation. The doctor's notes at 10.30 p.m. record that the girl was pale but her lips vivid red (not with lip-stick !) She felt dizzy but could stand and walk ; she was very excited and talkative while continuously making stiff purposeless movements with her hands and fingers ; her tongue and mouth felt parched ; the eyelids were half-closed, the pupils were dilated but contracted to light ; the pulse was very rapid and forceful.

She appeared highly emotional, even amorous, and continually embraced and kissed her partner, who said such behaviour was quite abnormal. She was gay one moment, anxious the next, and said she ' felt enclosed.' She could not appreciate the passage of time and was also confused about space ; words were pronounced only with difficulty and her sentences soon relapsed into incoherencies. The doctor called the police ambulance and both the girl and the young man were removed to hospital. The latter was only slightly affected and the former, although becoming somewhat worse, soon recovered and was fit and well next morning.

The remaining cigarettes and plants were seized by the police and submitted for examination by the Professors of Pharmacology and Botany in Liverpool University ; both had no doubt as to the identity of the plants with *Cannabis sativa*, the latter deriving conclusive proof from the anatomical structure, the habit of growth and the flowers of the plants. Since this is clearly an instance of the use of Indian Hemp as a narcotic and as other cases may arise, it may be of value to record some facts regarding the appearance of the plant and the methods by which it is used.

The herb, Indian Hemp or *Cannabis Indica*, is derived from the unisexual plant, *Cannabis sativa*, a native of India and Persia but now cultivated for hemp fibres in most warm dry climates, e.g. Italy, Russia, South Africa, America. It is a member of the nettle family and has its habit of growth. In favourable circumstances, both male and female plants grow 4 to 10 feet high, presenting, if crowded, single, or, if separated, branched stems. The stem is grooved or angular and possesses stalked leaves which are divided usually into five or seven lance-shaped leaflets with marginal saw-like teeth. The male flowers, arising from the angles between the leaves and the stem, resemble green brushes, whereas the female flowers form a greenish-yellow spray. The seed is small, greyish coloured, oval in shape and is used as a food for birds.

The poisonous action is due to an active principle, *Cannabinol*, contained in a sticky resinous substance which is secreted chiefly by the female plants and especially in warm climates. The fact that last summer was particularly warm and dry may account for the activity of the specimens grown in a Liverpool garden.

The Hashish habit is of unknown antiquity in the East, and the Indian Hemp is used in several forms and by different methods in order to produce its intoxicating and narcotic effects. The dried and compressed resinous tops of the female plants are known in India as ' ganjah ' or elsewhere as ' guaza.' This form is smoked usually along with tobacco. *Bhang* (India) and *Hashish* (Arabic) are names for the dried hemp leaves ; from these a Hindustani drink is made by infusion or they are made into a conserve. Hashish was used by the Arabs, Persians and Egyptians originally as a flavoured sweetmeat or treacle and was prepared either from the leaves or from the resin, which was scraped from carpets upon which the plants had been rubbed. Nowadays ' hashish ' is most usually smoked in tobacco. In South Africa, the Hottentots smoke the drug under the name of ' dakha ' or ' dagga.' The resin separated from the plants is known in India as ' charas ' or ' churras.' It is obtained sometimes by the primitive

method of a native, clothed in a leathern garment, walking through the plants and later scraping the resin from his clothing, or the plants are beaten on rough cloths. The separated resin is employed for smoking. There is no doubt that the symptoms induced by the drug are responsible for instances of natives 'running amok' in the East and continued indulgence has been shown to be accountable for many cases of oriental insanity. In this connexion it is of interest to note that our word 'Assassin' is a corruption of 'Hashishin,' the name applied to a vicious Mohammedan sect which, presumably intoxicated with the drug, terrified the Crusaders of the eleventh and twelfth centuries. It must be pointed out, however, that the type of symptoms produced by the drug may vary considerably according to the mentality of the individual; thus, one person, who has smoked the drug, informs me that it makes him drowsy, lethargic and intolerant of disturbance; the man in this case experienced a pleasurable intoxication with a large dose and merely drowsiness with loss of sense of time with smaller doses; while the young woman exhibited some of the emotional and erotic effects which are common amongst Eastern peoples where the drug is regarded as an aphrodisiac.

This case is reported with a view to directing the attention of police officials to the possibility of cases of 'hashish' habit and poisoning arising in this country, where it has been thought that the climate was too inclement for the development of the toxic resinous principle. If other cases arise, it is of importance that they should be recorded or reported to the Home Office, in case it may be advisable to bring the herb Indian Hemp itself within the provisions of the Dangerous Drugs Act.

Not Proven

THE SCOTTISH 'THIRD VERDICT'

By AN ADVOCATE

THE criminal law of Scotland is the proud possessor of a distinctive and, in many ways, peculiar verdict which has always been the object of much criticism. 'Not Proven' is an intermediate verdict between 'Guilty' and 'Not Guilty' and in too many cases provides a haven of refuge for judge or jury.

Before endeavouring, however, to show its advantages and disadvantages in present-day practice, it is necessary to investigate the history of the expression, in the hope that some light may thereby be thrown on this hybrid which is neither flesh, fowl nor good red herring, but is, in the words of Mr. Roughead, the eminent criminal writer, 'an indefensible and invidious finding.'

Originally juries were invited to bring in a verdict of 'fyllit culpable and convict' or 'clene and acquit,' that is to say 'Guilty' or 'Not Guilty.' During the latter half of the seventeenth century, however, circumstances necessitated an alteration. 'Prosecutions,' says Mr. Arnot in his *Criminal Trials*, published in 1785, 'became so frequent against rebels, covenanters and attendants upon conventicles that it was matter of difficulty to get a jury to find a verdict against a state criminal, particularly an attendant upon conventicles. His Majesty's Advocate, to evade this reluctance, fell upon a device which almost totally annihilated the powers and purposes of a jury. It was, to introduce a doctrine, that, in no case

whatever, had the jury a right to exercise their judgment upon any point, except the evidence relating to the different facts charged in the indictment: That in every case they were to decide merely upon the fact; and that it was the province of the judges to determine the import of their verdict, in the scale of guilt, from a capital crime down to pure innocence: That, therefore, it was the business of the jury not to find "guilty" or "not guilty," but "proved" or "not proved": and to apply such findings to the different charges, trifling or important, exhibited in the indictment.'

The presiding judge would give the jury instructions not only with regard to the characters of the crime but also with regard to the sufficiency of the circumstances alleged in evidence of it. The jury accordingly had only to answer the question, 'Was there or was there not sufficient evidence of those circumstances and presumptions?' and in their verdict they would find the libel 'proved' or 'not proven.' In this way it was sought to prevent the jury giving any view as to the criminality involved: they were only allowed to express their opinion as to the truth or falsity of the facts libelled.

The first occasion upon which this new form of verdict was returned was in 1682, and it continued in constant use for over forty years. For example, we find in 1701 that where a jury wished to acquit two men charged with treason their verdict was 'not proven'; it was, at that date, their only way of expressing their view that the accused was innocent. It was not until 1726 that a jury again exercised 'their ancient and undoubted privilege of finding a general verdict of "not guilty."' In that year one Samuel Hale was tried for murder. The homicide was clearly proved, but both Court and jury were agreed as to the strength of the prisoner's defence.

In 1728, however, the question came up very acutely in the notable trial of Carnegie of Finhaven. In that case, James Carnegie of Finhaven was prosecuted for the murder of the Earl of Strathmore. The accused's main line of defence was that under the circumstances he was only guilty of man-

slaughter, but the Court refused to accept this view and overruled his defence. There being no doubt about the actual killing, the position of the prisoner was now very precarious, and if the jury were only allowed to judge of the truth of the facts libelled, a verdict of 'proven' seemed inevitable. Counsel for the defence, however, was equal to the occasion and addressed the jury with tremendous force on the constitutional aspect of their functions. He explained the powers and purposes of a jury, and related how their privileges had recently been wrenched from them. He insisted that they had now the opportunity to 'emancipate themselves from the subordination and insignificance into which they had been degraded by a government which finally had been overturned on account of its reiterated attempts to overthrow every species of liberty civil and religious.' By 12 to 3 the jury seized the opportunity of asserting their privileges and returned a verdict of 'not guilty' and 'the rights of the jury had been wrenched from the grasp of tyranny.' Although juries thereafter regularly returned verdicts of 'guilty' and 'not guilty' in conformity with their ancient privilege, the expression 'not proven' survived and is frequently used to-day. We must turn then to its modern significance, and consider its value in criminal procedure.

It has been said that the phrase 'not proven' is usually employed to mark a deficiency only of the full measure of evidence necessary to convict the accused, and that the verdict 'not guilty' conveys the jury's opinion that the accused is innocent. It should be noted that 'not proven' is a verdict of acquittal and protects the accused from further prosecution. No appeal can be lodged against this verdict either at the instance of the Crown or the accused, except in summary cases where the Crown may appeal by stated case.

What can be said for or against this intermediate verdict either from a logical or a practical standpoint? Logically it would seem to be indefensible. It is a fundamental principle in the law of Scotland, no less than in the law of England, that a man is presumed to be innocent unless, and until, he is

proved to be guilty. That is to say, if the prosecution fail to satisfy judge or jury that he is guilty, he is entitled to be discharged 'without a stain upon his character,' and his discharge on this highly satisfactory basis will follow whether the verdict be 'not proven' or 'not guilty.' Assuming then for a moment that for sentimental or other reasons an accused would prefer a verdict of 'not guilty' to one of 'not proven,' is he not entitled to it, seeing that the Crown have failed to prove him guilty? The answer must surely be in the affirmative. On hearing a verdict of 'not proven' can he not say with great force, 'You have charged me with theft, and you have failed to satisfy the judge or jury that I am guilty of the crime charged; therefore I rely on the presumption of innocence to which everyone is entitled and I maintain that I am entitled to a verdict of "not guilty"?' What is the answer to this claim? Perhaps it may be put thus: 'Admittedly the Crown have failed to satisfy judge or jury that you are guilty of the crime charged, but the judge or jury are not prepared to say you are "not guilty."' On the evidence which has been given they do not think they would be justified in bringing in a verdict of "guilty," but they are so suspicious of your conduct that they cannot see their way to declare that you are "not guilty": hence their finding of "not proven." Now, logically, this is no answer: the accused has not been proved guilty, therefore he is innocent, that is to say he is "not guilty."

So much for logic. What about its practical utility? In the first place it is a form of verdict which gives the jury an easy way out of any difficulty they are in. When the only two possible verdicts are 'guilty' and 'not guilty' the jury has to decide whether on the evidence before them the prosecution has proved beyond reasonable doubt that the accused is guilty: if this has been done they bring in a verdict of 'guilty,' but if the prosecution has failed, then their verdict will be one of 'not guilty.' This frequently means a thorough sifting of the evidence in the jury room and perhaps heated argument. How much easier is it for a jury in a narrow or

difficult case to take a bird's-eye view of the whole circumstances, and decide that while the conduct of the accused was more than suspicious there are features in the case which make it doubtful whether the charge has been completely made out. They then solemnly bring in a verdict of 'not proven,' and quite reasonably think that such a conclusion very truly interprets their view of the case. It is an easy and convenient compromise. They are not finding a man 'not guilty' who quite possibly is 'guilty,' nor are they finding a man 'guilty' who quite possibly is innocent.

Secondly, this verdict allows a jury to give effect to their suspicions, and suspicion is far from being proof. A jury that is not prepared to convict, occasionally has grave suspicions that the accused really did commit the crime, although this has not been satisfactorily proved, and they give vent to their suspicions by bringing in a verdict of 'not proven' instead of 'not guilty.' Such a situation might well occur where, in the light of the judge's charge, the evidence of identification appeared to them insufficient to justify a verdict of 'guilty.' When they have taken the juror's oath it is their duty to decide on the evidence whether the accused is or is not guilty, and not whether they suspect him to be guilty but are not quite sure.

A further and equally serious danger of this middle verdict is that the jury may use it as a means of usurping powers that are not vested in them, namely the punishment of the accused. They may do this in one of two ways: either they may decide that the accused is guilty but has suffered sufficient punishment by exposure or imprisonment prior to trial, or that while he is not guilty of the crime charged, he nevertheless deserves to be taught a lesson, and that accordingly it would be unwise to acquit him. In either case a verdict of 'not proven' is to their way of thinking an admirable solution. Needless to say in both cases they are quite wrong; in the former it is for the Court to decide whether in the whole circumstances of the case a nominal penalty may be inflicted, and in the latter it is no part of their duty to start 'teaching

people a lesson.' In this connexion it is of interest to note that under the old law a jury could be punished for absolving the accused where there was clear evidence of guilt.

It has been said that the 'Not Proven' verdict is a boon to the man who is really guilty, as he has always a sporting chance of getting off with such a verdict, but that the possibility of this verdict is a bad thing for the innocent man. While it is, of course, impossible to say how many accused who are awarded a verdict of 'not proven' should really have been found 'guilty,' and how many who should really have been found 'not guilty' are only handed a 'not proven,' it is probably safe to say that the guilty benefit more than the innocent suffer. But in neither case does this particular verdict find justification.

So far, it will be noticed, nothing has been said in favour of the verdict, and that is because there is very little that can be said. Probably the best that can be said for it is this—it gives the jury the opportunity of acquitting an accused whom they strongly suspect of being guilty, but in whose case there is just that degree of uncertainty which, though insufficient to justify a 'not guilty' verdict, makes them unwilling to go so far as to convict. The above criticisms of this verdict will naturally apply with much less force where a judge is sitting without a jury, but even in that case its disadvantages greatly outweigh any advantages it may possess.

In conclusion, reference may be made to some of the more notable trials during the last eighty years in which this verdict has been returned. In the case of Madeleine Smith (Monson) in 1857 the second and third charges were found 'not proven,' while in 1893 the jury returned a similar verdict in the Ard-lamont murder case. In more recent times the same result has been reached in several interesting trials, notably in the trial of John Donald Merrett in 1927, where by a majority the jury found a charge of murder 'not proven,' and only last year 'not proven' figured in the verdict in the long and complicated 'Silks' trial. The case of John Donald Merrett is of particular interest as there are in it certain features

upon which the jury probably laid great stress when reaching their verdict. Briefly, the principal facts of the case were as follows: In March 1926 there lived in a flat at 31 Buckingham Terrace, Edinburgh, a certain Mrs. Merrett and her son Donald, who was then about 17½ years of age. They were quite well off financially, as Mrs. Merrett had an income of some £700 a year. There was no accommodation for servants in their flat and Mrs. Merrett had accordingly to employ a daily maid. At about 9.30 a.m. on the morning of Wednesday, 17th March, Donald Merrett and his mother were in the sitting room, and the maid, Mrs. Sutherland, appears to have been in the kitchen attending to the fire. This quiet domestic scene was suddenly interrupted by the report of a pistol, and the thud of a falling body: Mrs. Merrett lay insensible on the floor of the sitting room. She was removed to the Royal Infirmary, where she died on Thursday, 1st April, the cause of death being certified as 'Basal Meningitis following a bullet wound in cranium.' Inquiries had already been made by the police, and they adopted the view that Mrs. Merrett died by her own hand. It was not until 27th November of the same year that a warrant was granted for the apprehension of Donald Merrett, and on Tuesday, 1st February, 1927 he stood in the dock to answer to two charges, (1) the murder of his mother, and (2) the uttering as genuine of certain cheques drawn on his mother's bank account, the signatures to which were forged. The trial lasted for seven days, and created much public interest. Medical evidence, coupled with the testimony of revolver experts, was adduced on both sides to prove from what range the shot may or may not have been fired, but the Crown were unable to prove that suicide or accident was impossible, although the absence of blackening round the wound pointed to the shot having been fired from a range inconsistent with suicide. The Crown's case was complicated by the fact that Mrs. Sutherland, the maid in the Merrett's flat, had told two different stories to those investigating Mrs. Merrett's death. In her first story she said she was in the kitchen and saw nothing, but within an hour she

told a Detective-Inspector that she had run out and seen her mistress falling and a revolver or pistol falling out of her hand. In the witness box she stuck to her first story and denied seeing anything fall from Mrs. Merrett's hand. The case was a puzzling one, particularly as the defence had succeeded in keeping open the door of suicide or accident. In his address to the jury, Mr. Craigie Aitchison, K.C. particularly asked the jury to refrain from a verdict of 'not proven,' as being a verdict 'which implies a stigma,' and to bring in a clear verdict of 'not guilty.' In his charge to the jury the Lord Justice Clerk, who was the presiding judge, told them that the question they had to consider was not whether they suspected, or believed, or thought that the accused was guilty; they had, he said, to be satisfied beyond all reasonable doubt that the accused had committed either or both crimes. After an absence of fifty-five minutes the jury by a majority returned a verdict of 'not proven' on the first charge, and a unanimous verdict of 'guilty' on the second charge. Why did the jury choose this particular verdict on the first charge? If they were not satisfied 'beyond all reasonable doubt' that Donald Merrett was guilty, why did they not return a verdict of 'not guilty'? The result was that a man whom the Crown had failed to prove guilty left the Court with a verdict which, in the words of his own Counsel, implied a stigma.

third party cover for 15 days free of charge. The production of one of these cover notes will therefore be evidence, during the period of its validity, that the holder is duly insured under the Act against third party risks. The full certificate of insurance will not be issued until the renewal premium has been paid, but if it is issued before the expiration of 15 days, it will show the first day of that period as the "effective date of commencement of insurance."

These Regulations add that whilst this arrangement is not binding upon the companies it is anticipated that most of them will adopt it.

A word of warning is necessary here; if the vehicle is used during the period of grace, it necessarily follows that failure to renew the policy renders the motorist liable to prosecution, in the same way that failure to renew the Road Fund Licence would, under similar circumstances, render him liable.

Where Practice differs from Intention

Another common source of trouble to the motorist can be traced to his not giving strict effect to the terms of the certificate, which, if read carefully, should present no difficulty in proper interpretation.

For example, one often sees the following limitations—'The policy does not cover the carriage of goods or samples in connexion with any trade or business,' yet, frequently cases are brought before the Court where tradesmen use their private purpose car for delivering an article (as a favour?) to a customer. Similarly, the motorist may have effected an exchange of cars, and has omitted to have the alteration of index mark and registration number of the vehicle made on his certificate. Here again the case for the prosecution may be contested by the defendant who, although unable to produce documentary proof that he was covered on the date in question, will perhaps put his insurance company representative into the witness box to support his contention.

The fact that no third party injury liability has arisen, and that the client has for a number of years past been a good

business proposition certainly gives food for thought, and seeing that in face of the assurance by the insurance representative that the company holds the motorist covered, the Justices can, and often do, dismiss the case against the defendant, it does seem that the real intention of the Road Traffic Act can be quite easily thwarted and police vigilance in the matter of detecting this class of offence stultified. Many other examples could be enumerated to give further proof of the way in which otherwise law-abiding citizens become law-breakers; and as a concession to the motoring public, it may be granted that the sin of failing to comply with the requirements of Section 35, is usually one of omission, rather than of commission, or to borrow the words of another section—from lack of due care and attention.

Securities or Deposits

Mention has been made of the wisdom of the Government in stipulating that there must be certain deposits and guarantees held by, or on behalf of the insurers carrying on business under this Act. But in spite of this provision events have shown, and will further show, the inadequacy of this measure, for whilst such deposits and guarantees may be sufficiently substantial to meet liabilities arising from good premium business, it has been found that where third party insurance business has been done at cut rates, that is to say, at rates which are much lower than those charged by well-known companies of long standing and with big financial reserves, the inevitable happens, or is most likely to happen—and if the company fails, the motorist is faced with two grave risks—

(a) he may find that in spite of the fact that he holds a policy and certificate he may not be covered, for which he may subsequently be prosecuted, and

(b) in the event of injury to another person, the injured party can only sue for damages from a motorist who is not covered and is without means.

Should the defaulting company be absorbed by another company, the position would, of course, be somewhat different,

since the absorbing company would be obliged to take over future liabilities (and assets).

It would therefore seem that the Government requirements as to the stability of authorized insurers under the Act, are not in all cases actuarially sound, and supposing the Road Traffic Act to be still in a liquid state, it is perhaps not too much to hope that this aspect of Section 35 will receive due consideration.

This, the writer thinks, would be more desirable than leaving the Board of Trade to take action under authority of the Insurance Companies Winding Up Act 1933, which last resource may spell disaster to numerous clients, and besmirch the good name of British Insurance.

Confusion worse confounded

As a final word, it may be added that each case for the prosecution under Section 35, may be materially different, and the difficulty of the police is increased, by reason of the fact that the three types of producible documents vary in degrees of proof. The Temporary Cover Note gives but few details of insurance cover; the Certificate of Insurance somewhat elaborates the Cover Note, whilst the Policy, which is really not acceptable for production to the police, is the one document which can prove or disprove the case for the defence. Meantime, we can only hope that 'in the fulness of time' this Gilbertian situation will be remedied, so that more attention can be then given to what, after all, is the primary duty of the police, viz.:—the protection of life and property.

The Recent Palestine Riots

SOME POLICE LESSONS LEARNED

By R. G. B. SPICER, M.C.
Inspector-General of the Palestine Police

IT would appear from a perusal of the Home papers that the Palestine Police were very much in the public eye last autumn, in view of the part they played in dealing with the riots in Palestine. It has therefore occurred to me that some of the lessons we have learned in these riots may be of considerable interest to other police forces both at home and abroad. It is noteworthy that the police succeeded in restoring order, wherever disorder had occurred throughout Palestine, without calling on the military, and the Secretary of State informed the House of Commons of this fact.

Causes of the Trouble

The events leading up to the riots can be quoted from *The Times* of November 8: 'On October 8 the Palestine Arab Executive Committee passed a resolution in favour of a general strike to take place on October 13, accompanied by a demonstration by means of a procession in Jerusalem, to protest against Jewish immigration and the sale of land to Jews. The officer administering the Government very properly warned the Executive, in the interests of public order, that any such demonstration would be prohibited, giving them at the same time an assurance that any representations that they chose to make in the proper manner would be laid



A SCENE IN THE PALESTINE RIOTS



THE USE OF BARBED WIRE IN THE PALESTINE RIOTS

THE RECENT PALESTINE RIOTS

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before the High Commissioner immediately on his return from leave in a few days' time. Despite the Government's prohibition, however, which had been publicly announced, a persistent attempt at a demonstration was made in Jerusalem which had to be dispersed by the police, who behaved with great judgment and forbearance. The Arab Executive then announced their intention of holding a similar political demonstration at Jaffa on October 27. On October 25 the High Commissioner received the President and members of the Arab Executive and replied to representations with regard to Jewish immigration. The High Commissioner also informed them that no political procession or demonstration would be allowed in Jaffa, but that members of the Executive would be permitted to proceed to the District Office and there hand a written statement to the District Commissioner for transmission to the High Commissioner. Despite the High Commissioner's prohibition the Arab Executive persisted in holding a demonstration at Jaffa. This took place about midday on October 27 and was followed later by disturbances in Haifa and Nablus. These disturbances were of a serious character and the police were subjected to frequent attacks, including the use of firearms. After endeavours had been made to quell the riots by baton charges, the police were forced, in some cases, to fire before order could be restored.'

The chief lessons which we learned during these riots can now be summarized.

Distance

It is absolutely essential to maintain adequate distance between the baton parties of the police, whether foot or mounted, and the leading ranks of the advancing rioters. Half the moral effect is lost if contact is allowed. In each case, in our experience, where the baton charge was delivered with real success, the mob had not been allowed to advance too close to the police line. This distance also, incidentally, gave much greater emphasis to the order to disperse.

Riot Dispersal Drill

The formation or drill used by the police and found successful in the riots was that the foot baton party advanced first, and having advanced and done their work with the leading ranks of the rioters, swung outwards from the centre to the flank, mopping up such rioters as had pressed to the flank and simultaneously making the way clear for the mounted men to come through, if the foot charge had not been altogether successful.

On no account must any baton party be allowed to penetrate too deep. They must deliver their charge and then re-form. Over-penetration leads to very considerable danger of being cut off and surrounded.

The mounted charge must be delivered, if necessary, very soon after the shock of the foot charge has been felt. The mounted should exploit the disorder created by the foot charge and carry it through to a successful conclusion if possible. Here again, however, the mounted party must not be allowed to penetrate too deeply.

The armed party, held well in reserve, should be under the command of an officer who has not been himself taking part in any of the foregoing operations. This party should be placed well back and on no account should it be allowed to engage itself, except for the purpose for which it is actually required.

Roof Parties

In dealing with riotous mobs in streets that are flanked by high houses, it is essential that parties of police should be posted on the roofs to deal with rioters who throw stones, bottles and other missiles from the roofs on to the heads of the police below. A great number of casualties occurred in the police owing to these roof parties of police being insufficient, and a more generous distribution of roof parties would have been advisable.

Equipment of Police Detachments

Each detachment should be equipped so as to play its separate and designed rôle. Foot police using batons for a foot baton charge should be armed alone with the baton and shield. The mounted man should be armed with the long baton (mounted pattern), and the armed party should be armed with rifles only. However small the scale of these parties is, the danger of having men who are doing baton work with a rifle, either slung or to be guarded, is proved to be very ill-advised.

Batons

The small regulation baton used on ordinary duty proved most ineffective against rioting mobs armed with long and stout staves and iron bars. Pick handles, cut down and given a handle grip, were found to be far more effective in every way.

Steel Helmets

Steel helmets are invaluable. The experiences of this force prove beyond any shadow of doubt that our casualties would have been three-fold if it had not been for this protection. It must be worn with the strap under the chin and with the front brim cocked well over the forehead and eyes.

Knife Rests

Knife rests proved to be invaluable. They enabled certain strong points to be held with a very small party of police, which made more police available for really effective work elsewhere. They were made so that they could be easily transported in an ordinary tender and placed in position at salient points before actual rioting had commenced.

Cameras and Kine Kodaks

Cameras and kine kodaks were of the greatest value. Selected police photographers should be in comparatively safe places, if possible near the area where the rioting is expected or takes place, and should take photographs as quickly as they possibly can. If possible, a half section should perform this duty in order that the man not actually handling the camera or kine kodak may write down the time it was taken and the situation at the moment, for purposes of subsequent proof.

C.I.D. Officers

C.I.D. officers should not, if possible, be with the executive men at all, but should be posted in the safest positions available in houses or places where they can see and identify certain individuals from a comparatively safe position. They should be very careful to write down such names of people they identify, together with the time and with the shortest note as to what the actions of that individual were at the time of identification.

Non-Slipping Boots for Horses

A great number of casualties were caused through horses slipping. On macadam roads the screw cog at the canter proved totally ineffective. The patent shoe takes too long to fit in times of emergency and is too expensive to fit as a standard shoe. We have just invented an over-shoe, on the lines of the lawn-mowing pony shoe, but have made the bottom of felt instead of rubber or leather. This is equally effective on either wet or dry macadam. It affords a very adequate foothold and has not interfered with the pony's action at the walk, trot or canter. It is not necessary, I need hardly say, for police horses to gallop. The value of these boots is that they do not interfere with ordinary shoeing, and

can be put on and taken off in a matter of two or three minutes by anybody. They should be made of one general size for a force which is mounted, as we are, on one type of horse.

Shields

The photograph which appears as the frontispiece in this number will show the shield that has been adopted in this force. It proved invaluable and saved a great number of injuries and certainly two lives. Their benefit cannot be emphasized too strongly in dealing with rioters, such as the Palestine Police had to deal with, who are armed with iron bars, long and heavy staves of wood, broken bottles, large bricks and pieces of rock thrown with considerable force. These shields are, I may say, a local manufacture and cost 1s. 3d. each.

I have reason to believe that a famous Secretary of State once expressed the opinion that he could not understand why it should be considered civilized to kill with the .303 bullet and barbarous to disable temporarily with lachrymatory fumes.

CORRESPONDENCE

CAUTIONARY LETTERS

To the Editor of THE POLICE JOURNAL.

SIR,

Within recent years the practice by the police of sending out cautionary letters for alleged offences has increased to such an extent that it is now necessary to record these cautions in much the same manner as previous convictions. The cautions are usually confined to minor technical offences committed against the motor laws, but it is noticed that there is a growing tendency for offences of a more serious nature to be dealt with in this manner.

The majority of alleged offenders no doubt appreciate escaping with a caution, but occasionally a caution does not receive this appreciation, as was instanced by the case of the person who sued the police for libel when he received such a letter. It is difficult for the police to decide, at times, what line to take. For example, recently a judge commented on the waste of public money in a charge of Bigamy, apparently expecting the police to exercise discretion; and this was a felony. On the other hand, there are many cases settled out of court where an accused has escaped the publicity which might have proved harmful, as in cases of attempted suicide, but whether this is legal is another matter. If it is decided to caution, then let it be for an offence where it is so obvious that there will be no question of dispute, as, for instance, a motor car without proper lights or an expired licence, but where there is a likelihood of the evidence being questioned, as in careless driving, it is the wisest course to avoid sending any letter.

One could scarcely take objection to the form of caution which is usually sent out by the police—if it is considered necessary to send out such letters. Perhaps the last paragraph might be criticized: 'I shall, therefore, feel bound to take the circumstances into account, if you are again reported for an alleged offence.' This seems to infer an offence

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taken for granted as having been proved, or which may or may not be of a similar nature, and if this is so, it does seem unfair that circumstances perhaps of a different nature, and not proved, should be introduced in the case of another breach of the law. Such a course might be interpreted as almost that the prosecution were starting with a prejudiced mind. Even an offender with a previous conviction would receive fairer treatment, as, in most cases, the prosecution is launched without the knowledge of that conviction.

Legally, the letter appears and probably is perfectly correct, but it does seem to remind one in a way of an agreement to put an end to a prosecution. In *Keir v. Leenan* 6 Q.B. 308, it was stated that if the offence was of a public nature, no agreement can be valid that is founded on the consideration of stifling a prosecution for it. Suppose, for the sake of argument, the letter was worded 'provided you undertake not to commit a similar offence again, I will refrain from taking any action on this occasion.' And the accused acknowledged, admitting the offence and agreeing. Or, even if exaggerated to such an extent as to show consensus, consideration and the other essentials of an agreement, the whole affair would be void, but the offence would be stifled by such illegal treatment. And the law on compounding misdemeanours is not as clear as it might be.

Although these letters have received encouragement on all sides, the principle of discretionary power in the hands of officials is a much discussed one and is certainly open to criticism. Whether the 'prevention' of offences includes the 'settling' of offences and what almost amounts to chastising offenders by the police is also a debatable one; therefore the suggestion is put forward that these letters of caution should be abolished. It would be a simple matter to inform the public by a press notice that if an alleged offender was not proceeded against, within a month, probably he would hear nothing further, but if a letter notifying that proceedings would not be taken is sent, then it should be worded so that the spirit of chastisement is eliminated.

K. S. S.

SECTION FIFTEEN, ROAD TRAFFIC ACT

To the Editor of THE POLICE JOURNAL.

SIR,

Mr. George Bernard Shaw in one of his interminable prefaces said that 'Any fool can write a destructive criticism, but when it comes to constructive work—he is just a fool,' which is, of course, all right

for G.B.S. Nevertheless, in criticising a section in an Act which does not answer the purpose for which it was made, one 'destroys' nothing which is of use to anybody:

The section with which this letter is concerned is Section 15 of The Road Traffic Act, 1930, which deals with the driver of a motor vehicle who is under the influence of drink or a drug to such an extent as not to have proper control. (I quote the ambiguous words used in the section.) Severe penalties are imposed in the event of a conviction. Nothing is said, however, about applying tests, what tests should be applied, nor what should constitute the degree of intoxication warranting prosecution.

The question is a vexed one, I agree, and is certainly far from being a new problem. Even as far back as 1908 when the Royal Commission upon the duties of the Metropolitan Police made its report on the way in which the M.P. carried out street duty, the difficulty of defining the word 'Drunk' was realized. In Division 2 of the Report, paragraph 1, page 29, the prominent member of the legal profession at that time who was chairman wrote '... a very large discretion is accordingly given to the magistrate who has to try the case in arriving at a conclusion as to whether he ought or ought not to convict. ... Some of the difficulties under which the police labour in discharging their duties are due to the want of precision in the meaning of the word "Drunk." Drunkenness is obviously a matter of degree and, as the section stands, it gives what is practically freedom to the magistrate to place his own interpretation upon it.'

Hence the avoidance of this dangerous word in Section 15. It would appear from the very wording of the Act that it is intended that any degree of *affectation* by alcohol should prohibit the driving of a car by the person so affected and, if the prosecution can produce evidence to prove that he was so *affected*, no matter in what degree, the offender should be punished and the public protected. But, the matter is still left, even now, to the magistrate to decide.

The question is, why should magistrates differentiate between a man drunk and incapable, or drunk and disorderly, and one who is by his foolish consumption of alcohol rendered unfit to drive a car? The difference in the penalties for the two offences should have no effect on his decision of the case.

In any busy Metropolitan Court you can see ordinary 'drunks' dealt with at the rate of three minutes a case, the magistrate accepting without question the unsupported word of a solitary constable, often in face of strenuous denials by the prisoner. Yet when the same magistrate is trying a case in which the only difference is that defendant was

driving a car instead of walking at the time he was arrested, he is very reluctant to convict, and, even with the testimony of several independent witnesses before him who were of the opinion that the defendant was drunk, he will give the prisoner 'the benefit of the doubt,' although to any reasonably minded person, no doubt exists.

One's intelligence rebels at facts like these. It is surely incongruous that we may go to Court with pedal cyclists caught riding without lights and get convictions almost without exception, yet when a serious case, like that of the drunken driver, is taken there he is allowed to go scot free nearly every time.

It is the custom to leave the decision as to whether an arrested driver is, or is not, under the influence of drink to the Divisional Surgeon, the prisoner having the benefit of the services of any other doctor he likes to call.

A case was recently tried in which several policemen had concluded that the driver concerned was drunk, their Divisional Surgeon had arrived at the same decision, and, in addition, the doctor called by the prisoner had agreed with his confrère. Still, the case was dismissed, the learned Judge even going so far as to rebuke the doctor called by the prisoner for appearing at Court to give evidence against him after having been paid by him. He declared that when a doctor is sent for to examine a man in his own interest, he has no right to tell anybody his opinion until he comes into a Court of Law.

This almost suggests that because the prisoner calls *and pays* a doctor to examine him, the fact of his making the payment should forbid the doctor from arriving at the decision that he is drunk, or if he should be compelled to arrive at such a decision he should keep his knowledge of the prisoner's guilt to himself in order that the police should not be assisted in their efforts to secure his just punishment.

Suppose that under these conditions a doctor examined the person calling him, diagnosed him in his mind as drunk, keeping his diagnosis to himself a secret, what is to prevent the patient, by bribery, causing him to reverse his decision, especially when nobody but himself knows of his original secret diagnosis?

In my own experience there was a case wherein a doctor, called by a prisoner, concurred with the Divisional Surgeon that the prisoner was suffering from the effects of drink. Yet later at Sessions he was a most able witness for the defence. He explained that although he had diagnosed the defendant as suffering from the effects of drink at the time he was examined at the police station, all he had meant to convey was that the man had a smell of alcohol about him, which could result from the consumption of a single glass of beer, and was perfectly able to

drive a car. This testimony the searching cross-examination of one of the best Counsel at the Bar was unable to shake. Result, acquittal.

By citing this incident my object is to show how a doctor can demolish his own diagnosis, as well as that of a fellow doctor, when giving evidence. What would be the effect of a secret diagnosis?

We in England pride ourselves on the impartiality of the justice administered by our Courts, but is justice strictly impartial if the prosecution, any more than the defence, is always regarded with suspicion and an acquittal given on the thinnest of excuses?

I repeat that the fault lies in a major part with the fact that a 'Coach and four may be driven through British Acts of Parliament.'

To my mind there is but one way in which to combat the increasing acquittals for this offence, and that a drastic one which would, no doubt, raise a howl of protest from a certain section of the daily press. Briefly, it is to make it law that no person may drive who has been drinking at all.

There would be instructions to the police that they would use discretion and 'place a liberal interpretation' on the act, together with an explanation that the object of it is to strike at the persons who, through lack of self-control, or over confidence in their powers of resistance to alcohol, take drink, knowing that there is driving to be done and thereby risking the safety of others.

This measure, I believe, would be welcomed by a large majority of drivers who are, speaking generally, a most considerate and chivalrous body, more eager than anyone else to stop the activities of the drunken driver. They would be ready to sacrifice their own liberty of action for the common good.

As a driver of many years' experience and one who is not an abstainer, it has always been my rule to avoid 'a drink' as I would the plague, when there is driving to be done. So the fact of a law forbidding the mixing of driving and drinking, which, like oil and water, will not mix, would have no effect at all on my usual conduct.

To thousands of others also this is already a hard and fast rule never to be broken, and the amendment to the law would appeal to such as pure common sense.

Some day, the man in the street will realize the extreme difficulties that the police have to contend with when dealing with the worst of road hogs; then there will be a great public outcry and another set of politicians will again amend the law. These will be well advised to be more careful to make a law that is legally and verbally watertight.

RICHARD THORNTON, P.C.

Hayes Station,
'X' Division.

SOME REFLECTIONS ON MOTOR ACCIDENTS

To the Editor of THE POLICE JOURNAL.

SIR,

Owing to the enormous increase in the number of motor accidents, with, in many cases, fatal results, it behoves all concerned to settle down to some serious thinking. It seems to me that accidents require far more consideration from a psychological point of view and for this purpose might be classed as under:

- (i) Accident due to alleged negligence.
- (ii) " " " drunkenness.

Of course there are a large number of accidents in both these classes which are perfectly straightforward and present no difficulties either medically or psychologically. But a far larger number, more simple in the face of them, appear to be the reverse. Yet from the accounts one reads in daily newspapers they are mostly dealt with in the same way, without any ostensible effort being made to get to the root cause of the accident. I am not endeavouring to attach blame to anyone: I am merely saying that, from what I read and from my own experience, enough, what we call, imagination is not exercised in many cases.

The speed of motor traffic has increased almost insensibly in the last ten years. In the same way, when driving a car for, say, an hour, one is unconscious of the difference in the speed at which one is travelling relative to that at which one was moving 20 minutes before. For instance, if one is travelling at 40 miles an hour and in the course of 20 minutes gradually increases one's speed to 50 miles an hour and then continues to travel at this speed for some minutes, one is hardly conscious of the increased pace at which one is now moving. Again, if at the end of 15 minutes at 50 miles an hour, one slows down to 30 miles an hour, one appears to be crawling. One *is* crawling relatively to the former speed of 50 miles an hour; but, relatively to a stationary object, one is still travelling fast, although one is not conscious of it. And I think it is this insensibility to one's speed relative to a stationary position which is responsible for so many accidents in Class (i).

It is therefore necessary in some way to remove or counteract this insensibility to variation of speed. Doubtless future generations will be born without this defect, but it is clear that in the meantime something must be done. A partial solution would be found, perhaps, if motoring associations made appeals to all drivers to form a habit of having a reliable speedometer and keeping an eye on their speedometers

the *whole time* they are driving. It is not difficult, and personally I am certain it has increased my own 'safety factor' enormously.

With regard to Class (ii). I am not a medical man but it is common knowledge that alcohol affects different people in different ways. Apart from this fact, however, or rather behind it, there is a large field for inquiry and it seems that we must go deeper into this case. If a person has an accident and his breath betrays the fact that he has taken alcohol, he (or she) is put through a 'test' described as 'usual.' My own impressions of these tests are that they are somewhat mechanical and formal and designed to discover to what extent alcohol has affected that person, by the signs he displays *during the test*—not to what extent alcohol had affected him (or her) just *prior to the accident*. Now what about the psychological effect of the accident on that particular person or, still more, of the death of someone near and dear in that accident, on that same person? What is the mental effect of the alcohol on that person as a result of the accident, especially if combined with shock effects? Take an extreme case—a man takes a small quantity of alcohol, which in the ordinary way would not affect him, and, while driving with his wife afterwards, has a serious accident, through some unforeseen circumstance, such as a blinding searchlight round a bend, in which he is very badly shaken and his wife is killed. What might be the evidence on the results of the 'usual tests'?

There was a very interesting letter in *The Times* of 17th February 1934 by 'Hypnos' who says that he fell asleep at the wheel of a saloon car as a result of fumes from the engine and had a bad accident. If 'Hypnos' had had some alcohol before he met with the accident he might quite possibly have been run in for being drunk while driving his car!

I am not trying to 'get at' anyone but merely trying to look at accidents from another angle.

INDIAN POLICEMAN.

THE TRAINING OF A POLICE CONSTABLE

To the Editor of THE POLICE JOURNAL.

SIR,

Almost every day some Act or Order comes into force which increases the work of the police. When one studies what a constable must know in order to carry out his duties in a proper and efficient manner one is amazed at the complexity of his work. We hear a lot of talk about the superior education of our younger men, but in my opinion it is little better than that of the young man of twenty years

ago. There may be some outstanding cases but on the average there is little to choose.

I am strongly of the opinion that a constable does not get an efficient training during the first years of his service.

When a man joins the police force he is generally sent to a police school, often in some distant city because one does not exist in the force which he has joined. There for a few weeks he gets an intensive training in matters which are usually entirely new to him. After this he returns to his force and is accepted as a trained policeman. Once there he is usually sent out to learn the beats with another constable, and a week or two later he will be working alone. Can it really be said that that man is a trained policeman who is fit to work a beat alone? I say he is not, and it is neither fair to him nor the ratepayers that this should be allowed.

In some forces probationers are given a certain amount of training after finishing their school days, and sometimes at the end of a certain period they are given an examination to see if they are taking an interest in their work. In other forces they get little or no help at all and it depends entirely on a man's initiative as to whether he becomes a worker or a drone.

I would suggest that when a probationer has finished his school days he should be sent out to learn to work a beat with men specially chosen for the purpose: men who will teach the probationer all they know. When I say 'learn to work a beat' I do not mean just learn the route to be followed in the case of time beats, or the area to be patrolled in the case of discretionally worked beats: but how to work a beat as an efficient and well trained policeman; how to maintain law and order; how to look after property; what to do in cases of fire; breakings in; accidents; rowdyism and a thousand other things. By working with an experienced man the probationer will be taught how to deal with these matters and will gain confidence in himself. I do not say he must model himself on the other constable, but he will see how to deal with matters of everyday occurrence. Thus, when he starts to work alone, he will have some definite method to work upon, and if he is keen he will probably be able to improve on these methods. This training should be augmented by lectures in the evenings, so that the probationer will learn both the practical and theoretical side of his work at the same time. Discussion should be invited on points which may have arisen during the time the probationer has been working the beat.

The experienced constable should point out to the probationer such persons as he requires to know, such as convicted persons, reputed

thieves, prostitutes, street bookmakers and other suspected persons. I would suggest that when such persons are seen by the constable when working the beat, he should later in the day, if it is possible, be shown photographs of these persons and be told something of their antecedents and habits. If a constable is to do his duty properly he must know these persons by sight.

Everything possible should be done to teach the probationer his duties during the first few months of his service. The methods he adopts then will probably cling to him during his service, so it is essential he should be taught to do things in an efficient manner from the very beginning. After two or three months of such training a probationer should be ready to work a beat alone, but it must be remembered that he is not a trained man and must be given every assistance by his superior officers. A word of praise or encouragement will often cause a man to try the harder to deserve further encouragement.

At the end of about twelve months the probationer should be examined to see if he is really taking an interest in his work. The fact that such examinations are held is an inducement to him to continue his studies.

I would suggest that after twelve months on the beat as a uniform constable the probationer should be attached to the Detective Department, so that he may get some idea of the work of the detectives. At the same time he will learn about the local thieves and their associates. This training is very valuable, as it will show him how very easily a constable on the beat can destroy evidence, if he is not very careful, when he is called to the scene of a crime or suspected crime. He will also be taught what steps he can take whilst awaiting the arrival of the detectives or his superior officer.

Lastly, I would suggest that every two years the constable attend refresher courses where he would receive lectures from the senior officers of the force on those subjects with which it is his duty to deal. I am sure such courses help a man and keep him interested in his work.

Stoke-on-Trent.

‘Toc.’

THE POLICE AND THE COURTS

To the Editor of THE POLICE JOURNAL.

SIR,

I was interested in the opinions expounded in your article ‘The Police and Law’ in the April issue of *The Police Journal* regarding Statements.

CORRESPONDENCE

It brought to my mind an incident which occurred at one of our petty Sessional Courts recently.

A sergeant was conducting the prosecution of a man for indecent assault on a young girl and was examining the mother of the girl, who was the first witness, from the statement she had given the police, following the usual procedure in our Courts, which was on the file together with the other statements, etc.

When the examination was finished the solicitor defending rose to cross-examine and immediately asked the woman if she had supplied a statement to the police. She replied, ‘Yes,’ whereupon the solicitor asked the sergeant for it. The sergeant naturally refused and appealed to the Clerk of the Court for his ruling, and was dumbfounded when he was told to hand it over to the solicitor who cross-examined the witness on the statement she had made to the police.

It so happened that the police lost the case owing, in part, to the statement passing into the hands of the defence. But that is by the way; what I am anxious to have your ruling on is this:

Was the Clerk right in ordering that statement to be handed over, and if so where might I find that ruling?

Yours faithfully,

DETECTIVE CONSTABLE.

Exeter.

THE VICTIM IN BLACKMAIL TRIALS

To the Editor of THE POLICE JOURNAL.

SIR,

In one of the paragraphs in ‘Notes on Recent Crime’ in the last issue of *The Police Journal*, reference is made to a growing tendency in blackmail trials to allow the truth or otherwise of the blackmailer’s charges to be inquired into.

In this connexion it is interesting to note that in a recent case of defamatory libel in which there was no plea of justification, the conviction of a man who admitted having written the defamatory letters was quashed in the Court of Criminal Appeal because, at the Central Criminal Court, the Judge, after the case for the defence was closed, himself called a number of witnesses and put to them a number of questions which went to show that the allegations in the libel were false.

The Lord Chief Justice said that the questions which were asked might well have created the impression that the real issue was whether the words complained of in the letters were true or not.

'That,' he said, 'was not the issue at all and it being impossible to say that if this evidence had not been admitted the result would inevitably have been the same, the conviction was quashed.'

The case is that of MacMahon (*Twenty-four Criminal Appeal Cases*, page 95).

READER.

EXAMINATIONS FOR PROMOTION

To the Editor of THE POLICE JOURNAL.

SIR,

In the April issue of *The Police Journal*, Sergeant Cook dealt, *inter alia*, with the desirability of police examination papers being set by a Central Examination Board. He also advocated a high standard of examination in order that only the best candidates be selected for promotion, even going so far as to suggest that promotion should be by further competitive examinations amongst those candidates who had already passed the standard examination.

Although I am not in agreement with Sergeant Cook in some of his suggestions, I do agree that all is not well in our police examinations. Sergeant Cook's idea is, so far as I understand him, to intensify the subjects—the same subjects of examination which he published in his article. But I suggest that the subjects which comprise the present examinations are not all relevant to the profession of a police officer.

Lieutenant-Colonel Allan, H.M. Inspector of Constabulary, struck the right note when he stated, in his report for the year 1933, 'would it not be better to allow a constable in his first few years of service to qualify in educational subjects?'

At the present time it is common for a man to be studying or keeping in touch with arithmetic, general knowledge and geography until he has served upwards of fifteen years, in the hope of being allowed to sit for a promotion examination. Some may argue that this is all to the man's good, and that, as the standard of education improves, there will be less time devoted to the study of educational subjects, but it is almost certain that these may be made more difficult, and thus equally as much time may have to be devoted to their study.

The time that a police officer has at his disposal for study is so limited these days that what time he has for this purpose should be applied to matters of benefit to himself and to his profession. The study of things irrelevant must be avoided.

Lt.-Col. Allan advocates the finishing off of the educational subjects in the constable's first few years, but a more drastic step would be the elimination of these (including the Principles of Local Government) from the syllabus. Educational subjects should be taken in a general entrance examination.

The legal side of a police officer's studies, at the present time, is mostly confined to the study of criminal law and procedure. My experience has taught me that more time should be devoted to other branches of the law. It is scarcely necessary to point out that a modern police officer's knowledge is not complete without an all round knowledge of the elements of general law. He is dealing every day with such torts as negligence, trespass, conversion, malicious prosecution and libel; and the criminal law is almost inseparable from some of these. In a lesser degree the study of commercial law is important for a police officer. Surely it is far better to have a knowledge of Breach of Contract than to be able to answer some remote rule of procedure in local government. To read intelligently certain sections of the Road Traffic Act or the Moneylenders' Acts, for example, one must possess a knowledge of the law of contracts.

It is not surprising that men, thirty to forty years of age, who are called upon to study absurd questions on general knowledge, find the studies irksome. I am convinced that much valuable time is lost in the study, for example, of arithmetical problems or questions on geography. If a police officer were compelled to read law and answer legal questions he would apply himself with keener energy.

The danger, as already pointed out, is that these educational subjects will be enlarged upon; mathematics may be substituted for arithmetic, and it is possible that languages may be included, whilst it is impossible to say where that absurd quantity which is termed general knowledge, will end.

It is desired by all of us to make our work a profession, therefore the first step is to make the examination a professional examination, and an examination is only a professional one when it embraces the subjects of that profession. One could compare the suggested entrance examination with the preliminary examination of any professional examination, whilst the sergeants' and inspectors' examinations with the intermediate and final. The educational portion in the intermediate and final to be eliminated and substituted by legal subjects.

If the change were made, the hours of study would certainly be increased—that is inevitable and applies to any profession nowadays, but the study would be diverted into the proper channel.

The root of the trouble is the allowing into the police service of

recruits who are not educationally fitted, and so long as this is permitted, so long shall we be floundering about with examinations that provide any intelligent schoolboy with 50 per cent. of subjects he could pass with ease.

A. C. WATSON,
Chief Inspector, Bootle Police.

[In the article 'Examinations for Promotion,' which appeared on page 232 of the last (April) issue, the statement is made that a Sergeant shall not be eligible for promotion to the rank of Inspector unless he has completed 'one year' in the rank of Sergeant.

This should read 'two years.' EDITOR.]

Police Forces Overseas

A FAMOUS INDIAN MURDER CASE

THE DELHI TRUNK CRIME

By E. M. ROGERS, Indian Police, C.I.D. Allahabad

ON 2nd October 1924 the down Punjab Mail, *en route* from Kalka to Howrah (Calcutta), arrived at Moghul Sarai, a big junction in the United Provinces, at 4.55 p.m., one hour and a quarter late. Three passengers entered an empty intermediate class compartment, and saw a large galvanized steel trunk lying between the seats. They informed the railway staff at Moghul Sarai, and at the next stop, as no one came to claim the trunk, they told the guard. As the train was late, however, no action was taken until arrival at Howrah early the following morning. Here the trunk was opened in the presence of the Railway Police, and was found to contain the naked corpse of a man, the neck and knees being tied together with a torn piece of a *dhoti* (lower garment), and the face being covered with a piece of *kurta* (upper garment). The throat was cut almost from ear to ear, and there was a stab wound in the pit of the stomach, besides several other incised wounds of minor importance. The body was in a highly decomposed condition.

An inquest was held, the corpse and the trunk were photographed, and the finger impressions of the dead man were taken. The body was then sent for post-mortem examination, which was held at 4 p.m. the same day. The doctor stated in the post-mortem report that death was due to haemorrhage and shock from the effects of the injuries detailed, which were most probably homicidal and caused by a sharp weapon. He was of opinion that death had occurred more than thirty-six hours before post-mortem examination, and also declared that the deceased had taken food within four hours of his death, as semi-digested food was present in the stomach. The food was stated to be vegetarian.

The trunk was carefully examined. It was of galvanized steel, measuring 36" x 18" x 15", and after the fashion of Indian-made steel trunks, it was fastened by a hasp and a padlock in addition to the body lock. The padlock was an ordinary one of 'Miller' make. The body lock bore the inscription 'Mukhtar Ahmad, Benares.' Neither the name of the manufacturer of the trunk, nor the name of the place where it was made, was visible anywhere. The trunk was tested for finger-prints, and photographs were taken of three found.

The piece of *dhoti*, with which the body was tied, had a mark '↑' made with black thread at one end, and had a black border.

Investigation was started by the Government Railway Police, Howrah.

Inquiries were made at all the mail-stopping stations, commencing at Moghul Sarai, where the trunk was first seen, and working up towards the Punjab. Neither the railway staffs nor coolies (baggage carriers) at any of the stations could give any information. Mukhtar Ahmad, the lock manufacturer at Benares, was interrogated, but he stated that he made only locks and not trunks, and that his locks mostly sold locally; he did, however, supply four merchants in Delhi, whose names he gave. Inquiries were made in Delhi, with the help of the Delhi Police, and the trunk was shown to the merchants named by Mukhtar Ahmad, and to several other trunk-dealers, but none owned to its manufacture. The photo of the deceased was shown to many, but no one was able to identify it. Inquiries were also made in the towns of Allahabad, Cawnpore, Agra, Aligarh, Bulandshahr, Muttra and others in the United Provinces and the Punjab, without success.

At Bulandshahr, however, the Howrah Railway Police learned that a widow had reported on 12th October to the local district police, that one, Ram Sarup, with whom she had been living for about five months, had disappeared some time before, and she suspected that he had been murdered. She was unable to identify the photograph of the corpse, but the description she gave of Ram Sarup tallied with that of the murdered man, and a clue was scented. As Bulandshahr lay in the United Provinces, the U.P. C.I.D. was approached to take over the case, which was accordingly done. This was on 24th October, 1924.

At this point, therefore, Inspector Govind Behari Lal of the U.P. C.I.D. enters the story. The only line of inquiry apparently open was the Bulandshahr clue. Inspector Govind Behari Lal, however, proceeded to cover the ground again from the beginning. He made a fresh examination of the trunk and the clothes found with the corpse, a careful perusal of the Railway Police diaries and the post-mortem report, and a study of the timings of the down Punjab Mail, after which he made the following observations:

1. As the Howrah Police were not able to discover anything from the railway staffs or coolies, it was most probable that the trunk had been placed in the compartment by the murderers themselves, and at night. It would have needed at least two persons to carry the box, hence the presumption of the plural.

2. The murderers would almost certainly not have taken the risk of placing the box in the compartment without purchasing a ticket. Intermediate class tickets on mail trains are not issued for less than 200 miles. It was probable therefore that they had purchased a ticket or tickets for a destination distant 200 miles or more, but would not have been so foolish as to travel so far as that, and must have got down at some intervening station, in which case the ticket or tickets they had purchased would not have been collected at the destination. The railway authorities were therefore asked to state the number of intermediate class tickets issued and collected between Kalka and Moghul Sarai on the down Punjab Mail which left Kalka on the evening of 1st October.

3. In order further to fix the probable locality of the murder, the *maximum* time that could have elapsed between death and post-mortem examination was required to be known. This was inquired from the doctor concerned.

4. Very little blood was found in the trunk when the body was taken out, and no blood came out while the trunk was in the compartment. This

led to the conclusion that the body was placed in the trunk some little time after the murder, when blood had practically ceased to flow.

5. The doctor did not report any fracture of the bones, and as the body was found in a doubled-up position, the deduction was that it was placed in the trunk before it was stiff, and therefore not very long after the murder.

6. From the report of the doctor that the food found in the stomach of the deceased was vegetarian, the inspector concluded that he was most probably a Hindu, not a Mohammedan. The statement of the doctor that the deceased was murdered within four hours of his meal showed that the murder was committed either in the afternoon, or in the early part of the night, as Hindus generally take their food between 10 a.m. and 12 noon, and between 5.30 and 8 p.m.

Taking into account the timings of the mail, and the report of the doctor that death took place more than thirty-six hours before the post-mortem examination (*i.e.* before 4 a.m. on 2nd October), and presuming that the trunk was placed in the train during the night, the conclusion was reached that the trunk was placed in the train between 7.35 p.m. and 4 a.m. somewhere between Kalka and Hathras.

7. A minute examination of the piece of *kurta* with which the face of the corpse had been covered, showed that it was not a piece of a *kurta*, but a piece of a shirt, rather old, but of a fashionable cut and good quality. It

had also a mark $\frac{7}{M}$ in ink near the collar. No cut marks were found on this piece of shirt, where there would have been had deceased been wearing it at the time of the murder, and the probability therefore was that it did not belong to the deceased, but to one of the murderers.

8. The piece of *dhoti* with which the body was tied was not much soaked in blood. Had the deceased been wearing this garment at the time of the murder, it would have been absolutely soaked in blood from the gaping wounds in the throat and stomach and the numerous other cuts on the body. It was more probable that the *dhoti* also belonged to one of the murderers.

9. From the photograph and details given in the doctor's report, it appeared that the deceased had his hair cut in English fashion. This gave an important clue to the social status of the deceased, showing that he was probably of the middle or upper class, as Indians of the lower classes, with few exceptions, keep their hair in Indian style.

Allahabad, the Inspector's headquarters, was also a place where trunk manufacture was carried on on a considerable scale. He showed the trunk to several makers, who were of opinion that the trunk was made in Delhi, because it bore both horizontal and vertical lines on the lid such as Delhi-made trunks had; Allahabad trunks would have either horizontal or vertical lines, but not both.

The inspector then left for Bulandshahr and made inquiries there, as well as at Agra and Aligarh, about the missing Ram Sarup. It will be sufficient for the purpose of this narrative to say that for various reasons he became convinced that the dead body was not that of Ram Sarup. At Agra and Aligarh he was further confirmed in the view that the trunk was made in Delhi, by the opinions of Agra and Aligarh trunk-makers who stated that they themselves always used locks made at Aligarh (famous for locks), and not locks made in Benares, and that the trunk was probably a Delhi-made one.

At these, and other towns which he visited, he showed the marks on

the *dhoti* and the shirt to many *dhobis* (washermen). At Aligarh he was fortunate enough to meet an old *dhobi* who had formerly lived and worked in Delhi, and this man told him that the mark on the *dhoti* was undoubtedly that of a Delhi *dhobi*, as marks by *dhobis* of Delhi were made of thread taken from the borders of *dhotis* and were very lightly woven; just as was the mark on the *dhoti* in question.

All the information he had gathered, and the observations he had made up to this time, led him to Delhi. As the Delhi and Howrah police had already shown the trunk to many makers and had failed even to elicit the fact that it was manufactured in Delhi, he decided not to show the trunk at all. Instead he walked the city for three days, visiting every shop where trunks were sold, until finally he was rewarded by seeing a similar trunk in one shop. He effected its purchase, and obtained a receipt. Later, he had the shopkeeper called to the local police station, and the man was asked whether the new trunk was purchased at his shop. He admitted it, and said that it was made in his workshop. He further stated, on being questioned, that some trunks of this design had recently been made at his shop, but had not yet been sold to outside dealers. At this juncture, the trunk in which the corpse was found was brought in, and he had to admit that it was made in his workshop. On consulting his books, he stated that one such trunk was sold on 29th September, and another on 1st October. Unfortunately no record existed of the purchasers. One of the servants of the shopkeeper remembered one of the buyers whom he knew by sight, but not by name. With some difficulty this man was traced, but careful inquiry brought nothing suspicious to light, and the clue was put aside. In the meantime the inspector was also making inquiries among the washermen of Delhi, who numbered about four thousand, and had by this time shown the photograph of the deceased to hundreds of persons, without avail.

This, however, was where that indispensable officer, 'Sergeant Chance,' took a hand. On 6th December, while Inspector Govind Behari Lal was discussing the case with some of the officers of the Delhi C.I.D., a certain head constable happened to mention casually that one of his friends had been away since the recent floods of the river Jumna. It had so happened, and Inspector Govind Behari Lal remembered it, that the down Punjab Mail on 1st October was the last train to leave Delhi by the direct route, as the floods thereafter breached the railway line, and trains were diverted. Struck by this point, the inspector questioned the head constable regarding the description of his friend, whose name was Udey Chand, and found that the description given bore a marked similarity to that of the corpse. He now concentrated upon this new clue. By careful inquiry he learnt that Udey Chand was a goldsmith and very skilled in his art, but he was also a man of notoriously loose character, and fond of wearing a lot of jewellery. It was established that he left his house after taking his evening meal on 1st October, and had not since returned. His mother and other relations were under the impression that he had gone to Amritsar, and expected him back any day. They could not identify the photograph of the corpse with certainty, but stated that it resembled Udey Chand strongly.

There followed lengthy investigation in Delhi and Amritsar regarding Udey Chand's supposed journey to, and presence in the latter place. It was found that a friend of the family had told Udey Chand's mother, in order to console her, that her son had gone to Amritsar, but he had no foundation

for this statement. She had sent, first a relation and then a customer, to Amritsar, and one verified that a goldsmith of Delhi had recently been to Amritsar, while the other said that he was told by an Amritsar goldsmith that Udey Chand had been there twenty days before. It was finally established after lengthy inquiries that all this information was second or third hand, and no one could be found who had ever seen Udey Chand at Amritsar, or anywhere else, after his disappearance. The Delhi goldsmith who had been to Amritsar was traced, and found to have no connexion with the matter.

The remarkable coincidence of the date and time of Udey Chand's disappearance (*i.e.* after the evening meal on 1st October) with the date and time of the murder as fixed by the post-mortem examination, coupled with the similarity of the photograph, convinced Inspector Govind Behari Lal that Udey Chand was the murdered man, and the probability was that the dead body in the trunk had been put in the train at Delhi on the night of 1st October.

It may be remarked here that an attempt was made to find out whether any document existed bearing the thumb impression of Udey Chand, which could be compared with the impressions taken from the corpse. Such a document, a lease formerly executed by Udey Chand, was ultimately discovered, and it proved the identity; but, in the meantime, further events anticipated this.

Motive for the murder was the next point to be considered. Since Udey Chand had jewellery on his person, it was possible that he had been waylaid and murdered for the sake of the jewellery, but this theory was at once dismissed on remembering that the dead body was found packed in a trunk in a train, which was a proceeding unnecessary for a chance robber. This method of disposal of the corpse was obviously chosen in order to draw attention away from Delhi, and argued that the murderers feared suspicion and discovery. Inspector Govind Behari Lal therefore came to the conclusion that, whatever the motive for the murder, be it jewellery, woman, or anything else, it was most probably the work of either the dead man's relatives or associates.

Inquiry soon established that Udey Chand was on good terms with all his family members, and that none bore any ill-will towards him. Inspector Govind Behari Lal therefore commenced to trace his associates and acquaintances, the places he was wont to visit, the women he used to see, the persons who came to see him, and particularly the persons with whom he was seen on the day of his disappearance. He discovered (1) That Udey Chand and two other men had rented a house in Delhi city whither they took women of ill-repute. (2) That Udey Chand frequently visited a young woman named Kalawati who was the mistress of one Shankar Lal; the latter knew of this, and was jealous of Udey Chand. (3) That one Janeshwar, said to be his associate, had been to Udey Chand's shop about noon on 1st October, and finding him temporarily absent, had left a message saying that a certain man had come, and was putting up in Janeshwar's house, and wanted to see him. (4) That the missing man was seen on or about the date of his disappearance, leaving the Lady Hardinge Public Hospital in a carriage, in the company of two women.

These items were closely examined. It was found that the two women referred to in No. 4 left Delhi one day before Udey Chand's disappearance, and had no connexion with the case. The house mentioned in No. 1 was

searched, and the clothing of the two men mentioned scrutinised for laundry marks; nothing incriminating was found. The woman Kalawati and Shankar Lal were checked up, but here again the inspector drew a blank. Janeshwar, however, when questioned, aroused the inspector's suspicions. He foolishly denied having been to Udey Chand's shop on 1st October. Later he admitted that he had been there, and had left the message already mentioned. He appeared to be a clever fellow, and a hasty house search was therefore not deemed advisable, as, if nothing were found immediately, he might be placed on the alert, and all chance of further detection would be lost. Inspector Govind Behari Lal's fertile brain evolved the plan of persuading one of Janeshwar's acquaintances to visit the latter at his house, and there try to make him talk under the influence of drink, and also to observe, if possible, the laundry-marks on his clothes. If the friend could not accomplish either, he was instructed to spill drink over his own clothes, and ask Janeshwar for a change of shirt, which he was to bring to the inspector. The plan worked. The friend could not get Janeshwar to talk, but he induced him to lend a shirt, and on examination, to the great satisfaction of Inspector Govind Behari Lal, the laundry-mark was found to tally exactly with the mark on the piece of *dhoti* found with the corpse.

With the aid of the Delhi Police, the house of Janeshwar was searched in the presence of witnesses. Several articles of clothing bearing the same laundry-mark were taken into possession. A carpet of one room was found to have several marks on the under side, which appeared to be of blood, and to have been washed. Other marks of blood were found on the walls and floor of the same room. The room of Ram Prasad, the servant of Janeshwar, was also searched, and among his belongings was found a pair of pants on which there was a mark similar to that on the piece of shirt found with the corpse. Ram Prasad stated that he had only been in Janeshwar's service for a month, knew nothing about the murder, and had been given the pants by one Inayat Ullah, a friend of Janeshwar, who used to occupy the same room. The house was locked and sealed, and placed under guard, and Janeshwar and Ram Prasad were arrested. The house of Inayat Ullah was next visited. He was shown the pants, and denied their ownership, and having given them to Ram Prasad. The house was searched, and more clothes bearing the same marks as the pants were found and taken into possession. Inayat Ullah was placed under arrest.

This was on 13th December. Janeshwar made a statement, in the course of which he stated that one Munni Lal of Amritsar, together with a friend and Udey Chand, had quarrelled over the woman Kalawati, and Munni Lal had stabbed Udey Chand with the help of his friend. Munni Lal had then gone out, bought a trunk, placed the body in it, and taken it off to the railway station. The story was palpably false, but had to be checked, and the next three days were spent in doing so at Amritsar. Careful inquiry proved that Munni Lal had nothing to do with the murder. On Inspector Govind Behari Lal's return to Delhi on 16th December, 1924, Inayat Ullah made a full confession. It appeared that he and Janeshwar had invited Udey Chand to Janeshwar's house on the pretext of meeting a woman, and had there murdered him for his jewellery. He described the murder, the purchase of the trunk, and the taking of the body in the trunk to the station. There Janeshwar had purchased an intermediate class ticket to Cawnpore, while Inayat Ullah bought a platform ticket. They

travelled in the mail as far as Ghaziabad, where they got out, and caught the 3 a.m. train back to Delhi, leaving the trunk in the mail train. They sold part of the jewellery, and melted down the rest. Inayat Ullah pointed out all the places and persons concerned, before witnesses, and his statement was confirmed in every detail. Various articles belonging to the deceased were recovered and identified by his relations. On being further questioned, Janeshwar also admitted his guilt. Both men were prosecuted for murder and on 1st July 1925 they were sentenced to death by the Sessions Judge, Delhi. This was confirmed by the High Court of Judicature of the Punjab, and the appeals of the men were rejected. Both were hanged.

Inspector Govind Behari Lal earned well-merited praise from the Sessions Judge in his judgment, for an intelligent and painstaking investigation.

REVIEWS

CRIMINAL INVESTIGATION. BY DR. HANS GROSS, adapted by John & J. Collyer Adam, and edited by Norman Kendal, C.B.E. Third Edition 1934. (Sweet and Maxwell.) 21s.

PROFESSOR HANS GROSS of Prague in his monumental work on criminal investigation rendered invaluable assistance to the police service by clearly indicating how science can be applied in the detection of crime. The importance of his work cannot be exaggerated and it is recognized as an indispensable work of reference by those who are interested in the scientific principles applicable in dealing with criminal problems. We therefore welcome the appearance of the third edition which has been carefully edited by Mr. Norman Kendal, Assistant Commissioner, C.I.D., Metropolitan Police, who, with the assistance of several well-known experts, has brought the book up to date.

The work is designed to be a working handbook for all engaged or interested in criminal investigation; to show how crime is to be investigated and to be a book of 'first aid' to the detective to enable him to gain that assistance from specialists which otherwise might not be obtainable. So wrote Mr. J. Collyer Adam in his introduction to the second edition in 1924, and so the book remains to-day, but to a much greater extent.

From a book of this type, dealing with many subjects each worthy of a separate treatise, it would be possible to select a few particular subjects and treat them either supplementarily or critically, but such method of treatment would not be useful to the readers of this *Journal*.

The reader of a review naturally wishes to ascertain what the book is about and whether it is worth his while to read it. The answer to the second question is definitely in the affirmative and the following synopsis briefly indicates the wide range of useful and interesting information contained in the work.

Part I deals with matters of a general nature.

The first chapter contains pertinent remarks on the duties, qualifications and procedure in work of the officer engaged in the investigation of crime and lays stress on the necessity for absolute exactness and accuracy of work. Then forty-eight pages follow, devoted to the considerations necessary in the examination of witnesses, mentioning the necessity for questioning freely and recording every reply and for paying attention to small details.

Chapter 3 tells what should be done at the scene of a crime; how the place should be described; how search must be made for hidden objects; and the investigating officer is reminded that 'only too often he must seek the strongest proof in the smallest details.'

REVIEWS

Articles useful as equipment for the investigating officer are mentioned in Chapter 4, which concludes with details of the case of equipment used in an English police force.

Chapter 5, in nearly a hundred pages, shows the part the expert can play as 'the most important auxiliary of the investigating officer.'

The usefulness of the medical jurisprudent is amply illustrated, especially in cases of mental affection. The part the microscopist can take in the examination of blood traces, stains, hair, handwriting, cloth, etc., weapons and tools, dust and mud is exemplified. 'By a microscopic examination little or nothing is lost. It costs little, can be quickly performed and perhaps a decision can be arrived at. Even if the microscope gives no sure information, one can always have recourse to chemical examination.' The chemical analyst and the experts in physics, mineralogy, zoology, botany and firearms are dealt with. Handwriting is discussed in twelve pages. The importance of photography from a judicial point of view is pointed out and the recommendations as to the photographing of wounds, footprints, fingerprints and the position of a dead person will appeal to detectives. The author advises that it would be best to adopt a uniform size of reduction (probably one-seventh) for all photographs of persons made for the use of justice and for the police.

The section relating to fingerprints has been brought up to date and is illustrated by four plates. Detectives are recommended to study the two pamphlets issued by the Stationery Office, *Instruction in the Method of Taking Finger Prints* and *Finger Print Clues*.

The last chapter (6) of this part contains some sensible comments on the sphere of the public press in publishing particulars of crimes.

The author points out that information about a crime should not be published unless it is believed that the publication will further the ends of justice.

Part II, of less than 100 pages, deals with knowledge special to the investigating officer which he may gather concerning the practices of criminals, their slang, the habits and customs of wandering tribes, superstition, and the construction and use of weapons.

Chapter 7 deals with smart tricks and dodges employed by rogues and criminals. Methods of disguise of the face are given, and the *portrait parlé* (speaking likeness) method of Bertillon is described. Means by which the identity of an individual who has given a false name may be established are illustrated. Pretended illnesses and pains are described, as also the means by which the shammer can be circumvented. The signs and signals by which criminals may communicate with each other are mentioned in an interesting manner, including the use and detection of the use of invisible inks.

A considerable amount of interesting information regarding gipsies and other wandering tribes is given in Chapter 9, and in Chapter 10 the author deals with the effect of superstition upon the criminal classes, treating of fortune-telling, cards, dreams, palmistry and other forms of superstition.

Part II concludes with Chapter 11, which describes the construction and use of weapons, such as guns, rifles, pistols, revolvers, powder, projectiles, and cutting and stabbing weapons.

Part III includes certain technical processes which the detective should understand and be able to do himself.

In Chapter 12 will be found useful instruction regarding sketching and

the making of plans ; the conventional signs used in mapping are given and the advantage of using squared paper is shown. How to piece together torn paper and how to preserve and decipher burnt paper is explained.

Nearly fifty pages are allotted to footprints and other impressions and the reader is instructed how to observe and make deductions from foot impressions. The foot and its movements in walking and running are demonstrated, as also the manner in which footprints should be measured and compared.

Instructions and suggestions as to how models of foot impressions may be taken are given and the chapter concludes with a note regarding any other marks and imprints which may be found at the scene of a crime.

The instructions in Chapter 14 as to searching for, describing, detaching and preserving traces of blood are of very great importance.

Stress is laid on the necessity for preventing any interference with the locus of a crime and for looking for and registering the position of blood stains. The use of the camera, the examination of the body of the accused, the precautions to be taken in the preservation of blood stains and the manner of removal and packing up articles bearing stains, are treated at length in this most useful chapter.

Chapter 15 explains ciphers and other secret writings in an instructive and interesting manner.

Part IV deals with several particular offences and detectives will find its five chapters full of interesting and useful information.

Bodily injuries and poisoning are the subjects covered by Chapter 16, which attempts to answer questions commonly arising in practice which must be answered before the arrival of the medical man, and to give the investigating officer useful hints which may preserve him from making serious blunders. Wounds by blunt instruments and by a sharp instrument ; wounds caused by firearms ; marks on the bodies of persons strangled or hanged ; the condition of bodies found in the water, and injuries to dead bodies are dealt with in detail. The various means of poisoning and their symptoms are described and the necessity for caution in cases of supposed abortion is mentioned. Theft is the subject of the long Chapter 17, which gives indications to the detective as to what important points he should direct his attention, and it is pointed out that the trouble taken in investigating thoroughly thefts of small importance gives the self instruction which will enable the detective to bring important cases to a satisfactory conclusion.

The methods and habits of thieves are explained and illustrated, the importance of the M.O. or characteristic style of the thief is emphasized and the usefulness of criminal record offices is pointed out.

Burglary and housebreaking are treated at length and there are illustrations of the tools of the expert ' breaker in.'

Separate sections are devoted to pocket picking, sneak thefts, thefts in shops, and domestic thefts.

Many forms of cheating and fraud are discussed in Chapter 18, a chapter all the more useful because a great many frauds demand special technical knowledge. This is evident in the examination of falsified documents where the camera, the ultra-violet rays (quartz lamp), the microscope and perhaps the analytical chemist may have to give their assistance. After false documents come false stamps and seals.

The tricks of the horse copier are exposed.

Card sharpers, cheats and confidence tricksters follow and their ' M.O.'

is explained in detail. Mention is made of long firm frauds and the chapter concludes with a description of the manner in which the ' faker ' produces antiquities, old masters, and other articles which are sought after by collectors.

Chapter 19 treats of arson, and the difficulties of the investigating officer in detecting it. The various means of causing fires, including spontaneous and quasi spontaneous combustion, are discussed and some curious cases are instanced.

In the final chapter (20) the author deals with boiler explosions, their causes and the technical problems involved, and the book concludes with an index of sixteen pages.

Enough has been written to indicate the useful nature of the contents of this book, the new edition of which comes at an opportune time when so much interest is being taken in the system of crime detection. Modern detective work is team work and such team work should be systematic, utilizing all the assistance which science can render. The police officer aims at being an expert in his work, and should know when the knowledge of an expert in some other subject would be of assistance to him.

As Mr. J. Collyer Adam very truly observed in his Preface of 1924, if the investigating officer is ignorant on matters connected with outside knowledge he cannot gain that assistance from specialists which they would otherwise be able to afford.

Even if the assistance of the specialist is not required, the information regarding criminals given in this book will prove to be of great help to the police officer. The book is a practical book, written by men engaged in dealing with crime, and the directions given as to police action bear the stamp of experience.

We can recommend this book to all police officers. It is a book which should be available for superior officers of police for reference and for instructional purposes.

We hope that it will soon be produced at a price well within the means of every member of the police service. Books of this kind, designed to help in the struggle with crime, should not, by reason of cost, be beyond the reach of the junior members of the service.

THE REAL DETECTIVE. BY GEORGE DILNOT. 10s. 6d. net. (Geoffrey Bles.)

THE COMPLEAT CROOK IN FRANCE. BY FRANCIS D. GRIERSON. 7s. 6d. net. (Thornton Butterworth.)

THESE two books can, with advantage, be read together, as they treat, on much the same lines, the one of Scotland Yard and the other of its opposite number in Paris, the Prefecture of Police, and they throw considerable light on the contrast between English and French police methods. Mr. Grierson deals with the activities of the *Sûreté Générale* or *Nationale*, as well as of those of the Prefecture, but of the rivalry and lack of co-operation between the two, exposed by the Stavisky case, there is no hint in his book. Both books are well written and very readable and contain much useful information as to the police organizations in question, illustrated by instances of them at work in actual cases. Those who have an inside knowledge of Scotland Yard may smile at some of Mr. Dilnot's ' close ups,' and his picture is a little out of date—it shows

little knowledge of the changes made by Lord Trenchard—but this does not detract from the general interest of his book.

Two chapters in Mr. Grierson's book, which have the curious title of 'Wizards in Blouses,' refer not to women police but to the staff of the Paris Criminal Records Office and to the scientific side of criminal detection. In the course of them we are given a striking example of how things are done in France. A woman who had murdered her husband came to the police and told a detailed story of how he had been shot by a stranger. The police, disbelieving her and feeling convinced that she had done it herself, proceeded to entrap her into an admission of guilt by a *coup de théâtre*, which consisted in preparing a lifelike wax model of her husband, taking it to the house, propping it up in a suitable position in the room where the murder had been committed, 'with a strong light on the face and the rest of the apartment in shadow,' and suddenly introducing the lady into the room, with the result that the shock was too much for her and she broke down and confessed. The French police would certainly agree with Mr. Dilnot in describing as 'fantastic' the views of Lord Lee's Commission on Police powers and procedure, who were anxious to debar the police from even questioning that might result in a suspect giving himself away.

Mr. Grierson explains the difference between English and French methods by saying that 'the point of view of the continental criminologist is fundamentally different from that of the British authorities.' In England a man is presumed to be innocent until he has been proved to be guilty, whereas in France the fact that somebody has been arrested and detained by the police is regarded as of sufficient presumption of guilt to make it necessary for him to establish his innocence. The English system is concerned too much, in French eyes, with protecting the rights of the individual, whereas in France the authorities think it their primary duty to protect the State and the community. But the procedure in both countries is determined (as Mr. Grierson admits later in the book) by what public opinion will tolerate rather than by the views of criminologists.

Anyone reading the two books together will probably consider that the French policeman has a considerably more difficult and dangerous job than his English confrère, and will realize that the carrying of a loaded revolver by every French policeman is sufficiently explained by the lack of restrictions, with regard to firearms in France. Scotland Yard certainly could not produce from its records anything so like Chicago or the Wild West as the struggle with the Bonnot Gang recounted in Chapter 4 of Mr. Grierson's book.

Mr. Dilnot describes the personalities and characteristics of the leading detectives of Scotland Yard in recent years, as well as a pre-War figure such as Mr. Froest; introduces his readers to the 'realities' of detection by telling them of the part played in it by 'C. 1.' (the Central Office); the Criminal Record Office (the 'Who's Who' of crime); Finger Prints ('Dabs'); the Flying Squad, and the training of detectives. His chapter on 'The Nose' may be compared with what Mr. Grierson has to say about 'indicateurs' or French informers. He also gives accounts of some famous cases, such as the capture of Jabez Balfour in 1895, the murder of Mrs. Bonati by Robinson, and the astonishing case of 'D. S. Windell.' Some of his matter is to be found in his previous volume *Scotland Yard*, published five years ago, which for some reason is omitted from the list of his works given on the fly-leaf of the present book.

POLICE UNIFORMS OF THE WORLD. BY MAJOR F. GILBERT BLAKESLEE. Author of *Sword play for Actors, Uniforms of the World*. Illustrations by Bert Offord. Plimpton Press, Norwood, Mass., U.S.A. 1934. Price \$ 5.00 (post free).

'Of making many books there is no end; and much study is a weariness of the flesh.' Much study of the letter-press of this book would assuredly weary many readers, but it may serve those responsible for the sartorial details of police uniforms as a useful book of reference.

The 150 illustrations, however, may appeal to a far wider circle. These show at a glance the chief varieties of uniform provided for the multitudinous duties of police in every climate under the sun; from the smart (scarlet) tunics and fur coats of the Royal North West Mounted Police of Canada to the bare-headed, skirt clad and bare-footed native constable of Fiji.

The uniform of the police-women of New York is described; but although there is a very liberal allowance of letter-press and figures for the police forces of the British Empire, no mention appears to be made of the police-women, or 'Special' constabulary, of London.

THE CASE OF THE SULKY GIRL. BY E. S. GARDNER. (Harrap.) 7s. 6d. net.

MURDER IN MAYFAIR. BY J. G. BRANDON. (Methuen.) 7s. 6d. net.

THE RIDDLE OF THE RAVENS. BY LEONARD R. GRIBBLE. (Harrap.) 7s. 6d. net.

It would be interesting to know what proportion the police form among the ranks of regular detective-story readers. The detective novel is rarely of value for educational purposes to the real detective, for the fiction world necessitates a construction which is very different usually from the crimes of real life. The first of these stories is American, and its atmosphere is so American that it is like reading a book in a foreign language. The attorney, the heroine, the witnesses and officials of the trial behave and act in a manner which is entirely unfamiliar to the British policeman. This book merely leaves one astonished at the rapidity with which the American nation have developed their own methods and procedure.

Mr. Brandon's book is, on the other hand, essentially English. The hero is a P. C. Wodehouse type of character with an equally typical manservant who assists his master in a good deal of 'rough-house' knock-about in which together they invariably overcome the heaviest odds against them. There is not overmuch genuine detective strategy and we have the 'stage' Scotland Yard superintendent who is always wrong and always scored off by the muscular amateur. This all makes for amusing reading but does not carry us much further.

Mr. Gribble has added another volume to his list. He follows the path of more orthodox detective fiction, and *The Riddle of the Ravens* will not disappoint his admirers who look to him to give them both thrills and mystery. It is certainly the best story he has yet written and Inspector Slade once more emerges with flying colours. There are improbabilities of course—but the detective author has his licence.

THE DETECTION OF CRIME. BY SUPERINTENDENT MARTYN ELSE
and ASSISTANT CHIEF CONSTABLE J. M. GARROW. (Philip Allan Ltd.)
6s.

THIS book is modestly described as an introduction to some methods of scientific aid in criminal investigation. It is extremely well produced and the illustrations are very clear.

Superintendent Else has long been known as a pioneer on the question of applying scientific aid to assist in criminal investigation work. It is pleasant to find that he and Mr. Garrow have the courage to stick up for their country, and in this connexion part of their preface, dealing with the oft-reiterated criticism 'that there is no scientific staff attached to any Police Force in the country,' is worth quoting in extenso:

'Everyone acquainted with modern crime realizes that science is a valuable asset to the investigator and, consequently, to the public, and so far as this country is concerned its greatest value for the purpose of evidence lies in the fact that in almost all cases evidence of this nature comes, not from the officer connected with the case or from an expert connected with the police, but from the expert witness who has no official connexion with the police. Those acquainted with the distinction in criminal procedure in other countries as compared with that of our own will realize the importance of the continuation of a system that has repeatedly demonstrated its usefulness, the value of which, as evidence, is enhanced a hundredfold by its disinterestedness. In this connexion we have yet to learn that any country or State is better served than our own. Every phase of crime to which scientific examination applies is provided for and, incidentally, the system provides a bulwark of safety for the innocent which in its certainty is equal to the sureness of detection when dealing with the actual criminal. . . .'

The book gives valuable hints as to search and examination for evidence and valuable advice as to the preservation, packing, and transit of matter selected for examination. The only risk to an enthusiastic police officer studying this book is that he might be led to try to do too much scientific work himself and might be led to forget that in many cases in which scientific evidence could be given it is unnecessary, owing to the volume of other evidence.

We must also remember that whilst, like the White Knight in *Alice in Wonderland*, it is well to be prepared for everything, it is sometimes possible to carry this principle too far. It will be remembered that when the Knight, who carried amongst other things a mousetrap on his saddle, was asked whether he thought it likely that mice would be caught there, replied, 'It may not be likely but if they do come I do not choose to have them running all about.' There is a danger of leading young police officers to believe that practical results are likely to follow from scientific examination in far more cases than in practice they do, but the authors of this book realize this quite clearly and have set out in plain language a mass of information which ought to enable police officers who study it to realize the possibilities of scientific aid in criminal investigation, to know what to look for and how to preserve what they have found, and above all to know when they ought to consult an expert, the kind of information he is likely to be able to provide, and the kind of questions which they ought to put to him.

THE COLONIAL POLICE

The following appointments are announced by the Colonial Office:

BRADBURN, W. S.	- - -	Sub-Inspector of Constabulary, Trinidad.
MAYDON, G. D.	- - -	Sub-Inspector of Police, Leeward Islands.
WEIR, I. G.	- - -	Sub-Inspector of Police, Leeward Islands.
KING, H. M. (Commissioner of Police, Nigeria)	- - -	Deputy Commissioner of Police, Tanganyika.
NEALE, C. J. (First Inspector of Gaols, Iraq)	- - -	Assistant Superintendent of Prisons, Grade 1, Nigeria.
OLLIVER, G. (Inspector of Police)	- - -	Chief Inspector of Police, Tanganyika.
DEAN, W. C. (Chief Warder, Central Prison, Cyprus)	- - -	Assistant Superintendent of Prisons, Grade 2, Nigeria.
DE VILLIERS, A. G. (Assistant Superintendent of Police)	- - -	Superintendent of Police, Tanganyika.
SPINKS, H. J. (Inspector of Police)	- - -	Assistant Superintendent of Police, Straits Settlements.

The Publishers are anxious to obtain a few copies of the July 1932 issue, Vol. V. No. 3. They are willing to pay 2s. 9d. for each clean copy delivered to them direct at Quality House, 69 Great Russell Street, London, W.C. 1.

Police Gold Medal Essay Competition

RULES FOR THE 1934 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 thirty 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 twenty guineas and ten 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 motto, and containing the competitor's name, rank 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 a 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 1934

The Prevention and Detection of Serious Crime.

Essays must be submitted on or before the 1st November, 1934, to—

THE SECRETARY OF THE COUNCIL OF THE
POLICE GOLD MEDAL ESSAY COMPETITION,

HOME OFFICE,

WHITEHALL,

LONDON, S.W. 1.

THE POLICE JOURNAL

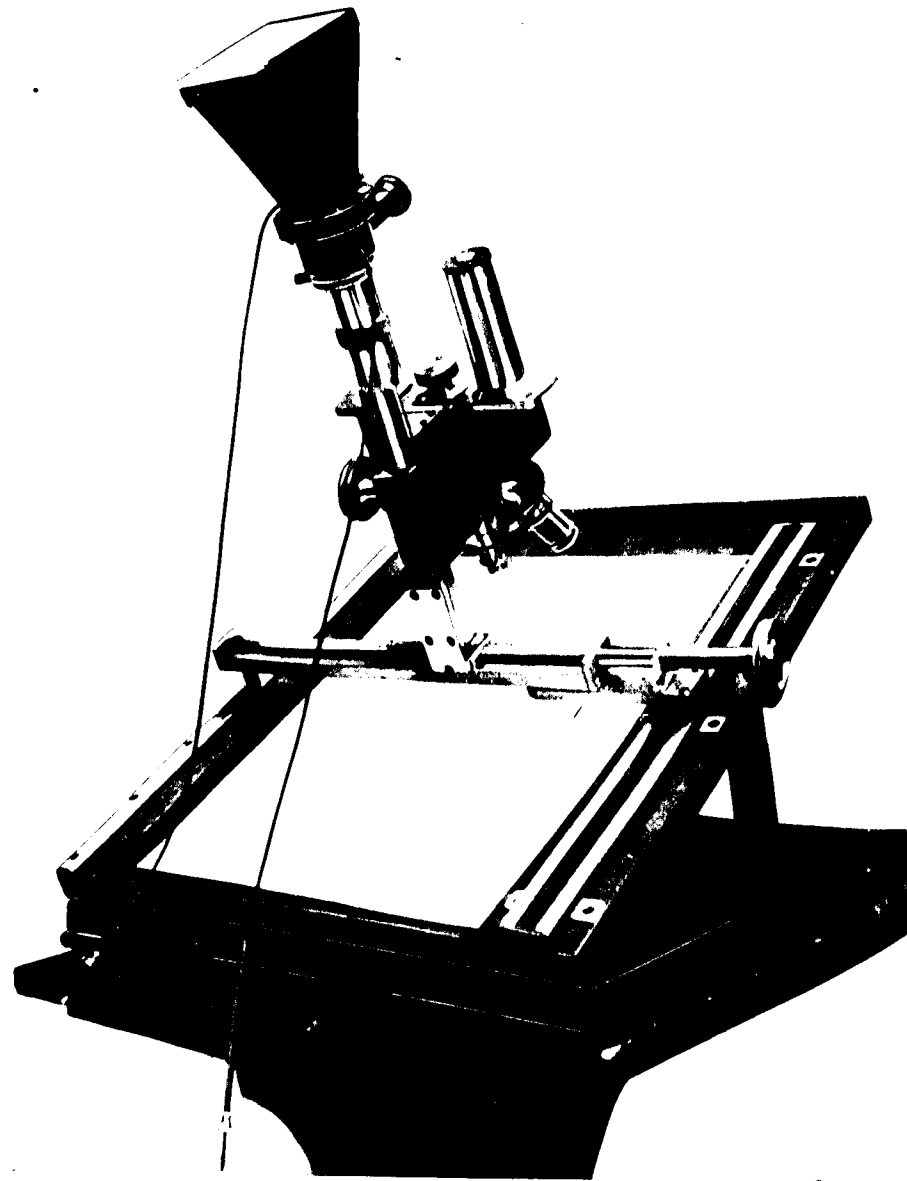
VOL. VII. No. 4

OCTOBER—DECEMBER 1934

Notes on Recent Crime

IT is a tribute to the certainty of English criminal law that so few appeals have ever gone from the Court of Criminal Appeal to the House of Lords by fiat of the Attorney-General, as involving points of exceptional legal importance. One such appeal, *R. v. Maxwell*, has recently been taken to the House of Lords and it involved the point as to whether a prisoner, who has put in his good character, can be cross-examined as to a previous charge, on which he has been acquitted. The Judge allowed the cross-examination and the Court of Criminal Appeal declared it was justified under section 1 of the Criminal Evidence Act, 1898. The House of Lords quashed the conviction, and freed the prisoner, who had been sentenced to twenty months for procuring an abortion. The prisoner had said, "I have lived a good clean moral life," and prosecuting Counsel had asked him whether he had not been previously charged with the same offence and acquitted. Sankey L.C. said that such a question might have been in the jury's mind the last ounce in the scale against the prisoner, and that an acquittal meant innocence and therefore the question was irrelevant.

The acquittal of the Communist leaders, Tom Mann and Harry Pollitt, on charges of sedition before Talbot J. at the Glamorganshire Assizes provides one or two useful lessons. Cases of sedition by spoken word are difficult to bring home because of the law's very proper jealousy for freedom of speech, and the task of the police is a delicate one. The first point is the extreme importance of getting the words absolutely accurately. The second point is that mere strong language



PHOTOMICROGRAPHIC APPARATUS WITH SPECIAL ATTACHMENT FOR THE EXAMINATION OF DOCUMENTS, AS USED AT THE LABORATORY OF TECHNICAL POLICE AT LYONS

Frontispiece

against constituted authority is not sedition. There must be incitement direct or indirect to a breach of the King's Peace. It is not easy either to report words verbatim, or to say where strong language ends and incitement begins, as was shown in this case. English Courts lean in favour of freedom of speech, even for unpopular opinions, and the police should always bear this in mind.

Not only in detective fiction but in real life murder trials get more and more scientific. An interesting illustration of this was the case of Mrs. Donald, who murdered a little girl aged 8 in Aberdeen and tied her body in a sack, and who was tried and convicted before Lord Aitchison at Edinburgh. Evidence was given as to similarity of the child's hair with hairs on Mrs. Donald's brushes, as to similarity of Mrs. Donald's hair with hairs on the sack, as to similarity of bacilli on the child's underclothing with bacilli on a washing cloth of Mrs. Donald's, and as to similarity of fluff on the sack with fluff in the Donald's flat. Defending Counsel protested against all this as "speculation", but small details go to make a case, provided that as with a jig-saw puzzle they fit perfectly together to make one general picture.

The usefulness of the charge of "effecting a public mischief" has been mentioned before in these Notes. A further illustration is provided by a case at Lewes Assizes before Mr. Commissioner Porter, K.C., when a man named Hinman, enraged at the rejection of his advances by a servant girl, deliberately brought a false charge against her of stealing 4s. He pleaded guilty and was sentenced to three months. The public mischief was the waste of the time of the police. An action for malicious prosecution may well be an insufficient deterrent for such men, and it is a satisfaction to realize that they can be brought within the ambit of the criminal law.

Employment frauds are a particularly cruel and heartless form of swindling and the police cannot be too vigilant in

trying to put them down. It is a complicated business, however, as the criminals are astute in covering their traces. A regular gang, who lived by selling partnerships in fraudulent estate agencies, have been tried and sentenced at London, Sessions, and the police were warmly commended by the Chairman. Another bad case, involving a solicitor named Richardson, came before Swift J. at the Old Bailey. It is necessary to prove not only that the victim has been sold a "pup", but that the seller knew it was a "pup"—in other and more dignified words not only that the business was worthless but that it was never genuine at all. An elaborate task as a rule!

A peculiar case, *R. v. Donovan* (dealt with on page 398), in which a young man took a girl to a garage and caned her to gratify perverted sexual instincts, has led to a useful re-statement of the law of assault in the C.C.A. If an assault is calculated to cause bodily harm, then consent is no answer; if not so calculated, then consent is an answer and the onus of negating consent is on the prosecution. The jury in this case were not asked the first question at all and were not told that in any event the onus of negating consent was on the prosecution; the conviction was quashed.

The most recent crime in the calendar is "failing to conform to a traffic sign" or, more popularly, overshooting the traffic lights. It must be highly profitable to the Treasury, to judge by the writer's experience in the London Police Courts. Several weeks ago he was told that in one such Police Court there had been 10,000 summonses. It is right that motorists should be taught to be on the alert for the red lights, but one cannot help wondering if for a first offence, when it is not deliberate, a police caution would not suffice. And, further, one cannot help wondering if the lights are always visible enough and if they do not at some places change too quickly. Neither police, motorist, nor magistrate can find much pleasure in such cases.

A Further Note on the Stavisky Case

(In continuation of the Note in the April issue of THE POLICE JOURNAL)

THE Stavisky case (which must not be confused with the Stavsky case in Palestine) still drags out its weary length, and its principal reactions continue to be political. The special Parliamentary Commission of Inquiry seems far from concluding its labours and has adjourned for a summer recess, after producing a serious political crisis. Two ex-Premiers gave evidence before the Commission in July, M. Tardieu and M. Chautemps, both members of the present French Government. M. Tardieu accused M. Chautemps of having, while Minister of the Interior, shielded Stavisky, accusations which M. Chautemps indignantly repelled. Disruption of M. Doumergue's National Government seemed inevitable, but M. Doumergue succeeded in staving it off, and M. Tardieu and M. Chautemps remain members of the Government. An ex-Minister of Justice, M. René Renoult, who appeared before the Commission, made such serious admissions in regard to his relations with Stavisky that the matter has been referred to the Public Prosecutor.

As regards the French Police, the following important changes have now been made as a result of the Stavisky case:—

(1) The *Sûreté Générale*, commonly known as "the Sûreté", has been reorganized and re-christened *Sûreté Nationale*. This change of name will, it is thought, have a good psychological effect (though the French Press seem rather to have scoffed at this idea), and indicate more clearly that its functions are national in scope. The *Sûreté* is the national police department and exercises general

supervision over all the police outside Paris. A large proportion of the police officers working in the provinces are actually appointed by and under its direct control.

In a report prefixed to the presidential decree authorizing the reorganization of the *Sûreté*, M. Sarraut, the Minister of the Interior, dealt at length with the past shortcomings of the *Sûreté*, and exposed its ineffective organization, insufficient staff, inadequate technical equipment, and lack of co-operation with the Prefecture of Police.

The reorganization does not give effect either to the proposals of M. Chautemps' Government (referred to in the previous Note in the Journal on the Stavisky case), or to earlier proposals made by a Parliamentary Commission in 1923. The feature of both these schemes was the dismantling of the Prefecture of Police and the aggrandizement of the *Sûreté*, which could hardly be approved of now, seeing that it is the *Sûreté* rather than the Prefecture which has been "shown up" by the Stavisky case. The Parliamentary Commission of 1923 went so far as to recommend the abolition of the Prefecture of Police, and the division of its duties between the *Sûreté* and the Prefect of the Seine. M. Chautemps proposed to transfer to the *Sûreté* the "*police judiciaire*", i.e. the Paris detective police or C.I.D., and the department of *Renseignements Généraux* (which corresponds roughly to the Special Branch of Scotland Yard), leaving to the Prefecture only municipal police functions, i.e. the preservation of order in the streets, sanitary measures, fire brigade, supervision of foreigners, etc.

M. Doumergue's Government came to the conclusion that it would be extremely dangerous in the unsettled state of France either to abolish the Prefecture of Police or confine it to municipal functions. Any drastic changes at the present time in the organization primarily responsible for order and security in the French capital would be attended with serious risks. What has been done, therefore, is to provide the *Sûreté* with an adequate staff and accommodation and technical resources similar to those possessed by the Prefecture,

while at the same time ensuring a better system of liaison between the two organizations.

The lack of co-operation between the *Sûreté* and the Prefecture which has hitherto existed goes a long way back. Under Napoleon France possessed a Minister of Police, the famous Fouché. The Ministry of Police came to an end in 1818, and the *Sûreté* and the Paris Prefecture of Police were thereafter left as two separate organizations. They were placed under the general control of the Minister of the Interior, but the Prefecture enjoyed a very large measure of independence, and the control exercised by the Minister of the Interior over the *Sûreté* has not been a very close one.

Under the new organization the *Sûreté* has at its head a Director-General, with his own Secretariat and a new Press department. Immediately below him comes a new official, the Inspector-General, whose main task will be to secure close liaison with the Prefecture by means of weekly conferences between officials of the two departments and otherwise. The system of records at the *Sûreté* which has hitherto, it appears, been of a rudimentary nature, is to be enlarged and reorganized on the model of that of the Prefecture so that it may be possible to exchange information and have mutual consultation of files and dockets.

Below the Director-General and the Inspector-General the services of the *Sûreté* are now divided into two main sections (a) the central administration, and (b) the external services. The central administration will be divided into three branches: (i) control of the administrative police; (ii) control of foreigners and gambling; (iii) internal security, with economic and financial sections. This last section will comprise the main criminal record office, and will co-ordinate work on espionage, etc., and deal with international police co-operation. As regards (b), the external services, these are divided into (i) judicial (i.e. detective) inquiries, (ii) administrative, economic, and financial inquiries, and (iii) internal security, espionage, etc. A subsection of the

Sûreté will continue to deal with the control of race-courses and gambling in general.

The reorganization of the "*Sûreté Nationale*" is to be completed by further decrees intended to promote better liaison between the agents of the *Sûreté* and the local police authorities in the provinces and to improve recruiting into the service, which has hitherto been handicapped by the large proportion of posts reserved for ex-servicemen, many of whom were neither trained for nor suited to the work required of them.

It may be added that, as the existing premises of the *Sûreté* were very antiquated and entirely inadequate, it was decided to transfer many of the departments to another building outside the Ministry of the Interior, reserving the present premises for the higher officials.

(2) By presidential decree of 25th June, 1934, the suburban police in the Department of the Seine have been united with the Paris Municipal Police under the control of the Prefect of Police. It had become clear, as a result of the recent political troubles, that the suburban police, who were partially under the control of the various communes and numbered 2,000 men (as against the 12,000 of the Paris Municipal Police), were entirely insufficient for dealing with those manifestations of a dangerous character which have recently become so marked a feature of French politics. As, moreover, the suburban communes are inhabited mainly by the working classes, whose sympathies lie very much to the Left, it was considered desirable that the police forces responsible for public order in the suburbs should be withdrawn from any dependence upon the locally-elected municipal authorities and placed under the direct control of the Prefect of Police and the Ministry of the Interior.

This change should obviously make for greater efficiency, since the growth of Paris has rendered it impossible to distinguish any longer between the suburbs and the centre of Paris. In times of stress, such as last February, the municipal and suburban police have had to be used indiscriminately wherever their presence was required.

(3) As regards changes in personnel, when M. Chiappe was removed from the post of Prefect of Police in February he was succeeded by M. Bonnefoy-Sibour, Prefect of the Seine et Oise Department. M. Bonnefoy-Sibour, however, only held the post for a short time, being re-transferred at his own request to his former post. M. Roger Langeron, formerly Prefect of the Nord Department, is now Prefect of Police. M. Thomé, Director of the *Sûreté Générale*, was removed from his post by M. Daladier (who succeeded M. Chautemps as Prime Minister at the end of January), and M. Berthoin, who had been M. Sarraut's "*Chef de Cabinet*" at the Ministry of the Interior, was appointed to be Director-General of the *Sûreté*. M. Berthoin is only 39 years of age. M. Xavier Guichard, Director of the Judicial (*i.e.* Detective) Police, has been replaced by M. Charles Meyer, formerly Assistant Director of the Paris Municipal Police.

Finally, a decree of August lays down new standards of education for recruits to the *Sûreté*. In future all candidates for the rank of *commissaire* (which is roughly equivalent to our superintendent) must hold a degree in Law, Letters, Science, or Medicine, while those for the rank of inspector must at least have passed their *baccalauréat* (matriculation). The call for higher educational standards for the police is not, therefore, confined to this country.

The Police and the Law

The Police and Runaway Horses

MANY police officers will no doubt have taken note of the interesting judgment of Mr. Justice Finlay on 27th April this year in the case of *Haynes v. Harwood & Son* (1934), 2 K.B. 240—a case in which damages were awarded to a constable who was injured in stopping a pair of runaway horses. The basis of the constable's claim was the negligence of the defendants' servant who was in charge of a van and horses and had left them for a few minutes (with a chain on the wheel of the van) in a crowded street in Rotherhithe. The constable was at the time on duty at a police station in the same street and on seeing, through the window of the station, what was happening he rushed out and stopped the bolting animals.

From the police point of view, the most important and interesting point in the case was that the judge held the plaintiff, as a policeman, to be under a *greater legal duty to preserve life and property than an ordinary citizen*. This, though recognized as a general proposition, has never, so far as we are aware, hitherto explicitly been stated to be the law by any English judge or in any textbook as a principle which may assist a policeman to recover damages in an action. We will, however, first explain the issues raised in the case.

Two distinct questions of law were involved. First, it was argued that the fact that the horses had been left unattended in the street by the driver in itself amounted to negligence. The second point was one which was raised on behalf of the defence, who contended that even if there were negligence in leaving the horses unattended the constable

could not recover any damages because damages cannot be recovered by a person in consequence of his undertaking a risk with the full realization of the actual risk he was running.

On the first point one may observe by the way that leaving a horse-drawn vehicle unattended in a street is a very different thing from leaving a motor-car unattended. Horses can, but horse-power cannot, take fright. A mischievously-minded boy might (if a car is left unlocked) interfere with the brakes and set the car in motion; and, if the car has been left on an incline, the accidental release of the brake may result in damage being done for which the owner may be held responsible. But, generally speaking, the owner of the unattended motor-car is (apart from the risk of proceedings for obstruction) not exposed to quite the same risks as the owner of a horse-drawn vehicle. It was held long ago in the case of *Lynch v. Nurdin* (1841), 1 Q.B. 29 that a man who left a horse and cart unattended was liable for negligence where the horses were induced to move on, not because they took fright, but because a child "incautiously led the horses on" after having got into the cart to play.

Now what are the natural consequences of leaving horses unattended and so allowing them to bolt if anything happens to frighten them? As Mr. Justice Finlay said, it must be quite obvious in such circumstances that people were likely to be knocked down and that persons would attempt to stop the horses and so risk injury to life and limb. There is still quite a considerable number of horses in this country; and, although they are now so accustomed to motor-cars that the danger of their bolting as a result of the noise of a passing car is very much less than it was some years ago, the risk of their doing damage when they do bolt is increased by reason of the fact that they are likely to come into collision with motor-cars on the road. In all the circumstances, it seems reasonable that the fact that the horse may take fright and bolt must be present to the mind of anyone who leaves his horse unattended on the road; and this is the conclusion at which it seems Mr. Justice Finlay arrived.

On the second question, *viz.* whether the plaintiff was precluded from being awarded damages because he had chosen to take the risk, Mr. Justice Finlay was faced with the difficulty that in a recent decision of the Court of Appeal (*Cutler v. United Dairies, Ltd.* (1933), 2 K.B. 297) it was held that a person who went to the rescue of the driver of a horse-drawn van, whose horse had become very restive, was not entitled to damages for injuries which resulted, although the driver of the van had shouted for help. Lord Justice Scrutton said, "A man is under no duty to run out and stop another person's horse and if he chooses to do an act the ordinary consequence of which is that damage may ensue, the damage must be on his own head and not on that of the owner of the horse." At first sight this language seems wide enough to include a constable because a constable is, after all, only a special kind of citizen. But Finlay J., as we have already stated, held otherwise. The ground on which he based his conclusion is plain from the following extract from his judgment:—

"The plaintiff is a policeman; I do attach some weight to that fact. If he were a policeman on point duty I should have thought the case was reasonably clear; I should have thought that there was a perfectly plain duty for a policeman on point duty to regulate traffic and a duty, if he can, to stop runaway horses. Here it is true that the duty was perhaps less clear because this policeman was not at the time actually controlling the traffic; but, being on duty in a room looking out on to the road, he, owing, as I do not doubt all the police owe, a general duty to the public to preserve life and property, sees horses running away, and it seems to me that in those circumstances he owes a duty to intervene. I think he does not, within the true meaning of the doctrine, agree to take a risk knowing all the circumstances. He acts pursuant to a higher duty, and in so acting he does, incidentally, incur the risk. The plaintiff did a very brave thing, for which he has very deservedly been rewarded; I think that when he did that brave thing he was acting in pursuance of a public duty. It is perhaps better to deal with the exact case which one has before one, and the exact case which I have before me is a case of a policeman who sees runaway horses and persons in actual peril."

The result is that, as the law now stands, a policeman owes a general duty to the public to intervene to protect life and property. If, in attempting to carry out that duty, he is injured, he is not prevented from recovering damages merely because he knew exactly the risk he was taking. He may succeed in a claim for compensation which, if brought in similar circumstances by the ordinary citizen, would fail on that ground; but he cannot succeed in any such claim unless he can prove that the danger which he sought to avert was the consequence of negligence by the defendant.

Individual Liberty and the Right of Public Meeting

Nearly everywhere throughout the civilized world individual liberty is accepted as being, in principle, a very good thing indeed. But under the forms of government which in recent years have been established the ideal of personal liberty and freedom is more honoured in theory than in practice. Old monarchies and governments have crashed and have been replaced by a régime of dictatorships under which the State is everything and the individual almost nothing. By way of contrast, British principles of law and government have stood fast and individual liberty is still a legal reality. Anxiety is aroused by anything which leads the British public to believe that an invasion of its constitutional rights may be contemplated; and on no subject is public opinion more sensitive than the freedom of speech and the right of public meeting—both of which have recently come into prominence. What exactly is meant by the “right of public meeting”? According to one book on Constitutional Law, it consists in “nothing more than the exercise by a number of individuals acting in unison of their liberty to go where they like and say what they like”. But, as the authors point out, the liberty to do these things is always subject to risk of infringing the law. (Wade and Phillips on *Constitutional Law*, 1931, p. 306.) Thus, a lawful meeting may become an unlawful assembly, which the police can disperse, if there is a breach of the peace, or

obstruction amounting to nuisance. Probably the best known judicial recognition of the right of public meeting is Baron Alderson's charge to the Grand Jury in *R. v. Vincent* (1839), 9 C. & P., p. 95 n.:

“There is no doubt that the people of this country have a perfect right to meet for the purpose of stating what are, or even what they consider to be, their grievances. That right they always have had, and, I trust, always will have; but in order to transmit that right unimpaired to posterity, it is necessary that it should be regulated by law, and restrained by reason. Therefore, let them meet, if they will, in open day, peaceably and quietly, and they would do wisely when they meet to do so under the sanction of those who are the constituted authorities of the country . . . the constitution of this country does not (God be thanked) punish persons who, meaning to do that which is right in a peaceable and orderly manner, are only in error in the views which they have taken on some subject of political interest.”

Reference may also be made to the judgment of Wills J. in *ex parte Lewis* (1888), 21 Q.B.D. 191 at p. 196. In that case it was contended, unsuccessfully, that there was a special right on the part of the public to occupy Trafalgar Square for the purpose of holding a public meeting; but it was held that the Commissioner for Works and Public Buildings had power to prohibit the holding of such meetings there. In the course of his judgment Wills J. showed how the right of meeting must, where it is exercised on a highway, necessarily be limited by the public right of free passage along the highway:

“A claim on the part of persons so minded,” he said, “to assemble in any numbers, and for so long a time as they please to remain assembled, upon a highway, to the detriment of others having equal rights, is in its nature irreconcilable with the right of free passage, and there is, so far as we have been able to ascertain, no authority whatever in favour of it.”

As the learned judge then observed, this right of public meeting does not mean that persons have the *right* of occupying any unoccupied land. Persons can assemble for public discussion, but if they do so on land in private ownership

(even if it be land over which there is a public right of way) they have no *right* to remain there if the owner objects. As to this, Wills J. in the same judgment pointed out that :

" There has been no difficulty experienced in the past, and we anticipate none in the future, when the only and legitimate object is public discussion, and no ulterior and injurious results are likely to happen. Things are done every day, in every part of the kingdom, without let or hindrance, which there is not and cannot be a legal right to do, and not unfrequently are submitted to with a good grace because they are in their nature incapable, by whatever amount of user, of growing into a right."

The effect of this and other judicial decisions, including *Harrison v. Duke of Rutland* (1893), 1 Q.B. 143, is that while undoubtedly the public possess the right to meet to discuss any subject in a public place (subject to the risk that their action may interfere with the rights of others), the " right of public meeting " carries no legal right to occupy any particular position for the purpose of holding the meeting.

Although the right of public meeting has been judicially recognized, a lawful public meeting cannot legally be defined except in a negative fashion. A meeting is lawful unless there are any circumstances such as nuisance, terror, trespass, sedition, riot, etc., rendering it unlawful. Circumstances may exist which exclude the right of public meeting in a particular case and make that meeting an unlawful one, *i.e.* an unlawful assembly.

The Effect of Consent by an Assaulted Person

We have tried in these Notes, probably not always with success, to deal with legal topics which are of practical interest to the police and to avoid purely technical points which concern lawyers only. But there are many questions the answers to which, though they may seem to depend on highly technical points, are of real every day importance to the police. For example, every policeman in the course of his experience sees and has to report incidents which result in a summons for assault being issued against someone. Usually an assault involves a breach of the peace and in that case no question

arises as to the *consent* of the person assaulted. Yet there are circumstances in which a person by consenting to an assault may put it out of the range of the criminal law. What are those circumstances ? Anyone interested in that question will get considerable help from the judgment of the Court of Criminal Appeal in the recent case of *R. v. Donovan* reported in *The Times* of 28th July last. In that case the Court quashed the conviction of the prisoner who had been charged at Surrey Quarter Sessions with assaulting a girl on private premises by beating her with a cane. The issue before the Court of Criminal Appeal was in substance whether or not facts had been proved which showed that the defendant's act was unlawful in itself. In the opinion of that Court the jury might have inferred that the conduct of the girl viewed as a whole was consistent with consent and that the prosecution had not negatived consent. It was submitted on behalf of the Crown that this was a case in which it was unnecessary for the Crown to prove absence of consent, and on this ground the Crown asked the Court not to quash the conviction. On this issue the Court in their judgment laid down the following general proposition :

" If an act is unlawful in the sense of it being in itself a criminal act, it is plain that it cannot be rendered lawful because the person to whose detriment it is done consents to it. No person can license another to commit a crime. So far as the criminal law is concerned, therefore, where the act charged is in itself unlawful, it can never be necessary to prove absence of consent on the part of the person wronged in order to obtain the conviction of the wrong-doer."

The Court then went on to point out that there are many acts which in themselves are harmless and lawful and which become unlawful only if they are done without the consent of the person affected. What is in one case an innocent act of familiarity or affection may in another be an assault for no other reason than that in the one case there is consent and in the other consent is absent. Subject to certain well-established exceptions it is unlawful to beat another person with such a degree of violence that the infliction of bodily

harm is a probable consequence. In such a case consent is immaterial. Among the exceptions to this general rule are, of course, acts of physical violence in playing a game or contest such as wrestling or fencing. The Court adopted the observations of Sir Michael Foster (a great judicial authority of the eighteenth century) who in his *Crown Cases* pointed out that where persons who "in perfect friendship engage by mutual consent in such contests bodily harm is not the motive on either side" and that the contests themselves are "manly diversions tending to give strength, skill, and activity and may fit people for defence, public as well as personal, in time of need. Such contests or exercise cannot therefore, be called unlawful". The Court, for obvious reasons, came to the conclusion that what Donovan had done could not be brought within any of those exceptions to the general rule. If the jury were satisfied that the blows struck by the prisoner were likely or intended to do bodily harm to the girl, they ought to convict him: and that it was only if they were not so satisfied that it became necessary to consider the further question whether the prosecution had negatived consent.

The trouble was that the issue whether Donovan intended to cause and in fact inflicted blows likely to cause bodily harm was never put to the jury by the Chairman at the Quarter Sessions. This was essentially a question for the jury and the Court of Appeal naturally declined to come to a conclusion of their own on that question of fact. As they pointed out in their judgment, there are many gradations between a slight tap and a severe blow. Probably the jury would have found that bodily harm was likely to result; they did not have the chance of doing so and the result was there was nothing to show that Donovan's act was unlawful in itself. It followed that as there was evidence of consent the prisoner could not lawfully be convicted of assault.

The distinction between an assault of the kind that took place (in private premises) in Donovan's case and an assault which amounts to a breach of the peace (for which

consent is no defence) is perhaps not as clear as it ought to be; but the following passage from the judgment of Stephen J. in *R. v. Coney* (1882), 8 *Q.B.D.* at p.549, makes the position reasonably plain:

"The principle as to consent seems to me to be this. When one person is indicted for inflicting personal injury upon another, the consent of the person who sustains the injury is no defence to the person who inflicts the injury, if the injury is of such a nature, or is inflicted under such circumstances, that its infliction is injurious to the public as well as to the person injured."

The Language of Law and Lawyers

The points of contact between the police and the law are becoming more numerous every year. The present generation of police officers has to know a great deal more law than the past generation, and a police constable now has to be something more than what is called a "sea-lawyer"; he must know his law almost like a professional lawyer and, as he is frequently in the courts as part of his duty, he learns something about court procedure. Nevertheless, without the ordinary training of a lawyer, a policeman cannot be expected to understand the language of the law or, what is often worse, the language of the lawyer. It was Mr. Philip Guedalla, we believe, who made the illuminating remark that of the learning so painfully acquired by lawyers a not unimportant part is the art of telling laymen what they know perfectly well already in language which they cannot understand. There is something in Mr. Guedalla's biting sarcasm, and police officers when listening to a legal argument in a court in a case in which they are concerned must sometimes feel a certain amount of sympathy with Mr. Guedalla. Fortunately, serious obscurity in language or difficult technical terms are not so frequent in cases in which the police are usually concerned as in many others. But there is quite enough to trouble and puzzle the mind of the most efficient police officer in the subjects which are constantly coming his way. We propose, in future issues of this Journal, from time to time to say something about certain technical terms which may cause special trouble to the police.

Recent Judicial Decisions

R. v. The Editor of The Daily Telegraph and Others

IN this case application was made for a rule nisi for attachment for contempt of court against the Editor, Printers, and Publishers of the *Daily Telegraph* in respect of an article which had appeared in that newspaper on the 19th February, relating to the arrest of eighteen Fascists in Suffolk on 17th February.

The men had been charged with "conspiring to effect a public mischief and obstructing the removal of certain cattle".

Part of the article complained of ran as follows:—

I (the representative of *The Daily Telegraph*) was standing beside Mr. Rash when the police made their lightning raid yesterday afternoon. I saw the Blackshirts arrested, watched the police search their headquarters, and later attended the police court where they were charged.

Blazing Haystacks

All day long the Blackshirts had been inspecting the stock to be claimed and the crowd of nearly a thousand villagers gathered in anticipation of trouble. Three haystacks had been soaked in petrol in preparation for the expected seizure and a sack of rotten eggs lay conveniently near.

Everyone was becoming tired of waiting when suddenly the cry rang out: "They're here!"

Blackshirts lined up in front of the barricades, while others set light to the petrol-soaked haystacks. In the excitement somebody stood on the eggs, with uncomfortable results. . . .

The rule was made absolute and a fine of £50 was imposed. In giving judgment the Lord Chief Justice referred to the case *R. v. Payne* (1896), 1 Q.B. 577 in which it had been laid down that an application for a rule in this kind of case must show that something had been published which was

either clearly intended or at least calculated to prejudice a trial which was pending. He went on to say that in the present case there was no suggestion of *intention* to prejudice the pending trial; the question was whether the matter published was calculated to prejudice the trial.

He then continued: "After most careful consideration the Court has come to the conclusion that the matter which appeared under the sub-heading, "Blazing Haystacks," was calculated to prejudice the fair trial of the men who had been arrested. The Court has not been informed whether what the journalist who wrote the article had discovered had in fact subsequently been given in evidence, but, whether those matters were or were not admissible in evidence, the publication of them before the trial is calculated to prejudice the fair trial of the case.

"It is a somewhat perilous enterprise, if criminal proceedings are likely to result, for an editor to send a member of his staff to report anything which takes place in connexion with certain events. The more zealous and diligent the reporter is, the more likely it is that he may independently ascertain matters which may afterwards be given in evidence, or matters which, if no evidence were given concerning them, nevertheless, if read by jurors, may have a prejudicial effect on the trial.

"No doubt what was done in the present case was done unwittingly. In view of that fact and in view of the unqualified apology which has been offered, a merely nominal penalty will suffice.

"It is, however, important to reaffirm the principle—so often stated—that newspapers cannot be permitted, as a matter of journalistic enterprise, to inquire into and publish in advance matters which are, or may be, connected with a pending case."

The case raises an interesting point on the general question of the activities of the press in criminal cases. If it could be successfully argued that there is a "pending criminal proceeding" as soon as a crime is committed, although some

time may elapse before anybody is apprehended, then proceedings for contempt of court would be taken much more frequently than they have been in the past. It seems to have been accepted that proceedings for contempt of court in this country are impossible until some person is before the court. If this is indeed the law, the argument that there should be further restrictions to prevent the premature publication of information (including statements from persons who may turn out to be witnesses if and when somebody is arrested) is very much strengthened.

VOLUNTARY BILL OF INDICTMENT

R. v. Bardiger

This case is an uncommon one and serves to remind us that the popular belief that all is over in a criminal charge when once a magistrate has dismissed a case is not always founded in fact.

In this case two brothers were brought before a magistrate in November, 1933, upon eighteen charges of conspiracy to defraud, obtaining goods by false pretences and credit by fraud other than false pretences. After a long hearing at the Police Court the magistrate dismissed the case upon the ground that there was insufficient evidence.

Application was thereupon made under the Indictments Proceedings Rule, 1933, to a Judge in Chambers for leave to prefer a voluntary bill of indictment. The application was granted and a voluntary bill laid at the Central Criminal Court.

On the 20th March, 1934, the two brothers were tried at the Old Bailey upon an indictment containing sixteen counts charging with conspiracy to defraud, obtaining goods by false pretences, etc., and after a protracted trial the Jury found both men guilty and they were each sentenced to six months imprisonment with hard labour.

The Witness for the Prosecution

DOES HE GET FAIR PLAY?

By AN INSPECTOR

"ANSWER MY QUESTION," thumps the barrister.
"YOU MUST ANSWER THE QUESTION," reproves the Judge.

Can you imagine the consternation, the outcry that would follow, if in a court of law it transpired that a policeman, when questioning a suspect, applied those words, in the same manner and with the same desire, namely to extract the truth? Imagine it if you can!

"ANSWER MY QUESTION," thumps the policeman.

"YOU MUST ANSWER THE QUESTION," reproves the Inspector.

What is the difference, after all? Whether in a police station or in a court of law, it is all the same. It is the effect that matters. Is either right?

Speaking frankly—No! of course not.

With regard to the police, it has been ruled that any statement or confession obtained by means of a threat or promise, etc., is inadmissible in evidence. The object is to obtain the truth frankly, naturally, and without putting the suspect in fear, or giving him hope of reward. Therefore, is it not logical to assume that if a person is confronted by a policeman and the officer wrongly puts a question which elicits a reply which may not be true, exactly the same thing will happen to the witness in the box, who stands there with knees shaking, mouth dry, his stomach turning over?

Imagine a little child or an inexperienced person who has told his story simply and truthfully, and is then confronted

with a man in wig and gown, the like of which he has never seen before, who appears not to believe him, although his story is perfectly true. The man of law will question him this way and that. He will put question and answer into the mouth of the witness. The witness feels nervous, ill, frightened, and wants to end it all. He is now ready to say anything.

"I suppose," says the barrister, "the policeman told you to say that?" "Yes, Sir," comes the reply, heedless as to accuracy, anxious only to end it all. Thus again will the policeman be traduced. The answer to the question has been given, it is down in black and white.

Courts of Law—"The Courts Above," as they are sometimes called—are awe-inspiring places—the solemnity, the smileless faces, the wigs and gowns, the pointing finger, the silence as of the tomb, except for the questions of a bewigged questioner, who can so easily make truth appear like untruth.

Those who regularly attend the courts must sometimes be struck by the fact that there are many happenings which, if prohibited, would bring about a better state of things. Their absence would not hinder the objects of prosecutions, and better justice would be done.

One of our most famous Judges has been heard to say: "If the police bring a case here, there is something in it."

Of course there is something in it. Yet what happens? What side-tracking and word-splitting, what twistings and turnings, what introduction of prejudice when addressing the jury at the final moment, thus at times securing a verdict for the defendant!

Squabbles between Counsel on technical matters and on matters of procedure, even before little children, who are standing listening, wondering, quaking lest one of the legal gentlemen should turn on him or her; the badgering of witnesses until they are worked into a state bordering on hysteria and are totally unable to explain anything clearly, or what really did happen, thus bringing about a state of

affairs pleasing to the defence but not in accordance with the accepted standards of fair play as between man and man; all these matters have a powerful influence on "justice".

Then, in the Courts Below we have the practice of Justices, who sit on the Bench when deaf, although they probably don't know it, who will repeatedly ask questions of witnesses and tell them to speak up, even though the witness is speaking in the clearest of tones. The result is, of course, that the witness, being inexperienced in the practices of courts, gets irritable, then makes mistakes, and a case is lost. There is an ever-present danger, too, that grave injustice may be done through a witness's statement being wrongly construed by a Justice so afflicted.

I wonder how many students of law have read that fine article by Alfred Sutro, the famous dramatist, entitled "The Victim in the Witness Box". I must apologize for referring to parts of that article here, but they are so applicable to my subject. Mr. Alfred Sutro says:—

"The gentleman in the silk gown—such an attractive figure at home and at his club, such an admirable husband and indulgent father—the otherwise genial and kindly person will get his teeth into that reply and will shake it; he will put further questions, arising from it and around it.

"There will be laughter in court, and a cold and clammy perspiration will steal over the witness's brow; his mind will flutter to and fro like a bird caught in a net; he will gaze helplessly from Counsel to Judge, from Judge to Counsel, while the air is throbbing with the dreadful words: 'Answer Yes or No, Sir.'

"The ordinary citizen flounders and flutters, and gasps—for all that he is honestly trying to tell the truth that is in him. He contradicts himself wildly. He pulls up, goes back, he stutters and stammers, and finally leaves the box feeling that he has disgraced himself for ever."

Now for a moment turn to those opening words, then to the policeman taking the statement from the suspect. Would he ever so torture man or woman? Why then this distinction? If fear may bring forth untruths when the policeman questions in his quiet little room, away from awe

and dread of the occasion, how much more likely is it that a simple white lie, that will end the terrorizing experience, will be given by the witness so badgered, so harassed?

The article quoted goes on to say :—

“ We have vowed to tell the truth, the whole truth, and nothing but the truth, and we mean to. But we are not permitted to tell it in our own way with our own light and shade, as it were. If they would only let us, we could explain so easily how it all happened, show how simple and natural it was.”

Many policemen accept the things that happen in courts as fate. The job has been undertaken and has got to be done, in spite of whatever difficulties they may experience in the doing of it. It is, in a manner of speaking, their bread and butter.

Glance for a moment at the policeman who appears in an important case, one that is likely to go for trial. He will have given his statement as to what happened and as to what he can, according to the rules of evidence, speak of in the box.

At the Police Court a Police Solicitor will probably appear to prosecute, and our policeman will be placed in the box. If the policeman has not given evidence in such a case before, he will, possibly, have something of a shock. Instead of being allowed to give his evidence in a straight narrative as he knows it and in the sequence in which it happened and as he saw it, the Solicitor will, in all probability, extract from him the evidence as he wants it given, and only what he wants given, avoiding, of course, leading questions. What is the result?

Our policeman will arrive at the Assizes or Sessions. He will go into the box and will be told to give his evidence. He may not be examined at all by Counsel. Evidence at these courts is often given much quicker than at police courts, consequently he will rattle off the story as he knows it and as he sees it in his mind's eye. He will come to the end of his story and will think he has done well.

But has he? Listen a moment!

“ Constable,” says Counsel for the Defence, as he gets to his feet: “ You say that at so-and-so and at so-and-so, you did so-and-so.”

“ Yes, Sir,” comes the prompt reply.

“ Now think, constable, did you really do that?”

“ Yes, Sir,” will again come the reply.

“ Now let us look at what you said at the police court, constable, and see if you are telling the truth.”

The police court evidence is read: the policeman is amazed; he honestly thought he had said it, for it was a material part of his evidence; but it is not on the depositions.

The clever reader will say: “ How absurd; why, the evidence is read over and he would have signed it.” Probably so; but how many have heard evidence read over at a police court, when the Clerk is anxious to get his lunch or to attend to his private practice? Would an inexperienced constable, or any other for that matter, be sharp enough to notice missed parts, when he was listening carefully for mistakes? If noticed, too, it could not then be inserted after the case had been closed.

An ordinary witness, not knowing the turnings and the twistings in these courts, might think it was a trap; and what would there be to stop him from so thinking? The constable would be trapped; he would know certain things had happened, but because these were not on his original depositions he would probably be branded as an untruthful witness.

I wonder how many laymen have thought of the difficulties an ordinary police officer must experience in trying to remember accurately what he has said in each particular case. Between the time a case was committed for trial and the actual hearing at the Trial he may have appeared in many cases at the police court, or even at other courts, and may be in more than one case at the present court. Can he be expected to remember *everything* without help or reference to notes of evidence previously given?

Does he get this help? Or do obstacles appear to be

placed in his way? Remember the words of Mr. Alfred Sutro :—

“ But we are not permitted to tell it in our own way with our own light and shade, as it were.”

The policeman is likely to be called on for reports, and if he has difficulty in explaining certain points in regard to his evidence, it may be the finishing of his police career. It has to be a pretty cool and calculating witness who can remember the turnings and twistings of his evidence as he is questioned in court.

I know one Counsel who adopts a practice which must be confusing to most, and only a few tumble to the reason. A question will be put, and the answer begins to come: but it is not the answer Counsel wants. Out pops another question on top of the first reply, drowning that first reply. And so this questioning goes on, the witness never getting the opportunity of properly answering, until the answer that is wanted is forced out. The really smart witness will say :—

“ I have not answered your first question yet, Sir.”

Then there is spluttering and talking.

“ ANSWER MY QUESTION,” thumps the barrister.

“ YOU MUST ANSWER THE QUESTION,” reproves the Judge.

* * * * *

For many years I have listened to Counsel, good and bad. On many occasions I have heard witnesses for the prosecution spoken to as if they were the very dirt of the earth. I have seen policemen discredited; I have seen witnesses in tears; I have seen female witnesses fainting as dreadful unfounded accusations were made against them; I have seen mothers with tears streaming down their faces when their children have been questioned and traduced. It has always seemed to me that an awful license is given to these gentlemen of the law; for by their insinuations reputations may be lost, absolutely and unjustly, and there is no redress.

Apart from my own experience I have cuttings from newspapers before me. Here is one. I omit the name of the gentleman who used the words :—

“ —, in passing sentence, said: ‘ The police in this case have displayed considerable enterprise, and as regards their leader, heroism, and it is well that those who think it right to undermine public confidence in our police force should know the sort of men they are attacking.’ ”

The latter remarks referred to a Counsel who had attacked the police in his address to the jury.

Another cutting reads as follows :—

“ A London Magistrate declared that he was certain of the absolute fairness of the police and wished that all people would realize it. There is not a Magistrate in any court in any part of the country who would not say as much. That is why the average citizen gets hot under the collar when he finds the police attacked by *cau-de-Cologne* sentimentalists, and hotter still when he finds officialdom listening to their whinings and framing rules that help breakers of the law and hinder its guardians.”

I have felt, for many years, that there are many things connected with our courts which, if altered, would bring about a better state of affairs and would help in protecting the public from criminals to a far larger degree than is the case at present. I have said, too, that every person who enters a court of law should be sworn on oath before he is allowed to say a word about anything or anybody, *and none but the Judge should be exempt*. Loose talk would then cease; it would be abolished under a penalty—the penalty of perjury, if statements made were proved to be untrue. The law with regard to perjury should be made applicable to *all*. Gone would then be the evasion behind such words as: “ Those were my instructions, my Lud.”

We must remember that, human nature being what it is, there are few perfect men in this world. Those engaged in matters of law are as prone to defects as the ordinary everyday citizen. Counsel or Solicitors engaged in cases cannot afford to lose; they are paid to win. A succession of wins means more and more notoriety, a rising in the social scale, and to who knows what heights? It is in fact as much their bread and butter as it is the policeman's. But there is one great

difference—the policeman does not get paid according to the cases he wins.

* * * * *

In January, 1932, an article appeared in *The Police Journal* under the heading, "Public Liberty in Saorstat Eirean: An Inquiry into the state of the law." I have read that article a dozen times and it should be read by every policeman. The writer of it shows so clearly what is wanted there as well as here. I will quote a few of his words:—

"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 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."

What an indictment! What a compliment!

If there is nothing wrong with the courts, how comes it that we have so many unsolved crimes? How comes it that we are creating new criminals at the rate of 25,000 a year? Think of it—25,000 new criminals a year, and then add all the previously convicted criminals. What an army!

The number of new criminals does, however, register this fact—that the police cannot have been idle. They must have brought before the courts not only 25,000 persons, but far far more than that number, remembering of course that old criminals are convicted almost daily. So much for the good work of the police.

Now, what have the courts done about it all? When rats are becoming a plague we set about things and destroy them. We cannot destroy criminals, but they can have their liberty taken away from them. They can be prevented from committing crimes, once the police have brought them before the court. But what an impossible task for the police, if

these men are almost at once released to begin again to prey on the public! The only possible way to prevent crime is to take away the liberty of such pests:

This morning I read in my paper that since the War 2,000,000 persons have been victims of the toll of the roads. I read too that this had involved an annual loss to the State of £20,000,000, apart from the cost of police, etc. And this increase in the toll of the roads is all the fault of the courts. The courts have, and always have had, the power to stop the killers from killing.

Look back to the earliest days of motor cars and see what happened to the police who brought to book those who would repeatedly break the law in regard to motoring. They were blackguarded up and down the country for harassing the motorist. Great clubs were formed to help the erring motorist out of his trouble. Solicitors were found for these poor wrongdoers and appeared at the courts for them, almost shedding tears over them, bemoaning the tyranny of the police. Gathered into the bosom of these clubs were all and sundry, including, I am afraid, gentlemen of the Bench as well as gentlemen of the Bar. What could the police do in the face of this?

A careful study of the newspapers to-day makes interesting reading. What do you see? One motorist is fined 10s. for driving to the danger of the public. *Driving in a manner dangerous to the public.* Lives and not only limbs and bodies are endangered. And the penalty for simple drunkenness is 10s. No more. . . .

The police have been waiting and hoping for support. Have they had it? It must be admitted that few Benches in the country have given that measure of support to the police for which we have every right to look. The appalling toll of the roads has been debated in Parliament, yet Parliament has not yet thought fit to fix penalties which would eradicate this national evil. If the punishment were made "to fit the crime", or at least to be adequate for the crime, the courts that are weak and tender-hearted would be strengthened

and things would be made more equal and easier for all concerned with the administration of the law.

After all, this is no new thing. If you are once convicted for keeping a dog without a licence and you are caught a second time, you know full well that your penalty is fixed for you, before you enter the court. You may take the exact amount there with you. In other transgressions of the law the same thing should apply.

The "drunk in charge" are, however, the most interesting cases brought before the courts nowadays. For years and years policemen have locked up or summoned persons for being drunk, and very little fuss was made about it. The crime was, more often than not, admitted, and no one seemed to think the imbibor was much to be pitied.

Nowadays, however, a startling change has come over things. Whereas the policeman used to be the man who knew a drunk from a sober person, to-day it seems an almost universal opinion that he knows very little about it. At least that is what folks who visit courts of law are led to believe. Policemen were, and are, experts in diagnosing whether or not a person is drunk.

"How does he gain his experience?" someone will ask.

He gains his experience by close personal contact with this class of offender, with having to deal with him after the licensee has flung him into the street, by going to the assistance of his wife and children when he is threatening to smash the home up, or even to kill them, when ordinary passers-by are annoyed at his stupid actions, by having to quieten matters after numbers of men in a semi-drunken state leave the licensed house at the closing hour, by dealing with charabanc loads of half-drunken men who go for their so-called annual outings in the summer-time and make themselves beasts by the wayside. Only one other person has as much experience in drunkenness, and he is the licensee.

Listen, however, to Counsel when the motorist arrives in the Court. The Bench will have listened patiently while the policeman gives his evidence and will apparently

understand it. Not so, however, with the gentleman of the law; he cannot understand it at all. He was not there, mark you, but he will talk as if he was and knows more about it than the policeman, who perhaps was the only person present at the actual moment of arrest. Therefore, what the Counsel or Solicitor has to rely on is something the accused has told him.

Think for a moment on that particular point. The policeman was sober—policemen as a whole hate these "drunk in charge cases"—the officer therefore would not be likely to arrest his man if he had the slightest doubt as to the man's condition. The man, according to the policeman, was drunk. How can the accused properly, then, instruct Counsel on his condition, at the moment of arrest?

What happened after is of far less importance, because, as in unconsciousness, a state of recovery has to commence at some time or other. Sometimes it is a very sudden recovery. At other times the recovery is slow. In drunkenness exactly the same process occurs. When the accused man's doctor arrives, he is probably, through the shock of arrest and through incessant chatter, well on the road to recovery, and a very different state of mind is existent. This is of no consequence, however, to our man of law. He has to think of his client; he must get him off by hook or crook. Therefore, if you have no case, attack the policeman.

In almost every case of this kind in which I have been concerned I have noticed that the practice followed, if the case is before a jury, is to endeavour to discredit the policeman's evidence and to create prejudice in the minds of the jury. I recommend anyone, if he wishes to be informed on this point, to attend the next court when a case of this kind is before the jury. Listen carefully to Counsel's last address to the jury, then weigh in the balance the facts against his supposition. Unless I am much mistaken you will be surprised.

"*If you have no case attack the witness,*" used to be a maxim in certain legal circles. Years ago I laughed that

suggestion to scorn. That honourable gentlemen of the Bar would stoop to such a thing! But as time went on a doubt began to creep into my mind as to the falsity of the slogan. On certain occasions it seemed to me that prejudice was being used by the defence.

Now, the policeman is on no account allowed to introduce prejudice into a case. It will be fatal for him if he does, and rightly so. No matter how bad the character of the accused may be, this must be hidden. Yet certain people in a court of law, when a case is being tried, know whether or not the accused is a criminal. The Judge does; so does the criminal; likewise the police. Counsel for the prosecution and for the defence also know. So do the prison warders. But from others this fact is hidden.

If a jury is composed of intelligent men and women they will know that if an accused has a good character the defence will not be afraid to put the good character forward as a part of their defence. But if no character is put forward as a defence, is it not safe to assume that the jury will form their own opinions about it and will realize that the accused has something to hide?

There is one great danger about unnecessary attacks on witnesses for the prosecutions, be their characters ever so good, and that is this. Things said in a court of law stick.

Now for a moment turn again to an extract from Sutro's article on law:—

"I invite those in whose hands lies the power to amend or alter the laws of this State to accompany me for a 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 assisted, sheltered, and fondled by the law. You will wonder by what process of chance or good luck the majority of 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."

"Unnatural difficulties" indeed! What shouting and

brow-beating take place in the courts about the taking of statements, the asking of questions, the identification parades, the cautioning, and so on. No matter how vicious the criminal, nor how clear to us all the case may appear, the culprit frequently stands in the little box as though he were the hero of the piece. He listens attentively while the police are accused of this and that, until one wonders whether a mistake has not been made, a changing of places, the wrong man in the wrong box.

Take the identification parade. If ever there was a thing done which borders on "interfering with the course of justice" it is the action which the police are compelled to take in their endeavours to make it possible for a witness, a person who has suffered some wrong, to pick out the man who has in some way or other wronged him. The police collect eight men, as alike as two peas, dressed alike, height alike, build alike, features alike. What chance has a nervous witness? It is more than possible that he or she will see, not one face, but a sea of faces, all running into one. Take the woman who has been indecently assaulted; she must be terrorized, fearful that if she identifies him he will attack her.

In thirty years' service I have never seen a single parade carried out in which everything was not done with scrupulous fairness. Yet how are the police helped in these parades? We all know that in felony one may arrest on suspicion; you can therefore get your suspect to the parade. But what about the indecency cases? How are the police to get the suspect to the parade? What power has been provided?

Take the men who form the parade; what credit has ever been given the police for managing by some means or other to get men to attend these parades? Has anything been done to compel them if they refuse? Ought they not to be cautioned that they may even be picked out by a woman, and their reputations ruined?

The police do these things loyally, knowing the vital necessity if crime is to be prevented and detected, and

difficulties are pushed on one side. But are they not entitled to some little protection in the court?

What I, as a man of experience, say, is that if those who have business in the courts were as scrupulously fair in criminal work as are the police, then all would be well; crime would be prevented and there would be less criminals walking about our streets.

* * * * *

At a recent Assizes I heard a Judge say to the jury as he was summing up:—

“Anyone can attack a policeman.”

That is the point. *Anyone can attack a policeman.* But is not the policeman, as a servant of the public, entitled to some protection, both in the courts and out of them? He prevents crime and detects crime. He realizes that all his efforts are needed in preventing crime, even though he falls into bad odour in the execution of his work.

In the name of my fellow-officers, I ask for him—
FAIR PLAY.

The Law of Hall-marking

BY T. HENRY SPENCELEY

Liverpool City Police

“The Assay Acts are on a similar footing to the Coinage Acts. They must be rigorously enforced by the Assay Office and vigilantly guarded by the Police. It is essential that adequate and severe punishment should follow an Assay offence.”—
Mr. Justice McCardie, Birmingham Summer Assizes, 1922.

HALL-MARKING is the accurate determination and official recording of the proportionate content of precious metal in gold and in silver wares.¹ Hall-marks are a guarantee of purity or fineness, pure gold and pure silver being technically termed “fine Gold” and “fine Silver”. Hall-marking is compulsory for some wares but optional for others.

The authorities in the British Isles empowered and required by statute to carry out, and when necessary to enforce, the provisions of the hall-marking enactments are, at the present day:

- (1) The Wardens and Commonalty of the Mystery of the Goldsmiths of the City of London.
- (2) The Guardians of the Standard of Wrought Plate, Birmingham.
- (3) The Company of Goldsmiths of the City of Chester.
- (4) The Guardians of the Standard of Wrought Plate, Sheffield.
- (5) The Incorporation of Goldsmiths of the City of Edinburgh.

¹ J. Paul de Castro, Esq., Barrister-at-Law, for whose advice and the permission to refer to, and quote from, his standard work, *The Law and Practice of Hall-marking Gold and Silver Wares*, the author is most grateful.

- (6) The Goldsmiths Company of the City of Glasgow.
 (7) The Company of Goldsmiths of the City of Dublin.

Each of these seven Corporations or Guilds¹ possess a mark peculiar to itself, which its Assay Office strikes on every ware, whether of gold or silver, which it passes as being of one of the legal standards of fineness. The respective town marks are as follows :

London = A Leopard's Head.
 Birmingham = An Anchor.
 Chester = A Sword erect between three Wheat Sheaves.
 (Garbs.)
 Sheffield = A Crown for Silver.
 A York Rose for Gold.
 Edinburgh = A Three-towered Castle.
 Glasgow = A Tree, Fish, and Bell.
 Dublin = The figure of Hibernia.²

These several " touches " are the marks at the present day and may be impressed only on wares wrought, and certified to be wrought, within the British Isles, and consequently furnish a guarantee of British manufacture.

In addition to the town marks just specified, each of these Corporations employs a second and more modern town mark which it is required to impress on wares that are either imported from abroad, or where provenance is unknown to the person submitting them for marking. The present English plate marks particular to each Assay Office are thus described by statute² :

London = The Sign of Constellation Leo.
 Birmingham = An Equilateral Triangle.
 Chester = An Acorn and Two Leaves.

¹ These Guilds are often referred to as " Government Assay Offices " but this is a misnomer, for they are not under Government supervision. Besides sending wares to be assayed, dealers in cases of doubt sometimes submit wares for the verification of marks already impressed thereon.

² See Plate 1.

Sheffield = The Sign of Libra.
 Edinburgh = St. Andrew's Cross.
 Glasgow = Double block letter 'F' inverted.
 Dublin = Boujet.

For gold wares each English plate mark is placed within an octagon whose alternate sides only are equal. For silver wares the mark is within an ellipse.

The Assay Authorities are primarily concerned with the fineness of the wares submitted to them. It is their function to guard the proportion of alloying metal added to precious metals with rigorous care. Fineness is a ratio and not a weight : i.e. it represents the proportion of gold or silver to base metal.

Fineness of Gold Wares

Pure, fine, or unalloyed gold is denoted by long custom as 24 carat gold. It is exceedingly soft and consequently seldom employed uncombined in manufacture.

Until recently there were five statutory standards for industrial gold alloys in force in the British Isles :

22 parts gold in 24 parts alloy, or 22 carat.

18	"	"	"	"	18	"
15	"	"	"	"	15	"
12	"	"	"	"	12	"
9	"	"	"	"	9	"

But on 15th August, 1932,¹ a new standard to be known as 14 carat was instituted, and from 1st October, 1932, the 15 carat and 12 carat standards ceased to be struck.

22 and 18 carat are called the Higher Standards of gold, while 15, 12, 9 carats are designated the Lower (sometimes the Debased) Standards ; 22 carat is also known as gold coin standard.

There is a further standard, 20 carat gold, which the Dublin Assay Office only is authorized to strike.

¹ The Gold Wares (Standard of Fineness) Order, 1932.

Fineness of Silver Wares

The silver standards are two :

- (1) The Old Sterling of England.
- (2) The New Sterling, or Higher Standard.

Old Sterling contains 11 oz. 2 dwt. of silver in every troy pound (12 oz.).

New Sterling contains 11 oz. 10 dwt. of silver in every troy pound (12 oz.).

The New Sterling was introduced in 1698 and was designated Britannia Sterling. It ceased to be the compulsory standard in 1720. It has never been a legal standard in Ireland.

Pure, fine, or virgin silver is rarely utilized in manufactures unalloyed, and no punch is used by the Halls to denote it.

Silver

From the year 1300 (and probably much earlier) until 25th March, 1697, commercial silver, used in the arts contained, by law was required to contain, 11 oz. 2 dwt. of fine or virgin silver in every 12 oz. (1 troy pound) of silver plate. Silver plate so constituted was termed Standard or Sterling Silver and is still so designated. For 800 years it was the alloy used for the Silver Coinage.

By the Act of 1300¹ the London Goldsmith's Company² were directed to assay such fashioned silver, and, if found to be of standard quality, to "touch" it with a Leopard's Head mark.

In 1363³ it was ordained that so soon as the Leopard's Head—called therein the King's Mark⁴—had been affixed, the master goldsmith should impress his own mark. This is the first step towards the establishment of the Maker's Mark. For this standard this mark was at first generally a sign, e.g. a

¹ 28 Edw. I, c. 20.

² Founded by Charter granted by 22 Henry III in 1238.

³ 37 Edw. III, c. 7.

⁴ Not to be confused with the King's Head or duty mark introduced in 1784.

dove, a star, a running hare, but eventually it became the initials of the craftsman's Christian and surname.

In 1478 a letter of the alphabet, betokening the date, was impressed to identify an article with greater ease if its degree of fineness were questioned after it had passed into circulation. Thus was introduced the Date Mark.

As the Leopard's Head mark carried a twofold indication, viz. (a) that the ware had been marked in London, (b) that it was of standard quality, it became necessary, as provincial Assay Offices came into existence and recognition, to limit the Leopard's Head to notify the London place mark.

In 1545 was introduced, though not by means of legislation, a new mark, the Lion Passant to indicate specifically the standard of either gold or silver. The Lion Passant became, and in England remains for silver, the mark which guarantees the quality or fineness.

In 1697¹ the standard fineness of silver plate ceased to be 11 oz. 2 dwt. but was raised to 11 oz. 10 dwt. This richer alloy was the compulsory and only standard of manufacture till 1720. It was called the Britannia Standard, and new marks were appointed to distinguish it, namely a Lion's Head Erased,² and the figure of Britannia seated. Britannia Standard was not in force in Ireland and no marks appropriate to it have at any time been impressed by the Dublin Assay Office.

A few years of experience of Britannia Standard produced a strong feeling amongst the craft that the Old Standard of fineness afforded a better working medium, and that from the greater hardness of that alloy its use resulted in the production of more durable wares. However, some silversmiths favoured the retention of the Higher Standard.

In 1719, when passing an Act,³ primarily to impose a duty of 6d. an ounce on wrought silver plate, Parliament legalized the reversion to the Old Standard of Sterling, but did so

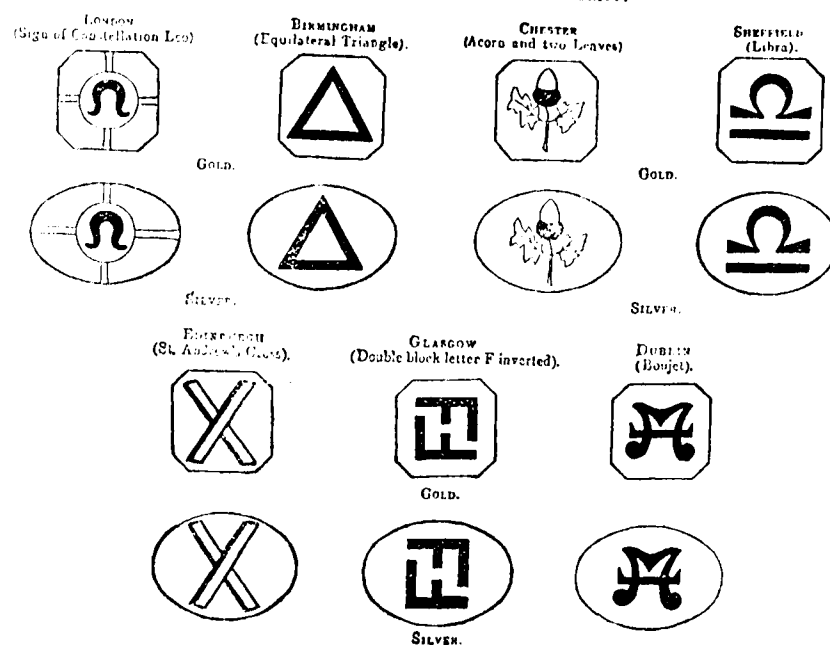
¹ 8 & 9 Will. III, c. 8.

² The word "erased" is used heraldically, meaning forcibly torn off so as to leave jagged edges.

³ 6 Geo. I, c. 11.

ENGLISH PLATE MARKS.

PARTICULAR MARK FOR EACH ASSAY AUTHORITY.



(The actual sizes of the marks are not shown.)

THE CHIEF PROVINCIAL MARKS.

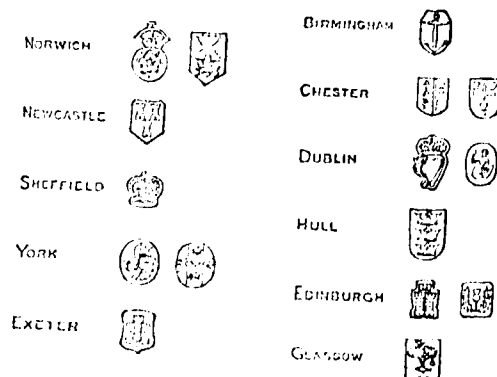


PLATE I

THE LAW OF HALL-MARKING

without disturbing the legality of the Britannia Standard. It ordained that workers in the latter standard should employ the first two letters of the surname as the indicia of the maker. By section 41 of this Act, the distinguishing marks of the two standards were declared to be, (a) the Lion Passant and the Leopard's Head¹ for the Lower Standard, and (b) the Lion's Head Erased and the figure of Britannia for the Britannia Standard.

Consequent upon "great frauds daily committed in the manufacturing of gold and silver wares" there was passed an "Act for the better preventing frauds and abuses in gold and silver wares", generally cited as "The Plate Offences Act, 1738".² This statute, which concerned England only, is of paramount importance. The main provisions of the Act relate to:

- (a) The maker's mark.
- (b) Exemptions from marking.
- (c) Limitations on the use of solder.

In section 5 the form of maker's mark was definitely resettled as the initials of the maker's Christian and surname. This applied to craftsmen working in both standards of metal and is still the law.

Section 6 of the Act exempted certain articles, whether wrought of gold or silver, from marking. It is a lengthy list and includes rings (wedding rings and mourning rings excepted), jeweller's work wherein any jewels or other stones are set (other than mourning rings), chains, and tooth-pick cases.³

Section 11 dealt with the application of solder. The purpose of this 1738 enactment was primarily to check "the great frauds daily committed by using too much solder in or about or by putting the same upon wrought plate". The misuse of solder has been forbidden as far back as 1423⁴ but

¹ It is noteworthy that the Provincial Offices are nowhere mentioned in the Act.

² 12 Geo. II, c. 26.

³ Common articles in the eighteenth century and now frequently sent voluntarily to Assay.

⁴ Henry VI, c. 14.

its improper employment called for renewed vigilance. The function of solder is rigidly to unite separately prepared parts, and to achieve this it is imperative that the solder alloy shall fuse at a lower temperature than the plate alloy. The wardens are to see that the solder is performing its proper function and no other, especially that it be not used as a make-weight.¹

By Section 8 of the Act of 1732, the forging of stamps or marks used by, or in imitation of stamps or marks used by any authorized Assay Office; the transposition of marks; and knowingly selling wares with forged or transposed marks, were each made punishable with a fine of £100, or in default of payment, by imprisonment for two years.

In 1757, by 31 Geo. II, c. 32, these offences—to which were added that of knowingly being in possession of falsely marked wares, and of forging or transposing a maker's mark—were each made felony punishable with the death penalty. In 1773,² however, the death penalty was commuted to transportation for fourteen years.

In 1784 an Act³ was passed imposing a duty on gold wares and reviving the duty on silver wares. It created the duty mark in England, for "the wardens . . . of Assay Offices, shall mark with the following new mark, that is to say, with the mark of the King's Head, over and besides the several other marks directed by law, all and every such pieces or parcels of gold and silver plate sent to be touched, marked, or assayed . . . and shall ask, demand and receive of the person or persons whose property is so required to be touched, marked and assayed, the sum of 8s. for every ounce of gold plate and the sum of 6d. for every ounce of silver plate and shall give a receipt for the duty so paid".

In 1842 an Act⁴ to amend the laws relating to the customs made it obligatory for foreign gold and silver plate, not being

¹ Coarse soldering, often seen on the underneath parts of fine pieces wrought in early days is due to the fact that in remote times craftsmen could not so neatly apply solder, as the body of the article had then to be made red-hot by charcoal.

² 13 Geo. III, c. 59.

³ 24 Geo. III, sess. 2, c. 53.

⁴ 5 & 6 Vic., c. 47.

battered, imported into the United Kingdom to be of legal standard and to be duly assayed and marked.

The Act of 1844¹ repealed the Act 13 Geo. III, c. 59 (1772-3), in so far as it related to the punishment of certain frauds and offences and coded the offences as follows:

- (a) Marking wares with a forged die.
- (b) Counterfeiting marks of any die.
- (c) Transposing marks from one article of gold or silver to another, or to an article of base metal.
- (d) Having possession without lawful excuse, and knowingly, of a forged die, or of any article bearing the mark of a forged die or a transposed mark.
- (e) Cutting off marks with intent to affix them to other wares.
- (f) Affixing to any ware a mark cut from another ware.
- (g) Fraudulently using genuine dies.

The statute declared each and every offence to be felony, and punishable with transportation (now penal servitude) or imprisonment.

Gold

In the year 1300 it was enacted² that goldsmiths should "work no worse gold than of the 'touch of Paris'," a touch indicating 19½ carats of gold and 4½ carats of base metal.

In 1477 it was enacted³ no gold of less fineness than 18 carat was to be worked or sold.

In 1576 in an Act for the "Reformation of abuses in Goldsmiths"⁴ be it enacted . . . that no goldsmith shall sell, work, exchange or cause to be wrought, gold less in fineness than Two and Twenty carats and that he use no sother, amall or other stuffings whatsoever . . . more than is necessary for the finishing of the same".

During these years the fineness marks impressed for 22 carat gold was the Leopard's Head and the Lion Passant, i.e. the same as on standard silver.

¹ 7 & 8 Vic., c. 22. ² 28 Edw. I, c. 20. ³ 17 Edw. IV, c. 1. ⁴ 18 Eliz., c. 15.

During the year 1797 English goldsmiths petitioned the Government to legalize a standard of gold lower than that of 22 carat, which resulted in an "Act for allowing gold wares to be manufactured at a lower standard than is now allowed by law", 1798.¹ It permitted the use of an alloy "18 carats of fine gold in every pound weight troy", to be marked, "with the mark of a crown and the figures 18", thus differentiating it from the 22 carat alloy.

The Act of 1844² effected the much needed reform in the marking of 22 carat gold in England, for which no marking had been introduced in 1798 when 18 carat gold wares and standard silver wares were similarly hall-marked. This not infrequently led to serious frauds by the gilding of silver plate and its subsequent circulation as 22 carat gold plate. To circumvent this evil practice, by the Act of 1844, 22 carat gold had to be punched with a crown accompanied by the figures 22, just as in 1798 it had been ordained that 18 carat gold wares should be marked with a crown and the figures 18.

In 1854 was introduced an Act³ enabling gold wares to be manufactured of lower carat values than the then legal standards of 22 and 18 carats, to wit, 15, 12, and 9 carats, and marks were fixed to indicate their respective fineness. This year saw the introduction of cheap jewellery.

The duty on gold and silver plate ceased to become payable on and after 1st May, 1890,⁴ so thenceforward the Sovereign's head was not stamped on plate of any kind.

On 1st October, 1932, the lower and little used standards⁵

¹ 38 Geo. III, c. 69.

² Gold and Silver Wares Act. 7 & 8 Vic., c. 22.

³ 17 & 18 Vic., c. 96.

⁴ 53 Vic., c. 8. Known as the Customs and Inland Revenue Act, 1890.

⁵ 22 carat gold is largely confined to the manufacture of wedding rings.

18 carat gold is the quality of which almost all of the best jewellery is made.

15 carat gold was used in the manufacture of coloured jewellery and is remarkable for its fine colour and durability. Articles made of 15 carat gold wear better than when made of a softer material. But a 14 carat gold has now been found to be of more universal application.

12 carat gold, though of a rich sparkling appearance, was rarely used.

9 carat gold is regularly manufactured into all kinds of keeper and fancy rings, gold chains, etc., and is greatly in demand.

of 15 carat and 12 carat were discontinued, and a new standard of 14 carat¹ in lieu thereof was instituted.

The Assay

Assay is the examination and the determination of metals. Methods of assaying have been known and resorted to from the earliest period in the history of the English goldsmiths. The object of the assay is to prevent the use of too much alloy, whereby the dishonest dealer may defraud the public. The adulteration of gold and silver wares could be practised profitably and with great impunity by fraudulent dealers but for the activities of the assay officers and the severity of the punishment meted out to offenders. Gold of an alloy considerably below standard cannot be detected, except by special test; silver may contain an amount of alloy almost equal to its own weight without the colour being appreciably impaired.²

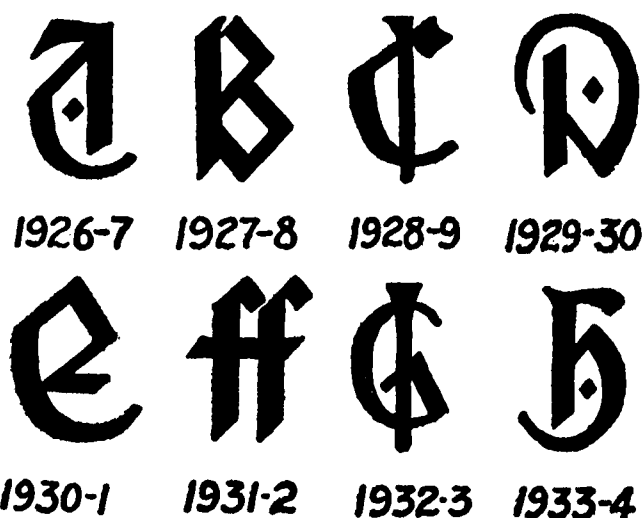
Before commencing to work in gold or silver a craftsman must enroll his name and place of residence at one of the Assay Offices and have there registered his private punch-mark, with which thereafter all wares manufactured by him must be struck. Then, "having prepared his metal, taking care its fineness is equal to the required standard," he fashions it into the form in which it is intended to be made, and before polishing it (having to undergo much handling at the Assay Office), he stamps it with his own punch-mark and sends it to the Assay Office at which his name is registered. It is here examined by the Assayers in order to ascertain if it bears the maker's registered mark, whether all the parts of which it is intended to be made are permanently fixed together, and whether the weight is increased by any unnecessary solder. If the result of this examination is unsatisfactory it is returned to the maker; but if satisfactory, then a scraping is taken from it—from its several parts if made of more than one piece—and the scrapings are subjected to analysis to ascertain the quality

¹ The Gold Wares (Standard of Fineness) Order, 1932.

² Sir Charles Jackson's *English Goldsmiths and Their Marks*.

of the metal. If it be found deficient, the work is cut through and the article returned to the worker. If it be suspected that base metal has been fraudulently introduced within the work from which a scraping could not be taken, the Assayer is authorized to cut the work through, and if a fraudulent introduction of base metal is discovered, the entire work is confiscated; but if no fraud be discovered, compensation is made to the owner for the destruction of the work. But the plate-worker generally takes care to be on the safe side, and as a rule the Assayer finds the plate as good or slightly better than standard. It is then stamped with the official stamps of the Assay Office and returned to the worker, who finishes it for sale.

Methods by which gold and silver are to be determined at the Assay Offices are uncontrolled by enactment. Assaymasters and their staff may, therefore, utilize chemical discoveries and mechanical improvements in elaborating the processes they employ. Their constant aim is to combine accuracy with expedition.



CHESTER ASSAY OFFICE: OLD COURT HAND DATE MARKS.
1926-1933

Ultra-violet Rays in Criminal Investigation

By FRANK W. MARTIN, M.D.

Medico-Legal Department, The University, Glasgow.

Examining Suspected Blood-stains

IN the investigation of crime, it is of the highest importance that the investigator should make use of the latest developments of science.

The examination of stains for the presence of blood is one of the most important tasks which a medico-legist may be called upon to undertake in the course of his work.

By using filtered ultra-violet rays much work has been done in the investigation of blood-stains. Investigations by this means can be carried out quickly; moreover they are simple in execution, and have this great advantage that the object to be tested is in no way marked or injured.

Various claims have been made regarding the value of filtered ultra-violet light in the detection of blood-stains. One investigator asserts that as little as 0.0002 c.c. of blood in 5 c.c. of water can be detected. Gassul and Salkow¹ record a case where the usual microscopic, chemical, spectroscopic, and serological tests were negative for blood, but examination under filtered ultra-violet light quickly revealed the presence of blood. The writer, after much experimentation, has not been able to prove the accuracy of these statements.

Blood does not fluoresce under ultra-violet radiation. It simply darkens in colour. It is, therefore, not possible by means of filtered ultra-violet rays to determine that a stain is composed of blood. The rays will undoubtedly show

¹ Gassul and Salkow: Archives of Forensic Medicine (Russian).

ULTRA-VIOLET RAYS

Figure 4 is a photograph taken in ordinary light of a piece of wearing apparel from a case of rape. Figure 5 is the appearance of the same piece of cloth when photographed in filtered ultra-violet light. The ordinary seminal stain, plainly visible to the naked eye, presents little difficulty to the investigator, since he has at his disposal methods for the detection of spermatozoa, the detection of which is the *sine qua non* in the determination that the stain is seminal.

Seminal stains, however, are not always visible to the naked eye, and it is in such cases that filtered ultra-violet light has an application of great value, since without the fluorescence test such stains would be missed by the most careful investigator, because he has no other means than filtered ultra-violet light to aid him.

Pus stains in their naked eye appearances closely resemble seminal stains. Like the latter they impart to the material upon which they are shed a stiffish feeling. Examined under the ultra-violet filtered rays pus stains exhibit a greenish-yellow fluorescence.

Urinary Stains

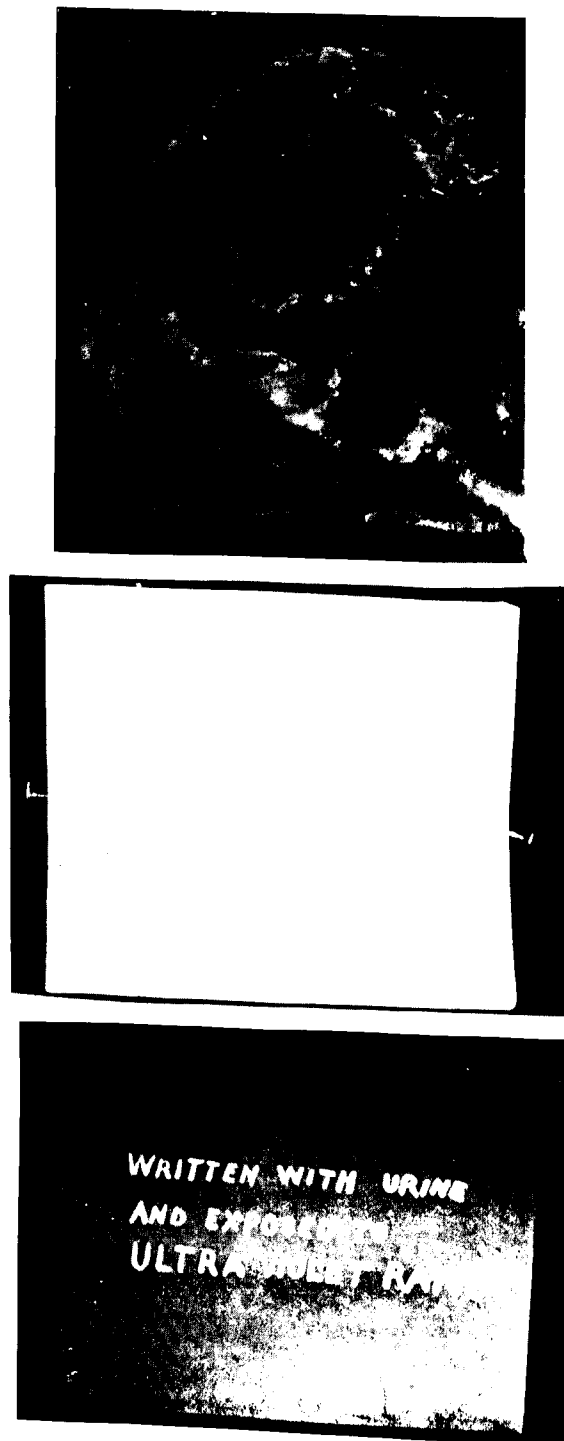
Stains from urine have to a certain extent in their naked eye appearances the same characteristics as seminal and similar stains.

Symons¹ states that urinary stains can be at once distinguished from seminal stains by exposure to the rays, since urinary stains show a yellowish colour. He further states that the edge of the stain is a factor in the differentiation of a seminal stain from one of urine.

From his experiments, the writer is of opinion that the coloration of both seminal and urinary stains when exposed to filtered ultra-violet light is violet, except where one is superimposed on the other, when the seminal stain retains its violet colour, while the urinary stain takes on a yellowish colour.

The fluorescence of urine stains depends upon the colour

¹ "The Fluorescence Test," in *The Police Journal*, Vol. III, p. 235.



Above : FIG. 5.—Photo of seminal stain (Fig. 4) in filtered ultra-violet light
Middle : FIG. 6.—Photo of writing in urine in ordinary light
Below : FIG. 7.—Photo of Fig. 6 in filtered ultra-violet light

and the nature of the material upon which the stain is imposed.

This, in the writer's opinion, probably accounts for the different descriptions given by various investigators of the fluorescing colour of urinary stains when these are exposed to filtered ultra-violet light. Goodman¹ has drawn attention to the value of filtered ultra-violet rays in detecting secret communications. Urine is sometimes used by prisoners for sending secret messages, since the writing is invisible, unless heat is used. Heat causes the writing to show up brown or black. The disadvantage of heating is that the letter cannot be sent to its destination.

Under filtered ultra-violet rays, however, such writing is read without altering the letter in any way, and the suspicions of the sender or the recipient not aroused. Figure 6 is a photograph in ordinary light of a piece of paper on which is some writing with urine.

Figure 7 is a photograph of the same piece of paper in filtered ultra-violet light.

Identification

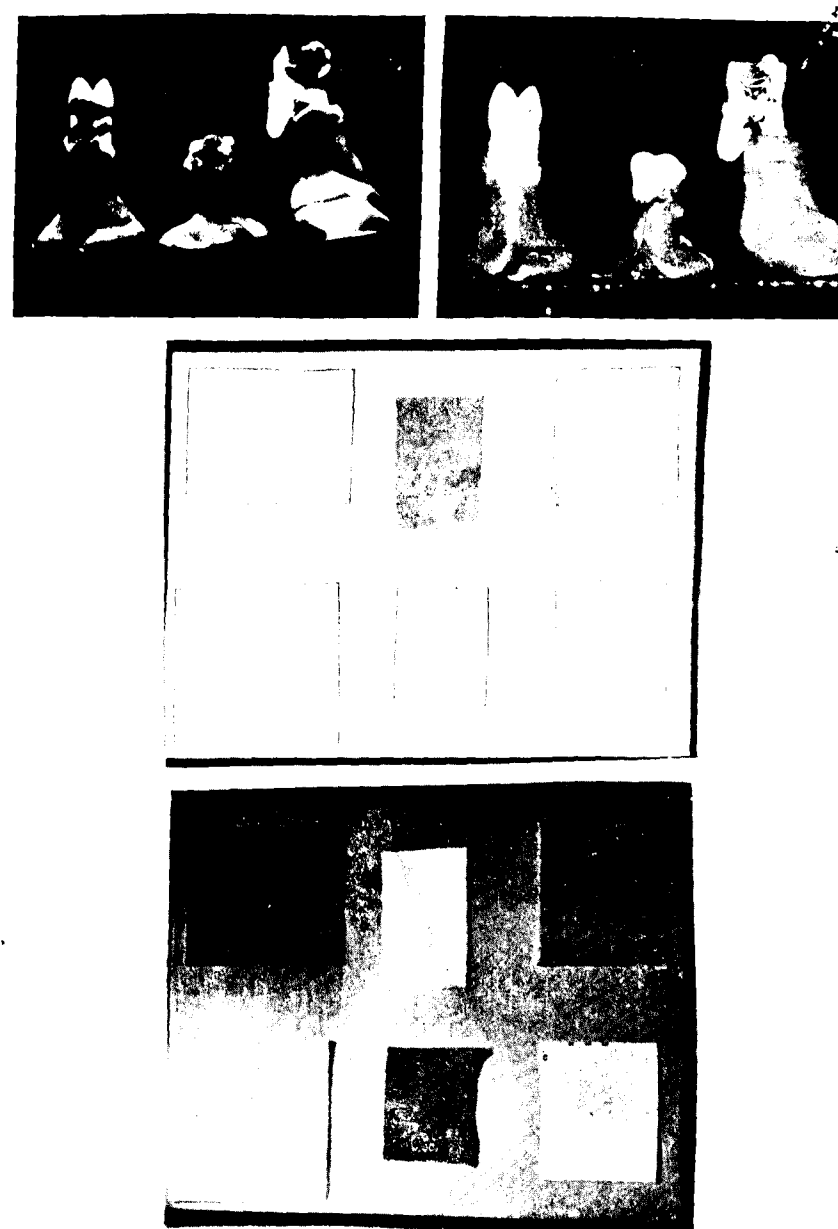
In the field of identification, the use of filtered ultra-violet light may be of great value since it reveals stains and marks in and on the skin surface. Scars and blemishes not readily visible to the naked eye are easily made evident.

Again one can at a glance differentiate artificial from natural teeth. Figure 8 is a photograph in ordinary light of a natural tooth, an artificial tooth, and a natural tooth with a filling. Figure 9 is a photograph of the same taken in filtered ultra-violet light.

Although chemical tests will quickly disclose that human hair has been dyed together with the dye used, filtered ultra-violet light will serve as an excellent preliminary test.

Many types of glass can be identified when exposed to ultra-violet radiation.

¹ "Uses of Ultra-Violet Light," in *The Police Journal*, Vol. IV, p. 225.



Above (left) : FIG. 8.—Photo, in ordinary light, of (1) a natural tooth, (2) an artificial tooth, (3) a natural tooth with a filling

Above (right) : FIG. 9.—The same as FIG. 8, in filtered ultra-violet light

Middle : FIG. 10.—Pieces of white notepaper, photographed in ordinary light

Below : FIG. 11.—The same as FIG. 10, photographed under ultra-violet radiation

Symons¹ instances a case of a motor accident in which the question arose as to the exact spot at which the accident took place. At the suspected spot were some fragments of glass. Under ultra-violet radiation it was possible to say that these fragments were of the same make as the broken glass in one of the head lamps.

In a "smash and grab" raid recently in the West of Scotland the writer was able by comparing the fluorescence of some of the particles of glass found on the clothing of the suspect with that of the broken window, to sustain the charge against the accused.

The examination of bones to determine whether they come from a corpse which has been burned or buried can be easily carried out, since burned bones do not fluoresce.

Attempts have been made to apply filtered ultra-violet radiation in the identification of finger-prints, but without success, since finger-prints do not fluoresce.

Manure Stains

In the differentiation of various manures ultra-violet light is of considerable value.¹ When manure is exposed to the filtered ultra-violet ray the resulting fluorescence depends on the nature of the feeding.

The writer examined the droppings from rabbits fed on bran, and found that the fluorescence emitted was the same as the fluorescence of the droppings of mice which had been feeding on the same bran. The droppings of rabbits fed on porridge gave a different fluorescence from that of rabbits fed on bran. Guinea-pigs fed on porridge gave droppings which fluoresced the same as the droppings of rabbits fed on porridge.

Horse manure does not fluoresce. The fluorescence of cow manure depends on the nature of the feeding, *e.g.* the fluorescence where the animals are fed by grazing differs entirely from the fluorescence where the animals are fed by hand.

¹ *The Police Journal*, Vol. III, p. 235.

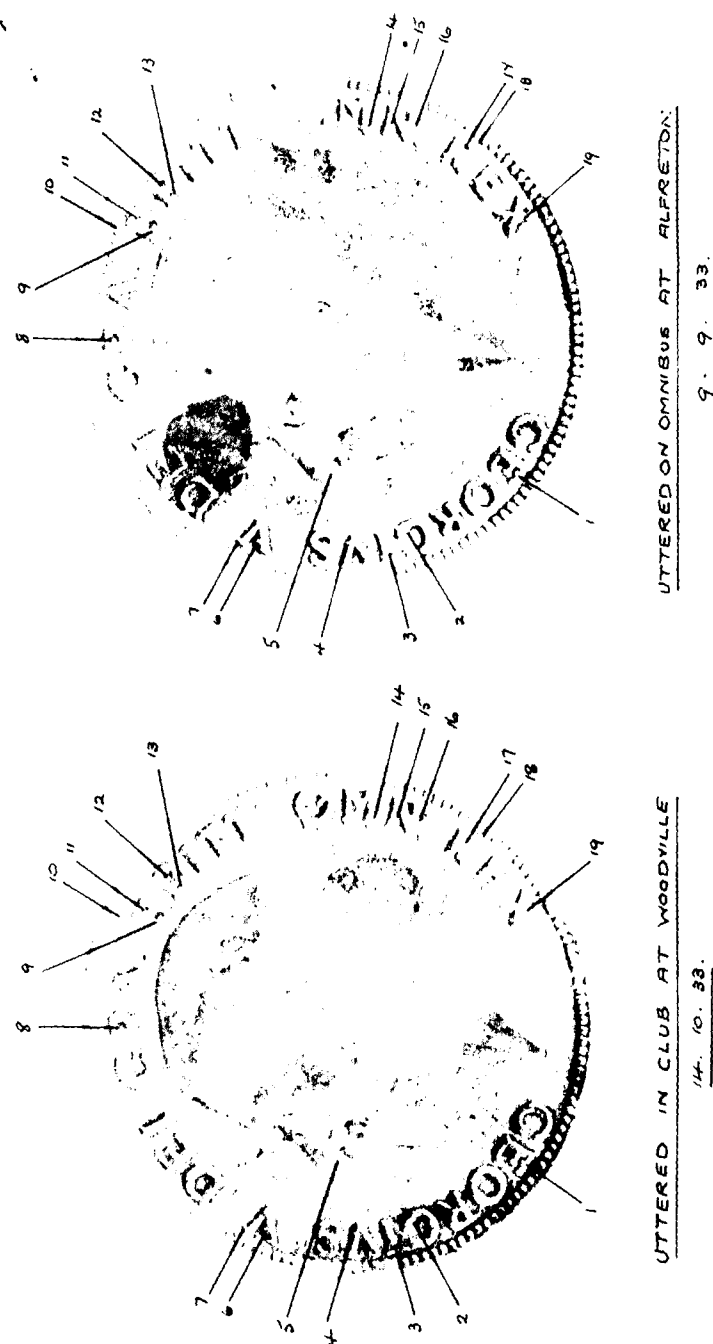


FIG. 1
COUNTERFEIT COINS (see page 463)

The following interesting case confirms this statement. Four men attacked a woman on a quiet country road. The men escaped through a field. The writer was asked to examine the productions in this case. These consisted of several pairs of boots, all stained with cow manure, also a clod of grass in the centre of which was a patch of cow manure, containing the impression of a heel and of an instep. This clod of grass was from the field which the suspects had traversed. It was ascertained that the farmer was a grazing farmer. A sample was obtained from another field where dairy farming was carried on. It was possible to show by the filtered ultra-violet rays that the manure on the boots of the suspects and the manure on the clod of grass were identical in character.

A plea was put forward that the manure was horse manure. This plea, however, was combated by the fact that horse manure does not fluoresce; this is true of the droppings of animals fed similar to the horse, *e.g.* the elephant, rhinoceros, hippopotamus, zebra, tapir. The same may be said of the droppings of animals fed on horse meat.

Examination of Paper

Notepapers of different manufacture, although to the naked eye alike, exhibit great variances in fluorescence when exposed to filtered ultra-violet rays.

The utilization of the rays for the examination of papers is of undoubted medico-legal importance inasmuch as it constitutes the only available method for the accurate and rapid classification of different paper materials. The individuality which is revealed by this line of examination is due to the various "finishing" processes which are adopted by the various paper manufacturers, and to the colouring elements which are added in the production of certain fancy papers.

It is obvious that for medico-legal investigation, for example, in cases where anonymous letters play an important

part, it is often desired to compare and contrast incriminating pieces of paper with samples from their alleged source; for the scrutiny of typewritten documents, in addition to comparing various productions in this way, advantage may also be taken of the characteristic fluorescences obtainable as a result of the spreading and drying of the ink from the ribbons of the machines used.

Figure 10 is a photograph in ordinary light of a number of pieces of white notepaper. Figure 11 shows the same photographed under ultra-violet radiation.

Sir William Willcox¹ and others have drawn attention to the fact that the different varieties of sealing-wax are often at once shown if viewed under ultra-violet light. The writer has proved the accuracy of the statement.

Photography in filtered ultra-violet light is of the greatest importance in the realm of medico-legal criminal investigation, since photographs form a permanent record and such photographs may be used as productions within the courts of law, and as such may be submitted to the jury with striking effect.

The fluorescence test is rapid, simple, and sensitive. In addition, there is the great advantage that, for criminological purposes, the article under examination is in no way marked or altered.

The lamp used in these experiments was the ordinary suspension model of The British Hanovia Quartz Lamp Co., fitted with a special filter, which permits observations being made with the naked eye. The photographs were taken with an ordinary camera, the filter used being a 1 per cent solution of cerium ammonium nitrate.

¹ Willcox, *Recent Advances in Toxicology and Forensic Medicine*, 1929.

“Lawful and Unlawful Obstruction of Public Roads”

By “F. T. T.”

ONE of the most commonplace duties of the police of to-day, in town and village, is to deal with cases of “obstruction”, and in many areas the problem of keeping the roads safe and free for the passage of pedestrians and vehicles, is so acute that scarcely a Bench holds its daily or weekly sittings without having in its lists a case in which some thoughtless motorist has to answer a summons for the unlawful obstruction of the public roads. The presentation of the evidence for the prosecution presents little difficulty in the majority of cases of this description, largely because the police have come to tolerate much that strictly would be held to constitute at least a technical breach of the law, and to refrain from action in any but the more flagrant cases. It is, however, sometimes desirable to review the position and to consider whether, on grounds of public safety and convenience, and for the general good government of the community, a branch of the law, such as this, is being either too stringently applied or enforced in the letter rather than in the spirit, on the one hand; or if too much latitude is allowed to one section of the public and consequently the law brought into contempt or desuetude, on the other.

These considerations are important. The senior officer has in his discretion the task of determining the one or the other, and usually qualities of toleration and a knowledge of the needs of public safety and convenience enable him to decide the broad lines on which he should act. The constable, in his narrower but not less important sphere,

also exercises the discretion dictated by common sense and enforces the law in such a measure as enables him at one and the same time to report the unreasonable motorist with a view to prosecution, and to give appropriate advice and a warning on the occasion of the unintentional lapse of the casual visitor.

The road is the oldest, and is still the most commonly used, means of communication between man and his neighbours. The story of its evolution forms an interesting study, and a short discussion on the question of obstruction of the roads and the interpretation of the law on the subject, may be of interest.

Traffic problems are not new. They have attended the evolution of every form of transport and will inevitably continue to do so. The growth of urban areas and the increase in the number and variety of vehicles using the roads at the present day, suggest that the time is approaching when even the pedestrian class, ubiquitous as it is, may have to submit to a measure of restriction in the use of the roads. This is made obvious when reliable statistics, recently issued by the Ministry of Transport, show that, in an analysis of the chief contributory causes of fatal accidents in England and Wales during 1933, pedestrians were responsible for no less than 44.4 per cent; and that no less than 49.3 per cent of the victims were pedestrians. For a century the pedestrian has sheltered under Lord Denman's dictum that “all persons, paralytic as well as others, have a right to walk on the road and are entitled to the exercise of reasonable care on the part of persons driving carriages upon it”,¹ but with the enactment of the Road Traffic Act, 1934, we may expect to see some modification of this rule in the familiar footnotes in future editions of the textbooks. It has been amplified in a recent case: “. . . No member of the public has an exclusive right to use the highway. He has merely the right to use it subject to the reasonable use of others, and if that reasonable

¹ *Boss v. Litton* (1832), 5 Ca. and P. 407.

user causes him to be obstructed he has no legal cause for complaint." ¹

As we go to press the Minister of Transport is exercising his new powers to issue regulations restricting the movements of pedestrians on that part of the road which, judged by the dictates of reason and common sense, should be left for the passage of vehicular traffic.

Lawful Road Obstructions

There are, of course, many road obstructions which are lawful. Various statutes make provision for the permanent obstruction of a road by the erection of certain structures on, over, or above the road, whilst others exempt persons from penalties for causing other forms of obstruction. A few such instances may be quoted:—

(1) *Statutory Undertakers*.—Provision is made in the various Electric Lighting Acts, the Gasworks Clauses Acts, the Waterworks Clauses Acts, Post Office Acts, and numerous Local and Special Acts enabling statutory and public undertakers (gas, water, electricity, sewerage, telephones, etc.) to break up roads for the purpose of laying pipes and other works in connexion with the Statutory duties laid on the respective undertakings.

(2) *Buildings*.—When alterations are made to buildings, or new buildings erected or repaired, and it is necessary that hoardings be erected on the adjacent roads for the public safety and to prevent interference with the works in progress, the local authority (usually through their Council surveyor) grant a licence to the contractor or owner authorizing the erection of such hoardings. No action will lie for interfering with the free passage of the public by such obstructions unless "unreasonable obstruction" is proved. "The public must submit to the inconvenience occasioned necessarily in repairing the house; but if this inconvenience is prolonged

for an unreasonable time the public have a right to complain and the party may be indicted for a nuisance." ¹

(3) *Parking Places*.—By Section 68 of the Public Health Act, 1925, parking places may be authorized in streets as well as on land appropriated or acquired for the purpose. A parking place is a place where vehicles of any particular class or description "may wait", subject to compliance with regulations and conditions imposed by the local authority concerned. The Act does not apply to streets within the London Traffic Area, but analogous provisions appear in the London Traffic Act, 1924, with regard to that district. It is to be noted that no penal clause appears in Section 68 of the Act of 1925, the explanation being that the penalties for unlawful obstruction of the road were not changed by the passing of this Act. Section 68 merely legalizes an obstruction of the road by a vehicle for such a period of time, which must be reasonable in the circumstances of the situation, amenities, etc., as fixed by the regulations of the local authority. Moreover, the Order appointing the parking places must not "authorize the use of any part of a street so as unreasonably to prevent access to any premises adjoining the street, or the use of the street by any person entitled to the use thereof, or so as to be a nuisance" (Section 68 (1)). Where a breach of the conditions of user of the parking place occurs the remedy is by the ordinary process for breach of the law relating to "obstruction" of the road.

(4) *Public Service Vehicles*.—A local authority may make Orders for fixing stands and places for public service vehicles to stop for a longer time than is necessary for taking up and setting down passengers and as to the manner of using such stands and places. A parking place may also be appointed as a station for public service vehicles (Road Traffic Act, 1930, Section 90). In granting road service licences the Traffic Commissioners may also attach conditions for securing that (*inter alia*) passengers shall not be taken up or set down except at, or between, specified points (*ibid.*, Section 72).

¹ *Harper v. Haden and Sons, Ltd.* (1932), 96 J.P. 540.

¹ *R. v. Jones* (1812), 3 Camp. 231.

(5) *Hackney Carriage Stands*.—In boroughs, and urban districts where the Town Police Clauses Act, 1847, applies, by-laws may be adopted under Section 68 of that Act for fixing stands for hackney carriages.

(6) *Road Direction and Warning Signs*.—These erections must now be of the prescribed size, colour, and type, or otherwise as authorized by the Minister of Transport, to comply with Section 48 of the Road Traffic Act, 1930. Traffic signs not so "prescribed" or "authorized" would, if erected "after the commencement of the Act",¹ be an unlawful obstruction of the highway. The full legislative intention of this Section has not yet been put into effect, but Regulations have been issued by the Minister for the purpose of "prescribing" the already familiar cross-road, junction, school, and level crossing warning signs, and many light signals for regulating traffic at cross-roads have been "authorized" pending a decision on the need for standardized types of signs and other requirements.

(7) *Public Conveniences*.—Various enactments empower local authorities to erect and maintain, or to consent to the erection and maintenance, in or on the streets within their jurisdiction, various public conveniences, lavatories, street refuges, street lamps and standards, switch-boxes, fire alarms, Post Office equipment, and other structures which are essential to the maintenance of public undertakings and the public service.

(8) *Cellar Flaps and Coal Chutes*.—These are tolerated by the law so long as they are opened for a reasonable time and purpose, for letting in fuel and other goods, and at other times are securely and safely fastened.

(9) *Sun Blinds*.—These must not hang lower than 8 feet from the footway.

(10) *Overhead Wires, etc.*—A number of restrictions are placed on the erection of wires and similar apparatus over,

¹ The whole Act was not brought into operation at the same date. Section 48 was brought into operation on 1st December, 1930, and it may be presumed that that date would be held to be the "commencement of this Act" in relation to Section 48.

along, or across streets, and where Part II of the Public Health Act, 1925, is in force, such erections can only be made with the consent of the local authority. Nice questions sometimes arise as to the legality of allowing a pipe from a petrol pump to be suspended over the footway or carriageway to feed vehicles waiting on the road. It is suggested that whenever possible pumps should be placed so that a "pull in" is provided for vehicles, thus avoiding the risk of unreasonable obstruction caused whilst vehicles are waiting to take in petrol and other garage supplies.

The law generally on this aspect of lawful obstructions is clearly stated in *Herring's* case, where the obstruction complained of was a hoarding erected by the defendants for the purpose of constructing a sewer under the street: "As a general rule, all the Queen's subjects have a right to the free and uninterrupted use of the public way; but, nevertheless, all persons have an equally undoubted right for a proper purpose to impede and obstruct the convenient access of the public through and along the same. Instances of this interruption arise at every moment of the day. Carts and wagons stop at the doors of shops and warehouses for the purpose of loading and unloading goods. Coal-shoots are opened on the public footways for the purpose of letting in the necessary supplies of fuel. So, for the purpose of building, rebuilding, or repairing houses abutting on the public way in populous places, hoardings are frequently erected enclosing a part of the way. Houses must be built and repaired; and hoarding is necessary in such cases to shield persons passing from danger from falling substances."¹ And, quoting from a similar case: "These are the sort of things that it is recognized people may do in respect of the highway which, although they physically obstruct, do not constitute an obstruction of the King's highway, either for the purpose of indictment or for the purpose of civil action."²

¹ *Herring v. Metropolitan Board of Works* (1865), 19 C.B. (N.S.) 510.
² *Lingke v. Christchurch Corporation* (1912), 3 K.B. 595.

Unlawful Obstructions

If an obstruction of the highway is unreasonable and has not the protection of a Statute, it may become a public nuisance, proceedings for which may lie, for an aggrieved party, either in the civil court or by indictment for misdemeanour. We are not, however, here concerned with civil remedies, and the powers of the courts of summary jurisdiction are sufficiently wide to deal effectively with the great majority of cases with which the police are called upon to deal. The criminal law on the subject appears at first sight to contain some duplication of terms, although, as will be seen, the Statutes creating the various offences of obstruction each have their respective scope in dealing with the problem. The three sections with which the police are mainly concerned are as follows:—

(1) *Highway Act, 1835, Section 72:—*

“ If any person . . . shall wilfully obstruct the passage of any footway ; or . . . shall in any way wilfully obstruct the free passage of any (such) highway . . . ” (Penalty, a fine not exceeding 40s.)

(2) *Town Police Clauses Act, 1847, Section 28:—*

“ Every person who in any street, to the obstruction, annoyance or danger of the residents or passengers . . . who causes any public carriage . . . or barrow . . . to stand longer than is necessary for loading or unloading goods, or for taking up and setting down passengers ” (hackney carriages excepted) “. . . and every person who by means of any cart, etc., or by any other means, wilfully interrupts any public crossing, or wilfully causes any obstruction in any public footway or other public convenience . . . and . . . every person who places or leaves any furniture, etc., on any footway . . . or places, hangs up or otherwise exposes for sale any goods, so that the same may project into or over the footway, or beyond the line of the building so as to obstruct or incommode the passage of any person over or along such footway . . . ” (Penalty, a fine not exceeding 40s. or imprisonment for fourteen days.)

(3) *Motor Vehicles (Construction and Use) Regulations, 1931—Regulation 74:—*

“ No person driving or in charge of a motor vehicle when used on a road shall . . . allow the motor vehicle or any trailer drawn

thereby to stand on the road so as to cause any unnecessary obstruction thereof.” (Penalty, a fine not exceeding £20, and in the case of a second or subsequent conviction to a fine not exceeding £50, or to imprisonment for a term not exceeding three months.)

It will be observed that the terms “ highway ”, “ street ”, and “ road ” are respectively used in the three enactments quoted. In the definition clause of the Highways Act “ highways ” means all roads, bridges (not being county bridges), carriageways, cartways, horseways, bridleways, footways, causeways, churchways, and pavements. This Act is in force throughout the country. “ Street,” in the Town Police Clauses Act, 1847, extends to and includes any road, square, court, alley, and thoroughfare, or public passage within the limits of any special (Local) Act. This Act was passed to consolidate and ally various general provisions as to police in the government of towns, with special provisions contained in Local Acts, and its provisions remain applicable only to municipal boroughs, and urban areas to which it was subsequently extended. It does not apply to the administrative county of London, the analogous provision relating to unlawful street obstructions being set out in Section 54 of the Metropolitan Police Act, 1839. (See also the Metropolitan Police Acts and Metropolitan Streets Acts with regard to regulation of street trading.)

Under the Road Traffic Act, 1930, under which the above Regulations are made, a “ road ” is any highway and any other road to which the public has access, and includes bridges over which a road passes. This is capable of a wide interpretation ; it includes a footway¹ as well as a carriageway ; and a private occupation road leading to a farm, if at the time the public has access, is a road.² A further point in connexion with proceedings under these regulations is that by Section 3 of the Act not only the driver but the “ person who causes or permits the vehicle to be so used ” is guilty of an offence, and by Section 113 the owner or other person

¹ *Bryant v. Marx* (1932), 96 J.P. 383.

² *Harrison v. Hill* (1932), S.C. (J.) 13.

must, when required by or on behalf of a chief officer of police, give such information as will trace the identity of the driver. The Regulations, of course, apply only to motor vehicles, and penalties, in common with those for other motoring offences, go to the Road Fund.

The Road Traffic Act, 1930, also makes provision for dealing with the more serious traffic offence of causing or permitting a vehicle (of any description) "to remain at rest on any road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road" (Section 50).

A great variety of acts by drivers and other persons, hawkers, itinerant vendors, shopkeepers, etc., may constitute the offence of "unlawful obstruction" under one or other of the enactments mentioned, and reference to the case-law shows the interpretations which the courts have placed on them. So far as we may obtain practical guidance on the question, which the policeman on his beat has to determine so frequently for himself, of what latitude is to be allowed for loading and unloading a vehicle in a busy and congested street, we may obtain some help from *Smith's* case, frequently invoked by defending advocates. In that case¹ the defendants where wholesale stationers and booksellers with large premises in the Strand, and the nature of the business entailed large quantities of goods being collected from and delivered to the premises in vans and carts. It was alleged for the prosecution that the process adopted by the defendants in loading and unloading was so slow that throughout the day the portion of road was practically continuously occupied by the waiting vans and carts, to the exclusion of the general public; and that this was unreasonable. The Strand had at this point been considerably widened some years previously, and it was contended that the user of the road by the vans and carts was an unreasonable appropriation and an obstruction of the user by the public of the road and footway which amounted to a public nuisance. For the defence it was urged that

¹ Att.-Gen. v. W. H. Smith and Sons, Ltd. (1910), 74 J.P. 313.

the business of a great commercial city could not go on without the highway adjoining business premises being used to some extent for the loading and unloading of vans and that the defendants were therefore entitled to a reasonable user of the highways for that purpose. It was held that on the facts the user was reasonable in that the public were not to any substantial extent interfered with by what was done. The decision is important in that it confirms the precedent that each case must be dealt with on its merits; that is to say, whether the user is reasonable or unreasonable is a question of fact to be determined according to the circumstances of the particular case. The prefatory note to *Smith's* case adds: "A user, which in a wide highway is reasonably necessary for the exigencies of a business, may in a narrow highway be unreasonable and excessive and amount to a public nuisance." And as Lord Ellenborough observed a century ago: "If an unreasonable time is occupied in the operation of delivering beer from a brewer's dray into the cellar of a public house, this is certainly a nuisance. A cart or waggon may be unloaded at a gateway; but this must be done with promptness."¹

Other enactments which provide for penalties on summary conviction for various forms of unlawful road obstruction may be shortly referred to:—

(1) *Town Police Clauses Act*, 1847.—Section 21 enables a local authority to make orders for the route to be observed by traffic "and persons" and for preventing obstruction in all times of public rejoicings, processions, and the like, and in any case "where the streets are thronged or liable to be obstructed". This last arm of the Section has been interpreted by the Courts as enabling a local authority to make a general order applicable at all times, not merely on special occasions, to streets which are habitually thronged or liable to be obstructed.² Orders made under this Section do not

¹ *R. v. Jones* (1812), 3 Camp. 231.

² *Teale v. Williams* (1914), 3 K.B. 395.

require confirmation by a Government department, as in the case of a by-law.

(2) *Highways Acts*.—Various provisions are made in the Highways Acts for penalties for obstructions, other than those already dealt with, although they are mainly enforced by the highway surveyors and their staffs, rather than by the police. These include encroachments on carriageways, obstructions by trees, timber, soil, road-making and similar materials.

(3) *Public Health Acts*.—The Public Health Acts are closely related to local legislation and local government. Many of their provisions are adoptive, at the discretion of the various local authorities throughout the country, and it is not possible to specify without reference to individual localities how far the enactments apply. Subject to a number of minor exceptions, proceedings for offences under these Acts may not be instituted by police officers, the practice being, when action emanates from the police, to pass the subject-matter to the appropriate local authority's officials for their attention. Penalties are provided for such offences as the deposit of materials on roads without the consent of the local authority; the erections of unlicensed hoardings; failure by public undertakers to reinstate road surfaces in proper condition; failure to lop obstructing trees, etc., after due notice; and breaches of by-laws made for good rule and preventing obstruction and annoyances on promenades and esplanades.

In many areas a problem as acute as that of the motoring-obstruction is the barrow-hawker, who takes up his pitch in the narrow and congested streets of busy market towns at the time of the day when traffic is at its heaviest. Owing to the fact that this class of trader serves a useful purpose, in retailing goods of a quality and price to fit the purse of the poorer sections of the community, and the further fact that a livelihood of this sort enables many men to eke out an existence (in many cases it may safely be asserted that the returns are substantial) the absence of which would mean

their inclusion in the ranks of the unemployed, it is difficult for the police effectively to restrict their activities.

In London steps have been taken to enable the councils of Metropolitan Boroughs to prescribe streets which are suitable for street trading, and those which are unsuitable, and to grant licences to street traders accordingly. (L.C.C. (General Powers) Act, 1927.) In the provinces many local authorities have adopted Orders under Section 21 of the Town Police Clauses Act, 1847 (already mentioned), prohibiting or restricting street trading by barrows, baskets, etc., in streets which are "thronged or liable to be obstructed". In the absence of such restrictions proceedings may be instituted under either of the sections of the Highways Act or the Town Police Clauses Act which we have discussed, but as the dictum in *Smith's case* (*supra*) has to be applied, benches of lay Justices are sometimes difficult to convince that the barrow (within the limits of the time to be described by the police witness, for very seldom can members of the general public be induced to appear to give evidence in such cases, however volubly they complain generally of the nuisance) was using the street unreasonably. It is, of course, not essential to a conviction to call any person who has been annoyed, etc., as a witness, and it has been held, further, that if witnesses are called to show that they have not been inconvenienced by the projection causing the alleged obstruction, and do not consider it to be such, the Justices are not bound to accept their opinions and may reject the evidence as irrelevant.¹

A recent observation of Lord Justice Romer in the Court of Appeal is perhaps the best dictum for the policeman to adopt in carrying out his difficult, though commonplace, duties of keeping the roads safe and free for traffic: "The law relating to the user of the highways is, in truth, the law of give and take. Those who use them must in doing so have reasonable regard for the convenience and comfort of others, and must not themselves expect a degree of convenience and

¹ *Read v. Perrett* (1876), 41 J.P. 135.

comfort only obtainable by disregarding that of other people. They must expect to be obstructed occasionally. It is the price they pay for the privilege of obstructing others."¹

This seems to sum up the whole problem. And, as fortunately it is already acted upon by policemen, and, be it said, by the great majority of motorists, hawkers, tradesmen, and all sections of the community, if it catches the eye of that small percentage of people who are inclined to be unreasonable and thoughtless, they also may be induced to cultivate a greater sense of reasonableness and consideration for their fellow-travellers in the use of the road.

¹ Harper v. G. N. Haden & Sons, Ltd. (1932), 96 J.P. 543.

THE COLONIAL POLICE

The following appointments are announced by the Colonial Office:—

ANDREWS, P. H. (Chief Inspector of Police)	Assistant Commissioner of Police, Federated Malay States.
BELL, H. St. J. (Sub-Inspector of Police, Leeward Islands)	Sub-Inspector of Police, British Guiana.
CREASEY, H. W. (late Assistant Inspector of Police, Northern Rhodesia)	Assistant Inspector of Police, Uganda.
HARRAGIN (D.S.O.), Major A. E. A. (Inspector of Constabulary)	Senior Inspector of Constabulary, Trinidad.
HAXWORTH, W. R. M. (Inspector of Police)	Financial Officer, Police Dept., Straits Settlements.
HYNAM, W. C. (Gaoler and Sub-Inspector of Constabulary, British Solomon Islands Protectorate)	Chief Warder, Central Prison, Cyprus.
LIDDELOW, G. B. (Sub-Inspector of Constabulary)	Inspector of Constabulary, Trinidad.
LLOYD, D. (European Chief Inspector of Police)	Assistant Superintendent of Police, Ceylon.
PUGH, W. R. B. (Second Grade Assistant Inspector of Police)	Assistant Superintendent of Police, Kenya.
RIDLEY, H. F. (Inspector of Police)	Assistant Commissioner of Police, Federated Malay States.
RIPLEY, G. C. (British Section, Palestine Police)	Probationary Inspector of Police, Settlements.

The London & North Eastern Railway Company announce that the following appointment has been made:—

M. H. S. COLE, Dock Superintendent, Eastern Docks, Hull, to be Chief of Police, North Eastern and Scottish Areas, in succession to Lieut.-Col. G. A. C. Webb, who retires under the age limit in October.

Direct Evidence

WAS THE ACCUSED GUILTY?

MANY articles have been written and more controversies aroused over the question of circumstantial evidence than any other matter connected with the detection of crime and the administration of justice, but a case which came to my notice in the early days of my service in the constabulary made a very great impression on me in after years, when dealing with any case in which the evidence was direct and appeared unquestionable.

As some of the persons connected with the case are still alive, I refrain from giving the names of the locality or the persons concerned. This case happened some years ago in a small agricultural village in the Midlands, the constable on whose beat it occurred lived in another village about three miles away, and he was not on the telephone. These are the facts of the case as they arose :

A young girl, aged about seventeen, was employed as general help at a farm-house just outside a village, and at about 11.30 a.m. on a Saturday morning in the early autumn she was given a sovereign by her mistress and told to go to the village about a mile away and make some purchases for the house. The girl left the house on foot and shortly after she started there came a very heavy shower of rain. The way she had to go was along a country lane and very little used by traffic.

She returned to the farm about an hour later, very wet

and muddy and appeared in great distress. In reply to questions by her mistress she said she had got about half-way to the village when it came on to rain and she went to a gateway for shelter ; she described the place. A man was sheltering there when she got there and he asked her where she was going and she told him, " Down the village shopping," and showed him the purse she had in her hand, which contained the sovereign. She stated that the man grabbed at the purse but she held on to it. He then closed with her, threw her to the ground, and took the purse, making off in the direction of the village. She said she screamed but there was no one about to hear her.

The farmer's wife at once sent for her husband who was working in the fields ; he came in a short time. After hearing the girl's story he harnessed a pony and took the girl to the constable's house in the next village. The constable was not at home, so the farmer asked that he should be informed that he wanted to see him as soon as he returned ; he then went back to the farm. The constable arrived at the farm about 6 p.m. and was informed what had occurred. The girl gave a very clear description of the man's dress and appearance and stated he was carrying a basket covered with American cloth, and appeared to be a pedlar.

The constable at once communicated with his superintendent and the information was circulated. He then made inquiries in the neighbourhood and visited the gateway, which was set back from the road with a fairly high hedge on either side, but owing to the rain and lapse of time any marks that might have been made were obliterated. In the course of his inquiry he found two men who had passed a man between the gateway and the village, answering to the description given, but they did not see the girl, as they turned into a field before they got to the gateway.

About 9 p.m. the same evening a police officer was making inquiries in a town about 10 miles away and visited a lodging-house, where he found a man whose appearance tallied with the girl's statement. The man, moreover, had a basket similar

to the one described. He was questioned and it was found he was in the vicinity about the time the offence was reported to have been committed. He was arrested and taken to the police station and told he would be detained; he was informed of the nature of the charge, which he denied. On being searched a sovereign was found in a small canvas bag in his possession. When asked to account for it he said he had carried it a long time.

On the following Monday morning the accused was put up for identification in the usual way, and was immediately identified by the girl and the two other persons. The accused was remanded in custody for a week.

Having read so far I would ask the reader to pause and consider the evidence obtained. Were you the officer in charge of the case, would you be satisfied you had a good case to present? As a magistrate would you have any doubt in committing the accused for trial, or were you a jurymen at the trial have any difficulty in finding prisoner guilty on this evidence? It is certainly direct and appears conclusive. But—

This case aroused considerable local interest and gossip, and was fully reported in the local weekly paper. On the following Sunday evening two well-known poachers were in a public-house taproom in the village where the constable lived who had received the report. The landlord, who was a very talkative person, was discussing the case with other customers. The two poachers had not heard of it before and after listening to the landlord for some time one of them remarked, "That's — funny." The landlord said, "What's funny?" when one of the poachers replied, "Well, we were just inside that gate when it started raining and kept under the hedge and saw the chap with the basket come there for shelter, but he never saw us, and there was no girl came there while we were there, and we waited till the chap was gone before we came out."

The landlord thought this was rather strange and went to the constable's house; finding him at home, he told him what he had heard. The constable went to the public-house

and the two men were still there. With the landlord they went to another room, where he asked them whether what the landlord had told him was correct. They said that it was and stated that they had been out ferreting that morning and were coming up under a hedge in the field where the gateway was, when it started to rain and they remained under the hedge inside the gate. They saw the man with the basket take shelter on the other side, but they kept out of sight till he went off in the direction of the village. They were certain that no one else had come to the gate and that nothing had happened there. When they came out they saw a girl about 250 yards away walking toward the farm, and the man with the basket going in the opposite direction. They crossed the road and made their way across the fields. From the description they gave of the man the constable was satisfied these two men had seen the prisoner at the gateway. He informed his superintendent, who at once came out and interviewed the girl, and closely questioned her on her statement. After some time she admitted that her statement was incorrect. She then told the superintendent she saw the prisoner go by the farm gate just before she got to it, but did not think he saw her. She followed him down the road at some distance and saw him go in the gateway when it rained, while she took shelter under a tree some distance away. When the rain stopped she saw him go in the direction of the village, and she went back to the farm. The purse she threw away and the sovereign she had in her box. This was found to be correct. She was arrested.

The following morning the facts were explained to the magistrates at the police court, and the pedlar discharged. The girl was charged with stealing the sovereign and pleaded guilty; she was sent to a term of imprisonment.

This case happened some years ago, but I have always feared that if those two poachers had not been carrying on their unlawful pursuit that particular morning, nothing could have saved that pedlar from a long term of imprisonment.

Counterfeit Coins and Notes

By DET.-SUPT. ALAN EVANS, F.R.M.S.

Derbyshire Constabulary C.I.D.

THERE are few books dealing with the scientific aspect of criminal investigation that do not devote space to the examination of counterfeit coins. Some of them convey the impression that the study of counterfeit coins, their manufacture, distribution, etc., is of absorbing interest to police officers, especially detective officers, and that the subject occupies an important place in the routine work of a Criminal Investigation Department. Though it does interest some departments, there are others which have never given it a moment's serious thought, and the maxim that prevention of crime takes precedence of detection in a policeman's duties seems to get overlooked where counterfeit coins are concerned.

This apathy can be traced to two factors, (1) that seldom is an undetected crime recorded in this connexion, (2) that each force regards it as the business of someone else. The fact that a spurious coin has been found in his takings by a tradesman or bus conductor is not evidence that any offence has been committed in that police district, because the coin may have been innocently put off by a person who received it in another town. It might have been passed on by several persons since it was first uttered, some knowingly and others innocently. The occurrence is therefore not recorded as a crime *and the fact that a crime was at some time committed with every counterfeit coin is lost sight of*. In consequence, spurious coins may be circulated in the same area for a considerable time with impunity and the circulation is seldom terminated by unaided police work. It is more often brought about by the detection of an utterer by a private person or as the result of "information received".

Owing to the fact that there is now no centralized scrutiny or systematic interchange of information between forces, the chances of detecting a coiner or utterer are considerably reduced when he moves into other police districts to operate. Although two, three, or four police districts may be receiving counterfeit coins of the same denomination, there is no means by which they can know whether the coins are from the same mould or not.

Upon consideration, it will be appreciated that to be effective the examination of counterfeit coins must be on a national basis, either (a) through a clearing house, or (b) by interchange of information between forces. At the present time there is no clearing house in England to which counterfeit coins can be submitted with a view to information being furnished concerning them. Coins received by the police from tradespeople and others, who have received them in the ordinary course of business, are retained by the police until their investigations are complete and then forwarded to the Mint for destruction. If the coins do not present any unusual features, they are allowed to accumulate and are forwarded to the Mint when convenient, quarterly or half-yearly.

The systematic examination of counterfeit coins can be very simply made in the C.I.D., and any officer engaged in the work will be impressed by two things, (1) the amount of information that can be tabulated from a superficial examination of the coins, (2) the uselessness of such information if he cannot exchange it with officers from surrounding forces. The examination of a few counterfeit and genuine coins with a reading glass will well repay the time spent. It will be found that there are small metal adhesions on the surface of moulded counterfeit coins, especially in the lettering and beading, that never appear on a genuine coin.¹ When two or more coins are from the same mould, those adhesions are found on each of the coins in identically the same place, and the reproduction of this characteristic data has a definite

¹ See Figs. 1 and 2.

significance in identifying the moulds from which the coins were made or identifying two coins as being made in the same mould. These adhesions will not be present if the coin has been "struck", but such coins are uncommon in this country. An officer does not need any elaborate training in metallurgical chemistry to make an examination of a coin on the lines indicated and, if he has any doubt as to the genuineness of a coin, he will find that a spot of a solution of 1% Antimony Trichloride (SbCl_3) in dilute HCl. acid (50% Con. Acid) will usually stain a counterfeit coin though it has no effect on a good one.¹

A card index record of counterfeit coins has been kept experimentally in this department for two years, and a card, completed with the following particulars, is inserted for each coin (or note):

- (1) The denomination of the coin or note.
- (2) The number of the note or date of the coin.
- (3) The date it was uttered or noticed to be counterfeit.
- (4) The circumstances in which it was uttered, *e.g.* shop, hotel, market, race-course, etc., and the description of any suspect.
- (5) General remarks on the appearance of the coin, *e.g.* obvious defects, colour, milling, etc.
- (6) Mould marks or metal adhesions on a coin or defects on a note.

The cards are filed on (1) denomination, (2) number of note or date of coin; with provision for further subdivision on mould marks or defects. It is very little more trouble to complete a card than to make an entry in a book; some record of the coin has to be kept and there is a definite object in view when the card is made out.

The following figures which show the number of counterfeit coins and notes handed to the police in Derbyshire during the past seven years are probably representative as regards counties of about the same population. They are instructive in at least two ways, (a) as showing the increase

¹ See stains on Coins in Fig. 1.

in recent years (which is sometimes doubted) and (b) the preponderance of half-crowns and florins—thereby discounting the theory that the increase is due to the popularity of automatic machines.

Note or Coin.	Half-year 1917.	1928.	1929.	1930.	1931.	1932.	1933.	Total
£1	2	—	1	—	—	—	—	3
10s.	—	—	—	—	—	1	—	1
2s. 6d.	7	11	11	31	23	50	26	159
2s.	2	7	4	23	18	16	19	89
1s.	1	—	2	—	1	6	8	18
6d.	—	—	—	1	1	1	1	4
	<u>12</u>	<u>18</u>	<u>18</u>	<u>55</u>	<u>43</u>	<u>74</u>	<u>54</u>	<u>274</u>

The coins described in the foregoing table were detected in the following places:—

- 13 in banks.
- 128 by small shopkeepers.
- 30 by bus conductors.
- 46 in public houses.
- 12 at dog-racing tracks.
- 12 at places of amusement.
- 33 in other places.

During the two years in which coins have been subjected to scrutiny, on the lines indicated, six genuine coins have been received as spurious ones (four half-crowns and two shillings). Ten instances have occurred in which it has been possible to say definitely that the coins received were made in the same mould as coins previously received. In one instance three half-crowns were from the same mould and in another case three years had elapsed between the receipt of two coins made in the same mould. Unfortunately, this information is of little assistance at the present time because it is impossible to ascertain the area over which coins from a certain mould are being distributed. If the area could be defined it would be possible for forces within that area to keep observation on known coiners to ascertain whether they were active or not and to inform themselves whether the distribution was on a large scale. In this connexion the usual channels of distribution can be considered:—

(1) *The Coiner Utters them Himself*

If he does so the area covered will be limited because he must have some address where he has facilities for making coins without attracting attention. Excepting the beginner, the coiner does not usually utter himself because if he is caught and the police search his premises evidence might be found of the more serious offence of making coins, or being in possession of tools, etc. He is also at a disadvantage if arrested because other counterfeit coins may be found in his possession.

(2) *The Coiner Employs Others to Utter*

The area of distribution is then considerably enlarged, but it is still confined to an area. This is probably the safest method of disposing of counterfeit coins but the least profitable. It is comparatively safe because the coiner can carry a large number of coins and give his accomplices one at a time to utter. If the accomplice is caught he (or she) has no other counterfeit coin in his possession. After making a small purchase the accomplice returns to the coiner for another coin and deposits with him the article bought and the change.

(3) *The Coiner Sells them to Utterers*

From a detection point of view this probably provides the greatest difficulty because the utterer may be a frequenter of race meetings, markets, dog tracks, etc., and travel all over the country. From such places the coins become re-circulated so widely that the area of distribution may be indefinable. A clearing house for coins would, of course, notice the influx of coins of certain moulds from race meeting areas.

If the scrutiny of counterfeit coins for the whole country was made at one clearing house it would be a simple matter to note coins from one mould, or notes of one series, and to define the area of distribution if an area exists.

If the work is done by local C.I. Departments the results would certainly be enhanced by the introduction of a system of interchange of information. It is essential that the

descriptive terms should be uniform and that photographs of the coins (showing the defects) should be exchanged. The advantage of using photographs is that the exact positions of the defects are discernible and long descriptions are avoided. If the defects do not appear on the photograph it will serve no purpose. Photographs of spurious notes occasionally appear in the police papers: these photographs, except for the serial number, provide no information at all and no mention is made of defects, although they are known to exist.

Marks on coins due to accidental injury should not be confused with mould marks.

Police Officers should refrain from disfiguring supposed counterfeit coins after they come into their possession, as characteristic detail is often obliterated by officers "testing" coins to convince themselves that they are counterfeit. It is preferable that they should submit a genuine coin for examination occasionally, rather than they should disfigure every doubtful coin reported to them. It would be helpful if suspected coins were submitted to the C.I.D. for examination as quickly as possible, instead of holding them pending the completion of the local inquiry.

Reverting to the advantages of a clearing house for spurious notes and coins, one naturally thinks of the service such a department could render in "coining" cases. If an officer of the clearing house, with proper qualifications, could be called to give expert evidence in the way that officers of New Scotland Yard are now called to give finger-print evidence, it would carry much more weight than that of local science masters who are now called for the purpose. It follows that officers employed solely on the examination of spurious notes and coins would become very expert in that branch of police work and be much more reliable and convincing than a man who gives evidence of this kind perhaps only once or twice in his career. We are indeed fortunate that science masters are willing to assist us as they do, but they are unaccustomed to the witness box and their discomfort is sometimes very evident.

forger, but he is deterred by three things : (1) Capital ; (2) Instruction ; (3) Absence of natural aptitude for study.

Many of the ' tests ' are useless. The ' ring ' should be disregarded because a good coin does not ring if cracked and some counterfeit coins ring quite well. A genuine silver coin will bend fairly easily.

The specific gravity may vary with the denomination of the coin or the year of issue—genuine " silver " coins in circulation to-day are not all of the same alloy. Counterfeit coins can be made with the same alloy as genuine ones if the coiner has a sufficient knowledge of the subject.

Ultra-violet radiation is very useful in the examination of suspected notes, particularly if the suspect note is placed beside a genuine one under the light. The paper of a counterfeit note appears to be yellow and inferior although in daylight it is a good imitation. The difference can easily be photographed with an ordinary camera, and if protex lead glass is placed between the lens and the note, the reflected ultra-violet will be screened off and the defects in the paper itself will be apparent. Upon closer examination, small defects in the printing will generally be found—on a counterfeit ten-shilling note recently examined the background lining was all red instead of being red lines crossed with black lines and the " i's " in " Chief Cashier " were not dotted.

The photography of coins is very simple. The photographs (Figure 3) were taken after the coins had been stuck side by side on a piece of white board with small pieces of plasticine. Figures 1 and 2 are enlargements of Figure 3. The coins in Figure 1 were untouched, while those in Figure 2 were dusted with ordinary grey powder (mercury and chalk). An ordinary camera and process (H. & D. 90) plates were used with oblique lighting from three angles and total exposure of one minute at F. 32. The illuminant was a 200 watt lamp, 15 inches from the coins, and the exposure was divided into three periods of 20 seconds, (1) with the light on the right, (2) over the top, and (3) from the left.



FIG. 3

Scientific Police in Lyons and Brussels

By HENRY T. F. RHODES

THE organization of technical police on the Continent does not differ so greatly from our own as is sometimes supposed, leaving aside the important difference that Great Britain has never employed military police. In regard to the civil police of France and Belgium, for example, no more than in England is there centralized control. The Paris Prefecture has no jurisdiction in Lyons, nor in Marseilles. Brussels and Liège are independent of each other. In a sense there is greater local independence, since there is no exact equivalent in France or Belgium of "calling in Scotland Yard". Such a phrase would have no meaning in Belgium, and not the same meaning in France. In the case of serious crime, particularly of a political nature, the *Sûreté* (public safety) may definitely take charge of the affair, but in general the local police organization is quite capable of handling any problem short of one of national importance.

While the various police departments are self-governing, their form of organization is very similar. They include in each case, in contradistinction to our system in England, a department of technical police. It is literally true to say that this phrase has little meaning in English. The technical police in no way correspond to our Home Office experts, or to those scientific men who may be called in by the police for the purpose of solving, or attempting to solve, a forensic problem. In this country the emphasis is upon the legal aspect of the application of scientific method, to the detection of crime. The expert has to satisfy a court of law. As often

as not the technical police are concerned purely with the problem of detection itself, and not with that of legal proof, which will be the subject of a further expert inquiry after the suspect has been arrested and charged. It is essential to bear this distinction in mind, for it is fundamental and far-reaching.

In practice the result has been to regard the work of the police generally as an occupation with a technology of its own. A police technology has thus grown up which has become quite definitely a branch of applied science, demanding professional qualifications of the same standard as other technical occupations. This was quite clearly recognized by such pioneers of scientific police as Professor Türköl, of Vienna (whose untimely death occurred a year ago); Dr. Locard, of Lyons; and Professor de Rechter, of Brussels. As a result there exist the famous school of scientific police of Vienna with its diploma of international repute, the school for scientific police at Lyons and the faculty attached to the Institute of Social Sciences of the University, and the school of scientific police at Brussels.

To deal first with the schools of scientific police, it is important to realize that they exist, first, to train the ordinary police officer in the technical implications which belong even to much of the everyday work of detection. It is of the essence of police technology that, on a last analysis, there is no problem, however apparently simple, which has not its scientific aspect; nor any upon which the scientific point of view cannot throw some light. In the second place, the schools exist to give higher education equivalent to university standard as a condition of entry to the higher grades of the Service. It is recognized that the detection of crime in a civilized community calls for exercising of the highest faculties of mind, and therefore for a technical and practical training of a corresponding standard.

Since it is typical, a description of the courses at the police school at Brussels will be of interest. The actual title of the school is L'École Belge de Criminologie et de Police

Scientifique. The principal of the school is the eminent Professor de Rechter.

The preliminary lectures are concerned with the fundamental questions of observation, inference, and control in case of doubt by experiment.

The first practical application of these principles is applied to identification, it being laid down that since the work of the police turns ultimately upon the detection of individuals in the most literal sense, the whole structure rests upon this question.

The technique of identification is dealt with fully. Questions of description, verbal and written, are considered, and the errors which arise from faulty observation and careless phraseology. Photographic methods of identification are considered with their advantages and limitations.

Anthropometry,¹ a subject which has been almost entirely neglected in England, is also included in this part of the course. It is treated in considerable detail for the reason that it has been found by experience that a grasp of the principles of anthropometry greatly assists the police officer in the important problem of *recognition* as distinct from *identification*. The *anthropometric* method as used on the Continent in a more or less elaborated form falls under two main headings. First is the *anthropological* classification of the human head, so that the general types of head found among the human species can be recognized and classified by the observer. Second are the individual characteristics of the head and face which serve to distinguish one individual from another. The principle of Bertillon's sectional photographs of the nose, mouth, eyes, forehead, and ears is explained, and how this method of piecemeal observation of the face and head actually makes it possible to carry a vivid picture of that face in the memory.

An excellent outline of the classification and uses of finger-prints follows the lectures on anthropometry. Three systems are described, compared, and contrasted—the English

¹ The measurement of the human body.

system of Galton-Henry, the classification of Vucetich, and that of Bertillon. The classifications of Brussels and Daae, which are founded upon that of Vucetich, are also described.

From the identification of the person the student passes to the technical question of the examination of the scene of the crime. An important matter which is stressed in this part of the course is the necessity in the preliminary examination of preparing for the expert, and of taking the greatest possible care in preserving traces and objects which may have to be scientifically examined. The correct method of describing the scene of the crime is considered, and the preparation of plans. The theory of photography and metric photography is considered, especially in relation to photographing the scene of the crime and objects found upon it.

Finger-prints which relate formally to the identification of the person are also considered in connexion with the instruction given relating to traces and stains, particular attention being given to the search for finger-prints, their development and transference. The technique of the photography of finger-prints is also described.

A study of other traces, and particularly of footprints, is the next important subject of study. The theory and methods of measurement are considered, and the modern methods of photography and superimposition of the photographs for the purpose of establishing identity.

The identification of teeth marks, marks made by tools, and impressions produced by motor tyres and other vehicles are also included in the study of traces. Special attention is given to the technique of taking casts in plaster and other material.

The final section of this part of the course is concerned with a study of the technique of various forms of robbery, breaking and entering. This includes a special study of the instruments and explosives used in breaking safes. The problem of incendiarism is also considered, and the methods of detecting it.

Finally, there are lectures in the examination of documents, counterfeit money, and communications in code.

The second part of the course gives a brief but excellent outline of medico-legal questions which are of importance from the point of view of the police. Lectures in elementary anatomy and physiology are included, followed by a discussion of death by violence. The appearance of wounds, sexual crimes, birth and abortion, and toxicology also form part of the course.

The concluding lectures of this interesting section deal with criminal anthropology from the point of view of the alienist and with elementary questions of psychiatry.¹ The student is given an elementary idea of the principal symptoms of dementia: the type of crime associated with different forms of mental disturbance and the physical phenomena associated with insanity.

The final part of the course deals with the penal code, and its bearing from the point of view of the police upon criminal questions and the maintenance of law and order.

This, in brief outline, is a description of the elementary course of instruction in scientific police work. The curriculum at Brussels does not differ substantially from that of other Continental police schools.

But the complementary aspect of this question of scientific police is the laboratory of technical police. Attached to all police organizations of importance, it makes plain the practical applications of scientific methods to detection and, more precisely, their application within the police organization itself. There is a laboratory of scientific police under the control of Professor de Rechter at Brussels. At Lyons the laboratory of technical police is controlled by Dr. Edmond Locard.

Dr. Locard's laboratory is one of the best known in Europe, and it is typical in its methods of the work of the scientific police.

The laboratory consists of departments dealing with

¹ The medical treatment of the mind.

finger-prints and examination of the pores, photography, microscope photographs, microscopy, chemistry, and ballistics (science of projectiles). There are laboratories named after Laccassagne (the founder of the laboratory), Lombroso, Bertillon, Conan Doyle, Hans Gross. There is an extremely interesting museum attached to the laboratory.

The staff of the laboratory consists of experts in these various branches of investigation. Assistants in the laboratory are drawn from the ranks of the police, the most intelligent and those showing special aptitude being permanently attached to the laboratory.

The greater part of the technical research work in connexion with criminal investigation begins in these laboratories. An example is the *poroscopic* method of the examination of skin impressions devised by Dr. Locard. Highly enlarged photomicrographs of the impression are taken—and where the print may be too fragmentary, if it is a finger-print, or not otherwise sufficiently characteristic for identification, if it is an impression of some other part of the hand—identification can be established by counting the sweat pores which appear in the enlarged photograph. Many convictions have resulted by the application of this method where ordinary finger-print evidence was lacking.

Dr. Locard is himself one of the principal authorities in Europe upon the scientific examination of documents. Much of the apparatus used in the laboratory for this purpose has been specially designed. A special microscope is used for the examination of documents with an attachment which makes it possible to examine any part of the paper. The instrument is binocular, so that the image can be viewed with the eye and focused upon the screen of a small camera at the same time. In general, however, the cumbrous method of photographing suspected portions of documents through the microscope is replaced by the use of photomicrographic objectives of short focal length, so that the ordinary photographic technique can be applied to photomicrographs, using a camera with long extension.

The scientific examination of weapons and bullets is another important branch of the work of the laboratory. An optical device known as the *hastoscope* is employed for this purpose. It is essentially a comparison microscope, by which two objects can be viewed in the same field of the microscope. The marking upon bullets can thus be compared and their identity if discharged from the same fire-arm demonstrated.

Still more delicate and elaborate demonstrations are sometimes possible. By means of comparative photographs it can often be shown that a particular weapon produced a given wound. In some cases actual striations and other faults on the metal are reproduced on the damaged bone of the wounded victim. A particular instance was the identification of a hammer and its proved correspondence with the wound inflicted by it.

In the chemical laboratory examinations for poisons are carried out. *Micro-analysis* of inks in connexion with documents is made. Stains are examined, and metallurgical analyses carried out relating to the identification of counterfeit money. An increasingly detailed technique is being worked out concerning the examination of dusts found in clothing of suspects, which may give information regarding their occupation. If illegal, they often desire to conceal their occupation. On the other hand, dust may supply evidence as to their presence on the scene of a crime. Two classic instances of this were the discovery and identification of metallic dust in the clothing of coiners, and the identification of dust containing wheat starch in the clothing of a suspect who, it was alleged, had committed a crime in a flour mill.

This, briefly, is an outline of the theoretical and practical aspects of the work of the scientific police at Lyons and Brussels. The schools and laboratories of these towns may be taken as typical examples of the organization of scientific police on the Continent. From this review the aims of the training, whether in its elementary or more advanced form,

should be evident. The intention is to incorporate the essence of scientific method into the police organization. Application of scientific method finds its outlet, however, not only in the work of the laboratory, but is intended to and does, permeate, in varying degrees, the whole police organization. After having studied them at first hand it is impossible not to be impressed with the results.

An expert department within the police organization means that expert assistance is always within reach. Speed is often an important factor in criminal investigation, and however quickly it is done time is wasted when appeal has to be made to experts who are independent or, at best, attached to another department. There is a further disadvantage that expert assistance is often neglected altogether in cases where it is actually required. From another point of view, a number of details connected with police technology are not recognized as being expert problems at all, and are dealt with by those who have not the necessary knowledge. An illustration came under the writer's notice only a few months ago. A finger-print had been developed on a coloured background with powder of a colour which made it almost impossible to photograph it. The manipulator had not realized that what might be an excellent contrast to the eye would not necessarily be reproducible photographically. Here is an example in which so simple a question as the development of finger-prints is seen to have important technical and scientific implications. A great deal of trouble was caused and much time wasted by reason of something having been done which ought to have been handled by technical police who would have made no such mistake.

It seems, therefore, that we have something to learn from Continental police methods. In many respects our organization is superior to that of the Continent, but in the systematic application of scientific methods to the work of the police a great deal remains to be done in this country.

The Fire-arms Expert in America

By ALLEN PENNELL WESCOTT

THERE is a very considerable interest in forensic ballistics, as is shown by the innumerable inquiries received by persons engaged in such work. The majority of letters are from persons who contemplate entering this field, and in this brief article the writer is attempting to paint a true picture of the many and formidable obstacles, the difficulties and drawbacks of the profession, and also to emphasize the danger to the public and the grave injustice in the unsound deductions and inexpert testimony of inadequately qualified "ballistic experts".

Forensic or legal ballistics is not entirely new. More or less mention of it appears in books on legal medicine and medical jurisprudence written a number of years ago. The late Dr. A. L. Hall¹ did some work along this line in the United States as early as 1897, and there was a case of this kind in Maine about 1904. About 1906 the Ordnance Department² examined rifles of the 25th United States Infantry, following the Brownsville affray, but it was not until about 1925 that the comparison microscope applicable to bullet work was developed, which eliminated much of the guess-work and the art of fire-arms identification became something more than a hit-or-miss proposition.

Articles on the subject appeared in *The Saturday Evening Post* about this time and in various semi-scientific publications,³ and the keen interest that the public has taken

¹ See the "Missile and the Weapon", by A. L. Hall, M.D., *Buffalo Medical Journal* for June, 1900.

² See *Report of the Chief of Ordnance*, 1907.

³ *Journal of Criminal Law and Criminology*, August, 1926; *Army Ordnance*, November-December, 1925; *The Military Surgeon*, February, 1926; *British Medical Journal*, January, 1926.

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in forensic ballistics probably dates from that time. This interest has been kept alive by interesting, though for the most part ridiculously inaccurate, stories that have appeared in detective magazines, crime fiction, the movies, and in "broadcast" plays. Most of this matter is positively ludicrous to a qualified person engaged in this work. But when a character in the "funny papers" fired a test shot into a pillow and scrutinized it, along with the fatal bullet, stating without more than a second's glance that both were from the villain's gun, the average reader swallowed it as fact and probably believes the problem is just as easy as that.

Literature on Fire-arms Identification

Most of the questions regarding the subject are about books and schools. In almost every line of expert testimony there are valuable references available. There are hundreds of texts on legal medicine and toxicology, a score or more on forensic chemistry, finger-prints, and similar subjects. For the examiner of questioned documents there are several books, of which *Questioned Documents*, by Albert S. Osborn, is the outstanding work. The query as to a similar book dealing with fire-arms identification is, then, a natural one; but, although there are several foreign books, good in as far as they go, there is no book of this type in English and no single volume can cover the subject. There are books that devote several chapters to this subject, of which *Recent Advances in Forensic Medicine*, by Smith and Glaister, is an example. Two books on fire-arms identification are now in preparation, but how good they will be remains to be seen. Their coming may be unfortunate if the information they probably will contain should fall into the wrong hands. Experts with a great love for the limelight have written many articles and lectured widely on the subject of forensic ballistics, with the result that the murderer now often disposes of the gun or alters it. Definite instruction as to how to restore erased serial numbers is also telling gangsters how to "clean" a gun so that it may never be identified.

This information was also of great assistance to the pseudo-expert. In no other field is the saying that "a little learning is a dangerous thing" more apt than in fire-arms identification. An exceptionally well-qualified examiner of questioned documents spent years collecting material for a book on typewriting identification but has given up the idea of publishing. Perhaps the reason is that he realizes the harm that might result once this knowledge becomes available to the potential forger and the pseudo-expert. In the absence of a book on fire-arms corresponding to *Questioned Documents, Legal Medicine and Toxicology, Personal Identification*, etc., it becomes necessary for the arms expert to collect a vast library of arms books. A single library contains something over 500, and at least fifty of them are indispensable. This library also contains several thousands of booklets and pamphlets on the subject, gun catalogues, patent specifications, etc., and these are filed and indexed so that any information contained therein may be instantly available. Some of the most valuable technical texts are rare, obscure, out-of-print pamphlets.

In addition to this, the forensic ballistics expert must collect and tabulate arms data from a hundred sources. This will entail correspondence with many different countries. This information must be carefully checked to prevent error and to this he must constantly add data regarding every new arm or cartridge that appears on the market and regarding every obscure, obsolete, or foreign one that comes to light. In short, he must have detailed descriptions of hundreds of different fire-arms so that when a police officer brings him a fatal bullet and says, "Found a dead man. This bullet was in him. What sort of gun shall we look for?" the expert can suggest a search for a specific make.

Correspondence Courses and Lectures

Several correspondence school courses are offered. One of these was borrowed from an "expert" who had taken a course and it was an extended collection of misinformation

and was evidently prepared by someone none too familiar with fire-arms and ammunition. The student, who paid a good price for it, felt that he had gained his money's worth and considered himself an "expert". Many of the various advertised courses in the trashy detective magazines are of this same type. No competent and experienced fire-arms expert is offering a correspondence course.

Not long ago, a well-known university in the Middle West of America offered a thirty-day course in scientific crime detection. Lectures were given on many different subjects and were delivered by some of the ablest men in the country, but the best toxicologist in the world cannot make any kind of a toxicologist out of a student in four or five hourly lectures. Nevertheless, many of these students went forth claiming to be expert in any one of the many fields touched upon during the thirty days. The tuition ranged from gratis to \$100.00 and probably averaged about \$50.00. Some exceptionally fine men were among the students and many with long experience and a good background, and the course doubtless added much to their store of general knowledge. On the other hand, there were students with little capacity, little education, and no preliminary training, yet some of these men have gone into court as "experts" and showed a "certificate of proficiency" (or of attendance), bearing the name of the university, as evidence of their skill. The testimony of one "graduate" at least was perjury from start to finish. No entrance examination was required nor were any inquiries made as to the integrity of prospective students.

This same class formed an *alumni* association, using the name of the university, and adopted as a sort of badge a device that at 10 feet away will pass for a social service one and may make a favourable impression when viewed from the jury box. Some of these men, whose knowledge of fire-arms is limited to a few hours of lectures, and whose schooling perhaps did not exceed the eighth grade, pose as graduates of a university ranking near the top. The

university can hardly be held responsible for such abuses by individuals, and it is only fair to add that the issue of certificates has since been discontinued.

The Necessary Equipment

Not only must the expert be equipped with an adequate library but he must possess accurate scales, various micrometers, and the best comparison microscopes. Without these, bullet identification is impossible. Only the charlatan can manage successfully with a 6 in. scale and a reading glass, with which he pretends to read accurately to a one ten-thousandth with a scale only graduated in sixty-fourths. Comparison microscopes are expensive, the price depending upon the type selected and the number of accessories included. There is also necessary photographic equipment which will alone run into many dollars.

A cartridge collection is second only to the microscope in importance. It must include both domestic and foreign brands, of all available makes and variations, and to this the expert must constantly add samples as the loading companies bring out new products. Not only must current cartridges be included but obsolete ones as well, as cartridges forty years old may be used in homicide. Old guns are very frequently used too, not so much by gangsters but by the occasional murderer, who may employ a revolver that has reposed in a bureau drawer for decades. A great many arms of ancient vintage figure in suicides and in justifiable homicides. In fact several hundred H. & A. and F. & W. revolvers have been used in the United States alone in the past three years, despite the fact that the manufacture of these revolvers ceased long ago. An adequate cartridge collection will number something like 6,000 specimens and take many years to assemble. It should be supplemented with several hundred powder samples ranging from American Wood Powder of 1888 to recent brands such as MX and Red Dot.

A collection of bullets fired from all makes, calibres,

and types of fire-arms is also essential. The cost of ammunition makes it expensive, but the expert may gradually build up such a collection by firing bullets through his own guns, all those he can borrow, and such evidence arms as are brought to him for examination. The expert should also possess, or have access to, a large arms collection, since rifling specifications of obsolete makes are not available except from the arms themselves, and unfortunately many of these arms, such as the Shattuck, Marlin, Meriden, Thames, O. A. Smith, Maltby-Henly, Fyrberg, Swift, etc., are rarely found in collections, yet they still figure in crime and it is necessary to know their characteristics.

Lack of information regarding rifling specifications is common. One inquirer failed to mention the arms that interested him. Probably he did not realize that it is necessary to collect hundreds of them, and it is not possible to tell about all of them in a single paragraph. This knowledge costs years of labour and considerable expense, and the arms consultant is usually none too eager about giving it away. This particular inquirer perhaps did not need it, as his notepaper broadly proclaimed him to be not only a "ballistics expert" but a "handwriting expert" and several other kinds of "expert" as well.

Various Foreign Fire-arms

Fire-arms identification has been greatly complicated by the thousands of Spanish pistols that were dumped on the American market following the War. These are indifferently made of inferior material, inaccurate, unreliable, and unsafe. The Spanish makers have no standards as we understand the word. Rifling is accomplished by driving a broach through the bore, or sometimes only part way through. Naturally, the width, depth, and pitch of the grooves varies widely. There may be grooves in either direction. Even in the event of two pistols that outwardly appear to be duplicates, we may find six left-hand grooves in

one and five right-hand in the other. This is largely because parts and operations are farmed out and the pistols are assembled by one maker using parts received from numerous other shops. One exporter may place his trade-mark on the products of fifty shops that he buys from. A single model may be marketed under a hundred trade-marks. Most of these arms bear impressive proof-marks which mean little, especially on arms made for export. An honourable name, like Winchester or Remington, means vastly more than all the proof marks in Europe. These foreign arms were widely sold in America ten years ago, the buyer frequently believing that he had purchased a genuine Smith & Wesson or Colt revolver.

Not so many of these poor pistols are now encountered, possibly because most of those imported a few years ago are completely wrecked by this time, and perhaps because the average criminal has learned better. Perhaps the American Government has at last taken sufficient interest in its citizens to place a tariff on such weapons and protect us from unsafe arms and at the same time keep our own arms industry from adding its workmen to the unemployed. An official of a New England firm, engaged in the low-priced arms trade, said they had discontinued their automatic pistol because Spanish arms were sold in this country for less than American labour costs. Belgian and other arms of European origin have been imported for many years, and there are thousands of these foreign arms existent, and often one has appeared labelled as "People's Exhibit A".

The expert must therefore collect data concerning the Bergmann, Mannlicher, Roth-Sauer, Le Page, Gasser, Lebel, Bayard, Schwarzlose, Nagant, Steyr, Frommer, and hundreds of others, ranging from models of about 1870 to post-War models like the Walther police pistol.

Training to be an Expert

A recent correspondent inquired as to the necessary training and the usual remuneration. For the charlatan no

knowledge or training is necessary beyond some court experience, which he will receive incident to his practice, and the remuneration will be whatever the traffic will bear. He will invariably be found on the side that can best afford his services. The honest expert will not attempt to testify until adequately qualified. This means a long apprenticeship and many years of study. The best preliminary school, no doubt, is the ballistics department of an arms or ammunition factory. Unfortunately, the personnel of such places is usually limited, rarely changes, and there are less than a dozen such places in America. The expert should, however, have more than a passing knowledge of the methods employed in the manufacture of fire-arms, cartridges, and powder, as he is likely to be asked to explain some process in court. It is easy to understand the effect on a jury that listens to questions and answers, such as the following:—

Q.: "You say these scratches are due to irregularities on the edge of a rifling cutter?"

A.: "Yes."

Q.: "Did you ever see a rifling cutter?"

A.: "No."

Thorough arms studies will carry the expert into a dozen large factories and to many famous arms collections. Not only should he be familiar with the manufacture of arms and ammunition, but he should be able to maintain a contact with the arms industry, so that he will be informed of changes, new products, etc. He should know something about reloading and should be familiar with Ideal, Modern-Bond, B. & M., and other bullets, as well as with factory-loaded cartridges. He must be familiar with all manner of sub-calibre tubes and adapters since a .32 S. & W. revolver cartridge may be fired in a Krag, Winchester, Ross, Savage, Lee-Enfield, Newton, etc. He should also be familiar with tear-gas weapons, bullet-proof glass, body armour, proof-marks, gunshot injuries, and anything else remotely connected with fire-arms or ammunition. Some mechanical ability is

an asset. One friend of the writer's built a chronograph¹ once and another an apparatus for photographing the entire circumference of a bullet. One "expert" was disqualified because he was unable to dismount in court a certain type of automatic pistol. General knowledge is, of course, helpful. A smattering of chemistry is useful when an examination of the residue in a fired gun is made or in etching erased serial numbers. An ability to read French, German, and Spanish will enable the expert to glean much knowledge from arms catalogues and fire-arms articles from abroad. Some of the most valuable references are in foreign languages. Much of the expert's time should be devoted to research and experimentation.

Regarding remuneration, there is a more or less fixed fee agreed upon by the honest and competent few. It varies, of course, with the number of pieces in evidence, amount of photography involved, and the type of case. As in addition to the usual question of whether or not a given bullet came from a certain arm, there are questions of accident or suicide, investigations of fire-arms accidents, restoration of serial numbers on "cleaned" arms, etc. As a rule, fees are low, especially when one considers the amount of preparatory work involved, the expensive equipment necessary, and the long years of preliminary study.

Some American cities have purchased microscopes and elected a "cop" to be their "expert". You may imagine what sort of "expert" they get in this way, but the average jury may not know the difference. The defending counsel will assume the State has picked a competent man and may not attempt to disqualify him, when a few carefully chosen questions are all that are necessary to demonstrate that the "expert", so willing to swear a man's life away, knows nothing whatsoever about pistols. Police experts generally are not qualified, although there are one or two notable exceptions. Most of the really competent fire-arms experts do not depend upon forensic ballistics for a livelihood. One

¹ Described in *The American Rifleman*, vol. lxxx, No. 11, p. 9, November, 1932.

is a ballistic engineer, another a professor of chemistry, a third is a professional writer.

Merely owning a comparison microscope does not make the expert any more than mere possession of surgical instruments makes a surgeon. This brings us to the subject of experts—and "experts". In this connexion, anyone likely to give, hear, or employ expert testimony should read *The Problem of Proof*, by Albert S. Osborn. An expert is usually defined as one skilled through practice and experience. Competent men generally dislike the word because it has been so widely abused. Someone has defined the expert as being "an ordinary man away from home", which often is not far wrong.

Expert Witnesses—Good and Bad

Expert witnesses usually fall into one of four classes. First, the expert who is both competent and honest. These are relatively few. Second, the expert who through long experience has become competent but who is not above prostituting his knowledge. Unfortunately, there are several of these and they are usually recognized authorities on the subject in question and are sometimes authors of standard textbooks and professors of leading universities and not apt to be suspected as dishonest. Fortunately, they are all well known, otherwise they would be far more dangerous than the pseudo-expert, since the latter may be unmasked under cross-examination or his own testimony may expose him as a fraud. Third, there is the honest but ignorant "expert", who, because of his ignorance, is about as dangerous as a dishonest one. Fourth, there is the charlatan or quack: these are both numerous and active and they are rapidly increasing in number, many by the correspondence school and diploma mill route. The charlatan may be employed on either side, since his findings may be either positive or negative. Naturally, he is usually found on the side which will pay him best. He need never give up a case after days of fruitless labour, as the honest expert must

often do, since he can always find the desired answer. He is not obliged to invest a large sum in equipment and a reference library, and he need not confine his activities to fire-arms, as he is equally "expert" where poisons, inks, bone fragments, documents, fingerprints, explosives, blood or seminal stains, or in fact anything else requiring the knowledge of a specialist is involved.

One may always regard with suspicion the witness who is expert in many fields. Of course there is the all-round criminologist, analogous to the general practitioner in medicine, but he will usually collaborate with a specialist where expert testimony is involved. In fact he usually is in touch with consultants in the various fields.

The charlatan is frequently disqualified in court, but he appears again elsewhere and will continue to practise and will prosper until the field is overcrowded. There was one infamous charlatan who decided that he could make more money as a professional witness than he could in the manufacture of a compound alleged to possess contraceptive properties, and he has been engaged in this nefarious occupation for more than forty years. One "expert" testified that he had viewed the manufacture of revolvers in Browning Brothers' factory and that revolver barrels were "cast in moulds". Most readers are probably aware that the Browning Brothers' "factory" was then a hardware and sporting goods store in Ogden, that the name Browning is not usually associated with revolvers, that Browning automatic pistols are produced in Liège by the Fabrique Nationale; that John M. Browning was the inventor of many products of the Colt, Winchester, Remington, and Stevens factories; the same readers could hazard a guess as to how revolver barrels are made and come nearer to it than the "expert" did.

One charlatan who is "expert" in many fields, including fire-arms, was testifying on the subject of disputed handwriting. In cross-examination, the counsel for the opposing side picked up a book from a dozen volumes at hand and said, "*Ames on Forgery*, do you know this book?" The

witness replied that he possessed a copy and was familiar with its contents. The lawyer then read off several more titles. The expert had read them all and he commented on their respective merits. But the lawyer had gathered up an armful of law-books at random, and all the titles, except the first, were fictitious. This method of exposing a fraud may frequently be successfully employed when the expert testimony applies to fire-arms.

An amusing story is told of another expert witness of this type. He testified that he had been a neurologist for thirty-one years, whereupon he was asked if he were familiar with a nervous disorder called *Mentir sin motivo*. He replied that he was and had treated numerous cases. On request, he described *Mentir sin motivo* at some length. As he left the box, his interrogator faced the Judge and said, "Your honour, I have here a Spanish-English dictionary which I wish to introduce in this case as Exhibit 'A'. On page 265 you will find that *Mentir sin motivo* is a Spanish phrase, the English translation of which is, 'to lie without cause'."

But when this kind of "expert" is allowed to testify unchallenged, and his testimony accepted, the story is often more tragic than amusing. "Experts" of this type not only make it difficult for an honest, competent man to live, but they bring the science of fire-arms identification into disrepute. Worse than that, they are often instrumental in convicting the innocent or freeing a dangerous killer. In one case the defendant came very close to hanging, due to testimony of this kind, despite the fact that the arm that the "expert" declared had fired the fatal bullet had five grooves and the bullet had been marked by six.

In our efforts to combat crime we should not overlook the importance of eliminating the ally of the charlatan, the dishonest lawyer. The latter will deliberately employ a lying witness or a corrupt expert. Many an honest lawyer may inadvertently employ a dishonest or incompetent one. Too often the clerk in the local hardware store, who occasionally sells a Hamilton '22 and a "box of bullets", is brought into

court as an arms expert. This often happens to the gunsmith. The gunsmith may be particularly skilled in arms repairing but he probably never saw a comparison microscope. To employ a man as an expert witness solely because he can make a score of 97 × 100 on the standard American pistol target is equally ridiculous. It is analogous to issuing an unlimited Master's ticket to a man who rows a boat exceptionally well. The writer was once the secretary of a rifle club that developed an unusually good team, yet it is doubtful if a single one of those riflemen could tell the number of grooves and their direction in the 1917 rifle, despite the fact that they had repeatedly fired Course "D" with that arm. There was an Ordnance Officer who invariably spoke of the 1903 rifle as a "thirty-thirty", although he had handled thousands of them.

Not long ago the Colorado Supreme Court reversed a decision where a gunsmith with a magnifying glass identified a fatal bullet as having issued from a certain arm. He further testified that he had made numerous similar identifications, and one wonders how many innocent parties have been convicted, owing to his testimony. This reversal was hailed by many as a severe blow to fire-arms identification. On the contrary, it was the correct action, and the elimination of the pseudo-expert is not to be regretted. As already said, they are a distinct menace and their testimony has resulted in many a flagrant miscarriage of justice. This sort of thing has shaken the people's confidence in our courts and in the science of identification.

The American public is naturally sceptical of experts. They know that when sufficient money is available, an expert alienist may be procured to pronounce a murderer insane and therefore not responsible for his acts. Most of us recall the killing of a particularly gifted architect and recall too that the murderer was not executed. We all know that if one wishes to get rid of an enemy, a person that "knows too much", an unwanted wife, or a person heavily insured in one's favour, it is only necessary to hire someone to commit

the crime, and just as gunmen may be hired to kill, so may perjurers be hired to lie at a trial. The public will remain sceptical of experts so long as this situation remains unchanged. There is a medical association to wage war on quacks, a bar association to keep the legal profession clean. Neither organization is fully effective, but both do a great amount of good. Unfortunately, there is no organization to eliminate the pseudo-expert, and no standard by which an expert's qualifications may be gauged.

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ctives in Fiction

By A. F. WILCOX

IT would not be strictly true to say that Sherlock Holmes was the first detective of fiction. Zadig, the philosopher created by Voltaire, might be cited as an early exponent of the detective method; while the origin of detective stories could be traced back to examples in Babylonian or Greek literature.

Two names of historical importance are worthy of mention. In 1841 Edgar Allan Poe attained popularity with his story "The Murders in the Rue Morgue", in which Dupin, working almost entirely from the newspaper reports, was able by his powers of inductive and analytical reasoning to solve mysteries which had baffled the Paris police. Gaboriau, who a few years later wrote a series of novels around the famous detective Lecoq, undoubtedly influenced Conan Doyle, and perhaps it is the French writer who deserves the title "the father of the detective novel".

As far as English fiction is concerned, however, it was unquestionably the immense popularity of the Sherlock Holmes stories, published in *The Strand Magazine* as long ago as 1890, that led to the spate of detective novels which floods the market to-day.

Those were the days of the brilliant amateur sleuth. Sherlock Holmes makes no attempt to conceal his contempt for the police and their methods. He speaks of "some bungling villainy with a motive so transparent that even a Scotland Yard official can see through it". And again:

"When Gregson, or Lestrade, or Athelney Jones are out of their depths—which, by the way, is their normal state—the matter is laid before me." Another police inspector—Alec MacDonald—appears in some of the later stories, and we are humbly gratified even to read that "Holmes was tolerant of the big Scotchman".

Conan Doyle lays down three qualities necessary for the ideal detective—observation, deduction, and knowledge—and he particularly stresses the importance of deduction. As regards Sherlock Holmes, one is more inclined to admire his knack of invariably guessing the right answers than his powers of deduction; for the critical reader will generally be able to find several different conclusions which might be deduced from the data given. The celebrated sleuth had a habit of jumping to conclusions.

After the War detective literature took a new turn. The tradition of the amateur criminologist who, after close concentration on the problem, steps in and puts the baffled police right, was broken by a new writer, Edgar Wallace. After experimenting with the idea of a super-criminal organization (*The Four Just Men*) Edgar Wallace settled down to introduce adventure, excitement, and even romance into the hitherto despised official detective service. What Kipling had done for the army, Edgar Wallace, his humble admirer, did for the police force.

By way of digression, it is interesting to speculate whether Kipling himself, if he had been born twenty years later, might not have written stories around the Criminal Investigation Department instead of the outposts of our far-flung Empire. As it is, we find evidence that Kipling would have proved a staunch champion of the police, in his short story "Brugglesmith", where that drunken boiler-maker throws a wet blanket over a policeman's head. "In any other country in the world," he comments, "we should have run an exceedingly good chance of being shot, or dirked, or clubbed—and clubbing is worse than being shot. But I reflected in that wet-cloth tangle that this was England, where the police are made to be

banged and battered and bruised, that they may the better endure a police-court reprimand next morning."

Edgar Wallace's experience as a journalist, which brought him into contact with police courts and detectives, gave his stories a closer resemblance to reality than those of authors whose knowledge of criminal investigation was largely theoretical.

One of his best-known characters, "Sooper," was meant as a contrast to the Sherlock Holmes type. "My idea of a real detective," says Superintendent Minter satirically, "is a fellow who sits in a high-class fam'ly mansion with a microscope an' a blood stain an' a bit of London mud, an' putting the three together can tell you that the jewels were pinched by a left-handed man who drove a Patchard coupé ('21 model) painted green."

Sherlock Holmes, you will remember, claimed to be able to distinguish a hundred and forty different forms of tobacco ash, and could tell from a splash of mud in which part of London it had been received.

"Sooper" has little faith in the scientific investigation of crime. "I never used a microscope except to examine my pay," he declares. "And test-tubes, and things like that, which the swell detectives use to find out whether the stain on the cuff was blood or beer, were never seen in any police station that I've frequented." "Sooper" is a practical detective with rule of thumb methods rather than an arm-chair theorist. His motto may be found in his pithy remark: "Deduction's fine, but seein' and hearin's better."

The mention of arm-chair theorists calls to mind another egotistical amateur criminologist who follows in the Sherlock Holmes tradition—Hercule Poirot, the little Belgian, complete with an obtuse foil in the person of Captain Hastings. "And for five long hours," we read, "the little man sat motionless, blinking his eyelids like a cat, his green eyes flickering and becoming steadily greener and greener. The Scotland Yard man was obviously contemptuous. . . ." We refrain from comment; but it would not be fair to Agatha

Christie to give the impression that this preposterous passage is representative of her interesting and ingenious tales.

G. K. Chesterton is the only figure of importance in contemporary literature who has strayed into this ephemeral realm of fiction, and, as might be expected, his Father Brown is unique. This cleric claims that his methods of criminal investigation are founded on the principles of an esoteric religious exercise.

Mr. Chesterton presents the police point of view fairly. "Our's is the only trade," said Bagshaw (the police detective), "in which the professional is always supposed to be wrong. After all, people don't read stories in which hairdressers can't cut hair and have to be helped by a customer; or in which a cabman can't drive a cab until his fare explains to him the philosophy of cab-driving. For all that I'd never deny that we tend to get into a rut; or in other words, have the advantages of going by the rules. Where the romancers are wrong is, that they don't allow us even the advantage of going by the rule. . . ."

"Well let's take any imaginary case of Sherlock Holmes and Lestrade the official detective. Sherlock Holmes, let us say, can guess that a total stranger crossing the street is a foreigner, merely because he seems to look for the traffic to go to the right instead of to the left. I am quite ready to admit Holmes might guess that. I am quite sure that Lestrade would not guess anything of the kind. But what they leave out is the fact that the policeman, who could not guess, might very probably know. Lestrade might know the man was a foreigner; merely because his department has to keep an eye on all foreigners."

On the one hand, then, we have the brilliant amateur—Dupin, Sherlock Holmes, Poirot, Father Brown; and on the other hand the professional detective—"Sooper," Inspector French, Detective-Inspector Bradley, Inspector Frost, Slade of the Yard, and the rest. Nowadays, the police detective more than holds his own in fiction. Gone are the days when the policeman could be simply described as "a stolid, thick-

set figure in a bowler hat". In modern fiction the detective ranges from the illiterate and loquacious "Sooper" to the efficient and laconic Detective-Inspector Bradley; from the youthful and artistic Stevenage to the unromantic Inspector Frost—fifty, fat, bearded, and with a slight cast in one eye.

The only two characteristics all detectives seem to have in common are extraordinary powers of observation, "stiletto-like perception" in the phrase of J. S. Fletcher, and unusual physical strength.

Since Edgar Wallace first took the pains to learn the details of organization and routine governing the duties of a detective, and so gave to his novels an air of probability which impressed the public, there has been a commendable desire among novelists who favour a Scotland Yard hero to get the superficial details, the "atmosphere", as authentic as possible. As a result it is not so common now to find Scotland Yard officers roaming the country and investigating crime without even consulting the local chief constable, or to come across a detective-inspector, the rank almost exclusively preferred by our novelists, detailing a superintendent for some job.

The value of giving the public glimpses of genuine detective organization, at any rate as a background to the plot, was demonstrated in one of the most successful of the early British talking-films, "Blackmail," in which the directors took considerable trouble to get the scenes at Scotland Yard filmed accurately, and even took a shot of the cloakroom where the detectives were washing their hands.

But such details are only superficial; there is little similarity between fiction and police work. By displaying some knowledge of actual police procedure the novelist renders his story credible; but he does not allow such restrictions to interfere with the working out of his plot. What could be more fantastic, for example, than Edgar Wallace's melodramatic effect, which he employed more than once, of making his detective confront a suspected murderer with the public hangman and tell him that he would meet this man again in his official capacity?

It is not the novelist's business to describe how a crime would normally be solved by the police; he sets out to provide his readers with mystery, thrills, and romance. Even retired detective officers, writing their reminiscences for the papers, feel the necessity of touching up their most exciting experiences in order to capture the interest of the public.

Detective stories have been likened to a jig-saw puzzle in which the author ingeniously proceeds to fit the pieces into an arranged pattern. The difference between fiction and fact is that the policeman does not know the pattern beforehand, and not only has to find the pieces for himself but can never be sure that he is in possession of the whole set.

The official detective might well envy his fictional counterpart. On the slightest pretext these sleuth-hounds of the novelists' fancy shoot across London and the provinces in high-powered cars; they lunch at the Savoy, dine at the Ritz-Carlton, and sup at the Embassy. Men like these cannot be bothered with such trivial formalities as search warrants; nor do they feel any obligation to observe the Judge's Rules, if, indeed, they have ever heard of them. And they think nothing of committing burglary, assault, and blackmail in the course of their duties.

There is one very obvious difference between detective fiction and actual practice. Although the newspapers prove that there are few more thrilling situations than a murder trial, few novelists dare to complete their man-hunt by bringing the criminal into a court of law. A policeman has to submit his case to a judge and jury, but the novelist, who, after all, cannot be expected to be a barrister as well, finishes as soon as he writes: "With a sharp click the bracelets snapped on the guilty man's wrists." Or, if he wants to bring the case to an indisputable conclusion, he can always make the man confess his guilt.

Conan Doyle never once attempted the difficult feat of describing the trial and conviction of a criminal. Sherlock Holmes contented himself with saying: "There is your man, inspector," and later permitted himself a sardonic smile as he

read out to Watson a newspaper account of the trial, together with a eulogy of the clever work of the police inspector. But if the policeman succeeded in getting a conviction from a judge and jury on the facts which had convinced Sherlock Holmes, he deserved all the commendation he received.

It can be concluded, then, that detective novels have had little or no direct influence on the science of crime detection, although Conan Doyle did assert in the preface to his collected stories that some countries had changed their police methods on account of them. But the scientific research he advocated is more akin to the methods which Bertillon introduced to the Paris Sûreté and which have been adopted in many continental countries. Edgar Wallace, whose detectives are in close and constant contact with the criminal classes and informers, is more representative of the English police system.

Nevertheless, it would be foolish to deny that these impossible detectives who solve highly improbable crimes by dubious methods have not had a considerable influence on public opinion. The average citizen seldom has an opportunity of learning how criminal investigation is carried out by the police, and he has to depend for his information on the detective story and the sensational Press. One of the results is the exaggerated faith of the man-in-the-street for Scotland Yard. In fiction, the provincial detective is either neglected or used as a dull contrast to the brilliant man from the Metropolis.

Nowadays, if a murder is not immediately solved, a popular clamour, led by the Press, is instituted to demand that the authorities shall call in Scotland Yard. Yet to anybody with a practical knowledge of police work it is well known that the imported detective is at a great disadvantage compared with the local man who has an intimate knowledge of the geography, residents, and criminals of his district. There might be some justification for sending a Scotland Yard detective to a remote country district where crime is rare; but the reason why provincial cities do not seek assistance is not, as our journalists and authors imagine, because the chief constable is afraid to

admit defeat, but simply because he knows that his own experienced detectives are far better equipped to solve the crime.

In this connexion, it is worth remarking that murder is almost solely the crime which engages the attention of novelists—because the grim spectre of the gallows in the background adds excitement and terror to the narrative. Murder, in fact, is extremely rare in police work, and, while it is the most serious crime, it is by no means the most difficult to solve. Except in the case of a maniac, there is always a link between the murderer and his victim,¹ and it is here that the local detective is more likely to succeed than the complete stranger. This link very often does not exist in less spectacular crimes such as simple larceny, where, let us say, a man steals a pair of boots hanging outside a shop doorway. Deduction and scientific research are of no avail, and the detective has to depend on his personal knowledge of criminals, supplemented by the *modus operandi* records.

The attitude of the public towards the police has undergone a great change since the days when Conan Doyle first made his caustic references to police methods. The increased respect in which the police force is now held might be attributed, in some measure, to the influence of detective novels, and a case could be made out to show that they helped to prepare the way for the Desborough Committee recommendations which definitely raised the status of the police.

It is true that at about the same time a similar measure, the Burnham Committee Scale, was applied to raise the salaries of school-teachers. But teachers have never been popular with the public, as was so strikingly evident at the time of the "Economy Cut" proposals in 1931.

May not this be partly explained by the fact that teachers have never had a battalion of novelists to present their profession in a romantically coloured light, however unreal, to the man-in-the-street?

¹ This point is illustrated in an unusual manner in the play *Rope* (Patrick Hamilton) first produced at the Strand Theatre in 1929, and subsequently broadcast.

Observations on Speedometers

By A BEDFORDSHIRE COUNTY POLICE OFFICER

SPEEDOMETERS having come to the forefront since the introduction of the Road Traffic Act, 1930, and bearing in mind the penalties which are being inflicted on those who offend against the speed limits, it has become a matter of great importance that Patrol speedometers should be maintained in a perfectly accurate state. The following descriptions and explanations are general and I do not intend to offer any very highly technical data, but only to write in a manner which can easily be understood by Police Officers employed on Patrol Duty.

General Principle of Speedometers

A speedometer may be described as an instrument which registers the speed of a vehicle by being driven by some means integral with the means of propulsion of a vehicle. The days have gone, so far as the Police are concerned, when a speedometer was driven by a friction belt or even by a gear ring fitted externally to a road wheel, so that such fittings need not be described. Most speedometers are now driven by a pair of small gears, from the gear-box. With such a drive the speedometer head receives a definite number of revolutions in relation to the speed of the vehicle, and the number cannot vary as with a belt drive. A flexible cable (inner and outer) transmits these revolutions. Sway of the speedometer hand is often due to excess oil or grease in the

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cable, a bend having a radius of less than 6 inches, or to a frayed or damaged cable. Excess oil or grease is often drawn up from the gear-box by the spiral lifting effect of the inner cable and may be rectified by fitting a small felt washer, or by drilling a small hole at the lower end of the outer cable. The effect of these faults is temporarily to retard the inner cable until the retardation is overcome by the springy nature of the cable. An acceleration then occurs beyond the true speed. The repetition of this cycle of events gives the sway or unsteady effect.

Description of Speedometer Heads

There are three distinct principles in the design of speedometers in use to-day, providing (1) the magnetic type, (2) the centrifugal type, (3) the chronometric type.

The Magnetic Type

A small bar-magnet is rotated by the drive inside a non-magnetic shell to which is attached the indicator hand which is free to move. Outside this shell is another shell which is a fixture. The magnet which is being revolved distributes its magnetic flux through the magnetic shell carrying the hand, and in so doing tends to move the shell and hand round in accordance with the speed of rotation, there being a greater frequency of lines of force as the speed is increased. The setting of this type is done by running simultaneously (driven by the same means) with the "Master" head and the comparative speed is noted. If the speed is slow compared with the "Master" head, the speedometers are stopped and a saturating magnet held over the speedometer which is being set, for a short period. The speedometers are again run, and if the speed is now comparatively fast (as would almost certainly be the case), the saturating magnet is held near the speedometer whilst it runs, until similar readings are obtained. When the outer case is fitted, the effect is sometimes to alter the reading by reason of the mass of the metal case. It follows that if such a small mass

alters the reading, the much larger mass of the dash-board of a car, if metal, will have an effect. Similarly, if a magnet will alter the readings; the electric "field" of the starter and the "fields" of the other electrical appliances on the car will have an effect. It should not be assumed from the foregoing that magnetic speedometers are always inaccurate, because by making allowances for such items good results may be obtained.

The Governor or Centrifugal Type

This speedometer depends for its action on the principle of centrifugal force. This force tends to fling a mass off at a tangent to the circle about whose centre it is being revolved. In this speedometer weights are attached to a spindle by a spring device, so that, when the spindle is revolved, they may tend to fling away from it and so move a collar up or down a spindle, in proportion to the rate of rotation. The collar is fixed to the hand by a suitable means and so registers the speed. It may be easily seen that the truth of the readings depend on the strength of the springs and springs vary in elasticity according to their age and to the temperature. However, this type gives very good results.

The Chronometric Type

This type of speedometer is a simple train of gears driving the hand. It may be asked why the hand does not describe complete revolutions about the face. The reason is that every three-quarters of a second a cam lifts the driving gear out of mesh and another cam holds the hand still, whilst a new speed is reached which may be higher or lower. The gear is then again put into mesh and the new speed is registered. A train of gears cannot vary by wear or other means; thus, the indicated speed does not vary, but fails to be registered at all if the gears fail. The three of a second cycle of operations is regulated by an escapement like that of a watch and is constant, irrespective of the speed indicated.

Testing

In all cases of bench testing of speedometers they are driven by the same means as the "Master", and compared. The "Master" must therefore be perfect. The test for the "Master" is calculated from the number of revolutions which it makes to the mile. Taking that number as "x", then, if the mile or "x" revolutions are completed in 60 seconds, the speed on the dial should be 60 miles per hour and *pro rata* throughout the whole scale. An excellent method of testing the accuracy of a speedometer on a vehicle is with the "fifth wheel attachment". This consists of a road wheel attached to the vehicle driving an electric generator which supplies impulses to a moving coil electrical speedometer from which comparisons may be made. This test is most commendable because it operates quite independently of existing fittings. A simple method of calculating the inaccuracy due to tyre wear is to find the percentage. Supposing a new tyre is 28 inches in diameter and a completely worn out-one is 27 inches (that is one inch of rubber missing from the effective diameter), then the fraction $\frac{27}{28} \times \frac{100}{1}$ gives the percentage of the indicated speed which is true (96.4 per cent). So that at an indicated speed of 100 miles per hour approximately three and a half miles per hour are registered above the true speed, and at 25 miles per hour nearly one mile per hour. Completely worn-out tyres, however, are not used for Police Patrol so the inaccuracy need not be considered. A tyre seriously under the correct pressure would give bad results in relation to speedometer readings, and should be guarded against. A test of the effect of passengers showed that each passenger adds one-fifth of a mile per hour on the dial to the true speed.

The Actual Testing of the Speed of Limited Vehicles

In practice the checking of a limited vehicle for excess speed with a Patrol vehicle is dependent on the officers in charge for reporting the speed recorded. The method of testing the limited vehicle should be treated as a most

important point. It is well known that a reasonably fast vehicle at a distance of half a mile at the rear of another vehicle may be accelerated to twice the speed of the pursued vehicle. To counteract this it would be given in evidence that the distance between the Patrol and the limited vehicle was constant. There is a speedometer which registers, in addition to the actual speed, the maximum speed. For reasons given above the use of such a speedometer could easily be very unfair. If any speed at all is to be registered permanently, all the speeds high and low should be registered. The writer has in mind a speedometer which could make a permanent record of all speeds attained during a given period. Such a speedometer could be constructed for Police use if desired.

From actual contact with drivers of limited vehicles it is known that in most cases preference for being checked by Patrol vehicles as against stop-watches is expressed. The reasons given are the objections to Police Officers being hidden, whereas the Patrol vehicles may be seen, also that a Patrol vehicle usually tests over two or three miles and so only true offenders are reported.

The Publishers are still anxious to obtain a few more copies of the July, 1932, issue, Vol. V, No. 3. They are willing to pay 2s. 9d. for each clean copy delivered to them direct at Quality House, 69 Great Russell Street, London, W.C. 1.

CORRESPONDENCE

MURDER IN THE GUISE OF SUICIDE

To the Editor of THE POLICE JOURNAL.

SIR,

I have just received the April number of THE POLICE JOURNAL and hasten to congratulate you on the doubled subscription list you mention in your editorial notes. May the list continue to swell and the number of subscribers again double by this time next year! The JOURNAL is a never-failing welcome member of my post bag, and my only regret is that it is not a monthly issue instead of only a quarterly. I have been a subscriber ever since the first number and they make a brave array on my bookshelf, in fact I have lately started to read them through again, starting with No. 1, and very interesting they are too.

I would like, however, to comment, if I may, and with the best of intentions, on an article which appeared in the April issue, p. 160, entitled "Murder in the Guise of Suicide". On p. 161 in the penultimate paragraph the writer says that he cannot recall a case which was reported as suicide but which ultimately proved to be murder. Surely, there are dozens of such cases. Again on p. 162 he says that the murder of a person and the disposal of the body in water offers a likely means of simulating suicide. In such cases the procedure, to quote the poet, is "Elementary, my dear Watson". If there is no water in the lungs then the body was dead before it was placed in the water, and a case of murder may safely be presumed.

On p. 163 the story of the "very heavy calibre" pistol fired at close range to a man's head which made an exit hole so small that it could only be found after a second and minute examination by a doctor is far too tall a yarn to swallow. Anyone with any experience of fire-arms knows that in the event of such a bullet making an exit hole it would be rather the size of one's fist than the tiny hole here mentioned. Even presuming that it *did* make a tiny hole, the hole could not have been smaller than the bullet, and this I take to have been at least one of .45 bore and therefore not easily missed.

Of course the doctor might not have shaved the head and so missed it, but if so, then, taking this instance together with the case of the doctor mentioned on p. 164 who could not identify the symptoms of strychnine poisoning, it does not give one a very great opinion of police surgeons at home.

These sort of articles are very beautiful in their theory and ethics but they are written by people who only have one or two murder cases a year and who consequently make the most of them. They should try their hand at solving some of our murder cases. I have had eighteen murder cases already this year in my District, a matter of about 10,000 square miles in area. That would give them furiously to think, I imagine. I wonder what they would do if they came up against some of our problems in the murder line, bodies found in the jungle and murders committed at dead of night!

With many apologies and with best wishes for the JOURNAL's long and continued success,

Yours faithfully,

DISTRICT SUPERINTENDENT (Overseas).

The author of the article referred to in this letter replies:—

As my critic has selected four points I will deal with them, numbered from 1 to 4.

(1) Perhaps I am to blame here for not making it clear that I was speaking from actual experience, and in twenty-eight years no cases which were said to be suicide and turned out to be murder have been reported in Liverpool. We all know that at the time my article was published a man was under sentence of death, and in this case suicide by carbon monoxide poisoning was suggested. But my article was written long before this case was reported.

(2) The critic's method of differential diagnosis between cases of apparent and real drowning, if correct, would make the matter quite simple, but unfortunately a spasm of the glottis will often prevent entry of water into the lungs, although asphyxia and death by drowning is the result. Such cases are fully discussed in books on Forensic Medicine. Then again, rather frequently, a post-mortem examination is not ordered in a case of "Found Drowned"; therefore there is no chance of examining the lungs for water.

(3) I presume my critic knows that a heavy calibre pistol fires a bullet at low velocity. An exit wound through the bones of the skull is usually larger than the entrance, but not invariably through the covering skin. A low velocity bullet passing through an extensible

membrane stretches the membrane into the form of a tent; the stretched membrane is pierced and on retraction the hole is frequently smaller than the bullet. I have recently seen a case of suicide with a .45 revolver, and the entrance wound was a large one, whilst the exit wound was very small.

(4) My critic evidently could not read very well between the lines, and the police surgeons may still be worthy of a great opinion, as the doctor who diagnosed puerperal eclampsia was the man who afterwards committed suicide. His use of scarlet red was evidently an attempt to confuse any investigation, but it proved unsuccessful.

FRENCH POLICE ORGANIZATION

To the Editor of THE POLICE JOURNAL.

SIR,

The note on the Stavisky case which appeared in the April issue of the JOURNAL is prefaced by the observation that the difficulties of the French Police are of interest to us as Police reform has been much in the air here recently.

Would you allow me to point out an aspect of the situation in France which I feel has an importance for those considering reform in this country?

Multiplicity of Police Authorities is common both to France and Great Britain, but while in this country there is but one Authority for one Police district, the contrary is true in France. Two separate and distinct branches of detective Police have been operating in Paris, the Sûreté Générale, responsible to their own Director and the Police Judiciaire, responsible to the Prefect of Police. Evidence given before the recent commission has made it clear that there has been a lack of co-operation between these two bodies to such an extent that each thought that the other was taking action, with the result that it was taken by neither. In provincial towns similar difficulties have arisen between local detectives responsible to the Commissaire Central, and those of the Brigades Mobiles acting independently and responsible to the Sûreté Générale.

Whatever changes the future may bring, it is to be hoped that our present principle of "one district, one authority" will always remain.

I am, Sir,

Yours, etc.

INSPECTOR (Metropolitan Special Constabulary).

SPANISH POLICE

To the Editor of THE POLICE JOURNAL.

SIR,

Having returned from a very hurried visit to the North of Spain, with my headquarters at Vigo, I thought it might be interesting to pass you on a few observations I made of the Police Force of that portion of the country.

There are apparently Government Police, Municipal Police, and a type of Rural Guard.

The Government Police are, of course, the famous Civic Guard, in the peculiar black leather square hat, green uniform: they apparently are distributed all over the country as a kind of military police, and in the event of disturbance or demonstration of a serious nature, are concentrated and take over all Police work. This special guard operate as a Mounted Branch and Foot Police, patrolling the countryside, and are seen in the towns in pairs.

The Foot Police are armed with rifles, slung revolvers, and sabres, with, I believe, a baton.

The Municipal Police are rather puzzling, as under the present regime they are gradually, I am told, being refitted on the English principle. There are amongst these special traffic control men, or as the Americans would call them "Traffic Cops". These wear a uniform rather similar to our Special Constabulary, but with the addition of a star on the right breast on the American principle. They are unarmed and their sole duty is to control traffic. Their traffic signals are totally different to our own and consist of beckoning and halting.

Then come the ordinary Town Police who are being fitted out now with the Blue Helmet of our own Service, but they do not wear it quite like our own men. They have a type of baggy riding breeches, with black gaiters, and carry a slung revolver and twirl a white baton. They do not seem to have regular beats or patrols but stroll about anyhow.

Another type in the towns are they who patrol in pairs, dressed in blue with a peak cap, carrying a slung revolver and a long sabre with a most peculiar wooden hilt. They wear black gaiters.

As one motors through the country small towns, one finds peculiar Town Guards, wearing old khaki drill uniforms and an antique brass-hilted sword.

In large and important towns like Vigo and Santiago they have now recently started a Force known as "Shock Police". These

patrol the streets generally in pairs, and use motor cars, etc., for concentration. They are armed with a revolver and baton and, similar to the Civic Guard, do not hesitate to use their weapons before asking the reason of the disturbance. (American principle!)

There are then the Marine Departmental Police at all harbours, who are available for the assistance of the Custom Officers and Douane. They wear a green uniform and peak cap, and are armed with heavy revolvers. They also go aboard the liners as they arrive in port. There is, of course, in addition the Custom Guard.

Yours, etc.,

TRAVELLER.

EXAMINATIONS FOR PROMOTION

To the Editor of THE POLICE JOURNAL.

SIR,

On p. 368 of the current number of THE POLICE JOURNAL you correct a small mistake in the article "Examinations for Promotion" which had appeared in the April number. But I was disappointed to see no contradiction of the far larger misstatement, "Prior to the regulations made under the Police Act, 1919, there were no examinations" (p. 235 of the article).

The writer possibly fell into an error, common enough among those without personal knowledge of older conditions, in assuming that all the requirements of the Police Regulations, 1920, were novel. As a matter of fact in several important particulars, among them examinations for promotion, the Discipline Code and Procedure in Discipline cases, regulations already in force locally under older powers (Metropolitan Police Act, 1839; Municipal Corporations Act, 1835; or County and Borough Police Act, 1856) were adapted and adopted for general application.

When I transferred from the Royal Irish Constabulary to the Liverpool City Police in 1895, the examination for promotion had been established in the former for years and I found it established in the latter.

I quote these two instances because they are within my personal knowledge, but, if anyone would take the trouble to find out the dates at which the examination was first required in the Metropolitan Police and the larger provincial police forces, he would find that it already affected a large proportion, probably a majority, of the men who were serving in 1919.

Yours, etc.,

LEONARD DUNNING (Bart.).

Police Forces Overseas

A CAIRO RIOT

BY MAJOR A. W. H. CONYERS-BAKER

DURING 1919 there were numerous instances of troops in Egypt being called upon to aid the Civil Power in the restoration of law and order. In fact unrest was so prevalent that Martial Law, which had been instituted during the War, was still in force. Serious rioting took place at Tanta, Cairo, and other places in Upper Egypt in March, murderous attacks being made on British officials and other Europeans. The following is an account of the quelling of one of the riots that occurred towards the end of the year.

Besides the Egyptian Army, the garrison of Egypt consisted of various units of the Regular, Indian, and New Armies, and among them were the Foreign Service Details of the 2nd Battalion North Staffordshire Regiment.¹ This unit, which was organized as a Battalion, had arrived from England in September and was stationed at Kasr-el-Nil Barracks, where it had spent two peaceful and pleasant months.

One Sunday afternoon in November, 1919, a riot suddenly arose in Cairo, for no particular reason, as far as regimental officers were aware. Probably it was not unconnected with the independence propaganda then being carried on by the followers of Zaghlul Pasha. The Commanding Officer of the Battalion at Kasr-el-Nil was informed by telephone that certain Police Stations ("Caracols") were being attacked by mobs, and he was instructed to send troops immediately to the danger spots. "D" Company was directed to proceed to one of the Caracols and "C" Company to another. Each of these Companies paraded armed with pick-helves and were accompanied by twenty men of "B" Company carrying rifles, bayonets, and ball ammunition.

Mechanical transport was kept ready in Barracks in case of emergency and, within half an hour of the first alarm, "D" Company was trundling along the Shari el Bustan in three 3-ton lorries. A subaltern was in charge of the leading lorry, the Company Commander followed in the second, and another captain with the riflemen of "B" Company brought up the rear. The whole totalled about seventy officers and other ranks. The three-quarters of a mile to the Abdin Midan (Square) was soon covered and, turning northwards along the Shari Abdin, the Abdin Caracol came in view 200 yards away. The Caracol was surrounded by several hundred yelling and gesticulating Egyptians.

¹ The 2nd Battalion itself was in India and its headquarters and personnel with unexpired service were to join its Details in Egypt in February, 1920.

Subsequent inquiries from the British Police Officer who was in charge of the Abdin District have clarified the situation as regards the riot from the Police point of view. There was a big demonstration in Abdin Square that morning. Troops of the Egyptian Army were present on duty. The police at Abdin Caracol were reinforced by some of the Cairo Guard Company,¹ or police reserve, who had been issued with blank ammunition. One of these soldiers fired a blank cartridge, without orders as far as could be ascertained. Probably he was having a warm time and did not know what else to do. But, as is almost invariably the case, the only result of firing blank was to infuriate the mob. In any case, at about midday the mob attacked the police who retired into Abdin Caracol with the men of the Guard Company. The Egyptian Army troops were thus left to cope with the situation.

For about three hours the streets round the police station were black with natives, all wildly excited; they made one or two attempts to rush the station, but failed; they cut the telephone wire, but did not know that the British Police Officer had a private wire upstairs by which he was in constant communication with Police H.Q. and G.H.Q. at the Savoy Hotel; they burnt a police lorry and motor cycle (a new one belonging to the British Police Officer) that were standing outside, and made several unsuccessful attempts to fire the station itself. The Egyptian troops on the spot appeared to be hopelessly mixed up with the mob and sent several messages to the Police that they were unable to do anything.

It was almost 3 p.m. when the British Police Officer received a final message that the Egyptian Troops were unable to keep the mob out another five minutes. Almost immediately afterwards he looked up and saw the lorries with British troops coming round the corner.

The sudden appearance of these troops came as a complete surprise to the rioters. The soldiers—mainly young recruits of less than six months service—sprang from their lorries and hurled themselves at the mob, which quickly retired from the immediate neighbourhood of the Caracol, along the streets running north and west. This provided a very short breathing space, during which it was arranged that the Subaltern's party should clear one street and the Company Commander's party another, while the second Captain remained in reserve with his riflemen near the Caracol.

A succession of short charges in two lines were accordingly carried out by the pick-helve parties. At first these attacks had the desired effect of driving the rioters back two or three hundred yards from the Caracol. Then the mob began to realize that the pick-helve is only effective at one yard's range. The bolder elements commenced to retaliate by hurling stones and other missiles from the perfectly safe distance of 20 to 30 yards. Many of the soldiery were hit, though none seriously. Further charges down the streets became increasingly risky, because not only was greater resistance encountered from the front, but counter-attacks were liable to take place from side-streets. Besides, missiles began to pour down on the small parties of troops from windows overlooking the streets. A bottle of vitriol narrowly missed the head of the subaltern. (This promising young officer, Lieut.

¹ The Cairo Guard Company was composed of conscripts called up to do their military service in the usual way and posted to the Cairo City Police Force, for use by the Commandant of Police as a reserve in times of trouble.

- N. M. Toft, died a few years later while on Language Duty in Japan.)
 • A withdrawal became imperative, and the troops took up positions behind corners of houses near the Caracol end of their streets. Here they were more or less immune from missiles, but the situation was rather confused and decidedly unpleasant.

At this juncture a Company from the Battalion stationed at the Citadel arrived; the two Company Commanders met at the northern end of Midan Abdin and it was arranged that the new comers should make themselves responsible for the streets running west and south from the Square, in which a few peaceful sightseers were beginning to collect. Returning to the neighbourhood of the Caracol, "D" Company Commander came to the conclusion that it was quite impossible to quell the disturbance with pick-helves, so he decided to open fire. The principle of the necessity for employing the minimum of force was strongly impressed on his mind, because of the recent inquiries into Brigadier-General Dyer's action at Amritsar a few months earlier. He therefore ordered two riflemen to accompany him, sending two others to Lieutenant Toft, to whom he gave instructions to clear the Shari Kubri Kasr el Nil, using rifle fire if necessary.

The Company Commander's party then carried out a final baton charge for about 50 yards along the Shari Abdin, halting in line across the street. The nearest rioters turned and faced the soldiers at some 15 yards distance. A ringleader began to incite them to further efforts. More stones were hurled. A solitary mounted Egyptian officer who was present was requested to warn the mob in Arabic that, unless it dispersed immediately, effective fire would be opened. The Egyptian officer rode forward holding up his hand for silence, but his words could hardly have been heard because of the frenzied yelling of the mob. He rode back. The Company Commander ordered the two riflemen to fire one round each at the ringleader.

The effect was instantaneous. Hardly had the reports of the rifle shots died away before the street leading to Opera Square, which had been packed with a seething mass of humanity, seemed to empty as if by magic. There was a moment's pause. Then a few figures emerged from their refuges in alleys, side-streets, and houses. They picked up the two or three casualties and, in the most trusting way, bore them through the line of troops to a hospital in the rear.

Similar action with equally effective results had been taken by the subaltern. A total of a dozen casualties was reported. No further disturbance took place on that day, but troops garrisoned the caracols of Cairo for some weeks to come. On the day after the riot, troops of the garrison lined the streets in anticipation of trouble during the funeral processions of the victims of the affair. During the weeks that followed occasional demonstrations of students and others had to be dispersed by lorry loads of troops armed with sticks. But the obstreperous elements of the population had learnt their lesson: further shooting was not necessary.

REVIEWS

THE IDENTIFICATION OF FIRE-ARMS AND FORENSIC BALLISTICS. BY MAJOR GERALD BURRARD, D.S.O. (Herbert Jenkins.) 12s. 6d.

IT is not often that a technical book written by an acknowledged expert is equally readable both to the professional and to the layman; but this can truthfully be said about Major Burrard's book.

Major Burrard, who incidentally is well-known as the editor of that popular sporting journal, *Game and Gun*, has made a valuable contribution to the collection of forensic and criminological works with which this country is all too inadequately supplied. The book deals exhaustively with the question of fire-arms, ammunition, and the identification of same. This highly technical subject is dealt with in such an interesting manner that even those who have only a nodding acquaintance with the subject will find the book absorbingly interesting. The illustrations, which incidentally are excellently reproduced, are a complete education in themselves. They are illustrations in the correct sense of the word, inasmuch as each line drawing and photograph really does illustrate the various points to which it is intended to refer.

Major Burrard has many interesting things to say regarding the question of identifying the weapons from which projectiles found in the bodies of murdered persons may have been fired. He also gives comparisons between the methods used by the German and other police authorities in securing such identifications. He refers to the famous Gutteridge murder, and he points out that this was the first occasion on which the task of identifying individual fire-arms by means of fired cartridge cases or bullets was attempted in Great Britain.

The first part of the book deals only with forensic ballistics, and Major Burrard states very modestly indeed that the facts which he gives are only elementary. However, it is certain that the author supplies the reader with a mass of data which has never before been collected into any one volume in the English language.

The second half of the book deals with the question of the identification of fire-arms by means of microscopic examination of fired bullets and cartridge cases, and it is, of course, this section which should be particularly of interest to the aspiring detective officer.

Slowly but surely this country is gradually devoting more attention to the aid which science can give in the detection of crime, and there is no doubt but that Major Burrard's book should be in the hands of every police official who may be called upon to investigate a crime in which fire-arms

play a prominent part. Furthermore, it is hoped that several copies of this really entertaining and informative book will find their way on to the shelves of the library at the new Police College.

THE ENGLISH BORSTAL SYSTEM. By S. BARMAN. (P. S. King, Ltd.) 12s.

MR. BARMAN is a graduate of Calcutta University and a member of the Bar in London, who has made a close and sympathetic study of the English Borstal system. His book would seem to be intended primarily, in the words of Sir John Cumming, K.C.I.E., C.S.I., who provides a Foreword, "to place this intensive examination of a Western system at the disposal of his fellow-Indians in the East."

As an introduction to the Borstal system for the general reader it is perhaps less valuable. Mr. Barman displays an extensive acquaintance with the literature of penology, psychology, criminology, and even gynaecology, and in the course of the first half of the book—four chapters on "A Reformatory Penal System," "Problems of Adolescence," "Individualization," and "The Girl Offender"—the views of Lombroso, Havelock Ellis, Mr. Barman, and the Prison Commissioners find themselves rather bewilderingly disposed in a sort of peno-psychological crazy pavement. Although the book appears with an Introduction by Mr. Alexander Paterson, it would be at least unfortunate if the reader were led to suppose that much of what is written here represents the views of those responsible for our Borstal system.

Nor are these earlier chapters quite reliable on matters of fact: it will, for example, come as a surprise to many, and to none more than to the writer of the Introduction, to learn (pp. 41-2) that "military drill and discipline" with "the study of military tactics under an expert military officer," "play an important part in the reformation"—even though we learn further that the inmates are "free to organize (the military system) among themselves, subject of course to directions from the authorities when they are necessary, if at all". But even so, the earnest winnowing may find many a rewarding grain of wheat.

With Chapter V, dealing with the "Law of the English Borstal System", Mr. Barman is on safer ground, and gives a useful and exhaustive statement, covering not only the statutes but a large number of cases decided in the Courts. He is, however, a little misleading when, on p. 131, he gives as the "conditions that must be satisfied before sentencing an offender to Borstal detention" what are in fact the conditions under S. 10 of the C.J.A. Act, 1914, for committing to Q.S. for sentence.

The remainder of the book consists of detailed accounts of certain of the English Institutions which Mr. Barman has visited, and of the valuable after-care work of the Borstal Association. These contain an almost embarrassing wealth of information about the detailed life of the Institutions and a judicious pruning would not have detracted from their value: it can hardly, for example, interest the general reader to know who takes every class in each Institution throughout the day, and when, and where; nor does it seem worth while to perpetuate the House Colours of all the Houses concerned. But this devoted care for detail, as Mr. Paterson points out in his stimulating Introduction, well illustrates the earnestness of purpose which characterizes this work throughout.

CRIME AND CRIMINAL STATISTICS IN BOSTON. By SAM BAß WARNER. (Harvard University Press.) pp. x + 150. 1934. Price, \$3.00. Cambridge, Mass., U.S.A. London: Humphrey Milford.

In his preface Professor Warner writes, "I have tried to demonstrate the possible usefulness and significance of statistics in the administration of criminal justice. . . ."

After making an elaborate and exhaustive survey of such statistics as exist the author asks, "What is the conclusion as to the amount of crime in Boston to-day, as compared with that in other years and cities?" and replies, "The safest conclusion is none at all."

At first sight it might appear that Mr. Warner's labour has been all in vain and ended in sheer futility.

But the real objects of his research are to ascertain, not the amount of crime in a particular city, so much as the value of criminal statistics there and in general; and to suggest better methods of collecting and analysing them "in the hope that" his "ideas may prove of value in guiding public officers entrusted with the gathering and publishing of such information."

In his book on *The English Convict* Dr. Goring asserts that the conclusions of statistical inquiry "have mathematical accuracy, and the same degree of reliability as the conclusions of an exact science" (p. 275).

But what if the statistics are based upon ill-observed, misleadingly recorded, or incomplete data? Are not conclusions often vitiated by the omission of some important consideration? e.g. the assumptions as to the possible antiquity of life on the Earth, which were made before the discovery of its radio-active substances.

Now Mr. Warner's work shows that he is quite alive to these and other sources of fallacy. His examination of criminal statistics includes consideration of the following difficulties.

The locality vaguely referred to as "Boston" may be dealt with from three points of view, including very different areas and populations.

Difficulties arise from the various definitions of such crimes as burglary in the different States, and from differences of Police nomenclature in sundry places; thus cases of a kind called "assault and battery" in one place may elsewhere appear under the heading of "drunk and disorderly".

Such differences seem partly attributable to the different degrees of attention paid by the Authorities and Police to certain offences in different cities, e.g. to sex offences in Chicago, to offences against sanitary laws in New York and liquor laws in Boston, each of these cities having in fact its own "pet offenses".

Moreover, the figures given have sometimes been vitiated by manipulation in Wet and Dry fights.

Further difficulties arise as to the best bases of calculation, some favouring prosecutions, others the number of convictions.

Again, when, say, five men are charged with eight burglaries should the criminality be assessed in terms of defendants or of offences?

There is also great difficulty in getting complete records from floating populations, like those of Boston or New York, and of cases moved from lower to higher courts or placed on probation, and in general from lack of "long period" statistics.

Among the subjects specially studied is the relation between crime and poverty. Now Mr. Clarence Darrow says "most of the inmates" of prisons "are children of the poor", but Mr. Warner says "there are no statistics of crime" and "no figures exist for variations in the amount of poverty" and shows that the statistics of employment furnish but a poor index of poverty.

His study of the relation of Drunkenness to War Prohibition and Poverty prompts the conclusion that "Statistics can point out the existence of differences challenging explanation, but only an intensive study of the conditions in individual cities can furnish that explanation".

After comparing certain lists of crimes Professor Warner complains that "so little has been written on crime classification" . . . "that material for judgment is lacking" - this without referring to either Mr. Garsia's legal classification¹ or that suggested by Dr. Mercier.²

The chapter on his "Plan for Criminal Court Statistics" exposes the weaknesses of U.S.A. methods of crime registration and suggests amendments which, coming from so cautious a writer, must surely deserve close attention of those who prepare such statistics.

There follow a considerable appendix of statistical tables and a bibliography of Reports issued, but no general index.

The book may be commended as a model of careful criticism and cautious inference, well printed and illustrated.

POLICE UNIFORM CLOTHING. Report of the Committee set up to co-operate with the Home Office in working out a scheme for securing greater uniformity of pattern in articles of police uniform clothing. Stationery Office. 9d. net.

THE very representative Committee which has drawn up this report was appointed at the end of 1932. The Report shows that the Committee have dealt thoroughly with their subject, and their recommendations are set out in the fullest detail. The subject is one of practical importance, if only on the score of economy.

STONE'S JUSTICES' MANUAL. Edited by F. B. DINGLE. 66th edition. (Butterworth & Co. and Shaw & Sons.) 37s. 6d. net and 42s. 6d. net (new edition).

It is almost an insult to this publication for the reviewer to draw attention to its value. "Stone's" has become so familiar that all who are concerned with police-court work, or indeed in most forms of legal practice, take it for granted. Yet each year it adds to its own value. The latest edition, for instance, incorporates the provisions of the Children and Young Persons Act, 1932, and twenty-two other new Statutes. A commendable attempt is made to elucidate the confusion which exists in many minds as to the legal position regarding gaming and betting-houses. These are but a few of the distinguishing features of this latest edition.

¹ *Criminal Law in a Nutshell.*

² *Crime and Insanity* (Home Univ. Series).

THE ENGLISH POLICE: Its origin and development from the earliest times to the present day. By E. H. GLOVER. (Police Chronicle.) 5s. net.

THE author in a small volume of some 130 pages traces, first, the early history of our Police in three chapters dealing with the Saxon administration, the period of Norman rule, and, lastly, the period of Edward I down to Queen Elizabeth.

There is a chapter devoted to the system of the old Watchmen, and a chapter to the Bow Street Patrol, in which we notice a slip of the pen in calling the Metropolitan Police C.I.D. the Metropolitan Civil Investigation Department.

Chapters VI and VII illustrate the phases of the development of the London Police and the Provincial Police Forces towards the present organization.

In Chapter VIII is traced the growth of the Metropolitan Police and post-War developments which gave rise to various Commissions and Committees on pay and allowances. Included in this chapter is a very brief résumé of some of the systems of continental police forces, and finally there are chapters on Women Police and a short review of modern scientific aids in police preventive and detective work. A bibliography completes the volume.

This book is of a handy size and reasonably well produced and the information about Saxon, Norman, and Medieval times given in the first three chapters will be of interest to those who have not read it elsewhere. There are, however, an unfortunate number of misprints, e.g. "augered", "phenomenom", "discomforted", "Air-Marshall", "impunging", "contributory."

As history the book suffers because many of the statements of fact are inaccurate. It is not true, for example, that "blood money was part of the Fieldings' scheme", or that "the joint partnership between the first two Commissioners of the Metropolitan Police, Mayne and Rowan, was dissolved in 1850, Colonel Rowan being appointed Chief Commissioner until his succession in 1868 by his erstwhile co-partner and subsequent assistant, now Sir Richard Mayne". The facts are that Colonel Rowan retired in 1850, when Sir Richard Mayne became sole Commissioner, and Sir Richard Mayne died in 1868. Mistakes are also made in regard to quite recent facts, such as the statement that the May Committee was appointed *after* the financial crisis of the autumn of 1931, and that the Desborough Committee was called together in 1927 under the Chairmanship of Lord Lee of Fareham. In a future edition we hope that the book will be carefully revised.

SPARKS BENEATH THE ASHES. Experiences of a London Probation Officer. By MARY ELLISON. (John Murray.) 6s. net.

THE experiences of the author are so well told and her illustrations so aptly chosen that the reader is inclined to treat the whole work as a fascinating collection of stories rather than as a serious treatise on a serious subject. The book starts with a conventional preface, and then we are introduced to the ordinary business of a London Police Court. From this point, however, the author gets really going and holds one's attention right to the end of the

book. The six years which Mrs. Ellison spent as a Probation Officer have not been wasted, and it was a happy thought on her part to set down for the edification and serious consideration of the public an account of her experiences during that period. The only question is: Has she done it too well? There is a tendency on the part of a reviewer to mark passages which he proposes to comment upon or introduce into his review, but in the present case the last passage marked appears to have been on p. 19. For the rest, Mrs. Ellison's narrative was such that there was no time to be wasted in looking for a pencil and no inclination to interrupt her story by unnecessary annotations. The result is that the book is remembered as a series of pictures of human life as seen through the eyes of a Probation Officer, and not as an addition to the enormous mass of sociological literature which is let loose on a suffering world. For this we are profoundly grateful, and it is for this very reason that the book should be highly commended. It is most refreshing to find that Mrs. Ellison's geese are not all swans, and when she dislikes or disapproves of anybody she says so in no doubtful manner. While the work of Probation Officers is largely connected with those who have been "put on probation", a very valuable part of their duty is to mend domestic schisms and thus obviate a separation order; the instances here quoted in this connexion are admirable examples of what tact and patience can do. This volume cannot possibly have exhausted Mrs. Ellison's case book, and we hope some day to see "More Sparks Beneath the Ashes".

CLASSIFICATION AND USES OF FINGER PRINTS. 7th Edition.

By Sir E. R. HENRY, Bt., G.C.V.O., K.C.B., C.S.I. Obtainable from H.M. Stationery Office, Adastral House, Kingsway, London, W.C. 2 —the publishers—or through any bookseller. Price 3s., postage extra.

THE general appreciation of the qualities of this treatise as a standard work on the finger-print system of identification is reflected in the necessity for publishing yet another edition. With the exception that the statistics relative to various Bureaux have been brought up to date, and reference is made in the preface to a new system of classifying and filing single finger-prints, the new edition differs but slightly from the original work, which has proved of so great assistance to the finger-print world generally.

