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VOL. VIII, No. 1.

JAN.-MARCH, 1935

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THE
POLICE JOURNAL

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

ISSUED UNDER OFFICIAL PATRONAGE



NOTICE TO CONTRIBUTORS

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Publishers and Distributing Agents:

PHILIP ALLAN & CO., LTD.

69 GREAT RUSSELL STREET, LONDON, W.C. 1

Telegrams and Cables—"AQUALLICOR, WESTCENT., LONDON"
Telephone—HOLBORN 3391 (2 lines)

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POLICE JOURNAL

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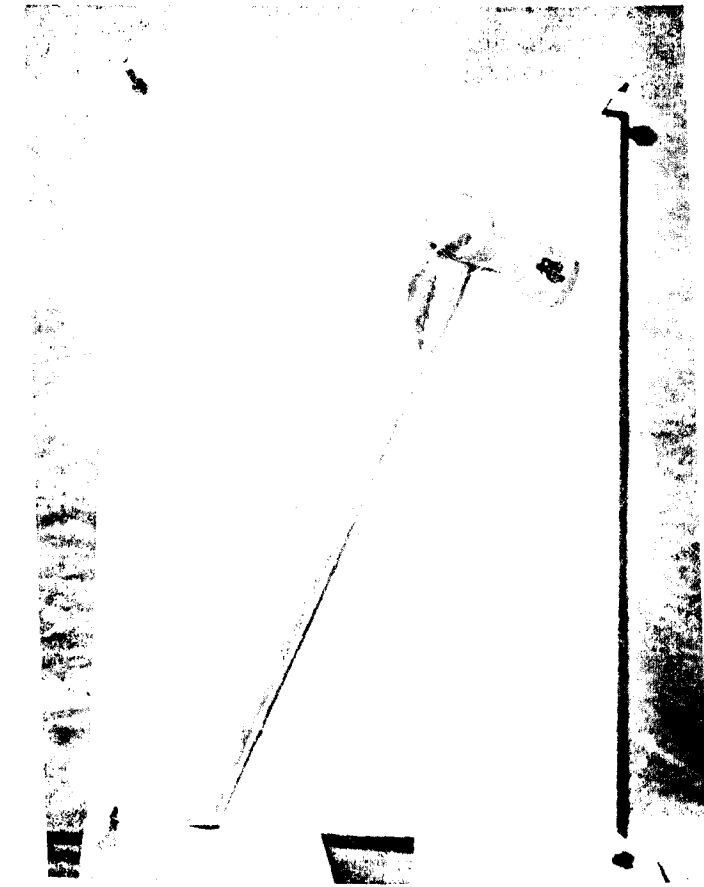
VOL. VIII. No. 1

JANUARY-MARCH 1935

Notes on Recent Crime

GREAT doubt has always been expressed by writers on criminal law as to whether a conviction for murder could in law be justified without production of the body. This doubt has now been resolved by the Court of Criminal Appeal in the case of one Davidson, who, after murdering his son, disposed of his body on a burning dump so that no traces of him could be found. The prisoner confessed to his crime, but the police hesitated to make a charge. The Court appears, though there are no official reports of the case, to have laid down the common-sense rule that, though production of the body is the best evidence of the victim being dead, the fact of death can be otherwise proved. It would clearly be absurd if a murderer, who pushed a man overboard in mid-ocean in the sight of many witnesses, could go unpunished because the body could not be found. But the death must be satisfactorily proved. In 1660 two men and a woman were hanged in a case known as "the Campden Wonder" for the murder of a man, who turned up alive a few years later.

A very brutal murder by a boy aged 19, named Stockwell, of a cinema manager for the sake of £80 odd takings of the cinema, has led to some controversy. His Counsel took the unusual course of pleading guilty and asking the jury to recommend his client to mercy. This the jury did, but the Home Secretary declined to advise a reprieve and the boy was duly hanged. There has been some criticism of this. The crime, however, was carefully planned and callously



BLOODSTAINED HAMMER MOUNTED ON PERFORATED BOARD.

• (Fig. 3) see page 19.

executed in thorough gangster fashion. The prosecution could not argue against a recommendation to mercy, and the jury by the course adopted really only heard one side of the question. It hardly seems desirable practice to allow a defending Counsel to appeal for such recommendations.

It is the duty of all members of the public to come to the aid of the police when required. This is a duty which, one is thankful to say, is usually performed in England. Mr. Peter Kiek, of Kensington, performed this duty in Mayfair and nearly lost an eye by a blow from a motor bandit's jemmy. The criminal, one Thomas, aged 25, was sent to five years' penal servitude, and the gallant Mr. Kiek was awarded £25. So long as passers-by are of the calibre of Mr. Kiek, dangerous criminals will not get the upper hand of the police.

"Poison pen" cases, as the newspapers quaintly call them, cases of anonymous letter-writers publishing obscene libels or threats, are always very difficult to deal with. However determined the efforts of police and postal authorities, the culprit may easily elude them, as witness the recent Isle of Wight case, in which a woman was acquitted. A most extraordinary case in Staffordshire of a labourer, Enoch Knowles, who had carried on a campaign for over twenty-five years with impunity, threatening high and low, came to light through a postal official quite by accident noticing a similarity in the writing of an ordinary post card with the writing on the anonymous letters. The moral seems to be that patience and perseverance rather than any brilliant detective work are what is required, comparing everybody's handwriting till one gets the solution.

The slaughter of the roads goes on even on pedestrian crossings, and the police have to give ever more and more time to traffic charges. The new Road Traffic Act arms the law with new powers, which one hopes will be used in proper cases. A first conviction for careless driving entitles

magistrates to suspend a licence for a month, a second conviction entitles them to suspend a licence for three months, a third conviction for speed entitles them to suspend a licence indefinitely, and the maximum penalty for dangerous driving is extended from six months to two years.

A blackmail case at the Old Bailey before the new Recorder of London, in which a Mr. A. had behaved improperly with a youth, named Keary, and was in consequence bled of over £1,000 by Keary and one Mullineux, posing as a clergyman, is of interest. This victim had apparently to be bullied into prosecuting by his solicitors. We are glad to see that the tendency deprecated in these Notes of pillorying the prosecutor in this class of case was not followed. Men trapped into compromising situations by vicious young boys and blackmailed must be encouraged to come forward. This is a very dangerous form of blackmail. These two men received four years' penal servitude.

An important Lottery Act decision—*Director of Public Prosecutions v. Phillips*, reported 51 *T.L.R.* 54—should be noted. The High Court decided that "chain" selling of articles in such a way that sellers draw commission till the chain is broken, is a lottery and illegal. Note-cases costing 1s. 6d. were sold for £1; the buyer had to sell four more; on the fourth sale he drew commission of 10s., and could draw commission up to £20,000 till the chain was broken. The decision was that the commission was dependent on chance.

Atkinson J., at Manchester Assizes, in discharging an accused solicitor, has issued a word of warning to magistrates. It is doubly important, now that Grand Juries have been abolished, for magistrates to be vigilant in not committing for trial persons against whom there is no real case. One cannot ignore in these Notes the fantastic case of "Major Crane", bogus King's Messenger and co-plaintiff with the King before the Privy Council in a suit for £85,000,000

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assistants, the price and stock tickets would have been detached and an entry of the transaction recorded in the stock books. After hearing the evidence on this charge the Magistrate found the prisoner guilty and sentenced her.

Two escaped convicts from Dartmoor robbed with violence from a van driver and were sentenced to three years and twelve strokes with the "cat". Singleton J. in the Court of Criminal Appeal said, "Those who resort to violence must expect proper punishment. The sentence of the 'cat' is undoubtedly warranted." Before the sentence of the "cat" could be carried out, one of the men, Collins, hanged himself in his cell rather than undergo his whipping. Different minds will draw different morals. Some will say that it shows how barbarous is the punishment, others that it shows how cowardly are such ruffians who will inflict violence upon others, but shrink from suffering pain themselves. Others, again, will declare that it shows how effective is the "cat" as a deterrent. There is certainly an increasing tendency to substitute the birch-rod for the "cat", and perhaps this is the solution, at any rate in all but the very worst cases.

The Police and the Law

Contempt of Court in "Pending Cases"

IN a note dealing with the recent decision of the High Court in *R. v. The Editor of the Daily Telegraph and Others* in the last issue of THE POLICE JOURNAL,¹ the writer referred to the question whether a newspaper is guilty of contempt if it publishes as news, before the arrest of any person, matter which is calculated to prejudice the trial of any person who may subsequently be apprehended. This is a question of law which is of great practical importance to the police. The interests of the police and of the press are essentially divergent. The police want to have a clear field for catching their man. The press want to have a clear field for catching their public. An atmosphere of friendly co-operation between the police and newspaper reporters is in itself a desirable thing and is possible only so long as newspaper reporters will loyally keep within certain limits laid down by the police. Unfortunately, it not infrequently happens that an over-zealous reporter furnishes his newspaper with "copy" containing facts and suggestions, the publication of which hampers the police in carrying out their investigations. Sometimes the publication of this matter has an effect which is regarded with disfavour by the Courts because it prejudices the trial of a person who has been arrested. But (1) there is no law which makes it an offence for a newspaper to print matter, the publication of which merely has the effect of embarrassing the police in their work; and (2), so far as we

¹ October, 1934, page 402.

are aware, the High Court has never gone so far as to hold a person guilty of contempt for publishing prejudicial information during the stage of investigation of a crime, *i.e.*, before anyone has been arrested. It is worth while, however, to consider, in connexion with these points, what are the principles on which the Courts act where an application is made to convict for contempt.

In *R. v. Editor, Printers, and Publishers of the Evening Standard* (1924), 40 T.L.R. 833, the newspaper had employed what were described as "amateur detectives" for the purpose of investigating the facts of the alleged crime. It was the publication of the results of their investigations that constituted the contempt. The Lord Chief Justice in delivering judgment said that it was apparent to the Court that the matters complained of were of such a kind as to be likely to interfere with the true administration of the criminal law. "It was clear," he said, "that cases of a similar kind to the present cases had occurred from time to time, but increased in number during recent years. One could not close one's eyes to what was done by the Press and there seemed to be only too much ground for thinking that what was here complained of had become prevalent."

There is no indication that the mischief to which the Lord Chief Justice referred has abated since 1926, when he delivered this judgment; and, from the police point of view, it would be helpful if it were possible to define exactly where is the border-line between legitimate news about a "pending case" and news which amounts to a contempt of court. The Lord Chief Justice is reported to have said in the *Daily Telegraph* case mentioned above, that 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." But the learned judge said that in relation to the facts of the case before him, and in that case the prejudicial matter had been published *after* the arrest of the accused persons.

In *R. v. Parke* (1903), 2 K.B. 432 articles had appeared

in a newspaper containing, amongst other suggestions, statements that a man, who had been arrested and brought before the justices charged with an indictable offence, had had an affiliation order made against him, that a remarkable story of immorality had been disclosed, and that he had admitted to a previous conviction. The main point in the proceedings in the High Court against the newspaper was whether the Court could attach the editor for contempt, notwithstanding that at the time of the publication complained of the person charged had not been committed for trial. The Court held that it possessed full jurisdiction to do so. "The reason why," said Mr. Justice Wills, "the publication of articles like those with which we have to deal is treated as a contempt of court is because their tendency and sometimes their object is to deprive the Court of the power of doing that which is the end for which it exists—namely, to administer justice duly, impartially, and with reference solely to the facts judicially brought before it. Their tendency (*i.e.*, the tendency of the articles published) is to reduce the Court which has to try the case to impotence, so far as the effectual elimination of prejudice and prepossession is concerned." Therefore it made no difference that, when the articles appeared, the Court which had to try the accused was not "in session". Later on in his judgment the learned judge observed that it is possible very effectually to poison the fountain of justice before it begins to flow—and added that it is not possible to do so when the stream has ceased. He also pointed out that "many inferior tribunals had no means of checking practices of the kind with which we are dealing".

There is nothing in this case to suggest that matter published about a pending case *before* any arrest has been made could in any circumstances be a contempt of court. Indeed, the decision seems to negative that possibility. But as a matter of principle it is difficult to see why, if the Courts are to deal effectively in contempt proceedings with all "attempts to pollute the streams or fountains of justice before they begin to flow", they should have no power to

do so in relation to the publication of matter before the arrest of anyone, which matter will be prejudicial to the fair trial of a person arrested after the date of publication. We can only say that, as the law stands, this does not appear to be a contempt. The only possible remedy would be by way of proceedings at common law against the over-assiduous newspaper reporter on a charge of effecting a public mischief.

Recent Judicial Decisions

R. v. Littleboy

THIS case is reported on page 192 of 24 *Criminal Appeal Cases*. The appellant was convicted of carnal knowledge of a girl under 16 years of age.

Offences were alleged to have taken place on three different dates and the defence as to one of these dates was an alibi. The appellant at the trial gave evidence that he was elsewhere. It was contended that the Judge ought not to have commented adversely in his summing-up on the fact that, when the prisoner was before the magistrates, he had not disclosed the fact that he was elsewhere on the particular date referred to.

In dismissing the appeal, the Lord Chief Justice said : " The real point urged on behalf of the appellant is that the judge was wrong in making observations upon the fact that the defence of alibi had not been disclosed before the magistrates." He went on to distinguish the case of *R. v. Naylor* (reported 23 *Crim. App. Cases*, 177) from the present case, and continued :—

" We do not think that it was ever intended to lay down the proposition that a Judge may not in a proper case comment on the fact that the defence has not been disclosed on an earlier occasion. It is one thing to make an observation with regard to the force of an alibi and to say that it is unfortunate that the defence was not set up at an earlier date so as to afford the opportunity of its being tested ; it is another thing to employ that non-disclosure as evidence against an accused person and as corroborating the evidence of an accomplice. . . ."

Later in his judgment he said :—

"No doubt observations upon the failure to disclose a defence at some date earlier than the trial have to be made with care and with fairness to the accused person in all the circumstances of the case, but we do not assent to the general proposition that in no circumstances may comment be made upon the failure to disclose the defence in the police court. The observations of the Court in *Naylor* [*supra*] were never intended to go that length. There is a great difference between making the comment that silence on the part of the prisoner is unfortunate and a matter to be regarded with reference to the weight of the defence, when the defence of alibi is raised, and saying that the fact that the prisoner was silent may be treated as evidence against him or as corroborating the evidence of an accomplice."

In the result the appeal was dismissed.

Cross-Examination of Prisoners as to Character

Two important cases on this subject have recently been before the Courts. The first, *Maxwell v. The Director of Public Prosecutions* (reported on page 152 of 24 *Criminal Appeal Reports*) was heard in the House of Lords, and the second, *R. v. Waldman* (reported on page 204 of the same volume), was subsequently heard in the Court of Criminal Appeal.

In *Maxwell's* case the prisoner, who had put his character in issue, was cross-examined as to a previous charge which had resulted in his acquittal. He was convicted of manslaughter and using an instrument with intent to procure miscarriage.

The Lord Chancellor in the course of his judgment, after giving a number of instances in which a prisoner might be cross-examined as to a previous charge, went on to say :—

"But these instances all involve the crucial test of relevance. And in general no question as to whether a prisoner has been convicted or charged or acquitted should be asked

or, if asked, allowed by the Judge . . . unless it helps to elucidate the particular issue which the jury is investigating, or goes to credibility, that is, tends to show that he is not to be believed on his oath ; indeed, the question whether a man has been convicted, charged, or acquitted, even if it goes to credibility, ought not to be admitted if there is any risk of the jury being misled into thinking that it goes not to credibility but to the probability of his having committed the offence with which he is charged. I think that it is impossible in the present case to say that the fact that the prisoner had been acquitted on a previous charge of murder or manslaughter was relevant, or that it tended in the present case to destroy his credibility as a witness. . . ."

He went on to point out that the facts of the present case were very peculiar and exceptional ; that the evidence was strong against the prisoner, but as in the view of the House the questions as to his previous acquittal ought not to have been put, and the fact that he had been charged some years before with a similar offence, although the charge led to an acquittal, might have been the last ounce which turned the scale against him, the conviction must be quashed.

In *Waldman's* case the appellant was convicted on a charge of receiving. A witness for the defence said that he had known the appellant for twelve years and that the appellant bore a good reputation for honesty. This witness was then cross-examined on the fact that the appellant had been previously convicted of receiving and charged afterwards with receiving but acquitted, and later the appellant was recalled and admitted that he had been so convicted and bound over and that two years later he had been again charged with receiving stolen property and acquitted.

In delivering the judgment of the Court of Criminal Appeal, Mr. Justice Avory said that on the first question to be decided, *viz.* whether the question put in cross-examination as to the previous acquittal of the appellant on a charge of receiving stolen property was or was not admissible, ". . . it is to be observed that there is a not unimportant distinction

between this case and the case of *Maxwell* [supra], which was the subject of a judgment in the House of Lords. In the present case the appellant put his character in issue, and not only himself put it in issue, but called a witness to testify as to his good character. That witness was asked whether in fact the appellant had been convicted of the offence of receiving stolen goods in 1920, and the appellant himself had to admit that he had been convicted in 1920 of receiving. Both the appellant and this witness were also asked about a charge made two years later against the appellant for a similar offence of receiving stolen property, on which occasion he had been acquitted. In *Maxwell* [supra] there was no suggestion that the appellant had ever been convicted at all, and whether the House of Lords would have decided the question in the same way as they did if they had had to deal with a case where a man had been previously convicted and had also been asked whether he had been previously acquitted may be open to doubt. . . . The charge of receiving stands on an exceptional footing, in that it is one of the few charges in which the prosecution, for the purpose of proving the guilty knowledge of the accused, are allowed to give evidence of a previous conviction within the last five years and of other stolen property being found within twelve months on the premises of the accused. No doubt also there is much to be said for making a distinction between a charge of receiving stolen goods and a charge such as that with which the House of Lords dealt in *Maxwell* [supra].

"We come now to the point whether, even assuming that questions as to the previous acquittal ought not to have been put, this is a case where the Court ought to apply the proviso to Section 4 of the Criminal Appeal Act, 1907. The rule which has been established is that on an appeal on the ground of misreception of evidence the proviso cannot operate, unless the evidence is of such a nature and the circumstances of the case are such that the jury must have returned the same verdict, even if the evidence had not been given. The Lord Chancellor said in *Maxwell* [supra] that the

appellant had brought himself within this rule, and that on the facts the Court could not say that the jury must inevitably have found the same verdict. On that part of the case the Lord Chancellor concludes his opinion by saying: 'It may well be that the fact that he had been charged some years before with a similar offence, although the charge led to an acquittal, may have been the last ounce which turned the scale against him.' We are satisfied that in the present case the question about the previous acquittal could not have turned the scale against the appellant by one pennyweight or one dram, much less by an ounce. Therefore we are satisfied that we ought to apply the proviso and say that this appeal should be dismissed."

Identification of Stolen Wire

By C. T. SYMONS, F.I.C.

SOME years ago thefts of copper telephone wire were comparatively common in Ceylon, the thieves choosing some isolated spot and climbing up the poles and cutting down the wire. When a search revealed suspicious wire in a house in the neighbourhood, the inmates pleaded that they had bought the wire from Messrs. X & Co., from whom copper wire of the same gauge and of similar composition could be obtained. In the absence of any direct evidence that the wire was actually the property of Government and had been removed from the poles, convictions were difficult to obtain.

This difficulty was, however, solved by the use of an ultra-violet spectrograph and a comparison microscope.

Such a spectrograph has been in use for some years for the estimation of impurities in metals, but its application to this side of crime work appears to be new. A Fery spectrograph was chosen as being comparatively simple to use and rapid in giving strictly comparable results. By its means it was found that impurities in any particular length of wire were practically constant and that the impurities in the Government wire did not correspond exactly with those in the other wires in any of the cases examined. Three spectra were photographed on the same plate, one immediately over the other and with exactly the same setting of the plate, etc., using first the Government sample taken from the cut wire line, next the seized sample, and below a sample from the

IDENTIFICATION OF STOLEN WIRE 17

source mentioned by the suspected person. Such a photograph could be finished in less than half an hour in the negative form, showing all the details of the ultra-violet ends of the three spectra, placed immediately one above the other in such a manner that comparison was very easy under a low power microscope, and the result could be produced in Court in this form or an enlarged positive could be used, supported, of course, by accurate measurements of the gauges of the wires.

It was, however, found necessary at times to ascertain whether a particular length of wire had been cut down from a particular section of the line. This would be comparatively easy if the thieves were provided with up-to-date wire cutters, which would leave clean-cut ends on the wire to be matched by the pairing of the cuts or by the fine lines left by the pliers as they cut their way through the metal. But in most cases the division of the strand of wire had been done by hacking it with a blunt knife or similar instrument, leaving ends which could not be matched together.

It was, however, noticed on microscopic examination that every piece of wire had on its surface parallel marks, produced apparently during the process of drawing the wire through a die in its manufacture, and also that such marks were constant for a considerable distance on each side of any particular point on the wire. In order to examine two pieces of wire suspected to have come from the two sides of one cut, a comparison microscope was used to bring the two objects optically side by side, in the same way as such an instrument is used in the comparison of rifling marks on bullets. Examination of a number of samples showed, as was to be expected, that the same patterns of markings were not to be found on all samples of Government wire, but that these varied from piece to piece, although possibly the same larger marks might be present, as is found to be the case with bullets fired through the same make of barrel, so far as the actual gross rifling is concerned. But these larger markings combined with the smaller parallel marks, arranged in a particular manner for each piece of wire, were very characteristic of

each section of the wire. Photographs could be taken showing the magnified surface markings optically side by side and would thus be available for demonstration in Court.

Thus it is possible not only to prove the identical composition of the wires, but also to show that they came from one particular gap in the cut line, if such is found to be the case, and thus to disprove any allegations of a different source which may be made in defence of the possession of the wire.

The Packing of Exhibits

By F. G. TRYHORN, D.Sc. (LIV.), A.I.C.

Professor of Chemistry, University College, Hull.

WITH the increasing adoption of scientific methods of examination of exhibits collected during police investigations, it seems desirable that attention should be directed towards two points. The first of these is the need for care in the packing and transport of such exhibits, and the second is the provision of suitable packing materials that shall be available when required.

Several writers on the applications of scientific methods in criminal investigation have called attention to the first of these points. A useful summary of the commonest faults in packing and of typical types of injury to exhibits during transit may be found in Lucas's *Forensic Chemistry and Scientific Criminal Investigation* (2nd edition, p. 14). Such points as are found in articles of this type may be briefly mentioned.

Considerable care is necessary in the packing of exhibits for expert examination in order to avoid :

- (a) loss during transit,
- (b) contamination from outside sources or from packing materials,
- (c) mechanical damage,
- (d) risk of personal damage from corrosive, noxious, or explosive exhibits.

The commonest faults encountered in packing arise chiefly from the use of dirty or unsuitable containers on the

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one hand, and from the making of insecurely fastened packages on the other. Common errors occur through :

- (a) the use of wet or dirty bottles, with dirty or unsuitable corks or stoppers,
- (b) insufficient protection of glass bottles during transit,
- (c) the use of flimsy containers which cannot be securely fastened,
- (d) the use of ordinary envelopes for powders,
- (e) the packing of small amounts of fibres in envelopes,
- (f) packing several articles insecurely in one package,
- (g) inadequate labelling through the use of unsuitable labels.

Most of the errors summarized here occur, not through carelessness or ignorance, but through not having at hand suitable packing material. To overcome this difficulty a special box has been designed which is fitted with all materials likely to be needed in packing such exhibits as are commonly encountered. It is suggested that a box of this type could conveniently be kept at each divisional headquarters of a Force, the contents being mustered regularly so that any materials used up could be at once replaced. This type of box, of which several dozen have been privately made and supplied to several Forces, measures about $16 \times 10 \times 7$ inches, is fitted internally with two drawers and a rack for bottles, and is closed by a sliding front (Fig. 1). An important feature of the box is the provision of three or more pieces of three-ply wood, of the largest dimensions that will fit into the box, bored with $\frac{1}{8}$ in. holes spaced $1\frac{1}{2}$ in. apart; at each corner is a larger hole through which will pass a piece of 2 B.A. studding. A supply of pieces of studding, of various lengths from $1\frac{1}{2}$ to 4 inches, and of 2 B.A. nuts, is provided. The use of these perforated boards in packing articles is shown in the illustrations (Figs. 2, 3, and 4). Any article which is to be submitted for examination can be picked up

THE PACKING OF EXHIBITS

with a pair of forceps or crucible tongs and placed in position on a perforated board. It will then be possible to secure the exhibit to the board, without handling it in any way, by three or more loops of thin copper wire which pass through conveniently placed holes in the board. Pieces of studding may then be passed through the holes at the corners of the board, secured by nuts, and a second board, passed over the free ends of the studding, may be secured above, but not touching, the exhibit, by additional nuts. When several exhibits are to be submitted a composite parcel may be built up, if circumstances permit, by adding two or more boards, on which the exhibits are fastened by wire, to the same pieces of studding.

In this way a package which will withstand safely any handling it may receive in transport is obtained. The wrappings of this parcel may consist first of a layer of cellophane tissue to make the parcel waterproof, and an outer layer of stout brown paper.

As the illustrations show, this type of packing can be adapted to almost any form of exhibit. It will naturally be modified to suit differing conditions. If it is desired, for example, to pack a piece of glass carrying finger-prints on both sides, thin slices of cork may be fixed to the three-ply board with drawing pins so that the corners of the piece of glass may rest on these slices and both sides of the glass may, therefore, be safeguarded from damage during transit.

The drawers and shelf in the box are only lightly nailed in position, so that, should on any occasion a bulky or delicate article require packing, the drawers and shelf may easily be removed, the contents of the box may be turned out into the stout paper carrier-bag which is provided with the box, and the whole box thus becomes available as an extra container for the exhibit in question.

Room is provided in the box for clips which will carry a simple microscope of the Baker "Nature" type, giving magnifications up to about 200 diameters. This forms a useful addition to the box, but is not necessary in every case. Sufficient room also is left for the inclusion of a finger-print

outfit, but the actual type fitted may be left to the choice of the officer in charge of the box.

The following summary of the contents of the box requires little further explanation, since the uses of the various items are in most cases self-evident :

Two each strong, corked, test-tubes, 6×1 in., and $6 \times \frac{5}{8}$ in.

Six metal-capped, flat-bottomed specimen tubes, $2\frac{1}{4} \times \frac{1}{2}$ in.

Three corked specimen tubes, $3 \times \frac{3}{4}$ in.

One 4 in. horn spatula.

Brass crucible tongs, 8 in.

Dessert spoon.

Piece of chalk.

Half a black grease pencil.

Block of paraffin wax, 3×1 in.

Small candle and taper, or supply of Meta fuel.

Plasticine.

Small roll of tin-foil.

Sealing-wax.

One each 2 oz. and 4 oz. glass jars with screw-on metal top (one fitted with a layer of glass wool over fused calcium chloride, one fitted with a layer of glass wool over calcium chloride crystals).

One 4 oz. narrow-mouth corked glass bottle containing cellulose acetate solution.

One 1 oz. wide-mouth glass stoppered bottle.

Supply of corks and one rubber bung.

Three end-opening foolscap envelopes.

Six micro-slides, 3×1 in.

Gummed paper tape for securing packages.

Adhesive plaster tape.

Gummed labels.

Wood postal case for specimen tubes.

Scissors.

String.

Two sheets brown paper.

Brown paper carrier bag.

A few yards bare copper wire, 21 gauge.

Round, flat sample tins, 2 in. diameter.

Tie-on labels.

Indelible pencil.

Assorted rubber bands.

Two sheets cellophane tissue.

Cellulose acetate in acetone solution.

One 4 in. Petri dish.

Pair of forceps.

Supply of 2 B.A. studding and nuts.

Tape measure.

* Wood box with paint slip.

* 6 ounces Wood's metal.

* "Nature" microscope.

* Capillary tubes containing physiological saline solution and reagents for the benzidine, or Kastle-Mayer blood test.

A few filter papers, or drop-reaction papers.

Since the demand for these boxes has exceeded the possibility of private supply, arrangements have been made with Messrs. Reynolds & Branson, Ltd., 13 Briggate, Leeds, 1, to undertake the manufacture and supply of boxes to the above specification, containing all items with the exceptions of those marked *.

Notes on the Uses of some of the above Items

Wood's Metal.—This alloy (bismuth 4, lead 2, cadmium 1, and tin 1, parts by weight) has a melting point well below the boiling point of water and is useful for taking casts of jemmy marks and other impressions. The alloy can be melted in a spoon over a taper or candle, and can then be poured into a cup made of plasticine formed round the marks of which the cast is required. Where exceedingly fine marks occur on wood, it is best to press, first, a piece of tin-foil on to the surface to obtain the impression of the marks, and then to pour the Wood's metal on to the foil. If the metal is heated rather above its melting point before pouring it will adhere tenaciously to the foil and greatly reduce the normal fragility of the usual foil impression.

A Petri dish, such as is used in bacteriological work for preparing flat cultures, is useful in securing safe transit of stains, especially seminal ones. The Petri dish consists of two shallow circular dishes, of which one fits loosely over the other. If the stained portion of a garment is stretched over the lower half of the Petri dish and the upper half pushed on

to secure the garment in position, a perfectly safe packing is obtained in which there is no risk of destroying the potentialities of the stain through friction during transit.

Grease Pencil.—The grease, or "Chinagraph" pencil, has the advantage of writing legibly on such surfaces as metal or glass. Whenever exhibits are packed in tin or glass containers it is a sound plan to put an identifying mark on both the container and on any label attached with the grease pencil so that, should by any chance the label become detached during transit, it is at once obvious to which container it belongs. This is of importance because of the poor adhesion of many types of gummed labels both to glass and metal.

Gummed Paper Tape.—This gummed strip is useful for securing most types of package, and in particular for making certain that envelopes used for packing dusts and powders are made really dust-proof.

Even in good quality envelopes the gum along the seams seldom extends to the extreme ends, and in consequence fine powders are apt to leak out when packed in such envelopes. If it is necessary to pack powders or dust in envelopes rather than in stoppered specimen tubes, all the edges of the envelope should first be made dust-proof at the extreme corners by gumming along them a folded strip of gummed paper tape. Transparent envelopes of cellophane are much preferable to opaque paper envelopes.

Adhesive Plaster Tape.—This adhesive tape will be found most useful in sealing the metal caps of glass jars, or preventing the coming apart of the two halves of metal specimen tins.

Wooden Box and Paint Slip.—This is of the type used by paint salesmen for exhibiting samples of paint. It consists of a shallow wooden box, about $5 \times 2 \times \frac{3}{8}$ inches, in which rest on two small fillets the ends of a glass strip about $4\frac{1}{2}$ by $1\frac{1}{2}$ inches. Where it is desired to transmit, for example, a smear of blood or paint, the smear may conveniently be made on such a glass strip, and is prevented from being contaminated during transit by being isolated by the fillets from the bottom of the box.

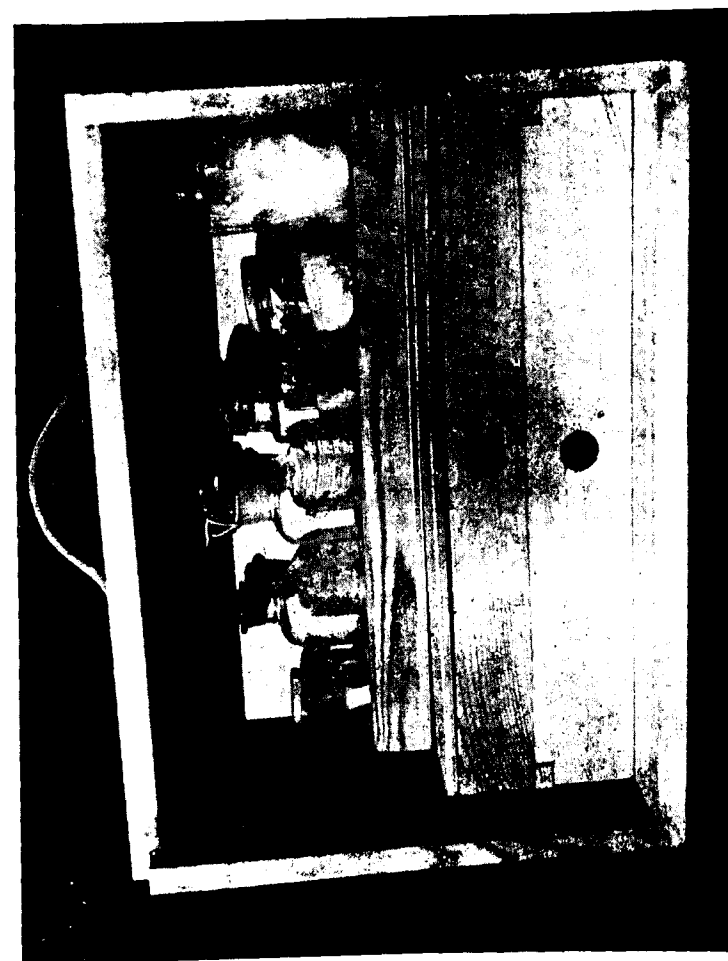


FIG. 1.—Packing-box, with lid removed, showing drawers and bottle rack.

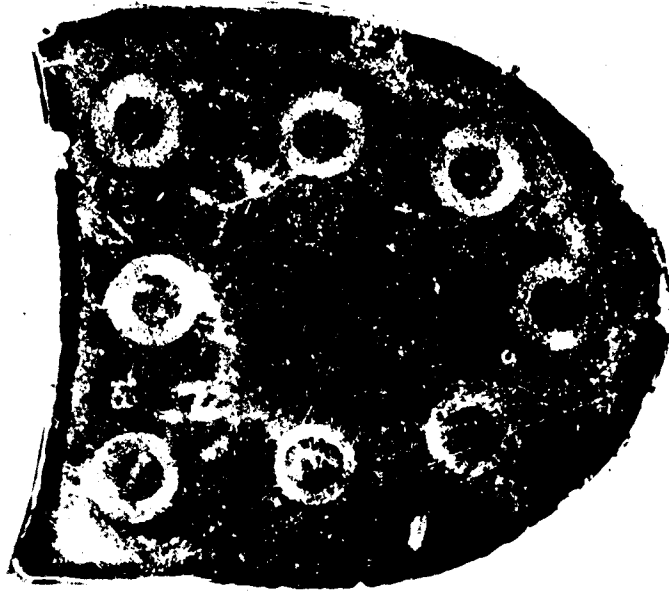


FIG. 6.—Positive of heel-print made from film shown in Fig. 5.

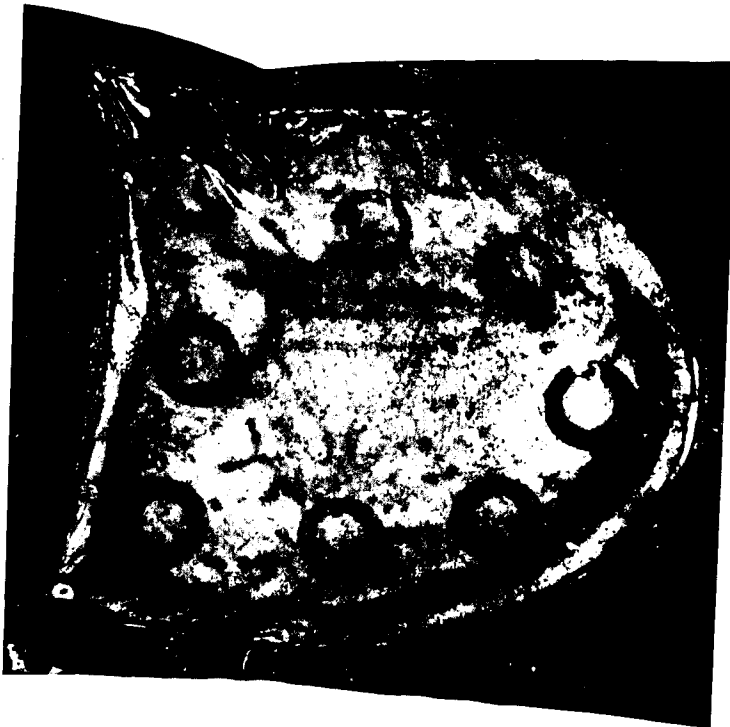


FIG. 5.—Mask and cellulose acetate film of heel print.

Cellulose Acetate Solution.—This solution, which consists of about 8 per cent. of cellulose acetate dissolved in acetone, is useful for completely removing footprints from such surfaces as linoleum, stone, wood, concrete, etc. Its use is indicated where the footprint is on such a background that photography is difficult or in cases where the removal of the footprint entire is desirable.

In applying the solution, a mask of cardboard or stout paper is cut which will fit over the print: this is held flat on the surface while a film of the cellulose acetate solution is poured over the print to a thickness of about $\frac{1}{16}$ in., care being taken to ensure that the film flows over the edges of the mask as well as the print. The acetone will evaporate from this film in less than half an hour, leaving a tough, transparent film over the print. The mask and film may then be removed from the surface by gently lifting the corners of the mask. It will be found that the film brings away with it every trace of the footprint, leaving the surface perfectly clean. Since, after two or three hours, a slight shrinkage (2 or 3 per cent.) occurs in the film, it is advisable to use it as soon as dry, to make a positive print of the impression on bromide paper. The print so obtained will give the exact measurements of the details of the footprint, whilst the cellulose acetate negative will reproduce the actual footprint itself with only very slight shrinkage (Figs. 5 and 6).

Capillary Tubes of Reagents for Blood Tests.—It has been found convenient to put up the reagents for qualitative blood tests in capillary tubes about $\frac{1}{16}$ in. diameter and 2 inches long. In a given test three such tubes are needed, one of physiological saline, and one each of the two reagents needed for the test itself. Experience has shown that the reagents for blood tests put up in this form remain active for at least six months and, in fact, are less liable to deterioration than when they are kept in bottles in bulk. As it is debatable whether even such qualitative tests should be undertaken by officers without scientific training, these capillary tubes have not been included as a standard item in the box.

Glass jar containing Fused Calcium Chloride.—Fused or anhydrous calcium chloride acts as a useful drying agent owing to its strong affinity for moisture. Any moist stain stored over this substance will quickly dry at ordinary temperature without suffering damage. Fresh semen-stains or fresh blood-stains may thus be dried to prevent putrefactive changes during transit.

Glass jar containing Calcium Chloride Crystals.—Moist calcium chloride crystals may be used for keeping the space above them charged with moisture. It is sometimes convenient to store semen-stains in this manner, so as to prevent drying, when they are likely to be only a short time in transit before scientific examination.

“Under the Influence”

This is a verbatim report of proceedings which took place in Court a short time ago : only the names of persons and places are imaginary. It is unnecessary to make any comments upon it, but those readers who find a difficulty in drawing the moral might turn to the article which appeared in the October, 1934, number of THE POLICE JOURNAL (page 405), entitled “The Witness for the Prosecution”.

PROSECUTING SOLICITOR. As you have heard, Your Worship, the charge is one of “being in charge of a motor-car whilst under the influence of drink” and the Prisoner has pleaded “Not Guilty”. Simply, the facts are as follows :—

At 10 p.m. on Wednesday, the 6th inst., Constable Williams was on duty at the Northern Dock Gate when the Prisoner drew up in motor-car WW 6701. He was alone, and when he approached the Officer he leaned out of the car and said, “Are there any McAndrew boats in?” The Officer replied, “No,” whereupon the Prisoner reversed his car and drove away for a matter of 60 yards or more, turned round, came back to the Constable, and asked the same question. The Constable then noticed that he spoke very huskily, and that he was swaying over the wheel, and the Constable came to the conclusion that the Prisoner was under the influence of drink and asked him to get out of the car; when the Prisoner did so he was unable to stand up and would have fallen if the Constable had not supported him. Constable Williams then noticed the Prisoner’s breath reeked of alcohol, so he said to him, “You’re drunk,” to which the Prisoner replied, “What, am I tight? That’s all right with me, big boy,” and started to cry. Other officers then

arrived on the scene and the Prisoner was conveyed to the Bridewell. The officers I propose to call before Your Worship will tell you that in their opinion the Prisoner was so drunk that he could not be charged for several hours and that from 10.30 p.m. to 3 a.m. on the 7th inst.—the moment when he was charged—he was in a drunken stupor. In reply to the charge he said, “I can’t deny it.”

P.C. WILLIAMS, please! (*Officer enters the witness-box.*)
Are you P.C. Williams?

P.C. WILLIAMS. I am, Your Worship.

PROS. SOL. Give your evidence, Officer.

P.C. WILLIAMS (*one of the old school*). Your Worship, at 10 p.m. on the 6th of this month I was standing by the Northern Dock Gate on duty, when up comes the Prisoner driving (*the Officer here consults his note-book*) motor-car WW 6701. He says to me, “Is there any McAndrew boats in?” and I said there wasn’t. With that he reverses and drives away, maybe 60 or 70 yards, when round he turns and comes up to me and asks me the same question again.

MAGISTRATE. Asked you what, Officer?

P.C. WILLIAMS. Yes, Sir.

MAGISTRATE. What do you mean, Officer?

P.C. WILLIAMS. Asked me was there any McAndrew boats in. Being suspicious like, I said to him, “No.”

MAGISTRATE. Being suspicious of what?

P.C. WILLIAMS. That he was drunk.

MAGISTRATE (*getting angry*). Why? Just because he asked you a simple question a second time?

P.C. WILLIAMS. Yes, Sir, because I caught a good smell of spirits. So I said to him, “I believe you’re drunk” and asked him to get out of the car and walk over to me.

MAGISTRATE. Well, and did he?

P.C. WILLIAMS. He tried to, Your Worship, but as soon as ’is feet touched the ground he fell in my arms like; flopped like. So I blew my whistle for assistance, and up comes the Sergeant, and together we took the Prisoner into the Police Hut, which was a few yards away, and put him in a chair.

MAGISTRATE. Did he say anything all this time, Officer?

P.C. WILLIAMS. Yes, Your Worship, he got excited and he says to me, serious like, “If Marie Stopes made her name in Joan of Arc, I was just as good in—” I didn’t catch the rest of it, Your Worship, and because I didn’t answer him he put his arms round my neck. He tried to kiss me and when I said to him, “Stop it, Mister,” he said I reminded him of a picture of his mother when she was a young girl. The van came at that moment and we took him off to John Street Station. When he was sufficiently sober to charge, I booked him and in reply to the charge he said, “I can’t deny it.”

MAGISTRATE. What was the charge?

P.C. WILLIAMS. Yes, Sir.

MAGISTRATE. Really, Officer, WHAT WAS HE CHARGED WITH?

P.C. WILLIAMS. Begging your pardon, Your Worship, he was charged with “Being, whilst in charge of motor-car under the influence of drink (*fumbles with his note-book*) WW 6701”.

MAGISTRATE. So in your opinion he was drunk?

P.C. WILLIAMS. Yes, Sir.

PROS. SOL. So much so as to render him unfit to drive the car?

P.C. WILLIAMS. Quite, Sir.

COUNSEL FOR DEFENCE (*rising*). So you say he was drunk, Officer?

P.C. WILLIAMS. Terribly drunk, sir.

C. FOR D. Would you say that a man who can drive up to you in a car without arousing your suspicions, ask you a perfectly logical question, reverse his car, drive away for 60 or 70 yards, reverse again, and drive back—do you honestly ask His Worship to believe that such a person *could* be drunk to such an extent as to be unfitted to drive a car?

P.C. WILLIAMS. All I can say is he was drunk.

C. FOR D. What do you say he asked you on the first occasion?

P.C. WILLIAMS. Was there any McAndrew boat in.

C. FOR D. Are you sure he did not say, "Is there any McAndrew boat in?"

P.C. WILLIAMS. He might have done so.

C. FOR D. Now when he came up to you on the second occasion, what did he say to you, Officer?

P.C. WILLIAMS. The same, Sir.

C. FOR D. Quite sure, you're sure he did not say, "Has a McAndrew boat *been* in to-day? Which was it?"

P.C. WILLIAMS. Yes, Sir.

C. FOR D. Which?

P.C. WILLIAMS. What you said, Sir.

C. FOR D. Has a McAndrew boat been in to-day?

P.C. WILLIAMS. No, Sir.

C. FOR D. Then, in heaven's name, what—!

P.C. WILLIAMS. Is there any McAndrew boats in?

C. FOR D. Are you sure, Officer? You know my client will say that when he addressed you on the second occasion he said, "Has a McAndrew boat been in to-day?" Will he be correct if he says—"

P.C. WILLIAMS. Yes, Sir.

C. FOR D. Then what do you mean by leading His Worship to believe—

P.C. WILLIAMS. Yes, Your Worship. Both times he says to me, "Are there any McAndrew boats in?"

MAGISTRATE. I think you'll have to take that as the Officer's answer, Mr. Smith.

C. FOR D. Very good, Your Worship. Now, Officer, you say he was crying. Was he very excited as well?

P.C. WILLIAMS. No, Your Worship. He was very calm and collected like.

C. FOR D. You have told his Worship that when he was charged he said, "I can't deny it." He will also tell his Worship that when he was charged he said, "I can't deny it." But not as you say it, Officer. Not, "I *can't* deny it," as though admitting his guilt, but "I *can't deny* it", intimating that he was in an awkward fix. There he stood, friendless, alone, it was his word against that of yourself, the Sergeant,

the Inspector, and the rest of the army of police officers that always seem to be "on tap", so to speak, at John Street. Now I want you to be fair to my client, Officer. You're sure he did not say, "I can't *deny* it", in, well, in a desperate tone of voice, speaking like one of the damned—if I may use such a comparison?

P.C. WILLIAMS. No, Your Worship. He turned to me and said it just like this, "I *can't* deny it."

(Officer steps down.)

PROS. SOL. Sergeant Smith, please! (*Sergeant Smith enters the witness-box.*) Are you Sergeant Smith?

SGT. SMITH. Yes, Your Worship.

PROS. SOL. Have you heard the evidence of the previous witness?

SGT. SMITH. I have, Your Worship.

PROS. SOL. And do you agree with it?

SGT. SMITH. I do, Your Worship.

PROS. SOL. Were you present at the Bridewell when the Prisoner was charged?

SGT. SMITH. I was, Your Worship.

PROS. SOL. What did he say in answer to the charge, Sergeant?

SGT. SMITH. "I can't deny it!" and he turned to me and said, "This is a mess to be in, isn't it?"

MAGISTRATE. Why do you add what he said to you afterwards. That isn't evidence. I didn't ask for that—

SGT. SMITH. No, Your Worship, but I'm telling you.

MAGISTRATE (*to Pros. Sol.*). Really, Mr. Green, you will have to instruct your witnesses on the laws of evidence.

PROS. SOL. Yes, Your Worship. (*Sits down.*)

C. FOR D. (*rising*). So in your opinion, Sergeant, the Prisoner was drunk?

SGT. SMITH. Worse, Sir, he was rolling drunk.

C. FOR D. What do you mean by "rolling" drunk?

SGT. SMITH. Rolling drunk.

C. FOR D. Yes, yes, yes, but what do you mean, explain—

SGT. SMITH. Rollin' drunk. Like this, Your Worship. *(He rolls.)*

MAGISTRATE *(laughing)*. Oh, I see. Yes. If a man rolled like that he might well be drunk.

C. FOR D. Did he appear to you to be a highly strung young man? Was he weeping bitterly?

SGT. SMITH. He was.

C. FOR D. He was? So you say he was highly strung in your opinion?

SGT. SMITH. No, Your Worship, I said he was weeping.

C. FOR D. But surely a man who weeps like that must be highly strung.

SGT. SMITH. I don't know anything about that, Your Worship. I'm no judge of that sort of thing.

C. FOR D. No, but if I tell you he is highly strung, if the Prisoner tells you he is highly strung, will you believe it? Will you take the word of an eminent medical man, whom I will call presently, to prove that he is highly strung?

SGT. SMITH. Oh, yes. I can't deny that he might be highly strung.

C. FOR D. And will you agree with me, with the Prisoner, and with this very distinguished medical witness, that the Prisoner was not drunk, as you imagine, at the time in question, but that he was in a highly excitable, in fact a very neurotic, state?

SGT. SMITH. Oh, no. He was drunk; why, he *smelt* of drink.

C. FOR D. Surely, Sergeant, a man can smell of drink and not be drunk! My client will go into the witness-box and tell His Worship that in all probability he *did* smell of drink. He had *had* drink. But every man who has had drink is not a drunkard, you know, Sergeant! And one, two, three, or even more glasses of beer need not make a man incapable of driving a car. If my client says he was not drunk but that—

SGT. SMITH. Then why did he tell me I had a lovely figure and a smart waist?

MAGISTRATE. Possibly with a view to flattering you, Sergeant. *(Laughter.)*

(Sergeant steps down.)

PROS. SOL. Dr. Pink! *(Doctor enters the witness-box.)*
Are you Dr. William Pink, Police Surgeon?

DR. PINK. I am, Your Worship.

PROS. SOL. At 11 p.m. on the night of the 6th inst. were you called to John Street Station, and when there did you examine the Prisoner?

DR. PINK. I did, Your Worship.

PROS. SOL. What conclusion did you come to as the result of that examination?

DR. PINK. That he was under the influence of drink to such an extent as to be unfit to drive a car.

C. FOR D. *(rising)*. Was this a border-line case, Doctor?

DR. PINK. Oh, no.

C. FOR D. But, Doctor, haven't you heard the evidence of the previous witnesses? Here we have a Police Constable and a Sergeant who both swear the man was very drunk, and "rolling" drunk (whatever that may mean), and you, a medical witness on oath, merely say he was under the influence of drink to such an extent as to be unfit to drive a car. *You* didn't say he was "rolling" drunk, or even very drunk, did you, Doctor?

DR. PINK. I did not.

C. FOR D. But why?

DR. PINK. Because I wasn't asked. *(Laughter.)*

C. FOR D. What do you mean, you weren't asked?

DR. PINK. That I wasn't asked. I was asked what conclusions I came to when I examined the Prisoner, and I stated that in my opinion he wasn't in a fit state to drive a car, within the meaning of the Act, section 57. How drunk he was doesn't matter within the meaning of the Act so long as he wasn't so drunk as to be incapable of driving a car.

C. FOR D. I see. But give me this much, Doctor. Would you say he is a highly sensitive young man. In fact, a neurotic?

DR. PINK. He may be—he probably is.

C. FOR D. But you didn't apply any tests to satisfy yourself that he might be in a very excitable nervous state and *not* drunk, when you examined him on the night of the 6th inst.

DR. PINK. I did not.

C. FOR D. You did not? So he might well have been—

DR. PINK. He was certainly drunk within the meaning of the Act.

(*C. for D. sits down.*)

PROS. SOL. That is my case, Your Worship.

C. FOR D. (*rising*). May it please Your Worship, I will address a few words to you first of all and then call my client to give evidence for himself. As you have heard, Mr. Tomson was driving motor-car WW 6701 at about 10 p.m. on Wednesday, the 6th inst. He will tell you that he *did* go down to the Northern Dock about that time, but he will also tell Your Worship that he was NOT DRUNK. Furthermore, Your Worship, he will confess to you of being subject to certain physical and temperamental disabilities, and when Your Worship has heard his story—and not only his story but the evidence of a renowned specialist and several distinguished gentlemen who know him well—you will readily see why the Police Officers thought he *was* drunk. It is my submission, Your Worship, that they did so quite justifiably, but I am convinced Your Worship will come to the conclusion that the Prisoner at that time was no more under the influence of drink than I myself, or any other gentleman in this Court at the present moment. I am convinced that when you have heard his story you cannot help but decide in his favour, and Your Worship will hear a story, so amazing, so unreal, that if it was not backed up by medical evidence and the testimony of gentlemen of the highest integrity, Your Worship would regard it as incredulous and preposterous. But in the face of the overwhelming evidence I shall call, at the least Your Worship will realize that the gravest doubts must be held as to the condition of my client at 10 p.m. on Wednesday, the

6th inst., and in that case Your Worship will exercise a privilege, more than a privilege—a right, and acquit him. Joseph Tomson! (*Prisoner enters witness-box.*)

Is your name Joseph Tomson?

MR. T. It is, Your Worship.

C. FOR D. How old are you, Mr. Tomson?

MR. T. Twenty-three years, Your Worship.

C. FOR D. How long have you been in Southpool?

MR. T. Only six months. I used to live in Dorset, I was born there.

C. FOR D. What are you by profession, Mr. Tomson?

MR. T. An actor, Sir.

C. FOR D. Mr. Tomson, will you tell His Worship what happened to you on the evening of the 6th inst.? Start at tea-time and carefully narrate to His Worship what happened to you until you were drawn up by the Police Officer at 10 p.m.

MR. T. Yes. At 6 p.m. I had tea with a friend—just a light tea, a biscuit and a glass of sherry. You see, we had been rehearsing all afternoon. I wasn't wanted in the evening but I drove another friend of mine down to the theatre at 7.0 and then slipped out for a drink at the public house opposite. I stayed there for three-quarters of an hour, or maybe an hour, during which time I had three glasses of bitter beer.

C. FOR D. Were you alone?

MR. T. No, there were people I knew in the bar.

C. FOR D. Yes, well what happened after that?

MR. T. Well, I went back to my lodgings and wrote a couple of letters. It would then be about 8.30 p.m. Somewhere about 9.30 p.m. my landlady looked in to tell me that a friend of mine had called whilst I was out but that he had refused to leave any name or particulars. I thought it might be a school friend who was a midshipman on board one of the McAndrew boats, so I got out the car and drove down to the docks to inquire for him.

C. FOR D. Now I want you to be very careful, Mr. Tomson. Now tell His Worship what you did when you arrived at the Dock Gate. What time would it be?

MR. T. About 10.0, Your Worship.

C. FOR D. Yes, go on.

MR. T. Well, I drew up in front of the officer and I said to him, "Is there any McAndrew boat in, Officer?" He said "No", so thinking I had made a mistake I reversed the car and drove away—

C. FOR D. Yes, go on.

MR. T. Well, when I had gone about 70 or a 100 yards, it occurred to me that possibly one of the boats *had* been in but had sailed, so I turned the car round and went back to the Officer at the Dock Gate.

C. FOR D. Now I want you to tell His Worship what you said to the Constable on that occasion.

MR. T. I'm certain I said to him, "Has a McAndrew boat *been* in to-day?"

C. FOR D. What did he reply?

MR. T. He didn't reply—at least not to my question. He came close up to me and said, "You're drunk. Get out!" So I got out.

C. FOR D. Were you drunk?

MR. T. No, certainly not. Perhaps I smelt of drink because, remember, I had just had three glasses of beer (well, less than three hours previously), but I was not drunk.

C. FOR D. Now I want you to tell His Worship of the unfortunate ailments, one might almost say diseases, from which you suffer and have suffered from for as long as you can remember.

MR. T. Well—

C. FOR D. Come, Mr. Tomson, I'm afraid you will have to confess to His Worship who, fortunately, is a very humane and understanding Justice. Don't be too upset. Now, tell His Worship.

(*Mr. T. hesitates.*)

C. FOR D. Well, then, Mr. Tomson, if you feel too

distressed to tell His Worship yourself, let me put it before him. Isn't it a fact that from earliest childhood you have suffered acutely from fits, of shall we say ungovernable rage, and that at the slightest provocation or cause for upset you are liable to burst out into uncontrollable tears and to behave, well, to put it plainly, Mr. Tomson, in such a strange manner that anyone not knowing you are artistic in temperament might well and reasonably believe you to be drunk when, in reality, you are only in one of these unfortunate fits?

MR. T. (*drooping*). That is so, Your Worship.

C. FOR D. Isn't it a fact, Mr. Tomson (however painful it may be to you to have to answer such questions and I *assure* you it is painful to me to have to make the suggestion), isn't it a fact that all your friends regard you as being a highly strung, over-wrought, neurotic young man—in fact an artist in every detail of your life?

MR. T. (*drooping even more*). It is so, Your Worship.

C. FOR D. One more question, Mr. Tomson—you are artistic, are you not?

MR. T. Well—

C. FOR D. Yes, quite so. Now I put this to you in the plainest words possible. On the night of the alleged offence, do you think your conduct was such that any ordinary person, not knowing you are subject to such moods and such extraordinary behaviour, might reasonably think you were drunk?

MR. T. (*cheerfully*). Yes, Your Worship.

C. FOR D. Then tell His Worship, Mr. Tomson, why you behaved in such a compromising manner on that occasion.

MR. T. I was so upset at being told by a policeman that I was drunk when I knew I was perfectly sober.

C. for D. Thank you, Mr. Thomson.

(*C. for D. sits down.*)

PROS. SOL. (*rising*). So you say you were not drunk on this occasion, Mr. Tomson?

MR. T. That is so.

PROS. SOL. But you admit you smelt of drink?

MR. T. Certainly, if the Officers say I did.

PROS. SOL. You say you only had three drinks of beer—what sort of beer?

MR. T. Bitter beer.

PROS. SOL. All three at this public house?

MR. T. Yes.

PROS. SOL. And then you went home?

MR. T. Yes.

PROS. SOL. Have you any drink at your rooms?

MR. T. Yes—but I didn't take any on that occasion.

PROS. SOL. Come, come, Mr. Tomson, I put it to you that somewhere during that evening, either at your home or at the public house, or when you visited your friend, or even in the interim between calling at your house and 10 p.m., you had some drink—too much in fact—and that when the Officers saw you, you were incapable from the effects of it.

MR. T. No, certainly not. I deny it.

PROS. SOL. Very well. Now regarding this indisposition of yours, this tendency to cry. Are you often subject to these fits?

MR. T. I'm sorry to say I am.

PROS. SOL. When they are on you, do you always cry?

MR. T. Yes, nearly always.

PROS. SOL. And make muddled speeches, as for instance the remark about Marie Stopes?

MR. T. I could never have said that. That must be the result of the Officer's imagination.

PROS. SOL. Well then, Mr. Tomson, if you don't generally *misquote*, do you usually embrace police officers, or for that matter, anybody who happens to be standing by?

MR. T. That I can't say.

PROS. SOL. Come now, Mr. Tomson, I put it to you that you were so much under the influence of drink when the Officer saw you as to be unfit to drive a car. Is that a fact or is it not?

MR. T. It is not.

(*Pros. Sol. sits down.*)

C. FOR D. (*rising*). Is it not a fact that when you are, shall we say, in the power of these strange paroxysms, you don't know what you are doing?

MR. T. It is.

C. FOR D. So it is quite possible that you might misquote—as my friend puts it—and even embrace a near by policeman, for all you know?

MR. T. Quite.

C. FOR D. Thank you, Mr. Tomson. Mr. Barnstormer! (*Mr. Barnstormer enters the witness-box with ceremony and takes the oath dramatically.*) Is your full name William Barnstormer?

MR. B. It is so.

C. FOR D. And are you the Manager of a well-known theatre in this town?

MR. B. Well, I suppose I am. Yes.

C. FOR D. And you know Mr. Tomson?

MAGISTRATE. One moment please, Mr. Smith. Now, Sir, you must forgive my apparent ignorance but in law I am not allowed to presume that I know certain things, so would you mind telling me if you are a theatre manager?

MR. B. Oh, not at all. Yes, I'm the Managing Director of the Playboys Theatre, Southpool.

MAGISTRATE. Thank you very much. Very well, Mr. Smith, I'm sorry to interrupt you.

C. FOR D. Thank you, Your Worship. Now, Mr. Barnstormer, when His Worship interposed I had just asked you if you know Mr. Tomson.

MR. B. I do.

C. FOR D. Have you known him for long?

MR. B. Well, now you ask me, the answer is No and Yes.

C. FOR D. Would you kindly tell His Worship what you do know of him?

MR. B. Most certainly, Your Worship. Mr. Tomson

came to me in June of this year. I had a long confidential talk with him and I at length agreed to permit him to enter the services of my theatre as a pupil—I didn't see him again until the beginning of September, to be strictly accurate, the last day of August, Your Worship, when he fell into harness, so to speak.

C. FOR D. Yes, yes.

MR. B. Well, to cut a long story short (because I'm a busy man, as Your Worship will appreciate, and I have a rehearsal waiting even now); as I was saying, Mr. Tomson has been acting under my personal direction since the beginning of the season. If I may say so, he is extremely ambitious, willing, and *eager*, in fact I can find no fault with him whatsoever.

C. FOR D. Now, Mr. Barnstormer isn't there a little incident that you wish to bring to the notice of His Worship?

MR. B. Oh yes. Mr. Tomson has not had any very big part up to the present, but in our first production of the season he played a small but very important part in the play "Fooling the Magistrate" and *on one occasion he missed his cue*! I didn't witness the unhappy incident but it was immediately brought to my notice by my stage-manager. It was extremely unpleasant, not only for poor Mr. Tomson but for the stage-manager and myself, and if I may say so, Your Worship, I have such a host of worries and anxieties that I really *do* try to avoid all I possibly can. Well, really it was nothing—we all make mistakes (even on the stage, Your Worship) and some time after my stage-manager had reported Mr. Tomson's remissness to me I happened to be coming up the stairs, by the player's entrance, and I saw Mr. Tomson a few paces ahead. When he looked up I caught his eye and I wagged my little finger at him and exclaimed, "Naughty Mr. Tomson" or something facetious like that! Without more ado, he gasped out, "Oh, Mr. Barnstormer"—rushed ahead of me, dashed into my private room, slamming the door behind him, and when I entered my room—in the greatest consternation, Your Worship—there was poor

Mr. Tomson stretched out on my day bed and weeping most convulsively!

MAGISTRATE. And from this experience you really believe he is a very hysterical young man?

MR. B. Most certainly.

PROS. SOL. (*rising*). But you didn't see him at all on the evening of the alleged offence, did you, Mr. Barnstormer?

MR. B. No.

PROS. SOL. So you can't give evidence as to his state on that date.

MR. B. Oh no, but I think—

MAGISTRATE. Unfortunately we are not allowed to *think* in a Court of Law, Mr. Barnstormer, that is, you as a witness are not allowed to draw conclusions from presentiments or from imagination. Any further questions, Mr. Green?

PROS. SOL. That is all, Your Worship.

MAGISTRATE. Very well, Mr. Barnstormer. Thank you very much. I think you will not be required again, so you may go if you wish.

MR. B. Thank you, Your Worship, I should like to. I'm a very busy man.

(*Exit.*)

SOL. FOR D. Your Worship sees before you a number of people of distinguished walks of life, all of whom are willing to come forward and testify that this young man, Mr. Tomson, *does* suffer from such serious incapacities as you have heard, from the Prisoner himself and the last witness. But Your Worship has been most patient and I do not intend to lengthen this unpleasant case by calling all of them. They can only corroborate what Mr. Barnstormer has already affirmed, and with Your Worship's permission I will only call Mr. White, the eminent specialist—

MAGISTRATE. As you please, Mr. Smith. As a very able and experienced Counsel you will know whether any of these gentlemen can give any evidence likely to be helpful to your client. Am I to presume, since you are calling none

of them into the witness-box, that none of them saw the Prisoner, either just before, or shortly after, his arrest?

S. FOR D. That is so, Your Worship. Unfortunately, as Your Worship will appreciate—

MAGISTRATE. Yes, then in that case, you had better call your medical witness and let us proceed.

S. FOR D. Very good, Your Worship. Mr. J. P. J. White! (*Mr. White enters the witness-box.*) Is your full name John Peter James White?

SPECIALIST. It is.

S. FOR D. And what are your qualifications?

SPECIALIST. M.D., F.R.C.S., F.R.C.P.

S. FOR D. And are you Honorary Surgeon at Southpool Royal Infirmary?

SPECIALIST. Yes, Your Worship, and at a number of hospitals and institutions.

S. FOR D. I believe the Prisoner consulted you on the morning following this unfortunate incident. Is that so?

SPECIALIST. It is.

S. FOR D. Then would you be good enough to tell His Worship what conclusions you came to? Kindly give His Worship an analysis of your examination.

SPECIALIST. When Mr. Tomson consulted me I at once noticed that he was extremely sensitive, highly strung, and, in fact, neurotic—

MAGISTRATE. What on earth led you to come to this sudden conclusion?

SPECIALIST. Well, for one thing, he was over-polite.

MAGISTRATE. Over-polite? Do explain yourself, Sir. What do you mean?

SPECIALIST. Well, he was over-polite—when he came into my room he bowed to me, in fact he bowed several times. Then, as I was talking to him he would pick up the ornaments from the mantelpiece and fondle them, standing artistically as he held them to his chest—very artistically in fact—

MAGISTRATE. Is there any scientific name for this kind of behaviour?

SPECIALIST. No, only artistic.

MAGISTRATE. I see, yes; go on.

SPECIALIST. Furthermore, when I came to examine him I found that he responded in an extraordinary manner to all my tests. His reflexes were abnormal, very abnormal, and I noticed a most remarkable thing. I ought to have told Your Worship that over the fireplace in my consulting room there hangs a picture of a nun. Well, as I was examining Mr. Tomson I noticed that he was paying far more attention to the nun than to my examination, and posing most artistically all the time.

MAGISTRATE. Yes, yes, that is all very well; but what I am interested in—as the Magistrate trying this case—is, *was the Prisoner so much under the influence of drink when arrested as to be incapable of driving a car?*

SPECIALIST. I should say no, Your Worship; for after a most exhaustive and careful examination I came to the conclusion that, on the night in question, Mr. Tomson would be very upset at being told by the policeman that he was drunk. Taking into account the fact that he was born in Dorset and his general neurotic condition, I am sure that upon being told this, by, shall I say, one of the more than usually solid-looking policemen—a dock policeman—it is likely he became so upset that he acted in this extraordinary hysterical way, which the Police—quite naturally—thought was due to the influence of drink but which, in reality, was the outcome of an unusually hysterical and artistic complex.

MAGISTRATE. But you didn't see him on the night in question?

SPECIALIST. No.

MAGISTRATE (*laughing*). Then you can only presume what he was like?

SPECIALIST. Yes.

MAGISTRATE. Have you finished your evidence?

C. FOR D. That will be all, Mr. White.

PROS. SOL. No questions, Your Worship.

C. FOR D. That is my case, Your Worship. In conclusion I can only ask you to say that having heard all the evidence both for the prosecution and the defence you will come to the conclusion that there is a grave doubt that the Prisoner was under the influence of drink to such an extent as to be incapable of driving a car, and that the Prisoner was not drunk and is entitled to be discharged.

MAGISTRATE. Thank you, Mr. Smith. (*To Prisoner.*) I have carefully weighed the evidence and I have no hesitation in saying that the case is proved against you. I think you *were* drunk and I convict you. You will be fined 10s. and you will be disqualified from driving during the next twelve months.

The Police Box in Rural Areas

THE ADVANTAGES AND DISADVANTAGES OF THE SYSTEM

By A LEICESTERSHIRE CONSTABLE

AT the present time, when efficiency and economy are the chief items in Police Administration, a Police Box System is being adopted by an increasing number of both Borough and County Police Forces. The system adopted by the Boroughs is the one with which we are most familiar, but the subject of this article is a system less widely known or proved—the system adopted in rural areas by the County Forces.

During the past few years a great change has taken place in the districts under the administration of the County Police. The long sustained movement of the villages to the towns and suburbs has converted the one-time sleepy market towns into busy centres of industry, with a greatly increased population. Meanwhile the villages have remained more or less at a standstill.

This redistribution of the population has rendered necessary some alteration in the methods and distribution of the County Forces. In order that the towns may obtain the additional Police strength to which their increased population entitles them, it has been necessary to withdraw the constables from the smaller villages and to station them in the towns. It is to overcome the difficulty of providing the vacated villages with adequate protection and supervision that the Police Box System has, in many instances, been adopted.

A Police Box, complete with telephone, ambulance equipment, and letter box, is installed at a convenient place

in the village, and also in some of the other villages formerly patrolled by the resident constable. The villagers are thus enabled to get into immediate communication with the Police (Divisional Headquarters) at any time, and without trouble or expense. The district is patrolled by constables on motor-cycles, and they visit the box at least once each day. They also attend to any complaints that may be received.

The Police patrolling the district are, at present, stationed in the larger villages and towns. In most counties it has not as yet become possible, or advisable, for the whole of the men to be stationed at the Divisional Headquarters of the district, but ultimately this will be accomplished.

Changed Conditions in Country Districts

It is not my intention to state a case either for or against the rural Police Box System, but merely to remark upon a few of its probable advantages and disadvantages. It should, however, be remembered that the system operates under totally different conditions from those which obtained in the villages a few years ago, a change almost entirely due to the enormous increase in road traffic of every description.

It is quite true that the villages are moving townwards, but the reverse is certainly true during the summer months, especially at holiday times. One has only to see the omnibus- and car-loads of people, the cyclists and hikers picnicking by the roadside or slaking their thirst at the village inns, to realize that the countryside is becoming more and more the playground of the townsfolk. Fortunately, the average holiday-maker is a law-abiding citizen, bent on pleasure alone, but occasionally we find to our cost that there are some who combine "business" with pleasure.

Until recent years, almost all the crime committed in country districts was the work of persons residing in the locality, and even when this was not the case, it was much more difficult for an offender to effect a getaway. To-day, the countryside is a happy hunting ground for the town-dwelling

criminal in possession of a fast motor-car, and unless there is some speedy method of communication between the public and the Police, an offender may well be many miles away from the scene of the crime before the Police are informed.

Mobility of the Police

The principal advantage of the system is that it gives direct access at all times (by telephone) to the Police. In many rural areas one constable has a beat comprised of at least six villages, sometimes twice that number. Taking into consideration his weekly rest day, annual leave, attendance at Petty Sessions, and time spent at various functions on special duty, one can safely say that a village constable cannot be located in an emergency, except possibly by applying to his superior officer, for at least twelve hours out of the twenty-four. This means that valuable time is often lost before a policeman can be found. From the Police Box a message can be telephoned to Divisional Headquarters, and a constable, or whatever number of men are needed, can be on the scene in a very short space of time.

The increased mobility of the Police, whilst being a necessary feature of the system, is a great asset in many other ways. It is essential for the Police to have as speedy a means of transport as the criminal. The pedal-cycle policeman is hopelessly outclassed when opposed to a criminal in possession of a fast motor-car or motor-cycle. In cases of serious crime, when the offender is known to be in possession of such a vehicle, the ability of the Police to be similarly mounted enables them to meet the criminal on more equal terms.

Their mobility also renders the Police more capable of dealing with road traffic, both in preventing and attending accidents and in the detection of offences.

It often happens that a number of men are required for special duty in a distant part of the County. Formerly the men travelled by train or omnibus. Under the newer system they make the journey in Police vehicles. This results

in a saving of time and expense. Furthermore, they are actively on duty from the time they leave their stations until their return.

The Police Box also helps to solve the difficulty of patrolling a large area composed of small villages and hamlets. Three or four men, working from one centre, on motor-cycles, can patrol a district formerly policed by seven or eight men. More important, it can be arranged that they patrol the district during the whole of the twenty-four hours. Anything approaching this is, of course, impossible under the old system.

The problems occasioned by sickness, annual leave, and other causes necessitating a temporary shortage of men, become less acute when the district is worked from one centre, and readjustments can more easily be made. By the same rule, men can more readily be released to keep observation, or other time-taking tasks, on persons and property.

The Greater Efficiency of the Village Constable

Finally, there is the question of the efficiency and well-being of the constable. There is no doubt that a constable, cut off for the greater part of his time from his superior officers, and the society of his fellow constables, is liable to become somewhat "rusticated". Stationed at Divisional Headquarters, he has a better opportunity to discuss various subjects in connexion with his duties. He gains experience by seeing a greater number of cases dealt with, and he has continual access to the Regulations issued from time to time by the various Authorities.

Efficiency is not increased by a parochial outlook, a condition particularly infectious in a village. One of the chief tasks of a constable, living and working on a country beat, and making even less excursions from within its confines than the average villager, is to prevent a gradual slackening in energy and enterprise and the loss of that alertness upon which depends the success or failure of his career. Stationed amongst his colleagues, he is more likely to be imbued with a

spirit of friendly rivalry, a condition which benefits both himself and the Force he serves.

It is also difficult for a constable to associate with the villagers in sport without some of them striving to become a trifle more familiar with the wearer of the uniform that they should be. At any rate a constable can play more freely in the company of his colleagues, and from them he certainly gets a candid opinion of his performance.

Disadvantages of the New System

What of the disadvantages? The village constable is as much a part of village life as the parson and the squire, and the villagers will resent his removal. They are also convinced that the new system will afford them less protection, and will also cause them a certain amount of inconvenience of a minor character. My own opinion is that the latter reason is the more substantial one. It will be chiefly owing to his lesser known activities that the loss of the village constable will be felt.

The village constable has many activities which fall both within and without his official capacity. His knowledge of First Aid, particularly in a village without a resident doctor or nurse, is often called into account. His work in connexion with diseases of animals gains for him a reputation as an amateur veterinary surgeon, and his advice in that direction is often sought. As peacemaker in neighbours' quarrels and matrimonial squabbles his services are often required, and his efforts in settling those disputes are greatly aided by an intimate knowledge of the history and shortcomings of the parties involved.

The effect of his example, both on and off duty, is one of the first lessons taught to a young constable, and he is constantly reminded of the fact by his own observations. If his example is of such importance, and no doubt it is, the villagers suffer a further loss by the removal of their constable, for surely we can say with safety that the average policeman's

mode of life can be copied to advantage by the majority of his fellow-citizens.

Although the point of view of the villagers must be considered, the more serious question of the prevention and detection of crime is the one with which the Police are most concerned. It is chiefly by its success or failure in this direction that the Police Box system will be judged.

One of the chief disadvantages of the system, where crime is concerned, is that potential law-breakers will have warning of the constables' arrival and departure on their motor-cycles. From my own experience I know that in a district where the road traffic is fairly light, it is possible to differentiate between the sound of two vehicles of similar make and horse-power. The villagers will know the sound of the "Bobbies' motor-bikes" before they have been through the village many times.

The Attitude of the Villager

The average villager is a conservative being, and looks with suspicion and resentment upon everything to which he and his forefathers have not always been accustomed. "That new-fangled hut on the Green" will not appeal to him when he needs the help of the Police. In a village everyone's business is known, and therefore anyone using the Police Box will be observed by someone or other. A villager finding himself in trouble shortly after his neighbour has paid a visit to the Box will probably have something further to say about the matter.

Constables patrolling the district will find a difficulty in gaining the confidence of the villagers. The dweller in rural areas, and particularly the North Countryman, will not unburden himself to a stranger. (A stranger, in his opinion, is anyone with whom he has not been well acquainted for several years.) More than once, upon returning from annual leave, I have said, in answer to a complaint, "It is too late now. Why did you not tell another policeman?" The answer in

each case was, "I did not like to mention it, as I did not know them very well."

It is a well-known fact that the Police cannot hope to achieve a high standard of success unless they possess a thorough knowledge of the people and their habits, in the district they are working. To know only those people who are normal subjects of suspicion is not sufficient. They must be equally well informed about people of undoubted respectability. Many a thief has been allowed to pass unchallenged because of a policeman's reluctance to cause annoyance to a seemingly respectable citizen, or because he—the policeman—had not realized that premises were being occupied at an unusual hour. A resident constable stationed, as he is, amongst the people, and coming into contact with them both on and off duty, can acquire the necessary information in a much shorter space of time than can the patrol constable. In fact, the latter can never become as thoroughly conversant with the villagers as the resident constable.

The Future

Will the advantages of the system outweigh the disadvantages? In the towns the answer will be "Yes". In the villages the answer is more uncertain. The system displaces the resident constable, and to be successful it must provide the villages with a service equal, or superior, to the one they previously enjoyed. To attain this result the Police must realize that formerly their success or failure was a condition for which they alone were almost entirely responsible. The success of the newer system depends to a much greater degree upon the interest and assistance of the public. I am satisfied that as soon as that assistance can be relied upon, and the full co-operation of the public obtained, the success of the system is assured.

We should remember that the system is still in its infancy. As it grows older, faults will be remedied and improvements effected. It may be somewhat premature to speak of wireless in connexion with the rural System, but we have seen how

wireless, as an aid to Police work, has already proved successful in the towns. Its adoption in the near future, as an aid to the rural system, is almost certain.

In conclusion, it is fitting that we spare a thought for the man the system is displacing. Almost an institution, the village "Bobby" of our youthful days is rapidly disappearing, and will soon become extinct. We remember him as something of a despot, always very much upon his dignity. Nevertheless, he could be relied upon to look with a lenient eye upon our youthful escapades. Worthily he served his day and generation, and we who are rustics by birth or inclination will look regretfully on the passing of one who kept the peace and played his part in the village life of yesterday.

The Portslade Shop Murder

By CONSTABLE W. E. BRITTON

East Sussex Constabulary.

SITUATED at the junction of Clarence Street and North Street, Portslade, and having frontage on both streets, is a gloomy looking little ironmongery and general store, with its door—the upper part of which is glass panelled—set immediately on the corner. Inside the shop there are two counters, formed chiefly of glass showcases in thin wooden frames, and, upon entering, one is slightly to the left, the other to the right. Both are lumbered with goods and but little space remains for the serving of customers. The former reaches to within 16 inches of the screen of the Clarence Street window, and the narrow aperture remaining is the only means of access to the rear of the counters and the private parts of the premises. The shop is stocked with a great miscellany of small goods, principally tools and hardware, and for lack of other room, buckets, shovels, etc., are stacked upon the floor in front of the counters, considerably limiting the floor space available for prospective purchasers.

The proprietor of the shop was Joseph Bedford, an eccentric old bachelor of 80 years of age, who had carried on business there for about 30 years and lived alone, having his meals brought in daily by a woman living nearby. His hearing and eyesight were bad and he invariably wore spectacles and an old bowler hat. It was his practice to display certain of his wares outside of the shop during the day, taking them in again when closing in the evening, usually at 8 o'clock. He would then lock up, extinguish the lights, and retire to his living-room behind the shop.

At ten minutes past ten on the evening of Monday, the

13th November, 1933, a police constable of the East Sussex Constabulary was patrolling through North Street when he noticed articles still hanging outside Mr. Bedford's shop. This being unusual, having regard to the time, he at once investigated. There were no lights on the premises and the shop door was locked, but he could hear someone stumbling about. Shining his light through the glass panel of the door he saw Mr. Bedford passing through the doorway at the back of the shop towards his living-room. He tried to attract the old man's attention, but without success, and then endeavoured to look into the living-room which faced on to North Street, but could not do so by reason of goods displayed in the window. Returning to the shop door, the officer again shone his light through the panel, and on this occasion the light fell full upon the blood-covered face of Mr. Bedford. He was hatless and appeared to be moving slowly towards the door from in front of the counters, but at that moment reeled and fell backwards among shovels and buckets, his head striking and smashing the glass front of the right-hand counter. The constable at once forced the door, but before he could enter, found it necessary to remove a short ladder placed across it on the inside. Mr. Bedford was lying where he had fallen and blood was issuing from a wound on the top of his head. His eyes were much discoloured and his face greatly swollen. When asked what had happened he answered feebly, "I don't know, but I do feel bad." Assistance was at once telephoned for, and with the aid of a passer-by the old man was made as comfortable as possible pending the arrival of the ambulance.

In the meantime the constable made a hurried examination of the premises, and the result may be summarized as follows: Mr. Bedford was alone on the premises. The shop door which he (the constable) had forced, had been locked, the key hanging behind the door—its accustomed place. The back door was locked and bolted on the inside. All windows were secure. Two earthenware crocks were standing upon the floor of the shop—one of these was broken,

the other bore blood-marks. A pair of spectacle frames—minus the lenses, were upon the floor near the crocks. A partly opened packet of matches from which one box had been extracted, was standing upon one of the counters, and close to this was a partly opened box of matches. Both packet and box bore moist blood. Shattered glass from the counter-front was strewn among the buckets and shovels where the old shopkeeper had fallen. On the floor behind the left-hand counter were scattered a number of copper coins and near to these was an empty chocolate box. In the passage behind the shop was a pool of blood and in this were lying a bow tie and a human tooth, while 2 feet away was a blood-stained shirt-front. A local newspaper of that evening's issue was upon the table of the living-room—this also bore small blood-marks. Finally, a small blood-stain was observed on one of the sheets of the bed in an upper room.

The ambulance having arrived, the injured man was conveyed to Hove Hospital, and although conscious upon admittance, he could give no account of how he came by his injuries. His only reply to repeated questioning was, "I thought I heard someone in the shop." He died at 6 o'clock the following morning without making a statement—other than the sentence quoted, death being attributed to cerebral hæmorrhage, accelerated by shock.

Such were the circumstances attending the discovery and death of Mr. Bedford.

On the day of the old man's death, the problem confronting the police was a difficult one for, if the matter was viewed in the light of an accident, certain points at once called for fuller explanation. On the other hand, if the theory of foul play were put forward, the fact that the premises were securely fastened on the inside had to be considered. In view of subsequent events, however, it is sufficient to say that the officers in charge of the case kept open minds pending fuller inquiry. The following day, Wednesday, 15th November, put an end to conjecture, for there was a sudden and unexpected development in the case.

At about 11 o'clock that morning a sergeant of the West Sussex Constabulary was looking out of the window of the Police Office at Worthing, when he noticed two men acting in a doubtful manner outside of a shop opposite and accordingly instructed a constable to follow them. The constable kept them under observation for over an hour, several shops being entered by one of the men. Their behaviour being very suspicious he challenged them and asked their business, and their answers being unsatisfactory, he conveyed them to the Police Station for interrogation.

Arrived there both gave false names and when asked to give an account of themselves stated they had come from Croydon to Worthing on a lorry the previous day, had obtained lodgings at 9 York Road, Worthing, and were looking for work. All their belongings, they added, were at that address. Later, both gave their correct names, which were Albert Probert and Frederick William Parker. They were charged and detained as "suspected persons". Probert was wearing a new brown suit, brown trilby hat, brown shoes, and blue overcoat. Parker was dressed in a new blue suit, light grey trilby hat, and black shoes. In his possession were found twenty-seven farthings. During the course of further interrogation as to his movements by Inspector Lewis, of Worthing, Parker said: "I don't see why I shouldn't tell you. We knocked an old man out in a shop at Portslade—North Street—Monday night last about half-past seven to 8 o'clock. It was a shop where they sell bankrupt stock and crocks, and took the money from the till."

The inspector did not, at that time, know of Mr. Bedford's death, or in fact anything of the matter, and he at once left the room and spoke to the Portslade Police by telephone, the facts of the case being then explained to him. He returned to Parker and said, "Do you realize how serious this matter is?" Parker replied, "Yes." He was then asked whether he was prepared to make a written and signed statement. He answered, "Yes, I want to get it off my mind." His signature was obtained to the written caution and he then dictated

his statement, which was afterwards read over to and signed by him.

The following is a copy of the statement:—

"On Monday this week about half-past seven or quarter to eight in the evening, I decided to hold up a chap in a shop at Portslade—North Street. It was an old dirty shop and bankrupt stock including tools, crocks and all sorts of things. We both walked to the shop window to see that all was clear and after investigating we both walked in and spoke to the old shopkeeper. I then turned round and locked the door, nobody was passing at the time, and I brought my revolver into play. I don't know if it's a revolver or a gun. The gun was not loaded, but I had no other choice of making the shopkeeper put up his hands. I held the old man up and the other chap who was with me—I don't want to say his name, went round the counter and well, he just knocked him out—he had to. I went straight to the box which was used as a till and we both took the money from it and put it in our pockets. I think we dropped some money on the floor. I know we left some coppers, we were in such a hurry. We left the old man lying behind the counter and we left the shop by the front door. Those farthings you found on me are some which I took from the till. It was somewhere about £6 we got from the till. We have both since bought new clothes with the money in Worthing, at Oliver and Bradleys. After we did that job at Portslade we came straight to Worthing and stayed the night at St. Anne's Tea Rooms. Then we went to 9 York Road, Worthing. The gun I used at Portslade is still at my lodge in York Road. I understand what I am saying and I make this statement quite voluntarily. It has been read over to me by Inspector Lewis, and it is quite true."

Meanwhile an officer had gone to 9 York Road, to search the room occupied by the two men. In this room were found two suits, one consisting of a heather mixture jacket and grey flannel trousers, the other a complete navy blue suit. In a pocket of the latter were found twenty-nine farthings. Among other things found were a blue leather suit-case and a parcel of dirty linen. The suit-case contained an automatic pistol marked "Savage", minus the magazine, and a tin inside of which was an envelope addressed to Mr. F. Parker at a Brighton address. Inside the envelope were several pawn-

tickets and a book of counterfoils relating to a lottery in aid of the London Hospitals.

Upon leaving Parker, Inspector Lewis went to Probert who was in another room, told him of the statement made by Parker and cautioned him. Probert replied, "I say nothing." While searching him the inspector remarked upon his new suit, to which Probert answered, "Yes, I bought it here in Worthing and so did the other fellow." Asked about the property which had now been brought away from their lodgings, he said, "The blue suit is mine and the parcel. The case belongs to my mate."

As a result of the statement made by Parker, the Worthing Police communicated by telephone with the Chief Constable of East Sussex, for if Parker's statement were true, the cause of Mr. Bedford's death had every appearance of murder. The Chief Constable decided to enlist the aid of New Scotland Yard without delay, and that afternoon their assistance in the investigation was asked for.

The following morning, Thursday, 16th November, the prisoners appeared before the Worthing Bench on the local charge and were remanded in custody for one day. During the afternoon Parker was visited in his cell by Inspector Lewis, as he had complained of being cold. He inquired as to Mr. Bedford's condition (not knowing he was dead) and the inspector made an evasive answer, saying he thought he was in a bad way. Parker then said: "I wish it had been a bigger job. It wasn't worth doing for £6. He was an old miser. I thought we should have found bags of money. The old box we got the money from was in a sort of case with a kind of chain to it and padlocked. I had to wrench it off. It was only by luck I found it. The papers I took I threw away in North Street."

The inquest on Mr. Bedford had been opened and adjourned that afternoon, only evidence of identification being taken.

That day too, in response to the Chief Constable's request, a finger-print expert from New Scotland Yard had

visited the deceased's shop, but an exhaustive search of the premises for finger-prints proved abortive. In the evening Chief Inspector Askew (now Detective-Superintendent Askew), of the Criminal Investigation Department, New Scotland Yard, travelled down to Portslade to take charge of the investigation, accompanied by Detective-Sergeant Gillan.

The following morning (Friday, 17th November) a thorough examination of the shop was made. This, in addition to confirming the points observed by the constable making the discovery, revealed certain other facts.

It was observed by Mr. Askew that the key of the shop door worked the lock smoothly and easily from the inside, but when inserted from the street required leverage to turn it, suggesting it had rarely, if ever, been used from the outer side. The gas mantles were missing from the burners in both the shop and living-room. The ladder, to which reference has already been made, and one of the window screens each bore what appeared to be blood-stained finger-marks. A showcase forming part of the left-hand counter had been forced open, the hasp and hook by which it had been fastened having been wrenched off. Behind the counter were lying the broken hook and a padlock, and upon the counter a key which fitted the latter. Nine pennies and nine farthings were found in the showcase, and upon the floor below were scattered one penny, five halfpennies, and twelve farthings. Close to this showcase too, but under the counter, was discovered a large black button to which the thread was still attached, and held fast by the thread was a very small piece of dark blue fabric, pointing to the fact that the button had been wrenched from a garment. At the back of the right-hand counter was found an old bowler hat with a deep indentation running from front to back on the left side, and round the indentation was some dust, consistent with the hat having rolled on the floor subsequent to receiving a blow. It was also observed that the shirt-front lying in the passage behind the shop was crumpled as though having been gripped from the front.

Probert and Parker had that day made their second

appearance before the Worthing Magistrates and had again been remanded for one day.

In view of the developments in the case, it had been deemed advisable to solicit the assistance of an expert pathologist to make a second post-mortem examination on the body of the dead man, one having already been carried out by a local doctor in preparation for the inquest. Recourse was therefore had to Sir Bernard Spilsbury. Soon after noon that day (Friday) Sir Bernard conducted his examination and as a result stated definitely that Mr. Bedford's death was attributable to the violence of another person. Among the injuries revealed were the following: A lacerated wound on the top of the head; a fissured fracture on the left side of the skull; several fractures of the bones of both cheeks and of the upper jaw; a broken nose; and bruising round both eyes and of the lips, cheeks, and muscles of the neck. It was also found that a tooth had recently gone from the lower jaw. The wound on the top of the head was a little over one inch in length, was just to the left of the middle line, and ran in a straight line backwards. The skull was exposed in the middle of the wound and the margin was slightly bruised. Sir Bernard was of opinion that this injury was caused by a blow with an article such as a stick or straight edge of some object, and further, if the deceased was wearing his hat at the time, the blow must have been a heavy one. (This injury corresponded roughly with the position of the indentation on the hat.) The fractures of the skull, cheeks, jaw, and nose, he considered, were the result of a number of separate violent blows, which might have been caused by blows with a fist. The bruising of the neck muscles was probably caused by the throat being grasped by the hand. The cause of death, in Sir Bernard's opinion, was shock, due to multiple injuries of the head and face.

Later in the day, Chief Inspector Askew saw the prisoner Parker at Worthing Police Station, told him of the death of Mr. Bedford and of the result of Sir Bernard Spilsbury's post-mortem, and also informed him that the statement made

by him to Inspector Lewis might have some connexion with the matter. After being cautioned Parker, who seemed very astonished and agitated at hearing of the old man's death, elected to make a further written and signed statement. Having signed the caution, his statement was taken down by Detective-Sergeant Gillan. Parker commenced by saying that his companion, to whom he had referred in his earlier statement, was Probert, whose acquaintance he had made in Lewes Prison. After his release he had met Probert by accident in Brighton, and they subsequently had a ride to Eastbourne on a lorry driven by an acquaintance of Probert's. This lorry driver, he alleged, gave to Probert a tyre lever and a revolver, but at his (Parker's) request, first removed the magazine from the latter. Upon receipt of these articles Probert remarked, "Now we can get some easy money." Upon returning to Brighton they left the lorry driver and went on to Portslade. A suggestion was made by Probert that they should hold-up a jeweller, as he was desperate, but the attempt was eventually made at Mr. Bedford's premises. The next part of the statement is a reiteration, although in greater detail, of his statement to Inspector Lewis. It may be noted, however, that he makes reference to Probert gripping the old man's shirt-front and leading him backwards—thus bearing out the observations of Mr. Askew—and later that he could hear Probert banging the old man's head on the floor. He goes on to say that having taken what money they could find, they left the shop and went into Hove, where the tyre lever was deposited by Probert in the garden of 16 Albany Villas, after which they took train to Worthing and obtained accommodation for the night at the St. Anne's Tea Rooms. Arrived there, Parker noticed that Probert had a button missing from his overcoat and drew the latter's attention to the fact. Probert seemed rather perturbed at this and they formed the conclusion that he must have lost it when struggling with Mr. Bedford. The next morning they talked of separating, but could not agree, Probert wishing to go to London, while he (Parker) wanted to return to

Portslade to find out the true position regarding Mr. Bedford. The latter portion of his statement gives expression to his own troubled state of mind as a result of the attack on the old shopkeeper.

At the conclusion of Parker's statement, which had occupied two and a half hours, Chief Inspector Askew saw Probert, explained, as he had to Parker, the reason of his visit, and after cautioning him, informed him that Parker had made a statement concerning an attack on Mr. Bedford and that the statement alleged he was present when the attack took place. Probert at once denied all knowledge of the occurrence and said that Parker was lying. The latter's statement was then read over to him, and although he appeared agitated and was silent for some time, he eventually made another denial of having taken part in the crime, and would not make a statement. He was thereupon asked to account for his movements on 13th November, 1933, but either could not or would not do so, and again remained silent. He was told that if he cared to take his time in thinking over his movements and to relate them later, due inquiry would be made to verify his statement for him. Probert replied, "I have nothing to say."

The following day, Saturday, 16th November, he and his companion appeared for the third time on the "suspected persons" charge, and on this occasion were remanded in custody until Thursday, 23rd November.

During the morning, Inspector Lewis was called by Probert to his cell, and the latter then made a very damaging admission for a person pleading ignorance of a crime. He said: "I want you to do me a favour. I want you to go and get that tyre lever that Parker said we did the job with. I can prove it wasn't done with that. I was going to use it but I didn't after all. We did it with that gun. I can prove that. I was there, but it's all lies he told about the tyre lever. You will find it in the garden at 16 Albany Villas, Hove—in the garden near the railings. Put your hand through. I think it is near a tree. I want you to get hold of that lever

and then you will see that it is all lies that Parker said how we did it."

In the course of the next few days exhaustive inquiries were made in the Portslade district in an endeavour to trace the movements of the now strongly suspected men prior to and about the time the crime was committed, a number of persons being interviewed in the process. The Worthing inquiries relating to their movements afterwards had been completed without difficulty on 17th November, Parker's statement to Inspector Lewis having made this a comparatively simple matter. When next the men were due to appear on remand, evidence had been collected to show that they had been hanging about Portslade for several days prior to and on the day of the crime, and to the effect that they were hard pushed for money.

It was ascertained that two men had lodged at an address in Portslade from the 7th to 10th November, paying 2s. 6d. deposit on arrival, and a further 5s. when leaving. They had mentioned to the landlady whilst there that they had no money. At a subsequent identification parade, Probert and Parker were at once picked out as the men concerned.

The lorry driver referred to in Parker's statement to Chief Inspector Askew, and to whom Probert was well known, was traced and admitted having taken Probert and a companion from Portslade to Eastbourne on 7th November, and said they alighted at Brighton on the return journey. He strenuously denied, however, having given either man a tyre lever or automatic pistol. He agreed that there were tyre levers in the cabin of the lorry when he carried the men, but as he had not checked them and as they were never used on that type of lorry, he could not say whether any were missing.

On Saturday, 11th November, a widow at Portslade was approached by two men who were offering Christmas draw tickets for sale. She purchased two and wrote her name and address on the counterfoils. On Monday morning, 13th November (the day of the crime), the same two men

called at her house and asked where they could borrow some money on the overcoat one was wearing. They were directed to a pawnbroker. The men were subsequently identified without hesitation as Probert and Parker. The book of counterfoils bearing the widow's name and address was later found at the address, 9 York Road, Worthing.

Early on Saturday evening, 11th November, a shopkeeper in North Street, Portslade, was also approached by two men selling Christmas draw tickets, but he did not buy any. Between 5.30 and 6 p.m. on Monday, 13th November (the day of the crime) the men again entered his shop and tried to sell him a "Hoover" cleaner—minus the dust bag, contained in a cardboard box. He would not buy it and directed them to other shops where they might dispose of it, one being Mr. Bedford's. They went in that direction and between 6.30 and 7 p.m. were observed coming back along North Street. This witness, too, later identified the men as Probert and Parker. A "Hoover" cleaner—minus the dust bag, contained in a cardboard box—was found, after the crime, in the deceased's shop.

A laundrymaid who had known Mr. Bedford since her childhood was able to give some information regarding his habits, etc. For a time, she said, he used two boxes, one for silver, the other for coppers, and in the latter she had noticed, on more than one occasion, a large number of farthings. These boxes were kept in a showcase forming part of the counter and the case was fastened by a small padlock. At about 7.40 p.m. on the evening of the crime she entered the shop and found Mr. Bedford in his usual health. Upon emerging shortly afterwards she noticed two men standing outside the shop door and as she passed a remark was made to her. A few seconds later she glanced back and it appeared to her that the men were watching the shop. The time by a clock in a window she was then passing was 7.45 p.m. So far as is known this witness was the last person to see Mr. Bedford prior to the attack. She was able to recognize the bowler hat, shirt-front, tie, padlock, and spectacle frames

shown to her by the police as belonging to Mr. Bedford, but failed later to identify the men she had noticed outside the shop. This was not surprising as she had but a momentary view of them at close quarters, and that by night.

Another practice of the woman who supplied Mr. Bedford with his meals was to deliver to him each evening a newspaper, and at 8.40 p.m. on the fatal evening she placed through the shop letter-box the evening paper. She observed that the shop lights were still burning and that the door was open a few inches. She did not enter as she was in a hurry, and it was due to this latter fact, no doubt, that it did not strike her as peculiar that the shop was still open at that time.

There is little doubt that the crime was committed between 7.45 p.m., when the laundrymaid left the shop, and 8.40 p.m., when the evening paper was delivered, and most probably it took place between 7.45 and 8 p.m., for in the normal course Mr. Bedford would have taken in his goods, locked the shop, and extinguished the lights round about the latter time.

It will be as well here perhaps to explain how the shop door came to be locked from the inside as found by the constable. To quote Sir Bernard Spilsbury, when subsequently giving evidence as to the dead man's injuries, "Unconsciousness would be produced for a short time after the injuries were received. That would be due to concussion and shock, but then in all probability the man would recover consciousness and would be dazed. He would be able probably to carry out certain things he was accustomed to do without having any recollection of the acts which produced the unconsciousness." That Mr. Bedford did recover in the manner suggested is borne out by the fact that the constable himself saw him moving about, and it was he without doubt, by reason of having carried out the same routine for many years, who locked the door, extinguished the lights—shattering the mantles in so doing, placed the ladder across the door and carried the newspaper to the inner room.

On Wednesday, 15th November, a landscape gardener working at 16 Albany Villas, Hove, found in the garden of that address a tyre lever which was completely wrapped in a woman's stocking and bound round for about three-quarters of its length by a piece of cord. He removed the cord and stocking and threw them away, taking the lever to his home. This tyre lever was similar in make and design to those on the lorry by which Probert and his companion were taken to Eastbourne.

Evidence regarding the movements of the two men subsequent to the commission of the crime had been obtained at Worthing, some 8 miles distant from Portslade, and this evidence corroborated and amplified Parker's statement to Inspector Lewis. On arrival at Worthing they were in possession of money, yet at Portslade, shortly before, they were endeavouring to raise money on an overcoat or by selling a vacuum cleaner. It had been ascertained that the men arrived at the St. Anne's Tea Rooms at 9.45 on the evening of the crime, and allowing the widest possible margin of time, this was within two hours of its occurrence, for the old shopkeeper had been seen by the laundrymaid at 7.45. They engaged accommodation for the night, paying 4s. each, and left the following morning at 10.45. The names and addresses entered by them in the visitors' book were false. It was observed that the shorter man, Parker, on arrival, was wearing a tweed overcoat, the taller, Probert, a navy blue one.

About a quarter of an hour after leaving the Tea Rooms the men entered an outfitter's shop in Worthing and purchased new suits, shirts, and neckwear, paying a total of 38s. each. They changed into the new clothing on the premises and their discarded clothing was wrapped in parcels for them. Whilst this was being done, the taller man (Probert) was heard to say to the shorter, "I've got a button off my overcoat. I have bought a reel of cotton and a needle for you to sew it on." When asked for the button he professed to search his pockets for it, but could not find it. The outfitter offered to match it and finding a suitable button, he himself sewed

it on, the overcoat concerned being navy blue in colour. The men left the shop at about 12.30 p.m. carrying their parcels of left-off clothing.

At approximately 4.15 that afternoon, Probert and Parker obtained lodgings at 9 York Road, Worthing, saying they would be remaining for about two months on business, and both paid a deposit of 2s. 6d. During the evening Parker gave to the landlady for her little girl, three pennies and four farthings. The following morning (Wednesday, 15th November) the men left the house at 10 o'clock, saying they would be back during the evening. Keen observation on the part of an alert police sergeant, however, had decreed otherwise, for three hours later they were in custody as "suspected persons".

Before Thursday, 23rd November, had arrived, a strong case had been built up against the two men, and the facts had accordingly been laid before the Director of Public Prosecutions, with the result that on the day of the remand hearing of the local charge, and prior to the men's appearance in Court, an identification parade—to which allusion has already been made—was held at the Worthing Police Station, or rather, two separate parades were held, Probert being placed upon one and Parker the other. Both were identified by seven witnesses, three from Portslade and four from Worthing, and the evidence of these persons has already been dealt with. Four other persons from whom statements had been taken, failed to identify either man.

Later that morning both men were sentenced to one day's imprisonment as "suspected persons", but were at once re-arrested by Superintendent Fairs, of the East Sussex Police, conveyed to Portslade and there charged with the wilful murder of Mr. Bedford. Neither made a reply to the charge, and upon appearing before a Magistrate, were remanded for one week.

The clothing seized at the lodgings of the prisoners, together with their overcoats, Mr. Bedford's collar, a portion of floorboard from the shop, and the button found by Chief Inspector Askew, were submitted for examination to Dr. Roche

Lynch, senior official analyst to the Home Office. Traces of human blood were found on Probert's overcoat, jacket, and trousers, and an attempt appeared to have been made to remove one of the marks from the last-mentioned garment. The amount of blood present on each of these articles was insufficient for it to be definitely stated to which blood group it belonged, but it was thought quite probably to be Group 4. That on the portion of floorboard and on the deceased's collar was definitely Group 4. An examination of Parker's clothing yielded negative results. The button discovered at the shop was found to be similar to the other buttons on Probert's overcoat, and the minute portion of cloth attached thereto was of similar material to that garment.

The magisterial hearing of the case was interspersed with several remands, and a distressing feature was the collapse of the prisoner Parker on no fewer than eight occasions, whilst strangely enough Chief Inspector Askew, who was feeling unwell, fainted in the witness box when giving evidence. The hearing was concluded on 4th January, both men being committed for trial at the Sussex Winter Assizes.

Reviewing the case the salient facts are as follows. The accused men were hanging about Portslade from 7th November until the evening of the crime and had themselves said they had no money. On the actual day of the crime, too, they had endeavoured to raise money on an overcoat and on a vacuum cleaner. At 9.45 that evening—actually before the discovery of the crime, they had arrived at Worthing and were then in a position to pay 4s. each for a night's lodging, a further 38s. each the following day for new clothing, and a deposit of 2s. 6d. each for fresh lodgings. Probert had lost a button from his overcoat and the outfitter had sewn on another, whilst a button similar to that missing had been found at the shop. Upon arrest, twenty-seven farthings had been found in Parker's possession, and twenty-nine in Probert's discarded clothing, while four others had been given by Parker to his landlady's child, making a total of sixty. Against this Mr. Bedford was known to have had a large number of

farthings in one of the wooden boxes in the showcase, and the case was found to have been forced open and a number of farthings were strewn inside the case and upon the floor. Both men had given false names at their lodgings and to the police. The examination of Probert's clothing had disclosed traces of human blood on his overcoat, jacket, and trousers, whilst it was alleged that efforts had been made to remove one of the stains. Apart from his one rather significant statement to Inspector Lewis on 18th November, Probert denied all knowledge of the crime, but could not account for his movements on 13th November. Against Parker, there were his statements to Inspector Lewis and Chief Inspector Askew, statements which had been corroborated by independent evidence. In regard to these it was fairly obvious that when Parker made his first statements to Inspector Lewis, he was in a state of nervous tension, following his participation in the attack on Mr. Bedford, and was worried as to its outcome, and made the statements little dreaming that the old man was dead. When he later knew the truth he had said too much to withdraw. It was rather fortunate for the police that the accused men did not read the local evening newspaper on the day following the crime, for the announcement of Mr. Bedford's death appeared therein, and a perusal of the article definitely gave one the impression that his death was due to accident, a neighbour having stated that he suffered from attacks of giddiness. Had the men seen that, it can safely be assumed that no admissions would have been forthcoming from Parker as they subsequently were—persons do not wittingly talk of having committed murder.

The trial opened at Lewes on 14th March, 1934, and lasted three days. At the police court hearing the various statements made by Parker and the one made by Probert were handed in and put in the depositions without being made public, it having been intimated that at the trial their admissibility would be questioned. Actually, the only one to which objection was raised was that made to Inspector

Lewis by Probert on 18th November, on the ground that no caution was administered. It was argued, however, that when Probert called the inspector to his cell and said, "I want you to do me a favour," the latter did not know what the request might be and before anything could be said by him the material part of the statement had been uttered. The Judge ruled that the statement was admissible. At the conclusion of the case for the Crown, both accused elected to give evidence on their own behalf, and Parker occupied the witness box for 2¼ hours. His defence, which actually was no defence at all, inasmuch as it amounted to a confession of murder, was that he himself offered no violence to Mr. Bedford, his part in the crime consisting of intimidating the old man with the pistol, and that Probert was responsible for the whole of the injuries inflicted. He admitted, however, that their object in going to the shop was robbery, and that it had previously been agreed in the event of the old man shouting, he was to be gagged and tied up. He further agreed that while his companion was savagely assaulting the old man, he himself was searching for money, eventually finding it in the showcase. He alleged also, that Probert had endeavoured later that night to remove a bloodstain from his trousers with water.

Probert's defence was an alibi. He and Parker, he said, slept in a railway carriage at Hove during the night of 12th November. Early the following morning they exchanged suits, as his blue suit was smarter than Parker's own clothing, the reason being that the latter wished to be well-dressed as he was meeting someone later from whom he hoped to obtain some money. Probert added, too, that the blue overcoat was Parker's. (It was upon Probert's blue suit and overcoat that blood-stains were subsequently found.) They parted at Portslade Railway Station during the morning and he then spent the day in Brighton, meeting Parker at Portslade Station at 8.45 p.m. The latter, he alleged, was excited and wanted to get away from Portslade, saying he had got £3 10s. Probert denied making the statement to Inspector Lewis on 18th November in the form alleged.

No other evidence was called for the defence.

The learned Judge, in his summing-up, commented upon the fact that Probert had been in custody since November, but had made no mention of an alibi until almost the end of his trial, and then it was vouched for by no other evidence than his own.

It was an alibi, also remarked the Judge, not shared by his suit, this being at the scene of the crime. An exposition of the law of murder by the learned Judge during the course of his summing-up, in its application to this particular case, is worthy of note. "If a person or persons," he said, "contemplates, embarks upon, and carries out a felonious injury on another person or a crime which is felony, which involves injury of another person, and death results, that is murder, although it might not be contemplated that the injury is enough to cause death. If two persons embark on a criminal design which involves violence of another then one person is not excused, nor does it amount to manslaughter if death results from excess of violence. That would still be true even if the violence went beyond that contemplated by Parker." The question as to whether the offence disclosed, if any, was manslaughter, and not murder, had been raised by the defence. With regard to this the Judge impressed upon the Jury that if they thought the wounds from which Mr. Bedford suffered were not the cause of death save in part, and that subsequent injuries by falling about were not connected with the original wounds and were a pure accident, only in those circumstances alone was a verdict of manslaughter possible.

The Jury were absent for only thirty-five minutes in considering their verdict, and found both prisoners guilty of murder, the capital sentence being accordingly passed upon them.

There is little doubt that the two men seen by the laundrymaid outside Mr. Bedford's shop at 7.45 on the evening of the crime were in fact the accused, and that as soon as she was safely out of the way, the attack on the

old man was made. They would then have had ample time to have gone into Hove and to have arrived at Worthing by 9.45 p.m. Although the tyre lever had received a certain amount of prominence in the case, there was actually no evidence to show that it was in fact used, but as the learned Judge had pointed out, it was immaterial with what weapon the injuries were inflicted.

Appeals were entered on behalf of both men, and the hearing commenced on 17th April, 1934, at the Court of Criminal Appeal, before the Lord Chief Justice and Justices Avory and Humphreys. The grounds of appeal on behalf of Probert were that there was insufficient corroboration of Parker's evidence, and that the statement made by Probert to Inspector Lewis on 18th November had been wrongly admitted at the trial by reason of no caution having been given. The submission on behalf of Parker was to the effect that the crime did not amount to murder, it being suggested that the flash of the police constable's lamp on Mr. Bedford's face might have so frightened him that he fell and received what turned out to be a fatal injury, the other injuries which he may have received being insufficient in themselves to cause death.

The Court held that Probert's statement had been properly admitted as evidence by the Assize Judge and that there was ample corroboration of Parker's evidence implicating Probert—Probert's own statement, the button found at the shop, and the farthings found in his clothing being instanced. As regards the submission on behalf of Parker, it was pointed out that if it could be shown that the injuries inflicted on Mr. Bedford were not the cause of his death, there could be no possible verdict of manslaughter, as manslaughter involves that death was caused unlawfully. Under such circumstances the only verdict would be one of "not guilty".

The judgment of the Court was to the effect that the evidence made it quite clear that Mr. Bedford's death was due to the injuries inflicted upon him by his assailants and that both prisoners had been rightly found guilty of murder.

Efforts for reprieves having failed, both men were duly executed at Wandsworth Prison on Friday, 4th May, thus bringing to a close a case bearing several interesting features, and one which shows the great importance of recording carefully the statements or admissions of persons suspected of crime, for the prosecution in this case was built largely on the admissions of Parker and on the other evidence obtained as a result of those admissions. Apart from proving his own guilt, they also materially assisted in establishing the case against his companion, who was pleading ignorance of the crime.

Alcoholic Intoxication¹

MEDICAL EXAMINATION OF PERSONS ALLEGED OR SUSPECTED TO BE UNDER THE INFLUENCE OF DRINK

By ALEXANDER BALDIE, M.B., D.P.M.

WHEN examining any person alleged to be under the influence of drink, in respect of whom a charge may be preferred, the main purpose is to demonstrate the degree of impairment (if any) due to alcohol, of those faculties exercised by the subject in his occupation at the material time (usually at the time of arrest). The Committee appointed by the British Medical Association on tests for "drunkenness" issued, in February, 1927, the following recommendations: "That the word 'drunk' should always be taken to mean that the person concerned was so much under the influence of alcohol as to have lost control of his faculties to such an extent as to render him unable to execute safely the occupation on which he was engaged at the material time." From a medical point of view this was a good working definition. But subsequently a legal decision laid down that no condition short of that generally understood by the word "drunk" should be so described. The Road Traffic Act, 1930, provides that "any person who when driving or attempting to drive, or when in charge of, a motor vehicle on a road or other public place is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, shall be liable" to penalty.

Thus, to constitute an offence under this Act the degree of intoxication present may be less than that commonly understood by the term "drunkenness", and depends upon the

¹ With acknowledgments to *The Clinical Journal*.

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the impairment, by reason of alcoholic indulgence, of those faculties ordinarily required for the safe control of a motor vehicle.

In practice, therefore, medical examination of any person alleged to be under the influence of drink is governed by the following definitions: "By alcoholic intoxication is meant the impairment of physical or mental faculties to such an extent as to render an individual unable to execute safely the occupation on which he was engaged at the material time; and by 'drunkenness' is meant a state of intoxication causing disorders of social behaviour, or helplessness."

The action of alcohol varies, not only in different individuals, but in the same individual at different times, corresponding to the stage of intoxication, temperament, susceptibility to the drug, condition of the stomach and bowels, states of hunger, cold, and fatigue. There are thus many kinds of "drunkenness" as well as of milder degrees of intoxication.

Stages of Intoxication

Like certain narcotic drugs, alcohol produces its effects in stages irrespective of the amount or kind of liquor consumed: the first stage, of exhilaration, elation, and expansiveness; the second stage, of irritability and confusion; the third stage, of drowsiness.

In the *first* stage timidity and restraint give place to bravado or recklessness. Discretion and reserve are replaced by irresponsible loquacity; the individual becomes unduly sure of his powers and importance. In some people nervousness and timidity, hesitation and irresolution may be banished in favour of an artificial confidence and an exaggerated decision and initiative. They "never drive so well as after a glass of whisky". In the *second* stage efficiency in any form, whether artificial or not, is definitely impaired, physically and mentally. The *third* stage of drowsiness is responsible for the arrest of many persons.

Factors Influencing the Impairment of Faculties

Some persons "do not need" or "do not like" alcohol, or find that "a little goes a long way". Habitual drinkers can consume more without obvious effect than novices, though there comes a time when the toper finds his favourite beverage erratic and unsatisfying in its effect. Many intoxicated persons can temporarily reimpose their self-control in the presence of a sudden stimulus such as a fall, a cold water douche, or legal arrest. A man was certified not incapable of proper control of a motor car. He was allowed to go; and drove away. He was re-arrested soon afterwards and was certified to be under the influence of drink by two doctors who saw him independently. There had been no opportunity for further indulgence between the two arrests.

Whisky and other spirits and cocktails produce their effects swiftly, especially when taken on an empty stomach. Irritable effects then quickly follow the stage of exhilaration, as the stronger the alcoholic content of liquor, the more rapid is absorption and the more intense the action. Mixtures, such as beer, stout, and champagne, whisky and gin, and various cocktails, are potent intoxicants, often intense and explosive, with subsequent irritability, confusion, sickness, and headache.

The state of the individual, in relation to food, sleep, and fatigue, is probably, in the absence of disease or injury, the most important contributory factor determining the effects produced by a given quantity of alcohol. A small amount of liquor may cause serious effects if taken on an empty stomach, under conditions of cold and fatigue. Drowsiness, alternating with fits of irritability and confusion, is a common feature in such persons. A common story is "I had been out driving all day, I had travelled around a bit", "I hadn't had any food since leaving home, I only had two beers, about an hour before I was arrested".

Medical Examination of Cases of Alleged Intoxication

As soon as possible after arrest, the police surgeon will be summoned, and the defendant will be informed of

his right *at his own expense* to be examined by a private doctor, his own, or one secured, on his behalf, by the police.

It is of importance that this right should be made known to the defendant clearly, and, if necessary, more than once, lest in the excitement of the moment, or for other reasons, it may afterwards appear that he did not hear, or did not appreciate, the significance of the intimation. The police surgeon will as a rule preface his examination by a reminder if necessary to the defendant of his right to a second opinion. It is also of importance that if he elects to be examined by a private doctor this should be done as soon as possible; a second opinion is of most value if obtained at or soon after detention; if for any reason it is based on examination an hour or two (or more) later, its evidential value may be small.

Pending the arrival of the doctor the defendant should, so far as possible, be left undisturbed and not unduly upset or distracted by argument or conversation. From every point of view it is desirable that he be given this opportunity to collect and control himself during the forthcoming examination.

A careful note will be made of (1) the exact time of summons to attend for the purpose of examination, and the time of arrival at the place of examination. (2) The times at which the examination commences and is completed. (3) The time at which, if he does, the prisoner asks for a second opinion. (4) The time of arrival of the second doctor, and the time he commences and completes his examination. (5) All tests applied. (6) Questions asked and answers given as to illness, liquor consumed, work, food, fatigue, etc.

A doctor will not usually require any detailed official information regarding the circumstances of a prisoner's arrest before completion of the examination. It might be subsequently alleged that he was biased by such information. It can be obtained, if necessary, at leisure at the end of the examination, prior to forming a final opinion. If the examinee gives an adequately intelligible and coherent account it will be, to that extent, presumptive evidence of sobriety.

The examination should take place under reasonable conditions, particularly in regard to space and light. Gait can be tested only in a fairly large room; reading and handwriting tests may be challenged on the ground of poor light. The latter are of no value if handwriting materials, desk, or light are open to criticism.

The tests usually applied are simple and easy of comprehension by a layman. The examinee should not be asked to submit to any tests the execution of which is not easily within the competence of the average sober individual, or the significance of which is not easily demonstrated to a judge or jury.

In the unusual event of a prisoner refusing to consent to medical examination, or if he appears unable to appreciate the significance of a medical examination, or to be otherwise "incapable of consent", the police surgeon may think it expedient to confine his physical examination to the determination of questions of illness or injury and base an opinion, if possible, on his observation of the defendant's manner, conversation, and behaviour. If the defendant has asked for the services on his behalf of a private doctor, presumably he wishes and will consent to be medically examined by him.

At the end of his examination the doctor called on behalf of the police is required to inform the examinee of his opinion, and to make an entry in the Police Surgeon's Casualty Book.

In the case of the doctor called by a prisoner on his own behalf, the ethics of professional secrecy justify him in reserving his opinion, if he sees fit to do so. Later, in the witness-box, he may be directed to disclose it; at the moment, his duty being primarily to his patient, he will consider from that standpoint whether the wiser course is so to reserve his opinion; or to state it verbally or in writing at the time. He must further decide whether he will there and then acquaint the examinee of his opinion, or personally or through the police on his behalf invite him to communicate on the following day.

Medical examination includes :—

(a) The definition of any physical sign or symptom indicating the presence of disease;

(b) The definition of physical signs indicating whether the examinee is, in fact, under the influence of alcohol;

(c) Facts *observed* of the examinee's manner, conversation, and behaviour, which indicate loss of faculty control;

(d) *Applied* tests for the assessment of loss of faculty control.

A person who has consumed alcohol but who is not drunk, and in whom loss of control is not (otherwise) appreciable may show a tendency to occasional fleeting *lapses* in emotional control, and in action and speech. This may occur before *judgment* and *attention*, two faculties of importance for efficient driving control, are effected.

Physical Signs of Intoxication

Physical Signs which indicate that a person has consumed an appreciable amount of alcohol and is, therefore, to a *certain extent*, under the influence of the drug, are: the state of the pulse; the reaction of the pupils; the condition of the tongue and mouth; affection of ordinary speech and ordinary walking gait; the character and odour of any vomited material; a *flushed* expression; and the smell of the breath. Any of these may be due to other causes; their value is conjunctive; their reliability depends on the exclusion of any possibility of existing disease, injury, or shock. The *smell* of alcohol, particularly, may lead to mistakes. The *smell* of alcohol in the vomit and breath indicates only that a patient has taken alcohol. The more definite the smell, the greater the caution necessary before drawing conclusions from subsequent facts. The examinee may have taken or been given a drink because he was ill. Following recent consumption the smell of the breath will resemble that of the liquor consumed. After the lapse of two or three hours the dryness of the tongue and pharynx and the passage

of alcohol through the circulation to the lungs and skin produce a characteristic disagreeable smell compounded of stale alcoholic and other organic effluvia. In an habitual drinker the excretion of alcohol *via* skin and lungs is increased; this appears to explain the curiously stale odour which often pervades *habitués*.

Having formed the opinion that a person is under the influence of drink the equally important question arises of assessing the degree, if any, to which as a consequence the examinee exhibits signs of loss of *proper* control (of a motor car). By "proper" control is meant that degree of efficient control normally exercised by average (including "accident-prone") persons.

Observational Tests

Observational tests are directed to: (a) manner and behaviour; (b) appearance: condition of face and lips, and of conjunctivæ; untidiness; dribbles of saliva, vomit, or liquor on face or waistcoat; (c) hiccup; (d) ordinary gait and speech; (e) wakefulness or drowsiness. An intoxicated person left to himself may go to sleep; on being awakened confusion is more pronounced. Disarrangement of hair, headgear, or of clothing is of such a nature as a normal and sober individual would easily notice and correct.

Certain faculties requiring efficiency of mental control can be observed. Does the examinee's mind wander abnormally during examination? Does he tend to focus his interest absurdly or unreasonably? Does he lose the thread of his argument? Does he indulge in senseless repetition? Does he introduce silly or meaningless sequences in his remarks? Is he easily distracted during reading, handwriting, or other tests requiring attention or concentration of effort? Can he state the day of the week, the date of the month, etc? (Sober persons are sometimes unable to give to order the date, and even the day of the week.) Is his sense of time reasonably acute or absurdly disordered? (Many persons

"normally" have a very faulty sense of time; women particularly fail in this test.) Can he describe reasonably clearly familiar routes by which he has travelled?

Applied Tests

These are performance tests the application of which depends on the co-operation and consent of the examinee: for this reason, and also because they may appear to depend unduly upon technical aptitude or the educational status of the examinee, the Courts are sometimes critical of their utility and relevance. They include the performance of such simple acts as walking, following a leader; adding up a small sum; reading a selected passage from a newspaper; picking up a coin from the floor; dressing and undressing; copying and writing to dictation a selected passage from a newspaper; lighting and smoking a cigarette; turning up an index reference (*e.g.*, in the telephone directory), etc. Any objection to these as *applied* tests is removed if they are *observed* as part of the routine procedure—as when the examinee asks and is given permission to look up the name of a doctor or friend in the telephone directory.

Alcoholic intoxication is a mental and physical state variable with the concentration of alcohol in the circulating blood, and with other factors such as age, habit, fatigue, and temperament. It is only to be expected, therefore, that many persons, arrested for good and sufficient reasons, by the time of medical examination twenty minutes later have reasserted their powers and are found not to be certifiably lacking in the capacity for proper control. No reflection, of course, is implied against an officer whose judgment and opinion cannot subsequently be confirmed by a medical certificate.

A Bicycle Collision Case

HOW A MOTOR-CAR WAS TRACED

By INSPECTOR F. RUSSELL

Newcastle-upon-Tyne Police Force.

WHO knocked down John Campbell, a lone cyclist on the West Road, Newcastle-upon-Tyne, during the late evening of Wednesday, 15th November, 1933? That was the question that engrossed the police in the North of England, and the Newcastle-upon-Tyne City Police in particular.

Unlike the usual detective thriller of fiction, where the mystery is solved by the energies of some amateur sleuth, this problem was solved by the local police, and on the mantel-shelf in a Divisional Office of the Newcastle-upon-Tyne City Police rests a model of a Sports Triumph motor-car, which should be a symbol for all time in the history of the Police Service of what can be attained by perseverance and tenacity of purpose.

The case figured in the Assize lists at the Newcastle-upon-Tyne Assizes held in the early part of 1934.

About 10.40 p.m. on Wednesday, the 15th November, 1933, a young man, named John Campbell, was cycling home, along the West Road into the city of Newcastle-upon-Tyne. The bicycle he was riding was well fitted, having besides a red reflector on the rear, a red electric rear light and a white strip on mudguard. Evidence was given by a motor mechanic that he had been standing at some cross roads when the cyclist passed him, riding near to the kerb, on his proper side of the road, which was well lighted; there was no other traffic on the road at the time, except for a motor-car which

was overtaking the cyclist and was going towards the city. The motor-car was travelling at about 35 miles per hour and also on its proper side of the road.

The cyclist then became obscured from view, as the motor-car came between the witness and the cyclist. There was a crash and a shout, the motor-car appeared to mount the foot-path on its near side and then, pulling back into the middle of the road, disappeared towards the city, the driver of the motor-car accelerating as he made away. The witness rushed up to the scene of the accident and found the cyclist seriously injured and the bicycle wrecked. As the cyclist was being attended to by two pedestrians, this witness immediately went to a Police Box which is in the vicinity and telephoned to the Divisional Police Headquarters at Arthurs Hill Police Station, giving a description of the motor-car of which he had only had a passing glimpse. He described the car as being an old Sports motor-car with an aluminium body and heel-shaped back.

Police officers immediately went to the scene of the accident. The cyclist had been so seriously injured that he was not able to give any useful information as to the identity of the motor-car or its driver. One of the two pedestrians who had assisted the cyclist stated that he had seen the motor-car coming off the kerb, after having hit the cyclist, and make into the middle of the road. He was able to give a similar description of the motor-car and added that it appeared to have "red streamer lines" and an aluminium body. This witness also stated that the driver was wearing a trilby hat, and that, after accelerating, the car had driven off at a speed of about 40 miles per hour. The other pedestrian, a youth of 18 years of age, corroborated the statement of his companion both as to the description of the motor-car and to the wearing of a trilby hat by the driver. When cross-examined at a later date, this witness said that he meant by "stream lined" the band at the top of the body.

These three persons were the only witnesses available. Police Headquarters had immediately circulated a description

of the motor-car as given by the first witness to all police in the city and to neighbouring Forces. Although he had not then received this message from his Divisional Station, a police constable at 10.50 p.m. (ten minutes after the accident) was able to report that he had seen a motor-car similar to the one described pass down a thoroughfare, named Stanhope Street, which turns out of the West Road and leads towards the Great North Road. Subsequently, when he had been informed of the accident, he was able to describe the motor-car as a two-seater aluminium Sports car with hood down and bonnet fastened down with a leather strap. He also noticed that driver was wearing a trilby hat.

The morning of the following day arrived with no further news of the motorist. The whole of the Northern Forces were in possession of the facts available, and a full description of the motor-car, together with particulars of the accident, was circulated in all the principal daily newspapers. The motorist was asked to report particulars of the accident immediately to the police.

The Superintendent of the Division, who had taken charge of the case, formed the opinion, which was subsequently proved to be correct, that the motorist had been drinking at some public house outside the city. He immediately had exhaustive inquiries made, with the co-operation of neighbouring Forces, at every public house west of the scene of the accident, between Newcastle-upon-Tyne and Carlisle. In consequence of this, numerous motor-cars of the Sports type were reported to the police as probably having been concerned in the accident. On Friday, the 17th November, 1933, information was received from the Hexham Police, Northumberland, that a car answering the description of that circulated had been outside a well-known hotel in Hexham, Northumberland, for a good part of the evening of the 15th November, 1933, and that the driver was known to have consumed a quantity of beer prior to leaving Hexham at 10 p.m.

As the distance from Hexham to the scene of the accident is 18 miles, it was reasonable to assume that a car leaving

Hexham about 10 p.m. would reach the scene of the accident about 10.40 p.m.

The Superintendent, Todhunter, accompanied by an Inspector, visited South Shields the same day. On arrival they found that the driver of the car had already been interviewed by a South Shields police constable on the morning following the accident, and that the driver had stated that he had been to Hexham on the evening of the accident but had not left Hexham until 10.50 p.m. The constable made a note of the reply in his pocket book, which subsequently, turned out to be a useful exhibit.

The driver also denied all knowledge of any accident on the evening in question. As the accident had occurred at 10.40 p.m., the constable for the moment had ruled the man out, as being unconnected with the accident. Later the same day the driver made a further statement to another South Shields constable, in which he stated he had left Hexham on his way to Newcastle, keeping to the West Road all the way until he got to the New Tyne Bridge. It was also ascertained that he had been seen by a South Shields detective-constable, who knew him personally, at 11.45 p.m. in South Shields on the night of the accident. At this time he was seen to have a lady passenger in the car.

The driver was now interviewed by the Superintendent, who asked him if it was correct that he had kept to the West Road all the way from Hexham to the New Tyne Bridge in Newcastle-upon-Tyne. He answered, "No," and described having turned into the thoroughfare where he had been seen by the police constable. He was asked where he had been at 10.40 p.m. on the night of the accident. He replied, "Corbridge" (a village near Hexham), and added that he had entered Newcastle-upon-Tyne about 11.10 p.m.

The Superintendent then asked to see his motor-car and the driver took him to his private garage. As the garage was small and badly lighted, the car was taken to the South Shields Police Station where seven photographs were taken of the car by the police photographer and a thorough

examination made by an expert police mechanic. New scratches were found on the near side of the bonnet of the car, indicating that something must have grazed the car, between the wing and the bonnet. The driver was asked if he could account for these scratches, but he replied that he could not, admitting that they were quite new. He agreed to leave the car at the South Shields Police Station.

When asked if he had a lady in the car at South Shields, as described by the detective-constable, the driver said, "That is correct." The witnesses were shown the motor-car and identified it as similar to the motor-car which they had seen on the night of the accident, one of the pedestrian witnesses adding, "the doubt was the stream lining." (This car had no stream lining; a long strip of aluminium, originally painted red, had been worn away on one side, and there was a red stream line visible.) The car was placed over an inspection pit and examined by the police mechanic, who found marks on the inside of the near front wheel. The wheel was taken off and the scratches shown to the driver: he stated that he was unable to explain how they had been caused, except that they might have been made when he had the wheel off about two months previously. Ninety-seven scratches were found on this wheel by the mechanic, most of which were new. There were no new scratches on any of the other wheels of the car. The mechanic was of opinion that these scratches might have been caused by the spokes of a bicycle wheel, assuming that they had been knocked through the rim of the wheel at the time of impact, as a result of contact with the inner side of the motor-car wheel. One of the spokes of the wheel was bent and there was a heavy scrape on the inner side of the tyre extending for 23 inches; on the inner side of the hub red paint had been knocked off in several places, leaving the steel under-surface exposed. When the damaged bicycle was examined, small traces of red paint were found on the carrier and on the rim of the rear wheel, and which appeared similar to the red paint which had been knocked off the inner side of the hub of the near side wheel of the motor-car. The

wheel and bicycle were both carefully preserved and produced as exhibits at the trial.

When arrested six days after the accident, the driver still denied all knowledge of the accident.

The defence was that some other car was the cause of the accident. To prove the unusual type of motor-car possessed by the prisoner, the Superintendent in charge of the inquiry caused special search to be made of the registers of all motor-car registration authorities in the Northern Area, so that the number of this type of car on the road would be available for the information of the Judge and Jury. As a result of this it was ascertained that in Newcastle-upon-Tyne 11,000 motor-cars were registered and there were none similar to that owned by the prisoner. Out of 75,292 cars registered in the neighbourhood, no other similar car was discovered.

It is not surprising that on this evidence the Jury were quite satisfied that the police had proved that the motor-car concerned in the accident was the Triumph Sports motor-car owned by the prisoner. The prisoner, having also been indicted "That he on the 15th day of November, 1933, unlawfully did drive a certain motor vehicle on the West Road, in a manner which was dangerous to the public, having regard to all the circumstances of the case, contrary to section 11 (1) of the Road Traffic Act, 1930", was found "Guilty" on this charge and "Acquitted" on the major charge. He was sentenced to two months in the Second Division and his driving licence was suspended for three years.

The Examination of Stains

A NOTE ON THE VALUE OF FILTERED ULTRA-VIOLET LIGHT

By NORMAN BURGESS, M.D. (CAMB.), M.R.C.P. (LOND.)

Criminal Investigation Research Laboratory, Bristol City Police.

AS there seems to be a somewhat prevalent idea that seminal stains can be diagnosed by examination under filtered ultra-violet light alone, I have ventured to write the following note which, with the accompanying photographs, will, I think, show the value and also the limitations of this method of examination.

It will be seen that the photographs show the appearance of seminal stains, and stains produced by vaginal mucus, examined by the naked eye and under filtered ultra-violet light. To the naked eye no stains are visible and in order to examine such a garment for evidence of seminal or other stains, prolonged and tedious examinations would have to be carried out. When, however, the garment is placed under a beam of ultra-violet light from the Quartz Lamp filtered through Wood's Glass, the stains are seen immediately on account of their fluorescence. It must not be assumed that any stain which fluoresces when so examined is due to semen, for the photograph clearly shows that there is no detectable difference between the fluorescence produced by semen and by vaginal discharge.

One may say, therefore, that the Quartz Lamp is of great value in rapidly determining whether stains are present on any given material or not, and this examination enables us to tell at a glance where tests should be made ; it does not,



SEMINAL STAIN (ultra-violet light photo).



SEMINAL STAIN (ordinary light photo).



STAIN OF VAGINAL DISCHARGE (ultra-violet light photo).

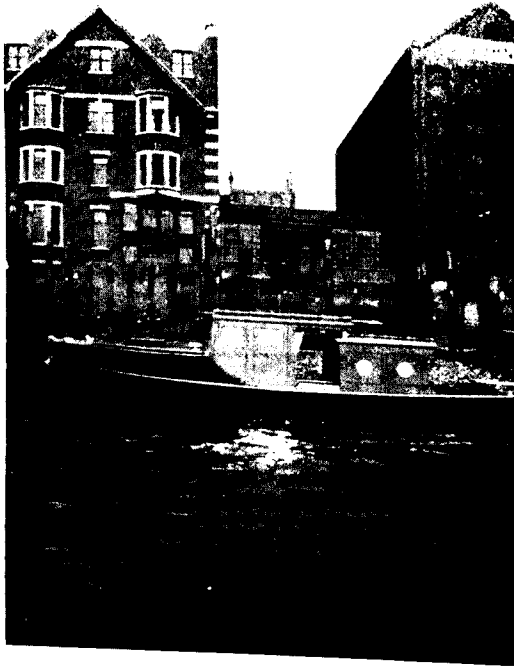


STAIN OF VAGINAL DISCHARGE (ordinary light photo).

however, give us any information as to the nature of the stain, and this can only be determined by microscopical or chemical tests.

The photographs were taken on supersensitive panchromatic film and a yellow filter was used. For the photographs taken by ultra-violet light, the source of illumination was an Hanovia Quartz Lamp with Wood's filter, arranged so that the beam of light was directed at an angle of 45 degrees to the object to be photographed.

I am indebted to the Photographic Department of the Bristol City Police for their co-operation.



NEW TYPE OF POLICE PATROL BOAT, LYING OFF WAPPING STATION.



THAMES POLICE LAUNCH "VIGILANT".

(see p. 90)

N31-

79784

times—a commendable record in those days. Harriott was successful in breaking up the gangs of plunderers—many of the members were transported.

The Thames Police

By SUPERINTENDENT H. DALTON

Ex-Chief Inspector in Charge of Thames Division, Metropolitan Police.

JUST as the history of the City of London would be incomplete without reference to the part played by the River Thames in the origin and development of the City, so would a record of the Thames Police be wanting without an acknowledgment of the work of its founder—Dr. Patrick Colquhoun.

In the year 1796, merchants and shipowners in the Port of London sustained losses by Pillage and Plunder estimated at the value of £500,000 sterling. Gangs of men known as Heavy Horsemen (Day Plunderers) and Light Horsemen (Night Plunderers) carried out their nefarious practices on the river almost unchecked: indeed revenue and ships' officers worked hand and glove with them. With much zeal and energy Colquhoun got to work and amassed details of the thefts from ships and barges and of the methods employed by the thieves and receivers. He then put forward a scheme for policing the river which was approved by the Government and the West India Merchants. The Force employed to carry out the scheme was named the "Marine Police Establishment" and consisted of a Judicial Department and a Marine Police Department.

A resident magistrate was appointed to be in charge and he carried out his duties at the Marine Police Office which stood on the site of the present Police Station at Wapping. This office was opened on the 2nd July, 1798. John Harriott was the first magistrate. He was a versatile character, well qualified for his post, having crossed the Atlantic fourteen

How the Division is Worked

The district now patrolled by the Thames Division extends from Teddington Lock, Middlesex, to Dartford Creek, Kent, on the south shore and to the Metropolitan Police District Boundary Stone at Dagenham, Essex, on the north shore, a distance of 36 miles. It includes that part of the Thames within the City Police area, and also a number of creeks and inlets. Thousands of wharves line its banks; all the dock entrances in the Port of London west of Tilbury are in this area. The protection of these wharves, of ships, and of the cargoes of several thousand dumb barges forms an important part of the duties of the Thames Police.

There are five Police Stations attached to the Division: Barnes, Waterloo Pier, Wapping (Headquarters), Blackwall, and Erith. From each Station a separate section of the river is policed; a continuous patrol, day and night, is maintained throughout the District. The establishment of the Division is just over 200 officers and men—a Chief Inspector is in charge.

The fleet comprises three motor launches, twenty-eight motor boats, and seven row boats: the latter are used for ferrying purposes at the Stations, for conveying police equipment and stores to and from motor boats lying off the Stations, and for plain clothes work. The principal launch is the *Vigilant*. She is 35 feet long, 7½ feet beam, with fo'c'sle and wheel-house forward, cabin amidships, and cockpit aft. She is mahogany and teak built and is fitted with a 40 h.p. Thornycroft petrol engine. Her speed is 10 knots. This launch is used by the Chief Inspector for supervision duties. The other two launches, *Alert* (31 by 7 feet) and *Watch* (35 by 7 feet), are attached to Waterloo Pier and Blackwall Stations respectively, and are used by the Subdivisional Inspectors in

charge of those Subdivisions. Each launch has a 30 h.p. Thornycroft Pet. Par. engine, giving a speed of 9 knots.

The motor patrol boats are of three sizes: 22 feet, 26 feet, and 28 feet length, 6 feet to 6 ft. 6 in. beam. The largest boats are used in the lower reaches of the river where rough water is often experienced. The engines are by Thornycroft, Kelvin, Smart and Brown, and Parsons, and are of the petrol-paraffin type, giving horse-powers varying between $7\frac{1}{2}$ and 24, and speeds of 6 to 9 knots. The hulls are mainly of teak and are well and strongly built. Modern tugs, and river craft generally, have a greater speed than the old types and the need for more powerful engines for police boats is being met. A change from tiller to wheel steering has been made in the new type of boats, thus throwing the control from aft to the bow or amidships. This alteration gives a better look out to the steersman, which is of particular advantage at night. It also provides the means of affording better protection to the crews and to ill and injured seamen conveyed in the boats—a long felt need in wet and stormy weather.

Each motor boat is equipped with a set of drags, life-buoys, and buoyant cushions for life-saving purposes. The navigation lamps are electrically lighted, the current being supplied from a dynamo fitted to the engine. Air-tight tanks are enclosed under the seats to keep the boat afloat as long as possible, should serious damage be caused by collision or other accident.

The means of communication between stations and police motor boats on patrol is about to be improved by the installation of wireless sets in the boats. The transmission will be effected through Wireless Headquarters, at present at Scotland Yard.

The maintenance of the fleet is carried out in the Engineers' and Carpenters' Workshops at Wapping Station.

A staff of skilled workmen is employed by the Receiver at these workshops where all the plant necessary for executing repairs to engines and hulls is installed. The normal running

period for each motor boat is twelve hours a day. The life of an engine is approximately ten years and of a hull fifteen years.

The men selected to do duty in Thames Division are usually those who have had some previous experience in the management of boats in tidal waters. They must have served for at least one year in a land Division before being eligible for transfer; they must pass a test in their knowledge of seamanship and produce a certificate of their ability to swim. If constables on transfer to the Thames Division have little or no knowledge of the driving and mechanism of marine engines, they are afforded every opportunity to learn whilst on duty afloat. After six months they are given a week's instruction in the Engineers' Shop, when they are tested as to their fitness for duty as relief drivers. They are also instructed by an Inspector in the work of the Division. This instruction covers a wide range of Police, Nautical, and Legal subjects, and is based on the experience of officers over a number of years.

A sergeant and two constables are employed in each motor boat. One of the constables drives and attends to the engine and the other acts as boat hand, but when not otherwise engaged he is required to take spells at the wheel, thus enabling the sergeant in charge to give closer attention to what is taking place on the river and to satisfy himself as to the security of vessels, barges, and wharves. To enable the crew to examine the wharves, it is necessary that the boat be steered as near to them as possible, and no little experience and skill is required before an officer is competent to steer his boat between ships or barge roads and wharves, particularly at night in the Pool of London, when a 3 to 4 knot tide is running. Partly submerged objects and mooring ropes are the cause of many awkward, and sometimes dangerous, situations. A keen outlook and prompt action by all three officers are necessary to avoid accidents.

Duties are performed in tours of eight hours: times of parade are varied; a continuous patrol is maintained.

Supervision officers do four hours' duty in the Station and four hours afloat. Promotion is generally confined to those qualifying within the Division.

The uniform provided for the Thames Police is different from that supplied to police in land Divisions. Reefer jackets, forage caps, white collars and black ties are their distinctive uniform. They are also provided with heavy woollen boat coats, oilskin capes, leg bags and boat aprons and fingerless gloves: the cold and inclement weather to which the men are exposed during the winter months make such garments necessary.

Duties of the River Police

The chief work of the river police is the prevention and detection of thefts from the cargoes of ships and barges and from wharves and quays. A close watch is kept on small boats at night. The boats of men who earn a precarious living by dredging for coal in the vicinity of coal hoists are frequently overhauled, and "ropees" who buy rope and old metal on behalf of marine store dealers are also closely watched. Special attention is given to shipworkers, when leaving ships, if losses are reported. Barges placed alongside vacant wharves and at other unusual places are regarded with suspicion until removed. There are approximately 12,000 barges in use in the Port of London, and these convey the equivalent of 500,000 loaded road vehicles. Many of the barges are laden with valuable cargo and lie moored in the river, with no protection other than that afforded by the river police.

Happily, there is much less crime on the river now than there was some years ago. This is undoubtedly due to the development of motor boat patrols and to cutting out a too uniform system of working. Beats are laid down for each boat, but the direction of working is varied. The officer in charge is allowed to use his initiative and may "tie up" for

observation purposes, provided he logs it in his pocket book. The officer in charge also logs his hourly position and the time he rounds the extreme points. It may be of interest to note here that the annual value of the overseas trade in the Port of London is now more than £500,000,000. This represents over one-third of the total overseas trade of the United Kingdom. In addition, there is a very extensive coastwise trade. The net registered tons of shipping using the Port is over 58,000,000, and more than 35,000,000 tons of merchandise are handled in the Port in the course of a year. At least 90 per cent of the imports into London are conveyed from ships by lighters, and until it has passed into the markets, the bulk of the traffic is river borne by craft to various points for storage and redistribution in the Port.

One of the greatest difficulties faced by the river police in dealing with thefts from vessels is to locate the place where the thefts took place: whether at the place of consignment, in transit, or at the place of landing. A heavy larceny of valuable skins (estimated at £6,000) was reported as from a barge in the river, but inquiries subsequently revealed the fact that the theft took place in Vienna, where the skins should have been loaded for transshipment to London. Larceny charges have often to be reduced to unlawful possession for the reason that it is impossible to identify the goods as part of a particular package or consignment. Mis-tallying—not always by mistake—is the cause of considerable losses. Insurance companies make a condition of insurance that losses must be reported to police. For one reason or another the losses are often not so reported, but the companies rarely trouble themselves to inquire of the police whether in fact a report has been made. (Claims are probably well covered by premiums.) "Mushroom" companies have been known to take advantage of this.

A detective-inspector and detective-sergeant carry out the investigation of crime in Thames Division. They are assisted as may be necessary by detective officers of adjoining Divisions.

Trouble with Foreign Crews

Crimes committed on British ships are usually dealt with at the first British port of call. They are triable at any port in the United Kingdom or at any port in the Colonies. Criminal offences committed by foreigners on foreign ships are not triable in the United Kingdom unless committed within British territorial waters. Crime and other offences committed by foreigners on foreign ships in the river are dealt with by the magistrate at the appropriate Police Court.

Crews of foreign ships entering the port are usually well behaved. However, they do occasionally give some trouble. An instance of this occurred some time ago when a steamship arrived at Folly House Buoys, Blackwall Reach, from Alexandria, having on board a Chinese crew of 37 men, signed on at Hong Kong. The agents arranged return passages to Hong Kong for these men, with wages running until arrival at Hong Kong; wages prior to leaving London to be paid over to the men before leaving, on signing clear of the ship. During the whole week the ship lay at the Buoys these men assumed a mutinous attitude, led by an English-speaking quartermaster and No. 1 fireman. They refused work, refused to go to the ship for return to Hong Kong, and became so violent towards the master and his officers that the agents applied for police protection and advised the Master to remain away from his ship. Later, the Immigration Inspector was given instructions to take any course of action, at discretion, to get the crew away from the United Kingdom by a vessel leaving King George V Dock, Woolwich, for Hong Kong that same evening and to apply for police assistance. The steamship was boarded by H.M. Inspector and a few police officers; twenty-eight Chinese were found on board. These were mustered and told they would be signed off and would receive their money on board the ship leaving for Hong Kong. They flatly refused to land without first receiving payment, and later became riotous and rang the ship's bell as an alarm to their nine comrades ashore. This was heard

at Blackwall Police Station and the Subdivisional Inspector with his crew put off and arrived when the position of affairs had become distinctly ugly. The Chinese seamen, most of them flourishing knives in a threatening manner, were running helter-skelter over the ship and eventually concealed themselves in the holds and bunks. The Bos'n and No. 1 fireman were singled out and were made to bring the rest on deck. By firmness and tact all were persuaded to board the police launches and were taken to Blackwall Police Station without serious trouble. The Bos'n was induced to communicate with his compatriots ashore, through a Chinese coffee-house keeper in Chinatown. Eight of the nine men ashore arrived and all were taken by motor lorries under police escort and placed on the ship just before she left King George V Dock. The remaining man gave himself up the same night, and was taken to Southampton and there put on board the ship.

Smuggling and Collisions

Cutlasses, flint and percussion pistols, and blunderbusses were the arms used by the river police in the early part of last century. Although automatic pistols are available at each Station, they are not ordinarily carried in police boats, and, strange as this may seem to river police of other countries, several years have passed since a call was made on them. Foreign seamen rarely cut up rough on the London river; the old hands have a wholesome regard for the Thames River Police.

Recently higher tariffs have caused some increase in smuggling, but for some time past smuggling on the Thames has existed more in the fiction of Edgar Wallace and "Seamark" than in fact. Every inspector in Thames Division is issued with a Customs Deputation authorizing him to search for, and make seizures of, contraband goods. In this duty police work in close co-operation with the Customs officers.

The Thames Police enforce the Merchant Shipping Acts,

particularly those sections dealing with offences by seamen, discipline of crews, desertion, stowaways, and the regulation of marine store dealers.

The River Bye-laws contain a number of the International Rules for preventing collisions at sea. Offences detected are reported by police. Particulars of casualties to shipping are recorded and Lloyds are informed by telegram. Masters are required to navigate their ships with care and caution, and if injury or damage is caused, the onus of showing the ship was navigated with care and caution lies upon the Master. The law of the land and of the sea is exactly the same, but anomalies exist when it comes to a question of trial at law on the point of contributory negligence. In the case of an action for damage arising out of a motor accident between two cars, damage is assessed against one party; but in the case of a collision between ships, both parties are assessed in relation to the contributory negligence. Where loss of life has resulted from a collision between ships it has been held that "a culpable mistake, and some degree of culpable negligence, causing death, will not support a charge of manslaughter, unless the negligence be so gross as to be reckless", also "it must be shown that the captain did some act which conduced to the death—the mere omission to do the whole of his duty is not sufficient".

Most, if not all, of the maritime nations have power to institute criminal proceedings against their own nationals in respect of the results of criminal negligence occurring within their own territorial waters. In practice the British authorities rely on the serious penalties which may be imposed by a Court of Inquiry rather than resort to the powers which the Criminal Courts have in these matters. With regard to foreigners involved in collisions within British territorial waters, an offence committed by any person, whether a British subject or alien, is an offence within the jurisdiction of our Courts. It is not, however, customary for criminal action to be taken against foreigners in respect of collision cases occurring in British waters. This principle is not

observed in several foreign countries, but the British Delegation to the Oslo Conference of the International Maritime Committee held in August, 1933, strongly recommended the waiving of criminal proceedings in all collision cases whether on the high seas or in territorial waters.

Accidents on the River

The Thames Police render assistance in cases of accidents to workmen and others on ships moored in the river. If it is necessary to hoist an injured man from a ship's hold, and a cradle is not available, a scale board or plank is improvised and the ship's crane is used to hoist the person from the hold and to lower him into the police boat for conveyance to the nearest landing place. All officers and men are qualified to render First Aid. More than twenty fatal accidents occur on the river every year.

The securing of drifting barges and the salving of cargo floating from sunken vessels are duties carried out by the river police. It is not generally known that all wreckage, "Flotsam, Jetsam, and Derelict," is the property of H.M. Customs. Persons who fail to give notice to the Receiver of Wreck of the finding of any such wreckage are liable to heavy penalties. The Customs have a wharf at Rotherhithe where these goods are deposited.

Assistance at fires on ships and at riverside wharves is an important duty. The police are usually the first to arrive on the scene and their chief attention is directed to giving warning and to the removal of small craft from the vicinity. Firemen from land stations are picked up at the nearest landing stage and placed on board, and assistance is rendered to the L.C.C. Fire Floats.

Suicides and Recovering Dead Bodies

Waterloo Bridge, until closed to traffic, was the London "Bridge of Sighs". More persons threw themselves into the river from this Bridge than from any other in London.

A boat is always in readiness at Waterloo Pier Police Station to proceed to cases of immersion from neighbouring bridges and from the Victoria and Albert Embankments. A receiving room, with first aid appliances and a hot water bath, is provided at this Station. Rescued persons who have attempted to commit suicide are handed over to relatives or friends able and willing to take care of them, unless there are special circumstances in the case, such as the commission of another crime, a previous attempt to commit suicide, definite indication of insanity, habitual excessive drinking, or threats to renew the act. If no relatives or friends can be found, the Salvation Army or the Catholic Prisoners Aid Society is usually willing to give shelter and a fresh start to these unfortunates. It is very rare that a person makes a second attempt to commit suicide by drowning.

More than 120 dead bodies are recovered from the Thames by the river police every year. The duty is often gruesome and unpleasant. Rubber gloves are always used in connexion with this work. It is commonly thought that a drowned person will rise to the surface after a certain number of days, but this is not correct. Unless a body is held down by weights or by under surface objects, or is left on the shore by a receding tide, the time of rising depends on the temperature of the water and the state of the body, and may vary from two days in the summer to six weeks or even longer in the winter. Finger-prints are taken if the body is not identified, and unless the features are distorted or the body is too decomposed, photographs are taken for identification purposes. A considerable number of bodies recovered are never identified. Careful search of the body and clothing is made for distinctive marks that may lead to identification. Some time ago a small patch on the arm of a shirt led to the identification of a man long after he was buried.

Every police boat is now equipped with a Carbon Dioxide (CO₂) resuscitator for use in conjunction with the Schafer method of restoring animation in persons apparently drowned. The principles governing the administration of CO₂ in such

cases are too lengthy to be dealt with fully in this paper. Very briefly, the object is to give a "fillip" to the moribund respiratory centre in the brain. A distinct advantage of the CO₂ gun lies in its being so portable. It is only 9½ inches in length and weighs but 1¼ lb. Each bulb contains sufficient CO₂ for a 12 minutes' supply when regulated to inspirations only. Several successful restorations have already been made when the patients were apparently lifeless. A flicker of an eyelid or twitching of a hand is usually the first indication of restored animation and is closely followed by an emission of saliva from the mouth and a gasp for breath.

Overloading Vessels and Other Offences

The Thames Police enforce the provisions of The Port of London (Consolidation) Act, 1920, and the Bye-laws made thereunder. Offences by watermen and lightermen, the overloading of vessels, pollution of the river, obstructions, dangerous acts, annoyance, indecency, and offences in connexion with navigation are among those reported by police. The Port of London Authority prosecute in these cases. The police act in concert with the Immigration Officers in enforcing the Aliens Orders on the river, and assist the Port of London Sanitary Authority in connexion with smoke nuisances and contaminated food.

The preservation of order and the prevention of accidents at the Universities' Boat Race, Regattas, and public functions on the river form part of the duties of the Thames Police.

Lighters conveying food and other essential commodities are escorted by the police in strikes affecting lightermen and ship workers.

Tide Dangers

The normal rise and fall of the tide in the Pool is about 20 feet. An unprecedented flood occurred on the night of 6th January, 1928, and caused the loss of fourteen lives in basement houses at Westminster. Tide gauges are now installed at six different points along the river within the

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County of London. Police watchers are stationed at those points when an abnormal tide is running, so that if the danger limit is reached at any point, the public residing in the neighbourhood may be warned.

The Thames, below locks, is used very largely for the transport of cargo. In the summer months, pleasure steamers make a good harvest from passengers on short sight-seeing trips through the Pool and into the Docks. Thousands are conveyed daily on trips to Southend, Clacton, Margate, and Ramsgate.

The Thames as a Highway

What does the future hold for the Thames? Can the river be used as a means of relieving the ever increasing traffic congestion in London's streets? Speed, safety, service, comfort, and also fares that would compare favourably with those for trains and buses are essential and dominant factors. Many costly landing stages would be necessary: the foul state of the water between the Pool and Woolwich in the summer months would have to be remedied. The capital required for a scheme large enough to relieve road congestion would be more than is likely to be raised by private enterprise, and there is little probability that any such scheme will be undertaken by a public authority in the near future.

At the best it could only reduce road transport proceeding east and west and that only in a slight degree.

Athletics in the Thames Division

The Thames Division has produced many good athletes. Naturally the men excel at rowing and swimming but they are also well to the fore in other branches of sport. A four-oared, half-outriggered racing boat was recently presented to the Divisional Club by friends of the Commissioner, thus providing the members with a readily available means of healthy recreation. The fact that 98 per cent of the total number of officers and men voluntarily joined the newly

formed District Sports Scheme shows their readiness to support anything promoted for their welfare.

Police duty in low open boats on the Thames in winter is trying, especially at night, but the men face the storms and fogs with a good spirit engendered by the previous summer's sunshine and stimulated by anticipation of the next.

There is always something fresh to be seen and learned, for Old Father Thames is never still; he presents an ever changing panorama; his flood brings sustenance to millions and the arts and crafts of many nations—his ebb speeds the transport of products in exchange. The value of goods stolen in transit is so small that it speaks well for the efficiency with which the Thames Police carry out their duties.

THE COLONIAL POLICE

The following appointments are announced by the Colonial Office:—

AVENELL, A. J. (Prison Superintendent, Grade I)	Senior Prison Superintendent, Gold Coast.
BOVELL, C. S. K.	Police Probationer, Malaya.
CARBONELL, W. L. R.	Police Probationer, Malaya.
CONIBEAR, J. H. (Prison Superintendent)	Prison Superintendent, Grade I, Gold Coast.
FINCH, Paymaster Sub-Lieut. L. C.	Police Probationer, Malaya.
LANGRAN, B. (Superintendent of Police)	Deputy Inspector-General of Police (Provinces), Ceylon.
MACINTOSH, D. W. (Inspector of Police)	Assistant Superintendent of Police, Straits Settlements.
MCLEVEN, H. (Assistant Inspector of Police)	Inspector of Police, Tanganyika.
SCOTT, F. M., M.C. (Superintendent of the Central Prison, Acre)	Superintendent of Prisons, Grade H, Palestine.
SLATER, A. J. W.	Police Probationer, Malaya.

Charles Peace

A NOTORIOUS SHEFFIELD "PUBLIC ENEMY"

By "T. F."

Sheffield City Police

CRIME, which is perhaps best defined as a depraved intellectual outlook with regard to the rights and liberties of Society, presents one of the greatest problems of human life.

Probably this is why mankind is prone to surround murder—the supreme crime—with an atmosphere of spurious romance and drama. Thus, one finds that in after years even the most revolting murderers acquire a legendary aura of romance which contrasts strangely with the sordidness and misery of actual crime.

Even the recognition of this psychological weakness of humanity, however, makes it difficult to understand why the despicable individual who crowned a horrifying career of burglary and violence by foully murdering the husband of his paramour at Banner Cross, Sheffield, on the night of 29th November, 1876, should have been portrayed by many writers as an intellectual genius, both in the realms of crime and the arts of music and portraiture.

The truth is that, like many another criminal who has provided the Press of his day with free and sensational copy, Charles Peace—murderer, burglar, and sexual degenerate—was neither a genius nor a hero, but merely one of the lowest types of travelling criminals, whose sole claim to fame or infamy was the depth of degradation to which his nature sank.

From the Police Officer's point of view, the most interesting feature about Charles Peace is that he might almost

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have been utilized as a classic illustration by exponents of Lombroso's theory, since he possessed all the physical characteristics which popular imagination is wont to attribute to the potential murderer.

Well below the average height, his lean, wiry frame was surmounted by a countenance so unprepossessing that one cannot but marvel that every honest man who encountered him did not instinctively recoil from him as one steeped in crime and degradation.

Born at Darnall—a notorious slum district of Sheffield—in 1832, his occupation became nominally that of a picture-frame maker. Notwithstanding the responsibilities of business, however, he found time to indulge in burglary as a lucrative side-line, to such an extent that several minor terms of imprisonment and two sentences of six and seven years penal servitude respectively necessitated his temporary absence from the bosom of his family.

Peace's nature, however, appears to have been one of those upon which punishment has little or no effect, and his career of crime continued unchecked until one night in August, 1876, he committed the crime which was ultimately to set the whole length and breadth of the country ringing with his name.

Skulking about one of the outer suburbs of Manchester, intent on one of his usual nocturnal housebreaking expeditions, he was suddenly surprised by Police Constable Nicholas Cock, who apparently approached him with the idea of interrogating him, or taking him into custody.

Peace then produced a revolver and fired twice at the unfortunate officer, who fell dying while his rascally adversary escaped unscathed.

The following day two brothers—John Habron, aged 23, and William, aged 18—were arrested and charged with the murder of P.C. Cock.

They were tried at the Manchester November Assizes, and although John was acquitted, William Habron was found guilty and sentenced to death.

Fortunately, his youth impressed the jury sufficiently for them to recommend him to mercy, and the death sentence was accordingly remitted to penal servitude for life.

It was not, however, until Peace was arrested, tried, and sentenced to death on a totally different charge—the murder of William Dyson—that he confessed to the murder of Police Constable Cock, and the unfortunate Habron was released with a “free pardon”, for a crime which he had neither committed nor participated in.

Peace, like many other rogues, apparently possessed some innate characteristic which, in spite of his ill-looks, appealed to the feminine mind, since both before and after his marriage he indulged in many promiscuous love affairs. Indeed, it was solely this weakness in his make-up which eventually brought him to the gallows.

Until shortly before he murdered P.C. Cock, Peace, although leading a life of predatory crime which took him all over Lancashire and Yorkshire, still resided at Darnall, Sheffield, with his wife and daughter. In fact, as it was subsequently discovered, it was Mrs. Peace who disposed of most of the property stolen by him.

A few doors away resided a Mr. and Mrs. Dyson—a strangely assorted couple who, according to local rumour, lived in anything but harmonious matrimonial bliss.

Arthur Dyson was a morose, gloomy individual in the middle forties, while his wife, a vivacious Irishwoman whom he had met and married in America, was only half his age, addicted to liquor, and—as is usual among such women—the possessor of a violent temper.

A psychologist would probably have predicted that such an ill-advised mating could only result in disaster; and in this case he would certainly have been right, for domestic quarrels were a frequent occurrence in the Dyson household. Nor were they confined to mere verbal encounters, for on several occasions poker, dishes, and other household implements were used by both parties to further their arguments.

Notwithstanding these unpropitious signs, however,

Peace commenced paying unwelcome attentions to Mrs. Dyson—conduct which so aroused Dyson's anger that eventually in June, 1876, he threw one of his business cards, on which he had written “Charles Peace is requested not to interfere with my family”, into Peace's garden.

A few days later Peace encountered Dyson near his home, and not only violently assaulted him, but later the same day threatened Mrs. Dyson with a revolver—telling her he would shoot both her and her husband.

Peace was subsequently summoned for the assault, but he failed to attend the hearing and it was discovered that he had left his home.

Apparently he then indulged for several months in various burglaries and housebreakings, during which he murdered the unfortunate Manchester policeman, of whom mention has already been made.

In October of 1876 the Dysons decided to evade the risk of Peace's return by breaking off all their old associations, and moving to a cottage at Banner Cross, Ecclesall—then an outlying suburb on the opposite side of Sheffield.

There is no doubt that the unfortunate pair were genuinely afraid of Peace, whom, it should be remembered, they knew not only as an interloper in their domestic affairs, but also as an habitual and violent criminal who had served several terms of penal servitude. One can therefore imagine their horror when, only a day or two after their arrival, they observed Peace loitering about in the neighbourhood. Nor was their fear unjustified, for on meeting Mrs. Dyson a few yards from her door Peace remarked: “I am here to annoy you again. I'll annoy you wherever you go.”

During the next month the Dysons—with their unwelcome acquaintance almost continually wandering about near their cottage—lived in an atmosphere of dread, which was not allayed when their neighbours informed them that Peace was constantly inquiring, and uttering the vilest slanders about them. This state of affairs continued until the evening of 29th November, when Mrs. Dyson encountered Peace

standing in the garden—with a revolver in his hand. The exact words he addressed to her have never been satisfactorily reported ; but the final threat is known to have been as follows : “ —or I’ll fire.”

As might have been expected, the fear-stricken woman shrieked in fright, whereupon her husband ran out of the house. Peace then—as he had done three months earlier with P.C. Cock—immediately fired two shots at his adversary, and seeing him fall, jumped over the wall and ran off across the fields, which in those days surrounded the district.

The customary hue and cry was at once raised, and the Police did their utmost to trace him, but his phenomenal luck did not desert him, and he again escaped.

A reward of £100 was offered for information leading to his arrest, and all his old haunts and associates were visited and questioned ; but, despite the most assiduous efforts of the Police, not one item of useful information regarding his whereabouts was obtained. When Mrs. Dyson, finding herself alone and the victim of much unsavoury publicity, eventually returned to America, it seemed as if Peace would never be brought to justice. Nor would he have been convicted had he possessed the elementary intelligence to refrain from further crime ; but his was one of those natures which, fortunately few and far between, are lawless by inclination rather than force of circumstances.

During the night of 10th October, 1878, a Police Constable Robinson, patrolling his beat in St. John’s Park, Blackheath, noticed an unusual light in a lower room of a large private house. He communicated with his Sergeant and another Constable and, after a brief “ council of war ”, the Sergeant decided to knock at the front door, while the two constables kept a watch at the front and rear, in case the intruder attempted to escape by a window.

Immediately the Sergeant knocked the light was extinguished ; and, a moment later, the french window leading from the drawing-room into the garden was furtively opened and a short, wiry figure crept stealthily out.

As it emerged into the garden, which was bathed in the silvery glow of a brilliant “ Hunter’s moon ”, any lingering doubts the watching police officers may have had regarding the motive of this nocturnal intruder were dispelled by the sight of a formidable-looking revolver which the man held in his outstretched hand.

Notwithstanding the revolver, however, P.C. Robinson pluckily rushed forward and closed with the burglar, who immediately fired three shots in rapid succession. These fortunately missed their objective, but as the constable grappled with the burglar, two more shots were fired which wounded Robinson in the right arm. With the assistance of the other two policemen the burglar was finally overpowered and taken into custody. A search of his person revealed a cheque-book, spirit flask, and other property stolen from the house which he had quitted, together with a housebreaking outfit of the traditional “ Bill Sykes ” type, *i.e.*, brace and bits, vice, files, knife, gimlet, and revolver.

When charged, the prisoner gave the name of John Thompson and an address at a respectable-looking villa in Evelina Road, Peckham, where he lived with his “ wife ”—Mrs. Thompson, and a Mrs. Ward.

Subsequent inquiries, however, showed that Mr. Thompson, although a well-known and highly respected figure in local suburban society and a regular attendant at the local church, led something of a Jekyll and Hyde existence in which his Sunday night attendances at church alternated with nocturnal excursions of a more lucrative nature.

Outwardly his household was the very embodiment of suburban respectability, but inside it was a veritable storehouse of stolen property—most of which figured on the police list as proceeds of a recent epidemic of local burglaries. It was not long before it was realized that the newly captured ornament of local society was none other than the famous or infamous Charles Peace, who was still wanted for the murder of William Dyson at Sheffield.

It was discovered that Mrs. Thompson was a young, unmarried woman of doubtful character, whose real name was Sue Bailey, while a crowning touch of irony was lent to this haven of matrimonial bliss by the fact that "Mrs. Ward", whose chief rôle in the household was that of intermediary in the disposal of the property stolen by Peace, was none other than his real wife.

It was probably this phase in Peace's life which was largely responsible for the spate of spurious romance which was subsequently woven around his personality. For, so confident of his security had he become, that he had formed the pleasant social custom of holding frequent evening parties at which he used to recite passages from Shakespeare and exhibit his collection of violins and other *objets d'art*. One cannot help reflecting that the atmosphere of Victorian respectability which marked these functions would have been rudely shattered had the guests suddenly become aware that the objects of their admiration were all the proceeds of burglaries.

Peace was charged with the attempted murder of P.C. Robinson at the Old Bailey on 19th November, 1878, before Mr. Justice Hawkins, and, as might have been expected from the nature of the evidence, a verdict of "Guilty" was returned.

Despite the efforts made by his Counsel in furtherance of what he must have known was already a lost cause, and an impassioned plea—as revolting in its hypocrisy as it was extravagant in its phrasing—from the accused, he was sentenced to penal servitude for life.

Meanwhile the Sheffield Police had not been idle regarding the capital charge against Peace. Mrs. Dyson was traced in America and brought back to this country, with the result that on 17th January, 1879, Peace was brought from his cell at Pentonville to Sheffield for the preliminary hearing of the charge of the wilful murder of William Dyson, more than two years before.

Naturally, Mrs. Dyson, the only living person who had

actually witnessed the murder, was the chief witness; and on entering the witness-box she related the whole circumstances coolly and distinctly, despite frequent interruptions from the prisoner. It was, of course, impossible to complete the hearing in one day, and the proceedings were adjourned until 22nd January, Peace being taken back to Pentonville.

Early on the morning of the 22nd he was again brought to Sheffield by train, and it was during this journey that he suddenly jumped straight through the open carriage window when the train was travelling at 50 miles an hour, between Worksop and Sheffield. This exploit has frequently been portrayed by sensational novelists as an heroic attempt at escape; but when one considers that he was handcuffed and clad in prison clothing, it seems certain that suicide, rather than escape, was his sole motive.

Peace, however, was one of those predestined to end a misspent life on the gallows; and, when the train was stopped, he was picked up unconscious and bleeding from a nasty head wound, but by no means dead. In view of his injuries the adjourned hearing was postponed until 24th January, when he was again brought before the Sheffield Stipendiary.

Once more Peace obstructed the hearing by frequent interruptions and complaints about the cold, his injuries, the credibility of the witnesses, and, indeed, anything which occurred to him. Towards the end of the hearing, however, Peace realized the futility of his complaints and changed his tactics to a characteristic mixture of vulgar bravado and blasphemy, repeatedly putting his feet on the table before which he sat facing the magistrate, and uttering coarse profanities and obscene jests.

Finally, he was committed for trial at Leeds Assizes, where on 4th February, 1879, he was arraigned before Mr. Justice Lopes (later Baron Ludlow). On this occasion it was Mrs. Dyson, rather than Peace, who provided the "high lights" of the trial, for her position as witness-in-chief had obviously gone to her head, and she proved a difficult and exasperating witness, frequently uttering coarse witticisms in

her replies to Counsel, and making garrulous remarks which had no bearing on the point under discussion.

Her account of the actual killing of her husband was, however, unshakeable, and she was followed by several Ecclesall witnesses who gave evidence that they had seen Peace loitering outside the Dysons' house both on the night of the murder and on many days prior to it; also to his frequent threats to the Dysons to "blow their brains out".

The hearing lasted only one day and, although his Counsel, Mr. (later Sir) Frank Lockwood—like his predecessor at the Old Bailey trial—made the most of the case for the defence, Peace was found guilty and sentenced to the supreme penalty.

Even in this last sordid chapter of his misspent career, however, Peace was destined to furnish another sensation, for in the condemned cell he confessed to the Revd. J. H. Littlewood, Vicar of Darnall, that he was the real murderer of Police Constable Cock. Furthermore, he revealed that after reading the case in the papers he had the colossal effrontery to attend the Manchester Assizes for two days, and was actually present in Court when the younger Habron was sentenced to death.

The full facts of this confession were, of course, immediately brought to the notice of the Home Secretary, and Habron was granted a "free pardon" and £800 compensation.

Thus ends the true story of a man who has come to be regarded as one of the most repulsive figures in the annals of crime—one who showed neither outstanding ability as a criminal, nor exceptional intelligence in other directions; yet who has been successively portrayed as a master-violinist, a poet, an artist, and super-criminal.

To the student of criminal psychology, Peace's chief claim to distinction lies, as has been already suggested, in his typically criminal characteristics, while to the Police Officer his career furnishes food for thought in the reflection that it provides the most cogent arguments both for and against capital punishment.

CORRESPONDENCE

POLICE CADET TRAINING IN NEW SOUTH WALES

To the Editor of THE POLICE JOURNAL.

SIR,

Eighteen months ago a system of Cadet appointments was introduced in the Police Service of New South Wales. The appointments are available to youths between 17 and under 18 years of age, and it has been laid down that successful applicants must be in possession of their Intermediate Examination Certificates—certificates given by the Education Authorities of New South Wales to boys who pass successfully a public examination, set at the conclusion of three years' tuition in secondary schools. Preference is given, however, to those boys who have been given a higher secondary education. Applicants must be of such a physical standard as will lead to the belief that they will be able to conform to that standard which is laid down for admission to the Police Force proper on attaining the age of 21 years. It is clearly understood that the introduction of the Cadet System does not constitute an "Officer Class", as all Cadets are required, provided they pass the medical standard laid down for those who are appointed to the Police Force direct, to enter as Probationary Constables and be subject to the same regulations as other members of the Service. Every care is, of course, taken to see that only those who are likely from their physical attributes to later reach the requisite Police standard are appointed Cadets. In addition, they are required to pass a strict medical examination and be of good character. Such factors as general deportment, address, and appearance are also taken into account in considering the qualifications of young men for admission as Cadets.

The object of the scheme is to give the lads as intensive a training as possible, so that their value when admitted to the Police Force proper on attaining their majority will be enhanced considerably. They are placed on such duties as office work, motor car driving and motor cycle riding, telephone operating, station duty, and given an opportunity of obtaining general experience and knowledge of

finger-print classification, photography, science of forensic ballistics, and *modus operandi* work.

Each day in the week, prior to taking up duty, they are instructed in drill and physical culture, whilst a commencement has been made to teach twenty of the youths the Italian language. In the near future it is expected that the balance of the Cadets will be given tuition in French and German. Every encouragement is given them to improve their knowledge, so much so that action has been taken by them to study such subjects as shorthand and typewriting, accountancy, law, etc. As a matter of fact, some of the Cadets are at present proficient shorthand writers and typists, and in this respect have already proved their value to the Police Department.

The Cadet system has been extended gradually until now there are sixty youths in this Branch of the Police Force of New South Wales. It is considered that ultimately all recruiting to the Police Force of this State will be by this system.

Hundreds of applications have been received for appointments, and the Police Authorities are in a position to choose boys who are specially fitted, educationally and otherwise.

As I believe the introduction of the Cadet system is a forward step in Police administration and that a brief outline of the scheme as applied to the Police Service of this State would be of some interest to your readers, I transmit this communication for information.

W. H. CHILDS (Commissioner of Police).

HASHISH POISONING IN ENGLAND

To the Editor of THE POLICE JOURNAL.

SIR,

In the July issue of THE POLICE JOURNAL the writer of the article "A Case of Hashish Poisoning in England" states that "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)", and suggests that cases of hashish habit and poisoning should be reported to the Home Office with a view to bringing the Indian hemp itself within the provisions of the Dangerous Drugs Act.

It would appear, however, that this has in fact been done.

Part I of the Dangerous Drugs Act, 1920, has been amended by the Dangerous Drugs Act, 1925, Section 1 (1), so as to apply to Indian hemp and resins obtained from Indian hemp and all preparations of which such resins form the base, as it applies to raw opium.

The expression "Indian hemp" means the dried flowering or fruiting tops of the pistillate plant known as *Cannabis sativa*, from which the resin has not been extracted, by whatever names such tops are called (Section 1 (2), 1925 Act).

By the Coca Leaves and Indian Hemp Regulations, 1928, made under Section 3 of the Dangerous Drugs Act, 1920, and Section 1 of the Dangerous Drugs Act, 1925, Indian hemp and resins obtained from Indian hemp and all preparations (except extract and tincture of Indian hemp) of which such resins form the base, became subjected to the provisions of the Raw Opium Regulations, 1921-1924. In consequence, it is an offence for any person, unless authorized, to import, export, supply, procure, offer to supply or procure, advertise for sale, possess, or attempt to obtain possession of such Indian hemp.

Extracts and tinctures of Indian hemp mentioned by your contributor (but not including medicinal preparations containing extract or tincture of Indian hemp as one of its ingredients) are, by the Dangerous Drugs Act, 1932, Section 1 (1), included in Part III of the 1920 Act, and are governed by the Dangerous Drugs Act (Consolidation) Regulations, 1928.

It is questionable if it is an offence to be in possession of the leaves of the plant only or the staminate plant, as the expression "Indian hemp" under the Dangerous Drugs Act, 1925, which I have mentioned, is confined to the dried flowering or fruiting tops of the pistillate plant.

The "unemployed but enterprising sheet-metal worker" mentioned in the article, when sowing the parrot seed was no doubt unaware of what the result would be: also, when the plant matured, of its pernicious possibilities. Having, however, consulted the book, *The Chemistry of Common Life*, from which he identified the plant and became acquainted with its use and effects, he came into possession of knowledge which should have deterred him from carrying its use into practice. Instead of acting as a deterrent, the knowledge urged him to continue the investigation, and, on several occasions, he indulged in smoking the leaves of the plant with harmful effects upon himself. He then, and, I submit, with "guilty knowledge", supplied his fiancée with the top of a fruiting plant, and both smoked cigarettes made from it, with the results stated.

From the foregoing it appears to me that, assuming that pistillate plants were amongst those grown, there was evidence of the illegal possession of Indian hemp and, again assuming that the fruit top given to his fiancée was of a pistillate plant, there was also evidence of supplying Indian hemp.

His defence, no doubt, would have been that he did not know it was illegal to possess or supply Indian hemp, but, of course, ignorance of the law is no defence.

The root of the evil in this case appears to be the seed.

The Egyptian Government has taken strong measures to eradicate the drug habit in Egypt, and the Fifth Annual Report of the Central Narcotics Intelligence Bureau, issued by the Egyptian Government, shows that with the growing scarcity of heroin—as a result of the Bureau's activities—hashish, as a substitute, has advanced enormously in price.

The following abstract from the report may be of interest:—

“Whilst the physical after-effects of hashish smoking are in no way to be compared with the terrible results of addiction to white drugs (morphine, heroin, and cocaine) it is undoubtedly a dangerous, habit-forming drug and, when used to excess, produces a cerebral excitement which is only too frequently the prologue to crime. On the other hand there are plenty of normal Egyptian labourers who look upon and enjoy a pipe or two of hashish now and then in much the same spirit as their more educated cousins look upon a glass or two of whisky and a visit to the cinema—an evening's amusement in enjoyable company.”

H. W. HICKS (Inspector, City of London Police).

Police Forces Overseas

SENTENCES FOR CRIME IN THE PUNJAB

THE latest issued Report on Police Administration in the Punjab contains the following observations by the Inspector-General of Police:

“It is not surprising that the majority of district officers repeat the perennial complaints against inadequate sentences for crimes of violence and the wholesale compounding of hurt cases. Sweeping generalizations on this subject are unsafe, but there is no doubt that the whittling down of the offence to its smallest dimensions and the consideration of every factor in favour of the convict, so that he gets a very light sentence, are common tendencies and their effect is the reverse of deterrent. I am in no doubt, personally, that one of the main causes of the present appalling volume of violent crime is that both judiciary and executive have got into the habit of assessing the appropriate penalty for crimes of violence almost entirely on consideration of the personal aspects of the case and ignoring very largely the public aspect, that every crime of violence is an offence against the State and Society. Legend has it that the murderer is considered the best domestic servant in the Andamans. In our jails the convict of a violent crime is hardly regarded as a criminal and is considered a fit person for gentle treatment and early probational release. In the courts every point of provocation and condonation is given full consideration in mitigation of punishment. I have expressed the opinion earlier in this report and in my report for 1932 that the conclusion is inescapable that the present wave of violent crime has been encouraged by general conditions conducive to contempt for social order. Adequate recognition of the offence against that order, which violent crime constitutes, is an essential condition for controlling such crime.”

CROWDS AND QUEUES

IN the opinion of the Judges the standard of the Ceylon Police Force, as shown in the Annual Drill Competition and Sports held last summer, “has never previously been so high.” The Judges make the following comments on some of the tests:—

Moving a Crowd without Batons

It may be assumed that this is a friendly crowd, and it should be kept in a good humour. Much may be done by talking to them, giving them reasons why it is necessary for them to move, etc. Avoid handling them more than is necessary and aim at achieving a friendly spirit of co-operation between the Police and the reasonable element in the crowd. Do not be content with speaking to those in the front row of the crowd; pressure

most frequently comes from deep in the crowd where people are uncertain what is happening. See that the Police party cover the section of road allotted to them from side to side. Do not put the whole party into the line, but place men at intervals in rear to catch anybody who succeeds in slipping through the line. Do not take the crowd back further than is necessary; in some cases teams moved the crowd 5 yards behind the appointed line. In a confined space like a street this leads to congestion, discomfort, accidents, and natural resentment at what is rightly considered unnecessary interference and officiousness on the part of the Police.

Keeping a Crowd Back

The points mentioned above apply equally to keeping a crowd back. It is most important that the Police party should face the crowd wherever there is any possibility of individuals or a section of the crowd attempting to break through the line. It may sometimes be a good plan in the case of a spectacle, procession, etc., to get the first two or three rows of the crowd to sit down. This gives the back rows a better view, and tends to check the tendency to surge forward.

Forming a Queue

The first consideration is to avoid interference with traffic. In calculating the number of persons who can be lined up, the width of the pavement or roadway and the volume of traffic must be taken into consideration; also the greatest number of persons likely to be in the queue at any one time. Advantage should be taken of any wall or fence which will serve to keep the queue lined up straight on one side. On the other side Police should be stationed at fairly frequent intervals to form up the queue, prevent crushing, and keep the queue moving slowly when admission has started.

It is essential that new-comers should take their proper place at the tail of the queue and they should on no account be permitted to cut in higher up. This tendency can be largely eradicated if the members of the queue keep close together. Special control is necessary at the head of the queue to regulate admission. Here again it is of the greatest importance that the crowd should not be handled more than is absolutely necessary. They should be permitted to queue up to the entrance, and should be regulated there. A common fault in this phase of the Competition was unnecessary interference by the Police with the crowd, such interference serving no useful purpose but merely rousing the resentment of the crowd, and destroying any desire to co-operate with the Police which they might otherwise have shown.

The Use of Batons against a disorderly Crowd on a Road which can be covered from side to side by six men and the Arrest and Conveyance to the Police Station of the persons who have been disorderly

It was mentioned in the conditions that the road could be covered from side to side by six men. The strength of the team was thirteen of all ranks. There were, therefore, seven Police Officers available to act as supporting parties.

In a few cases the Officer in Charge neglected to give an order to the main body to extend across the road with the result that the men advanced down the street in one bunch in the middle of the road, thus hampering each

other in the use of the baton and leaving gaps on either side of the road through which the mob were able to penetrate.

In two cases, when given the order to advance, the men proceeded to perform the movements of baton drill with the crowd still 25 yards away. When there is no "crowd" available for the practice of baton drill the movements of a baton attack can be practised without the employment of a crowd, but if a crowd is available the baton attack should naturally not commence till the Police party comes into contact with the crowd.

In some cases the Officer in Charge failed to appoint a Commander for each supporting party. In one case the Officer in Charge deputed the junior men as Commanders. The senior Sergeant or Constable must be appointed as the Commander of a supporting party.

If the last 10 yards of the advance on a disorderly crowd is done at the double the shock of the attack is increased. An advance of more than 10 yards at the double is not recommended, as it is not desirable that men should get separated.

Definite instructions must be given to each Commander in what is expected of his supporting party, *i.e.*, to fill up vacancies in the main body caused by casualties; to search prisoners arrested by the main body before removal to the Police Station; to act as a guard against attack on a party of Constables taking prisoners to a Police Station, etc.

In most cases persons after arrest were not searched on the spot, and they were taken haphazard to the Police Station. Persons after arrest should be kept at the spot in one bunch until searched. All prisoners should be taken to the Police Station together, so that any attack can be repelled in force. If there is a supporting party available they should act as a convoy to the main body. When the order to arrest is given, men should be taught to make a bee-line for known rowdies and leaders. It is not advisable to chase individual rioters too far afield.

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THE MEDICO-LEGAL NECROPSY. A symposium held at the Twelfth Annual Convention of the American Society of Clinical Pathologists at Milwaukee, Wisconsin, 9th June, 1933. Edited for the Society by THOMAS B. MAGATH. (Bailliere, Tindall & Cox.) 11s. 6d.

THE problem before us in this book is at least as old as the story of Cain and Abel, if not indeed much older. How came this man to die? And every human community worthy of being called civilized demands a satisfactory answer, or, in default, a thorough search for the cause of death, seeing that one possible cause, murder, and the fear of consequent blood feuds, may threaten the cohesion of any society.

In a complicated civilization like ours the Coroner, or officer appointed to investigate such matters in public, should be a trustworthy and capable man of the world, and once so appointed should be, above all things, independent, especially of party politics. Now in America, in many States, the office of Coroner has fallen into disrepute; thus, in the symposium before us, Mr. Schultz writes "the office is an elective one", "an obscure political office" of "short tenure" for which "in most States no qualifications are required"; and quotes a former District Attorney for New York County as saying "the Coroner cannot be trusted to do anything right", "he does nothing that must not be done over again." Truly a scathing indictment of the office—rather than of the official—hence this plea for drastic reform, for putting the inquisition into the hands of the State's Attorney acting in conjunction with a specially qualified Medical Examiner appointed, quite independently of the Attorney, if not for life, at least for a good term of years.

Here we are justly proud of the independent standing of our judiciary. But are we equally satisfied that the whole of a Coroner's lengthy inquiry in "big" cases is really necessary, when so much has "to be done over again" more formally in a higher Court?

The rest of the volume consists of articles by specialists on the medico-legal aspects of such inquiries, commencing with directions for the proper performance of necropsy by Dr. Norris, Chief Medical Examiner for New York City, who advocates the provision of photographic and X-ray apparatus in all post-mortem rooms, and a more routine use of finger-prints—in which they lag behind European countries.

Under "Drowning", by E. L. Miloslavich, of Yugoslavia, comes a curious note on goose-skin, which may perhaps help to explain the apparent growth of a beard after death.

The difficult question of what constitutes a lethal dose is very carefully discussed under "Toxicology", by Dr. Gettler, who points out that while

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no substance is harmful in all circumstances and doses, so, conversely, there is no substance, not even water, that may not cause disastrous effects when taken internally. Dr. Gettler gives a long list of clues to (possible) poisons, some very useful hints as to procedure, e.g. the saving of the *first* stomach washing in *all* cases—whether in hospital or elsewhere—of suspected poisoning, and cautions as to statements to be made in Court or in written reports.

As showing how fallacious the obvious explanation is wont to be, he relates some actual cases of crime, which Edgar Wallace might have been glad to invent, and mentions a method—of "enormous practical value" (Martland)—of determining post-mortem the question of intoxication at the time of death, and many of the changes which poisons may undergo in the body after death.

Professor H. S. Martland deals with crimes of violence, devoting many pages to cases of shooting, with numerous excellent illustrations of wounds from bullets and shot which will well repay study by doctors, police, and others. Among many illustrations of other modes of death is one of a man struck down by an axe, a part of whose heart was found beating 18 hours after death. Interesting illustrations of the actual effects of all kinds of hanging and strangulation follow and remarks on carbon monoxide and the suicidal use of "exhaust fumes" for the sake of insurance money.

Without any pretensions to being a complete treatise on medical jurisprudence, this book may be heartily recommended as a very practical guide to actual medico-legal work, and with the references given, an excellent foundation for further study.

UNDER THE SURFACE OF CRIME. Behind the Scenes with a Police Officer. BY JACK BROWN. (Garden City Press, Gardenvale, P.Q., Canada.) 2s.

As its sub-title would suggest, this is the autobiography of a Police Constable, and like most autobiographies suffers from the author's desire to moralize. Experiences and adventures which have happened to other people sometimes make good reading, but in the present case pages of theorizing have to be waded through before any action is encountered.

The "puff" on the wrapper states that the author "reveals in temperate language and unique phraseology the sympathetic philosophy of one who has seen well beyond the illusions of life". The reader will no doubt be glad to know that the phraseology is unique, unless he happens to enjoy a sentence such as this: "We must slowly inject into her [*i.e.*, 'Justicia's'] hardened arteries the red pulsating blood of life, we must feed her atrophied internals with the milk of human kindness, we must find for her a modern Adonis to encircle her in his arms and to touch her pale lips with the fire of youthful passion." It will probably be admitted that such a sentence presents a considerable obstacle to the enjoyment of any book, and the later anecdotes suffer from the author's earlier verbosity. The book appears to be obtainable by the simple expedient of sending 8s. to the author at 1066 Egan Avenue, Verdun, Montreal.

THE LORD HIGH EXECUTIONER. BY F. W. HARLAND-EDGE CUMBE.
(John Long.) 7s. 6d. net.

HERE is yet another account of a man's experiences in prison, and one begins to wonder if the writing of prison reminiscences should not be made an indictable offence. In the present instance the author is modestly silent as to why he was incarcerated either in America or in England, for we are here treated to a dissertation on two penal systems. The book contains the usual diatribe against prison methods, warders, and governors. It contains little else, though prospective criminals may, perhaps, collect a few tips as to how to avoid many of the discomforts of prison life. In this connexion it may be asked why those who have succeeded in alleviating their lot in prison should hasten to broadcast all the tricks of the trade. It doesn't appear very sporting.

TRUNK CRIMES—PAST AND PRESENT. BY LEONARD LEWIS.
(Hutchinson.) 1s.

HERE is a really admirable shilling's worth. The author has collected together sixteen of the most notable cases where the victim has been dismembered and his or her limbs variously disposed of. The selection is good, and the narrative admirable. Among the crimes recounted are the following: Voirbo, John Robinson and the clue of the blood-stained match, and Patrick Herbert Mahon and the cloak-room ticket. It makes a splendid bedside book, if a strict ration of "one a night" is observed.

CONSTABLE GUARD THYSELF! BY HENRY WADE. (Constable.) 7s. 6d.
ODDS ON BLUEFEATHER. BY LAURENCE W. MEYNELL. (Harrap.) 7s. 6d.
MURDER ON GHOST TREE ISLAND. BY K. S. DAIGER. (Harrap.) 7s. 6d.

DEATH ON THE SET. BY VICTOR MACCLURE. (Harrap.) 7s. 6d.
MR. WADE's story comes as near to the perfect detective novel as anything we have read for a long time. The scene is laid in the headquarters of a county police force, and we are unable to detect any flaws in the details of police administration. The reasons why the Chief Constable was murdered and the identity of the murderer are well concealed, except that perhaps the author lays his cards a little too openly on the table in the first chapter. The characters are skilfully and amusingly drawn. It is not often that detective fiction rises to such a high level of technical skill and literary interest.

Odds on Bluefeather belongs to the sensational type, and the gang of arch-criminals who are seeking to overthrow civilization makes its inevitable appearance. What is so surprising about this type of book is the manner in which the heroes deliberately walk into traps set by the enemy. The young man in this story wanders into the headquarters of the gang, alone and unarmed, without even bothering to tell the police or his friends where he is going. It is impossible to feel much sympathy for anyone who is quite so foolish.

The third of these novels is American, though it has many British characteristics. It is a simple plot, but the story is full of action and holds the reader's attention. The methods by which the criminal is finally

detected are not very convincing. Inspector Anderson owes more to luck than to professional ability in persuading the murderer to walk into his trap.

Mr. MacClure's story manages to place itself in the modern setting of a film studio. Chief-Inspector Burford reappears and Scotland Yard comes off, as usual, with flying colours. This is an exciting story, with some good characterization. The two closing chapters seem to have been hurried, with the result that the solution is not as satisfactory as it might have been if the reader had been allowed to follow the chase in detail to its climax.

SCOTLAND YARD AND THE METROPOLITAN POLICE. BY
SIR JOHN MOYLAN, C.B., C.B.E. 1934 revised and enlarged edition.
(Putnam.) 7s. 6d.

IN every civilized country the part which the police have to perform as instruments of government is becoming more important as the world grows older. Among the police forces of the world the Metropolitan Police have an outstanding position. In 1929, when Sir John Moylan produced the first edition of this book, one felt that he had given us a complete picture of the whole field of police organization and activities in the Metropolis and a profoundly interesting study of the functions of the police. Under the régime of Lord Trenchard, developments in the organization of the Metropolitan Police have moved swiftly; and in this revised and enlarged edition the author gives a most illuminating account of these developments—an account which is much more than a mere exposition.

One of these developments has been the working out, on a scientific basis, of the principles which ought to govern the local distribution of police forces. In a very interesting analysis of this problem in Chapter IV, Sir John Moylan traces the growth of ideas on the subject from the time when the first Commissioner of Police stated in reply to a Parliamentary Committee in 1833 that the requisite number of police in the Metropolis was originally decided upon and distributed "according to the measurement of the ground and afterwards as experience pointed out". Experience has not only pointed out the necessity for something more than a mere consideration of geographical area, but has led ultimately in the Metropolis to the adoption of a formula or standard for determining the number of police that should normally be sufficient in any given area for the ordinary purposes of supervision and protection. What Sir John Moylan says about this should be useful to those responsible for administering police forces throughout the whole world. In addition to the original criterion of area, there are, the author tells us, four other factors on which depend the allocation and distribution of the force available, *viz.*, population, value of property to be protected, crime, and charges; and a new formula has been produced "by which police strength could be measured or decided upon with reference to 'weighted' area, *i.e.*, the area of the district to be policed as hypothetically increased or diminished by such addition or subtraction as would adequately represent the weight to be allowed to other factors".

Sir John Moylan's chapter on Police and Public is of extraordinary interest. The popularity of the police in this country as contrasted with their position in many other countries is admittedly unique. It is based on a natural and spontaneous feeling of trust, and this happy relationship—

though it may have its ups-and-downs—is, as Sir John Moylan points out, as much due to the qualities of the public as of the police. Every now and then things happen which disturb public opinion and create a temporary feeling against the police; and there were days not so very long ago when the belief in the efficiency of the police was not what it is to-day. For example, there was great public uneasiness during episodes of riot in the eighties—an occasion when *Punch*, roused by the failures of the police to rise to the occasion, put into the mouth of the London police a satirical song entitled “Wait till the crowds roll by”. Among the more recent influences which have affected the relations of the public with the police is, as Sir John Moylan says, the growth of motor traffic. There can be little doubt that the increased need for regulating behaviour on the highway is a source of friction from time to time, but we doubt whether the solid good feeling between police and public is likely to be affected seriously by this.

The last chapter of Sir John Moylan's book contains an illuminating survey of the fundamental changes brought about in 1933 in the organization of Scotland Yard and the Metropolitan Police. One of the most widely discussed of these changes is the abandonment of Sir Robert Peel's system of filling the higher posts up to Superintendent in all cases by promotion from the ranks. The author tells us what were Sir Robert Peel's real reasons for adopting that system. It was not because he thought it essential that the Metropolitan Police should be put upon a democratic basis as regards promotion. Peel's rule or principle was really to guard against the jobbery prevalent in his day—“the new police might be ruined by being made a dumping ground for unwanted butlers or valets or a refuge for gentlemen of broken fortune.” The author states that the old system of promotion from the ranks showed no sign of producing the result which, he says, will follow when the new system has taken full effect, for he believes that the force should then for the first time in its history consist from top to bottom of men who have made the police service their profession and have been drawn in it from the outside.

Sir John Moylan has most skilfully woven what is new into the original scheme of his book. The result is an admirable unbiased and up-to-date survey of every branch of his subject. He has combined the experience of knowledge gained during fifteen years in the office of Receiver of the Metropolitan Police with great ability as a writer of English as it ought to be written. This is a book to be studied and not merely read.

LA POLICE ET LES METHODES SCIENTIFIQUES. By DR. EDMOND LOCARD. (Les Editions Rieder, Paris.) 20 frs.

THIS excellently produced little book of about eighty pages of text and forty-eight of illustrations is published in a French series of handbooks on scientific, literary, and historical subjects. The author invites us to regard it as a summary account of matters dealt with exhaustively in his monumental *Traité de Criminalistique* (3,000 pages in six volumes), which has been reviewed in previous issues of the JOURNAL.

The book is, however, of much narrower scope than the table of contents leads one to expect. Of the seven chapters the last two, which are on *Cryptography* (i.e., the use of invisible inks, etc.) and *Forgery*, etc., consist only of a few lines in which Dr. Locard tells the reader that space will not permit of his dealing with these subjects. The third chapter, on *Incendiarism* and *Explosives*, is also very brief, *Explosives* being given only five lines in which we are told that they are very dangerous and require to be handled with caution. The fourth chapter, three pages long, purports to deal with *Stains* but is little more than an extract from something written by Leon Lattes (of whom we are given no particulars) on the subject of blood groups and the possibility of identifying an individual by his saliva, sweat, or urine. The fifth chapter on *Falsification of Written Documents* gives a short catalogue of the various more or less obvious ways in which documents can be tampered with. The book, therefore, consists for practical purposes of only two chapters, viz. the first on *Finger-prints and Footprints* and the various other ways in which human beings and animals leave traces of their presence; and the fourth which deals with *Proofs of Identity* other than finger-prints, etc. The first chapter takes up about two-thirds of the whole book, apart from the illustrations, some of which are quite irrelevant.

Dr. Locard is inclined to be rather categorical in his statements. He says, for example, that there are not in the world two fingers with the same pattern. This may perhaps be accepted, but what warrant has he for saying, in effect, that for identification purposes Poroscopy is as good as Finger-prints? Has he or anyone else devised a system for the classification of pores? As regards Finger-prints he says that he considers his own system of classification the best, viz. (1) no delta, (2) a delta on the right, (3) a delta on the left, (4) a delta on each side. One would have thought it obvious and indisputable that classification by reference to the position of the delta cannot take the place of the arch, the loop, and the whorl as the primary basis of classification, and these are in fact given in the illustration to the book, which shows the four main types.

Dr. Locard also asserts that the study of Finger-prints in police laboratories has rehabilitated palmistry and has established that the lines on the palm of the hand indicate whether a person is normal or abnormal, an epileptic or a degenerate or insane, etc. The only authority given for this assertion is William Stirling, but again we are not told who he is.

THE CRAFT OF THE FORGER. By HENRY T. F. RHODES. (John Murray.) 10s. 6d. net.

THIS well-written and attractive book, although in one chapter it touches on the use of the camera and the microscope, of measurements and chemical tests in the investigation of forgeries, is not a textbook for the would-be examiner of questioned documents. It deals to a great extent with the crime of forgery itself and allied frauds which, the author considers, do more direct injury to the community than any other kind.

The motives which inspired many notorious forgers are considered in

much detail as well as their curious mentality. It might be imagined that the desire for gain is at the bottom of all forgery. It surely is, in cases when imitation signatures are put on to cheques, bank-notes are counterfeited, or a will is forged which will benefit the fabricator. Frauds perpetrated with a view to avoiding loss come into much the same category.

Literary forgeries, however, as a rule have their origin in a desire for fame, even of the wrong kind. They may be used to play a trick upon somebody, though occasionally pecuniary benefit is derived from them. Sometimes there may be a great desire in the first place to exercise special skill as in the making of counterfeit coins or the engraving of spurious bank-notes.

The forgery of the paper currency of one country by the government of another as a political move, being part of what has been called "peaceful warfare", comes in for special condemnation by Mr. Rhodes. Indeed, he says that the matter should be dealt with by the League of Nations and seems to feel strongly the need for an international police force.

Anonymous letters become forgeries when the author of them is not content to use his ordinary hand or to disguise it, but intentionally imitates that of someone else. Good motives, such as a wish to give a warning to the recipient for his benefit, actuate a few anonymous writers, but very few. The desire for revenge or to cause annoyance and misery is very much more common. Many of these documents, in the opinion of Mr. Rhodes, are the result of a violently repressed sexual impulse and this may explain the fact that by far the greater number of anonymous letters are written by women. Some of the letters which we are considering are plainly intended to put the police off the track of a criminal.

Among cases where forged letters may have been used against the accused person at a trial which are discussed in the book under review is that of Mary, Queen of Scots. The originals of the letters upon which her condemnation apparently depended to a considerable extent were never produced and have not since been found.

Archdeacon Wakeford, whom the Court found to have stayed at a Peterborough Hotel with a woman who was not his wife, may have been the victim of a conspiracy. The present reviewer, who at the time thought the decision a doubtful one, gathered from the newspaper reports that it depended upon the evidence of the handwriting expert, but Mr. Rhodes says that the latter would not give a definite opinion, and criticizes the Lord Chancellor who seemed to imply that the Court was obliged to come to the conclusion which it had from the evidence alone of the expert, although the Court regarded that evidence as inconclusive. Mr. Rhodes deals with the suspicious smudging of the words "& wife" which appeared in the hotel register and finishes his remarks with the statement that whether guilty or not Archdeacon Wakeford was a greater man than any of his accusers.

With regard to the psychology of handwriting, Mr. Rhodes says that the examiner of documents cannot afford to ignore the relation between psychology and handwriting, if any valid relation exists. He gives one or two conclusions which anyone will agree can be drawn regarding the psychological make-up of the author of a given piece of handwriting. Some of the contentions of character readers, however, are ridiculed, but Mr. Rhodes seems to think that the special formation of letters shows mental characteristics, though he owns to the difficulty of proving any contentions of the kind.

Anyone interested in the study of their fellow-men will enjoy reading this book, and one lesson at least he will learn from it is the way in which the punishment for forgery has varied in the course of years, as has also the attitude of the public towards this particular crime.

LIMEY BREAKS IN. BY JAMES SPENSER. (Longmans Green and Co.)
10s. 6d. net.

THIS is a sequel to the author's previous book *Limey: An Englishman Joins the Gangs*. The success of that account of his experiences as a gangster in America has led him to write of his criminal career in England, but in point of time the latter came first.

"Limey" or James Spenser (his pen name) is not a typical criminal. This book, which he tells us has been written unaided, is a very considerable literary achievement. If we are to believe him, and there seems no reason for not doing so, when not engaged in crime ("turning myself into a one man crime wave"), he lived at respectable addresses in the West End and enjoyed himself in museums, picture galleries, and theatres where "high-brow" plays by Shaw, Maugham, and Wilde specially appealed to him. Philosophy and psychology were among the subjects he studied.

In the Foreword he says that sensible men will not charge him with glorifying crime, and that he has simply set down what has happened to him and given some account of what he thought and felt. A good deal of the information he gives about his exploits is clearly not within the knowledge of the police and is no doubt touched up. But, although the accuracy of his details cannot be relied on, as, for example, his version of the circumstances in which he was arrested and sentenced for the second time to three years in a Borstal institution, his story in general tallies well enough with his official criminal record.

His home was a respectable one and full, apparently, of religious influences of a sort. He seems to have drifted into crime mainly from lack of self-control and a craving for freedom and excitement. To begin with he was placed on probation (his remarks on Boy Scouts are amusing in this connexion); then was sent to an industrial school; after that was twice sentenced to a term of three years in a Borstal institution, and finally went to Dartmoor for three years for burglary. None of these institutions seem to have done him any good because he had no intention of allowing them to do so; he was determined to be a rebel.

In connexion with his conviction for burglary he tells an extraordinary story of how he was rough-handled by six policemen who thought they had caught a desperate bank robber, and how by way of compensation for this unintentional ill-treatment he was allowed, when he reached the police station, to have a stand-up fight with one of the policemen in the station yard.

The book is full of interest, not only as regards the writer himself, but also for what he has to say with respect to the various kinds of crime and places of confinement he sampled, and it can be heartily recommended to police officers as well as to the general reader.

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FORENSIC SUCCESS OR MALPRACTICE AND PROCEDURE.
By S. T. UFF. (Butterworth.) 3s. 6d.

THIS book by a barrister is a semi-humorous attack on the law on its civil side. The burden of its song is a quotation from the great Lord Russell of Killowen, "If a man said to me 'Give me your coat or I will go to law', I should give him my coat and my waistcoat as well". The law is not invulnerable to satire—witness A. P. Herbert's *Holy Deadlock*—but this book is not a good one. As entertainment it lacks humour, as serious criticism it lacks constructive purpose. It appears to fall between two stools; the author is too much of a reformer to be really funny like the author of *Forensic Fables*, while at the same time he is so eager to be funny that he neglects to say wherein reform should lie. One or two good points are made, but one or two points do not make a book any more than one swallow makes a summer. The present Lord Chancellor, Lord Sankey, is doing great, though not loudly proclaimed, work for law reform and not the least important part of it has been the setting up of Lord Hanworth's legal reform committee, which one hopes will develop into a permanent advisory body as to changes in law and procedure. This book deals chiefly with defects in procedure; most of these have flowed and still flow from lack of judges, though some perhaps are due to the bad old tradition of making costs, as the author seems to think.

WE have received from Messrs. Kelly & Sons, 7 Water Street, Arundel Street, London, W.C.1, a 24 in. ruler, marked with the standard sizes of bound books. Most Police Stations use rulers, and this is so substantial and useful a weapon that it should be valuable for many purposes.

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Frontispiece]

ARTIFICIAL RESPIRATION WITH THE HELP OF THE SPARKLET RESUSCITATOR.
(see p. 150)

THE POLICE JOURNAL

VOL. VIII. No. 2

APRIL-JUNE 1935

Notes on Recent Crime

IN an old Victorian case three men and a boy were in a small boat without provisions after a shipwreck and, to avoid all of them dying of starvation, the three men killed and ate the boy. They were convicted and sentenced to death for murder, though not unnaturally they were reprieved and did not serve a long period of their sentences. English law will not tolerate any deliberate killing by a sane person, save in legitimate self-defence of life or property, using no more force than is necessary. This principle has been strikingly illustrated by the case of Mrs. Brownhill, tried before Goddard J., at Leeds Assizes. She killed her son, a hopeless imbecile aged 30, quite painlessly by placing a gas tube in his mouth after giving him one hundred aspirins. She did it "in mercy", because she had to undergo an operation, from which she might not recover, and there would be nobody to look after him. She had been a devoted mother, sacrificing everything for a son whose life was described as "a veritable living death". "No person in this country has the right to take the life of any other human being, because he or she thinks it is better for them to die," said the Judge. Conviction and sentence followed, though, of course, a reprieve was granted and release, one assumes, will not long be delayed. Police, judge, jury did their bare, if distasteful, duty. Legalized euthanasia may come, but, if it does, it will have to be guarded by very stringent provisions to prevent abuse; euthanasia by private judgment cannot be tolerated.

A case which is useful in showing how far one may go in defence of property has been tried before Charles J., at Warwick Assizes. A gamekeeper named Rough shot a poacher, who was running away after stealing and dropping some rabbits. The Judge said that, if Rough had killed the man, he would have had difficulty in avoiding conviction on the capital charge. He had no right to use fire-arms because the other man had stolen a rabbit or two, and he sentenced him to eighteen months in the Second Division. This is an illustration of the use of more force than is necessary. The law is as old as Hale. One may shoot at a felon who uses force, but not at one who does not, *e.g.*, a pickpocket, nor at someone committing a misdemeanour.

Very able detective work went to the conviction and sentence to five years' penal servitude of Fred Cooper, at Leeds Assizes, for rape. The girl's story has, as is well known, in this class of case to be corroborated, as charges are easy to make and difficult to disprove. Inspector Garrard, of Rawmarsh, visited the scene and found some strands of dark brown wool in the long grass. The girl said her assailant was wearing a brown suit and she had slightly torn his coat pocket in her struggles. Cooper's coat pocket had a slight tear and scientific evidence was given that the strands corresponded in eight points with the material of the coat and might have come from the tear. A further point was that a little bit of artificial blue silk was found on the coat and the girl had been wearing an artificial blue silk dress. Perfect corroboration in a material particular!

Parents are by law obliged to call in medical aid for their children if necessity arises, whether they have conscientious objections to so doing or not. This arises out of Section 12 of the Children's Act, 1908, which provides that a parent shall be deemed to have neglected a child in a manner likely to cause injury to its health if he fails to provide adequate medical aid. A case before Mr. Commissioner Hilbery,

now Hilbery J., at Chelmsford Assizes, resulted in a conviction of two of the "Peculiar People". Manslaughter cannot be sustained if it is in doubt whether the medical aid would have saved the child's life, and it was not clear in this case whether the child would not have died of tonsillitis in any event. The two parents were bound over, but a warning was given that other offenders might not be treated so leniently. The leading case on this subject, *R. v. Senior* (1899), 1 *Q.B.* 283, concerned the "Peculiar People", where a father who let his child die of pneumonia without calling in a doctor was convicted of manslaughter.

There are welcome signs that really serious motoring offences will be more stringently dealt with in the future. Magistrates are beginning to deal with bad cases of dangerous driving by way of imprisonment and not merely by way of fine, and are beginning to impose long instead of short terms or no terms of suspension. So also in cases of drink. This is all to the good for the sake of pedestrians and the decent motorist. High Court Judges, too, have been issuing warnings that in cases of motor manslaughter penal servitude may be inflicted. Juries are becoming less reluctant to convict in this class of case. Vallance Jupp, the Northamptonshire cricketer, was convicted before Humphreys J. and sentenced to nine months. He drove fast on the wrong side of the road over the crest of a hill and killed a motor-cyclist proceeding quietly on his right side of the road; his defence was inevitable accident owing to a skid. Lavan, a chauffeur, cut out at 70 m.p.h. and, suddenly confronted with another car, drove on to a grass verge, where his car turned two somersaults and one passenger was killed. He was sentenced to ten months and was suspended for five years. Webster, aged 22, of Bradford, killed a pedestrian by flinging him 14 yards and travelled on 70 yards before stopping. Goddard J. sentenced him to eighteen months and suspended him for twenty years, and said, "The time is fast approaching when judges will be forced to send drivers like you to penal

servitude," and added that he would have done so, if Webster had been previously convicted of dangerous driving. Du Parc J., at Kingston Assizes, in sentencing a young man named Blake to twelve months and a suspension of ten years for killing a doctor in another car, while Blake was returning from a wedding party, issued a similar warning that other offenders might not be treated so lightly. Coroners' juries are notoriously too benevolent, but the police are not bound by their verdicts.

A practical police difficulty in motoring cases arises, where two vehicles come into collision and there is no independent evidence as to how it occurred. If the police are satisfied there must have been gross negligence on the part of one or other or both, what are they to do? They feel it is their duty to prosecute. Some Benches have expressed the view that both should be prosecuted and the Bench left to decide. The difficulty is that the only evidence against motorist A is motorist B, and *vice versa*, and neither, if called by the police, can be asked any question tending to criminate himself while the charge hangs over him. The other alternative is for one only to be charged. This throws a great onus on the police and may lead to the wrong man, or what the Bench think the wrong man, being charged and the right one, because of time limits, etc., going scot-free.

At Hereford Assizes, before Hawke J., a man named Dallow was convicted of unlawful wounding and sentenced to nine months. The case is of interest to the police, as the magistrates had refused to commit on the ground that "no jury would convict". The police, dissatisfied, applied to Hawke J. for leave to prefer a bill of indictment under the Indictments (Procedure) Rules, 1933. These rules were made when grand juries were abolished and the right to prefer a voluntary bill before a grand jury thereby went. The police should note the possibility of this procedure, though, one need hardly add, it should not be lightly invoked, just because the police disagree with the views of magistrates.

The Police and the Law

What is a Lottery?

THE police have a notoriously difficult task in administering the law as to gaming and lotteries. The new Act, which came into force at the New Year, legalizing small private lotteries under very stringent conditions and more effectually banning all others, will not make the task any easier. An interesting case on what is and what is not a lottery came before the Divisional Court (Lord Hewart C.J., Branson and du Parc JJ.) on 5th October, 1934, *Director of Public Prosecutions v. Phillips*, 51 *Times Law Reports* 54. The case concerned note-cases sold at £1 each, each buyer being constituted an agent to sell four further note-cases and to receive 10s. in respect of the fourth such sale and 10s. on each further note-case, till the chain was broken, up to £20,000. An ingenious scheme, not unknown to police and others. One Oxford undergraduate actually drew £500 by way of commission. It was held that the scheme provided for the payment of commission or reward of which the amount was regulated by chance, and therefore the publication of the scheme was an offence against Section 41 of the Lotteries Act, 1823. The Worcestershire magistrates had dismissed the proceedings, but had stated a case. Lord Hewart C.J. quoted from a Scottish judgment, "There is no limit to the ingenuity of the devisers of projects such as this, and there is accordingly no end to the variety of schemes which may constitute a lottery," and went on to say, "What the Court has to do is to disengage, if it can, the reality of the transaction from the appearance which, for good reason, it is made to assume." A lottery is defined as a distribution of prizes or payments of any kind by lot or chance, and here the £1 was paid not for a note-case, but for "the opportunity of setting a ball rolling over

whose revolutions, after three or four at any rate, he will have no control and it is a pure matter of chance whether the return on his money will prove to be a few shillings or a great many pounds". In other words the common sense and substance of the matter must be looked at and not the mere form or guise in which a scheme is tricked out. It is amusing to observe that in this instance lay magistrates had looked at the form, while lawyers looked at the substance. This case laid down no new law, but should be helpful to the police in their task of deciding what cases to bring. In a police court case a door was locked and a large number of keys provided. One picked a key at random and whoever opened the door got a bedroom suite. A policeman's wife was the lucky recipient. The case was trivial and was dismissed on payment of costs, but clearly the scheme was a lottery.

Police Powers against a Suspected Felon

It is well known that the police have power to arrest without warrant on reasonable suspicion of felony and are in law protected if they make a mistake. This is a useful and, indeed, an essential power, which the police must be trusted not to abuse. An interesting case, illustrating the limitations of the power, came before H.H. Judge Stewart at York County Court on 21st December, 1934, *Southerton v. Pickup*. Two motor-cars had been reported stolen and a police constable had been placed on duty with two hurricane lamps to intercept traffic. A car came along at 40 or 50 miles per hour, and the constable waved his lamp to stop it. The motorist stated in evidence that he thought that the lamp had something to do with road repairs; he swerved and went on. The constable, thinking that this must be one of the stolen cars, threw a lamp through the windscreen and seriously injured the motorist, who happened to be a quite innocent person. Judgment was given for the motorist for £75 and costs. This case obviously raises very important questions. Would not stopping on a signal constitute reasonable suspicion of felony? Assuming reasonable suspicion, how much force

would be reasonable to make the car stop? For example, would it be reasonable to throw a truncheon through the windscreen? In this case throwing a lamp was so obviously dangerous a thing to do that one cannot be surprised at a judge holding that the police constable exceeded his powers, though, no doubt, his error of judgment was an impetuous attempt to do his duty.

Refusal to Pay a Fare

Sir R. F. Campbell, Chief Magistrate at Bow Street, on 28th December, 1934, in *R. v. Sumner*, decided in a careful reserved judgment that the London tramway bye-law made by the Board of Trade as to non-payment of fares was *ultra vires* and invalid, on the ground that it purported to make non-payment a criminal offence, even though no intent to avoid payment was proved. A case was stated and comment in more than general terms would be improper till the appeal is heard. The Chief Magistrate based himself on the old case of *Huffam v. N. Staffs. Railway*, which expressly lays it down that a bye-law by whomsoever made is invalid, if it purports to create an offence out of what the general law declares to be lawful. There must be *mens rea* or express or implied statutory provision that the act or omission is a crime without *mens rea*, before a bye-law which does not contain *mens rea* as an ingredient is valid. It is strange that the makers of bye-laws should still from time to time infringe this quite clear and just rule. Obviously, nobody can be properly convicted under an invalid bye-law, even if he or she has *mens rea*.

Forgery of Finger-prints

An interesting short article on the forging of finger-prints has appeared in *The Justice of Peace*, 26th January, p. 55. The article is based on two contributions to the *Journal of Criminal Law and Criminology* of Chicago, by a Dr. Cummins and a Mr. Lee, of the Californian Police. Both agree that finger-prints can be forged and they also agree

that experts cannot always tell the difference between the forgery and the real thing. Forgery, however, involves tools and technique, which few criminals would possess, and furthermore the forgeries must be placed in natural positions and have the marks of ordinary flesh such as perspiration. Needless to say, the possibility of forgery of finger-prints may be exploited by defending Counsel, but the risk that forged finger-prints will ever be successfully used in a criminal case is almost negligible. Apart from the difficulties of obtaining the print and reproducing it, it must be placed in position at the right time. It is difficult enough to disprove the alibi of a guilty person: it is infinitely more difficult to disprove the alibi of an innocent person.

The Right of a Rescuer to Damages

The Court of Appeal have affirmed the decision of Finlay J. in *Haynes v. Harwood* (1935), 1 K.B. 146, which was commented on in the last number. This is an important decision, not only to policemen but in the general development of law. Curiously, in this particular, American law has been for some time considerably ahead of ours in recognizing acts of rescue as entitling the rescuer to damages.

Recent Judicial Decisions

R. v. Davidson

MURDER—NO BODY FOUND

THIS case is reported on page 21 of 25 *Criminal Appeal Cases* and was referred to in the "Notes on Recent Crime" in the last number of THE POLICE JOURNAL. The prisoner was charged with the murder of his son whose body had not been found. It was proved in evidence that on 21st December, 1933, the prisoner took away his son, aged 7, from the house where he was living. After 23rd December there was no trace of the boy nor was his body ever discovered. Subsequently, in July, 1934, the prisoner made three confessions—the first in a letter to a police inspector, the second in a statement to the police, and the third in a letter to his wife—in which he stated that he had drowned the boy and placed his body on a refuse dump. At the trial he retracted these statements, and gave evidence that he had found the boy's dead body in a canal. The body had been placed on a burning refuse dump in December, 1933, and between that date and July, 1934, many thousands of tons of rubbish had been added to this dump. It was found quite impracticable to locate the exact spot at which the body had been hidden and even if it could have been located the chances of finding anything identifiable were negligible.

At the trial the prisoner gave evidence on his own behalf and alleged that he had jumped into the canal with the boy, recovered himself on the opposite side of the canal, and subsequently found the boy dead in the water. It was urged

on his behalf in the Appeal Court that, in murder cases where the body of the person alleged to have been murdered has not been found, independent evidence must be produced that the crime has been committed apart from the evidence of the prisoner.

In the course of his judgment the Lord Chief Justice said: "The statement that the boy was dead did not at the conclusion of the trial rest upon the unsworn confessions, or any of them, made by the appellant; the statement that the boy was dead was confirmed by the sworn testimony of the appellant himself, and, in our view, the law upon this matter is accurately stated in Article 768 of Section 9 of *Halsbury's Laws of England* (2nd edition), dealing with 'Criminal Law and Procedure': 'Where no body or part of a body has been found which is proved to be that of the person alleged to have been killed, the accused person should not be convicted either of murder or manslaughter, unless there is evidence either of the killing or of the death of the person alleged to have been killed. In the absence of such evidence there is no onus upon the prisoner to account for the disappearance or non-production of the person alleged to be killed.' In this case it is unfortunate that the attention of the learned Judge at the trial was not pointedly directed to the question of evidence of the *corpus delicti*, and if the attention of the learned Judge had been so directed, one can hardly doubt that he would specifically have put the question to the jury: Are you satisfied here that this child is dead? and in view of the evidence given by the appellant himself, apart from the rest of the evidence, there can be no doubt what the answer of the jury would have been. . . . Presumably, if the matter which has been argued, and properly argued, before us had been raised at the Central Criminal Court, there must have been two questions put to the jury: Are you satisfied that this boy is dead? if so, are you satisfied that he was murdered by the prisoner? But in our opinion it was perfectly open to the jury, upon the evidence which was given, to hold that the boy was dead, and, after hearing the evidence of the appellant,

to disbelieve the retraction of his confessions which he made, and to accept the statement which he had previously made, namely, that he was the cause of his boy's death. As has been said, all his conduct was inconsistent with the view that this child had come by his death in a way not involving guilt upon the part of the appellant."

In the result the Court held that the verdict of the jury was one to which they were entitled to come upon the evidence and dismissed the appeal.

R. v. Manser

CORROBORATION OF THE EVIDENCE OF CHILDREN

(Reported on page 18 of the same volume of the Criminal Appeal Cases)

This was an interesting decision on the question of corroboration of the evidence of children. It was held that, where the evidence of a young child requires corroboration, the unsworn testimony of another child, which itself requires to be corroborated, cannot be treated as supplying the necessary corroboration.

This man was convicted at the Sussex Assizes of carnal knowledge of a girl under 13. The girl against whom the offence was committed was named Barbara, and the only corroboration of her evidence was the statement of her sister Doris, aged 9, who gave evidence unsworn.

In the course of his judgment the Lord Chief Justice pointed out that nowhere in the summing up to the jury was there any definition of corroboration which would satisfy the law as explained in *Baskerville* (12 *Cr. App. R.*, 81; (1916) 2 *K.B.*, 658), that corroboration must be evidence coming from an independent source which in some particular corroborates the evidence of the accuser and tends to implicate the accused person. He went on to say: "There is one further matter which is the most important of all and may

indeed be regarded as conclusive. The story of the little child Doris, who was 9 years of age and had given evidence without taking the oath, was treated as corroborative of the evidence of the girl Barbara. Now by statute the evidence of the little child who had not been sworn was not to be accepted as evidence at all, unless it was corroborated. The argument for the prosecution is therefore an argument in a circle. Let it be granted that the evidence of Barbara has to be corroborated: it is corroborated by the evidence of Doris. She, however, also needs to be corroborated. The answer is that she is corroborated by the evidence of Barbara, and that is called 'mutual corroboration'. In truth and in fact the evidence of the girl Doris ought to have been obliterated altogether from the case, inasmuch as it was not corroborated. It clearly was not corroborated by the evidence of the girl Barbara.

In the result the appeal was allowed.

R. v. Holding and R. v. Long

INCORRIGIBLE ROGUES SENT TO QUARTER SESSIONS
FOR SENTENCE

(Reported on pages 28 and 30 of the same volume of the Criminal Appeal Cases)

Both these cases were appeals against sentences of twelve months' hard labour inflicted upon incorrigible rogues at Quarter Sessions. The Court decided that where a prisoner is committed to Quarter Sessions for sentence as an incorrigible rogue, it is the duty of that Court to examine into the circumstances of the conviction at Petty Sessions and, after affording the prisoner an opportunity of cross-examining any witnesses and of addressing the Court, to consider what is the appropriate sentence.

In the course of his judgment in Holding's case the Lord Chief Justice said: "To judge from this case and so many others which have come before this Court, there is

an impression abroad that, when a prisoner is sent to Quarter Sessions to be dealt with as an incorrigible rogue, the only duty of that Court is to pass the maximum sentence of twelve months' imprisonment with hard labour. Their first duty is to examine into the circumstances of the case and their second is to consider what is the appropriate sentence."

In Long's case he quoted the remarks of the Chairman in passing sentence: "You have been convicted in the Court below and sent here for sentence, and we have to see if there is any reason why imprisonment should not be inflicted upon you, and there is none. Therefore, you will go to prison with such hard labour as you can properly perform for twelve calendar months."

He went on to say, "It is really high time that this practice was brought to an end. In cases of this kind it is the duty of the Court of Quarter Sessions to examine into the circumstances of the case and it is not at all a matter of course that, if there is to be imprisonment, it must be imprisonment for the maximum term."

In both cases the appeals were allowed and the sentences quashed.

R. v. Quintner

ACCURACY IN DRAWING UP AN INDICTMENT

(Reported on page 32 of the same volume of the Criminal Appeal Cases)

The decision in this case shows that it is still vitally necessary to be quite accurate in drawing up an indictment. The prisoner was charged jointly with two other prisoners in one indictment of five counts as an accessory after the fact to housebreaking in the following terms:—

"Knowing that one James Dent had committed a felony, to wit, housebreaking and larceny, did receive, comfort, harbour, or assist the said Dent."

The man Dent was acquitted by the jury of "house-breaking" and convicted of "receiving". Immediately

after the verdict the Chairman allowed the count against Quintner to be amended by striking out the words "house-breaking and larceny" and substituting the words "receiving stolen property". It was argued that the count against Quintner as originally drawn was bad, in that it did not name in the statement of offence any felony to which the appellant was alleged to have been accessory, and the amendment was bad, inasmuch as it specified the alleged felony merely as "receiving stolen property", which, in itself, is no felony. No mention having been made of the words "well knowing it to have been stolen".

The Court agreed with this submission and allowed the appeal.

Police and the Press

By A. F. WILCOX

Junior Station Inspector, Metropolitan Police College.

The Value of Publicity

TO the ordinary newspaper reader one of the many remarkable features in connexion with the recent Brighton trunk murder was the extent to which the police sought the aid of newspapers in their investigations.

That this should occasion any surprise at all emphasizes the modern tendency to regard the detection of crime as a secret service. The old view, based on the principle that every citizen is a guardian of the peace, has always been that publicity is essential to police work. In an effort to secure greater help from the public, Sir John Fielding, the Bow Street magistrate who did so much to organize the English police system in the eighteenth century, circulated a paper called *The Public Advertiser*, containing particulars of stolen property and persons wanted for crime, in order that it might be posted up in public places all over the country. Later this publication became *The Public Hue and Cry* and, in the nineteenth century, finally developed into *The Police Gazette*. It is only in recent times that *The Police Gazette* has been withdrawn from public circulation and reserved for confidential official use.

To-day, the police use those three modern vehicles of publicity—the Press, the B.B.C., and the cinema—as links with the general public, and of these the daily newspaper has by far the most widespread appeal. An instructive example of the part played by newspapers and members of the public in the detection of crime is afforded by ex-Superintendent A. F. Neil in his account of the "Brides in the Bath" case.

"I was turning over the various papers one by one," relates Superintendent Neil, "when my attention was attracted to an official memorandum on which were the words 'Suspicious Deaths'. I saw the official minute—'For Your Information, Action, and Report'—also there was attached a newspaper cutting from a well-known national newspaper, reporting an account of an inquest held upon a young bride who had been found drowned in her bath on the day after her marriage, at a house in Bismarck Road, Highgate, in the name of Lloyd. It had been sent on by a Mr. Charles Burnham to a Mr. Redhead, of the Aylesbury police.

"A Mr. Joseph Crossley, of Blackpool, had seen it as well, and had also sent the notice of a similar incident occurring at Blackpool with an account of the inquest. This correspondence from both police forces had been sent on to London Headquarters and was now in front of me upon my desk."

The point here is that, but for the newspaper report, the verdict of accidental death returned at the London inquest would not have been questioned by two men in different parts of the country, and the investigations which led to the conviction of George Joseph Smith would never even have been begun. Nobody realizes more fully than the detective how dependent criminal investigation is on the assistance of the public. Fortunately, the friendly relations prevailing between the police and the public make the work of detectives in this country far easier than abroad.¹

Dangers of Press Interference

In spite of the undeniable value of newspapers in procuring co-operation between the police and the public, which is recognized here as the basis of success, there is some justification for the caution, and even reticence, displayed by

¹ It is worth mentioning as an illustration that for some time after the Royal Commission on Police Powers and Procedure, 1929, Metropolitan detectives found that the shaken confidence of the public in the police seriously handicapped their work.

police officers in dealing with the Press. If the newspapers complain, as they sometimes do, that the police regard them with antagonism, they have only their own policy of sensationalism to blame. Nothing could be more apt to alienate the official mind than the exaggeration and distortion to which the average newspaper resorts in an effort to capture the interest of its readers. A policeman has a different sense of proportion from a newspaper reporter; and a Chief Constable is not encouraged to reveal that, say, a girl has had her handbag snatched from her whilst walking along a quiet road, when he knows that it will appear in the evening papers under the caption: "UNKNOWN BANDIT ATTACKS GIRL—RESIDENTS TERRIFIED."

There are, of course, many obvious instances—such as descriptions of missing persons and of unidentified dead bodies, details of traffic arrangements on the occasion of a Royal visit, and similar information of interest to the public—where no difficulty arises.

But in connexion with crime the aid of newspapers has to be sought judiciously. Criminal investigation is not always best performed in a blaze of publicity; there are frequent occasions when secrecy is essential so that a criminal may be lulled into a false sense of security and given enough rope to hang himself, or again, that he should be kept in the dark as to the amount of information in the possession of the police, particularly when they are trying to accumulate evidence which he might destroy.

It is in cases of this kind that hostility has arisen between the police and the Press. We have been given films, such as "The Front Page", in which newspaper reporters use the police station as if it were their own office, interview witnesses and take photographs at the scene of the crime before the arrival of the police, and suppress, or even concoct, evidence to suit the interests of their paper. Although such happenings are improbable in America and unthinkable in England, the police naturally resent the slightest suspicion of meddling on the part of newspaper reporters.

Newspaper Investigation Work—Its Limits

The limitations of Press interference in the investigation of crime have been clearly laid down by the Lord Chief Justice, himself an old journalist, in several notable cases of contempt of court,¹ of which newspaper editors are well aware.

In the course of his judgment in the cases of three newspapers indicted for contempt of court, following the Crumbles case, Lord Hewart said that it was clear that some of these newspapers had entered deliberately and systematically on a course which was described by some of them as "criminal investigation". It was urged on behalf of one respondent on the previous day that it was part of the duty of a newspaper, when a criminal case was pending, to elucidate the facts. If he understood that suggestion when clearly expressed it came to something like this: that while the police of the Criminal Investigation Department were to pursue their investigations in silence and with all reticence and reserve, being careful to say nothing to prejudice the trial of the case, whether from the point of view of the prosecution or from the point of view of the defence, it had come to be somehow for some reason the duty of newspapers to employ an independent staff of amateur detectives, who would bring to an ignorance of the law of evidence a complete disregard of the interests whether of the prosecution or the defence. They were to conduct their investigations unfettered, to publish to the whole world from time to time the results of these investigations, whether they conceived them to be successful or unsuccessful results, and by so doing performing what was represented as a duty, and, one could not help thinking, to cater for the public appetite for sensational matter.

In imposing fines of £300 in two cases and £1,000 in the other, the Lord Chief Justice warned the offenders that if the practice were repeated the Court would not again be disposed to adopt the merciful alternative of merely punishing them by fine.

¹ Quoted by F. J. Mansfield in *Sub-Editing* (Pitman).

Lord Hewart went still further in the case of a weekly newspaper which published details of the career of a man charged with murder. The newspaper busied itself in an enterprising fashion to ascertain, or at any rate to collect together, material which might be thought to be of interest concerning that which had been done by the person who it was expected would be accused. . . . Once a newspaper in such cases departed from a fair and accurate report of that which was actually said in open court, it was taking a great risk. He said nothing of the risk to itself, but it was really imperilling the unfortunate man, guilty or innocent, who might be charged or might hereafter be charged. It was a form of enterprise for which there was no conceivable excuse. The editor in this case was fined £500.

The police need not, therefore, in view of these very definite pronouncements, be unduly apprehensive as to obstruction or interference on the part of the Press, for editors have become chary of printing anything which might prejudice the course of justice.

How Newspaper Publicity can be Used

In the prevention of crime, which is as much the duty of police as its detection, far greater use might be made of newspaper publicity. A year or so ago Scotland Yard drew up a list of elementary precautions for the benefit of householders in protecting their property, which was welcomed by the public. Similarly, a timely warning against confidence tricksters who were operating in London last summer did a good deal towards preventing people from being duped. This policy might well be adopted by local Chief Constables. The police, after all, are in the best position to know the prevalence of certain crimes in their area, and could put residents on their guard against leaving parcels in motor cars during the Christmas shopping season, or leaving bicycles outside public libraries, or whatever form of crime is causing trouble at the time.

Instances of larceny by trick which come to the notice

of the police, if immediately published, would prevent a series of people from being victimized in the same way. Those public-spirited people who, having been defrauded themselves, write a letter to the local newspaper to warn other readers, are doing a service which would seem to be more the duty of the police than of a private individual.

In the same way, a warning by the police that forged notes or counterfeit coins are being circulated in a certain district, even if it did not lead to the capture of the person uttering the spurious money, would be appreciated by the local shopkeepers.

An interesting lead was given by the Commissioner of the Metropolitan Police in May, 1933, when he prefaced a drive against the unauthorized possession of fire-arms by promising that if persons surrendered such weapons immediately they would not be prosecuted. This appeal, adopted by Chief Constables throughout the country, met with a gratifying response.

The policy could profitably be extended in other directions. It frequently happens that a Chief Constable decides to enforce some law or regulation which either is unknown to the general public or has not been strictly observed in the past, such as the supplying of drink to non-members of a golf-club, or a bye-law governing the employment of school-children. The usual practice is for a summons to be issued against one unfortunate offender, and then for the magistrates to impose a nominal fine with the remark that they hope this will serve as a warning to others.

Such a procedure seems needlessly unsatisfactory when an announcement by the police in the Press that in future a certain law was to be enforced would be just as effective, without wasting the time and money entailed by a prosecution and without causing a person who had perhaps offended unwittingly to feel ill-used. No Chief Constable is obliged to give such a warning, but it would be an act of courtesy which would be appreciated by the public.

In America, the land of publicity, the police have now

conceived the notion of fighting crime by publishing a picture of a gunman, bearing underneath the assertion: "You Can't Win!" Perhaps we, in England, had better reserve such spectacular efforts of propaganda until we reach the stage of describing a gangster as Public Enemy No. 1.

Co-operation between Police and Press

Satisfactory co-operation between the police and the Press necessitates special arrangements and a defined policy at Headquarters. The haphazard system under which a reporter telephones or calls at a police station, where an officer of the C.I.D. or administrative staff who happens to be available yields reluctant and non-committal replies to a cross-examination, is equally exasperating to both sides. In London the difficulty has been overcome by the establishment of a Press Bureau at New Scotland Yard, although the smaller newspapers may obtain information of a purely local character from the police station in the district twice a week.

Provincial forces would find it well worth while to appoint an experienced officer of the Headquarters staff to act as a liaison officer with the Press. His duties, which would not, of course, be a wholtime job, would be to decide to what extent publicity would serve the police, either by circulating information for the benefit of the public or by invoking assistance from them.

Experience shows that communications to the Press are best made in the form of a written *communiqué*. Consciously or unconsciously, reporters often seem to distort any verbal statement made to them. Apart from protecting the officer giving the information, a written bulletin ensures that all newspapers are treated impartially.

In the past the Press have exhibited a desire to help the police, and a more efficient organization of this rather neglected aid to police work would be to the advantage of the police, the Press, and the public.

The "Sparklet" Resuscitator as an Aid to Artificial Respiration

By GEORGE RAPHAEL

TO the long list of modern scientific discoveries which affect our everyday affairs there must now be added the aids to resuscitation of those who are apparently drowned. Resuscitation is not everybody's everyday affair, but in certain branches of the Police it is a treatment which has frequently to be given, while amongst Fire Brigades first aid and resuscitation of people overcome by fumes is even more frequently in demand.

The apparently drowned and those who are gassed have this one feature in common: they are suffering from interference with breathing. Oxygen must be taken in to *oxygenate* the blood or else the bodily functions cease: there is asphyxiation and death. In some cases there is lack of oxygen in the air round about, as frequently occurs in fires, and the blood cells are literally starved. Much the same occurs in drowning; as, apart from the fact that water gets into the lungs and stomach of the person and interferes mechanically, there is the prevention of supply of oxygen. This mechanical interference will be dealt with later in reference to actual resuscitation.

Oxygen is the essential life-giving gas. This is true of practically the whole animal and plant world, though its action is rather obscure in regard to some of the bacterial forms of life. The more exertion there is, the greater is the need for oxygen, and this gives the key to another problem with which we are concerned in resuscitation. Oxygen is the gas that is needed in combustion, whether this be a matter of lighting a fire and keeping it going, or using up

our tissues, or the assimilation of food and other general bodily functions.

A product of this combustion is carbon dioxide, a gas which possesses very different qualities. This may be called a waste product of combustion, but like many so-called waste products it plays a very important part in the scheme of life, and in reviving people who are suffering from lack of oxygen.

It is the cylinder of carbon dioxide that has transformed the technique of first-aid and subsequent treatment in cases of asphyxiation. The use of carbon dioxide in this respect is of very recent date—or, to be more correct, the *recognized* use, for actually this gas has been used for centuries. But it cannot be more than twelve years since carbon dioxide, or CO_2 , has been used with full scientific knowledge as to its action.

The existence of the gas itself as a product of combustion or fermentation was discovered by a Dutch chemist, Van Helmont, nearly 300 years ago. Then, just over 150 years ago, Black, an Edinburgh chemist, described the gas, and shortly afterwards its exact nature was proved by Lavoisier, who made the gas by burning carbon in oxygen. Its practical use was investigated by English and American physiologists some twenty-five years ago in regard to its action in respiration, when important discoveries were made from which we are now reaping the benefit.

The qualities of the gas and its origin are worth considering.

As we have already noted, it is a waste product; a product of combustion—whether this is combustion caused by burning up in oxygen something containing carbon, or in the open air (one-fifth of which consists of oxygen), or the combustion which is produced by the function of cells in the body, or by the process of fermentation. Living cells convert food into energy, by the action of oxygen, and carbon dioxide is formed. Food largely consists of carbon, and the process of fermentation proves this clearly—as in the case of yeast

cells acting on sugar which is largely composed of carbon. There is continual aeration (exposure to the action of air), and this is utilized in the production of sparkling wines, beer, etc., the bubbles of "air" being actually CO_2 .

Artificial aeration is in very general use, and, indeed, it was from the soda-water siphon that the present portable "Sparklet Resuscitator" was evolved.

In human breathing oxygen is united to the hæmoglobin or colouring matter of the blood. This process is effected by the blood being brought into almost direct contact with the air in the lungs.

Gas poisoning is largely due to carbon monoxide, and a peculiar feature is that even with very little of this gas, and with quite a good supply of air, poisoning is the result. The main trouble is that this very hæmoglobin—this colouring matter of the blood, which unites with the oxygen—has a far greater affinity for carbon monoxide, and so with very little carbon monoxide the blood becomes carbon-monoxxygenated instead of oxygenated; instead of the blood being revived, it is destroyed.

The lungs are well adapted for their function of oxygenating the blood. In structure they are like a sponge, and advantage of this fact is taken in artificial respiration by the Schafer method, pressure being applied and then released, so that the physical reaction is similar to that of squeezing a sponge and then releasing it when it sucks the air into its substance.

In the case of the lung there is an enormous supply of blood in small capillary vessels. These surround the air spaces which have such a thin covering that there is an easy interchange of oxygen and of carbon dioxide between the air in the spaces and the blood. In circulation the blood arriving into the lungs, having traversed the body, has become charged with carbon dioxide; and in the air spaces, by the interrelation of pressures of the two gases, oxygen is taken in and carbon dioxide is put out or "expired". The regular squeezing and releasing of the lungs is further effected by

the muscles of the chest wall and the diaphragm—the dome-shaped muscle coming between the chest—and the viscera, which includes the liver, stomach, and gut. This movement, fifteen to twenty times a minute is normally hardly noticed, but, to some extent, we can consciously control it. The movement depends on a special centre in the brain known as the "respiratory centre". This centre must have a very special control because breathing is a vital function of the body and yet, contrary to what happens in other parts of the body which are controlled without voluntary action of the will, such as the heart action and the unceasing action of the stomach and gut, it is a conscious control. This centre in its turn is controlled by the simple but all important action of that waste product gas carbon dioxide.

The discovery of this action by Haldane, Douglas, and Priestly in this country and Yandell Henderson in America has revolutionized the knowledge of respiration and made possible these modern aids. At one time the idea of applying carbon dioxide to someone whose breathing was feeble or had ceased would have been thought ridiculous. For a long time it has been known as a poisonous gas and also that it was the gas discharged from the lungs as of no further use. Why then give more CO_2 when the lungs are surely charged to capacity with it?

The activity of the respiratory centre depends mainly on the presence of CO_2 in the blood. In all action, and more noticeably in violent action such as running or taking part in various athletic pursuits, oxygen is used up and more CO_2 is given off. The amount of carbon dioxide in the blood rises and this affects the respiratory centre which sends its message through the nerves to the essential muscles of the chest and diaphragm, causing them to make more effort to breathe in more oxygen. Deeper and more rapid breathing is the result.

For certain exertions such as a long dive under water (the time that trained pearl divers can remain under water is often several minutes) voluntary efforts can be made by

deep breathing to over-oxygenate the blood. The chemical stimulation of the respiratory centre by CO_2 produces the same effects.

This respiratory centre is a group of nerve cells in the brain, and, like the rest of the body, it needs oxygen and normally gets it. No cell can live without oxygen, for, if our supply of oxygen is cut off, the cells and consequently the respiratory centre become paralysed and no longer react to stimuli. To counteract this seems simple, knowing, as we do, that when the oxygen is not absorbed, the CO_2 content rises in the blood and should, as has already been noted, stimulate this very centre. But it does not do so. To restart the centre a powerful stimulus is needed, and this can only be given by that 'strong shot' of carbon dioxide. Then the movements commence once more, and the whole breathing system begins to work again.

This is what modern research has shown—that there is no fear of poisoning the centre with CO_2 , but that there is fear of paralysis through the lack of oxygen. Activity is restored by large quantities of CO_2 stimulating the centre to provide its own oxygen. This carbon dioxide is therefore our valuable and powerful stimulant for conditions of respiratory failure and depression, which occurs in electrical shock, of poisoning from narcotics and excessive alcohol, carbon monoxide poisoning, drowning, and other emergencies. All these are in essentials due to lack of oxygen. The poisons and gases replace oxygen in the blood. The primary effect of electric shock is a paralysis of the brain centres which control the muscles, so that the respiratory muscles do not work and no oxygen can be taken in.

Oxygen forms normally one-fifth of the atmosphere, and is all important to our active lives. The more active the form of life, the more is oxygen required. This regulation depends on the CO_2 which varies in direct relation to the use of oxygen. Oxygen is also to be found dissolved in water, but it needs the special adaptation of the gill of the fish to extract the comparatively small quantity, and, even in

some species of fish, this is inadequate. With trout and salmon, in the special exertion of spawning, water has to be sought where the amount of oxygen to be obtained is greater. This greater amount of oxygen is to be found in the higher reaches of a river, where, owing to the more turbulent water, there is greater aeration.

This fifth part found in air, when oxygen is needed in quantity to replace loss, is, taking into account the action of CO_2 , quite enough. There is no need to add to difficulties in an emergency by having cylinders of oxygen. (In coal mines and sewers, where the whole air is poisoned, oxygen is required; special apparatus has accordingly to be used in mines and works where such emergencies are likely.)

All are familiar with the Schafer method of resuscitation, in general if not in detail, for it is absolutely simple. Remembering that the lungs are spongy, and that the chest wall expands and contracts at a normal breathing rate of fifteen to twenty times a minute, it follows that pressure and release of pressure at that rhythmic rate should help towards normal breathing. The simplest place to take outside pressure and its release is the abdomen.

The "Sparklet" Resuscitator can be used at the same time, and by one man. The mask for instance, if used, can be strapped to the patient's face, and, where no mask is used, —a procedure which is advisable in cases of drowning—the small cylinder can be left on the ground close to the patient's nose and mouth. Though efforts are always made first to get all the water out of the patient's stomach and lungs, this is not easily accomplished; and one might reasonably fear that water would not get rapidly away from a mask and so would cause further obstruction.

Giving CO_2 from small cylinders is the modern aid to resuscitation. It is an efficient method and saves valuable time. Its modernity might be reasonably disputed, for there is an instance closely resembling the Schafer method plus the use of CO_2 given in Old Testament history. This is worth recalling, for it shows that our modern method is about

three thousand years old. In the raising of the Shunammite's son Elisha stretched himself on the child, and, in addition, he put his mouth on the child's mouth. This placing of his mouth on that of the child recalls what has been sometimes done by a doctor attending a child-birth. When the infant does not breathe, the doctor blows down the child's throat to encourage breathing. This is no longer necessary when a "Sparklet" Resuscitator is used, as the cylinder supplies the carbon dioxide necessary to stimulate breathing in a purer and more efficient form than is obtained from the expired air of the doctor's lungs. The "Sparklet" Resuscitator is a neat and compact arrangement of cylinder holder and taps. It could form part of a police truncheon or the handle of a fireman's axe. Indeed, the Chief Surgeon of the N.F.B.A. has already designed both an axe and a police truncheon containing enough CO₂ for an emergency, without impairing the efficiency of either weapon for other purposes.

The size in general use is that described as the "J" Resuscitator, and the actual cylinder used contains, in a compressed form, about twelve litres of CO₂ which is enough for six to eight minutes use. The cylinder is contained in a metal holder on which is a screw adjustable by hand, which causes the piercing of the top of the cylinder by a hollow spike. A further screw with wing nut regulates the outflow of the gas from the pierced cylinder. This apparatus is completed by the addition of a mask or face-piece and a breathing bag. The bag when moderately filled delivers a small jet of CO₂ into the centre of the mask which is provided with holes in its side for the admission of air. The result is that about 5 per cent of CO₂ is mixed with the air breathed in. The whole apparatus in a neat case with a supply of spare CO₂ bulbs weighs about 4 lb.

This small apparatus meets the greatest need in the treatment of cases of respiratory failure or asphyxia, from which in Great Britain there are some 4,000 deaths per year. It is generally admitted that quite a number of these lives are lost by wasted time in the first few minutes after rescue.

Promptness is all important—prompt and efficient first-aid measures on the spot. One must apply the Schafer method at once, or, at all events, the principle—that is to say, regular pressure on the abdomen, which affects the diaphragm and chest wall. Pressure forces the diaphragm up, compresses the lungs, and forces out the contained air. Release of the pressure allows elasticity of the chest and diaphragm to act so that air is sucked into the lungs. With this sucked-in air the CO₂ goes on to do its work of stimulation to further respiratory effort.

Schafer's method, with the patient prone and the mouth directed downwards, allows the tongue or other obstructions to fall away from the air passages. The patient may be sick, or there may be water to drain away, and one is again reminded of the warning about the use of the mask. If it be judged inadvisable to use complete apparatus with bag and mask, the small metal resuscitator can be used alone as the amount of CO₂ coming out of the cylinder is regulated. The nozzle can be placed on the ground beside the patient's mouth or nose, at a distance of some two inches, to allow air also to be taken in. Meanwhile, the rescuer can continue with the Schafer method.

Whether the case is a simple one of fainting or an almost fatal case of syncope from shock, prompt artificial respiration with the use of the "Sparklet" Resuscitator may save both a life and hours of hard work. In most accidents breathing ceases before the heart stops, and, apart from that known fact, it is wellnigh impossible to tell that the heart has stopped and death has supervened. Artificial respiration must always be tried at once.

There was an instance some months ago where a very overworked medical officer in a hospital near London was called in to examine a man gassed in a fire. No signs of life could be found, but the fireman who had brought in the patient had been trying a "Sparklet" Resuscitator. He continued to do so, as the patient lay in the ambulance, although the doctor had directed him to take the body to the mortuary. At

the mortuary door the "dead" man sat up, was taken to hospital, and has since made a complete recovery from this nearly fatal adventure.

In certain accident cases, where there is still slight respiration, the giving of CO₂ alone will often save the necessity of applying the Schafer artificial respiration.

One might quote endless instances of the use of this "Sparklet" Resuscitator but only a few can be referred to here. Shortly after the Thames Police had adopted this apparatus they used it successfully at Tower Bridge; the case was reported in the papers of 12th April, 1933. A woman was rescued from the river and taken to Wapping Police Station, artificial respiration being given on the way. At the station the "J" Resuscitator was used and with almost immediate effect. After a few gasps the woman was sick, the CO₂ was given for a little longer, and soon she was breathing normally.

Within a fortnight of this rescue the police again used the "Sparklet" Resuscitator successfully and in a more difficult case. The man had been in the river over five minutes and the Schafer method alone had been tried for a long time. The man showed no signs of life until the CO₂ was used, when a rapid recovery was effected.

Continuation of CO₂ treatment even after breathing is quite recovered is helpful, as it gives the lungs a chance for full aeration and minimizes the risk of pneumonia. Further, in cases of apparent drowning, this treatment is valuable as a means of getting rid of excess water by breathing it out as water vapour.

In May, 1933, the Brighton and Hove Police had success with this apparatus in a case of coal-gas poisoning. Some months later the Hereford Police successfully used the Resuscitator in the rescue of a workman employed by a gas company who had collapsed in a trench.

Several seaside towns are equipping the police with these Resuscitators and are fitting them at suitable points for the use of bathers in emergency. They are also in use in cities

where there are docks and rivers. One large city is constructing police boxes at suitable places and is to fit all these with "Sparklet" Resuscitators.

The Royal Life Saving Society has taken up the Resuscitator and is teaching the ideal method of the combination of the Schafer artificial respiration with the use of CO₂. The system of artificial respiration with the aid of the "Sparklet" Resuscitator is practical and simple and needs no specialized knowledge. Only three points must be borne in mind: the rate of breathing, the fact that pressure on the abdomen causes pressure similar to the pressure and release of it by the muscles of respiration, and thirdly that CO₂ stimulates the breathing.

Lay the patient face downward, head to one side, get astride him and press with your hands on his loins—pressing and releasing the pressure regularly at a rate of fifteen to twenty times per minute. At the same time turn on the CO₂ to obtain a gentle stream of the gas. With the use of bag and face-piece it is quite easy to get a gentle and regular flow. The screw tap of the Resuscitator is turned on until the bag is comfortably inflated. Then partially turn off the supply, allowing a gentle stream to maintain the inflation. The tap on the mask is opened and the CO₂ flows into the mask and is mixed with air from the holes in the side, thus reaching the patient.

Automobile Brakes

THEIR TYPES, FAULTS, AND HINTS ON TESTING

By POLICE-CONSTABLE DAVID MITCHELL
SMITH

Transport Department, Huddersfield County Borough Police.

THE number of accidents, fatal or otherwise, directly attributed to faulty or inefficient brakes, as far as statistics are concerned, may be small, but just how far faulty brakes may contribute towards many accidents, when suspicion is not directly aroused by question as the capability of the vehicle to stop, is only realized by those members of the Motor Trade who daily find it necessary to point out to unthinking and careless owners the immediate necessity of having their braking systems overhauled or adjusted.

The testing of brakes has become practically a normal procedure after any accident, and should be carried out on every possible occasion when the circumstances justify it. It is, of course, understood by all officers that the right to test the brakes of any car which may be involved in even a fatal accident is not conferred on the police by any statute. If the motorist declines to allow any test to take place, despite the fact that this decision may lead the Court to infer that they were *not* in order, the police have no right to insist on the test taking place. It is very seldom, however, that a motorist will object, if asked in a reasonable and courteous manner, but the constable, unless he is attached to the Transport Department or on Mobile Patrol, should not drive the car under any circumstance. He may have ascertained that the insurance policy held by the owner covered him whilst so

engaged, but it is quite certain that any mishap which might overtake him whilst handling a strange car would entail very unpleasant consequences for himself, and no motorist relishes a quasi-expert handling what may be a very valuable piece of his personal property.

If, however, he accompanies a motorist during a brake test, and he does not think they are as efficient as they should be, he should send for a member of the Transport Section, which should include amongst its personnel a trained and experienced mechanic, and leave him to make any test or examination which he may think necessary.

It must be understood that the opinion of a constable who is not a tradesman does not constitute expert evidence, and will not, therefore, carry much weight in Court. The mechanic, on the other hand, as a skilled man with presumably a lengthy experience in the overhaul and repair of motor vehicles is entitled to give his considered opinion regarding any practical or semi-technical matter concerning the vehicle. There are, doubtless, exceptions to this rule, *e.g.*, men who have had previous experience in the motor trade, who are serving as men on the beat; even in these cases it is extremely doubtful, in the absence of training in up-to-date mechanical practice, that their evidence would not be discounted in Court, not being that of an essentially expert witness, owing to the fact that they are not actively pursuing their vocation.

There are numerous indications which an alert constable can easily perceive which may lead him to suspect that things may not be as they should; when an occasion arises within his view which demands a sudden stop being made by a motor vehicle, the manner in which it "pulls up" may give him a clue, which, with the help of these hints, may enable him to diagnose a definite fault, and therefore an offence.

A vehicle approaches the traffic signals or officer on point duty. At the signal to stop, the car travels past the "stop" lines. Obviously, the motorist either made a miscalculation, did not observe the signal, or could not stop.

The constable should certainly be suspicious of the last possibility whilst bearing the others in mind.

Motorists do not, as a rule, pull up solely on the hand brake, and, although on most modern cars this is connected with the same mechanism as actuated by the foot brake, on many models it operates a separate set of shoes, and a motorist leaning forward and grabbing the hand brake lever may well be doing so because the foot brake is not as efficient as it might be. Even in a modern car, in which the hand brake operates the same four wheel brakes as does the foot control, although through an independent means of operation, the individual adjustment of hand brake or foot brake may be faulty, with the result that the driver is relying solely on one brake.

Mechanically Operated Brakes

On any car fitted with ordinary rod or cable brakes there are obvious signs which the constable can recognize by a superficial examination which may lead him to decide whether or not to send for the Transport man. If the foot pedal (always on the off-side) can be depressed to the floor-board, then the brake should be thoroughly tested. Similarly, if the hand brake lever can be pulled right back to the last notch on the ratchet, with no particular resistance being felt, then it also should be tested with the car in motion.

The hand brake with its ratchet for locking the brake "on", when parking, is often the subject of argument in Court where there is a charge of "failing to set the brakes before leaving the vehicle". The defendant will generally plead that he did set the brake, but that it either slipped off or was tampered with. As far as the latter excuse is concerned, the mechanic's report regarding the condition of the ratchet may discount his story of the lever slipping off. If the ratchet is in order, and the lever pulled back with the pawl dropped, it should lock itself against the brake pressure in such a manner that it cannot be released unless the catch is lifted. The means of operating the locking pawl

on the hand brake lever will generally be found either in a press button on the top of the lever, or as a hand grip located within easy finger reach of the hand brake lever and affixed to it.

Many motorists make a point of always pointing a car towards the kerb when parking on a hill—quite a sensible procedure—but in these days of super-efficient brakes neither this precaution nor that of putting a block at the wheels should be strictly necessary, and the constable should observe such proceedings with interest.

Hydraulic Brakes

Many cars are now fitted with a hydraulic braking system. This system is one of the most efficient in existence, but neglect will give rise to a fault which may be detected on test by the fact that the brake pedal has to be sharply depressed several times before the brakes operate. This is the result of failure to keep the fluid at the proper level in the supply tank, usually found on the dash.

Although a driver may pull up his car in a reasonable distance when accompanied by an officer conducting a test, and is, therefore, naturally on the alert for the order to pull up, in an emergency, there will be a delayed action before the brakes operate—which definitely means that the brakes are inefficient.

When accompanying the driver of a car fitted with this system of brake operation, the constable should observe the movements of his foot when applying the brake—once down should be sufficient to bring the car to a standstill.

The fact that a car is fitted with this type of brake will be obvious if he examines for convenience sake the front-wheel brake drums, when the absence of either brake rods, cables, or arms will be noted; instead, he will observe a rubber or armoured flexible pipe leaving the chassis and entering the brake drums above the front axle.

Vacuum Servo Brakes

Another braking system on the market is the *vacuum servo* system, common on omnibuses and good class private cars.

The examination of a vehicle fitted with this system is essentially a job for the expert, but the remarks which have been made concerning the ordinary mechanically operated brakes in general apply, because although the servo is actuated by the engine itself, the transmission of the effort to the brake shoes is by rods and brake arms. Even if the servo motor itself fails, the normal means of brake operation remain. As the name implies, the servo motor assists, and is an adjunct, not a vital part of the system.

That the servo is working will be shown by a slight increase of the engine revolutions when the foot brake is depressed, with the car stationary and the gear lever in neutral.

There are still many older vehicles, generally motor lorries—many of them of American origin—which have what are called external contracting brakes. These generally encircle a common brake drum, which is also fitted with the more modern pattern internal expanding brake.

The first-mentioned patterns naturally lend themselves to easy inspection. They are not, even when new, too efficient, and if the officer does not consider the stopping distance reasonable, an examination of the brake with the pedal held “hard down” may reveal that the brake bands are not making proper contact with the drum; this will be embodied in the mechanic’s report.

Brake Compensation

A point in the maintenance of efficient brakes which has not received much attention from the police, although it has been the cause of more accidents and loss of life than is realized, is whether or not the brakes are properly compensated or not.

A car may possess the ability to pull up within a very creditable distance *on a dry road*, but, on a wet or greasy surface, may skid and slide about in the wildest possible manner, which conduct the observing constable may attribute to either the road surface or just bad driving.

In many cases this is not the explanation, and this may be borne out by the fact that a car of similar make and on a similar road surface will “pull up” in a perfectly steady manner, maintaining its course without any skidding whatsoever.

The trouble is, of course, unequal brake adjustment, no attempt having been made to equalize the respective braking effort which is being applied to the road wheels. If the near-side wheels are gripped by their respective shoes before the off-side, it needs no great stretch of imagination to foresee that on a greasy surface the car will tend to swing about the point or points of retardation and, until the brakes are released, may become uncontrollable.

These brakes, then, are definitely inefficient; they are not working properly, and the presence of the vehicle on the road is a menace.

Some cars, due to faulty weight distribution, are more prone to skid than others, but the mechanic, when he jacks the car up, can tell definitely whether the brakes are at fault or not.

Common Excuses for Faulty Brakes

Many varied excuses are offered, particularly by lorry drivers, to explain the condition of the brakes when examined, such as: “When I have a load on the brake ‘binds’ and I have to slacken the adjustment off.” “Grease works through from the axle, and gets on the brake shoes.” “They were only relined two weeks ago.” These excuses, of course, do not affect the issue that, if they are inefficient when they are tested, an offence has been committed. Sometimes, when tendering the last-mentioned plea, they will offer to produce the receipt for the repair or relining of the brakes;

they will probably bring this to Court; but, as the mechanic will surely point out, the very fact that they had been recently relined means that there would necessarily follow a natural "bedding in" process of the linings, which, in the absence of adjustment to compensate for this rapid initial wear, may mean that the brakes might be in a worse condition than before they were relined.

Stopping Distances

Regarding the average stopping distances for different types of vehicle, little guidance can be given. The modern car possesses very efficient brakes, one well-known make of 12 h.p. car can be stopped in 24 feet at 30 m.p.h., but this does not necessarily mean that because another make takes 34 feet to stop, when travelling at the same speed, the driver should be reported. It is here that the opinion of the expert should be relied upon, as so many different factors enter into the problem that it is only his experience which can enable a decision to be made.

Nearly all manufacturers will supply on request a chart giving the average stopping distance of the various models which they market, but obviously, although the officer might be guided by these figures when forming an opinion, he would be ill advised to quote them in Court except as a standard of comparison.

There is a most ingenious little instrument on the market which should certainly form part of the equipment of any Police Transport Department which has any claim to be up to date. This is a small instrument which is easily secured to the running board of any car, which is then driven up to, say, 30 m.p.h. On fully applying the maximum braking effort of which the vehicle is capable, reference to the dial indicator will reveal a percentage reading, giving the braking efficiency for the given speed.

It will be seen that, although this article has only touched on the subject of Automobile Brakes, it is a most exhaustive

subject; but it is only by the co-operation of the man on the beat that any real effort can be made to keep down the ever mounting roll of accidents—a vast number of which are surely caused through inefficient brakes.

A Practical Attempt to Meet the Problem

The police are finding themselves called upon to deal with an increasing number of cases in which the defendant is charged with "Failing to set the brake, etc.", and the vehicle has run away, endangering, in many cases, life and property.

A serious view of these offences is rightly being taken by the Bench, but there is sometimes considerable difficulty in proving a case, owing to the fact that the onus of proof is of course on the police to disprove any statement the defendant may make, alleging, perhaps, that someone has tampered with the brake during his absence.

Inquiries are always made by the Police with the object of obtaining a witness who can state that no one *had* interfered with the vehicle, but in many cases no such witnesses are available.

This is an instance where the onus of proof should not be on the police to refute a suggestion of this nature.

An excuse often put forward is that the vibration of heavy traffic caused the pawl to slip off the ratchet, despite the fact that it had been properly applied. Now the police mechanic will examine the ratchet and, in the event of its being in good order, will doubtless attend Court and testify thereto. But to convince the Bench that a ratchet brake properly applied cannot be released by vibration may be a very difficult matter—the car cannot be brought into Court, and the defendant can refuse to allow the Bench to examine it.

With these difficulties in mind, the writer of this article constructed a simple brake apparatus which has proved of great value in several cases of this nature.

Ratchet brakes are the same in principle on any vehicle,

and provided that the defendant's car has been carefully examined and the ratchet pronounced in order, then there can be no comparisons of efficiency between that fitted to the car and the one produced in Court.

The components of the model shown are, of course, full size, but the equalizing gear has been left out and the operating rods cut, for reasons of compactness and portability.

The brake handles, ratchet gear, and crank case off a 1924 Morris were obtained at a local scrap dealer's. The shoes, cam gear, and anchorage plate are off a motor-cycle hub, because a car hub would have made too bulky an apparatus. They are mounted on an angle bracket and a short torque arm will be noticed to take the load, as it would if it were fitted to a car. Around the brake shoes will be noted a rim with a flange which takes the place of the usual brake drum, but which allows the movement of the shoe to be observed. This rim is, of course, free to move until locked by the application of the brake handle.

The various parts, handle, ratchet, pawl, and cam, etc., have been picked out in contrasting colours, to allow of easy description in Court, and the whole is mounted on a strong wooden base. It might also be mentioned that the gear change lever mounting has been cut off by a hack-saw to give a clear view of the ratchet.

In Court the hand lever was applied notch by notch until the shoes had tightly gripped the brake drum flange, when the absurdity of the suggestion that vibration could affect it was shown by the Prosecutor banging the model repeatedly on the table, the hand brake remaining fully applied.

The cheapness and ease of construction of the simple apparatus fully justifies, in my opinion, the trouble of assembling it by any Force which is experiencing any trouble with this type of offence.

The San Diego Dismemberment Murder

By E. A. DIECKMANN

Police Department, San Diego.

JUDGE L. N. TURRENTINE, of the Superior Court of the State of California, while summing up the evidence in the case of the most cold-blooded murderer with whom the writer has had to deal said: "This is one of the most interesting cases to which I have ever listened. We are dealing with a cold, calculating murderer. One who considers the life of no one but himself. One who lives by preying upon society and who was prepared to strike another victim down in order to carry on."

This case clearly shows how easy it is for a cunning individual to remain hidden among the population of a city of over a million and a half souls. This canny man kept to himself. He neither wrote nor received any letters. He made no friends. And, if it were not for the fact that he ran out of money, it is entirely possible that he might have remained hidden for a long time to come.

A former captain of detectives in San Diego was noted for his very interesting discourses upon the law of compensation. Never before was the fact that such a law operates so fully brought home to us as it was in this case. There are many persons who scoff when such a thing is mentioned. They call it luck, "a break," or by some other name; but I am of the firm opinion that there is such a divine law. And I am no more religious than the next fellow.

Law of compensation or not, the murderer in this case could not have made a move without the forces of the law being

aware of it. Never was a case covered so completely as this. And when the murderer was brought to Court there was no last minute preparation, insofar as the evidence was concerned.

Our evidence was full and complete.

This man, I always will believe, greatly underestimated the case we held against him. This, I think, is very clearly shown by his actions subsequent to his arrest. And he was clever. He tried his level best to rush his case through by his plea of guilty, hoping to avoid the noose.

At 9 a.m. on Sunday, 15th October, I received a telephone call at my home to the effect that a blanket-wrapped human body had been recovered from San Diego Bay by the boat's crew of one of the U.S. Naval vessels.

I was informed that the water-soaked parcel was being taken to a mortuary and I proceeded there at once.

When I arrived I found a bundle 3 feet long and about 20 inches in thickness. The outer wrapping consisted of a grey blanket, and as the autopsy surgeon and myself began casting this wrapping off we disclosed, underneath the blanket, a navy canvas clothing bag. This bag was slit on one side and the opening thus made was covered with a piece of old black coloured auto topping. This sea-bag bore a name, "F. D. Henke," stencilled in black upon it.

Around the blanket was found a piece of manila line. The same type of line was also found around the canvas bag. This line was cut to preserve the knots. The auto top material was hand sewed to the canvas with long stitches.

When the bag was removed, the body of an elderly woman lay revealed. The lower limbs were missing, severed at the hips in a rough manner. The arms were tightly lashed to the torso with nine-thread hemp line. The only garments upon the body were a white ribbed under-vest and a white woollen nightgown with red stripes. Around the neck was found an oddly shaped black necklace.

One of the rings in this necklace had evidently been lost, for a slender piece of brass wire, doubled, was in its place.

No laundry marks were found upon the clothing or upon

the blanket. The body was very fresh, there being not the slightest odour of decomposition or any signs of disintegration. Upon the head were found six terrible lacerations. These wounds had the appearance of being fresh and subsequent examination disclosed no evidence of healing.

On the forefinger of the left hand was found another wound that had the appearance of having been inflicted with a dull instrument.

The internal examination of the head disclosed four other bruised areas that indicated that other blows had been struck that did not break the scalp. Strange to say, there was no skull fracture. This was due to the extremely thick skull. Several surgeons, who attended the autopsy, stated that never in their experience had they encountered such a thick cranium.

It was the opinion of the attending surgeons that these wounds did not cause death but that the woman died as the result of hæmorrhage, caused when the limbs were amputated. Even though she was unconscious when this took place, this was a horrible thing to contemplate.

Our first task, of course, was an identification of the woman.

The homicide detail, in our Force, takes care of all reports of missing persons. For that reason my co-worker and I were in a position to state at once that we had no one answering the description of the dead woman in our files.

In the absence of any laundry marks we naturally chose the necklace as our best medium of identification. The sea-bag, bearing the name, gave us a line to work upon and this action was taken the moment the name was found. With the aid of the U.S. Naval authorities we soon ascertained that "F. D. Henke" had been discharged from the Naval Hospital in San Diego and was now believed to be at his home in Elyria, Ohio, thousands of miles away. A telegram was sent to the chief of police in that city to obtain all information regarding Henke and to telegraph us the result.

A minute description of the woman was taken. This,

together with a careful description of the necklace, was broadcast over the two local radio stations. The description was also sent out all through the State of California, by means of the police teletype system.

And then the other portions of the body were found.

Another Navy boat's crew, *en route* from their vessel to the Naval landing, discovered a burlap bag floating in the bay. When this was opened at the mortuary it was found to contain the lower limbs of the woman, cut into pieces, severed at the knees.

This burlap bag was also tightly lashed with manila line. The mouth of the bag was tied with a very tightly woven, greenish coloured piece of twine. Each section of the severed limbs were wrapped in local newspapers, dated ten days previously. In the bag was also found a piece of bed sheeting, several wash-cloths, and a little girl's dress.

Again, no laundry marks were found. However, the sheet had been repaired by hand and was apparently from a narrow bed. There was absolutely no mark of identification to be found.

By this time our local press had extra papers on the streets. This brought people, some sincere in their effort to assist and others morbidly curious, to the mortuary. All were permitted to view the body, but none were able to identify the pitiful remains resting upon the slab.

Then, forty-five minutes following the radio broadcast of the description of the woman and the necklace, the woman was identified. Another triumph of science as an aid to the police! A Mrs. Charles Rogers, 1746 "B" Street, San Diego, identified the body as that of a next door neighbour, Mrs. Ella Laura Straw. She had heard the radio broadcast and recognized the description of the necklace.

Mrs. Straw resided at 1204 18th Street, San Diego, and was the owner of four houses in the city, three of which stood upon the corner of 17th and "B" Streets. Mrs. Rogers was one of her tenants.

Mrs. Straw's home consisted of three rooms, a kitchen,

and a bath. There were two bedrooms, one in the front of the house and the other in the centre. In the centre bedroom a small sized bed was found. There was no bed clothing, with the exception of a quilt and several pillows. Two mattresses were upon the bed, one extending the full length and one folded double towards the head of the bed. This latter mattress was soaked through with blood. The blood had soaked through to the under mattress and a quantity was also found upon the quilt.

Blood had spattered upon the walls to the north and east of the bed. In some places it was 5 ft. 9 in. from the floor. A pasteboard shoe box, under the head of the bed, was spattered with blood. An attempt had been made to wash the blood away but this had but caused it to spread.

Upon a bedside stand was found a clutter of articles, among which was a cup containing an upper and lower set of false teeth. This stand consisted of three shelves, and articles were found upon each shelf, situated in such a fashion that would hardly allow room for a fairly large article to be placed upon any of the shelves. This proved to be of utmost importance later on.

The floors in the three front rooms were of cement, another fact that should be remembered.

In the kitchen were found the remains of a meal, upon the table. On a line, strung in one corner, was found a man's white shirt and a pillow-slip. Upon each were found brownish coloured spots. Both of these articles had been lately washed, as the collar band of the shirt and the seams of the pillow-slip were quite damp.

The bathroom was filthy, with the single exception of the bath tub. The cleanliness of this tub stood out in startling contrast with the remainder of the furniture of the room. So much so that I wiped the surface with a clean white handkerchief and discovered that I could find no dust. The following day I again made this experiment and found that slight dust had accumulated.

Mrs. Rogers gave the following information :

Mrs. Straw was a widow, aged about 73 years. She was reputed to be wealthy and had the reputation of always keeping a considerable sum of money in the house. She had a tenant, known only as "Tommy", who did odd jobs around the woman's property. He was many years the junior of the elderly lady and had been living in the house with her for about eighteen months, with the exception of about six weeks during the previous summer. He made no friends, barely speaking to the Rogers family. No one had ever heard his last name. "Tommy" was seen around the house during the afternoon of 14th October by Mrs. Rogers, and Mrs. Berg, another neighbour. He was watering the flowers around the houses. Mrs. Rogers did not see Mrs. Straw during the week 9th October to 15th October. She asked "Tommy" where the old lady was; he replied that she was visiting friends in the country, and that he was going to join her soon. Mrs. Rogers told us that Mrs. Straw was very fond of "Tommy" and that while he was away she spoke of him often. She seemed afraid that he would not come back to her; that he might have "picked up with some woman". After he returned, Mrs. Rogers said, they fought quite a lot. "Tommy" did not own a car, but he had been seen in a car frequently during the past week. No one knew who the other man in the car was, but there were different cars and always the same man.

Mrs. Charles Berg, 1208 18th Street, told us that she saw and spoke to Mrs. Straw on Friday, 13th October. She was fairly sure that she also saw her with "Tommy" in the street during the early evening of 14th October; however, she could not swear to this. All she could say was that the woman that she saw was exactly like Mrs. Straw in build; that she carried her shopping bag with the peculiar swing as did Mrs. Straw; that she wore a peculiar little hat exactly similar to that habitually worn by the murdered woman.

Mrs. Berg could not assist us in identifying "Tommy". She had never heard his name.

A description was obtained from these, and other, neighbours and this was broadcast over our police radio and over the State-wide teletype system, with a request to be on the look out for "Tommy".

Meanwhile our finger-print man was busy in the kitchen of the house. He found prints, many of them. Some on a cup, a pitcher, and on a looking-glass. These were compared with those of the slain woman and a number were found to correspond.

An internationally known detective, a former member of "The Big Four" of New Scotland Yard (Francis Carlin, late Superintendent at Scotland Yard), once stated that, so far as finger-prints are concerned, the difference between general crimes and murder cases is that in the former the finger-prints may be fitted to the criminal; in the latter the criminal must be fitted to the prints.

In other words the prints found on the scene of a murder are usually only of use towards the end of the hunt when, having found his man—or suspect, the detective can obtain his prints to compare with those already in his possession, and so add to the chain of evidence.

"Tommy" could not be found.

And then came another factor into the case that added to its mystery. A note was found, propped against a clock, on a mantel-place in the kitchen.

This note, written in pencil, read as follows:—

"Chuck.

Come on in. Play the radio. Paul's asleep in the other room."

This note was signed "Harry".

As the search through the house continued, a box, containing a number of old letters and papers, was found in the front room of the house. This room contained a bed-couch, a radio, an old-fashioned phonograph, and two chairs. The bed-couch was in such a condition that would lead to the assumption that a person had just arisen from it.

A man's hat was found on one of the chairs. The hat was

an old one and was identified as being the property of "Tommy". Inside the hat-band was found a scrap of paper with the name "Corrigan", and "San Francisco", written in a scrawling hand.

In the box were found several letters, addressed to Thomas M. Jones, c/o General Delivery, San Diego, Calif. All of these bore old post-marks, the latest being 1932. An old bank-book, bearing the same name, was also discovered, issued by a Pennsylvania bank.

Then another name was found, that of a young man with whom the San Diego Police were very familiar. This man had confessed to a terrible sexual murder in August, 1933. Investigation disclosed that it was impossible for him to have committed this crime. He then admitted that he made the spurious confession merely to gain notoriety whereby he could sell his life's story to a magazine. He caused us to lose a great deal of valuable time in the investigation of the crime to which he confessed, and he was charged with obstructing justice, tried and convicted, and sentenced to serve one year's hard labour at the county-road camp.

How this young man's name came to be found on a scrap of paper in the home of Mrs. Straw is the only unsolved mystery that remains to us in this case. On the date of the murder he was 70 miles away from San Diego, on the desert, building roads.

From the neighbours we learned that they had never noticed anyone but Mrs. Straw and "Tommy" around the house. Could it be that the note in the kitchen was fabricated in order to throw us off the scent?

Information came from headquarters that an answer to our telegram to Elyria, Ohio, regarding F. D. Henke had come in. Henke was in the Ohio city, and had been there for three weeks. One of his sea-bags had been stolen prior to his discharge from the navy. Henke was a married man and his former residence in San Diego was searched and his former neighbours questioned. None could assist with any information about the sea-bag.

I was searching a dresser in the middle bedroom, the room formerly occupied by the slain woman, when I came across several man's shirts. These were freshly washed but bore no laundry marks. Beneath these shirts I came upon a writing tablet and a package of envelopes. The envelopes were new. The tablet had been used, however, and I could see the very faint outlines of indentations on the topmost sheet, as though the writer had used a heavy hand while writing. I could not decipher the hidden writing at the time but I later developed it and found a very important clue.

Back at headquarters my colleague and I were talking over the case. The name Thomas M. Jones was familiar to Detective-Sergeant Lightner. He had had occasion to arrest a man by that name in a suspected burglary case a year or so before. Now, as we talked it over, he remembered that the description of the mythical "Tommy" and the Thomas M. Jones of his acquaintance tallied to a great extent.

A search in our identification bureau, or record office, disclosed several Thomas M. Joneses. While the finger-print man was engaged in comparing the prints of these men with those found on the scene of the murder, I succeeded in reading the indentations found on the top leaf of the writing tablet.

It was evident that the writer had written several pages because the indentations were a jumbled mass, except at the top and bottom of the sheet. At the bottom of the sheet I made out the words: "My address, Tellie McQuate, c/o Gen. Del., Los Angeles, Calif."

Then our finger-print man identified the prints. Those found in the murder-house were the same as those of Tellie McQuate, *alias* Thomas M. Jones, an ex-convict from the Ohio State Prison.

Of course, this identification did not mean that Tellie McQuate was the murderer. We had no photograph of the man and our next efforts were given to a search for one that could be used in identification.

A telegram was sent off to the Warden of the Ohio Prison, requesting him to send us a photograph by air-mail. Officers

were detailed to discover every scrap of information possible in regard to this man.

Either luck or the law of compensation was in our favour. A form made out at the gas and electric company, where every customer must register and sign, disclosed that a Thomas M. Jones had used both gas and electricity at an address but a few blocks from the home of Mrs. Straw. When officers called at this address it was found to be an apartment house and the landlord had excellent reason to remember "Jones". The man had rented an apartment on 22nd June, 1933, and was ordered to leave one month later, on account of boot-legging activities. The man left in a great hurry and among the items left behind him the landlord found a full length picture of him. (This picture was used on the circular we sent out later.)

When this photo, mixed with a half-dozen others, was shown to the neighbours of Mrs. Straw they all picked it out without the slightest hesitation as being an excellent likeness of the hereto mysterious "Tommy".

And so matters stood late in the evening of 15th October, the day upon which the discovery of the body was made. Everyone in our department had been working at top speed that day and the results were very gratifying.

Earlier in the afternoon a daughter of the murdered woman had been located. She was of little assistance to us except to give us at least a partial motive for the crime. She stated that her mother always kept from \$300 to \$400 in the house. The daughter, Mrs. Abbie Becker, was not on good terms with her mother and had not visited her for several weeks. She remembered "Tommy" very well, and informed us that he was a bad character and that he had been trying to induce her mother to buy him a car so that he could attend the World's Fair at Chicago.

Meanwhile, the murder-weapon and the instruments used to dismember the body were found neatly tucked away in a tool box under the kitchen sink. A carpenter's claw hammer bore unmistakable signs of blood. A recently

sharpened knife and a coping-saw were found also. These articles, together with the traps from the bath-tub and the kitchen sink, the pillow slip and the shirt found in the kitchen, and the carefully removed blood-stains from the wall near the woman's bed, were delivered to the pathologist by myself.

The following day the newspapers came out with the photo of the suspected man. Then events began to occur in rapid order. A second-hand auto salesman telephoned that he knew the suspect; when interviewed a few minutes later, he stated that the suspect had been trying to purchase a car. Jones, or McQuate, had come to this man on 11th October and said that he wanted a Ford Coupé. He continued to call and ask for demonstrations of the car until 13th October. The salesman then became impatient, as he saw no prospect of a purchase, and asked Jones what he intended to do. Jones told him that he was getting some money, from his wife, at the end of the week and would buy the car then.

"He had me take him along lonely roads, near the dumps on the outskirts of the city. We drove out every day, using a different car each time," the salesman told us.

On the evening of 14th October Jones had appeared at the motor-store and had asked for the loan of a sedan car. He had a large number of notes on him, and he stated that he wanted the car to "show my wife who is coming from Los Angeles".

Previously the salesman had accompanied him but on this occasion Jones told him that he wanted to go alone. This was at about 7 p.m. Jones returned the car about two hours later.

When the salesman examined the car he found that the rear seat cushion was on end upon the floor boards.

My colleague and I examined the car and found an irregular shaped discoloured spot upon the carpet in the rear compartment of the car. We also found slight abrasions upon the felt-lined door frames, as though some object had been forced into the car.

We received many "tips" concerning the suspected man, none of which proved of any value until 18th October, when a taxi-driver came to headquarters and reported that he was sure that he had driven the suspected man to the city of Los Angeles, 125 miles to the northward. This man recognized the photo in the newspapers, and he was able to describe the clothing worn by the man and the peculiar watch-charm that he wore. He gave us information as to the place where the man had left his cab, and my colleague and I made a flying trip to the northern city where, with the assistance of the Los Angeles police, a methodical search of the cheaper boarding houses and hotels was made. Our search was unsuccessful.

The photo arrived from the Ohio State Prison and hundreds of circulars were printed and sent out to all parts of the United States, Canada, and Mexico.

Among the effects of McQuate, or Jones, we found the addresses of his relatives and many other names and addresses. The police in every locality were sent circulars and requested to keep in close contact with these people and watch the correspondence they received.

The assistance of the Federal Government was requested insofar as the post office department, the immigration and customs were concerned.

The Los Angeles police maintained a close watch on the general delivery window of their local post office. Each of the officers in Los Angeles were furnished with a circular showing a photo and description of McQuate.

Every avenue of escape seemed closed to our man. He dared not communicate with anyone. He could not receive any letters at the address he gave in his last letter. But he had vanished into thin air.

So things continued for seven months. Then, on 27th May, 1934, McQuate was arrested in Los Angeles.

Two uniformed officers, on duty in one of the city parks, noticed a neatly dressed man seated upon one of the benches. He was alone. A package, wrapped in blue paper, lay beside

him. The officers' attention was attracted to him because he seemed to be watching them from over the top of a newspaper which he was reading.

At this particular time there was a strike in progress and the officers were on the alert for strike breakers who might be carrying concealed weapons disguised as paper wrapped parcels. When questioned the man denied ownership of the package. It was examined and found to contain an 18 in. section of $\frac{3}{4}$ in. garden hose, filled with lead shot. Needless to say the man was placed under arrest and brought to headquarters.

The man gave his name as Robert Clark and his address that of a cheap hotel, located three blocks from police headquarters. He admitted ownership of the black-jack and stated that he was penniless, that he was in debt for his rent, and that he had intended to knock someone on the head to obtain some money!

The police captain asked him if he was wanted anywhere and if he had ever served time in prison.

The man hesitated a few minutes and then coolly informed the amazed officer that he was wanted in San Diego for murder, that he had killed an old woman in that city in October, 1933.

Upon receipt of the information, my colleague and I, accompanied by a representative from our district attorney's office, proceeded to the northern city.

We took McQuate into custody at the South Hill Street Jail, in Los Angeles, and without the slightest prompting this peculiar individual began a recital of his crime.

He stated that he had killed Mrs. Straw on 8th October, 1933. They had quarrelled, he had arisen from his bed to go to the kitchen to obtain a drink of water. As he passed her bedside, she accused him of going about with another woman. He picked up a hammer, which he had left lying on the stand beside her bed when he had finished tacking down the carpet in the room, and struck her upon the head "a couple of times". She lay quite still. He tried to get her to talk, but when he saw that she was dead, he covered her up and went to bed

and to sleep. He gave us a detailed description of his movements during the week subsequent to the murder. He said that he did go to the car-salesman, and that his only purpose was to seek a place where he could dispose of the body. On 12th October, or 13th, he was not sure, he began to dig a grave under the house occupied by Mrs. Rogers. (A grave was found there three days following the discovery of the body and Mrs. Rogers testified that she heard knocking sounds from under her house on 12th October.)

He could not complete the grave because of hard soil, so he took the body of the poor old lady to the bathroom and dismembered it.

The sea-bag he found in a storeroom in one of Mrs. Straw's houses. The other articles he found around the house. The child's dress we had found in one of the bundles was part of a sack of rags purchased by Mrs. Straw to make a crazy quilt.

On 14th October he borrowed a car and took the parcels to the waterfront and threw them into the bay. He thought they would sink but was surprised to find that they did not.

Every night but the night of the 14th he spent in the house. The night of the 14th October he spent in a down-town hotel.

The following morning, 15th October, he went to the waterfront and was there when the larger parcel was lifted from the bay.

He watched it loaded into the ambulance and then proceeded to a theatre, remaining there most of the day and enjoying the show. When he left the show house he purchased a paper and read that he was wanted. He ate his supper and hired a taxi-cab to take him to Los Angeles. He had remained in the same hotel, in the northern city, since that time.

Mrs. Straw had \$250 when he killed her. He had \$60 of his own when the crime was committed, and at the time of his arrest he had but five cents remaining of the entire amount.

Such was McQuate's statement and he repeated it, with further details, at his preliminary hearing on 28th May.

He signified his desire to plead guilty, and refused the services of an attorney when he was arraigned before the presiding justice in the Superior Court on 29th May.

However, such a procedure is not permitted. The District Attorney informed the Judge that he fully intended asking that the death penalty be imposed, and insisted that McQuate have an attorney to represent him. 1st June was fixed as the date for the hearing to determine the degree of murder.

In the State of California there are two degrees of murder. The Penal Code of the State is as follows: "All murder which is perpetrated by means of poison, or lying in wait, torture, or by any other kind of wilful, deliberate, and pre-meditated killing, or which is committed in the perpetration or attempt to perpetrate arson, rape, robbery, burglary, or mayhem, is murder in the first degree; and all other murders are of the second degree" (Section 189).

The punishment for murder in the first degree is that the defendant shall suffer death, or confinement in the State prison for life; and every person guilty of murder in the second degree shall be imprisoned for from five years to life.

The Attorney for the defence contended that McQuate was guilty of murder in the second degree; that he had not intended killing Mrs. Straw; that he struck her while in a fit of anger; that the crime was not premeditated; that it was not wilful nor deliberate. McQuate's statement had been designed for such a plea, and there is no doubt but that he fully expected to be permitted to plead to second-degree murder.

The Judge, in summing up, however, remarked: "It is a rough playmate who will strike another upon the head with a hammer with such force that blood is spattered high upon the walls."

When he called upon McQuate to stand for his sentence the murderer never changed colour. I was seated where

I could watch him, and, as the Judge pronounced judgment that he suffer death, the expression on the man's face never changed. He calmly turned, held out his arm for the handcuffs of the deputy sheriff, and walked from the court-room.

I held several subsequent conversations with the murderer regarding his case. He was willing and anxious to talk, and answered my questions freely. I asked him about the note we found upon the mantel-piece, if he left it there to put us off the scent.

He laughed, "Not exactly. You see the old lady had a mania for picking up scraps of paper and other things around the yard. I found that note in a basket, in the kitchen, and just stuck it up there."

He had a premonition of the death sentence. During a recess in the proceedings on 4th June he called me over to ask me about his effects that we were holding. He then remarked to me: "That Judge is going to hang me, sure."

McQuate had quite a criminal record behind him, although it was for a number of minor offences that he served time in prison. In his home he was engaged in making whisky and it was for such crimes that he was arrested on several occasions. He boasted that he never worked, that he lived on his wits, and his appearance bore out his statements. He was an individual of strong desires and strong passions and, I believe, he was unable to tread the straight path because he was unable to restrain his desires. He was the type who always took "short cuts" to the wherewithal with which to maintain an easy existence.

In common with many other famous murderers he had a considerable degree of egotism and a desire for self-expression. He liked to talk about his crimes and how he "beat the coppers".

He granted an interview with some newspaper reporters and I was present with him at the time. Some of the things he told them, in reply to questions put to him, were somewhat astonishing.

"Didn't you feel bad about your crime?" he was asked.

"Well, there wasn't any use. It was over and done with," he answered.

"How about dismembering the body, that was a hard job, wasn't it?" another reporter inquired.

"No. It was much easier than I expected," was the quick reply.

"Didn't your conscience bother you at all?" was another question.

"Not much. It was just as easy as shaving as far as my conscience was concerned," replied the amazing man.

Motor Insurance Conspiracies

By DETECTIVE-SERGEANT ALBERT DIXON

Liverpool City Police.

THE Liverpool Summer Assizes, 1934, witnessed the unmasking of a conspiracy to use motor vehicles on the road without there being in force in relation to the vehicles a third party policy of insurance.

The conspirators were a man of 35 years, who for the past fourteen years had carried on the business of an insurance broker, and a Liverpool motor-coach and garage proprietor, aged 45.

A large proportion of the business done by the first prisoner was with persons who paid their insurance premiums by instalments.

There were six counts of conspiracy in the indictment against both prisoners, and two counts against each of uttering a forged certificate of insurance, also five counts under Section 112 of the Road Traffic Act, 1930, against the insurance broker for allowing certificates of insurance to be used with intent to deceive, and five under the same Section against the garage proprietor for using the certificates with intent to deceive. One of the conspiracy counts was that the accused conspired to utter a forged certificate of insurance, and the others, briefly, were that they conspired to use and permit other persons to use motor vehicles without there being in force a third party policy of insurance; that with intent to prejudice the community they conspired to effect a public mischief by using or allowing to be used motor vehicles without their being insured; and the remaining three counts were of conspiring with intent to deceive,

MOTOR INSURANCE

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to use, cause and permit to be used motor vehicles without there being in force third party policies of insurance, etc. The accused were found guilty on all the counts against them.

The case came to light through a Liverpool solicitor communicating with the Ministry of Transport, informing that Department that two of his clients had been injured by motor vehicles owned by the garage proprietor, and on civil action being taken in one of the cases, it was found that the vehicle was not covered by insurance as required by the Road Traffic Act, 1930. The matter was referred to the Director of Public Prosecutions and by him to the Liverpool City Police who made the necessary inquiries.

Particulars elicited through those inquiries showed that on 3rd July, 1933, the garage proprietor, driving his Leyland motor-coach (registration number HH 4209), was bringing a party of children and adults from Ainsdale to Liverpool, and when turning a bend in the road the emergency door on the coach was thrown open. A passenger was holding her small baby, and they were thrown from the coach into the road, being injured, but fortunately not seriously. The police were not present at the accident neither were they informed of it until the inquiries had commenced. This passenger consulted her solicitor, who on her behalf claimed damages against the garage proprietor in the Civil Courts at Liverpool. Whilst this action was pending, on 5th September, 1933, with the same vehicle he injured another passenger, a man. On this occasion the police were present, but the proprietor, on being asked to produce his certificate of insurance, could not do so. He was handed the usual H.O.R.T.I. and he promised to produce the certificate at a police station within the specified period of five days. On 9th September, 1933, he produced to the police a temporary cover note issued by the insurance broker on the H.P. Motor Policies at Lloyds, and dated 31st August, 1933. This cover note was accepted by the police; but it will be seen later that it was not a genuine note.

The action for damages against the garage proprietor

was concluded in January, 1934, the passenger being awarded £20 and £7 7s. costs. It was then ascertained that the vehicle was not covered by insurance, and as the defendant was a man heavily in debt and his effects all covered by a Bill of Sale held by his sister, the plaintiff could not get any money. Owing to this state of affairs the action by the other passenger, who by a coincidence had engaged the same solicitor, was not proceeded with.

On 1st March, 1934, the garage proprietor was seen by the police, when he was asked to produce a cover note respecting a vehicle not concerned with the subject of the inquiry. He did so from a drawer in a writing desk in his office, and it was seen that there were many other cover notes in the drawer. These were immediately taken possession of by the police and they included five cover notes, without which, it subsequently transpired, none of the charges could have been brought home against the accused. The cover notes related to two vehicles, HH 4209 and an Austin saloon motor-car, KA 2071. The cover notes on HH 4209 were as follows :—

(1) Cover Note No. 34014, dated 3rd June, 1933, issued for fourteen days by the insurance broker on "The Bell" Assurance Association, London.

(2) Cover Note No. C.N. 44274, dated 17th July, 1933, issued for fifteen days by the broker on the H.P. Motor Policies at Lloyds.

(3) Cover Note C.N. 59365, dated 31st August, 1933, issued for fifteen days by the broker on the H.P. Motor Policies at Lloyds.

The cover notes on the Austin KA 2701 were :—

(1) No. 92363, dated 7th April, 1933, issued for fourteen days by the broker on the London General Insurance Company, Ltd.

(2) No. L.I. 2624, dated 15th July, 1933, issued for thirty days by the broker on the Anglian Insurance Company, Ltd.

With the exception of the one dated 31st August, 1933, in relation to HH 4209, which was produced to the police on 9th September, after the second accident on 5th September, the others all had imprinted on them the stamp of the local

Motor Taxation Department, showing that they had been produced when the vehicles were being licensed.

The garage proprietor was questioned regarding the cover notes and the insurance of the vehicles mentioned in the cover notes. With regard to HH 4209, he stated that after each of the accidents he went to the insurance broker and filled in a claim form; he added that it was only after the conclusion of the first action that he was told by the broker that he was not insured. He assured the police that the insurance of KA 2071 had been in order during the whole of 1933. He admitted having received two letters dated 7th and 18th July, 1933, also a writ on 11th August, 1933, from the solicitor acting for the lady passenger, and stated that on receipt of same he took them to the broker. He also admitted receiving letters dated 21st September, 1933, and 27th September, 1933, from the solicitor regarding the second accident, and that he had also handed them to the broker.

The insurance broker was seen on the same day and was asked if the garage proprietor had insured with him the Leyland motor-coach, HH 4209, and the Austin motor-car, KA 2071. The broker stated that he had not received a proposal form in respect of HH 4209, but admitted having issued several cover notes for this vehicle. He was asked if when cover notes were issued by him the vehicle was insured and his reply was that it would be covered, but when asked a subsequent question as to whether the vehicle was covered when the accidents took place he said they were not. He was asked if the duplicate or counterfoil of the cover notes had been sent to the insurance companies on which they were issued and he replied that he had sent them.

The broker was asked to produce his ledger showing his account with the garage proprietor during 1933, and this showed that there was no record of any insurance transaction in respect of HH 4209 until October, 1933, when it was insured for fourteen days only. The ledger showed

that KA 2071 was not insured from February until October, 1933.

The broker admitted having received from the proprietor of the garage the solicitor's letters regarding the two plaintiffs, also the writ in respect of the action of the first plaintiff. He did not reply to a question as to why, when he knew HH 4209 was not insured, he had issued the cover notes on that vehicle on 15th July, 1933, and on 31st August, 1933.

Inquiries were made locally and in London regarding the cover notes seized by the police.

At this stage mention should be made as to how cover notes are issued by insurance brokers and the procedure they usually have to adopt.

In most cases the insurance companies issue to reputable brokers books of cover notes, and the underwriting syndicates at Lloyds forward theirs to outside brokers through their brokers at Lloyds. A record is kept of the numbers of the cover notes and to whom they are sent. When the broker issues a cover note they fill in the particulars of the vehicle on the cover note, and similar particulars are entered on two counterfoils. The cover note is given to the client, one counterfoil with the proposal form is sent to the insurance company or Lloyds brokers, in the case of underwriting syndicates, and the other which is the stub of the book remains in the possession of the broker until the last cover note is issued, when the whole stub of second counterfoils are sent to the company or broker who sent them. In some instances a carbon duplicate of the cover note is sent to the insurance companies and the stub counterfoil retained by the broker.

In the case of Lloyds syndicates, the Lloyds broker on receipt of the counterfoil of the cover note and the proposal form will attend on the syndicate's underwriter at Lloyds, who accepts the risk until inquiries are made as to the *bona fide* of the insured. If these are satisfactory, after the counterfoil and proposal form have been handed

in by the Lloyds broker at the office of the syndicate, a certificate of insurance and a policy are issued and sent to the Lloyds broker, who in turn forwards them to the broker who sent the counterfoil cover note and proposal form.

The Liverpool representative of the London General Insurance Company, Ltd., stated that he had no knowledge of the cover note, No. 92360, dated 7th April, 1933, issued by the broker on behalf of their company in respect of KA 2071, and that the broker sent in the policy for cancellation in February, 1933, since which time the vehicle had not been insured by them.

The Liverpool manager of the Anglian Insurance Company, Ltd., stated that KA 2071 had never been insured by them and that they had not received the counterfoil of cover note L.I. 2624 dated 15th July, 1933.

The general manager of the "The Bell" Assurance Association stated that they had not received the counterfoil dated 3rd June, 1933, in respect of HH 4209, neither had they received a proposal form in respect of this vehicle.

The H.P. Motor Policies at Lloyds stated that they had not received the counterfoils of cover notes No. C.N. 44274, dated 15th July, 1933, and No. C.N. 59365, dated 31st August, 1933, issued by the broker in respect of HH 4209. Neither had they received any proposal form. Their instructions, issued when cover notes are sent out to brokers, show that they do not accept this kind of risk.

The stub counterfoils of the books, containing the last two mentioned cover notes, were obtained from the syndicate, and the whole of the cover notes, excepting one, related to motor-cycles. The stub counterfoil of cover note No. C.N. 44274 gives the particulars of the Leyland motor vehicle HH 4209, but written across the counterfoil were the words "issued in error". The stub counterfoil of cover note C.N. 59365, which was produced to the police on 9th September, after the accident to the second plaintiff, purports to show that the cover note was issued to another man, in respect of a motor-cycle, and the date of issue is

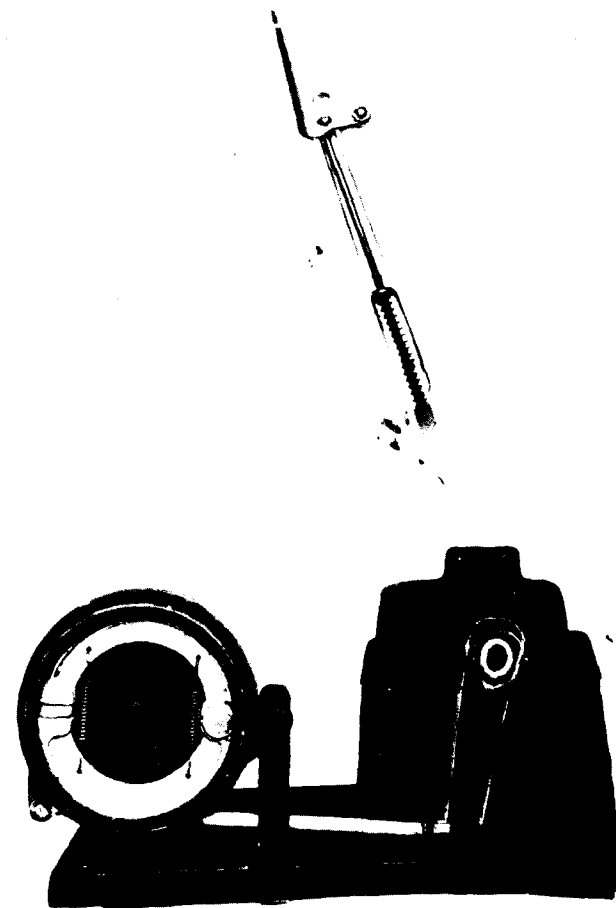
given as 12th September, 1934, whereas the cover note issued bears the date 31st August, 1933. The preceding counterfoil shows that a cover note was issued in respect of a motor-cycle on 8th September, 1933, and that following, C.N. 59365, on 13th September, 1933.

A clerk employed by the broker was seen and he stated that the broker returned from a cruise on 9th September, 1933, when the garage proprietor called to see him at his office. The clerk was instructed by the broker to make a cover note out for the garage proprietor, to back date it 31st August, 1933, and to fill in the counterfoil in the name of the man who had insured a motor-cycle with them. He did so, made out cover note C.N. 59365, and handed it and the blank counterfoils to the broker. The cover note C.N. 44274 on the H.P. Motor Policies at Lloyds and L.I. 2624 on the Anglian Insurance Company were issued on 15th July, 1933, on the instructions of the broker, by another clerk, who said that the garage proprietor called at the office that day, and that he handed the cover notes and counterfoils to the broker in the presence of the garage proprietor.

On obtaining possession of correspondence it was ascertained that in respect of KA 2071 cover notes had been issued on the Port of Manchester Insurance Company in February and in May, 1933, although this company had no record of ever having insured that vehicle.

The garage proprietor held that he was under the impression that the broker had him covered in respect of both vehicles. But the untruthfulness of this statement is obvious, in view of the cover notes on various insurance companies—London General, Port of Manchester, and Anglian—issued in regard to KA 2071. There was also the damning evidence of the cover note dated 31st August, 1933, being issued on 9th September, 1933, when it was produced to the police.

During the proceedings the witnesses from the insurance companies and syndicates were asked by counsel who



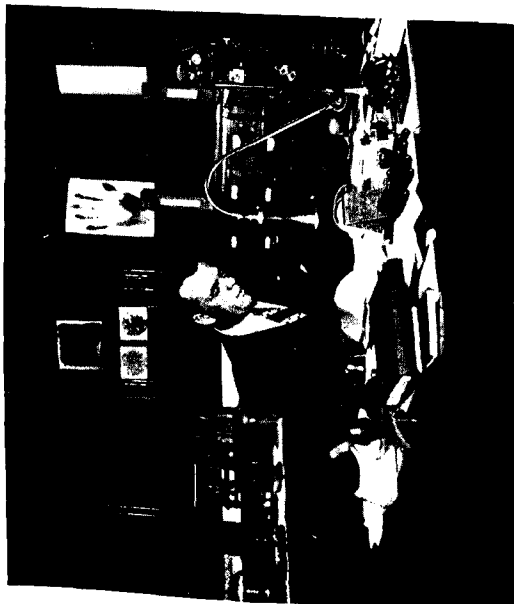
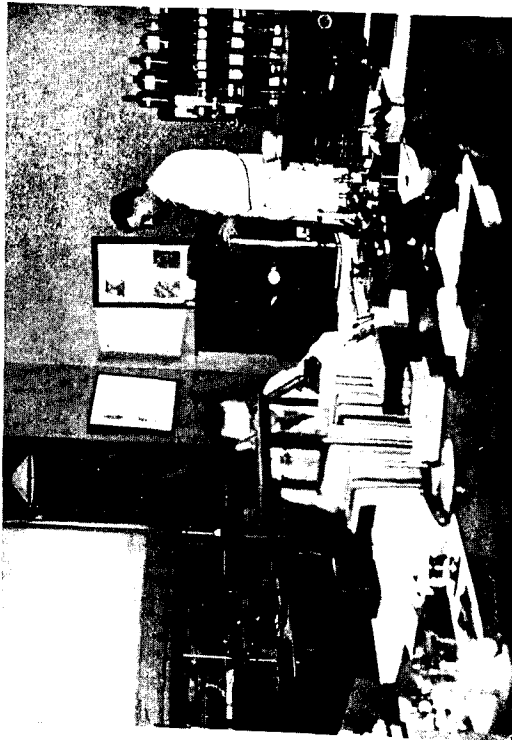
A HAND-BRAKE DEMONSTRATION MODEL.

appeared for the broker whether, if an accident occurred, the companies they represented would be on risk if the broker, prior to the accident, had issued a cover note on their company. Most of them thought that the companies would be on risk, but that it would depend upon the length of period between the issuing of the cover note and the accidents.

Mr. Justice Goddard, who tried the case, said: "I shall tell the jury that cover is not affected merely by an agent issuing a piece of paper, unless it is meant and intended on both sides to be a cover. If an accredited agent does that, the company may have to run the risk of his acting dishonestly towards them; but if, as between the agent and the assuree, it is nothing more nor less than a colourable transaction, the company would not be on risk."

Summing up, Mr. Justice Goddard said that the case was of some considerable public importance and it might be that, as a result of this prosecution, the authorities would be led to consider whether there should not be some precaution taken to guard against what they now knew had happened in this case and to make some alteration. Also it was permitted at present that if a person could produce a certificate showing that, at the time of applying for a Road Fund Licence, a policy was in force, he would get a licence enabling him to run a motor vehicle on the road, although the insurance might have only a short time to run. Further, the allegation against the accused was that they had taken advantage of this loophole in the Act and produced cover notes to the licensing authorities merely for the purpose of hoodwinking them into giving them a licence, there being no intention that they should be followed up by genuine insurances.

The jury, after finding accused "guilty" on all counts in the indictment, stated that in mitigation they would add that the offence had been made possible by insurance companies permitting insurance brokers too much scope regarding the issue of cover notes, and laxity in not having strict



NOTTINGHAM CITY POLICE RESEARCH LABORATORIES.
(see p. 199)

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head office control and check on cover notes sent out and returned and insurance policies, which were important documents, not being properly controlled and supervised by law in conjunction with the cover notes.

There is no doubt the jury were justified in making these comments, for at all offices where the police made inquiries the stub book counterfoils had not been examined, although they had been in the possession of companies for some time. When they were examined it was found that there were no records of some of the particulars contained in the stub counterfoils, the cover notes of which had been issued by the broker.

The broker was sentenced to fifteen months and the garage proprietor to twelve months in the Second Division on all counts.

The Road Traffic Act, 1934, does not contain any new provisions which tend to tighten up the regulations in respect of making reasonably certain that a vehicle is covered whilst it is on the public highway.

At the present time a person who owns one or more motor-cars which he lets out on private hire may under Section 11 (3) of Regulations 311 dated 7th April, 1933, made under the Road Traffic Act, 1930, license his vehicles without producing to the Road Fund Licensing Authorities any evidence to show that they are covered by any kind of insurance. The owner may let them out on hire and leave it to the hirers to insure the vehicles. This is usually insisted on before the vehicle is taken out, but there may be an unscrupulous owner or one may forget to see that the motor-cars are insured, with the result that if an accident occurs and the driver or owner is a man of straw the injured persons are left in a precarious position.

The Licensing Authorities at Liverpool had presented to them in October, 1934, a cover note which expired at noon on the date it was produced to them. The presenting party was issued with a Road Fund Licence half an hour before the cover note expired, and under the regulations

this had to be accepted as complying with Section 35 of the Road Traffic Act, 1930.

Penalties are inflicted on those committing a breach of the Act, but it does not do away with the fact that there are unscrupulous insurance brokers and users of motor vehicles who evade the provisions of the Act, as shown by this and also by the case of an insurance broker, who at Liverpool was recently convicted of issuing a cover note which to his knowledge was false in material particulars. Therefore pedestrians and users of motor vehicles are exposed to very serious risks.

The Road Traffic Acts should include some regulation whereby a person, who has been granted a Road Fund Licence after the production of the necessary evidence of insurance should, within forty-eight hours of the expiry of the insurance policy, in force when the previous Road Fund Licence was applied for, produce to the licensing authorities further evidence of insurance, if the vehicle is still being used on the public highways. If for any reason the vehicle was not being used and the insurance had expired, the Licensing Authorities should be notified by letter or the filling in of a form, stating the reason for the vehicle being off the road.

It would be a difficult problem to enforce such a regulation, but my own suggestion would be that in the forms filled in when Road Fund Licences are being applied for the following particulars should be incorporated :—

- (1) Name of insurers in full.
- (2) Number of covering note or certificate of insurance.
- (3) Name and address of proposer.
- (4) Date issued.
- (5) Period in force.
- (6) Name of person or broker issuing.

The forms should then be checked with the insurance certificate or cover note, produced, and if correct the cover note or certificate should be stamped with the stamp of office issuing the licence, and the form initialled by the

issuing clerk. In the case of Liverpool or other large centres a clerk specially employed would enter in an index diary at the date the insurance expired the number of the file which contains the papers relating to a particular vehicle, which would show, when the diary was examined daily, the particulars of motor vehicles whose insurance had expired. The forty-eight hours' grace should then be allowed, and if at the end of that time the evidence of insurance or that the vehicle is not being used on the public highway is not produced, the matter should be handed to a special investigating officer or officers employed by the Ministry of Transport who would make inquiries and if necessary institute proceedings.

The insurance companies or brokers acting on their behalf might co-operate by issuing cover notes, only during the period of inquiry, as to the *bona fides* and claim experience of a prospective client, and by making them valid only for a month after the proposal form has been received by the broker or insurance company, or fourteen days in the case of a renewal.

There are some brokers who have running accounts with insurance companies, and, although the latter accept business from the brokers, the certificate of insurance and policies are not forwarded to the broker until he has paid some of his accounts. A recent case showed that the owner of a motor vehicle on 4th July, 1934, paid to a broker £28 for a comprehensive policy. A cover note for fourteen days was issued by the brokers. About a month later when the cover note had expired he had an accident. He could not produce any certificate of insurance as required by the Road Traffic Act, 1930, and was summoned. It transpired that although the cover note was issued by the broker on 4th July, 1934, the Lloyds Insurance Syndicate with which the vehicle was insured had no knowledge of the matter until 11th July, 1934. The man was covered at the time of the accident, but the certificate was withheld by either the syndicate or other Lloyds broker until the outside broker,

to whom was handed the £28, paid either part or the whole of the premium.

There is very keen competition in the insurance business, and, unless every company is made to fall into line, I am afraid that co-operation from that source will not be forthcoming.

The hearing of a case commenced at the Liverpool Autumn Assizes, 1934, in which a motor dealer, of St. Helens, was indicted on eighteen counts of offences in connexion with the insurance of motor vehicles. Eight of these were of fraudulent conversion; five charges of allowing a certificate of insurance to be used with intent to deceive; two of using certificates of insurance which were to his knowledge false in material particulars; one of forging and one of uttering a certificate of insurance; also one of altering a certificate of insurance with intent to deceive.

From the evidence given at the Assizes and from inquiries made by the Liverpool Police in conjunction with the St. Helens Police, who prosecuted, it was shown that the prisoner in the early part of 1933 got in touch with the broker mentioned in the previous case, and that this broker agreed to receive from the prisoner insurance proposal forms and premiums. If the premiums accompanied the proposal forms the insurance was in most cases carried out, but if not, the broker did not effect the insurance. This arrangement continued until about December, 1933, when the broker and the motor dealer agreed to take over new premises in St. Helens using the name of the broker, the latter agreeing to pay part of the expenses. This arrangement changed in February, 1934, when, owing to the motor dealer asking for more expenses from the broker, the latter severed his connexion with the office, but agreed to place motor insurance for the motor dealer, providing the premium was sent with the proposal form.

The prosecution alleged that the motor dealer had received motor insurance premiums from clients and had used part or the whole of the money for his own use: also,

that he had issued cover notes on various insurance companies, and had not notified the broker or the insurance companies concerned. There were cases of cover notes being altered before being issued.

Some of the circumstances in this case are similar to those in the previous case.

This case had a peculiar ending at the Liverpool Assizes, owing to the accused complaining to the Judge that on Wednesday, 24th October, 1934, he had overheard a Juryman say in the lavatory, prior to the case commencing that day, "I wonder if the defendant will plead guilty, as he has wasted the time of the Court for three days already."

As a result of the complaint Mr. Justice Lawrence, without asking the Juryman if he had made such a statement, transferred the case to the Manchester Assizes. The case was heard on 11th December, 1934, and the motor dealer was found guilty on eleven of the eighteen counts. The Judge passed a sentence of ten months' imprisonment, and stated that he had taken into account the fact that the prisoner had been working with an insurance broker, who was guilty of the same offence, and that no doubt this co-operation had made it easier for the prisoner to commit the crimes.

Pursuit by Science

BY CAPTAIN ATHELSTAN POPKESS

Chief Constable of Nottingham.

THE question is often asked: How do our police forces compare with Continental forces in crime detection? Are we as up to date scientifically?

The M.O. System, of course, emanated from General Atcherley, when he was Chief Constable of the West Riding, and finger-print classification from Scotland Yard, after its value had been demonstrated in India. So that we in this country are responsible for the two greatest advances in modern police methods. We have during the past few years also made some progress in mechanization and wireless communication; and we have to thank that fine policeman, Mr. Crawley, of Newcastle, for the conception of the police telephone box system. There is, however, one thing in which we are far behind many Continental police forces, and that is in forensic chemistry.

It is thought that our efforts in Nottingham in this direction may be of some interest, as our laboratory is now properly equipped with the requisite scientist personnel and instruments, in order that scientific evidence might be properly prepared and presented in Court.

It was recently suggested in THE POLICE JOURNAL that this country is not so backward in the laboratory as some people may think; and it was said that outside scientists often do this work for the police. Now, that very statement proves that the police in this country are not properly equipped scientifically, and have to go outside the Service to get such work done.

THE POLICE JOURNAL

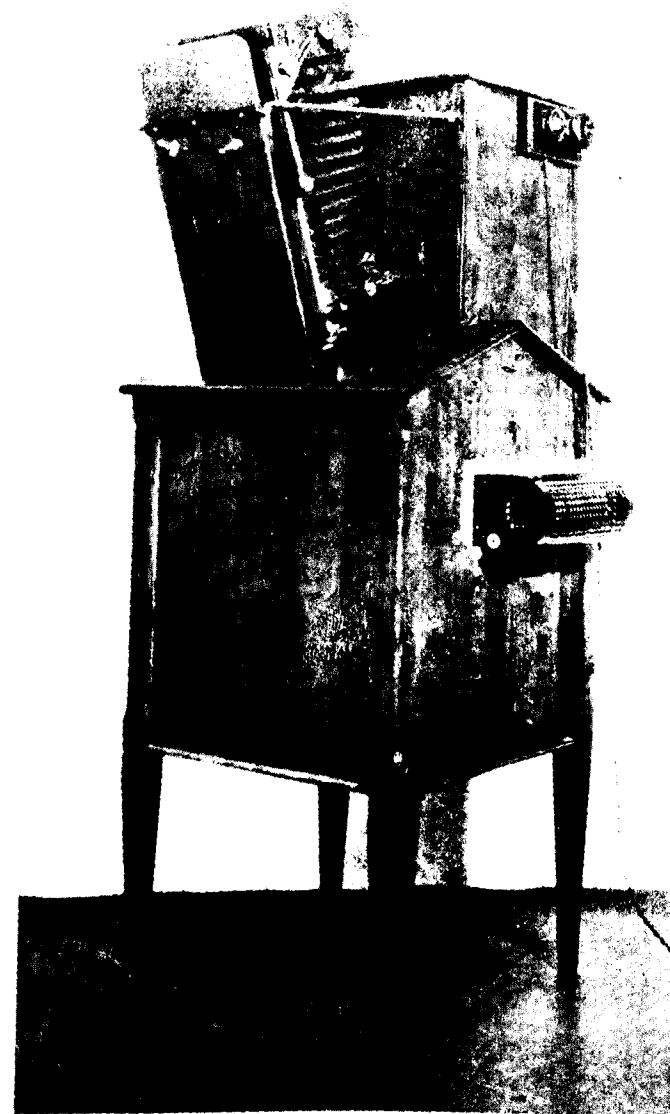
A police laboratory, as it is understood on the Continent, is one equipped with all instruments necessary, and staffed with all the scientists necessary, to carry out any task in connexion with police scientific investigation. Indeed, so much importance is attached to the laboratory there that large numbers of young police officers are sent for special training to suitable centres where such subjects are taught. The idea of this training is that they will have a better idea of what is required for scientific examination, etc., thereby greatly assisting the work of the laboratory.

Work of the Scientific Staff

After dabbling with the laboratory idea for two years in Nottingham, we decided "to go the whole hog", and the writer went to study the work done in the police laboratories of Paris, Lyons, Berlin, Dresden, Vienna, Budapest, and Prague. There he was advised of the absolute necessity for enlisting a proper staff of scientists before attempting to do anything. And as the result of this advice, the writer sought the permission of the Home Office to take on his staff a biologist, a physicist, a chemist, and a microscopist. The first three with the necessary science degrees, and the latter, the police officer in charge of the laboratory, with much experience of photo-micrography and a Fellow of the Royal Microscopical Society.

The writer was asked when he took on these scientists how he expected to keep them employed. The answer is that during the past year, what with doing cases in Nottingham and work for other Forces, and research work, the staff are kept very busy indeed. Also, a limited number of students are taken. At the time of writing this we have one student from as far afield as Palestine. We take this opportunity of offering the assistance of our laboratory to any Force that would like scientific evidence prepared and given in Court.

We have not a pathologist on our staff yet, because of



ULTRA VIOLET APPARATUS

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the several hundred cases we have done so far we have found nothing that our present staff cannot do. If, however, we should find a pathologist necessary, we shall take one on to our staff. There is, however, not much need of one for ordinary police work, if you have a biologist, a chemist, and a physicist, other than in such cases as murder. And happily there are few murders in the year in this country.

Police Evidence

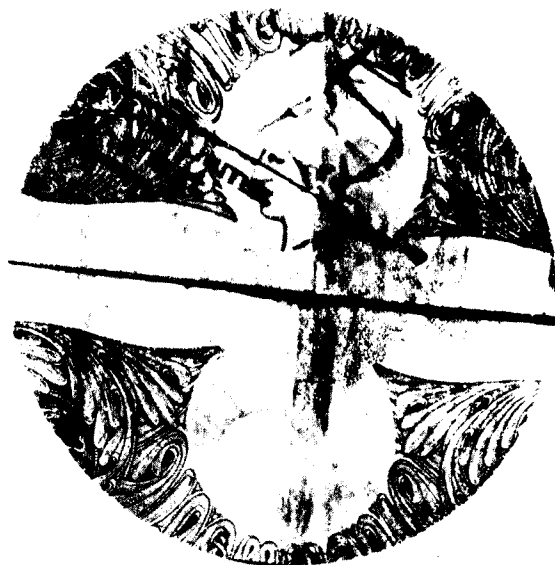
A police officer may not, of course, give evidence as an expert. The most any policeman laboratory-assistant may do is to carry out any task given him by the scientist, who himself will give the scientific evidence on the exhibit in question. And the policeman laboratory-assistant may be put into the box to say that he received certain things from So-and-so, and that, on the instruction of the scientist, he prepared the exhibits, which he then produces before the Court. The scientist then goes into the box and says what the exhibits are.

Usually there are also photo-micrographs set up with the exhibits, and so the evidence as to the receiving of and preparing and setting up the exhibits is given by the microscopist. In such a procedure a policeman cannot be said to be passing as a scientist, and we have never had any trouble in Court on that score. In fact every Judge we have so far encountered has been most kind. Quite recently at Assizes the Judge said: "You have a laboratory? Well, you are to be congratulated." And again: "The members of the Jury are all Citizens of Nottingham. Pass them those exhibits. Let them see what their police force can do."

On the other hand, it may be a good thing if when the police witness who has made the photo-micrographs is examined as to his qualifications, that he should be able to say that he has been elected a Fellow of the Royal Microscopical Society, in recognition of his work with the microscope. This will establish his capabilities as a microscopist, but it will



(A)



(B)

REVERSE OF FORGED AND GENUINE £1 TREASURY NOTES
PHOTOGRAPHED BY (A) VISIBLE LIGHT AND (B) FILTERED ULTRA
VIOLET
(face p. 201)

in no way establish his *bona fides* as an expert witness, qualified to give evidence on a matter of science.

Our police witness may be clever enough to produce for the Court a picture of spermatozoa, with the largest of tails on record; but he is not qualified to say that it *is* spermatozoa! That is the job of a biologist. It is even doubtful whether a policeman with a science degree would be accepted as an expert witness upon matters relating to that science, unless perhaps he could show that he had had a great deal of practical experience in it. Even then it is doubtful.

In a recent case which we did for another Force an eminent chemist was brought by the defence to rebut evidence of a biological nature. Our counsel could have dealt this gentleman a crack of no mean order, as to his qualifications to give such evidence, but actually he let him down gently. And the Judge and Jury preferred the evidence of the biologist, and the prisoner was convicted. It concerned a case in which a child's garment was sent to a pathologist, to have a clearly defined stain examined as to whether it was a seminal stain. The pathologist reported that it was not a seminal stain. The garment was then sent to our laboratory, and our biologist found spermatozoa, proving that the stain in question *was* a seminal stain. The writer has quoted these two instances in one case, to show how undesirable it is for a policeman to play at something of which, unless he has the requisite science degree, he can know but little.

Research Work

Before quoting some of the more interesting cases done in our laboratory, it will be of interest to describe something of the research work. Of the many useful things being done, space prevents mentioning more than two of the more important. We are doing much research to find out to what extent spectrography can be made useful for police purposes, and our experience up to date leads us to believe that, useful

though we have found it up to now, we have but touched the fringe of its usefulness.

The writer has no pretensions whatever to a knowledge of science, and can best describe spectrography as a system of analysis of substances by light wave length. The characteristic lines of substances vary in intensity. For instance, many lines in the silver spectrum are more intense than many in the copper spectrum, and vice versa. The dust from the turn-up of a coal-heaver's trousers may have quite different lines to that from the turn-up of a carpenter's trousers. The blood of a person who has died from, say, gas poisoning, has quite different characteristics to that of an ordinary person. As the air we breathe, and the food we eat, have definite effects on the blood, it would be difficult to compute the potentialities of research in this direction. Even such substances as fibres may have their own characteristic lines.

A woman in Nottingham, hearing a suspicious noise in the cellar, went down to see what it was. She disturbed a meter thief, and, as he made off, she got a good look at his face. When the police arrived they found that the brass lock had been twisted off the meter with some instrument. The suspected person's room was visited, and under the bed was found a soft iron poker. It was badly bent, and on examination it was found to have on it a few tiny spots of red paint, also some yellowish metal marks. Unfortunately, there was not sufficient paint on the poker to make a chemical test for its contents. Then it was that spectrographic analysis was suggested by Professor Tryhorn, of Hull. We took his advice immediately, and to carry out research into this method of analysis we increased our staff with a physicist.

Spectrographic Analysis

The instrument is by Bellingham & Stanley, and it is fitted with a photographing device. The spectrum, when photographed, is reproduced on a 6½ in. by 2 in. plate, and resembles a ½ in. wide ribbon. There are powders in

existence which give the characteristics of many substances for comparative purposes. But these are not necessary, nor are they sufficiently comprehensive, and they are also expensive.

Eder & Valenta, of Vienna, have produced a series of photographic plates, showing the spectra of all the metallic elements, for a few pounds.

The characteristic lines are so many and so close together, owing to the shortness of the spectral photograph on the plate, that our physicist has devised a projection apparatus which projects the spectra *via* a mirror fixed above the projector, down on to a large sheet of white paper, thus enlarging the photographed spectral lines and making it so many times easier to read.

He has also marked out a mathematical graph to the exact dimensions of the enlargement made by the projector, and this he has committed to a measuring scale, so that he can read the finest lines. It is a very creditable piece of work. This study of the spectrum is so very interesting that it is possible to write a lengthy article on that subject alone, but as already stated, space does not permit the writer to do other than just touch on it.

Finger-print Enlargement

A useful instrument has also been devised in the laboratory to reproduce a finger-print enlargement ready for search without the use of a camera. As is known, it takes some four hours by the camera method, and it is relatively expensive. This new instrument makes an enlargement straight on to the paper, in approximately one minute. When time is such an important factor, such a saving is an important matter.

A small article, such as a cash box or a gas meter, containing the finger-print, is placed beside the instrument and focused. If the article is too big, an impression is taken of the finger-print with black folien paper, and the reproduction made from this. A large number of impressions may be taken from the original finger-print without injuring it.

This instrument is now made by Messrs. Negretti and Zambra, of London, and is called "The Nottingham Finger-Print Reproducer".

Library of Exhibits

A big, but a very necessary, task is the building up of a "library" of scientific exhibits. Such exhibits are necessary for comparative purposes. We have recently mounted on microscope slides, for this purpose, the seed of every grass that grows in Nottinghamshire and surrounding counties. We are at present mounting the hairs of animals, and to assist to this end we have recently received hairs of every animal in the London Zoo. We are also mounting soils and commercial dusts. Also fibres in commercial use. Writing it down, in a few words like this, does not make it look much of a task. But it is the job of one man for several days a week for a couple of years, and even then it will be by no means comprehensive.

Micro-photography

A characteristic of our race is our distrust of anything that emanates from a microscope. We much prefer the evidence of somebody we can see, and of whom, if necessary, we can ask questions. There seems something unreal about the fearsome shapes the microscope shows us. And we have to take the word of, probably, a little man with pince-nez and a squint, that the things we see are what he says they are!

The writer was told in perfectly good faith that such scientific evidence would not have the slightest effect upon the "twelve good men and true"; that learned counsel would look sideways on it, and that His Majesty's Judge of Assize would have something sarcastic to say.

Unfortunately, too, the first case we essayed upon was rather a big case, with about twenty exhibits. And so, at the very kick-off, the magistrates' clerk at the special sitting groaned and looked pained. "I don't know what the Judge will say about all this," he said. "All this" being piles

of exhibits. Our original informant certainly looked like being correct in his prognostication, when counsel and our solicitors also had something of the sort to say. But we dug our toes in, and in the end our advisers proved to be quite wrong, for the Judge was most kind and encouraging. He was really pleased, and examined the micro-photographs with the greatest interest.

A Case of Indecent Assault

The following are some of the more important cases investigated by the laboratory, and also some other cases not important, but quite interesting.

At midnight information was received at "B" Division Headquarters of this Force that a child, aged 7, had been found in a state of collapse, leaning against a wall in Beaumont Street. She had been terribly ravished. The child was taken to hospital at once, dangerously ill: so ill in fact that she might easily die of shock. And her condition was such that no questions could be asked her. That was the position at midnight, and we had no idea who her assailant was.

The child was found in a built-up area, and it was therefore unlikely that the offence took place at that spot. The nearest adjacent spot where it could have taken place was in Colwick Wood, and a statement was at once issued to the local press, for publication in the morning papers, asking for persons to come forward who had seen a man on Colwick Road, with a child of seven dressed in a dark coat and green beret, between the hours of 9 p.m. and 12 p.m. Two persons came forward and stated that they had seen a man between those hours, carrying a child without a hat. They knew the man by the name of "Sailor" Wilkinson. This individual was at once arrested and brought to Police Headquarters.

He said that he had never been to Colwick Wood in his life, and that he certainly had not been with a child on the night in question. He was detained, however, and the laboratory personnel took his clothes for examination. In the meantime Colwick Wood was searched and a green beret

found, also a piece of bandage and a beech leaf with blood on it.

On the man's clothes were found certain things. These included fragments of a coarse woodland grass in the turn-ups of the trousers, also ground ivy leaf, both of which were identical with those growing on the scene of the crime. Human hair on the coat, identical with that of the injured child. Soil on his trousers, of a type only found at three places within 50 miles of the city, one of which was at the scene of the crime. Seminal stains on his trousers. Also gonococci pus cells, and before the trial the child developed gonorrhœa. The piece of bandage found was cut from a roll in the mother's possession, and similar grass and soil was found on the clothes of the child.

Before the trial the prisoner acknowledged that he had been with the child on that night. He said that he had picked her up at a fair and had taken her to Colwick Wood. He said that he had not raped her, but had assaulted her with his finger. From a statement taken from the child when she was strong enough to make one, it would appear that he had raped her, and her story was corroborated by the fact that stains on the prisoner's trousers reacted positively to the Benzidine blood test. It is satisfactory to be able to state that this fiend received seven years' penal servitude.

Other Examples of Identification

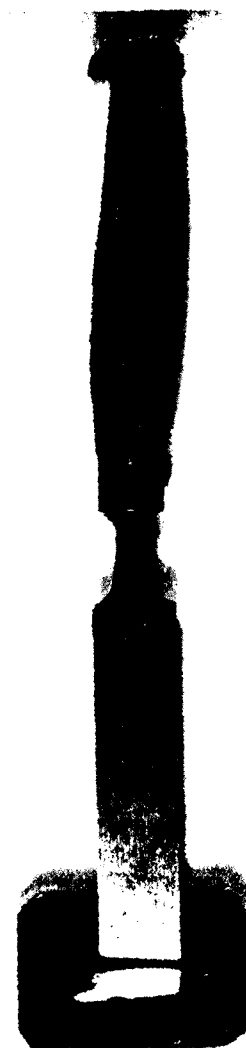
As the result of a public-house quarrel, a man was struck on the head and severely injured. He was taken to hospital. It transpired that the missile used was a large piece of coal. This was taken to the laboratory and examined. On it was found some blood and a small piece of hair. This hair was compared with a piece of hair taken from the injured man's head, and was found to be identical. The person in whose possession was found the piece of coal was charged and subsequently convicted of assault.

A house was broken into and the bed mattress turned over, evidently to see whether money was hidden under it.

On the bed-spread was a quantity of blood-stains, indicating that the housebreaker had cut his hand. The same evening another house was entered, and in it was found a left-hand wash-leather glove. On the inside of the glove at the base of the fourth finger was a large blood clot. A suspect with a bandage round this finger was later arrested for loitering with intent to commit a felony. The blood on the bed-spread, the glove, and the bandage were found to belong to the same blood group. This was put to the prisoner, and he acknowledged that he had committed both offences.

In a case of sodomy, human excrement and seminal stains were found on the trousers of the accused person. This proved to be most valuable corroborative evidence, as the case was none too strong. There was a conviction.

In a recent case of attempted carnal knowledge in the area of another Force, our assistance was sought. Three small girls were concerned. They were too young to give evidence on oath, and the only corroborative evidence available was that of a woman who had seen a man with the children, whom she thought was the person suspected of the offence. She saw his back only and not his face. Her evidence, therefore, would not be of much value. The children also identified him. He was arrested, and his clothes and those of the children were sent to our laboratory. On the prisoner's clothes were found some hairs, which were found to be identical with those of a dog which was with the children at the time of the offence. Some dyed fibres from the scarf he was wearing were found on one of the children's jumpers, and there were seminal stains on one of the children's knickers. There was also some grass on the prisoner's clothes, identical with that found at the scene of the crime. The Judge, in summing up, instructed the Jury to regard the evidence produced by the laboratory as "truly corroborative evidence", and the prisoner was found guilty of the offence. There is no doubt whatever that this conviction was very largely obtained as the result of this corroborative evidence, though were it not for the smart work of those in charge of the investigation in the



CAST OF INSTRUMENT MARK CONTRASTING EFFECTS OF SHARP AND BLUNT CORNERS
OF CHISEL.

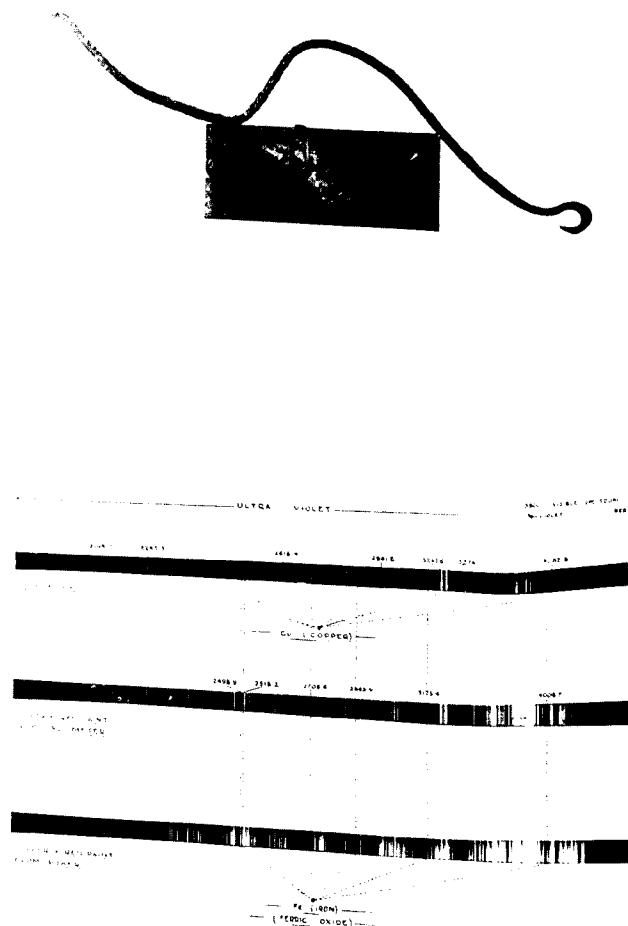
area in which the offence took place the case could never have been brought. The promptness with which these officers acted made all the difference.

The laboratory is also of great value for negative evidence. Recently, a middle-aged widow, living alone in a neighbouring city, reported to the police that a man had entered her house and raped her. She was by way of being a spiritualist, and a little "queer". The local police, on investigation, found that on the night in question all the doors and windows had been securely fastened. There was, however, just a chance that somebody might have secreted himself in the house before it was locked up for the night. Also on the bed-sheet was found a whitish stain. The sheet was therefore sent to our laboratory for examination. Under the ultra-violet rays this white stain fluoresced, and a piece of the sheet was cut out and the contents transferred to a slide and examined under the microscope. It turned out not to be a seminal stain but a vaginal discharge.

Another case sent to us, concerned a young girl who alleged that a business man had promised her employment and had then indecently assaulted her in his office. Her knickerbockers were sent to the laboratory for examination. They contained some large white stains which resembled seminal stains. On examination, however, they proved to be vaginal squamous epithelium, a condition young girls sometimes get about the time of their first menstruation. At this time, too, they are sometimes subject to hallucinations, as was proved to be the case in this instance.

The Retford Murder

Our assistance was sought in the Retford murder. The finger-nails of Prince, the murderer, were scraped and the contents examined under the microscope. They were found to contain epithelial scales which might have got under his nails from the mucous membrane in the murdered girl's mouth, when stuffing the handkerchief down her throat. Hair and



SPECTROGRAPHIC IDENTIFICATION OF PAINT IN LARCENY
FROM GAS METER

(face p. 209)

fibres were found on the bushes at the scene of the crime and hair was also found on the prisoner's coat, identical with that of the dead girl. Sufficient other evidence was available, however, to make it unnecessary to call this. The work of the police handling this case was such that the murderer was traced and arrested in a very few hours. The expedition of the investigation, and arrest of the murderer in another part of the country, must come very near to establishing a record.

Recently a boy walking along a road in Nottingham one evening was picked up by a man on a bicycle and taken to a quiet spot, where an act of gross indecency took place. On the back of the boy's coat, against which the man had leant, were some horsehairs probably from his jacket, establishing the fact that the man's employment was probably with horses. The following day a tiny dry stain was found on a stone where the alleged offence had taken place. A swab was taken of this and a slide prepared. On examination it was found to contain spermatozoa.

The "Moulage" System

While in the laboratory in Vienna, the writer was shown what was called "Moulage" work. It was the making of wonderfully accurate casts of bodily injuries, and the reproduction of heads and trunks, etc. They were realistically coloured, and were used in evidence to illustrate how murdered persons came by their deaths, etc. They were uncannily realistic. There was the hand of a person found drowned, which had been subsequently identified by an injured finger. The head and neck of another person, with a rash. The head and shoulders of a woman who had had her throat cut, and that of another who had been strangled with a boot-lace. The cast of a man's stomach showing how he had been stabbed to death. In Austria bodies have to be buried within so many days, and this "Moulage" work has been devised so that they may be identified after burial. Perfectly accurate casts by this method are also made of the tool marks

of breaks-in, etc., and this latter application we have adopted in Nottingham.

It is done as follows: the incision made by the house-breaking instrument is filled with a composition used by dentists. This is pressed in firmly so that the smallest splintering of wood and the faintest tool mark is impressed into it. The composition is then allowed to harden, after which it is used as a negative, from which a positive is made by running in liquid plaster. When this plaster has hardened, the tool impression is very carefully coloured yellow and the remainder of the cast green. It is quite extraordinary what accuracy may be obtained after a little experience.

We have had considerable success with these casts. The most outstanding case was that of a housebreaker who did several breaks-in in Nottingham and got a large haul of valuables without detection. Then some months later police reports quoted the M.O. of somebody who had been arrested in another part of the country for housebreaking, and who had in his possession a housebreaking implement. The M.O. was the same as had been employed in Nottingham, and an officer was sent with four casts to interrogate the prisoner. The tool found in the prisoner's possession exactly fitted the four casts, whereupon the prisoner acknowledged the offences.

Footprint Casts

Similar casts are made for every break-in, and are given a corresponding Crime Report number and are filed for future reference. We have had more than sufficient success to warrant doing this. Plaster casts, generally, are used, and those such as foot impressions are similarly filed. Such a cast was taken of a footprint at a break-in and filed, and a man who was at a later date arrested for loitering with intent to commit a felony was found to have made it with the boots he was wearing when arrested.

Some thirty breaks-in were perpetrated by somebody who evidently knew his job. We had no line whatever upon

which to work, and such an M.O. wasn't in our C.R.O. Then one day there was found a woman's high heel shoe mark in a garden bed, of which a cast was made. From Sheffield came descriptions and photographs of a man and a woman working together. Theatre and cinema queues were watched and the man was picked up and followed to a house outside the city boundary, where the woman was also arrested, and a large amount of stolen jewellery found. The heel of a shoe found in the house was a replica of the cast made by the police. This pair had done nearly 200 similar offences in other parts of the country before being arrested.

Another interesting case of being traced through a footprint is the following: Two warehouses were broken into in the same night. The individual doing the job pulled the contents of a drawer out on to the floor, and in walking across the room trod on a receipted bill. It was raining outside, and the rubber soles of his boots left a clear impression on the paper. This consisted of circles, between which were fine corrugations. He then got through a trap-door on to the roof from which he stepped on to the roof of a neighbouring building, which he also entered. In stepping across, however, his foot must have slipped into the mud of the gutter, and a good cast was taken of the impression, which contained all the characteristics of the same rubber sole.

Inquiries from manufacturers of rubber soles, etc., informed us that it was not a common pattern and was of American manufacture. All the local warehouse-breakers who might have done the job were watched to see whether any of them wore rubber soles.

Two of them were found to be wearing rubber soles, and they were traced to different common lodging houses. In each of these houses was put a police officer, "dressed up rough." The police officers occupied neighbouring beds to the persons they were watching. The next step was to find out which of these two had the right type of sole. This was ascertained as follows: the floor beside the suspects' beds was treated with a preparation containing beeswax,

while they were out, and photographed after they had trodden on it. This put us on to the right man, who was watched day and night, until he was caught upon enclosed premises. He then acknowledged having done the two breaks-in.

One more instance shall be given—a rather remarkable detection through a footprint. A break-in was reported at a railway booking-office. One window was at some height from the floor inside the room. It was open and a chair stood close to it, so it was fair to suppose that the thief had got out that way. The chair was taken to the laboratory and carefully examined under an oblique light. Five little circles with tails on them, all sloping in one direction, were noticed. Two on top and then three. Obviously these marks were made by hobnails on a boot, and the tails produced by the turning of the ball of the foot as the thief clambered through the window. The hobnails on the left boot of a suspect were inked, and an imprint was made with the boot on a sheet of paper. A negative film was then made of the marks on the chair, and a positive film was made of the imprint on the paper made by the suspect's boot. Both films were photographed to the same scale. When these two films were superimposed, they fitted exactly. And when the positive was turned slightly from left to right, the nails could be seen moving round in the tail-like grooves. This part of the investigation was done for another Force, and the magistrates of that area convicted on this evidence alone.

Footprints on linoleum, however faint, have been successfully taken with a preparation of pyroxylin in alcohol and ether. It is poured over the footprint and left to dry. It is quite transparent and a photographic print can then be made, using it as a negative.

Examination of Coins, Notes, and Handwriting

Work on counterfeit coins, bank-notes, and handwriting is also done in the laboratory, because of the analysis of metals and ink, etc.; and because of the necessity of low power

photo-micrography and ultra-violet ray examination. This work is not mentioned in detail here, as it will form the subject of an article at some future date. Details of the instruments in use in the laboratory may also at some future date be described in detail.

The writer hopes that the little he has been able to describe of the work being done in the laboratory in Nottingham, in the space available, may give some idea of the usefulness of such an institution in a police establishment. And he reiterates his hope that other Forces will make use of the facilities which will be gladly extended to them.

Wholesale Poisoning by Arsenic

By FRANK W. MARTIN, M.D.

Late Divisional Surgeon, City of Glasgow Police.

IN all countries arsenic appears to be the most popular poison used for homicidal purposes. The reasons for this are, no doubt, the ease with which it can be administered and the fact that it is odourless and tasteless.

In this country homicidal poisoning is fortunately rare, and only at long intervals do cases arise. This is not the position on the continent where, according to Beothy,¹ poisoning by arsenic has been carried out on what one might term wholesale lines.

In the year 1929, in a small district of Hungary, a series of poisonings by arsenic was revealed hitherto unparalleled in the annals of crime. The poisonings were spread over a period of twenty years, and it is almost incredible that such outrages, of which one person was the author, escaped detection.

The author of these outrages was a midwife of peasant origin, named Fazekas. She was a handsome woman, and of such charm of manner that she became the friend of all—police, clergy, and villagers. She did a fairly lucrative trade as an abortionist, and the popularity of the single child among the villagers greatly facilitated her work. Not only had she the local procurator fiscal under her thumb, but it is reported

¹ Konrad von Beothy, M.D., *Deutsche Zeitschrift für die Gesamte Gerichtliche Medizin*, Band 23, Heft 3, 1934.

that she induced abortion on the wife of his assistant. Mrs. Fazekas from the beginning of her career as a midwife must have had criminal tendencies.

A rival midwife appeared in the village, but did not last long. Mrs. Fazekas made love to the rival's brother, becoming his sweetheart. Not long after this the rival met with a violent death engineered by the midwife.

This woman's death caused a good deal of talk in the district, but Mrs. Fazekas outlived the gossip, lying low in her work, particularly as an abortionist, for some time.

She did not confine herself to midwifery and the production of abortion, but was ready for a consideration even to remove husbands. She had a scale of charges, which varied according to the social status of the customer. Her *modus operandi* was to extract arsenic from fly-papers.

A grocer in a neighbouring town testified that more fly-papers were sold in the village where Mrs. Fazekas stayed than in the rest of the country.

She had no bad debts, for, if the relatives refused to pay, she threatened them with denunciation. She administered the poison either as a watery decoction of fly-papers, or as pulverized arsenious trioxide. In some cases the poison was added to water or food, in other cases it was given in medicine.

The son of Fazekas's rival, convinced that his mother's death occurred through the agency of the midwife, endeavoured to seek confirmation from the neighbours, but without success. In fact, Fazekas' accomplices threatened to set fire to the houses of any who gave information regarding the murder.

So great was her hold with the police and the clergy, that between the years 1908 and 1931 she was indicted for abortion no less than six times, but was never punished.

Her first victim was certified by the family doctor to have died from natural causes. His wife was, of course, an active accomplice.

The two women were very different. The one, Fazekas was unemotional, but businesslike. The other woman was of

poor mentality, and apparently did not realize the enormity of her action. She thought little of money, and is reported to have said, when asked why she was an accomplice, that she wished to be free from her husband and thought others might wish the same.

From 1910 till 1924 the poisonings went on without hindrance. In the latter year a wealthy but infirm man, C. H., became suddenly ill. His wife sent for the family doctor, who diagnosed bronchitis. A week later the doctor received a visit from the wife, who stated that her husband was dead, and she wanted a certificate of death. The doctor was dissatisfied, refused a certificate of death, and made a request for a post mortem. This the local attorney refused. Later an anonymous letter was received stating that Mr. C. H. had been poisoned, and giving the names of several others who had died under similar circumstances.

No attention was paid to this letter.

On 1st February, 1925, a female body was recovered from the river, and was identified as that of a Mrs. A. She had been poisoned by her daughter, who made a full confession.

Further anonymous letters were received by the police. But investigation produced no result, except to identify the writer, who was sentenced for slander.

Anonymous letters poured in, and the police were forced to take action. As a result, certain of the women confessed, but Mrs. Fazekas was not one of them. Nor would Mrs. C. H. confess.

To catch these two women, and some others they were suspicious of, the police resorted to stratagem. They locked the women in a room together, a policeman having previously concealed himself underneath the bed. The women suspected nothing, and talked freely.

The policeman came from his hiding place, and of course the game was up. All made a full confession of their misdeeds.

They were all tried and sentenced except Mrs. Fazekas who, when she was about to be arrested, drank caustic alkali, from the effects of which she died.

The following table gives the certified causes of death, the real cause being arsenical poisoning :—

15 cases certified due to Old Age.			
8	"	"	Phthisis.
3	"	"	Psychosis.
3	"	"	Gastric Affections.
3	"	"	Cardiac Failure.
3	"	"	Peptic Ulcer.
2	"	"	Brain Disease.
2	"	"	Arteriosclerosis.
2	"	"	Alcoholism.
2	"	"	Renal Disease.

There were in addition reported one case each of Cancer, Locomotor Ataxia, Dysentery, Cerebral Hæmorrhage, Typhoid state, Pneumonia, Peritonitis, Chronic Peptic Ulcer, Asthenia, Oedema, Gas Poisoning, Myocarditis, Embolism of the Brain.

As a result of investigations eighty-six cases were brought to light, in which twenty-six women were detected.

Three committed suicide. One died on trial, while sentence was pronounced in thirteen cases as follows :—

Three were sentenced to death.

Five received penal servitude for life.

Five received sentences ranging from five to fifteen years imprisonment.

A Miscarriage of Justice

THE EDLINGHAM BURGLARY

By JOHN VIBART

AT about 2 o'clock in the morning of 7th February, 1879, two men broke into the Rectory of Edlingham, a little village not far from Alnwick, in Northumberland.

The Rectory, at the time, was occupied by the Revd. J. Buckle, aged 77, his bed-ridden wife, a daughter, and three maidservants. The night was exceptionally dark, but a light covering of snow lay on the ground and this proved of no little importance when the search for evidence began.

Roused from his slumbers by an unusual sound apparently emanating from the drawing-room, which was directly beneath his own bedroom, Mr. Buckle, with more courage than discretion considering his advanced years, left his bed, lit a candle and, arming himself with a rusty old sabre, descended the stairs with the object of discovering the cause of the disturbance. At the top of the staircase he was joined by his daughter who had also been awakened by the strange sound.

Softly opening the drawing-room door they came upon two men, with narrow bands of black crêpe across the eyes, who were emptying the silver contents of a cabinet into a sack. Mr. Buckle immediately advanced into the room flourishing his sabre in an attempt to strike the nearest burglar across the arms and legs, while Miss Buckle pluckily diverted the attention of the second intruder towards herself, at the same time crying loudly for help—which cries, it appears, remained unanswered.

Taken by surprise, the burglars hastily retreated towards the open French windows which led directly on to the spacious grounds of the Rectory. As they stepped through the window, one of them deliberately turned, pulled out a pistol, and fired point-blank into the room behind him—the warning cry of his companion: “Don’t fire, you — fool, drop it!” coming too late to have any effect. By a miraculous providence father and daughter escaped serious injury—the former receiving a slight graze on the left shoulder, while the latter was scorched on the right side of her face. Both men disappeared into a dense copse which lay near the house.

Such is the lightly sketched story of a crime which ultimately led to a miscarriage of justice as remarkable as it is rare in the criminal annals of this country.

The local police were soon on the scene and shortly after were joined by Superintendent Harkes from headquarters, who was placed in charge of the case. Harkes was instructed to take these men for attempted murder—a far more serious offence than burglary—and he was expected to make an early arrest. Indeed, it was plainly hinted that failure on his part to do so might have an adverse effect upon his career. This threat on the part of the authorities, for it amounted to no less, was a little uncalled for, seeing that Harkes was already known as a skilled detective. Such, however, was the method of discipline in the Force in the year 1879.

Harkes was a man of iron will, tireless energy, and great endurance. His methods may appear a little strange to us to-day, but they had been none the less successful. He was keen on promotion and, if hard work could achieve it, he meant to rise high in his profession. Like most strong men he was hated and feared by every criminal who had passed through his hands, nor was he popular even among his associates in the Force. In the underworld of crime he was known as “Tiger-teeth”, since once he had got a hold he never released his grip until his man was safe behind the prison bars or dangling from the gallows.

Astute, observant, patient, and tenacious, Harkes possessed all the attributes of the great detective. He had also one defect, however, of which, probably, he himself was quite unaware. Like the bloodhound, when he found himself on what he believed to be a “hot scent” he invariably blinded himself to the presence of any subsidiary clue, which, on examination, might show him to be following a false trail, and it was this that proved his undoing in the case of the Edlingham burglary.

The Superintendent’s first step after receiving his instructions was to select three officers in whom he placed great confidence. The names of these men have not come down to us, but they were appointed as “special officers to serve under Superintendent Harkes and render him every assistance”.

As has already been mentioned, the night was a dark one when the Rectory was entered by thieves, but snow lay on the ground. It was the reflected radiance of this snow that enabled the Rector and his daughter to give a fairly good description of the criminals. Footprints clearly defined in the snow were also found to lead from the drawing-room windows to a thick copse which gave access to the main road. Plaster casts were taken of these. Mr. and Miss Buckle both declared that one of the burglars was short and thin while the other was a big, heavily built man. Furthermore, the Rector thought that in the voice of the tall man who had shouted: “Don’t fire, you — fool, drop it!” he recognized a person named Michael Brannigan who lived some 2 miles along the Alnwick road. Miss Buckle said that she identified the other intruder, whom her father had attacked, as one Peter Murphy, who also inhabited a cottage on the Alnwick road. The clergyman added that he had struck this man a blow on the shoulder with the sabre.

Both these men certainly answered to the description. Moreover, they were close friends and notorious poachers who always worked together. Poaching, in the days of which we speak, however, was viewed with a more or less lenient eye by the officers of the law. It was a business, so to speak,

strictly between poacher and gamekeeper, and the police seldom interfered. Poaching, too, was rampant in the district and the fact that the two criminals might be among the fraternity did not impress Superintendent Harkes.

As soon as he was apprised of these facts Harkes acted swiftly. But there was one who was quicker still.

Living with Peter Murphy in the cottage on the Alnwick road was a woman, by name Agnes Simm. Early in the following morning she heard of the affair at the Rectory and, with a woman's instinct, she examined her lover's jacket while he slept in the room above. She found it damp. The lining was bloodstained and in one of the pockets she came across some rabbit's fur. Tearing out the lining she burnt it with the fur and concealed the jacket in the rafters of the cottage, replacing it with a discarded coat belonging to her brother-in-law, a man named Redpath. Then, after drying and cleaning his boots she sat down to await the arrival of the police. That Simm suspected her lover of the Rectory crime seems evident by these precautions, and, however well meant, they did much, as will be shown, to secure his conviction. When Harkes and his "specials" arrived at Murphy's dwelling they were confronted by Agnes Simm.

It will now be necessary to include a portion of the interview that followed in order to show how deeply involved Murphy became, owing to the woman's desire to prove his innocence, and also that the reader may appreciate in what manner Superintendent Harkes was led away from the truth.

"We are police officers," began Harkes. "We want to see Peter Murphy."

"He is sleeping," replied the woman, planting herself in the doorway. "I know what you want, but you've come to the wrong place. Pete had no hand in it."

"No hand in what?" asked Harkes.

"This Rectory job. Pete was never out the night at all."

"How do you know that?" Harkes inquired in curious tones.

"Why," answered Agnes sturdily, "he shares my bed

and wouldn't I know if he left it? He came in nine o'clock last evening and he's never been out the night since."

The two looked at each other for a few seconds and then Harkes asked:—

"You are living with this man?"

"Yes, and a good man he's been to me," answered the woman, and from that moment Harkes decided that any statement made by her must be discredited.

"I want to see Murphy himself," said Harkes, moving towards the door.

"And so you shall. Step in, gentlemen," replied Agnes in a raised voice which did not escape the police officers. "I'll fetch him down this minute."

"Stay just where you are," was Harkes sharp answer to this, as they trooped into the cobble-floored kitchen.

"Well, as you like. But, afore ye waken Pete, just take a look at those boots of his—the only pair he's got. Cleaned by me when he got in last evening. Have they been out in the night's snow?"

One of the officers picked up the heavy labourer's boots. As Simm had said, they were quite clean and bone-dry. Apparently they had not been worn for many hours.

"Here is his jacket," the woman went on, holding out Redpath's coat.

"Put your fingers through it, if you like."

"Yes," remarked Harkes grimly, "after you have done it. Well, I'll take this away with me," indicating the garment on his arm. "And those boots."

One of the "specials" picked the latter up as they went towards the stairs.

"By the way, what have you done with his clogs? Cleaned and dried them too, I suppose," sneered Harkes, convinced that the woman knew more than she would say.

Simm paused before replying. "He's got no clogs," she said at last.

"Then he's about the only man around here that hasn't," returned the detective, as the party began stumbling up the dark, narrow staircase, leaving Agnes Simm below.

When they entered the tiny bedroom they found Murphy sitting on the edge of his bed, still dazed with sleep. Harkes at once began his questioning and Murphy soon found himself at a disadvantage.

"Does this coat belong to you?" said Harkes.

Murphy looked and saw Redpath's jacket in the detective's hand. He was anxious. Why was Redpath's coat in possession of the police? Was this some trap? Should he tell the truth or say that it was his property? What had Agnes been saying while he was asleep? Murphy became alarmed and decided that a sullen silence was his best course.

"It seems a bit big for you, Murphy," went on Harkes, impressed by the other's silence and sullen demeanour. "Just try it on."

The garment was obviously many sizes too big for Murphy.

"This coat was never made for you to wear, my son," remarked the Superintendent grimly. "And yet your woman downstairs says it is your property."

"Of course, it is mine," broke in the harassed man, eagerly seizing the chance that the detective had unwisely given him. "Of course, it is mine. Couldn't see it in this light. Got it from Redpath months ago in exchange for an old chisel."

After further questioning Murphy stoutly denied that he had anything to do with the Rectory crime. He had been out the previous night, he declared, "on business," with Brannigan the other side of Alnwick. He had got back at about midnight. Simm had told Harkes that it was nine o'clock when he had returned. Which of the two was lying, wondered Harkes? He suspected both. But since the burglary did not take place until 2 a.m. it was a little difficult to see the importance of these contradictory statements. Harkes, in fact, seemed already to have made up his mind as to Murphy's guilt, which was unfortunate for both, as matters turned out.

While this examination had been proceeding, the other

officers accompanying Superintendent Harkes had been searching the little bedroom and the kitchen downstairs. But they found nothing incriminating—no clogs, pistol, or stolen goods, nor was there any mark of a blow on the man's arm or a cut in the sleeve of his coat as the Rector had suggested.

After this, Harkes and his party visited Brannigan who, as has been explained, lived with his parents in a cottage a little further along the Alnwick road. Brannigan told much the same story as Murphy, which for a moment damped the detective's ardour. He said that he and Murphy had been out "Alnwick way". They started about nine o'clock and got back "somewhere round midnight". He went straight to bed, and this was confirmed by his father. He swore that he knew nothing of the affair at the Rectory. After taking possession of some dirty, damp clogs and a pair of Brannigan's trousers which he said he had been wearing the night before, Harkes returned to the Rectory. Soon after this the plaster casts arrived and it was at once found that the clogs and casts were identical in shape and size. The same, however, could not be said of Murphy's boots. This discovery, however, need not have influenced Harkes since he should have realized that dozens of pairs of clogs, in those days, were often made from the same block or mould.

Harkes, indeed, was allowing himself to concentrate too much upon the Murphy-Brannigan trail, clear as it seemed to him, and blinding himself to other and more important clues which might lie near. But evidence was now coming to hand that, in the Superintendent's opinion, completed the chain which would bring these men to justice and himself well-merited promotion.

A few days after the "discovery" of the clogs one of the local police showed Harkes a rusty, well-worn chisel which he said he had found in the copse which lay in a direct line with the drawing-room windows of the Rectory and by which the burglars had escaped—according to the story related by the Rector and his daughter. Harkes recalled Murphy's statement regarding a chisel he had given Redpath in exchange

for the coat. He interviewed Redpath and found him reluctant to talk. Redpath recognized the coat which Harkes showed him as one he used to wear, but had discarded a long while ago. He knew Murphy well and Simm was Mrs. Redpath's sister. He did not remember giving him the coat, and certainly not in exchange for an old chisel. Here, Mrs. Redpath intervened and said that "weeks back" Agnes Simm had seen the jacket and asked if she might have it for patching. Mrs. Redpath had given it to her. Redpath went on to say that he had once borrowed a chisel from Murphy *very like* the one Harkes held in his hand. He had returned it about a month ago.

Harkes decided that these two persons were speaking the truth and he confronted Murphy with this startling new evidence. Murphy admitted that the chisel *looked like one* he once owned a long time ago, but the astonished man was at a loss to explain its presence in the Rectory grounds. He declared that he had thrown it away because it was worn out and the edge had gone, but could not say where he had thrown it. He denied that he had lent it to Redpath. Asked why he had made a false statement as regards the exchange of the chisel and the coat, the unlucky Murphy pleaded that Harkes had "fuddled" him. But such a plea could have no weight with a man like Superintendent Harkes. His head, by now, was bent close to the Murphy-Brannigan trail and only something "big" would shake him from it. As will be seen later on, the detective accepted Redpath's statements too readily.

Events now rapidly reached their climax. Some days after the burglary, the local doctor, who was attending the Rector and his daughter after their exciting experience, came across a piece of cloth with a button attached lying by the side of the step which led to the window of the Rectory drawing-room. In design and size it exactly fitted a tear or cut in Brannigan's trousers. This was an amazing discovery, and it does not appear to have occurred to Harkes as being very remarkable that, although the ground had been minutely

searched, this important clue had escaped the lynx-eyed detectives, nor was he impressed by an Alnwick tailor who said that he thought the patch was "very dry and clean" after lying in the snow for several days and who expressed the opinion that it had been there but a few hours.

As soon as Mr. and Miss Buckle were well enough Harkes invited them to attend an identification parade, and it is not very surprising, under the circumstances, that they had no difficulty in picking out Murphy and Brannigan as being the two men they had confronted in the Rectory drawing-room on the night of the burglary.

I venture to suggest that such an identification would be regarded as valueless to-day.

Superintendent Harkes now considered that his case was complete. It had been shown that Brannigan's clogs fitted the plaster casts which were taken from the footmarks in the snow, while the patch of cloth undoubtedly came from the rent in his trousers. Murphy's chisel had been recovered from the copse in the Rectory grounds and, from the marks still to be seen on the woodwork, was the instrument used to force the catch of the drawing-room window. His story of an exchange with Redpath was shown to be entirely untrue and he had admitted it when he realized that it was leading him into deep waters. Lastly, both men had twice been identified by the Rector and his daughter.

Notwithstanding the protests of the Revd. W. Perry, Vicar of Alnwick, who declared that, though poachers, they were none the less honest men and good workers, since he had been accustomed to employ them in his garden and the vicarage, Brannigan and Murphy were arrested, charged with attempted murder, and committed for trial. Both men strenuously asserted their innocence, but Harkes had undoubtedly built up a strong case and when the trial came on he himself was assured of their guilt.

They were brought before Mr. Justice Manisty at Newcastle. This gentleman may have been learned in the law but he did not attempt to conceal his belief in the guilt of

the two prisoners. His Lordship even went as far as to instruct the Jury that though the defence might be successful in disproving some of the evidence, there was sufficient left to secure a conviction. Mr. Milvain, defending counsel, did indeed disprove an important part of the evidence for the prosecution. Under cross-examination, Redpath was forced to admit that he had been "tricked" into saying that the chisel belonged to Murphy. Now, in the witness-box, he declared that he did not know whether it was the prisoner's property, that he had never seen it in his possession, and may have borrowed it from somebody else. This damaging admission on the part of one of the chief witnesses for the prosecution, however, in no way influenced the Judge, who appeared quite overwhelmed by the atrocity of the crime. In his address to the Jury he poured ridicule on the points gained by a clever defence and warned them not to be led away by counsel's oratory. Under these circumstances, there could be but one result. Nevertheless, it was three hours before the jury reached their verdict and found the prisoners guilty of attempted murder. Judge Manisty, in sentencing them to penal servitude for life, denounced Brannigan and Murphy in language that was as unfair as it was unfitting, and declared that it was only by a lucky chance they had escaped the gallows.

Both men went to Dartmoor still protesting their innocence.

Nine years passed and, though at the time of the trial there was an uneasy feeling abroad that the scales of justice had been unduly weighted against the prisoners, most people had now forgotten the affair. But not so Mr. Perry, of Alnwick. Convinced of the men's innocence and that there had been a grave miscarriage of justice, he had been tireless to get at the truth and secure their release.

In his parish there was a man named George Edgell—a weakly, undersized individual, who lately had "turned religious". Mr. Perry had many talks with Edgell and,

sullen, secretive, and silent as he was, soon learned that he had something on his mind, but that a "grip of terror" prevented him from speaking. Under tactful and sympathetic questioning, Mr. Perry discovered that Edgell was completely dominated by a man of the name of Charles Richardson—"a brute, a bully, and a tough" with the temper of a madman. Mr. Perry knew the fellow as one of the worst characters in his parish. As soon as Edgell's tongue was loosened his story came readily enough. He confessed that Richardson and he had committed the Edlingham burglary and now the former was threatening to "do him in" if he did not keep quiet. Edgell said that Richardson had planned the crime and had forced an entry into the Rectory by means of a chisel which he had found in a field near Murphy's cottage. Edgell it was who had fired, but the other had taken the pistol away from him and he had not seen it since. This confession was written down by Mr. Perry, signed by Edgell, and witnessed by the clergyman and Mr. Milvain, who was now Recorder of Durham and a Member of Parliament. Needless to say, every detail of the story was sifted and found correct, and if any further proof was required Edgell showed Mr. Perry and Mr. Milvain a badly healed scar just below his left shoulder where, he said, Mr. Buckle's sabre had struck him.

This document was given to the police, who acted swiftly. Richardson attempted flight but was captured. Both men were arrested and brought to trial before Mr. Baron Pollock, who sentenced them to five years' penal servitude—a much less rigorous punishment than that meted out to Brannigan and Murphy by Judge Manisty. It must be explained, however, that the charge of attempted murder was not brought forward and the sentence of five years was for burglary only.

Brannigan and Murphy were immediately released, granted a full pardon, and each awarded the sum of £800 as compensation. It is pleasant to record that both men made good—Brannigan as a skilled wheelwright and Murphy as a baker—trades which they had learned during their imprisonment.

But the public sense of justice, once roused, was not yet allayed. There was an insistent demand for a searching investigation, and however disinclined, the Government at last was compelled to move in the matter. The papers dealing with the Edlingham affair were placed before the Home Secretary, who, it may be sure, refused to act until assured that there was good reason to do so.

Edgell's story, however, was proved to be a clear statement of fact and the Home Secretary then commissioned a well-known solicitor at Newcastle to inquire into the matter, who in turn instructed Chief Inspector Butcher to find the persons responsible for this miscarriage of justice. Butcher could not have been a very happy man when he received these orders and he must have experienced considerable relief when he ascertained that Superintendent Harkes had died a few years previously. The three special officers who had assisted Harkes, and who were now holding good positions, were compelled to stand their trial on the charge of complicity to defeat the ends of justice. As may be surmised, however, the prosecution could do nothing in the face of a defence which pleaded that the accused were merely obeying the orders of their superiors. Consequently, all three men were acquitted.

That the patch of cloth picked up by the doctor was "faked" evidence is almost certain. It was probably cut out of Brannigan's trousers shortly before it was found, by some over-zealous subordinates, who had planned that they should make the "discovery" in the hope of earning a reward. They reckoned, however, without the medical gentleman.

Whether Harkes was cognizant of this disgraceful affair is not known. On the eve of his death he confided to a friend that he was "not easy about the Edlingham affair", which may mean anything. However unusual his methods may have been or hard his way with a suspect, Harkes was not a dishonourable man and there is no reason to doubt that he was entirely ignorant of any unprofessional conduct on the part of his subordinates.

It is also probable that the chisel found by Richardson and used by him to gain an entry into the Rectory had once been Murphy's property.

The story of the Edlingham burglary has been told here because it furnishes a good example in showing that although the chain of circumstantial evidence may appear strong with every link complete, this does not necessarily mean that it is unbreakable. Had Superintendent Harkes pursued his inquiries further afield, while he was following up the Murphy-Brannigan trail, he would have speedily realized that he was on a false scent.

Police Discipline One Hundred Years Ago

PART I

THE NIGHTLY WATCH OF THE BOROUGH OF LIVERPOOL

By T. H. SPENCELEY

Liverpool City Police.

IN view of the fact that so little is known of the old "Burrough of Leverpoole" Nightly Watch it is surprising that one of the few early references to a provincial watch establishment should be a resolution of the Common Council of Liverpool. In the year 1727 it was decided by that body that "in view of the great enlargement of the burrough and for the more effectual putting the laws into execution especially against immorality and prophaneness" the watch should be increased to cope with the demands of the times and "there shall be six assistant deputy Constables elected annually".¹

A dissertation on the rise, development, and subsequent disbandment of this corporate body does not come within the scope of this article. It will be sufficient to state that on 28th January, 1836, the Liverpool Nightly Watch consisted of:—

- 1 Superintendent.
- 16 Captains.
- 130 Watchmen.
- 16 Patrols.
- 3 Bridewell Keepers.

¹ J. A. Picton, *Municipal Archives and Records of Liverpool (1701-1785)*, Liverpool, 1886, p. 29.

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In all 166 men, the total expense of which (including a proportion of the Salaries of a Clerk, a sub-treasurer, four Collectors, a Law Clerk, rent of office, etc.) for the year ending 30th September, 1835, was £9,200. From sunset to sunrise this force was responsible for the safety of the public, the apprehension of felons, and the enforcement of the by-laws, and during the day the interests of the public were safeguarded by the establishment of a "Day Police", modelled on similar lines and doing duties similar to those of the Nightly Watch but in no way connected therewith. On 28th January, 1836, the strength of this force was as follows:—

- 1 Superintendent.
- 9 Head Constables.
- 44 Constables.
- 4 Clerks.
- 1 Bridewell Keeper.
- 3 Turnkeys.

In all 62 men, whose yearly income, exclusive of fees, amounted to about £3,400, and the total cost of maintenance, etc., to £8,000 per annum.

The Nightly Watch was undoubtedly inefficient. As in the Metropolis "the mode of watching was generally bad and the men employed both in number and ability wholly insufficient for the purpose".¹ Sir John Fielding tells us the watchmen were "chosen out of the poor decrepit people who are from their want of bodily strength rendered incapable of getting a livelihood by work" and a perusal of the attached minutes clearly reveals an amazing state of dishonesty and unscrupulousness in the ranks. The Liverpool Committee appointed on 28th January, 1836, to inquire into the establishment of "an effective day and night police force" reported that the existing day police was an unscrupulous body for "[here] a vicious system has long existed, and that force is most inefficient and, when disbanded, few of its

¹ *Third Report of the Parliamentary Committee on the Police of the Metropolis*, 1818, p. 26.

members will be found eligible for re-appointment". Unfortunately the records of the Day Police establishment have been lost, and I can only quote from the old nightly watch minutes.

10/5/1833. *Resolved.*

That Michael Dunn, No. 28, be fined 5/- for being absent from his walk and for being boosey.

17/5/33. *Resolved.*

That £3 be given to Captⁿ. Morrow (in consideration of his long Service) towards the Expenses he has incurred in consequence of the long Sickness and Burial of his Wife and that it be a recommendation to all the Captains to contribute a small sum of money weekly to support themselves when sick.

21/5/33. *Resolved.*

That Hugh Pritchard be discharged for attempting to strike his Captain.

31/5/33. *Resolved.*

That Robert Roberts be suspended a month for being drunk on duty.

„ *Resolved.*

That John Dunbavin be discharged for brutal conduct to Mr. Kerr.

7/6/33. *Resolved unanimously.*

That Richard Donelly be discharged for brutally ill-treating Lydia Ridgeway & for afterwards ill-treating & taking into Custody a witness who saw the Assault.

17/6/33. [Thomas Connor having been suspended by his Captain for negligence in springing his rattle when an alarm of Thieves was given]

Resolved.

That a Sub-Committee enquire into the charge & if they shall find him not guilty they have power to restore him.

[The Sub-Committee reported "his conduct highly culpable in not taking the prisoners into custody & recommend his suspension for another fortnight".]

28/6/33. *Resolved.*

That Captⁿ. Herbert be suspended a week for misconduct in the house of Mrs. Bickerstaffe, Circus St.

„ *Resolved.*

That Robt. Margett be suspended a week for being insolent & refusing to go to the assistance of Captain Wilson when desired so to do.

12/7/33. *Resolved.*

That Jonathan Harris be removed to another walk.

„ *Resolved.*

That Michael Dodd be suspended a fortnight for being in Liquor and improperly conducting himself to Captains McFadzen & Leicester.

2/8/33. *Resolved.*

That Robt. Bickerstaffe be reprimanded for not calling the hour of one o'clock on Saturday morning last.

23/8/33. *Resolved.*

That W^m. Cooper be discharged for using improper Language at the Exchange Bridewell & for using excessive violence to his prisoner.

13/9/33. *Resolved.*

That Michael Cramer be discharged for being in a Public House in Bay Horse Lane and positively denying it to the Board.

20/9/33. *Resolved.*

That Michael Dunn be suspended until this day week for making a false charge of drunkenness against Captain Bradshaw, and

Resolved.

That Mr. Whitty (Superintendent) be requested

to make enquiries in the meantime into a report of his having offered a Person half his weekly wages to make Captⁿ. Bradshaw drunk.

27/9/33. *Resolved.*

That Pat. Rush be discharged for being asleep on duty and losing his badge without being able to account for the loss of the same.

11/10/33. *Resolved.*

That Joseph Kirby be discharged having been found on his walk when he had reported himself sick and for endeavouring to extort money from Mr. Nicholson whom he had taken into custody.

25/10/33. *Resolved.*

That the following [watchmen] be discharged according to the recommendations of the Superintendent,

(1) John Sullivan for leaving a place into which Thieves had broken without calling for assistance.

(2) Thomas Thastie for absenting himself a fortnight without leave.

(3) Bartholomew Stenson for not discovering an open HOUR [(?) door] on his beat until 4 a.m.

(4) Rowland Jones for leaving his walk on Sunday night.

8/11/33. *Resolved.*

That Robert Madgett, No. 16, be suspended a week and removed to another walk for confining the private Watchman of Cleveland Square in Bridewell without any provocations.

„ *Resolved.*

That Captⁿ. Lester be suspended a week for taking ale with and at the expense of one of his men.

15/11/33. *Resolved.*

That W^m. Clinton, No. 117, be reprimanded for coming out of a Public House where he had been

lighting his pipe at $\frac{1}{2}$ past 1 O'Clock on Tuesday Morning last.

13/12/33. *Resolved.*

That John Wood, No. 46, be discharged for being absent under false pretences on Saturday night last and was found in a disorderly house on the same Night under suspicious circumstances.

„ *Resolved.*

That Richard Kenney, Extra, be discharged for improperly striking a woman & for general inefficiency.

27/12/33. *Resolved.*

That Michael Gainer, Thomas Doyle & Thomas Humphreys be discharged on suspicion of having taken a watch from the Pocket of Mr. Avison, Coachman.

24/1/1834. *Resolved unanimously.*

That Joseph Harnett, No. 100, be discharged for brutally striking a respectable person, in Lord St, being in liquor at the time.

31/1/34. *Resolved.*

That Joseph Hodson, No. 105, be suspended a week for assaulting No. 125 in the performance of his duty.

14/2/34. *Resolved.*

That John Connor, No. 106, be reprimanded for delaying crying 6 o'Clock on Sunday Morning and for being in two Public Houses within 10 minutes.

21/3/34. *Resolved.*

That W^m. Monk, No. 90, in consequence of being in the habit of absenting himself from his duty be discharged.

„ *Resolved.*

That Jⁿo. Chambers, No. 89, be discharged for not going his rounds [who] when told of it by his Captain gave up his Badge & went home.

- 21/3/34. *Resolved.*
That James Murphy be discharged for calling for drink at a Public House & refusing to pay for it.
- 4/4/34. [The Superintendent having reported Thomas Hamilton to have been drunk [who] when asked to deliver up his Badge said he would not be a Watchman any longer]
Resolved.
That his resignation be accepted.
- 11/4/34. *Resolved.*
That Captain Herbert be suspended for a fortnight for being in the habit of drinking with, at the expense of his men, both off and on duty.
- 25/4/34. *Resolved.*
That Wm. Carlin, No. 52, be discharged for being in the habit of associating with disorderly women.
- 9/5/34. *Resolved.*
That Captⁿ. Bayliss be suspended a week for imprisoning Mr. Odell and Mr. Crawford when he knew where to find them the next morning.
- „ *Resolved.*
That Joseph Hodson, No. 122, be reprimanded for not calling 12 o'Clock on Sunday morning last and when told of it by Captⁿ. Owens, behaved insolently and gave up his badge.
- 30/5/34. *Resolved.*
That Wm. Reed, No. 44, be fined 1/- for not having his badge on his arm at 11 o'Clock on Monday night.
- 27/6/34. *Resolved.*
That Thomas Carthy be reprimanded for violently kicking a man at the office door.
- 11/7/34. *Resolved.*
That Pat^k. Madgett & Joseph Hodson be discharged for fighting with each other [at the office].

- 25/7/34. *Resolved.*
That Captⁿ. Jones be fined 5/- & reprimanded for plucking flowers in Mr. Unsworth's Garden whilst on duty.
- 15/8/34. *Resolved.*
That Wm. Reed, No. 44, be fined 5/- & apologise to Mr. Hosker, Cowkeeper, for improperly taking him to Bridewell.
- 3/10/34. *Resolved.*
That Thos. Fairbrother, No. 7, be fined 5/- for being Tipsy before the Magistrates on Tuesday last.
- 9/1/1835. *Resolved.*
That John Kearns & Jas Davison be fined 1/- for coming to the office without uniform last night.
- 20/2/35. *Resolved.*
That Robert Banks, David Evans & George Emery be discharged for their inhumanity in not passing home Mr. David Dazneau, since dead, whose leg had been broken in.
- 27/2/35. *Resolved.*
That Geo Wagstaffe be discharged for compromising an assault case for £1.
- 27/3/35. *Resolved.*
Captⁿ. Marshall be fined £2/10/0 for being drunk on duty on Sunday and again on Tuesday.
- 10/4/35. *Resolved.*
That Thos. Kennedy be reprimanded for being absent all last week without leave and was seen drunk in the streets on Monday.
- 19/6/35. *Resolved.*
That Duncan McLaren be discharged, he having left the Town without leave.
- 31/7/35. *Resolved.*
That Edward Jones be discharged for committing a felony on his walk.

21/8/35.

Resolved.

That —, Keeper of Brick Street Bridewell be discharged for having an improper connection with a female prisoner in Bridewell.

11/9/35.

Resolved.

That Michael Cramer be discharged for being insolent to Captain Morley and improperly taking a rattle out of Robt. Gibbons' pocket on Saturday night.

18/9/35.

Resolved.

That John Furlong, extra man, be fined 10/- for being twice asleep on Sunday night when on duty.

„

Resolved.

That Stephen Brown be discharged for leaving his walk on Sunday morning to conceal his being drunk.

2/10/35.

Resolved.

That Henry Woods be fined 1/- for making a noise at the setting of the Watch on Sunday night last.

23/10/35.

Resolved.

That Samuel Danzell for telling a deliberate falsehood to this Board be suspended a fortnight.

6/11/35.

Resolved.

That Felix McDonald for having made a false charge and improperly imprisoned a young man on Saturday night be suspended a month.

„

Resolved.

That James Martin, for being tipsy in a public house be suspended a fortnight & for telling a falsehood to the Board be suspended another fortnight.

12/2/1836.

Resolved.

That Elias Holmes, for being drunk at morning roll call be suspended, only one week, in consequence of his wife's indisposition.

6/3/36.

Resolved.

That Hugh Mullin be discharged for improper conduct towards one of the new Constables.

Dismissals and suspensions were made daily, as will be seen by the findings of the Committee at a meeting of the Commissioners of Watch, Scavengers & Lamps held this 1st Novr, 1833.

Resolved : That James Evans, No. 97, be discharged for being drunk & asleep on Saturday morning last and ill using a person on the following morning.

Resolved : That Henry Donaldson, No. 89, (in consequence of his previous good conduct) be reprimanded only for being drunk on duty.

Resolved : That James Meredith, No. 108, be fined 2/6 for being in Liquor on Saturday morning last.

Resolved : That Peter Collerton, Extra, be fined 2/6 for being drunk.

Resolved : That —, No. 16, be fined 1/- for being asleep on duty.

Resolved : That James Rack, Extra, be reprimanded for being asleep on duty.

Resolved : That Michael Dodd, No. 114, be discharged for refusing to go on duty.

[The Superintendent having reported that John Burrows, No. 15, refused to remain any longer in the trust]

Resolved : That he be discharged.

[Mr. J. Carrick & others having made a complaint against John Wood, No. 46, of having been confined in Bridewell by him all night on Wednesday last without any provocation]

Resolved : That John Wood, No. 46, be suspended for a week.

Resolved : That Jacob Thomas, No. —, be discharged for being suspected of having concealed for a girl of the Town £25 taken from the Person of a Gentleman.

OUR CONTEMPORARIES

In the October, 1934, number of *The Analyst*, Dr. A. P. Laurie (p. 657) describes up-to-date methods used in determining the authenticity or otherwise of old paintings. He mentions "ultropak" illumination for microscopic examination, with a sliding microscope for the examination of brushwork and of cracks in the varnish and paint, and also the various applications of X-rays, ultra-violet light, and infra red rays, the latter being apparently of very limited use. He shows clearly that scientific examination of a picture, without doing it any injury, may prove conclusively whether it is genuine or not, and whether it has been retouched or painted over in part at a date later than the original. N. A. Marris (p. 686) describes the identification of glass splinters by refractive index, U.V. light, and specific gravity in a case of theft in New Zealand (see also *THE POLICE JOURNAL*, Vol. III, p. 235).

Vol. 59, No. 704, November, 1934. S. G. E. Stevens (p. 744) deals with a subject which may be of great importance, namely the identification of small particles of the herbs used in cooking, and writes: "During the microscopical examination of a large number of samples it became obvious that among the chief characteristics to which attention had to be directed were the glands and the hairs, and the size of the former and the nature of the latter gave useful proof of the identity of many types of herbs." Julius Grant (p. 749) describes a new method, using a fluorescent substance, with U.V. light, for the detection of forged water-marks, dealing with the two classes usually found. An abstract is given on p. 780 of an article by W. E. Golding and F. M. Potter on a method of determining the "Brittle Point" of bituminous road materials, which might be found useful in certain road accident cases, where stains, etc., on tyres have to be examined.

Vol. 59, No. 705, December, 1934. H. C. Lockwood (p. 812) gives micro-chemical methods for the identification of metallic particles in manufactured products which could be equally well applied to the identification of such particles in dust from garments, etc.

Vol. 59, No. 706, January, 1935. This contains (p. 3) a series of articles on Quantitative Spectroscopy and its analytical applications, which should prove to be of considerable use in criminological work when there arises the question of the composition of an alloy or a mixture of metals. Instruments as well as methods are described.

The *Revue internationale de Criminalistique*, vol. vi, No. 5, 1934, contains an article by Dr. Chavigny (Strasbourg), who gives a brief summary of methods for the identification of typescript and typewriters. Dr. E. Locard (Lyon) describes William Stirling's micro-comparator or comparison microscope, with variable distance between the objectives for dealing with objects at different distances apart. Henri Stahl (Roumania) gives details

of the methods used in a particular case, for determining the real date of a signature, showing that comparison with a series of genuinely dated signatures may give conclusive information. J. Paul Rochat describes a number of already published methods for transferring finger-prints and gives a description of a new method, using plastic material spread on pieces of stiff paper, but does not appear to give the actual constitution of the plastic medium. Vol. vi, No. 6, 1934. C. T. Symons (Ceylon) describes some of the possibilities of identifying weapons from wounds and gives details of one case where this was made possible by skull marks. Josep Calico (Barcelona) urges the necessity for a laboratory for the scientific side of police work.

In the November, 1934, number of the *Journal of Criminal Law and Criminology*, Vol. XXV, No. 4, the section on Police Science contains two articles on the very important subject of the counterfeiting of finger-prints. Harold Cummins (p. 666) gives a method which he used in testing this question and in making prints for submission to experts, and C. D. Lee (p. 671) discusses the question in a general way, reaching the conclusion that finger-prints can be forged. This may seem somewhat alarming, but the Editor of this section of the *Journal* (p. 665) sums up the situation as follows: "The possibility of counterfeiting finger-prints does not destroy the value of finger-print identification, for the same reason that the remote possibility of perfect forgery of a signature does not nullify the effect of handwriting identification. The skill required to perfect a finger-print forgery, and to plant it properly at the scene of an actual or pretended crime, will minimize to a very considerable extent the probability of the perpetration of such frauds." M. Edwin O'Neill (p. 674) gives the first of a series of articles on Police Microanalysis, starting with the collection of debris (dust) and its preliminary analysis.

CRIME AND UNEMPLOYMENT IN CEYLON

The *Ceylon Police Gazette* has some interesting comments to make on the relation of crime to unemployment. The year 1933 saw an increase of cases of serious crime and the Administration Report of the Inspector-General of Police commented on the fact that this increase coincided with the world depression in trade. This first quarter returns for 1934 show a marked decrease in crime in nearly all districts, and in nearly all forms of crime. The burglary figures still compare unfavourably with 1929: "There are indications, however, that the gradual return to prosperity in the Island will result in a corresponding decline in this form of crime, for which the difficulty experienced in obtaining food during the depression has been largely responsible."

It would be interesting to know whether crime figures in most parts of the world are similarly affected by trade depression and unemployment.

To the Editor of THE POLICE JOURNAL.

SIR,

In a review of my book *Clues and Crime* which appeared in the issue of your JOURNAL for October, 1933, your reviewer states that the author appears to think that the term *corpus delicti* means the body of the victim. Your reviewer must refer to page 50 of the book, in which the following sentence appears: "All this might have been, and probably was true, but that the impression was the *corpus delicti* of this act is open to grave doubt."

Following Wills, this appears to me to be a legitimate use of the term; but even if it were not legitimate, the construction placed upon it by your reviewer could not in any circumstances be correct. The sentence, however construed, cannot mean that the writer of it thought that this term could in this connexion be applied to the body of the victim.

There are other statements in this review to which I think exception could reasonably be taken, but none is more surprising than that the book shows that the author has very little acquaintance with police work. This makes rather odd reading to one who has a University Diploma from Lyon in Criminology, and is an assistant in the Laboratory of Scientific Police. I cannot believe that your reviewer seriously supposes that Great Britain—excellent though its police methods are—has a complete monopoly of police experience of an efficient kind.

HENRY T. F. RHODES.

Our reviewer writes as follows:—

I have read Mr. Rhodes's letter taking exception to my review of his book *Clues and Crime* in THE POLICE JOURNAL for October, 1933, but it does not attempt to answer any of the criticisms I made except on the comparatively minor point of his strange use of the phrase "*corpus delicti*". He seems to be unaware that he uses this phrase not only on page 50 (to which he refers) but also on page 243. In saying that "Following Wills, this" (i.e. Mr. Rhodes's use of the term on p. 50) "appears to me to be a legitimate use of the term", I presume he is referring to Chapter vii of *Wills on Circumstantial Evidence*, where the meaning of "*corpus delicti*" is explained and illustrated. But I am entirely at a loss to understand

why Mr. Rhodes thinks that he is "following Wills" when he makes such an unintelligible statement as "that the impression on the grass was the *corpus delicti* of the act is open to grave doubt". On p. 243 where he is talking of poisoning, *corpus delicti* seems to be used to mean the body of the victim.

As regards the last paragraph of Mr. Rhodes's letter, I did not say that the "book shows that the author has very little acquaintance with police work", but that it "displays very little practical acquaintance with the scientific side of criminal investigation", a statement to which I adhere. I do not know why Mr. Rhodes thinks that "your reviewer seriously supposes that Great Britain—excellent though its police methods are—has a complete monopoly of police experience of an efficient kind". No such inference could possibly be read into the review and no such suggestion is made.

THE FIRST DETECTIVE WRITER

To the Editor of THE POLICE JOURNAL.

SIR,

In view of the increasing popularity of stories of mystery and crime, and the frequency with which famous detectives of our time chronicle their sleuthing feats, it is interesting to recall that the pioneer of this kind of popular literature was himself a detective.

This man—Eugene Francis Vidocq, son of a master baker, was born in Arras, in the year 1775. He attracted notice when he committed his first known crime. He forced open his father's safe with a crow-bar, and decamped with 2,000 francs. On his way to Ostend, from where he intended emigrating to the United States, he himself was robbed. Being obliged to earn his living, he joined a troupe of travelling acrobats. Acrobatic feats, however, were not his speciality, and an accident, in which he broke his nose, decided him to change his occupation. We next find him assisting a "Punch and Judy" man, but that engagement was suddenly terminated when he was found kissing his employer's wife. After a period of employment with a quack doctor, he joined the French Army; this venture again was a failure, owing chiefly to breaches of discipline. He then joined the Austrian Army, but deserted after being sentenced to undergo the ignominious punishment of "running the gauntlet".

Joining the French Army again at the commencement of the revolutionary wars, he seems, for a while, to have behaved himself.

He was promoted to the rank of lieutenant, but he did not hold his rank very long. When on service in Belgium he borrowed a large sum of money from a married woman who had fallen in love with him, and repaired to Paris, where he proceeded to squander it in riotous living. When thus engaged he fell foul of the law, and was sent to prison for assaulting an officer in a tavern. When serving his sentence he forged an order for the release of a fellow prisoner, and for this serious offence was sentenced to eight years' penal servitude. He escaped from prison three times, but each time was recaptured. It was after these experiences that he conceived the idea of becoming a detective. On the ground that it would be a good idea to set a thief to catch thieves, he wrote to Pasquier requesting an appointment as a police spy, and, strangely enough, his application was considered. The Chief of Police accepted his offer and promised him an appointment, on condition that he served a further sentence in the convict prison where he would be allowed to mix freely, and on equal terms, with the worst criminals, studying their ways and receiving their confidence. Vidocq accepted these terms, underwent his imprisonment, and secured his appointment. He was so successful in this capacity that in a comparatively short time he was promoted Chief of the French Criminal Investigation Department, commanding a staff of twenty-four secret service officers. He retired on pension after eighteen years service, in 1827, at the relatively early age of 52 years.

One would have thought that the last had been heard of Vidocq, and that he would have returned, more or less honourably, to the obscurity from whence he came and spent his remaining days in comfort, but, unhappily for him, he had other ideas. He formed a kind of Discharged Prisoners Aid Society, and started a paper mill in which he promised employment to discharged prisoners, both male and female. The motives that prompted him to do this are not clear, but the enterprise was not a success and, finding himself insolvent, Vidocq returned to the police service. Upon his second retirement, in 1836, he set up in business as a private detective, but once again things did not run smoothly for him. He found himself in the dock on a charge of blackmailing clients who had confessed their misdeeds to him, and though he was acquitted, his business was ruined and he was once more destitute. Yet again, however, he contrived to repair his ruined fortunes, this time in the role of author and lecturer. He wrote, and published his *Memoirs*—being the first detective to do so. He also wrote several narratives of sensational criminal proceedings. He lectured in London in 1845.

Attired in the costume which he had worn as a convict in the galleys of Brest and Toulon, he told the story of his life. It was a good entertainment, and a popular one. He cleared enough from it to buy an annuity, on which he lived modestly in lodgings until his death at the age of 82.

He left ten wills—all of them invalid—bequeathing the whole of his possessions to ten different young women who had smiled on him in his old age.

J. W. ROBERTS.

Police Station, Rhos-on-Sea,
Colwyn Bay.

BLURRED THUMB IMPRESSIONS

To the Editor of THE POLICE JOURNAL.

SIR,

In India, the land of the illiterates, only about 8 per cent of the population can write their names. It is not therefore very surprising that most dealings, financial or otherwise, are finger-printed instead of being signed by the contracting parties. The thumb impressions thus placed on the documents are far from satisfactory. Over 40 per cent of them are blurred impressions. When such impressions are in dispute, most finger-print bureaux and finger-print experts frequently return the report that the impressions are such that no comparison can be made. With present-day scientific means at our disposal it should be possible to reach more satisfactory results. It was with this idea that certain experiments were made, and it is gratifying to note that the results were successful to a marked degree.

Blurred impressions are of two kinds. There are impressions in which a large amount of ink has been used. The other kind are those in which the detail of the pattern has been lost, owing to lack of ink. It is a matter of everyday experience that when we touch something we leave a latent finger-print on the thing itself. This principle is made use of in bringing out the under-inked impressions. Although the original ridges are not visible to the eye, the pressure applied while finger-printing the document is so great that a developing re-agent will bring out the ridges clearly. The choice of the developing re-agent is of course a matter of great concern, for we need a chemical which would not in any case do any harm to the writing on the document or to the ridges that are already visible.

THE POLICE JOURNAL

For this purpose a large number of experiments were conducted, and, in the end, iodine crystals were found to be the best medium. The crystals are put in an open tray and the under-inked impression is kept far above it and left there for a considerable time. The length of the reaction depends on the temperature of the room, the nature of the paper, and the depth of the impression. Iodine has one distinct advantage: if you leave the developed thumb impression for some time in the open, the iodine will evaporate and leave the impression as it originally was.

Over-inked impression can be deciphered by the judicious use of panchromatic plates and colour filters. I have been able in this way to decipher thumb impressions which looked almost jet-black with ink. However great the depth of the ink on the paper, the depressions and elevations caused by the ridges of the thumb are still there in the impression, and, if a side light is thrown on the document, one can get a good photograph of the so-called blurred impressions. I hope my colleagues will make use of this little suggestion in the identification of impressions.

A. S. KAPUR.

OURSELVES

To the Editor of THE POLICE JOURNAL.

SIR,

May I take this opportunity of saying that I think the get-up of the JOURNAL in these days is very good indeed and adds greatly to the pleasure and interest one experiences in reading the articles.

The general standard of the JOURNAL too, in my opinion, shows a great advance from the early days, and, so far from there having been a falling off with the reduction of price, I think there has been a pronounced improvement. I, personally, find it very much more interesting than formerly.

With best wishes for the future,

Yours, etc.,
METROPOLITAN.

REVIEWS

CRIMINOLOGY. By ALBERT MORRIS. (Longmans' Social Science Series, Longmans, Green & Co.) 16s. net.

THIS book is at the same time both depressing and refreshing, depressing because it reveals the extent, the immense cost to Society of crime at the present day in the United States and the very small amount that has so far been accomplished throughout the world in curing this extensive and costly canker in the body politic: and stimulating because it describes the determined efforts which are being made by hundreds of earnest workers to find out the root causes of the disease and to devise if possible means to eradicate them.

The subject of the book must be of interest to those whose duty it is to deal with criminals and to enforce the law which alone defines the criminal. But most books on criminology are apt to be left unread or only partially read by normal readers. Mr. Morris has produced a very different volume, one which is interesting throughout. As he says in his preface, "it purports to be neither original research nor a bald collection of facts garnered by others but a usable and suggestive arrangement and interpretation of important work already done in Criminology." The book is written from the American standpoint and deals chiefly with the problems as they occur in the United States using other countries for comparison. But that does not greatly lessen its value to us, since it is always well to take the opportunity of seeing things from a view point other than our own.

Mr. Morris deals with the subject in a very complete manner, starting with a survey of the general field of criminology, the definition of crime by law, and its cost to Society, and then takes us through the natural history of criminals from birth onwards. He next deals with the prevention of criminal behaviour, the apprehension and conviction of criminals, and their after treatment. We would like to quote largely from the chapter on the Police, which gives an historical account of the development of present-day Police Forces and in which he is unsparing in his criticism of certain organizations in his own country, but we must limit ourselves to a few sentences. Speaking of the service, he writes (p. 236): "Ideally, policemen ought to have the combined virtues of soldier, lawyer, parent, and diplomat; but their wages are those of an unskilled labourer"; (p. 260): "There is no alchemy in a uniform that can transform an everyday man into a personification of wisdom and virtue." Of patrols he says (p. 239): "The police patrol acts as the eyes and ears of the department"; and of third degree methods (p. 244): "Beyond a doubt the third degree is a characteristic police method in the United States." "If they can give him a dose before he goes into court, so much the better." "Yet in spite of the

reliance that the police place on it, the third degree undoubtedly hinders their efficiency, caters to laziness, and discourages adequate investigation of cases."

Mr. Morris has a very happy way of illuminating a point by means of an illustration from ordinary daily life, which must appeal to every one of us, such as this, when he is discussing the definition of a criminal (p. 1): "Included, however, are a host of criminals like ourselves who have been fined for watching tail-lights instead of traffic lights," and "The common law was made in the same way that a path is formed across a field. Someone passes through, others by accident or design follow the dim outline of the newly made trail, and finally it has become a beaten track".

The book concludes with some excellent suggestions for research in criminology and an extensive bibliography of all branches of the subject.

THE INCIDENCE OF DELINQUENCY IN BERKELEY, 1928-1932.
By HERMAN ADLER, FRANCES CAHN, and JOHANNES STUART. (United States of America: University of California Press. Great Britain and Ireland: Cambridge University Press.) 9s. net.

THIS book gives the results of an intensive study of the incidence of juvenile delinquency in the Californian city of Berkeley. Although no definite explanation of the incidence of such delinquency has been reached, there are indications that whereas in some places it occurs most in districts which are undergoing a transition in economic or social conditions, in Berkeley it is most prevalent as the result of the meeting of two somewhat different social levels, such as is to be found in the area round the University centre. The book provides the data for further study of the subject.

CORNISH OF THE "YARD". His Reminiscences and Cases. By EX-SUPERINTENDENT G. W. CORNISH. (John Lane.) 18s. net.

IF we may judge by publishers' lists and the literature on the railway and other bookstalls, there is no cessation in the demands of the general public for "crime" and "detective" fiction: whether this is an index of an increased respect for the law, or whether it is the result merely of a craving for excitement need not be discussed here. But if it is either of these, this book by ex-Superintendent Cornish, of Scotland Yard, should be very acceptable, as meeting the demand with true tales, without any of those startling coincidences which must for some readers mar the enjoyment of reading many of the "detective" yarns of the present day. It is a plain straightforward account of the life-work of one who has succeeded well in the career he chose, and as such must be stimulating to those who hope to follow in his footsteps.

In the first chapter Mr. Cornish gives us a brief sketch of the beginning of his working life as a recruit and of some of his earlier difficulties. The description of Whitechapel as it was some forty years ago is very interesting: apparently it provided harbourage for many of the criminals who worked "up West". After about seven years in the Metropolitan Force, Mr. Cornish

became a member of the C.I.D., and from that time until 1933, when he retired, he appears to have taken an active part in the investigation of many of the more notable cases which have occurred in London and in the provinces, including the Great Pearl Robbery, the Charing Cross Trunk Murder, the Murder of Lady White, and the Great Turf Fraud. He gives a very readable account of these and other cases, and, as he says, refrains from any personal opinion about the results with one or two exceptions, and from adding any of those theoretical discussions which spoil many such memoirs. In fact we would have welcomed more of the personal, since to the general reader there must be much in the life of a leading detective officer which is intriguing, such as his ability to do without reasonable rest and his method of relaxation in his hours of leisure, if indeed he finds any when working on a big case. How easy in some cases seems the work of detection, when we read the account of a case and see the building up of the evidence in court! But in this book we get many indications of the hard work which has gone to the accumulation and piecing together of such evidence. It is also interesting to have acknowledgment of the element of luck (pp. 21 and 26) in such investigations. It would be of great value to be able to compare this book with one written say twenty years hence on the same subject, after the further development of scientific aids in criminal investigation.

In view of certain cases which have occurred in 1934, it is rather surprising to read on p. 172 that so far no case of the "trunk" type has gone unpunished in this country. The book is well illustrated with photographs of the persons and scenes connected with the cases described.

ARCHBOLD'S CRIMINAL PLEADING. 29th Edition. By R. E. ROSS and T. R. FITZWALTER BUTLER. (Stevens & Sons, Ltd., and Sweet & Maxwell, Ltd.) 52s. 6d. net.

THIS work has acquired an established position in the libraries of all who are in any way connected with the administration of criminal law, and for this reason needs no commendation from the reviewer. In this volume legal references are brought up to 31st July, 1934. Many important alterations have been made since the last edition, and nearly two hundred new cases are cited.

STREET TRAFFIC FLOW. By HENRY WATSON. (Chapman and Hall.) 7s. 6d. net.

THIS book, which was reviewed in Volume VI of THE POLICE JOURNAL, has now been issued at a cheaper price. Mr. Henry Watson has assembled a considerable mass of material in regard to traffic. To have attempted such a task is a labour of substantial merit, but his book suffers to a considerable extent because it is a personal document embodying the individual views of the author rather than a detached attempt at practical traffic science.

The subject of street traffic is a difficult and complex one, and Police Officers are well aware how often theoretical considerations are upset by

the unexpected when put into practical operation. The value of Mr. Watson's book lies in its facts rather than in its conclusions.

In regard to his treatment of tramways, Mr. Watson deserves all the sympathy that belongs to champions of lost causes. He is not discouraged by the widespread suppression of tramways; in Paris and New York as well as in London and most of the provincial cities in England, the more flexible forms of transport are increasingly favoured.

POLICE CONSTABLE'S GUIDE TO HIS DAILY WORK. By B. M. GREGG, Retired Superintendent and Chief Clerk, West Riding Constabulary, and C. P. BRUTTON, Deputy Clerk of the Peace and County Council of Chester. Seventh edition, 1934. (Sir Isaac Pitman and Sons, Ltd.) 6s. net.

THE sixth edition of this book was reviewed on page 688 of Volume 4 of THE POLICE JOURNAL of 1931. In the new edition there are included a number of Statutes which have come into force since the last edition was published, such as The Children and Young Persons Act, 1933, and The Firearms and Imitation Firearms (Criminal Use) Act, 1933.

There is much useful information in the book, although it would appear to be more helpful as a book of reference rather than an actual guide to be used on the spur of the moment.

It is unfortunate that in the list of offences there would appear to have been made an effort to condense certain definitions, with the result that slight inaccuracies have crept in. On the other hand, there are unnecessarily long quotations from Statutes.

The general instructions and appendices are excellent.

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 1st November, 1934. The subject was—

“THE PREVENTION AND DETECTION OF SERIOUS CRIME.”

The number of entries was larger than it has been for some years but there was no essay of outstanding merit. The Council therefore regret that they are unable to make any recommendation for the award of His Majesty's Gold Medal for the 1934 Competition.

The Council award the second prize of twenty guineas to—

Inspector Cecil R. Hewitt, City of London Police, and the third prize of ten guineas to—

Detective-Officer Harry Kitchin, Chesterfield Borough Police.

The following competitor has received “Hon. Mention” for his essay:—

Detective-Sergeant Arthur Cain, Metropolitan Police, and the following have received “Mention”:—

Police Constable Cyril Ernest Turner, Swindon Borough Police.

C. R. Peters, District Superintendent of Police, Moradabad United Provinces, India.

Detective Inspector James Brailsford, Derbyshire Constabulary.

Sergeant Alan Beresford, West Riding Constabulary, Wakefield.

The Council announce with regret that Capt. C. Mitchell Innes, C.B.E., has been compelled to resign from the Honorary Secretaryship. His place has been taken by Sir Francis Griffith, C.S.I., O.B.E., of New Scotland Yard.

The Council also announce that they have received a further grant of £40 from the National Police Fund subject to the usual conditions.

Funds for awarding the prizes for the Gold Medal Essay Competition are badly needed and, as no doubt some Forces and private individuals might like to contribute to this object, any donations would be gratefully received and should be forwarded to—

The SECRETARY TO THE COUNCIL,
POLICE GOLD MEDAL ESSAY COMPETITION,

HOME OFFICE,

WHITEHALL,

LONDON, S.W. 1.

Police Gold Medal Essay Competition

RULES FOR THE 1935 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 1935

"Discuss the Advantages and Disadvantages of Placing the various Police Forces in the United Kingdom under a Common Administration".

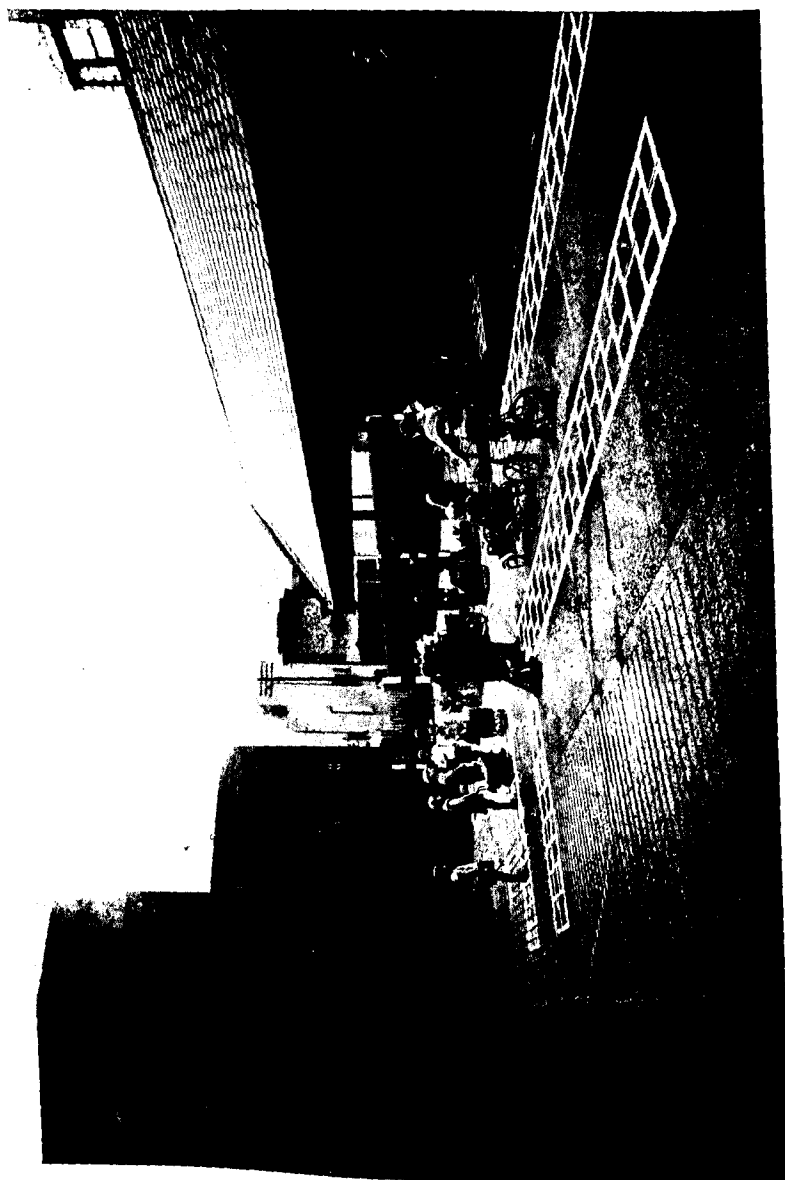
Essays must be submitted on or before 1st November, 1935, to—

The SECRETARY OF THE COUNCIL OF THE
POLICE GOLD MEDAL ESSAY COMPETITION,

HOME OFFICE,

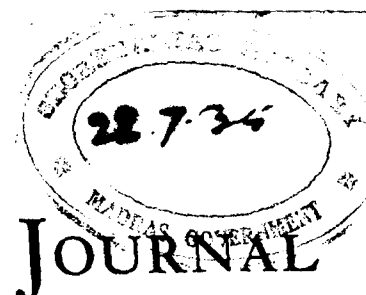
WHITEHALL,

LONDON, S.W. 1.



Frontispiece]

"SAFETY FIRST" INSTRUCTION FOR SCHOOL CHILDREN
(see p. 315)



THE POLICE JOURNAL

VOL. VIII. No. 3

JULY-SEPTEMBER 1935

Editorial

THE Editor takes this opportunity once more of reminding readers of THE POLICE JOURNAL that he is always anxious to receive articles on any subject which directly, or indirectly, concerns police-work.

Most editors are deluged by a flood of MSS. : the contributions submitted are more than could be used, even if all were suitable for publication. The Editor of THE POLICE JOURNAL, however, does not find himself in this happy position. Apart from articles and reviews sent in by the more regular contributors, the amount of MSS. which is submitted is still lamentably small. THE POLICE JOURNAL is a magazine written by the Police for the Police. It is essentially a medium for the exchange of ideas and for imparting information and offering suggestions which will have an instructional value. There should be a large proportion of our readers who have something to say. The flow of MSS. ought to be coming in from all parts of the country and not only from certain well-defined areas.

No doubt, some potential authors hesitate to commit their ideas to writing because they are doubtful of their own literary capacity. The Editor is anxious to emphasize that, if the subject-matter of the article is good, the form or style of the MS. can be easily adjusted in this office to meet magazine requirements. Some of the best articles which have recently appeared in these pages were subjected, at their authors' request, to considerable editing.

Articles should be not less than 2,000 and usually not more than 5,000 words. Where the MS. lends itself to illustration, a few good photographs will add to the general interest of the article.

The Editor hopes that the "Correspondence Columns" will be more widely used than in the past. Several issues have already been raised in them, which have deserved far more criticism and comment than they have received.

The value of each number of THE POLICE JOURNAL obviously depends on the nature of the contents. The contents depend largely on the nature of the articles submitted, and not entirely on the articles which have been "written by request". The Editor appeals, therefore, to all readers in all Forces to bear the needs of THE POLICE JOURNAL in mind.

Notes on Recent Crime

"NO matter what the charge or where the trial, the principle that the prosecution must prove the guilt of the prisoner is part of the Common Law of England and no attempt to whittle it down can be entertained." These immensely important words are those of Sankey L.C. in the case of a young farm labourer, Reginald Woolmington, sentenced to death by Swift J. for murdering his wife with a shot-gun and freed by the House of Lords after an unsuccessful appeal to the Court of Criminal Appeal. Swift J. had told the jury, "If the Crown satisfies you that this woman died at the prisoner's hands, then he has to show that there are circumstances to be found in the evidence which has been given from the witness-box in this case which alleviate the crime, so that it is only manslaughter, or which excused the homicide altogether by showing that it was a pure accident." There was apparent authority for this direction going back to the eighteenth century and the Court of Criminal Appeal had upheld it; it meant that proof of killing by the prisoner threw the onus of proof that it was not murder on him. The decision of the House of Lords is that in English criminal law the onus never shifts to the prisoner, save as to the defence of insanity and any statutory exception. An illustration can be sought in the law of receiving stolen property; a jury may convict, if recent possession is proved and not explained; but it is a misdirection to say that the onus is on the accused to give an explanation. The practical difference in murder cases is this: The question now will not be "he killed him or her, can he excuse it?", but will be "did he kill him or her as the result of a voluntary act, intentional and

unprovoked?" In Woolmington's case the defence was that he took the shot-gun to frighten and it went off accidentally. The Crown must show from the proved circumstances that it did not go off accidentally.

The exception of insanity has been forcibly illustrated by a murder case at Brighton, where a young man, named Anderson, strangled, shot, and threw into a tank, apparently without any motive, a young girl to whom he was engaged. The defence was insanity and Hewart L.C.J. pointed out that it was for the defence to prove insanity, for every man was presumed sane till the contrary was proved. He reaffirmed in striking terms and word by word the definition of insanity in law, which has come to be known as the rules in Macnaughton's case, "labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing or if he did know it that he did not know he was doing what was wrong." Such a defence is not proved by the prisoner saying that he had a mental "fade-out", supported by a doctor or doctors saying that such "fade-outs" are possible. The L.C.J. described this evidence as "gossamer", and the Court of Criminal Appeal, in dismissing the appeal, said that the defence of insanity was becoming almost too common, where great violence was alleged.

A striking lecture on the young offender has been delivered by Hewart L.C.J. on 24th May, 1935, in Grays Inn Hall. "There are indeed from time to time adventurous boys in the dock who should be at sea; there are those found wandering who should be found a hill of adventure that they may climb." He recognized the possibility of misplaced leniency and suggested that magistrates in juvenile courts should be of parental age between 40 and 60, rather than of grand-parental age. As to misplaced leniency one may perhaps add that it is difficult to say whether leniency

is misplaced, till it has been tried and failed. Better a few failures than the manufacture of a criminal out of a high-spirited boy! Police as well as probation officers can be and are of great assistance in these cases.

Some very dangerous criminals have been brought to book. A forging gang, who in a year defrauded banks of over £6,000, led by "Three-fingered Jack" Seymour who "could forge so skilfully that people could not recognize their own signatures", was broken up by penal servitude sentences from Judge Dodson at the Old Bailey. The trial in such cases reads prosaically, but an immense amount of detective labour has gone to the cut and dried result. In fact one may say the more cut and dried the result, the better has been the detective work. A motor-stealing gang, who in two years had disposed of about 250 cars, 50 of which had been recovered by the police, came before the Common Serjeant at the Old Bailey and the two principals—a third had committed suicide—were sent to five years' penal servitude. Cars were stolen and driven from the West End to a garage near the Oval, where their plates and numbers were altered, and then they were sold at a special Car Mart.

A sensational attempted murder case at Leeds resulted in the conviction and sentence to five years' penal servitude of one Russell, an M.P.'s son, before Atkinson J. He was accused of trying to drown his mistress by pushing her into the river. The girl said in evidence, "I am not accusing Jack Russell of attempting to murder me. He never attempted to murder me." In spite of this he was convicted. The moral for the police is that, if the circumstances are strong enough, they should not be deterred from prosecuting, because the victim out of fear or partiality tries to shield the accused. A motor manslaughter case has ended in a sentence of penal servitude before Hilbery J. at Birmingham.

A woman tried to prevent a drunken driver named Brown from driving, but with the help of friends he insisted upon getting into the driving seat. He mounted a pavement and killed a little child.

A very surprising case has been that of John Binney, sentenced to seven years for sending threatening letters. He served ten months of his sentence and was then freed by the Court of Criminal Appeal on a special reference from the Home Secretary under the Act. Letters had been written since his sentence in the same handwriting as the threatening letters and they could not have been written by Binney. Handwriting experts had identified the letters as Binney's at the original trial—which shows that identifying handwriting is not an exact science.

Two men were recently arrested in Liverpool for "loitering with intent to commit a felony". One of them was found to have written down the addresses of houses which he had observed that the occupants were about to vacate. He carried a torch and a pair of gloves, while his companion had a jemmy. Both men had been convicted on many occasions of housebreaking, and were evidently about to commit a similar crime. The maximum sentence of three months would have been inadequate under the circumstances, and it was decided to charge them with "conspiring together . . . to break and enter the dwelling-houses of residents . . .". They pleaded guilty and were sentenced respectively to 12 and 9 months.

The Police and the Law

1910-1935

DURING the twenty-five years since His Majesty King George V came to the Throne, Parliament has put many new duties on the shoulders of the police. There is no end to the development of those laws, the enforcement of which has in the main to be undertaken by the police; and during the period of His Majesty's reign a very large number of new statutes, regulations, and by-laws have appeared and have increased enormously the list of minor offences which are triable summarily.

Many people complain, not without justification, of the multiplication of such offences. But it would be unwise to expect that this tendency will receive any serious check. In every civilized community new circumstances arise and new developments take place which, if not regulated and controlled in some way by the State, would certainly result in serious abuses. Restriction is often necessary in the interests of liberty, decency and good order. The growth of greyhound racing is a case in point. Ten years ago there was no organized effort to amuse the public and to stimulate their gambling instincts by making greyhounds run after an electric hare. Once started this form of amusement caught the public fancy; a large amount of capital was invested in establishing "dog tracks", and before very long betting facilities for that kind of racing became available on a scale never dreamt of in horse-racing. As everyone is aware, Parliament had to step in and set up powers and machinery for the purpose of preventing the growth of dog racing from becoming a menace. The result is control and, incidentally, the creation of new offences.

A more dramatic illustration of the necessity for control has been the growth of road traffic during the period under review. The original Motor Car Act was passed seven years before the beginning of the King's reign. Many people thought that that enactment provided the full measure of control that would be required for very many years to come. In view of the enormous and progressive increase in the number of motor-cars on the road since the end of the Great War, it is in fact surprising that there was no further general legislation until 1930 when the Road Traffic Act was passed. Before 1930 the police had to carry out every year an increasing amount of traffic control duty. The imposition of local speed limits had created a great deal of work and, in the Metropolis, the London Traffic Act, 1924, had added its quota of new offences. But the Act of 1930 with the amending Act of 1934 must be regarded from the police point of view as one of the most important developments during the reign.

Next in order of importance to road traffic is perhaps the legislation by which at the beginning of the War the control of aliens was established in this country for the first time in any complete sense. The earlier Aliens Act of 1905 had not increased the work of the police to a serious extent. The War-time measures needed for controlling the entry of aliens to the country and the system of registration introduced under the Aliens Restriction Act, 1914, were something quite new in our history. The task of registration fell to the police and under the modified provisions of the Aliens Order, 1920, registration is still maintained and not likely to be abandoned in the near future. The War made the country—if one may use the expression—"alien conscious"; and with the problem of unemployment still a grave one that consciousness still continues. It would be difficult to estimate the amount of work which these measures have put upon the police. Quite apart from the administration work involved in registration, proceedings frequently have to be taken for infringements of the Aliens

Order—failure to register, failure to notify change of address, landing without leave of the immigration officer, etc.; and, in addition, the police are responsible for the execution of deportation orders.

We have not space in these notes to give any general summary of the effect of other changes in criminal law during the period which have added to the work of the police; but one or two statutes may be mentioned.

The provisions of the Licensing (Consolidation) Act, 1910, with regard to the registration of clubs—which were originally enacted in 1904—are an instance of control in the interests of the general community. The very large increase of registered clubs during the past twenty-five years has been a source of serious concern and trouble to the police throughout the country. The registration of clubs has become a means, unforeseen by the legislature, by which persons who wish to escape from the restrictions imposed on the sale of liquor by the licensing laws can provide liquor in an establishment which is only thinly disguised as a club. Among police duties to-day there are few tasks more troublesome than the detection and proof of offences against the licensing laws committed by those who use the club registration procedure as a cover for their activities.

Mention may also be made of the Children and Young Persons Act, 1933, which has built up on the basis provided by the Children Act, 1908, a new system of juvenile courts which have jurisdiction over young persons up to the age of 17. With this system the police have had to become familiar and have carried out their duties in connexion with juvenile court jurisdiction admirably.

We should like to glance at one other feature in the growth of law affecting the police during His Majesty's reign. There is no doubt that not only has the status of the police notably improved during the period, but also that their legal position has become much clarified. The growth of our police system on the bed-rock of the common law has taken place side by side with the establishment

under statutory authority of a complete system under which the locality is made responsible for the efficient maintenance of the police force. Under the modern police system the two principles of local administration and personal responsibility are fully maintained to-day and they have given rise to legal problems which have been far from easy to solve. Five years ago Mr. Justice McCardie in *Fisher v. Oldham Corporation* (1930), 2 K.B. 364, gave us a very learned exposition on the legal position of the police on which there had hitherto been no authoritative judicial pronouncement. We know now that the police act on their own responsibility, at any rate when carrying out their police duties proper; and we know also that the police are public servants and officers of the Crown and are not servants of the local bodies who maintain them, so as to make those local bodies responsible in damages for arrests in circumstances which are shown not to have been justified in law. That is an important decision on a point which one would have supposed would have been cleared up long ago. What are the logical consequences of that decision time alone can show. The position of personal responsibility in which a constable is placed may perhaps be regarded from some points of view as an unfortunate one for him; but there are compensating advantages. One of them undoubtedly is that the principle of responsibility gives to the police a status which they might not otherwise possess. It brings them into direct relationship as it were with the Crown and identifies them, as has been stated in a well-known case in the House of Lords (*Coomber v. Berks Justices*) as the agents of the central government for the purpose of preserving order.

Finally, it is interesting to note that the year of His Majesty's Jubilee should have been the occasion for a weighty and memorable pronouncement by the House of Lords on the most important principle governing the administration of our criminal law. We refer, of course, to the judgment delivered by the Lord Chancellor in *Woolmington v. Director of Public Prosecutions*, as reported

in *The Times* of 24th May last; and we may end this note by quoting the following paragraph in that judgment:—

“No matter what the charge, or where the trial, the principle that the prosecution must prove the guilt of the prisoner was part of the Common Law of England, and no attempt to whittle it down could be entertained.”

“Colourable” Evasions of the Law

The technicalities of the law are a favourite subject of criticism by the layman. We must perhaps include police among laymen, since it cannot be supposed that constant association of the police with the work of the courts and their frequent contact with lawyers gives the police any affection for the technicalities of the law. Lawyers, it is supposed, pay far too much attention to form and too little to the substance of the matters with which they have to deal professionally; and even the courts are sometimes accused of a perversity which defeats the ends of justice when, for example, they decide they cannot deal with a particular matter at all because a notice has not been delivered at the right time. It may well be that the man in the street has no reason whatever to suppose that the delivery of the notice on one day or another would make the slightest difference. In a recent case (*Duke of Atholl v. Read* (1934), 2 K.B. 92), for example, it was held that the High Court had no jurisdiction to entertain an appeal from the decision of a justice relating to an alleged lottery because the appellant had failed to give to the respondent, in accordance with section 2 of the Summary Jurisdiction Act, 1857, notice in writing of the appeal by “case stated” before the case was transmitted to the High Court. Failure to give this notice at the proper time was held to be an incurable defect. Such a result is rather difficult to justify. Many people may think either that the court ought not to be so strict or that the court ought to have power in its discretion to cure the defect. But the courts can only administer the law as it is.

There is, however, another common idea shared by many laymen for which there is far less justification than is belief that justice is too often defeated by technicalities—the idea that the law does not do enough to discourage ingenious people who present in apparently lawful shape something which is really unlawful. But as a matter of fact the law—or at any rate the law as it is administered by the courts of this country—has a very keen nose for shams. Cases are constantly arising which show that the courts have no difficulty whatever in brushing aside any kind of pretence and exposing the reality which has been covered up by the use of ingenious words. A transaction which is covered up in this way is often described as a “colourable” transaction, *i.e.* that which is in appearance only and not in substance what it purports to be. Oddly enough, the proceedings before the justices in the case to which we have referred above provided an interesting illustration of a court’s capacity to get at the substance underlying a scheme which was presented to the public in words carefully chosen to suggest that the scheme was not a lottery. An even better illustration may be found in a decision of the High Court—*Director of Public Prosecutions v. Phillips*, 51 *T.L.R.* 54, also a lottery case, in which what was ultimately held to be a lottery had been represented by the persons prosecuted as a genuine commercial transaction. As the Lord Chief Justice stated, “wherever one looks in this undoubtedly ingenious scheme, it is impossible to find anything really of the nature of a commercial transaction.” The details of the scheme had been set out in a leaflet which made the scheme appear to be a commercial venture by which persons might earn commissions in the sale of note-cases on a “snowball” system. What the court had to do, as the Lord Chief Justice said, was to disengage the reality of the transaction from the appearance which, for good reason, it is made to assume. He ended his judgment by saying that he thought the leaflet spoke for itself and that it had the “word ‘lottery’ written all over it”. We

could not have a better instance of the ability of the courts to brush aside misleading words and fix the authors of such a scheme with the penal consequences resulting from their responsibility for its real effect.

Criminal Law and Civil Remedies

The relationship between civil and criminal law is a question on which most people have no very clear ideas. If my watch is stolen, can I sue the thief for it or for its value without saying anything to the police? In English law the general principle is that where injuries are inflicted on an individual under circumstances which constitute a felony, the injured person cannot bring a civil action for damages against the person who caused the injuries until the latter has been prosecuted or a reasonable excuse shown for not prosecuting him. This principle, which was discussed in the case of *Smith v. Selwyn* (1914), 3 *K.B.* 98, is based on the idea that public justice must be done before private remedies are pursued. It is a logical application of the notion underlying what is known as compounding a felony. From the police point of view, the fact that an injured person cannot bring a civil action in these circumstances (he cannot, at any rate, bring it without risk of the action being stayed) is probably not of much practical importance; but it is at least worth observing that the principle or rule to which we have referred relates only to cases where the circumstances amount to a felony—it does not apply where the offence is a misdemeanour, *e.g.* an assault. Logically, there is no justification whatever for this limitation; but as in the case of some other common law principles, its application to modern circumstances results in a legal position which it is not easy to defend on logical grounds. From the point of view of public justice it would surely be right to apply the same principle to misdemeanours. For example, in the case of a road accident, negligent driving which has resulted in damage to person or property nearly

always amounts to a criminal offence as well as constituting a cause of action for damages. Should the civil proceedings be postponed until after criminal proceedings for dangerous or careless driving have been taken by the police? As the law stands at present we cannot give a definite answer to this question and we are not aware that any uniform practice is followed.

The converse of the circumstances discussed above is perhaps of more direct interest and concern to the police, *viz.* the case where a conviction has been obtained in criminal proceedings against a person who has subsequently been able to resist successfully a claim for damages based on exactly the same circumstances as those which gave rise to the criminal proceedings. If in the two sets of proceedings the issues are substantially the same, *viz.* whether the person who did the damage was or was not guilty of negligence, a finding of criminal liability would look rather odd side by side with the decision of a civil court that there was no negligence. An obvious example of such a case is where a motorist has been found guilty of careless driving under Section 12 of the Road Traffic Act, 1930, and subsequently the same motorist successfully defends an action for damages by satisfying the court that he was not negligent. Can it be said that the issues are really the same in the two sets of proceedings? If so, it would seem at first sight that a decision of a civil court on the same facts as those on which the criminal court convict the man might suggest that there has been a miscarriage of justice in the criminal proceedings. Such cases in fact arise occasionally. But it rarely happens that a conclusion that there has been a miscarriage of justice could be justified. One cannot dispose of the problem by saying that if a man has been guilty of a criminal offence of careless driving, he must necessarily also be guilty of a tort for which he is civilly liable for damages. In a civil action for negligence the defendant can escape liability by proving that the plaintiff was guilty of contributory negligence. Strictly speaking, contributory

negligence by someone else cannot be put forward as a defence in criminal proceedings. But, quite apart from any question of contributory negligence, there are other reasons why a judgment in favour of a defendant motorist against whom an action for negligence has been brought is an insufficient reason for assuming that his summary conviction under section 12 of the Road Traffic Act, before justices, was not justified. The judge in the civil action may have stopped the case on the ground that there was no evidence of negligence to go to the jury, but if the evidence did go to the jury it is obvious that their finding in favour of the defendant might have been based on various considerations which would not be present to the mind of the judge in criminal proceedings. It follows that if a person against whom charges under the Road Traffic Act have been successfully brought subsequently complains that an injustice has been done because he has escaped liability in a civil action for damages, the complaint, though a perfectly natural one to make in the circumstances, is not necessarily well founded.

Recent Judicial Decisions

R. v. Wright

EVIDENCE OF THE BAD CHARACTER OF THE PRISONER
BEFORE THE JURY

(25 *Criminal Appeal Cases*, page 35)

THE appellant in this case was convicted at the Central Criminal Court of larceny and conspiracy to steal.

A witness for the Crown, in the course of his examination-in-chief with regard to his identification of the prisoner, said, "I identified him in the 'rogues' gallery' at Scotland Yard."

It was argued that the conviction ought to be set aside upon the ground that the accidental statement suggesting that the appellant was of bad character must have influenced the jury and that the Judge at the trial had failed to warn them against being so influenced.

The case was one of confidence trick of some importance. The appellant was arrested in March, 1934, as a result of the identification of a photograph by the victim who had returned to California. The victim returned to this country and identified the appellant at a parade, but the appellant, who had been released on bail, absconded. He was arrested in September, 1934, on landing at Newhaven. The prosecutor was again brought over from America and the appellant was finally sentenced to three years' penal servitude in October, 1934.

In the course of his judgment Mr. Justice Avory said that the Court was quite prepared to accept the contention that the unfortunate statement made by the prosecutor that he had identified the prisoner from a photograph in the "rogues' gallery" must inevitably have led the jury to draw the inference that the prisoner had either been previously

convicted or was a person of bad character. He went on later to deal with the complaint that the Recorder had made no reference to this unfortunate statement in his summing-up, and said the Court had "come to the conclusion that in a case of this kind, where by accident an observation of this nature has been made, it may very well be that the best course for all parties—prosecution, defence, and trial Judge—to pursue is to abstain from making any reference to it at all. The making of any reference to the matter may only tend to impress it more strongly on the minds of the jury".

The learned Judge later referred to the judgment of Lord Reading in the case of *Williams and Woodley*, 14 *Criminal Appeal Reports*, 135, in which that learned Judge had said, "It is sufficient to say that here is a case of a serious irregularity, and that applying the proviso of section 4 of the Act of 1907, we have come to the conclusion on the facts of this case, and having regard to the evidence given at the trial, that without this irregularity, and assuming that there were no notes of the previous convictions of the appellants on the abstract supplied to the jury, they must inevitably have arrived at the same verdict of guilty against the appellants."

Mr. Justice Avory said that the Court adopted these words as applying to this case and in the result the appeal was dismissed.

R. v. Porter

ADMISSIBILITY OF QUESTIONS AS TO PREVIOUS SIMILAR
FRAUDULENT BUSINESS

(This case is reported on page 59 of the same volume of *Criminal Appeal Cases*.)

The appellant was convicted at the Essex Assizes of obtaining money by false pretences and appealed upon the ground that certain questions put to him in cross-examination with regard to a previous venture in a similar business were inadmissible in evidence.

The appeal was dismissed and Mr. Justice Avory's interesting judgment reproduced below deals fully with the facts of the case and the law upon the subject. He said:—

"This appellant was convicted at Essex Assizes on an indictment which charged him with obtaining moneys by false pretences, the false pretences alleged being 'that Approved Hotels, Cafés and Restaurants of Great Britain was a *bona fide* association honestly carried on for the purpose of selecting and approving certain hotels, cafés, and restaurants; that the said association was then in a position to offer advantages in return for subscriptions of members and had issued a motorist's handbook in which were published the names of certain approved hotels, cafés, and restaurants, and had certain descriptive signs to be sent to and exhibited by any approved hotel, café, or restaurant'. There was no substantial dispute that the defendant in fact made the representations alleged. He called himself 'Approved Hotels, Cafés and Restaurants', representing that to be a *bona fide* association, and used that high-sounding title which was calculated to impress those from whom he obtained subscriptions much more than if he had used his own name. There was no dispute that the persons alleged to have been defrauded were induced to part with their moneys by means of the above representations. In those circumstances there were two questions for the jury: (i) whether the defendant knew that the pretences which he was putting forward were false; (ii) whether he intended to defraud. If the jury came to the conclusion that he knew that the pretences were false, they would be entitled to infer the intent to defraud. The main contention of the defendant was that he had no intent to defraud.

"Those being the issues at the trial, it was sought on the part of the prosecution to put questions in cross-examination to the appellant to show that in 1930 he had carried on a business which was remarkably similar to the one which was the subject of the present indictment. There were differences, no doubt; in the former case there was a false

pretence that a certain sign used by the defendant represented him to be a member of some recognized association, but it was not disputed that in the general outline the nature of that business and the manner in which he obtained subscriptions were remarkably similar to those employed in the present case. The question was argued, in the absence of the jury, whether this evidence was admissible and the learned Commissioner ruled that it was. Thereupon questions were put to the appellant as to the nature of that previous business and as to the issue whether, in the result, it had not become obvious that the appellant could not honestly and successfully carry on such a business and that it must end, as it did, in failure. Unfortunately the appellant, not content with answering the questions put to him, himself introduced before the jury the fact that he had been convicted of obtaining money by false pretences in 1931. The prosecution are not responsible for that.

"The only question which we have to consider is whether it was admissible to elicit the fact that in 1930 the appellant had carried on a very similar business and made very similar false pretences and that he must have known from his experience that the subsequent carrying on of such a business would result not only in the failure of the business, but also in the subscribers being defrauded of their money. We have to consider the authorities which have been put before us. They are numerous and each one has to be considered with reference to its facts, but there are some passages which appear to lay down principles which ought to guide us in this case. In *Ellis, Bray J.*, in giving the judgment of this Court, of which the other members were Lord Alverstone C.J., Jelf J., A. T. Lawrence J., and Lord Coleridge J., said (5 *Cr. App. R.*, at p. 58; (1910) 2 *K.B.*, at p. 760): 'In other words, could evidence of those frauds have been given by the prosecution? It was argued by Mr. Bodkin that the judgments in *Bond (supra)* supported his proposition. We think they show the contrary.' In his judgment Lord Alverstone C.J. said: 'The general rule of law applicable in

such cases can be clearly stated. It is that, apart from express statutory enactments, evidence tending to show that the accused had been guilty of criminal acts other than those covered by the indictment cannot be given unless the acts sought to be proved are so connected with the offence charged as to form part of the evidence on which it is proved. . . . In our opinion the law on this subject is laid down with perfect accuracy by Channell J., in *Fisher* (3 *Cr. App. R.* 176; (1910) 1 *K.B.* 149). He said, in delivering the judgment of the Court of Criminal Appeal (Lord Alverstone C.J., Channell J., and Lord Coleridge J.): 'In other words, whenever it can be shown that the case involves a question as to there having been some mistake or as to the existence of a system of fraud, it is open to the prosecution to give evidence of other instances of the same kind of transaction, notwithstanding that the evidence goes to prove the commission of other offences, in order to negative the suggestion of mistake or in order to show the existence of a systematic course of fraud.' In *Perkins v. Jeffery* ((1915) 2 *K.B.* 702, at p. 708) there is a quotation from the judgment of Lord Reading C.J. in *Boyle and Merchant*, where he said (10 *Cr. App. R.* 180, at p. 193; (1914) 3 *K.B.* 339, at p. 347): 'We think that the ground upon which such evidence is admissible is that it is relevant to the question of the real intent of the accused in doing the acts. Its object is to negative such a defence as mistake, or accident, or absence of criminal intent, and to prove the guilty mind which is the necessary ingredient of the offence charged. There is, as is apparent from a consideration of the authorities, an essential difference between evidence tending to show generally that the accused has a fraudulent or dishonest mind, which evidence is not admissible, and evidence tending to show that he had a fraudulent or dishonest mind in the particular transaction, the subject-matter of the charge then being investigated, which evidence is admissible. It has been laid down that there must be a nexus or connexion between the act charged and the facts relating to previous or subsequent transactions

which it is sought to give in evidence to make such evidence admissible.' It is really the question of nexus between the offence which is the subject of inquiry and the previous offence which has formed the basis of the argument in this case. Before dealing specifically with that question, I will read a short passage from the judgment of Cresswell J., in *Cooper* (3 *Cox C.C.* 547) where he said, at p. 549: 'The evidence is not offered by way of proving simply that the prisoner had been guilty of the same crime before. The question is, whether on this occasion he did an act with the design of effecting a certain object. One step in the proof is to show that he would be likely to know that a certain result would follow.' The question in this case is whether it was not obvious that the appellant, from his experience of the previous venture in 1930, would be likely to know that a certain result would follow, namely that the subscribers would be defrauded.

"It is said here that there is a considerable interval of time between the two transactions, something like two years. We need not consider the hypothetical case which was put to us in argument of a transaction which took place fifty years before. In this case the time which elapsed was only about sufficient for the previous conviction to have blown over. It would have been idle to suppose that the appellant, the moment when he came out of prison, could have started again the same kind of fraud. We are therefore not impressed by the fact that two years had elapsed, but the question of time is not the only means of establishing a nexus between the one offence and the other. A. T. Lawrence J., as he then was, in giving judgment in *Bond* (*supra*), at p. 424, said: 'In all cases in order to make evidence of this class admissible there must be some connexion between the facts of the crime charged in the indictment and the facts proved in evidence. In proximity of time, in method, or in circumstance there must be a nexus between the two sets of facts, otherwise no inference can be safely deduced therefrom.' In this case we are clearly of opinion that, apart from the question of

in notes was found upon him. The appellant gave evidence on his own behalf and a number of questions were put to him by the Judge with a view to ascertaining what explanation he had to offer to the possession of this sum of money. The Judge was unaware that the appellant had been previously convicted on several occasions, and asked a number of questions with regard to the appellant's past occupation and history, including the question: "What I want the jury to know is your history for the last ten years." At the conclusion of those questions counsel for the defence said: "In view of the questions your Lordship has been asking, I must put some questions to (the appellant) which I otherwise would not," and asked the following question: "Have you for some part of that ten years been in prison?", to which the appellant replied, "Yes." The Judge subsequently told the jury to disregard the disclosure of this fact and in his summing-up said: "Make up your minds to come to a decision wiping that out of your minds altogether."

In allowing the appeal the Lord Chief Justice said: "The matter is in a very high degree unfortunate. The appellant had in fact been in prison on various previous occasions; indeed, he had been released only some few months before this particular trial from serving a term of three years' penal servitude for the crime of forgery. Unhappily, for the sole purpose of ascertaining what explanation the appellant, who had given evidence on his own behalf, had to offer of the fact that a sum of £18 was found upon him the Common Serjeant, not knowing of the appellant's previous convictions, asked questions of a very wide scope. These culminated in the question: 'What I want the jury to know is your history for the last ten years.' Nobody had suggested that the sum of £18 found on the appellant had been in his possession for anything like ten years. It may well be that in those circumstances the appellant felt—quite wrongly, of course—that he was being pressed upon the details of his criminal history. One can sympathize with the counsel defending him, who felt that in those circumstances it was

inevitable that he should bring out the truth and make a clean breast of it.

"It is very unfortunate that a mistake was, quite unwittingly, made in the course of putting questions which, if they had been framed with more particularity, would have been quite proper; but the disastrous result of those questions in the form in which they were put was to cause the fact to become known to the jury that they were trying a man who had already been in prison. We bear in mind all that was subsequently said in further questions, in the speech of counsel, and in the summing-up, but we cannot avoid the conclusion that in these circumstances, which so accidentally and unfortunately arose, the appellant did not have a satisfactory trial. We have no course but to allow the appeal and quash the conviction."

Cartridge Clues

BY DETECTIVE-CORPORAL A. E. HARWICH,
F.R.M.S.

Palestine Police Force.

ONLY too often in Palestine the sole clue found at the scene of a murder is a cartridge case ejected from the weapon that fired the fatal shot. Whereas formerly it was only possible to determine the type of fire-arm used, one is now able to tell definitely whether that cartridge has been fired from any particular rifle which may later be seized from a suspect. A fire-arm is too valuable a possession in Palestine to be thrown away or destroyed after the commission of an offence and is invariably discovered later hidden in or near the house of the murderer—if not on his person. The scientific evidence in the following case is of unusual interest, as showing how much can be done in the way of linking up different offences committed by the same person using the same fire-arm for each offence.

A brief description of the method adopted might be of interest. The bolt-face and the striker tip of every fire-arm is either finished off by hand with a file or by a machine, according to the shape and size of the extractor or other raised areas on the surface; consequently, there are no two bolt-faces bearing similar striations. The bolt is of hard steel, whereas the base of the cartridge is brass and the percussion cap of soft copper. When the cartridge is fired, a pressure of about 18 tons to the square inch (rifles) is generated in the breech: the base of the cartridge is forced against the bolt-face and the striations on the latter are embossed on the copper cap, in much the same manner as soft sealing-wax takes the impression of a seal of harder material. Every expended cartridge, therefore, carries with it the thumb-mark of the particular fire-arm in which it was fired. Needless to say any damage, marks of erosion or corrosion on the bolt-face are also transmitted in negative form to the cartridge.



FIG. 1.—BASE OF CARTRIDGE PICKED UP AT THE SCENE OF THE
AMBUSH, August, 1933

[By kind permission of the Government analyst, Jerusalem]



FIG. II.—BASE OF CARTRIDGE PICKED UP AT THE SCENE OF THE
ATTACK, September, 1933

[By kind permission of the Government analyst, Jerusalem]

(face p. 283)

A careful microscopic examination of the cartridge will reveal these striations, and by using suitable illumination it is possible to photograph them. These photographs can then be used for comparison with other cartridges fired as control rounds from the suspected weapon. Any points of similarity are noted and marked and the photographs can be produced in Court. It is not possible to lay down, as in the case of finger-prints, how many points of similarity are necessary before an opinion can be given; there are so many factors to be taken into account that the expert must rely upon his experience and knowledge to guide him.

On 22nd May, 1933, two Palestinian mounted police constables, Assali and Ismail, were ambushed in a narrow *wadi* by seven armed men who forced them to dismount and hand over their arms, after which they were taken to a depression in the rocks where were already a number of villagers who had been robbed and held as prisoners.

The leader of the gang beat Assali with a whip and ordered him to hand over his money. The constable indignantly invited Abu Jildi to search him, whereupon the bandit seized his rifle and shot him at point-blank range. Ismail was then made to hand over his valuables and to search the body of his dead comrade.

The murderer then tried to kill the second constable, but was prevented from doing so by a member of the gang, one Abu Doleh, who later frustrated a second attempt after the gang had left the vicinity, when his chief made an excuse to return and kill the horses of the patrol—Abu Doleh doing this himself to ensure no further human bloodshed.

The leader, Abu Jildi, Abu Doleh, and a third, Saleh Armeet, were positively identified as escaped convicts with a long list of serious offences to their account. Abu Jildi was responsible for three murders previous to this attack.

An extensive hue and cry followed this brutal and cold-blooded murder, but the bandits so terrorized the unfortunate inhabitants of their "domain" that no one would dare to give information or to refuse them sanctuary and food. The wild

and mountainous nature of the country afforded them excellent cover and made tracking an impossibility.

A few months later Abu Doleh, who had been on bad terms with Abu Jildi since the murder of Assali, surrendered to the police and turned King's evidence. Accompanied by a small party of special police he searched for the gang for some time but, unfortunately, without success. Eventually he returned to prison to complete the sentence he was serving at the time of his escape. It is somewhat doubtful if his searching was as whole-hearted as he tried to make it appear.

In August of the same year an "additional" (special) police constable was ambushed and killed in cold blood. The assailants escaped, but not before they had been identified by a companion of the deceased as Abu Jildi and Saleh Armeet.

A month later two special police surprised the gang, and in the pitched battle which followed one policeman was killed; as the other policeman had exhausted his ammunition, the gang got away once again. Prior to this they had attempted to hold up two cars on the Jericho-Jerusalem road, but in each case the drivers ran the gauntlet and, although both cars were struck several times, the only injury was a slight graze on the shoulder suffered by one of the passengers.

The search was renewed with fresh vigour and there is no doubt that the bandits were now very hard pushed. The encircling tactics of the police resulted in a material reduction of their sphere of action. The increasing confidence of the villagers in the police had also closed the majority of their sources of supply. Hemmed in the inhospitable country, traversed by a few rough tracks, now more seldom used than ever, their position was precarious to a degree. Their only advantage lay in their extreme mobility and the large store of ammunition which they had obtained from their police victims. The nervous strain had its results and there is evidence to show that about this time Abu Jildi and his henchman Saleh Armeet were gradually deserted by their followers. They were on the run. For a time they disappeared

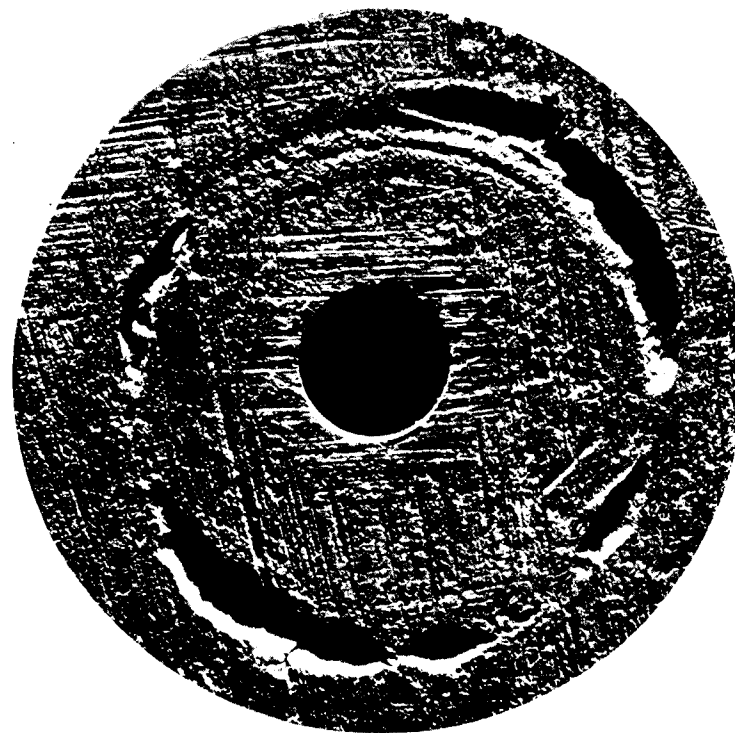


FIG. III.—BOLT FACE OF RIFLE NO. N 73654 (reversed). Showing identical striations and faults as are to be found on the two fatal rounds (Figs. I and II)

[By kind permission of the Government analyst, Jerusalem]

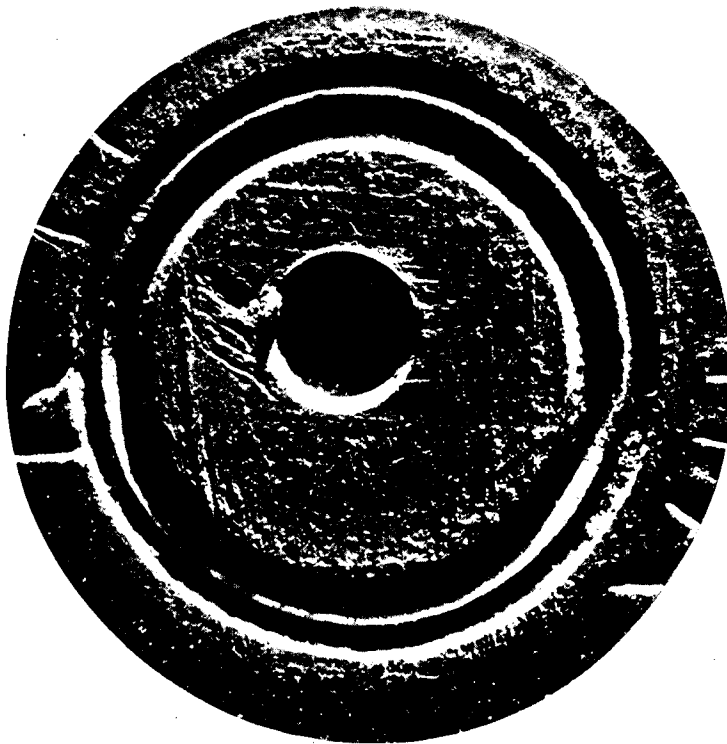


FIG. IV.—CONTROL ROUND FIRED FROM RIFLE NO. N 73654. Showing identical striations and faults as are to be found on the two fatal rounds (Figs. I and II)
[By kind permission of the Government analyst, Jerusalem]

(face p. 285)

entirely and it was thought they might have escaped over the frontier until the hue and cry had died down. But the search continued and, on the morning of 13th May, 1934, information was received by the Nablus Police that the two were hiding in a cave not very far from that town. The Deputy District Superintendent of Nablus and a strong force left immediately for the spot. On arriving at the place indicated the party was greeted by a shot which fortunately did no damage.

In order to avoid unnecessary bloodshed the mouth of the cave was surrounded and a messenger, one of the local inhabitants, was sent in to parley with the bandits and to point out to them the hopelessness of their position. After ten anxious minutes he reappeared bringing with him the rifles and ammunition of the two bandits who shortly afterwards followed him out and surrendered.

After the ambush of the special constable in August a cartridge was picked up at the scene of the crime and the base photographed (Fig. 1). Another round was found at the site of the attack in September and similarly examined (Fig. 2). Both bore identical marking and had obviously been fired in the same rifle. The same fire-arm was also responsible for some of the shots fired in the Jericho road hold-up.

When Saleh Armeet and Abu Jildi were arrested the former was in possession of police rifle No. N73654 which he had taken from the body of P.C. Assali. The bolt-face of this rifle was photographed (Fig. 3) and showed striations identical in appearance with the rounds picked up on the scene of the three crimes mentioned above.

Abu Jildi killed Constable Assali with the same rifle that was used in the previous murder of three villagers and again on the Jericho road, since when, however, he had changed his rifle for the one that was captured with him. In his case, therefore, we were unable to forge the missing link ; but there was abundant other evidence to prove his guilt and, a few months later, he and his lieutenant Saleh Armeet paid the supreme penalty on the scaffold at Central Prison, Jerusalem.

The Importance of Trifles

By DETECTIVE-SERGEANT HARKER

Lincolnshire C.I.D.

ON 29th September, 1933, Professor Tryhorn, of Hull University College, delivered the first of a series of twelve lectures to selected officers from the Lincolnshire, Lincoln City, Grantham Borough, Grimsby, and Boston Borough Police Forces at County Constabulary Headquarters, Lincoln, on the subject of "Scientific Methods and Criminal Investigation". On 7th October, 1933, two cases of house-breaking occurred at Scunthorpe. The connexion between these events is not apparent at first sight; the events, in fact, were connected only by threads, but these threads ultimately proved to be strong enough to obtain for a certain specialist in housebreaking two years' hospitality at the expense of H.M. Government.

On Saturday night, 7th October, 1933, a man brought a bicycle to the Police Station at Scunthorpe and said that he had found it on the Doncaster Road. He had first seen it at 7 p.m. and as it was still there at 9 p.m. he had brought it to the Police Station for safety. The bicycle was a "Crown" make, almost new, and the frame bore a number. The name and address of the finder were noted and he was thanked for his services. A little later, about 10 p.m., a telephone call was received at the Police Station from a man who said his name was Harrison, that he lived at 42 Trent Road, Gainsborough, that his bicycle was missing from the Doncaster Road, and that he would call at the Police Station and give full particulars. He did not call, and the address was found shortly afterwards to be fictitious.

At about 11 p.m. on Saturday, 7th October, 1933, information was received by the Scunthorpe Police that a house had been broken into during the temporary absence of the occupiers, who had left home at 8 p.m. and had just returned. This house, named "Thark", is the only detached one in a street of semi-detached houses in a residential quarter of Scunthorpe. Detective-officers visited the house and found that the thief had climbed a rain pipe, at the side of the house, giving access to the roof of the scullery; he had then climbed over this roof to a bedroom window and entered the house through the top section of the window. All drawers in the house had been ransacked and a quantity of jewellery, consisting of rings, brooches, and ear-rings, had been stolen. A window on the ground floor had been opened (no doubt as a rapid means of escape for the thief, if disturbed) but the intruder had apparently left the premises by the door. A dog, which usually barks at all visitors, had been left in the house by the occupiers.

A close examination by daylight the following morning showed that the thief had carefully wiped out with a wet cloth any marks which might have revealed his identity. There had been a considerable amount of rain on the Saturday evening, and the rain pipe, scullery roof, and window sill of the bedroom showed mud traces. Similar marks were found in the bedroom, but these had obviously been wiped over by a cloth and furnished no information.

The detective-officer in charge of the case, bearing in mind certain points regarding investigation which had been demonstrated by Professor Tryhorn at the weekly lectures, carefully examined the premises both inside and outside. A few fibres were found adhering to the bedroom window frame and these were carefully preserved for what they were worth; no finger-prints could be found. Routine inquiries in the neighbourhood were at once instituted.

About 9.30 a.m. the same morning a man reported to the police at Crowle, about 11 miles from Scunthorpe, that his new "Hercules" bicycle had been stolen from an outhouse

in the yard of an hotel at Crowle, where it had been left the previous evening for security.

Probably it was coincidence that a nearly new bicycle had been found in Scunthorpe and that a bicycle in similar condition had been stolen from a place some miles away. At any rate there appeared to be no connexion at the time, and the usual inquiries were at once commenced in the Crowle area, but the detective staff at Scunthorpe kept the case in mind as possibly having a bearing on the house-breaking case.

As a result of inquiries during Sunday afternoon, it was learned from a Mrs. Burnell, who resided in the district, that on Saturday, 7th October, when passing the house "Thark" about 9.35 p.m. she noticed that the gate was open and saw a man coming from the direction of the back door. She did not see a light in the house nor did she notice any vehicle or bicycle near, but she did remember that the man was "hurrying away". The description she gave was that of a man aged 30 to 35 years, height about 5 ft. 4 in. or 5 ft. 5 ins., believed clean shaven, thin build, and thought to have been dressed in tweed cap and light mixture suit, but without an overcoat. This woman must have had good powers of observation to remember such a casual incident on a wet night and to recollect the general appearance of the man. As an experimental test of the value of such testimony this description should be checked with those obtained later.

The same evening, Sunday, at 7.15 p.m., the occupier of a house named "Claremont", on the Doncaster Road, Scunthorpe, reported to the police that his house had been broken into during his absence. This house is of a good class, standing in its own grounds, on the main Scunthorpe-Doncaster Road on the outskirts of Scunthorpe, and about 500 yards from the house "Thark", where a similar offence had been committed. "Claremont" had been unoccupied from 1 p.m. Saturday, 7th October, until 7 p.m. Sunday, 8th October. Detective-officers visited the premises and found that the thief had entered the house through the top

centre panel of a window at the side of the house on the ground floor. This portion of the window is hinged at the top and opens outwards and is about 18 inches square, the bottom of the panel being 7 feet from the ground-level. An instrument about $\frac{5}{8}$ in. wide had been used to force the window, and had left clearly visible marks. Similar marks were found on the outside of a window frame giving access to another room on the opposite side of the house, where an unsuccessful attempt at entry had been made.

The house had been systematically searched. All drawers had been ransacked, and even the bed linen on the beds had been turned over. The key of the safe had been discovered by the thief in a drawer, the safe opened, and everything portable and of value taken. The property stolen included a gold hunter watch, watch-chain, rings, gold medals, a gold tie-pin bearing a Masonic emblem, and a quantity of cash (including gold sovereigns and half-sovereigns) to a total value of £70. Bulky silver articles were not taken.

Footprints made by a plain sole, approximately size 6, were discovered in the garden, and a similar footprint was found on a table inside the house immediately below the window through which entrance had been made. An examination of the safe revealed three finger-print impressions on the inside of one of the safe drawers, but no other clues were obtained. It was evident that the "job" was not the work of an amateur.

Information regarding all these offences was immediately circulated over a wide area, and on Monday, 9th October, detective-officers visited Doncaster, which is the first important centre on the direct route from Scunthorpe out of Lincolnshire. At noon the same day it was ascertained that a man had called at a house on the Doncaster Road (adjacent to "Claremont" house) about 10 p.m. on Saturday, 7th October, and said, "Has anyone called with a bicycle, as I have been paying a call, and when I came out my bicycle had gone?" He then asked the position of the nearest telephone call-box and was directed accordingly. During the conversation with the lady

of the house, the man kept his back turned to her and she did not see his face, but she stated that he appeared young, was about 5 feet in height, and dressed in a blue suit, fawn trilby hat, and was not wearing an overcoat. It has been mentioned previously that it was raining heavily during Saturday evening, and the fact that this man was not wearing an overcoat or raincoat might indicate that this was the man who had been seen leaving "Thark" by Mrs. Burnell. It is true that the descriptions of his clothing were dissimilar, but something more or less definite had been established and attention was concentrated on a smallish man who was not wearing an overcoat, as a suspect.

It now seemed clear that both housebreaking offences had been committed by the same man between 7 p.m. and midnight on the Saturday; that the thief had arrived on a bicycle; that while he had been engaged in one of the houses his bicycle had been taken to the Police Station for safe custody; and that there was some connexion between these offences at Scunthorpe and the bicycle stolen from Crowle.

The connecting link was obtained on Tuesday, 10th October, when a watchman working at a junction on the Doncaster Road about one mile from Scunthorpe was interviewed. He stated that on the previous Saturday night between 11.30 p.m. and 12 midnight he was in his watchman's hut when a man called out, "Have you seen anyone with a bike?" The watchman replied that several had gone by and the man said, "Somebody has stolen mine!" It was raining and very dark at the time, but the watchman said that the man had come from the direction of Scunthorpe and stood in the middle of the road some distance away during the conversation. He appeared to be from 20 to 30 years of age, about 5 ft. 4 in. or 5 ft. 5 in., and in the watchman's own words, "looked to be wearing a cap and a dark suit. I don't believe he had an overcoat on." The man went towards Keadby (the main road to Doncaster) and did not return.

A description of the "Crown" bicycle was circulated to all cycle dealers over a wide radius, and as a result it was learned that a dealer at Doncaster had sold a bicycle of this make to a man, whose name was given, about six weeks previously. Neither the dealer nor the makers had any record of the number.

Photographs of persons known to commit this class of offence were obtained, and Mrs. Burnell picked out one photograph as being somewhat like the man she had seen coming from "Thark" on Saturday, 7th October. The photographs were also shown to bullion dealers at Doncaster without result.

In the meantime the fibres from the window frame of "Thark" and the safe drawer bearing finger-print impressions had been forwarded to County Headquarters, Lincoln. Inside the drawer were three excellent finger-print impressions, apparently made by the first three fingers of a left hand. It was proved definitely that these impressions had not been made by the occupier of the house. On the front of the drawer was a handle secured by lugs passing through two holes and fastened by means of two nuts screwed thereon on the inside of the drawer. A close examination revealed what appeared to be traces of a finger-print impression projecting slightly beyond the edge of one of the nuts, and this was in the approximate position which would correspond with the little finger of a left hand in relation to the other three impressions. The nut was unscrewed and definite traces of a finger-print impression were revealed, thus proving that the finger-prints were not those of the thief (unless he had unscrewed the handle from the drawer, which was very unlikely), and this clue was therefore regretfully but definitely abandoned. An examination of the fibres found on the window frame, under a low power microscope by ordinary light, showed that they consisted in the main of bluish coloured threads, but this of course conveyed very little to an ordinary investigator.

The man was traced in Doncaster and interviewed; the bicycle stolen from Crowle was found in his possession, the

gear-wheel having been enamelled black by him. He was therefore cautioned and charged with this offence and arrested. He stated that on Saturday, 7th October, he left Doncaster during the afternoon and visited his mother at Haxey, approximately midway between Scunthorpe and Doncaster. He said he left his mother's house on his bicycle and went for a drink in a public-house at Haxey, and that whilst he was inside his bicycle must have been stolen. He took the Hercules bicycle in mistake since it was similar in general appearance to his own and told a circumstantial story to account for the gear-wheel having been blacked. The housebreaking offences were not put to him and he said he could prove the bicycle had not been stolen by him. His lodgings at Doncaster were searched, but no trace of the stolen property was obtained. It was evident that considerably more effort was required before he could be connected with the housebreaking offences. He had £4 9s. 0½d. in his possession when arrested, and paid £4 to a local solicitor to defend him, the solicitor being very confident that he could easily clear his client from suspicion.

The detective-officers conducting the search took possession of the prisoners' clothing and personal effects. Whilst examining the premises, one of them saw a collection of rusty chisels—woodworkers' tools but constructed entirely of metal. Among them was one with an edge about 5/8 in. wide which appeared to be fairly bright and an examination of the edge showed that it had been used fairly recently. This was also taken for future reference although it was actually the property of the man with whom the prisoner was lodging. Photographic enlargements of the edge of the chisel and the marks on the window frames of "Claremont" house were made, and although no conclusive evidence was obtained, the photographs were of sufficient value to be retained as exhibits in the proceedings.

A few notes about the prisoner would not be out of place at this point. He was a man with a criminal record who had been released from prison on licence during June, 1933, after a sentence of eighteen months hard labour for house-

breaking, and at his trial he had admitted twenty-one cases of housebreaking in the Midlands. His knowledge of criminal procedure was good and he knew exactly how far the police could go. On his release from prison he had withdrawn the sum of £18 from the bank, but when he engaged his last lodgings at Doncaster he had no money, although he had obtained employment at a brick and cement works; it was known that he had obtained advances of pay occasionally from his place of employment. Soon after his arrival in Doncaster he made the acquaintance of a respectable girl, upon whom he spent a good deal of money in journeys to the seaside and other places. The girl apparently accepted his statement that he had private means. He took this girl frequently for walks in the neighbourhood of Doncaster, but generally chose the same route every time, and, although no importance was attached to this at the time, subsequent events proved the importance of trifles of this nature in criminal investigation. He had served and been wounded during the Great War, and after his discharge in 1919 obtained employment of various kinds, in every instance obtaining testimonials as to his work and character. There is no doubt that he was a steady man who worked hard in whatever occupation he was engaged. He was a man of few vices, but was very fond of the female sex—his one weakness. This probably explains the fact that he was somewhat of a dandy regarding his clothing, which was smart and well cut; his hats and shoes were of corresponding quality. In general appearance he was about 5 ft. 4 in., and his age was apparently anywhere between 32 and 39—on the whole he was a man of agreeable appearance, and his speech was above the average of the ordinary working man. His record showed, however, that he was a man whose word was hopelessly unreliable even when he appeared most sincere, and that he avoided the truth even when a lie served no purpose; in short, a man expert in his particular line, who gave nothing away, and a member of that class which has been responsible for the revision of police methods in recent years.

His arrest was reported to Headquarters, and the first question asked was, "What colour is his clothing?" When told that he possessed, among other articles, a rough blue suit, instructions were given for the clothing to be brought to Headquarters. The officer in charge of the case brought the clothing to Headquarters the same day, and a few fibres were plucked at random from the coat and placed under the microscope, revealing that the fibres were mainly blue in colour and similar in appearance to the fibres which had been found on the window frame of "Thark". Among the clothing were also found pieces of muddy rag, and a pair of old brown shoes, which were muddy and gave the impression that there were two different kinds of mud on them.

The investigation now assumed a rosier aspect. Professor Tryhorn was consulted; the piece of wood showing chisel marks on the window frame of "Claremont" house was cut out, and forwarded with the prisoner's clothing and the other exhibits to him for expert examination. His preliminary report gave indication of some definite evidence, so that the prisoner was cautioned and charged with the two offences of housebreaking. His defence was an absolute denial, and his demeanour remained one of confidence.

An identification parade was held, but none of the witnesses identified the prisoner as the man they had seen. This is not surprising, considering the circumstances under which he had been seen by them.

A further development occurred on 17th October, when a telephone message was received from the Doncaster Police stating that during cleaning operations in the bedroom, occupied by the prisoner at Doncaster, a tie-pin bearing a Masonic emblem had been found concealed under the marble slab of a wash-stand in the bedroom. This wash-stand had been examined by police officers when the original search was carried out, but they had not lifted the slab out of its position as they were afraid it would break if moved. The landlady had taken the slab off the wash-stand to clean it and had found the tie-pin.

The prisoner's attitude, when told of this discovery, remained unaltered. He implied that that was not the only tie-pin of its kind in the world. He knew nothing about it and it might have been left there by a previous occupier of the room, or have been planted there for a specific purpose.

The offence of stealing the bicycle was committed outside the Scunthorpe Petty Sessional Division, and the prisoner was brought before the Epworth Police Court for this offence. Although his solicitor strenuously fought every point in the evidence for the prosecution, the prisoner was committed for trial, the case having occupied the attention of the Court from 10.30 a.m. to 7 p.m.

On Monday, 30th October, the prisoner was brought before the Scunthorpe Court and charged with the two offences of housebreaking. He pleaded not guilty, still preserving his confident air, and his solicitor cross-examined the witnesses for the prosecution at some length. The sequence of the case for the prosecution was, first of all, evidence of loss, followed by a chain of circumstantial evidence to prove the movements of the prisoner on the date of the offences and that the bicycle found on the Doncaster Road was actually his property; identification of the Masonic tie-pin found at the prisoner's lodgings (the evidence on this point was not absolutely convincing); and finally the evidence of Professor Tryhorn and photographic evidence relating to the marks on the window frame and the chisel found at the prisoner's lodgings. At about 4 p.m. it was evident that the hearing was going to be a protracted one, and owing to the Professor's engagements his evidence was taken out of sequence. It is given here in full as showing to what extent the prosecution was based on it.

REPORT OF PROFESSOR F. G. TRYHORN, D.Sc., A.I.C., Professor of Chemistry, University College of Hull.

The following exhibits were received from Detective-Sergeant Harker, Lincolnshire Constabulary, at the University College, Hull, on the 19th October, 1933:—

1. A rough serge navy blue suit, the property of the prisoner.
2. A smooth serge navy blue suit, the property of the prisoner.
3. One pair of brown shoes, the property of the prisoner.
4. One steel chisel, found at the prisoner's lodgings.
5. A piece of wood from a window frame of "Claremont", Doncaster Road, Scunthorpe, bearing chisel marks.
6. Sample of soil from the garden of "Claremont", Doncaster Road, Scunthorpe.
7. Sample of soil from the garden of "Thark", Highfield Avenue, Scunthorpe.
8. Microscope slide, containing fibres found by Detective-Sergeant Brewster on a window frame at "Thark".
9. One pair of grey flannel trousers, the property of the prisoner.

(A)

Microscopic examination was made by ordinary and by polarized light of the fibres in Exhibit 8, and the following were detected:—

- (a) Fibres of undyed wool; in P.L. Brilliant white.
- (b) Opaque black thin fibres; in P.L. Dark blue.
- (c) Opaque black thick fibres; in P.L. Green.
- (d) Opaque black thick fibres; in P.L. Black, with some parts very dark blue.
- (e) Cotton fibres.
- (f) Darkish mauve fibres; in P.L. Lighter mauve.
- (g) Black opaque thick fibres; in P.L. Wine colour.
- (h) Light mauve fibres; in P.L. Very pale mauve.
- (i) Deep blue fibres; in P.L. Bright blue.

With the exception of (e), the above fibres were of wool, and in many cases showed by their damaged appearance that their origin was probably shoddy material.

(B)

An examination of a similar type was made of some fibres taken from the suit Exhibit 2. These fibres consisted of wool, of a practically constant diameter, and dyed to a uniform shade of deep mauve.

(C)

Microscopic examination by ordinary and polarized light was made of some fibres taken from the rough suiting of Exhibit 1. This material was composite in nature and of the type characterized as

shoddy, i.e. the majority of the fibres had previously been used in making up some other material. The following types of fibre were identified:—

- (a) Undyed wool fibres; in P.L. Brilliant white.
- (b) Opaque black thin fibres; in P.L. Dark blue.
- (c) Opaque black thick fibres; in P.L. Green.
- (d) Opaque black thick fibres; in P.L. Black, with some parts very dark blue.
- (e) Cotton fibres (very few).
- (f) Darkish mauve fibres; in P.L. Lighter mauve.
- (g) Black opaque thick fibres; in P.L. Wine colour.
- (h) Lightish mauve fibres; in P.L. Very pale mauve.
- (i) Deep blue fibres, in P.L. Bright blue.

The cotton fibres found in this material had probably worked through from the cotton material used in the lining of the suit.

The conclusion reached from this examination is that—The scrap of fibres taken from the window frame of "Thark" could have come from the suit forming Exhibit 1. The large number of different types of fibres present in both of these exhibits makes this conclusion certain.

(D)

A comparison was made of the samples of soil (Exhibits 6 and 7) and soil from the shoes (Exhibit 3). There were distinct differences between the soils 6 and 7, and some soil on the shoes could certainly have come from the source from which Exhibit 7 was taken. It is, however, considered that no conclusive opinion can be based on this section of the examination.

(E)

A careful examination was made of a number of fibres taken from the shoes (Exhibit 3). It was noticeable at once that there were, on the shoes, considerable numbers of bright red woollen fibres. Closer examination showed that between two layers of mud on the shoes, a number of less noticeable fibres were present. Altogether, about fifty fibres were recovered from the shoes in this way, and of these more than twenty were mounted and examined microscopically by ordinary and polarized light. It was found that eight distinct coloured wool fibres were present in the material taken from these shoes. The following is a summary of them:—

- (a) Medium green wool fibres ; in P.L. Yellowish green.
- (b) Pale brown wool fibres ; in P.L. Deeper brown.
- (c) Pale blue wool fibres ; in P.L. Green.
- (d) Pinkish red wool fibres ; in P.L. Deeper pink.
- (e) Black opaque fibres ; in P.L. Deep purple.
- (f) Dark blue fibres ; in P.L. Blue.
- (g) Deepish red fibres ; in P.L. Almost brown.
- (h) Medium brown fibres ; in P.L. Darker brown.

These fibres are exhibited on the microscope slides numbered 1 to 10 and endorsed "Shoes".

(F)

On the 25th October, 1933, Detective-Sergeant Brewster handed to me an envelope containing "Wool from mat under bedroom window where intruder entered 'Thark'" and marked "Q". A microscopic examination was made by ordinary and by polarized light of the wool contained in this envelope. The following varieties of fibre were identified :—

- (a) Medium green wool fibres ; in P.L. Yellowish green.
- (b) Pale brown wool fibres ; in P.L. Deeper brown.
- (c) Pale blue wool fibres ; in P.L. Green.
- (d) Blackish opaque fibres ; in P.L. Deep purple.
- (e) Pinkish red wool fibres ; in P.L. Deeper pink.
- (f) Dark blue fibres ; in P.L. Blue.
- (g) Deepish red fibres ; in P.L. Almost brown.
- (h) Medium brown fibres ; in P.L. Darker brown.

The conclusion reached from these examinations is that—Had the wearer of the shoes (Exhibit 3), after being out in the wet, stepped on the rug from which the fibres above mentioned were taken, it would be expected that such fibres as were found on the shoes might be encountered. It can be stated that it is very unlikely that the association of colours found in the fibres from the shoes could have originated from a source other than the rug in question.

(G)

A careful measurement of the breadth of the chisel (Exhibit 4) with a micrometer gauge gave a mean breadth of 0.606 inches. A direct measurement of the breadth of the very distinct chisel mark on Exhibit 5 gave a breadth of 0.607 inches. This agreement is so close that it could be stated with certainty that the mark on the woodwork could have been made, so far as breadth is concerned,

with the chisel in question. Metal casts were taken of the whole of the indentations on this exhibit, but it was not possible to obtain satisfactory evidence of any scratches made by the chisel.

At the conclusion of the Professor's statement it was apparent that something had happened which neither the prisoner nor his solicitor had foreseen. Throughout the day the prisoner had amused himself by writing notes and passing them to his solicitor, but now his confident air was gone. His solicitor asked for an adjournment to enable him to prepare material for his cross-examination of the Professor, and the Court was therefore adjourned until 10.30 a.m. the following day. The prisoner was taken to the cells and given his tea prior to being conveyed to prison for the night. It was clear that something was disturbing his peace of mind, and at last he delivered himself. "The Professor's evidence was damning!" was his first remark, followed by, "I could have got over some of it, but that part about the window was too strong"; he then asked for sympathy, and told the detective-officers present that if they would promise not to "rub it in" he would say something. He was hardly reassured when they told him they could make no promises whatever and that it did not matter whether he said anything or not. On arrival at Scunthorpe Police Station the next morning he asked to see the Superintendent and Inspector privately. He did so, and very shortly afterwards a car took the prisoner "for a ride" in the company of two police officers. The Court was adjourned for two hours, and at the end of that time the solicitor for the defence walked into the Police Office and found the prisoner watching a detective-sergeant sorting out jewellery and counting money from an old tin, the office table being littered with a collection of soiled white cotton gloves and a long screw-driver. The stolen property, proceeds of both robberies, had been recovered from a spot indicated by the prisoner in a wood by the side of the road not far from Doncaster, where it had been buried. The hiding place had been marked by means of a concrete

post by the roadside. It has been mentioned previously that the prisoner was in the habit of taking his girl friend for walks on a certain road—and this was the road.

The prisoner informed the police officers that he had disposed of the gold sovereigns and half-sovereigns at an old gold dealer's shop in Doncaster immediately after the robberies; he was accordingly taken to this shop, but the dealer stoutly denied that he had ever seen the prisoner or that he had been in his shop. It was not until the prisoner described the circumstances of his visit that the dealer grudgingly admitted that he had a faint recollection of the man.

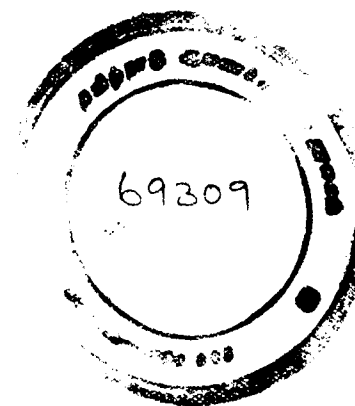
The prisoner was taken into Court where he pleaded guilty to both charges, and was committed to take his trial at the Assizes which commenced the next day at Lincoln. In Court, after the committal, he endeavoured to gain sympathy from the persons whose premises he had entered, and he certainly did ask a police officer, before he confessed, whether it was true that the watch and chain which was amongst the property which he had stolen belonged to the owner's son who was killed in the War. How far this fact went towards influencing him to admit the offences will never be known, but, if it did influence him, it is strange that it operated immediately after he had heard the scientific evidence against him. It may be that somewhere in him remained memories of War-time comradeship which made him appreciate the feelings of the owner of the watch and chain, and he may be given the benefit of the doubt on that point. The matter-of-fact police officer cannot hope for such fortunate circumstances in every offence which he investigates, and it is much safer for him to rely on the ordinary methods, plus such scientific assistance as he is able to obtain when it is required. As an instance of his mentality it may be recorded that the prisoner insisted that he made entry into the two houses by means of the long screw-driver which had been buried with the stolen property; this screw-driver, however, had a blunt edge less than $\frac{1}{2}$ in. in width, whereas it was

obvious that the marks on the woodwork at "Claremont" had been made by a sharp-edged instrument approximately $\frac{5}{8}$ in. in width, one impression being particularly clear.

He was duly sentenced at the Assizes to two years' imprisonment. The owners were satisfied, as their property had been recovered; and the Police were satisfied, not only because two troublesome breaking offences had been cleared up, but also because as a direct result of scientific assistance stolen property had been recovered which would otherwise still have been missing. The satisfaction of the Police was tinged with some slight regret that the charges were not contested in the Assize Court so that the weight of the scientific evidence might be tested. However, it is noteworthy that this is the second case of its kind in Lincolnshire where a prisoner's morale broke down on hearing the part that science was playing in depriving him of his "livelihood".

The lesson that these cases teach, so far as police procedure is concerned, is that too much care can never be expended in searching over the scene of a crime. The search should be repeated until it is certain that nothing, however trifling, has been missed.

Some evidence is probably to be found if only the officers conducting the search have been trained to know what evidence can be drawn from seeming trifles by suitable examination. Even if "traces" collected in a case fail to supply sufficient evidence, by filing them for comparison with exhibits from future cases it may prove possible to connect up cases not obviously related to one another.



Police Discipline One Hundred Years Ago

PART II

BY T. H. SPENCELEY

Liverpool City Police.

“WITH respect to the existing [Day] Police . . . a vicious system has long existed, and, as might therefore be expected, that force, as a Body, is most inefficient and that, when disbanded, few of its members will be found eligible for reappointment. Of 130 men of the Nightly Watch, the Committee feel it their duty to report 45 unfit for the Office and 25 whose qualifications are very doubtful.”

The above astounding criticism is quoted from the findings of a Commission set up in accordance with the provisions of the Municipal Reform Act, 1835, to inquire into existing Police conditions in the Borough of Liverpool. The report of the Commission, instituted nearly a hundred years ago, recommended the disestablishment of the existing separate Day Police and Nightly Watch, and the establishment of a day and night Police Force “to be denominated ‘The Constabulary Force’, over which the [Watch] Committee shall retain the right of appointments, direction and dismissals as well as the hearing of all reports and complaints”.

On 28th January, 1836, the findings of the Committee were laid before the Mayor and the full Council of the Borough and without any reservations the suggestions and recommendations were ordered to be put into effect forthwith. An inconsiderable number of the men of the existing Day Police and Nightly Watch were re-engaged; the rest of the men

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were placed under notice and the following particulars widely advertised :—

BOROUGH OF LIVERPOOL. Notice is hereby given that about Three Hundred Men are wanted immediately for the Day and Night Police of Liverpool. The pay will be eighteen shillings per week and the requisite Uniform Clothing.

1. Any person applying must be not less than twenty-two or more than thirty-five years of age.
2. Not to be under five feet seven inches in height.
3. To be able to read and write with facility.
4. To be well recommended for good temper, sobriety, honesty, activity and intelligence by his last and preceding employer.
5. To be in good health and of a good constitution.
6. To be prepared to engage to serve as Constables for at least twelve months.
- (7) To be able to deposit £3 or to find sufficient security for that sum, as a guarantee for his clothes, in the event of his quitting the Police Force without giving them up.
8. Not to keep a Public house, or deal in any Exciseable Articles.

It is interesting to note that the ranks were soon filled (even if not by men remarkable for sobriety), for on the 29th day of February, 1836, the men of the “New Police”, dressed in “becoming, good and well-made uniform”, for the first time, were paraded, inspected and then conducted to their beats.

The Watch Committee having decided to deal with all disciplinary matters, it became necessary to form sub-committees of the Watch Committee to meet daily to conduct such business. This was arranged, but unfortunately the earliest records of the Sub-Committees have been lost—the first available entry referring to 1st June, 1838, about fifteen months after the inauguration of the new system.

In the limited space at my disposal it is impossible to give a detailed commentary on the following extracts from the Liverpool Watch Committee Records for 1838–9. Return 1 is a simplified summary of the number of offences against Inspectors, Constables, and Acting Constables, reported by

superior officers and inquired into by the Watch Committee (daily sub-committees) during the year 1838. This is followed by a selection of offences and punishments quoted from the records covering the period June, 1838, to June, 1839. Some men made a habit of appearing before the Daily Board, as the record of punishments against Thomas Jervis will show. Finally, in order that the interested reader may thoroughly comprehend the enormity of the number of disciplinary cases dealt with by the Daily Board, I have quoted one day's disciplinary findings in full.

A RETURN OF THE NUMBER OF CHARGES AGAINST POLICE CONSTABLES, &c., OF THE BOROUGH OF LIVERPOOL, FROM 1ST JANUARY TO 31ST DECEMBER, 1838

Rank	For being Drunk on Duty	For being worse for liquor in Beer-houses, etc., when on duty	For being Absent from Beats and for neglect of duty	For being Asleep on Beats	For being Absent without leave, or late for duty	For being drunk or worse for liquor when off duty	For other offences	Total number reported by officers of the Force
Inspectors	2	15	55	—	6	1	31	110
Constables	144	366	603	93	285	27	213	1,731
Extra do.	39	41	36	17	36	4	11	184
Total	185	422	694	110	327	32	255	2,025

Disciplinary Extracts from Liverpool Watch Committee (Sub-Committee) Records covering the period June, 1838-9.

2/6/1838.

Resolved : That John Edwards, No. 65, be fined 1/- for being drunk coming out of a Public House when off duty at 12 o'clock on Friday night.

4/6/1838.

„ That John Harper, No. 338, be fined 1/- for appearing for duty without his Great Coat.

Resolved : That Joseph Samplin, No. 16, be cautioned, for being absent from duty last night without leave, and sending a false message to the Station House as an excuse.

„ That Wm. Byrne, No. 217, be fined 1/- for being asleep in a stable at 20 mins past 2 o'clock on Sunday evening.

5/6/1838

„ That Inspector Angus be reprimanded for being absent from his Section without leave from 3 to 6 o'clock and being slightly the worse for liquor when coming off duty at 9½ o'clock last night.

7/6/1838

„ That John Rodgers, No. 472, be fined 1/- for receiving Soup from the cook of the "SOPHIA" in Canning Dock at 12 o'clock at Noon yesterday.

8/6/1838

„ That John Moore, No. 444, be cautioned for having a drunken Sailor in his hut, smoking, last night.

11/6/1838

„ That Inspector Forstall be fined £2, and ordered to apologise, for violently and unjustifiably striking Mr. Wm. Walker in London Road at 1 o'clock on Thursday Morning last.

13/6/1838

„ That John Sparkes be placed at the foot of the Extra List, for neglecting to remove his lodgings from a Beer House after having been ordered by the Head Constable.

15/6/1838

„ That Inspector Okley be severely reprimanded and warned for being in a Beer House from 1 till ¼ before 2 o'clock on Tuesday morning, and for prevaricating respecting the Charge.

18/6/1838

Resolved : That Nicholas Bowman, No. 29, be fined 2/6 for being drunk in the streets when taking a Prisoner to Bridewell at 7½ o'Clock, and for being worse for liquor when coming off duty at 9 o'Clock on Saturday night.

„ That Wm. Parkes, No. 159, be fined 1/- each for being absent from his Beat and in a Brewery at 4½ o'Clock this morning.

20/6/1838

„ That Wm. Taylor, No. 334, be fined 1/- for being absent without leave on Monday night.

2/7/1838

„ That John Argent, No. 227, be fined 1/- for not getting up when called for early duty on Sunday morning.

„ That John Argent, No. 227, be cautioned for improperly taking Mr. Montgomery to Brick St Bridewell on Friday night last.

„ That James Stevenson, No. 46, be cautioned for performing his duty in a rough manner when called to quell a row on Friday Morning last at the Masquerade held at the Queen's Theatre.

3/7/1838

„ That Pearl Betts, No. 329, be suspended for being in a Shrubbery near St Domingo Hall with a Female under suspicious circumstances at 10½ o'Clock on Sunday night.

„ That Edward O'Brien, No. 53, be cautioned for hitting George Winter with his stick in North Street at 3½ o'Clock yesterday morning.

9/7/1838

„ That Wm. Brown, No. 141, be fined 2/6 for being drunk when off duty, and improperly taking a girl to Bridewell whilst in that state.

12/7/1838

Resolved : That Wm. Smith, No. 164, be suspended for going in plain clothes to assist Parties in resisting Bailiffs in the execution of their duty in a House of ill fame in Rose Hill and using his constable's Staff for that purpose.

19/7/1838

„ That Peter Tyrer, No. 214, be suspended for making use of improper language to P.C. No. 330, and appearing tipsy before the [Watch] Committee.

27/7/1838

„ That Michael Sheehan be cautioned for neglecting to spring his rattle upon an alarm of fire being given this morning.

„ That John Hanmer, No. 402, be reprimanded and placed at the bottom of the Extra List, for improperly receiving Beef from an apprentice belonging to No. 5 Pilot Boat, in Princes Dock.

31/7/1838

„ That Edward Clarke, No. 134, be reprimanded for improperly interfering with some German Boys in Park Lane, and ordered to pay for repairing a French Horn which he damaged in so doing.

6/8/1838

„ That Henry Sherry, No. 36, be cautioned for appearing on duty in a very slovenly state at 11 o'clock yesterday morning.

„ That John Corkhill, No. 510, be suspended for being drunk and fighting with two Custom House officers last night.

9/8/1838

„ That Thomas Brereton, No. 33, be reprimanded and Joseph Syers, No. 425, fined 1/-, the former for appearing on duty with dirty boots, and the latter for the same offence and being ¼ of an hour late when for duty yesterday.

10/8/1838

Resolved : That Richard Sherlock, No. 414, be fined 1/- for appearing for duty yesterday without his Staff.

15/8/1838

„ That Inspector Okley be cautioned for being in a Public House when on duty at 20 min past 12 o'clock on Monday last.

16/8/1838

„ That John Parkins, No. 160, be cautioned for neglect of duty, disobedience of order and insolence to the Inspector.

21/8/1838

„ That John Rogers, No. 472, be severely reprimanded and warned and removed to another Beat, for unnecessary interference with Mr. Davies, Publican, at a Meeting of the Marine Total Abstinence Society, and informed that the Committee will not allow him to deliver Total Abstinence Tracts to persons going into Public Houses, or in any way whilst in the execution of his duty.

3/9/1838

„ That Richard Barnett, No. 179, be fined 1/- for appearing on duty yesterday without his gloves.

6/10/1838

„ That Henry Parkinson, No. 297, be fined 2/6 for coming on duty last night without his glazed Hat, and for being drunk and absent from his beat at $\frac{1}{4}$ past 10 o'clock, and ordered to apologise to Inspector W^m. Davies for insolence to him.

11/10/1838

„ That Robert Hughes, No. 137, be suspended for unofficerlike conduct in holding converse with 2 disorderly Females on Sunday night last in front of Mr. John Burgess's house, for making use of improper language to that Gentleman when

he desired him to remove therefrom, for re-criminating in charging Mr. B. in the presence of his Wife with having repeatedly seen him in company with Prostitutes, and for telling gross falsehoods respecting the whole Charges.

2/11/1838

Resolved : That Inspector Riley be suspended for neglect of duty, for being very much the worse for liquor at the Polling Booth in Pownall Square yesterday afternoon and for distributing Ale to the Police Constables on duty there and to the bystanders generally, whereby much confusion ensued.

8/11/1838

„ That Edward Hughes, No. 330, be fined 2/6 for being in Danson's Vaults, drinking with the landlady of a disorderly public house at 12 $\frac{1}{4}$ o'clock this morning.

14/11/1838

„ That Thomas Barclay, No. 8, be reprimanded for being off his Beat, Skulking under the wall of the Toll-Bar, Bootle Road, at 12 $\frac{1}{2}$ o'clock this morning.
„ That Joseph Hodgson, No. 25, be ordered to apologise to Mr. Peter O'Connell, for improperly taking him to Bridewell last night.

20/11/1838

„ That George Briskham, No. 314, be suspended for being on terms of intimacy with a thief, who is also a Brothel Keeper.

26/11/1838

„ That Sylvester Farraday, No. 144, be placed at the foot of the Extra List of Constables, and removed to another Beat, for representing himself to a Servant Girl as unmarried, & writing letters to her.

THE POLICE JOURNAL

28/11/1838

Resolved : That Titus Mather, No. 226, be fined 5/- for being worse for liquor when on duty at 12½ o'Clock this morning, leaving his Beat without permission and insolent conduct before the [Watch] Committee.

5/1/1839

" That John Madden, No. 61, be placed at the bottom of the Extra List, for being drunk and assaulting a Prisoner whom he was booking at the Main Bridewell, for appearing before Mr. Hall [the Stipendiary Magistrate] whilst in that state, and not coming to the station with his Section at Relief time Yesterday morning.

8/1/1839

" That James Patterson, No. 173, be reprimanded for improperly entering the house of Mr. James Martin, Trueman Street, at ½ past 2 o'Clock on Sunday morning and searching the rooms, disturbing the inmates, &c., without a sufficient plea.

21/1/1839

" That James Hall, No. 466, and Robert Roberts, No. 505, be placed at the foot of the Extra List, for drinking liquor together whilst on duty, procured from a Vessel by Roberts, and also for quarrelling respecting some oranges which Hall had accepted from some persons who were discharging them from a Vessel.

23/1/1839

" That David Keith, No. 103, be suspended for selling a cape, the property of the Force, for 2/- to P.C. No. 269, and not going his rounds from 12 till 1¼ o'Clock last night.

28/1/1839

" That John Hogan, No. 235, be placed at the foot of the Extra List, for taking Mr. Michael

Hamill, Hairdresser, to Bridewell on Sunday morning, without cause, and using violence in so doing;—for refusing to take cognizance of Peter Flannaghan, who had his Barber's Shop in Key Street, open following his occupation;—for using improper language to P.C. Graham, No. 118, and interfering with him in the execution of his duty in Tithebarn Street;—and being worse for liquor when coming on duty at the 10 o'Clock relief.

31/1/1839

Resolved : That Inspector Angus be cautioned for neglecting to report P.C. No. 57 James Donagh for being drunk on duty at 12½ o'Clock on Wednesday morning (for which offence he was yesterday fined 2/6) and for changing morning duty with Inspector Burton without leave.

25/2/1839

" That Thomas Scott, No. 229, be suspended for being in a Beer House drinking with a Brothel house Keeper and some prostitutes at the time when a robbery was committed in the said Beer house.

14/4/1839

" That Samuel Sykes, No. 416, be fined 1/- for neglecting to put up the guard chains upon his beat from 5 till 12 o'Clock on Tuesday night.

22/4/1839

" That Joseph Syers, No. 519, be suspended for conniving at grossly immoral conduct on the part of his wife.

3/6/1839

" That Richard Sherlock, No. 414, be fined 2/6 for being drunk when on duty at 9 o'Clock on Saturday morning, and using un-necessary violence towards Mrs. Sophia Langham whilst in that State by pushing her with his stick, &c.

7/6/1839

Resolved : That James McWhan, No. 70, be reprimanded for using improper language to P.C. No. 83, who was drunk in Ashton Street Yesterday morning, and for slapping a Man in the face who was passing at the time.

Disciplinary Extracts from Liverpool Watch Committee (Sub-Committee) Records respecting Police Constable No. 519 Thomas Jervis, during the period 1st June, 1838-1st June, 1839.

21/6/1838

Resolved : That Thomas Jervis, No. 519, be fined 1/- for being off his beat and in a Public House at 4½ o'Clock Yesterday afternoon.

12/9/1838

„ That Thomas Jervis, No. 519, be fined 1/- for being off his beat and in a Public House at 5 minutes to 4 o'Clock Yesterday afternoon.

17/9/1838

„ That Thomas Jervis, No. 519, be fined 2/6 for being drunk and asleep on his beat at ¼ past 9 o'Clock last night.

4/10/1838

„ That Thomas Jervis, No. 519, be Fined 1/- for being 2 hours late for 5 o'Clock duty yesterday afternoon.

15/12/1838

„ That Thomas Jervis, No. 519, be fined 2/6 for being drunk and asleep on his Beat at 11½ o'Clock last night.

19/12/1838

„ That Thomas Jervis, No. 519, be fined 1/- for being asleep on his Beat at 6½ o'Clock this morning.

18/2/1839

Resolved : That Thomas Jervis, No. 519, be fined 1/- and cautioned for being off his beat and on board a vessel at 8 o'Clock this morning and prevaricating respecting the charge.

19/2/1839

„ That Thomas Jervis, No. 519, be fined 2/6 for being off his beat and in a Public House at 10 min to 10 o'Clock last night.

8/3/1839

„ That Thomas Jervis, No. 519, be suspended for being worse for liquor when coming off duty at 8 o'Clock this morning, and telling a gross falsehood, both to his Inspector and before the Committee, by stating, in answer to an inquiry, that the 2 large onions which he had in his possession were sent him from Staffordshire, when it was proved to this Committee that he had received them from the Mate of the "Hardware".

At a Meeting of the Sub-Committee of the Watch Committee, held at the Parish Office this (Thursday), 28th February, 1839.

Present,

Messrs. Ramsden, Thornhill, Mellor, G. H. Laurence, Jordan & Walmsley.

George Ramsden, Esq., in the Chair.

Resolved : That Wm. Hollywell, No. 230, be fined 1/- for not going his rounds at 3 o'Clock this morning.

„ That Edward Sayer, Bridewell Keeper, be fined 2/6 and cautioned for being absent from duty without leave at 9 o'Clock Yesterday morning.

„ That John Davies, No. 163, and John Drake, No. 76, be fined 1/-, for being in a public house when on duty at 8 o'Clock last night.

„ That John Shaw, Junr., No. 183, be fined 1/- for

being worse for liquor when coming off duty this morning.

Resolved : That John Hogan, No. 235, be fined 1/- for being asleep on some steps in Rumford Place when on duty at 5 mins to 3 o'Clock this morning.

„ That Robert Turpin, No. 465, be reprimanded and warned for unofficerlike conduct in allowing a Person to leave a house placed in his charge on suspicion of containing stolen goods.

„ That John R. Barron, No. 351, be placed at the foot of the Extra List, for being drunk when on duty at 12 $\frac{3}{4}$ o'Clock this morning.

„ That George Glover, No. 372, be suspended for being drunk when on duty at 12 $\frac{1}{4}$ o'Clock this morning.

„ That John Crimes, No. 273, James Eaton, No. 27, and John Sleas, No. 167, be fined 1/- each for being in a public house drinking at 6 o'Clock this morning instead of proceeding to their walks.

„ That Michael Wade, No. 238, be fined 1/- for being worse for liquor when on duty at 3 $\frac{1}{2}$ o'Clock this morning.

„ That Levi Underwood, No. 215, be reprimanded and ordered to apologise to Mr. James Walker, for improperly stopping him and searching him in the streets, taking him to Bridewell, &c., at 1 $\frac{1}{4}$ o'Clock on Tuesday morning.

The Head Constable reported that Mr. Hall, the [Stipendiary] Magistrate, had fined Simon Donovan, No. 286, and John Casson, No. 459, 2/3 each, and Wm. Johnson, No. 176, 2/- for being absent from Court when called upon to give evidence yesterday.

The Head Constable also reported that Messrs. C. Birch and W. Earle, Junr., the Sitting Magistrates, had fined Richard Bond, No. 400, 4/6 for being absent from Court when called upon to give evidence this morning.

“ Safety First ” Instruction to School Children

A NOVEL METHOD INTRODUCED AT NEWCASTLE UPON TYNE

By INSPECTOR F. RUSSELL

Newcastle upon Tyne Police

IT seems superfluous to urge, particularly with regard to children, that every effort should be made with regard to proper instruction of “ road sense ” in this age of speed.

The gravity of the situation affecting school-children is realized by the statistics of 1934. In the London area 6,849, or 27 per cent, of street accidents involving death or injury to pedestrians related to school-children.

A Chief Constable of a northern borough in his annual report for 1934 expressed alarm at the proportion of children killed and injured in the number of street accidents in the town. He stated that road accidents affecting school-children were 46 per cent of the number of pedestrians involved.

It is now obvious that an educational system in “ Safety First ” methods, especially with regard to young children, must be applied and developed at the earliest possible age so that their actions in the street become instinctive and voluntary.

Excellent work has been performed in the past few years in an effort to inculcate into the younger generation that “ road sense ” so necessary to their safety, with a view to reducing the number of street accidents resulting in the death and injury of school-children.

Police, Education Authorities, and those directly concerned with the welfare of our children, appreciate the necessity of some form of instruction for the “ toddlers ” of this age, which is now realized must be more practical than theoretical.

Essay competitions have been found to have been of little value, as they only reached the children who were advanced in education and meant nothing to those in the infants' school. The visit of a trained police officer to schools as permitted in some towns is certainly a laudable effort on the part of the Chief Constables and Education Authorities concerned, but as the occasions when these visits can be paid are extremely limited, it is doubtful if any lasting good is obtained. Such visits, however, have fostered a spirit of confidence and trust in the police, which is all for the common good. Most school children now look upon the policeman as their shepherd and friend and quite a different person from that depicted by our grandfathers.

It is stated that precipitate action by children is undoubtedly the principal contributory cause in fatal and injurious accidents affecting school children, and that in the case of younger children reasoned action cannot be expected. This realization, and the fact that essay, poster, and other "Safety First" instruction failed to reach the younger children, brought a head mistress of an infants' school seriously to consider some practical form of instruction.

She has evolved a scheme which has such simplicity as to be practicable of application to the youngest of school children, and which instils that discipline and "road sense" so necessary to a child attending school who often has to cross roads unattended by an adult.

To the strains of a percussion band coming from a near-by classroom of an elementary infants' school, I was introduced to Miss Swann, the inventor of a novel and excellent method of teaching "Safety First" to school children.

Miss Swann, whose signature tune appears to be "The Robot Man's Parade", was appalled by the number of children killed and maimed in road accidents. A vital factor in all these accidents was the lack of "road sense" attributed particularly to the younger children.

As mistress of an infant school in the heart of the industrial area of Tyneside and with the welfare of her charges very much at heart, she conferred with the rest of her teaching staff as to the best method to employ to teach the children "Safety First", and give them confidence and good road sense when crossing roads.

Lectures on "Safety First" did not seem to be of much use, particularly to the youngest of the scholars, who were the children that the school mistress was most concerned about. The teachers were unanimous that any form of instruction decided upon should begin with the "babies" of the school.

A start was made with large size drawings of a motor-car being held up at a street crossing, with a robot traffic signal showing "red". This very creditable work of art, the production of a young teacher at the school, gave Miss Swann her idea for making four miniature robot signals, showing discs of red, amber, and green. These worked with slides and the signals were of such a height that they could be worked by the tiniest toddler at the school.

With the aid of the caretaker of the school, she had a main road in miniature painted in the school yard, complete with footpaths, cross-roads, and studs, showing where traffic should stop. At the cross-roads she placed her miniature robot traffic signals.

These were worked by tiny mites of six years of age, who counted to give the "timing" allowed by robot signals now installed in most of our cities and towns, while embryo motorists, cyclists, and pedestrians, which included the "lady out shopping complete with basket", the "lady with the pram", and "gentlemen of leisure and business", all crossed perfectly and safely according to the signals of the robots.

Even this stage of perfection was not enough for Miss Swann, and she enlisted the services of older boys in handicraft, who made for her some robot signals complete with electric lighting. These robots, lighted by an ordinary two

volt flash lamp battery, with a four way switch, cost only 3s. 6d. each.

Now we have the daily spectacle of a crowded thoroughfare in the school yard, with lights flashing and traffic moving with that smoothness and safety which is the aim of all Chief Constables and the Ministry of Transport.

This practical method of teaching "Safety First" has been brought to the notice of the Director of Education for the City of Newcastle upon Tyne, who with others, including senior officers of police, attended a demonstration by these infant school children, the eldest of whom was seven years.

They were agreeably impressed by the road sense displayed by the toddlers of the school.

Now that the teaching of "Safety First" is to be added to the curriculum of subjects in all elementary and secondary schools, this method of teaching conceived by Miss Swann should be given serious consideration by the Minister of Education.

Aviation and the Police

THE LIVERPOOL POLICE COURSE

By MAJOR R. H. THORNTON, M.C.

Chairman of the Liverpool Aero Club

AVIATION has not only come to stay, but it is certainly going to introduce problems peculiarly its own into our already overcrowded lives. There are, up and down the country, light aeroplane clubs, recognized by the Air Ministry as establishments for training amateur pilots, and, as a point of national policy, a number of clubs are in receipt of a subsidy designed to keep the cost of such training at a reasonable figure. Apart from teaching people to fly, the duty of these subsidized clubs is, or should be, to take the lead in everything which appertains to the development on sound lines of this new era of civil aviation, and to assist it to take its proper place in the daily life of our world.

Much the same effort was called for on the introduction of the motor-car. Although the original motor-cars travelled little faster and far less reliably than a chaise or a phaeton drawn by a spirited cob, there were, none the less, many (and a large number of magistrates among them!), who regarded them as the invention of the devil. How much more acute is the problem when a new vehicle is invented which does not merely rival older methods of transport, but moves in a new element entirely its own! And it is an element in which we are all interested, whether we like it or not. After all, you might put to sea in the queerest of new craft and it would be of little concern to anyone but yourself. But when "putting to sea" means cruising about in the very air that hangs above us all, it is quite another matter. Under

the circumstances it is natural that aeroplanes cannot be free to do just as they wish, and their use of the common air is already restricted to some extent by law, though it is a tribute to the enlightenment and tolerance of our generation that these restrictions are as slight as they are.

None the less they exist, and doubtless they will grow with the years, and the pampered inhabitants of this island assume, as they do in every other connexion, that these restrictions will be fully understood and intelligently enforced by that walking encyclopædia, the modern police constable. And so, as Chairman of one of the above-mentioned clubs, to wit the Liverpool and District Aero Club, it seemed to me that we should be performing a useful, if modest, public service in putting ourselves at the disposal of our local police and providing them with some first-hand acquaintance with the subject. The Chief Constable of Liverpool, Mr. A. K. Wilson, welcomed the idea warmly, though it was felt that whatever we evolved by way of an "Aviation Course" could only be offered as a voluntary subject to the serving constable. The project was circularized in the autumn of 1933, and 300 men immediately volunteered to find time to attend lectures and practical demonstrations at the airport. These first experiments proved so popular that the Watch Committee of the Liverpool Corporation decided that from 1935 onwards an aviation course should be included in the training curriculum of every police recruit, the Aero Club undertaking to provide both lectures and practical instruction.

As a pioneer effort, the syllabus is still tentative and will undoubtedly develop as we gain experience, but the following outline may be of interest to others who are contemplating something of the sort themselves. The general object of the course may best be given in the words of its preamble. "The Air Navigation Orders impose certain duties upon the constabulary, either directly or by implication, as in the case of aircraft being flown in a manner which contravenes an order. Every constable knows something about road vehicles, and his intelligence, combined with familiarity, renders him

a valuable witness on such a subject as, say, reckless driving. The object of this course is to supply some familiarity with regard to aeroplanes, their essential features and inherent limitations." The course as at present developed is in two portions—a classroom lecture followed by a practical demonstration at the airport.

(1) *Lecture*.—This in turn falls into two sections: A. The aeroplane, how and why it flies. B. The Air Navigation Consolidated Orders. Both sections are at present covered in one session, but my impression is that two sessions will ultimately be necessary. After all, Section A is a new subject to the majority of the audience and it is a waste of time to treat it superficially. If it is to be properly covered, my experience is that at least 1½ to 2 hours is required. It is not a question of covering a great deal of ground—that would be a great mistake—but of allowing time for certain essential points to sink in.

For Section A the lecturer needs a blackboard and an audience not exceeding fifty or so. The subjects covered are—

- (i) Inability to fly slow—the "stall" and resultant nose dive;
- (ii) Essential differences of the "Auto-giro";
- (iii) Difficulties of flying in low visibility—varying standard of visibility in relation to the speed of a vehicle;
- (iv) Developments and limitations of "blind flying";
- (v) Angles of glide—radius of action for an aeroplane after engine failure;
- (vi) Trick flying, school aerobatics, "forced landing" practice.

The instruction should not be a lecture so much as a series of brief descriptions, each just sufficient to start the audience asking questions. This is by far the most satisfactory method of getting technical subjects grasped by the lay mind. The most brilliant of "popular" lecturers will not make a straight talk intelligible to more than a percentage

of his audience. Each listener must have the chance of putting *in his own way* the particular thing that is puzzling him. The same question will probably be asked in ten different ways and, although each questioner finishes satisfied, there is still someone else who has not yet quite "got there".

For Section B the lecturer requires an exhibit of all the licences, certificates, and log-books required to be carried in an aircraft. The lecture deals with those portions of the Air Navigation Consolidated Orders which are likely to be of practical consequence to the ordinary constable. It should take the form of a commentary on any notes already issued by the Chief Constable with the assistance of the Home Office and Air Ministry. The subjects requiring attention are—

- (i) Flying over urban areas;
- (ii) "Causing unnecessary danger" (a most unfortunate expression, this. For what is *necessary* danger and when am I entitled to cause it?);
- (iii) Certificates of airworthiness, etc.;
- (iv) International flying, functions of the police in emergency landings;
- (v) Accidents to aircraft, Air Ministry requirements.

The object of the lecture in this section is to arrive at the spirit of the Orders by describing the various problems of practical day-to-day cross country flying, both private and commercial.

(2) *At the Airport.*—For the practical demonstration squads of about fifteen are desirable, since in the open with an aeroplane overhead one cannot comfortably be heard by a large number. A complete course for fifty men, therefore, requires from the instructing authority one, or more probably two, lectures and three practical demonstrations. Each squad requires a full morning or afternoon, the visibility must be average, and, as regards temperature, it should be remembered that the keenest interest will shrivel up in a biting east wind.

Apart from allowing time for inspecting machines on the ground and in the hangars, the following is the official syllabus—

- (i) Height and distance judging;
- (ii) Vertical height judging;
- (iii) The stall, followed by either nose dive or spin;
- (iv) Angles of glide;
- (v) Pilot examining a field from the air prior to making an emergency landing;
- (vi) Pilot executing a "forced landing" after engine failure;
- (vii) Trick flying;

The first two are tests for the recruits and their answers are retained "in evidence against them". Under (i) the aeroplane is flown four times across the front of the squad at distances varying from 800 to 2,000 yards and heights varying from 200 to 1,500 feet. Both height and distance must be estimated. The aeroplane remains in flight and repeats the whole exercise, while the demonstrator gives out the correct answers, amid the groans of those who find their errors have been in the region of 300 per cent. Under (ii) the aeroplane is flown four times vertically over the squad at heights from 200 to 1,500 feet and the same procedure repeated. The squad is told to observe incidentally that an aeroplane is never vertically over you unless to look at it gives you a genuine crick in the neck and a feeling of falling backwards.

Analysis of the tests for the first fifty recruits has produced the following deductions—

1. Judgment of vertical height is better than that of height at a distance.
2. Judgment of distance is better than that of height at a distance.
3. In judgment of both vertical height and of distance under-estimation is more common than over-estimation, *viz.* *Vertical height*—22 were under, 10 over; *Distance*—12 under, 2 over.
4. Judgment of height at a distance is erratic. This is important when it is recollected that the tests are carried out in the open with the full assistance of perspective.

The tests are judged in three classes: *Class 1*, reasonably

to very accurate. *Class 2*, moderate and consistent error. *Class 3a*, badly out in one direction; *Class 3b*, unreliable. In *Class 3a* are found errors, either under or over, of from 50-200 per cent. In *Class 3b* a typical example is a recruit who will estimate a mile as 2,500 yards and 3,500 yards in the same exercise, being completely deceived by a different height on the part of the aeroplane. Using the above classes our first batch of forty-nine recruits came out as follows—

	<i>Height and Distance.</i>	<i>Vertical Height.</i>
Class 1	6	16
Class 2	13	17
Class 3	30	16
	—	—
	49	49
	—	—

A highly useful and informative feature of the practical demonstration is for each recruit to be taken into the air for ten minutes, preferably in a cabin machine where conversation is easy. It not only shows him how small his town looks from 2,000 feet, but gives him a useful introduction to the view-point of the pilot.

The above is the outline of a syllabus which we shall develop as we proceed. Even as described it does little justice to the main value of the course which, by inviting questions on every aspect of flying, not only counteracts ignorance but gives the recruit a well-informed grounding for his own intelligence to work on.

The Fraudulent Motorist

BY SERGEANT A. VICTOR MEEK

Metropolitan Police

IN these days of the almost universal use of motor vehicles most police officers have, no doubt, at some time encountered in one form or another the fraudulent motorist. Having been employed since December, 1930, on Motor Cycle Traffic Patrol duty, I have been fortunate in meeting with perhaps more than my fair share, so that, in describing such cases as have come my way, I do so in no boastful spirit but in the hope that they may prove of interest to such as care to read.

The methods of the fraudulent driver can be divided, roughly, into three main headings, and each into three sub-headings. Thus :

- (1) Forgery or alteration of (a) Driving licences ;
(b) Insurance certificates ;
(c) Excise licences ;
- (2) Borrowing and lending (a), (b), and (c) ;
- (3) Obtaining by false statement (a), (b), and (c).

In this order I will deal with them.

Forged Driving Licences

The forgery of driving licences is a rarity, due, no doubt, to the trifling cost of a licence, namely 5s. a year. I encountered one in August, 1932. The rider of a motor-cycle, coming towards me, stopped when about fifty yards away and began to examine his engine. I went over to him and offered assistance but could find no apparent trouble. This aroused my suspicion that he had stopped to avoid me. I asked to

see his driving licence and he produced a blue-jacketed one, apparently issued by the London County Council, 19-9-31. The colour of the holder was incorrect for a licence of that date, as all issued after 30-11-30 were in red holders, and the licences had a space at the bottom for the holder's signature, with the words at the top "Issued under R.T.A., 1930". This one, however, was issued under the Motor Car Act, 1903, and had no space for signature, and had, in fact, been issued on 19-9-29. On examination, the forgery was evident, as the fresher ink of the altered dates contrasted strongly with the faded ink of the other written particulars. Although, at the time, the rider insisted that the licence was genuine, and protested strongly against my seizing it, he pleaded guilty at Court and was fined £10 for forging the licence, a justly expensive charge for a paltry deceit, although well within the maximum penalty of four months' imprisonment and £100 fine on summary conviction. The penalty on indictment for this offence (Section 112, R.T.A., 1930) is imprisonment for a maximum of two years—all for 5s.

False Insurance Certificates

Alteration, by the holder, of a current insurance certificate is also infrequent, doubtless because the transfer of a policy from one vehicle or person to another is simply effected, either gratis, or on payment of a small fee, usually 2s. 6d.. Cases come to light, from time to time, of criminals using stolen driving licences and insurance certificates which have been altered to cover the false index numbers of stolen motor-cars. As the Road Traffic Act, 1930, does not make compulsory the carrying of such documents by the driver, the production of other false evidence of identity would normally satisfy a police officer, if the car was stopped for some ordinary traffic offence, or involved in an accident. In such cases, indeed, the occupants often abandon the stolen vehicle rather than risk conversation with any one likely to be able to recognize them at the time, or to identify them later, so that the forging

of driving documents would only mean a further charge to be answered and paid for in due course.

I encountered a case of forgery, however, and it happened in this manner. In January, 1933, I stopped a car without lights after a chase and arrested the driver for being under the influence of drink. The car was badly damaged and it transpired that the driver had been involved in a fatal accident earlier that same evening. No certificate of insurance was produced at the time, nor within the statutory five days; but, eight days later, at the remand hearing, he produced an insurance policy, originally issued for another car but now covering the one in question. No date of the transfer was shown, but the prisoner assured me that it had been effected about two months previously. I telephoned the insurance company to verify this, but was called into Court before I received a reply, and had to leave the inquiry to another officer, to whom I could only give hurried instructions, with the result that he asked whether the first-mentioned car was covered on the date in question, instead of the second car, and, on receiving an affirmative reply, told me that it was in order. The charge of driving without being insured was therefore withdrawn, and penalties of £34 12s. 6d. were imposed for the other offences. Weeks later, as the result of a claim arising from the fatal accident, I made further inquiries and found that the transfer actually had effect from a date two days after the driving offences, and that the endorsement specifying the date of transfer had been removed by the driver. I should explain, for the information of those as unfamiliar with car insurance as I then was, that when any alteration is made in the conditions of an insurance policy, such as the inclusion of a second vehicle, a limitation on the number or class of persons permitted to drive, or the transfer of the policy to another vehicle or to a new owner, an endorsement to this effect is attached to the bottom of the policy, the stamp of the company being imprinted partly on the policy and partly on the endorsement. Had I known this at the time, I would naturally have looked for it; but,

as it was, it was only after inquiry that I inspected the policy and found only half of the company's stamp, the endorsement, with the other half thereon, having been detached by the driver, which fact he admitted to me when taxed with it. This appeared to amount to "alteration in a material particular of a genuine document", and the production of the altered policy to me at the Court to "use with intent to deceive", *viz.* "forgery" and "uttering" within the meaning of the Forgery Act, 1911. I took action under these headings and also for not being insured; but a summons was issued on the last-mentioned charge only, and a fine of £5 5s. and disqualification for one year were imposed.

The issue of false insurances is, I believe, a very prevalent offence, but equally hard to detect. I have often suspected that a cover note, dated the day before a driver was stopped, was issued on the same day, or later. At one time, in the course of a few weeks, I stopped three motor-cyclists, all of whom practically admitted they were not insured, but later produced cover notes, dated the day preceding the offence, all being issued by the same agent, a motor-cycle dealer, with a large clientèle which included some rather doubtful customers. In such cases the insurance company can give no assistance, as they are in the dark as much as police, the agent forwarding the proposal forms in the usual way; and, unless there were a claim on the policy, there would be no reason for the company to accept them at other than their face value. If, of course, frequent claims were to be made on policies only a few days old, all issued by the same agent, the company would probably dispense with his services, and would naturally subject such claims to close investigation. Cover notes are usually supplied in books of twenty-five, and when one is issued to a prospective policy holder, the details are also entered on the counterfoil for record by the agent. If, therefore, other genuine cover notes were issued between the date when the vehicle was stopped and the date when the fraudulent cover was issued, the details on the counterfoils would provide useful evidence. For example:

If a driver, stopped on the 10th, goes to an agent and obtains, on the 11th, a cover dated the 9th, then any cover note issued on the tenth would have smaller serial numbers than the fraudulent one, and the persons to whom the genuine notes were issued could give evidence of great value. I made several attempts to see the counterfoil books of the particular agent referred to above, but had no success. If a prosecution were instituted under this section (Road Traffic Act, 1930, Section 112), a notice could be served on the agent to produce the documents, but as I could rely on nothing further than suspicion to support proceedings, I had to give him best for the time.

I was more successful in dealing with another agent who issued on 7-10-33 a cover note, dated 5-10-33, to cover a motor-cyclist, stopped by me on 6-10-33. The counterfoil book, however, proved nothing one way or the other, the previous note having been issued on 5-10-33 and the following one on 7-10-33; but the petty cash book showed the payment entered on 7-10-33 and the till-slip confirmed it. There was a possibility that the agent had forgotten to pay in the cash for two days, and had thus entered it late, but, when confronted with what was, at first glance, seemingly deadly evidence, he admitted the truth, and also admitted having acted as he had with the knowledge that it was for the purpose of deceiving the police. I should here mention that the back-dating of insurance is not an offence, unless it is done with a wrong intent. A driver might not renew his insurance until some days after it expired, perhaps because his car was being overhauled at the time; but for the purpose of qualification for his "No claim" bonus he must have continuous insurance, and if the renewal were back-dated, immediately to follow the expired policy, no offence would be committed. In the prosecution referred to above, the Magistrate, in convicting both agent and driver, said that the agent's statement—"He told me he was in a hole and I back-dated it, not meaning to do wrong but to help him out, I knew the circumstances"—was a sufficient admission that the back-dating was done with

a fraudulent intent, this statement not being denied by the defence. Both defendants paid £10, for the offence. A second rather similar case, in which two out of the three defendants pleaded guilty, was dismissed by a Petty Sessional Court for some reason not clear to either prosecuting or defending counsel. I will refer to this case later, under another heading.

Forgery of Excise Licences

The great majority of fraudulent drivers exercise their art at the expense of the Excise Authorities. The first case of forgery of an Excise licence which I encountered arose from my finding a New Hudson motor-cycle broken down, and unattended, by the roadside. The licence was a current one and apparently in order, so I turned my attention to the machine, which I recognized by the pannier tool boxes as one that had passed me about an hour before. The engine was cold and had a broken valve. Something made me take the licence from the holder and inspect it carefully, but still I could find nothing wrong. There was still no sign of the driver, and I was just putting the licence back, when the peculiarity about it suddenly dawned on me. The writing on the licence was too heavy and thick for one issued by the London County Council. The original details had been deleted and fresh ones entered to cover the New Hudson machine. I paid a hurried visit to an adjacent Police Box and less than a minute sufficed for the department at New Scotland Yard, dealing with stolen motor vehicles, to find that no New Hudson with engine or frame numbers, corresponding with those on the machine in which I was interested, was on their list. I returned and awaited the driver's arrival, when he admitted taking the licence from a B.S.A. motor-cycle, which he had sold, and altering the licence to suit the untaxed New Hudson.

In March, 1933, I saw a motor-cycle pass with the horn so placed that it partially obscured the Excise licence, which was pink, the current colour. I was taking particulars of another vehicle at the time, so could only make a note of the registration number. Next day I rang up the adjoining

County Councils, and found that this machine was not taxed for the quarter. I also obtained the owner's name and address, and that evening I went to the cyclist's address and kept observation, near his house, till he rode up on the same motor cycle. He was surprised when I told him that I had reason to believe that the licence was not in order, and replied at once, "Well, it's a wangle." And a wangle it certainly was. It had originally been a grey licence for a Talbot motor-car, issued for the June, 1931 quarter; but the J of the serial number, indicating the month of expiry, had been removed, the "1931" changed to "1933", and the licence stained pink with diluted red ink. He pleaded guilty to the offence of forgery, and also to fraudulent use of a licence, when he appeared at Police Court later. He was fined £5 on the second charge. The Magistrate told the defendant that the other charge was so serious that, if he dealt with it, he would have to inflict such severe punishment that he had decided not to deal with it; the papers were marked "Not dealt with", an unusual course, which I have not seen before or since, but a more effective way of illustrating the seriousness of the offence than the infliction of a trivial fine which often has no deterrent effect. The driver confided to me, outside the Court, that it made him sweat, and I believed him. He was, in truth, still sweating.

That same year I encountered a Norton motor-cycle, as in the above case, which was showing a correct current licence. I had stopped it for noise and, as I took particulars, the driver took umbrage and complained bitterly of my persecution of a road-tax paying rider. He mentioned his tax-paying qualities so often that I took the licence from the holder for a second examination. This one was certainly in order, but of those beneath, the next one was a pink March, 1930 one for a motor-car, similar in colour to a March, 1933 licence, the "0" of 1930 being covered with a blob of ink, and the particulars altered to correspond with those of the motor-cycle. Beneath this was a green September, 1930 licence for a motor-lorry, darkened with blue chalk to resemble a

September, 1932 one. Inquiries showed that the motor-cycle had not been taxed, until the present quarter, for the past 15 months, and had been owned for the last 20 months by this rider, who would thus appear to have been less regular in his payments than he claimed. I could obtain no evidence of use of the machine on the road during the March, 1933 or September, 1932 quarters, nor would he admit use, although he admitted having altered the licences. I tried proceedings under the Roads Act, 1930, for fraudulently altering a licence for mechanically propelled vehicle, but my evidence was insufficient to justify a prosecution.

Noise was also my reason for stopping two soldiers on a P. & M. Panther motor-cycle in February, 1934. The licence was a September, 1932 one, the slight difference in the blues having been adjusted by soaking it in grease. After ironing it between two pieces of blotting paper, I found it to have been issued to a B.S.A. combination owned by a soldier at the same barracks, but inquiries showed that he knew nothing about the licence being so used. In this case the owner of the Panther was on the pillion, and at first claimed to have been driving, but I had taken particular notice of one obvious difference between driver and passenger. One had a darker cap than the other, and, when I pointed this out, the driver admitted his share, and later paid it at the Petty Sessions, a total of £23, a very heavy penalty for soldiers, representing a weekly pay day of 1s. only until the amount was paid. As always with soldiers, they took it like sportsmen.

Two soldiers whom I stopped on a main road, later in 1934, got off much more lightly. They were riding a Rudge-Whitworth motor-cycle which carried a current licence issued to another machine of the same make. This second machine had broken down, and on hearing from his friend in London that this had happened, the soldier wrote asking for the loan of the licence, as his own motor-cycle was untaxed. The friend posted on the licence and, on receiving it, the soldier altered the index number thereon to correspond with that of his machine. He made a very poor job of it and, in

trying to improve it, only made matters worse, the alteration being so obvious that I spotted it as he overtook me. It is to the credit of soldiers that, although they are as prone as civilians to an occasional bit of "fiddling", they invariably own up when caught out. This one was no exception, as he pleaded guilty at Court and was fined £1 and £1 costs. The friend from London was less candid but he had to pay £1 for fraudulently lending the licence.

In July, 1934, I encountered another soldier, this time on a Rudge-Whitworth combination, exhibiting a green September, 1933 licence, faded to resemble a June, 1934 one. I was informed that the fading had been assisted by immersion in a fire bucket, and drying over the barrack stove, causing slight scorching. As usual, a frank admission and a fine of £4!

The most skilful forgery I have ever seen was one which I did not discover myself. It was a March, 1931 licence used on a car during the March, 1934 quarter. Both licences are blue in colour, but the printed matter, lines, etc., on the 1931 are red, as opposed to black for 1934. These details had been overwritten in black ink to make the licence correspond with the 1934 issue. The 1931 licence had belonged to another car of the same make, and the forger had cut out the index number of the original car, and inserted in the space a portion of a blue licence bearing the number of his car. When involved in a collision, he removed the car to a near-by garage before the arrival of the police, placing it in a dark corner. The licence passed at first glance and the police constable had no suspicion until, in course of taking particulars, he found that the owner-driver of the car lived in Hampshire, and had, according to his driving licence, lived there for some years. When asked how long he had owned the car, he stated 18 months. A motor vehicle is, of course, taxed by the Council in whose area it is kept and used, and, therefore, the licence in respect of this car should have been issued by Hampshire County Council. As it bore a Berkshire stamp, the officer took it from the holder and discovered the forgery. This slip cost the motorist three weeks' imprisonment.

Borrowing and Lending Licences and Certificates

We will now pass to offences concerned with the borrowing and lending of the various documents. (2) (a) and (b) almost invariably go together, so I will deal with them simultaneously. These offences usually arise through a duly licensed and insured driver allowing a friend to use the vehicle, and lending his own driving licence and insurance certificate for use in case the friend is stopped by the police. Sometimes, however, they are used without the knowledge of the owner, who only becomes aware when the culprit admits having used his name and documents, and promises to pay the fine. If the owner agrees, the deception will probably never be detected. Sometimes the documents have not been produced, but the driver has given the owner's name as his own, and if the owner then lends the documents for production at a Police Station, there is small chance of the imposture coming to light. I once suspected that a driver had given me his brother's name, because he was obviously having his first ride, whereas the machine, a Douglas motor-cycle, had been owned by him, so he said, for over a year. So I called at his house, and when he produced the driving licence and insurance he could not even tell me within four months when the licence expired, nor the name of the insurance company. He eventually admitted what he had done. If, on the other hand, he had produced them at the specified Police Station, they would almost certainly have passed muster. I believe that I have missed many of these, as on three occasions the owner has refused to assist the driver, who has had to admit the deception to me later. How many times, therefore, have they connived, and successfully got away with it?

When the documents are produced at the time a driver is stopped, there is a much better chance of arriving at the true state of affairs. My first experience of this kind occurred when I was on foot and saw a Ford van with a large number of men passengers. I signalled it to stop, assuming correctly that it was being used as a contract carriage without

being licensed. As the driver did not stop, I boarded a private car and stopped the van further on. The driver gave me his name as R—, and produced a driving licence and "policy holder only" insurance certificate in that name. I took his signature in my pocket-book and on comparing it, not very carefully, with that of the licence, it seemed all right, and it was only much later than I noticed that the driver had missed out a letter from the signature. Next day I went in plain clothes and kept observation on the address given. I saw one of the erstwhile passengers go in, a tall man who had hovered about when I was taking particulars the day before. When he came out I addressed him by the name on the licence, and sure enough he was R—, and the driver's correct name turned out to be G—. He had lent the licence and certificate to the driver, who was not licensed. Both served six weeks' imprisonment for the offence, being unable to pay fines of £20 each.

Comparing Signatures

That case taught me several lessons. For one thing, it is useless to take a signature unless you carefully compare it with the signature on the licence, letter by letter. If not satisfied, you must take another signature, and another if necessary in ink, and compare all of them with each other. Another point is that the man who hovers around, occasionally answering a question for the driver, is generally an interested party. But more on this aspect later. My next case of this kind came about six weeks later. It was a cold day, and a lad without a coat, hat, goggles, or gloves was riding an A.J.S. solo rather inexpertly. He produced his father's licence and insurance certificate, signed in my book in a shaky hand, which he explained was due to the cold weather, and insisted that all was in order. The signature was certainly similar, but the certificate indicated that the machine had been owned by the policy holder for nearly a year, whereas the rider was obviously learning to drive—he had stopped by putting down his feet on the ground, although the brakes were good; when

he started the machine up, instead of his thumb dropping automatically on the flooding nipple, he had to look down to find the carburettor. Also he lost his balance when he kicked the starter. I think the kick-starter is one of the surest indications of whether a rider is used to the particular machine ; all vary in some way, either in position, length of stroke, or strength of kick required, and very few riders can kick over a strange motor-cycle, and keep perfect balance. That, however, by the way. I accompanied this lad home, and he ran indoors when he reached the house and brought out his father, who supported him in his story. I was about to go, intending to return later to make a few inquiries of the neighbours, when the lad's mother came out and addressed him by his correct Christian name. Both then admitted the imposture.

I waited five months for my next case of this nature, a sailor who had borrowed a comrade's Ariel motor-cycle, finding the driving licence and insurance certificate in the tool-box. He could not sign sufficiently accurately for my liking, but stuck to his guns with true naval pertinacity until haled to the Police Station on suspicion of having stolen the motor-cycle. Then he admitted the truth. His downfall lay in not knowing how much tax had been paid on the machine, nor the name of the licensing Council or insurance company. Four months later I stopped a Triumph motor-cycle for an insecure pillion seat. Again the shaking hand and the hovering passenger. The passenger was the actual owner and duly licensed and insured, but, as he did not know the way, he lent the documents to his friend who did, but who was not licensed.

A soldier riding a B.S.A. motor-cycle produced to me a driving licence and certificate issued to A. C. B——, giving that as his name, which was, however, really W. R. R——. When he went to sign his friend's name, force of habit was too strong for him and he made the first three strokes of "W", then made a loop and changed it into an "A". He would produce no other evidence of identity, but when he realized

that he was about to be arrested on suspicion of being a deserter, he fetched out his pass and admitted his correct name.

I encountered a rather unusual case in November, 1933, a youth of twenty using his father's licence. Father and son had identical Christian names. The father, however, had held an "all types" licence, issued to persons of not less than 21 years of age, for three years, showing that the holder was at least 24 years of age. As the youth was under 21, he was either using his father's licence, or had obtained them by making a false declaration as to his age. Which of the two offences had actually been committed I never discovered ; but he admitted the former, so probably that was the case.

In July, 1934, a workman borrowed his employer's car, picked up some friends, went the rounds of the local hostelrys, and eventually turned the car over at 40 m.p.h., completely wrecking it, just as I was about to overtake it after a hot chase. In hospital the driver gave a friend's name as his own, producing a licence in that name. No signature could be taken as his collar-bone was broken, but the deception could not be kept up, and some months later he paid £23 for the evening's revelries.

A fortnight later, a hackney-cab driver, tired after a journey from the west, handed over the wheel on his way to London to his son aged 18, who was learning to drive. A learner usually sits up straight, and holds the wheel stiffly with both hands while the teacher sits turned partly towards him. This was so in this case, and when I stopped the cab the father slipped the son the fatal documents. Here again the son was not old enough to have held four "all types" licences. Once more, also, the shaking hand and different signature.

I waited seven months for the next case of this kind ; it was a stolen motor-cycle, of which the thief had found the driving licence and insurance certificate in the tool-box. The driver made a good attempt at the signature, but signed a capital "D" with an upward instead of a downward stroke, and so landed in the cells.

Transfer of Licences and Number-plates

Under the old system, whereby engine numbers of vehicles were registered with the County Councils, it was a fairly simple matter to check up on a suspected vehicle, but now this is no longer done, and detection is less easy, as chassis numbers are not easy to find, particularly on lorries. I had such a case in December, 1932, when a motor-cycle dealer transferred plates and licence from a broken-up A.B.C. motor-cycle to an untaxed A.J.S. solo. He was stationary when I rode past him on a suburban By-Pass Road, and, on seeing me, he stopped kicking the engine over and sat down on a near-by gate. I kept observation from a distance, and when he did drive off I stopped him. He explained the variation in makes by saying that it was an error by the Council when issuing the licence. He was fined only £5, but his driving licence was suspended for a year as he was not insured, although the A.B.C. was fully covered.

There are many people who think that any vehicle carrying the plates of an insured vehicle is itself covered, but this, of course, is not so, except in the case of trade plates, where the plate itself is insured. Ordinarily an insurance covers the vehicle with a certain registered number, not any vehicle on which that number is being fraudulently used. The above-mentioned driver, whilst still disqualified, obtained a fresh driving licence under a false name, was detected and fined £50.

In July, 1933, I was fortunate in finding a really interesting case. A tradesman had three Morris delivery vans. He taxed and insured two, but kept the other as a spare. When one of the regular vans was due for its annual repainting, he transferred its number plates and licence to the spare van, which he used on the road. The spare van, however, had a chamfered design above the canopy, whereas the regular van had not; and, after a 4a.m. watch on the premises, I obtained evidence which resulted in fines totalling £130. In this case the engine numbers supplied proof of illegal use, but to find out the true registration number of the spare van, with only

the engine number to go on, I searched eight thousand files at the County Hall to trace a Morris van firsttaxed about November, 1926 (which, the makers told me, was a rough guess as to when it was first registered), with this engine number. I gave it up, after searching the files from September, 1926, to February, 1927, and actually stopped at less than two hundred short of the mark. Then it suddenly struck me (rather late) that the company insuring the other van would perhaps have also covered this one at some time, and inquiry showed that this was so. The vehicle whose number they gave me had the engine number of the spare van.

Stealing and Transferring Revenue Licences

It may be of interest to mention two cases of revenue licences which were stolen from one vehicle and used on another.

The first was in August, 1933. I stopped a Douglas motor-cycle for noise, and found a licence issued to another Douglas in the holder. The driver said that he had found it, and on being arrested for stealing by finding, it transpired that he had actually paid his tax, but had lost the licence, so had taken one from another Douglas left in a car park. The second case was in January, 1934, on an arterial road, a Triumph motor-cycle carrying a licence for an Excelsior. The driver was a clerk in a shipping office, and had taken the licence from a machine passing through his hands for export abroad. In neither case had any alteration been made.

I had a rather curious case in March, 1934. I stopped a grey lorry for dropping water, and noticed that the front index plate showed an unpainted mark where a longer plate had at some time been affixed. I said nothing at the time, but, after obtaining engine and chassis numbers from the Council, kept observation at the premises and found that this and another grey lorry of similar make were in use, and a further similar one was broken down in the garage. I found on examination that the plates of the broken-down one

exactly fitted the unpainted mark on the other lorry, and *vice versa*, obviously a case of only two being taxed, and when one broke down, the plates and licence being transferred. Further examination, however, showed that none of the three had its correct chassis or engine numbers, and it transpired that the previous owners were a large haulage firm, gone into bankruptcy. The registration, engine, and chassis numbers had been so interchanged that the present owner, on purchasing three of them, had received three carrying registration numbers not their own. I have no doubt that he had himself done a little changing round in this instance, but in the unusual circumstances, which made difficult the clear presentation of the case at Court, the owner received a special caution.

Before I leave this particular subject I will mention a case which occurred in December, 1934. I stopped a B.S.A. combination for noise and found an annual licence for a B.S.A. combination, index YT —, in the holder. The machine bore index letters MP — with different figures. This looked pretty simple, but the driver insisted that he had himself taxed it on 13-1-34 and was obviously speaking the truth. No revenue licence is issued without the production of an insurance certificate, which the Council then stamps, and this driver had his certificate date stamped 13-1-34. On my accompanying him home, he produced registration book for MP — showing the issue of an annual licence on that date. Of course, he could have surrendered his licence on 14-1-34, and received back the best part of the money paid on the previous day, and then stolen the licence from another B.S.A., index YT—. This seemed the only explanation until, on checking up the engine and frame numbers with the registration book, I found that the frame number was YT — as on the licence. Obviously, this number had been copied down in mistake for the index number when the licence was issued.

Obtaining Licences by False Statement

The chief incentives for making false statements to obtain driving licences arise when the applicant is disqualified

from obtaining a licence by a Court of law, from physical disability, or on account of age.

The rider, previously referred to, who used the A.B.C. plates on the A.J.S., and was disqualified for a year, moved from Middlesex to Surrey and obtained a driving licence in that county under another name, stating on his application form that he was not disqualified. Unfortunately for him he was stopped by a police officer who knew his correct name, and a conviction followed.

I encountered on 6-11-32 a man who had been disqualified in May, 1932, for driving without insurance. He obtained a licence by a false statement, as in the previous instance, and was seen, in October, 1932, by the police officer who had previously reported him, riding the same A.J.S. motor-cycle. He was stopped and the driving licence was seized. Nothing daunted, he again rode it until I stopped him for dangerous accessories, a month later, when his nervous demeanour aroused my suspicions. When told he would be detained for inquiries, he admitted the truth. No disqualified driver can be covered by insurance, and any insurance he has becomes void. This young man was extraordinarily fortunate, as the total fines for the three occasions on which he was stopped totalled only £3, although, in my case, disqualification for five years on each of two offences was imposed. My inquiries had also disclosed that he had obtained an insurance certificate by falsely stating that he was not disqualified. This offence was not proceeded with.

In June, 1934, I encountered an instance of a youth of 16 obtaining a driving licence to drive a car by stating that he was not under 17. He looked under 17 to me, and when told that the records at Somerset House would be searched to ascertain his exact age, he admitted the truth, was summoned, and subsequently fined £6.

False Declarations to Obtain Insurance

As is fairly well known, the proposal forms filled up by applicants for insurance contain a number of questions, the

answers to which, if correct, give some assistance to the company when considering the nature of the risk they are to cover. The incorrect answering of any of these questions automatically renders the insurance void, and renders the applicant liable to a fine of £100 and six months' imprisonment. The questions to be answered vary with the different companies. Several companies ask how long an applicant has held a driving licence. If the answer is less than two years, the applicant must bear the first £5 of the claim. For this reason it is a temptation to a newly licensed driver to answer "Two years".

I met one of these whom I stopped for careless driving in May, 1931, riding a Rudge-Whitworth motor-cycle. He did not hold, and never had held, a licence at all, but had duly answered "Two years". As I happened to know that this particular insurance company asked this question, the offence came to light. No person who has never held a licence can be covered by insurance, so, had he answered correctly, his proposal would not have been accepted. In many cases I have found that a driver who has been licensed for a few weeks only has similarly answered this particular question, but in these cases it seems that the false declaration is merely to obtain a more favourable insurance, as the proposal would normally be accepted, though on less advantageous terms to the applicant, if the truth had been stated. Similarly, when petty motoring convictions are not disclosed on the proposal forms, no great harm is done, but where a conviction for, say, manslaughter is not mentioned, or previous claims on other companies are omitted, both of which would probably result in the proposal being declined, the offence seems fairly clear.

I encountered rather an interesting case of false declaration for a more favourable insurance. It arose out of the case already mentioned, where the summonses with regard to the issue of a false insurance had been dismissed. Not only had the rider and his friend admittedly asked the agent to back-date the cover note for the purpose of deceiving the police, but inquiries showed that the rider was also deceiving

the agent, by falsely stating on the proposal form that he had held a driving licence for two years and had previously been insured with the North and South Company, which had gone out of business, thus, as he was well aware, preventing his statement being readily checked. The rider and his friend only paid £1 each for their scheming.

Obtaining Licences by False Statement

Under this heading I can remember only one case—that of a laundry owner who taxed his delivery van as "Hackney" at £10 a year, instead of "Goods" at £30 a year, and cheerfully informed me that he had done so for ten years, at a total saving of £100. This case did not come to Court as, before the date fixed for the hearing, the owner compromised with the Council and paid such sum as they demanded, to stay proceedings.

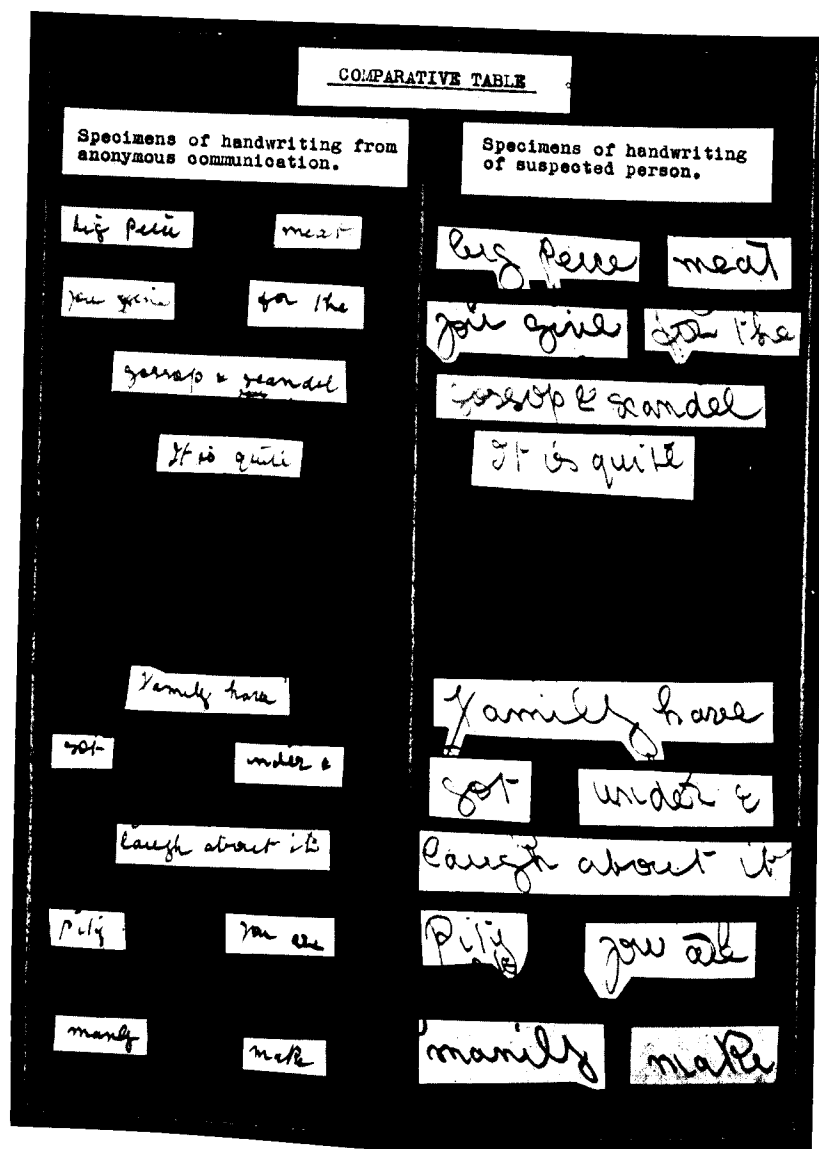
So much for the actual offences. As to the detection of them much, of course, depends on luck, which can, however, be greatly assisted by careful attention to the little points that betray the fraudulent motorist. One successful officer once told me that, when speaking to a driver, he always had at the back of his head the suspicion that he was a disqualified driver, who had stolen the car, borrowed his pal's driving licence and insurance, and forged the revenue licence, and thus forearmed, a casual question here and there would either confirm or allay his suspicion without the driver being any the wiser.

With regard to revenue licences, inspection of the other licences in the holder is often helpful, and if an expired licence is exhibited which is similar in colour to a current one, the order of those beneath is important in deciding whether it has been exhibited with intent to deceive. If an old licence has been removed from the back to the top of the group, there is little doubt as to the intent. The rear index-plates on lorries are frequently broken during unloading, so that a new rear-plate is not unusual; but a new or

repainted front index-plate may point to licence and plates having been transferred from a taxed but disabled lorry to an untaxed but roadworthy one. A car-thief or joy-rider usually knows the make and horse-power of the vehicle he is using, but he seldom knows the date of issue of the revenue licence, nor the Council issuing it. The index-number is not a good test, as many owners cannot remember theirs, whilst the thief may have learnt it in anticipation of being asked. The latter will, however, generally fail when asked the make of sparking plugs and tyres, and total mileage on the speedometer, whereas few owners would be unable to answer these questions with reasonable accuracy.

Most of the cases I have described have come to light through the vehicle having been stopped for some trivial offence, or by reason of the driver appearing unused to it, which might lead one to think that if vehicles were more habitually stopped for these petty offences it would soon become such long odds on detection that the fraudulent driver would find the game not worth the candle. This opinion would probably, however, be shared by the honest driver as well, so perhaps it is best to leave it to that very efficient officer, P.C. Luck, to get on with the job in his own mysterious way.

COMPARATIVE TABLE	
Specimens of handwriting from anonymous communication.	Specimens of handwriting of suspected person.
... talked ... done	... talked ... done
... would ...	... would ...
... after ...	... after ...
... me ...	... me ...
... her very ...	... her very ...
... to think ...	... to think ...
... of it now ...	... of it now ...
... money ...	... money ...
... mother & father ...	... mother & father ...
... it is quite time ...	... it is quite time ...



Defamatory Libel in Anonymous Letters

By THE OFFICERS IN A RECENT CASE

ON page 2 of Volume VIII, No. 1, of THE POLICE JOURNAL for January-March, 1935, there appears a note relating to "Poison Pen" cases. The paragraph has prompted this article, for it deals with a subject which must always interest the thoughtful police officer.

It will generally be admitted that anonymous letter writing is an art stimulated by various motives. Many police officers and other persons will have become aware of this in the course of their experience. It will not be denied, indeed, that some anonymous communications have supplied information which has proved to be of the utmost value and which has assisted the police in the due performance of their duties.

There remains, however, the class of anonymous letter writer which does not come within such category of usefulness, but which, contrary to British Law, and otherwise against all those codes of conduct which determine a decent standard of human relationship, causes police officials much difficulty, and often subjects the victims of its malign activities to unspeakable mental torture.

It is frequently the case in the practice of this particular anonymous art that letters and post cards, etc., are sent, not only to the aggrieved person, but to his or her relatives, friends, and business acquaintances. The general purpose of such communications is to expose the aggrieved person to disgrace, ridicule, or contempt, and either to injure him or induce him to commit a breach of the peace. Similarly, there may be contained in the offending documents a vilifying of a dead

person, for the purpose of injuring his family descendants. The publication of such written matter, of course, usually constitutes the offence of defamatory libel.

The difficulty of detecting the anonymous letter-writer is obvious. But it should not be lost sight of by police officers that in many cases patient and persistent inquiry has frequently resulted in discovering this type of offender and bringing him to justice.

The authors of this article, having dealt with several such cases with a measure of success, are able to suggest certain lines of inquiry which might with advantage be studied by those who become responsible for handling cases of this nature.

First of all, it is necessary to remember that in the great majority of such cases the letters are written with a definite object in view. The probable motive of such letters demands, therefore, the careful attention of the investigator.

Generally speaking, experience shows that the writer of an anonymous defamatory document is himself the victim of uncontrolled emotional impulses. These impulses may be stimulated by the success of the person libelled, or by some alleged slight upon the offender or his or her relations. That the actual defamation is due to the emotions of jealousy or envy, anger or hatred, may be considered as true in the vast majority of cases.

Unrequited passion or sensual desire, thwarted ambition, and similar factors, each capable of affecting the psychology of the individual, are equally of importance in considering the circumstances which are likely to find their outlet in the writing of an offending document.

The authors of this article, on a certain occasion, were called upon to inquire into the following circumstances:—

Certain letters, etc., of a particularly reprehensible type were being received by a group of individuals at regular intervals. The letters were principally directed against the character of one of the recipients, and also involved the character of another person. Owing to the continuance of

the practice and the virulent nature of the contents of the missives, much mental suffering was caused and the probability was that worse results were imminent.

The authors of this article decided that the first step in their investigation was to learn, if possible, the private history of the person chiefly affected by the libel. This, of course, was a delicate matter. It is not an easy thing to persuade a person, when he is suffering from an injury, that the cure sometimes necessitates the temporary opening of an old wound.

In the course of inquiry, however, certain important particulars which concerned the personal record of this person became known to the authors of this article. These particulars were of a highly intimate nature and could have been known to very few people. The anonymous letter-writer, however, was obviously in possession of this knowledge.

That was one line of inquiry. It provided a list of possible "suspects", that is to say, of persons who might be presumed to be in possession of this knowledge and who, moreover, would be likely to use this information for their own ends. The next step was to obtain samples of the handwriting of such "suspects". The investigators were dealing with a highly confidential matter. It was clearly essential that the identity of these "suspects" should not be disclosed, even to the victims of the anonymous letters. The methods by which hand-writing samples should be obtained is, however, a subject upon which it would not be practicable in this article to enlarge. It is sufficient to say that in the course of time the necessary samples were secured.

A careful examination of these samples made it possible to eliminate from the list of suspects some of the names. It was, however, possible that one person might be working in concert with another, or that at least another person might be aware of the personal history of the victims of the libel.

Information was subsequently obtained which led the investigators to decide to test the possibilities of the theory

that a knowledge of this history was possessed by more than one person.

This test was productive of good results, inasmuch as it was discovered that a certain person, who was a close friend of one of the suspects, possessed a knowledge of incidents contained in the offending documents, and of much other matter hitherto not known to the investigators.

From the evidence which they obtained as the result of inquiry, the investigators came to the conclusion that sufficient material was in their possession to justify their interviewing a certain person, and a suitable occasion was chosen.

Particular attention should here be drawn to Rule 1 of the Rules approved by His Majesty's Judges of the King's Bench Division, circulated for the information and guidance of the Police. The Rule is as follows :—

“When a police officer is endeavouring to discover the author of a crime, there is no objection to his putting questions in respect thereof to any person or persons, whether suspected or not, from whom he thinks that useful information can be obtained.”

The person referred to was therefore interviewed, and the purpose of the interview was clearly indicated at the outset of the interview by informing the suspect that the inquiry was in connexion with the receipt through the post of the letters already mentioned.

During the conversation the incidents relative to the history of the aggrieved person were fully reviewed by the suspect. His speech and demeanour, however, might have suggested that the perpetration of an anonymous libel of the nature alleged could not for one moment have been considered by him. But, to save cause for making a further visit, it was suggested that the person interviewed should give a sample of his handwriting. He agreed to this proposal, and agreed further to write down whatever was dictated to him.

Obviously, it was desirable that in this dictated note words should be included similar to those used in the libellous documents. The dictation was designed accordingly, and,

at the conclusion of the dictation, the written document was examined and there remained no doubt as to the identity of the offender.

The action that subsequently followed was in strict accord with the Judges' Rules, and the crime was established.

The reader should be able to gather from the photographs which accompany this article how far the methods employed were successful.

In conclusion, it should not be forgotten that in the performance of those duties which come within the legal limits of Police activity, a study of the various manifestations of human character is extremely important. “The raw material, so to speak, of virtue and vice,” says Dr. Rashdall,¹ “is the same, *i.e.* desires, which in themselves, abstracted from their relation to the higher self, are not either moral nor immoral, but simply non-moral.” When non-moral and purely egoistic tendencies temporarily or wholly prevail, abnormal conduct may express itself in the committal of criminal acts.

Human personality, indeed, is subtle and involved rather than simple. The author of this crime was one who would not ordinarily have been suspected. This is a case the details of which have necessarily been presented in the barest outline. But it is hoped that they may be of some value to those who may be called upon to undertake similar investigations.

¹ *The Theory of Good and Evil*, vol. ii, p. 73.

The Motorist and The Law

By SERGEANT CYRIL M. M. COOK

Bristol City Police

THE suggestion—which originated in the distant days when every mechanically propelled vehicle was, by law, limited to the speed of the man who preceded it on foot, with a red flag, and which has been revived periodically ever since—that the motorist is harassed, pestered, persecuted, and oppressed by the police, has again been brought forward of late. A short time ago, in consequence of a letter in the correspondence columns of a well-known daily newspaper, the editor invited his readers to submit letters on the subject, "Police versus Motorists." A prize of half a guinea was offered for each letter published and, judging by the selection published each day for several weeks, it appeared that the majority of the million and a half registered readers of the paper had something to say on the subject.

The letters selected for publication represented many diverse points of view. Some writers abused the police generally; others cited specific instances of alleged police persecution. Some correspondents seized the opportunity to revile the motorist as a selfish, self-centred grouser, who was a danger to himself and a menace to the community in general, while not a few of the letters expressed sympathy with the police in the performance of their difficult tasks and declared complete confidence in the fairness with which they do their duty.

After eliminating such contributions as were merely abusive or obviously written with the bias engendered by consideration of one side of the question only, it was still very obvious that the subject was one upon which all sorts

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and conditions of men—and women—held very emphatic views. The correspondence clearly proved a fact which has, for a considerable time, been obvious to those police officers whose work brings them into daily contact with the motoring public; the fact that the enforcement of the laws, by-laws, and regulations relating to the use of mechanically propelled vehicles is having the very serious effect of alienating from the police the sympathy and valuable goodwill of a large, and ever increasing, section of the public.

Enforcement of the Speed Limit

Still more recently, the enforcement of Section 10 (1) of the Road Traffic Act, 1930, as amended by Section 2 (1) of the Road Traffic Act, 1934, which makes it a punishable offence for a person to drive a motor vehicle on a road at a greater speed than that specified in the First Schedule of the latter Act, has focused public attention upon this question of Police versus Motorists. Again, the correspondence columns of the newspapers are filled with letters, ostensibly in favour of or against this new legislation, but which, in fact, are in favour of or against the police methods employed in connexion with it.

The employment of plain-clothes policemen and police-women in checking the speed of motor vehicles is declared by some to be unfair and un-British. Others point out that it is only those who are acting in an unfair and un-British manner, by ignoring legislation which has been made for the public safety, who will be affected. Correspondents have declared that any method of stopping road speeding is laudable, while one motorist, writing to a local newspaper,¹ has called upon fellow drivers to "take some united action to demonstrate to the authorities that they are not content for ever to be robbed, libelled, suspected, watched, hounded down, persecuted, bullied, and humiliated".

¹ *Bristol Evening World*, 17th April, 1935.

Fears have also been expressed that the old method of "silent" traps will be revived. It will be remembered that the enforcement of the 20 m.p.h. speed limit, under the Motor Car Act, 1903, was mainly accomplished by secretly timing vehicles over a measured distance with stop-watches. In some instances, the driver was stopped immediately after the commission of an offence and told he would be reported. In many cases, however, advantage was taken of the latter part of Section 9 of the Act, which provided that a notice of intended prosecution could be sent to the registered owner "within a reasonable time not exceeding 21 days".

When this procedure was adopted, the alleged offence was not brought to the notice of the person principally concerned until long after he had forgotten any circumstances connected with it. In many cases, the driver had no idea where the particular stretch of road on which the offence was alleged to have been committed was situated and, in any case, such defence as he might have been able to raise, had he been warned at the time, was nullified.

As far as the Metropolitan area is concerned, such fears have been set at rest by a statement made to the press by the Assistant Commissioner in charge of the Traffic Department (Mr. H. Alker Tripp), who detailed the methods which would be employed in London. They do not include "silent" trapping. Indeed, if the reports, which have appeared in some newspapers, regarding the activities of "gongsters" are to be believed, colleagues engaged on these duties have made themselves both seen and heard.

Suggestions have also been made that some police officers engaged on speed checking have acted as *agents provocateur* by increasing speed as motorists were attempting to overtake them, thus compelling the latter to accelerate and so exceed the legal limit. If such practices are indulged in, they are certainly unfair and should be unhesitatingly condemned. While vehicles employed on police service are exempt from the speed limit if its observance would hamper their use, all drivers are amenable to the Highway Code,

which expressly states that they should never accelerate when being overtaken.

The writer's opinion, formed in the course of discussion with many drivers, is that the majority of motorists have no real complaint to make regarding this new legislation. They realize that the 30 m.p.h. speed limit, in built-up areas, is a sincere attempt to bring about something which they are no less anxious to secure than other sections of the community—a reduction in the terrible number of road fatalities and injuries. No motorist would hesitate to spend a few minutes, or a few hours, if necessary, in succouring a fellow creature who had received injuries in a road accident. Why, then, should he begrudge the small amount of time he has to lose—through travelling at a moderated speed—in attempting to prevent the occurrence of such accidents?

Imagine the outcry which would result if from ten to fifteen persons were being murdered every day in Great Britain. Every man and woman in the land would be appalled and no measure to prevent the continuance of such happenings would be considered too drastic. Yet, hour after hour, day after day, week after week, month after month, year after year, men, women, and children are being slaughtered upon our highways. Incredible as it may seem, over 1,500 children have met their deaths, through road accidents, in Great Britain, every year since 1930!

The writer does not, for one moment, suggest that motorists are to blame for all these accidents, or even the majority of them, but they can, by careful driving, do much to counteract the carelessness, foolishness, or negligence of others. If a day-dreaming pedestrian or an irresponsible child steps from the footway in the path of an approaching vehicle, the chances of an accident being avoided are, unquestionably, greater if the vehicle is travelling at from 25 to 30 miles per hour than they would be if its speed was 40 miles per hour. Therein, the writer suggests, lies the basic argument in favour of the imposition of a speed limit in built-up areas.

he is directly responsible, promotion does not depend upon the number of convictions officers obtain. Straws show which way the wind is blowing, however, and there is still a very strong feeling among certain sections of the public (and not solely uneducated sections) that a man's advancement in the Police Service depends chiefly upon the number of offenders whom he can bring to justice.

This erroneous impression should be removed. The majority of motorists are decent fellows. They are not wilful offenders and, where the circumstances warrant it, a caution on the spot will achieve far more good than the cumbersome and inconvenient method of proceeding by summons. When it is necessary to report a motorist, or any other person for that matter, if he or she is approached with courtesy, and the necessary particulars are obtained with tact, efficiency, and no waste of time, the offender has no grounds for complaint, and it is only in very exceptional circumstances that any attempt will be made to make them.

The Magisterial Bench

Yet another factor which brings the police into ill-favour with the motoring community is a matter over which they have no control. The writer refers to magisterial decisions. In far too many instances the motorist who has been fined (as he thinks) too heavily, or unfairly, imputes the blame to the policeman who reported him for the offence. He gives no cognizance to the fact that, once a summons is issued and served, the decision as to his guilt or innocence is entirely out of the hands of the police. The case against him is found proved or not proved, and he is fined or discharged by Justices who are entirely independent of the Police Authority.

The writer has often wondered if such feelings are engendered, or encouraged, by cases being heard in what are known as "Police Courts". Petty Sessional Courts are *not* Police Courts, inasmuch as they are entirely uncontrolled

by the police. The term is a misnomer, and if some such title as "Magistrates' Courts" was generally used in place of it, the public might, more easily, be made to realize that they are on an equal footing with the police in such places and that the former have no proprietary rights in connexion with them.

The majority of instances cited by motorists who allege wrongful conviction, or unduly severe penalties, are connected with the decisions of unpaid Justices. While one must express the highest regard for the self-sacrifice shown by these gentlemen, who devote so much time and energy to their voluntary work as Magistrates, it cannot be denied that, in many quarters, there is a very strong feeling that Stipendiary Magistrates fulfil the judicial office with greater efficiency and more satisfaction both to the police and the public.

Unfortunately, most of the gentlemen who occupy seats upon the benches at our Police Courts have no legal training. They have no specialized knowledge of the work they are called upon to do, and are entirely dependent upon their learned clerks for their correct administration of the law. They are, in many instances, men of advanced years, who if they have no bias against the motorist, at least have little or no understanding of the many difficulties which beset his path. Their outlook is not, and cannot be adapted to, the modern ideas of life. Again, where different Magistrates sit in rotation, as is the case in most borough and county Petty Sessional Courts, decisions are reached with no regard to previous cases, of a similar nature, which have been heard in the same place.

It is no uncommon thing to hear of motorists being fined £1 in the same Court wherein others have escaped with a penalty of five shillings for a similar offence. It is the same offence, the same degree of guilt or innocence, the same Court—but different Magistrates. A Stipendiary Magistrate is guided by his reactions to all the cases which come before him. He has been trained to subordinate his own personal

opinions to the requirements of justice, and to bring a clear logical mind to bear upon all relevant facts. Before him, defendants receive treatment in accordance with proved facts and not in accordance with the fact that the person entrusted with the trying of his case does, or does not, approve of motorists.

Much dissatisfaction in this direction could easily be removed by the appointment of special magistrates, whose sole judicial responsibility would rest in dealing with offences connected with the use of mechanically propelled vehicles. They would be men who, combining a sound knowledge of the law with a practical experience of driving and mechanics, would be in a position to promulgate decisions which would be fairer and so more satisfactory to all.

In connexion with the enforcement of the speed limit, two special Courts have been set up in the Metropolitan Area—one at Bow Street, the other at Clerkenwell—to deal exclusively with such cases.¹ This provision has been made because it is obvious that the large number of summonses which will be issued at the commencement of this legislation cannot possibly be included in the already heavy business of the ordinary Courts. This is a step in the right direction, but, even so, no provision has been made for particular magistrates, with special knowledge of matters relating to the speed of vehicles, to deal exclusively with these cases.

Slow Procedure in Dealing with Motoring Offences

From a Police point of view, the ever increasing responsibilities of dealing with motoring legislation are becoming so burdensome as to warrant some consideration being given to the possibility of lightening them. The primary object of a Police Force is, of course, the prevention and detection of

¹ Since this was written, the writer has learned that, before it appears in print, these Courts will have ceased to function as "Special Courts", the number of speed limit cases being considered insufficient to justify their continued existence. Summonses for exceeding the speed limit will be heard in the ordinary Courts.

crime. Very few motoring offences are crimes, in the generally accepted sense of the word, yet, on the whole, more Police time is spent in dealing with such offences than with the more serious matters—real crime—which warrant attention.

When one pauses carefully to consider the present method of dealing with breaches of our traffic laws, one is, perforce, obliged to agree with the suggestion that far more time is being spent on them than is commensurate with the nature of the offences. Consider, for one moment, the procedure adopted in most Forces for dealing with such minor or technical breaches of the law as driving with an expired licence, causing an obstruction to the highway with a motor vehicle, or failing to display the requisite lights during the hours of darkness.

Upon a police officer detecting such an offence, he produces his note-book and spends the necessary time in obtaining the names and addresses of the owner and driver, particulars of the car, licences and insurance, the driver's explanation and any other relevant particulars. Incidentally, in an obstruction case, he will have been required to spend time in endeavouring to locate the driver and in keeping the vehicle under observation. Upon his return to the Station, or Police Box, the officer embodies the facts in a report. Extracts from this report are entered in various books¹ by a station officer and in due course, after being checked by a Sergeant and examined by an Inspector, the report reaches the Superintendent. If there is anything unusual in connexion with it, the officer has to see his Superintendent or Inspector and personally explain the matter.

If it is decided to issue a summons, an information form is made out, a copy of it is entered in the Divisional Information Book, and it is forwarded to the Chief Constable's office, where yet another record is made. The form then passes to the Police Court office, or Prosecutions Department, where particulars are entered in the records kept there and

¹ "Persons Reported Book"; "Register of H.O.R.T. Forms," etc.

a summons (in duplicate) is made out. This is sworn to, before a Justice of the Peace, and a copy is served upon the defendant. Prior to the passing of the Service of Process (Justices) Act, 1933, the summons had to be served upon the defendant by a police officer. Now, service can be, but is by no means generally, effected by registered post.

In due course, the case comes before a Petty Sessional Court, and there the police officer concerned has, in many instances, to spend some considerable time in waiting for it to be called. Unless he is on duty at the time, "time off" has to be granted to him at a later date. The conclusion of his case may result in it being dismissed, or dismissed upon payment of costs, or in the infliction of a fine of from 2s. 6d. to £2. In the aggregate, hours of valuable time have been spent in satisfying the requirement of the law that an offender against its provisions must be punished. In the majority of instances, however, it would be no exaggeration to suggest that "the Mountain has merely given birth to a Mouse".

How, then, can this wastage of time be avoided? Every part of the law must be enforced, and it is not for the man on the beat to decide that certain offences, by reason of the fact that they are less serious than others, should receive only a modicum of attention. Neither he, nor anyone else in authority, is entitled to say: "Crime is increasing; let the motorist go hang!" The writer ventures to suggest, however, that there are no insurmountable difficulties preventing the preparation and inauguration of a scheme which would, without loss of efficiency, save much time and unnecessary trouble in dealing with the motoring laws.

Should the Police have Power to Fine?

Suggestions have been made, in all seriousness, that the system in vogue in certain Continental cities, where the Police have power to fine offenders on the spot, could be beneficially adopted in this country. In Germany, for example, a police officer who detects a minor offence is empowered to give the

offender an opportunity to pay a small fine at the time; presenting him or her with an official receipt for money so received. If the latter declines to pay this fine, he or she is reported and summoned. The case is heard in the ordinary way and if the defendant proves innocence, or presents an acceptable excuse, the case is dismissed. If, however, he or she is found guilty, and the Court concludes that the refusal to pay was merely obstructive or frivolous, a penalty far in excess of the fine that could have been paid on the spot is imposed.

The many abuses to which such a system is open far outweigh any advantages it may possess, and such an arrangement is unlikely to meet with any general approval in Great Britain. In this country, however, there are certain offences, in connexion with the licensing of mechanically propelled vehicles, in which the Local Authority has power to impose a mitigated penalty without the facts of the case being heard by Justices, though the alleged offender has a statutory right to appear before a Petty Sessional Court if he so chooses.

Would it not be possible to extend this system to embrace many of the technical and less serious breaches of the motoring law which the police are now compelled to deal with by way of summons? Such offences as obstruction, driving with an expired licence, failing to have the weight and/or speed painted upon a heavy motor-car, exceeding the speed limit (when unaccompanied by dangerous, careless, or reckless driving), to name but a few at random, could well be dealt with without the waste of time, both for the police and the defendant, necessitated by attendance at a Police Court.

Legislation could provide a fixed table of penalties to be imposed for a first, second, and third similar offence, while the commission of subsequent similar offences would necessitate an appearance before Justices to show reason for the continued offence. When a person was reported, and such excuse as was offered was unacceptable, the particulars of the offence would be forwarded to the Police Court office or the Prosecutions Department. After his previous record had been examined, the defendant would be notified by letter

that, by committing a specified offence or offences, he had incurred a statutory penalty and request for payment of it would be made. He would be advised that, if he disputed the facts of the case, or desired to defend it, he could, as an alternative to the payment of the fine, be summoned in the usual way.

Experience of Police Court work shows that the majority of minor and technical offences are freely admitted and that defendants would be only too pleased to pay a reasonable penalty without the necessity of attending Court and so losing valuable time. Naturally, in all cases of alleged dangerous, careless, or reckless driving, in all cases where the suspension of a driving licence was involved, and in all serious breaches of the law, the present system would be continued. The writer would again stress the fact that, even in the case of the most trivial offence, the defendant would be afforded the opportunity of presenting his case to the Justices if he so desired.

There are difficulties which would have to be overcome, but they are not extraordinary and, in the writer's opinion, the advantages of such a scheme would heavily outweigh any drawbacks it might possess. In addition to the saving of time which could be more usefully employed in other ways, the adoption of such a scheme (especially if used in conjunction with the appointment of special Magistrates for such motoring cases as were brought before the Courts) would remove any suggestion of magisterial bias, would ensure a more even standard of justice being meted out to the motorist, and would do much to turn the antagonism which he now feels towards the policeman into a more friendly and helpful attitude.

Within the limits of such an article as this, the writer can do no more than vaguely suggest the outlines and possibilities of such a scheme. He feels, however, that the possibilities are such as to form the basis for an interesting discussion in the pages of THE POLICE JOURNAL.

Lord Atkin on Scientific Equipment for the Police

On the occasion of the opening of the Laboratory at the Metropolitan Police College, by Sir John Gilmour, Home Secretary, on 10th April, the following speech was made by the Rt. Hon. Lord Atkin.

"This Laboratory," he said, "is a real increase to the resources of civilization and social order. It was high time that the police in every part of the world were equipped with all the resources of science in order to meet criminals who were themselves equipped with all the resources of science."

Lord Atkin went on to say that it gave him great satisfaction to think that Sherlock Holmes and Doctor Thorndyke, of whom they might have heard, were to be succeeded in the eyes of the world by Doctor Davidson, the head of the Laboratory.

"Speaking as a Judge," he continued, "I think it is quite a sound thing that men who are going to take part in Police work should be made familiar with the process and powers of science, because science is more closely allied to the truth than anything else. It gives its evidence impartially." He hoped, however, that the opening of the Laboratory was but a first step towards the establishment of a great National Medico-legal Institute.

Lord Atkin visualized the future of such an Institute as, possibly, a branch of the University of London, a great teaching institute as well as a Police Laboratory, where coroners, prison doctors, advocates, members of the Police Force—even Judges themselves—could, and should, train for diplomas.

He said that evidence coming from a National Institute

would possibly be more favourably received by the jury than evidence which might be construed as Police evidence.

The time would soon come when an opinion expressed by such an important Institution as that would come to be regarded merely as the voice of science.

"England and London," said Lord Atkin, "have lagged behind and this is the first time a great authority has been impressed with the necessity for having a central legal medical institute in London.

"We have wanted it for years for all kinds of work which has to be done here. All questions that arise from different kinds of death and questions relating to suicide or death due to culpable negligence, questions of paternity, questions which arise in respect of insurance, the whole question of poisons are all questions which would be properly investigated and subjected to research in such an organization. There is not a city in the world which has not got one. England and London have lagged terribly behind.

"I venture to suggest that anybody who makes himself familiar with what has been done elsewhere must have some feeling of shame at the lack of what has been done here.

"At Glasgow and Edinburgh they have had Chairs or Professorships of medico-legal science for many years." At Edinburgh, he believed, there had been one for a hundred years. It would be necessary for such a central institute to have with it a central morgue where post-mortems could be carried out. Post-mortems in London at present were conducted on disorganized and rather haphazard lines. It would be a branch of the great University of London. It was a great scheme which he hoped they could now see on the horizon. For the first time they had a responsible Minister prepared to favour this project.

"I hope the Committee," he concluded, "that Sir John Gilmour has mentioned will be able to carry it out."

Rugby Football in the Metropolitan Police

THE popularity of Rugby football in the Metropolitan Police during the last few seasons has been remarkable.

Towards the close of the season 1922-3 a handful of enthusiasts were able to arrange for a trial game on a borrowed ground at Eltham, and the present ground at Imber Court was prepared in rather a rough and ready manner for the next season, which opened with almost a full season's fixtures. Throughout these early days the Committee went through various stages from extreme optimism to despair. There were roughly about one hundred men who had intimated, in reply to an appeal for players to join the Club, that they wished to play. The trials showed that some of them must have learnt their Rugby when the game consisted of twenty a side, and if they ever knew any rules it was obvious that they had long forgotten them.

The Association code was practically universal in the Force at the time, and even the most enthusiastic of the Committee found it difficult to visualize a respectable Rugby playing team in the future.

Looking back to those early days, one remembers with gratitude the help given us by individuals, and the clubs who gave us our first fixtures.

In the early trial games old friends like Peter Lawless of Richmond, Commander (now Admiral) Lyon of the Royal Navy, W. W. Wakefield, Captain of England, Hamilton Wickes of the Harlequins, Commander Davies of the Royal Navy, Captain Wakelam and others came and played with us and gave us hints.

The Hospitals sent teams against us, St. Thomas's, St. George's, and Charing Cross. We played a match against the Life Guards in Regent's Park and, to our surprise and great gratification, won. There was a large crowd of all sorts and conditions who were vociferously enthusiastic and amused whenever a large policeman was felled to the ground by an equally enormous Guardsman, for we went in more for size in those days than skill. A C.I.D. officer who happened to be watching stated that he believed half the evildoers of North London must have come to see the flattie "get it in the neck".

Amongst the clubs which helped to start us off, one remembers particularly Guildford, Leytonstone, Upper Clapton, Harlequins "A".

All of the members of the Committee made a point of attending every game, encouraging and sometimes reprimanding, for players in those days got into the team on their own qualifications. There was joy amongst the Committee when one man told the Committee he had played for a celebrated club in the West Country, but utter confusion after the game had been in progress a few minutes, when it was obvious that he must have made a mistake and confused Rugby with some entirely different game. He was dragged out of a *mêlée* and allowed to go to his tea early.

This season ended with a record of 13 wins and 9 losses.

The next season opened with keen hopes and much consultation as to the possibility of any hidden talent in the Force; the Police of the City of Paris had challenged us. The French Police arrived, with a team of boxers for a boxing tournament which had been arranged to take place at the same time. The game was played on the Richmond ground on a horribly wet afternoon—the 24th January, 1924. H.R.H. the Prince of Wales graciously came and watched the match throughout. The French Police had apparently also just started to play Rugby, and the game consisted mainly in vigorous mauls, with wild kicks and rushes. It ended in a pointless draw, and the result would have probably been the same after

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several hours' play, for the lack of any real passing and three-quarter play.

The next season saw a similar sort of football, for with the exception of three or four players the team consisted entirely of players who could only play forward. A return match was played against the Paris Police before a large crowd of some 10,000 keen Parisians. The Prefect of Paris and many of the leading members of the City Council were present. To those who took part, the most poignant memory must have been of four crowded days of Versailles, the Louvre, and other sights in the intervals of eating and drinking, not to mention the *Folie Bergère*, and other music-halls each night. The boxing team beat the Paris team fairly easily in a huge building which reminded one of the Albert Hall. The French won a match rather reminiscent of that of the previous season, by two tries to one.

The season of 1925-6 saw a general improvement, as we had got a couple of really good halves and outside play began to be developed. At this time, too, the Police Rugby Football Union was initiated. Here, at last, was a chance for any first-class player to get the opportunity of playing good football. The P.R.F.U. consists of the whole of our Police, and copies in this respect the Unions of the fighting services. In the Metropolitan Police, hitherto, the best of our players had come from Wales. The strength of the full P.R.F.U. team may be gauged from the fact that on one occasion, against the Civil Service, every police forward was, or had been, an international. Such great stalwarts of international football as Tom Roberts, a constable of Newport, who played in the Centenary match at Rugby School for England and Wales against Scotland and Ireland; Ould of Cardiff, who could play in any position in the field, and Bassett, who subsequently captained Wales whilst a constable in the Glamorganshire Constabulary. But, to return to the Metropolitan. Apart from the handicap of so few players of the handling code in the Force, some difficulty was experienced in selected players being able to turn out, owing to the difficulty

of arranging duties, and to a disinclination on the part of many to give encouragement to a game that seemed to be alien to the Force.

One has a suspicion, too, that among the teams playing in London, the Metropolitan Police were looked upon at that time as of enormous size and weight, much vigour and no skill. Certainly, at that time it seemed as if our team was a couple of stone heavier per man than those of our opponents, but it must be remembered that our opponents were as often as not the second best team that could be put in the field, the best being considered too good.

Any team must take time in the making and in showing itself fit for better fixtures, and the Committee will remember that one of them always said that it would take ten years to make the Metropolitan Police into a good Rugby side.

For two more seasons we continued to play the Paris Police. We won on the ground of the Blackheath Club, and then were beaten in Paris again.

The standard of play was now definitely beginning to improve, and we were able to provide two or three players for the P.R.F.U. in representative matches against the Army, the Civil Service, and Cumberland. At this stage it was necessary to run a second XV, with regular fixtures throughout the season. Fixtures with better Clubs gradually came along. From the season 1929-1930 to the season 1933-4 the results were 145 matches played, of which 124 were won, 18 were lost, and 3 drawn; 2,514 points scored for and 700 against. This remarkable record speaks for itself.

The result of the past season shows a record consistently good. The Metropolitan Police now very definitely play good football. Several members obtained their county caps, and five or six took their place in the Police representative team against the Army and the Royal Air Force. One member obtained his English international cap with only two county games last season.

The most astonishing change has come over the whole outlook of Rugger in the Force. Apart from the first and

second regular teams, there is an occasional Wednesday side, and no less than twelve Divisions out of the twenty-three have teams with annual fixtures. Instead of the only ground at Imber Court, there are now four grounds available, thanks to the great interest the Commissioner takes in sports for the men.

It was almost a rare event for a recruit to be a Rugby player; but now the number of young men who join contain a very large proportion of men who have played the game at their schools or with Clubs.

A competition amongst Divisions is being talked about.

What of the future? It has taken ten years to popularize Rugby in the Force and to produce a good first team. Indeed, to one of those who has seen the remarkable progress already made, the future seems most hopeful.

Clearly Metropolitan Police Rugby is still on the upward trend. Saturation point is a long way off. More recruits who play, and who play well, are likely to join the Force. The Metropolitan Police College in its first season has done well, and when those players join their Divisions even more impetus will be given to the encouragement of the game.

The steady advance in skill of the first XV should continue for a few years, and it is in no boastful spirit that the writer ventures to prophesy that within the next ten years the best of our London teams will have to go all out to hold the "Mets".

For some years past Wales has seldom put an international team in the field that did not contain at least three or four policemen; would it be too much to say that if our progress continues at the present rate, England may call upon the Metropolitan policemen in the same ratio?

Win or lose, representative caps or not, the game is the game, and the writer is an enthusiastic believer that the man who plays Rugby must make a good policeman.

Finally, a story which illustrates an attitude of mind towards the Rugger policeman. It was some years ago during a bad strike in South Wales. Every man was out in the

town, except two in reserve at the Central Station. News came that a large and bad-tempered crowd was marching up one of the streets. There was nobody available at the place to stop them. The reserves were called out, and these two constables advanced to meet an ugly crowd, estimated to run to several hundreds. Their appearance was greeted with boos, and shouts were raised of "Put them out!", "Have them in the water, boys!" Just as a rush was going to be made against them, a voice was heard shouting, "Steady on, boys, it's Tom and Dai, and we are playing Cardiff to-morrow." The crowd quietly dispersed.

FULL-BACK.

OUR CONTEMPORARIES

Journal of Criminal Law and Criminology, vol. xxv, No. 5, Jan.-Feb., 1935. Harold Cummins (p. 829) gives an article on Racial Differences in Finger-prints and summarizes the position as follows: "In conclusion it may be emphasized that races do vary in their finger-print characteristics. It is true, further, that variations within the single race may occur as signs of sexual or constitutional differences of its components. But such differences are not diagnostic in the *individual*; they appear only by analysis of groups as unlike frequencies of the various finger-print traits which are discussed above." M. Edwin O'Neill (p. 835) continues the series of articles on Police Microanalysis, dealing here with textile fibres and giving details of various methods of distinguishing between classes of fibres. On p. 847 mention is made of a case in the United States Appeal Court, in which a document examiner was allowed to give evidence on his examination of photostatic copies of documents, where the originals had been destroyed.

Vol. xxv, No. 6, March, 1935. Harold Cummins deals with (p. 982) "Attempts to alter and obliterate finger-prints", by self-mutilation by acid or cutting, citing definite cases, and discusses the advisability of using palm and sole prints in special cases. On p. 1004 details are given of a recent case in Wisconsin where by consent of both parties "lie detector" records, together with expert testimony on their interpretation, were admitted in evidence.

Police "13-13", Chicago. The February number gives the second article by Calvin Goddard, "In search of the Fire-arm," in which he details a number of devices for using in one fire-arm cartridges and bullets made for another, and other means which may give rise to difficulties in the search for the weapon used, such as interchange of automatic pistol barrels, replacement or refiling of firing pin, refiling of breech face. Henry T. F. Rhodes gives an article on "Psychology in Handwriting", and discusses the question as to whether criminality can be diagnosed in handwriting.

The March number gives an interesting account of the most recent development of "lie detecting" apparatus, pointing out its limitations and the precautions necessary in its use and concluding with the remark, "If properly used, it has definite value as an aid in preliminary investigations." Wilmer Sonder gives a short account of the use of science in crime detection, with some excellent remarks on the qualifications necessary for the personnel of crime laboratories and the undesirability of publicity in such work.

The April number mentions an improved "lie detector", the Darrow Photopolygraph, with diagrams and photographs.

The Analyst, vol. 60, No. 709. An abstract of a paper by I. C. Ritsema on the identification of gum arabic, mentions that the benzidine blue test, so often used for the preliminary identification of blood, is given also by gum arabic, even when several years old. The reaction is of course due to the presence of a peroxidase in each case, but this mention of another substance which gives a positive reaction only emphasizes the fact that great care must be exercised in using such preliminary tests, and that any reliance on them must be backed up with expert examination of the stain by other means.

THE COLONIAL POLICE

The following appointments are announced by the Colonial Office:—

ALEXANDER, A. L. (Constable, British Section, Palestine Police)	Sub-Inspector of Constabulary, Trinidad.
BATTY, R. (Assistant Inspector of Police)	Inspector of Police, Northern Rhodesia.
BOYD, D. A. (Sergeant, British Section, Palestine Police)	Assistant Superintendent of Police, British Honduras.
FISH, Captain E. G. (Superintendent of Police)	Deputy Commissioner of Police, Uganda.
HALSE, C. N. (Constable)	Assistant Inspector of Police, Northern Rhodesia.
JOHNSON, G. G. S. (Inspector of Police)	Chief Inspector of Police, Northern Rhodesia.
KING, T. H. (Deputy Inspector-General of Police)	Inspector-General of Police, Hong Kong.
TATE, A. T. (Assistant Inspector of Police)	Inspector of Police, Nyasaland.
TENNANT, J. E. S. (Assistant Inspector of Police)	Inspector of Police, Nyasaland.
GORDON, M. I. N.	Sub-Inspector of Constabulary, British Guiana.
PAGE, E. A. L.	Prison Superintendent, Grade II, Gold Coast.
POPPY, A. J.	Chief Inspector of Police, Fingerprint Bureau, Kenya.
HEATH, H. W. E. (Sub-Inspector of Police, Leeward Islands)	Assistant Superintendent of Police, Hong Kong.
MILLS, J. T. (Technical Instructor)	Prison Superintendent, Grade I, Gold Coast.
RIDGWAY, T. R. J. (Assistant Superintendent of Police)	Superintendent of Police, Kenya.
WILLE, G. V. F. (Third Superintendent of Prisons)	First Superintendent of Prisons, Ceylon.

CORRESPONDENCE

OBITER DICTA

To the Editor of THE POLICE JOURNAL.

SIR,

The articles dealing with Police Court procedure which have appeared in recent issues of *THE POLICE JOURNAL* are of extreme interest. Serious-minded police officers must disapprove of lay magistrates making unjudicial remarks during the examination of prisoners, and it may be worth while to mention two recent instances which have come to my notice. In the first case, the witness giving evidence appeared to be a ne'er-do-well, and was sticking up for his friend who was charged with stealing a gramophone.

"No, Your Worship," he said, "he didn't steal the gramophone. At the time this woman says she saw him take it he was with me doing a spot of work."

"What sort of work?"

"We was doing a bit of light carting, Your Honour."

"Oh, is that all? I thought perhaps you *was* 'cracking a crib'."

The second case is a more remarkable example of magisterial indiscretion. A driver of a heavy motor-lorry was charged with exceeding the speed limit. He pleaded guilty and police witnesses testified that he was "speeding" at 7 miles in excess of the speed limit for the class of vehicle he was driving.

"Why did you do it, Jones?"

"I must have misjudged the speed, Your Worship. I have no speedometer."

"Who do you drive for?"

"John Smith & Sons."

"Smith's of Wood Street?"

"That's right, Sir."

"I know that firm well. I've had some outside trouble with them. I want everybody to know that this fellow is employed by a firm that absolutely slave-drives all its employees. They are—but perhaps I ought not to let personal opinions and outside information affect my judgments as a Magistrate. However, I do feel it

is my duty to state that the employees of this firm are expected to work to a time-table, and in order to keep to this time-table I know it is absolutely necessary for them to speed. I also know that they have to work longer hours than they should, but since that isn't the case before the Court at the present moment I won't say any more. Look here, Jones, you'll be let off with a caution this time, but don't come here again."

NEMO.

CAR NUMBERS CHAOS

To the Editor of THE POLICE JOURNAL.

SIR,

So much planning and research have gone to the making of the modern motor vehicle, that it is really rather surprising that so little attention should have been given to the question of its systematic registration. We are often told that this is the age of order, and yet we have allowed the registration of our motor vehicles to degenerate into the most complete chaos.

The present arrangement seems to be that any town is allowed to use any combination of index letters it likes, provided that that particular combination is not already in use. The result of this *laissez faire* policy is that to-day only a police officer with a card index memory can possibly identify the home town of the thousands of cars he sees on the road.

A national plan for the systematic registration of motor vehicles, making adequate provision for their rapidly increasing numbers, is therefore not only necessary but urgent; for the longer this reform is delayed the more difficult it will be to carry into effect. The time has surely come to allocate index letters to towns and counties in advance instead of waiting until they are applied for.

There are many principles on which such a system could be worked out; but perhaps the simplest would be that in which the index letters were formed from the actual name of the town or county in such a way as to be easily recognizable. Let us take a few examples and see how such a scheme would work out in practice.

Bedfordshire : BDS. BDE. BRE.

Bedford : BD. BFD. BED.

Luton : LTN. LUT. LUN. LUO. LTO.

Berkshire : BE. BS. BKS.

CORRESPONDENCE

Reading : RG. RDG. RNG. RED. REA.

Buckinghamshire : BMS. BXS. BKX.

Aylesbury : AYL. ABY.

Herefordshire : HDS. HDE. HRS.

Hereford : HFD. HER. HED.

Hertfordshire : HTS. HTE. HTT.

Hertford : HTD. HTF. HRT.

It might be found more convenient to base the index letters for some parts of the country on initials rather than on the spelling of the actual place-name. Thus, IW, IIW, IWW would seem more suitable for the Isle of Wight than WIG, which might easily be confused with Wigan. And in a few cases, such as Ely and Rye, the actual name of the town might well be used as its car index letters with variations when required. There are many more places where almost the complete name could be used in this way, such as RYD for Ryde, HYT for Hythe, and BTH for Bath.

Where two towns have the same name, the combinations allotted to each would have to include a distinguishing letter. For example, Newcastle upon Tyne might be given NWT, NCT, NET, NTY, and NNT; whilst NWL, NCL, and NLY could be allocated to Newcastle under Lyme.

Many of our original counties have been sub-divided for administrative purposes. Each of these divisions would be allotted index letters appropriate to its situation.

Yorkshire.—

East Riding : EYK. EYS. EYE. EYO. EYR. ERY.

West Riding : WYK. WYS. WYE. WYO. WYR. WRY.

North Riding : NYK. NYS. NYE. NYO. NYR. NRY.

Lincolnshire.—

Holland : LHD. LHL. LHO. LHA.

Kesteven : LKN. LKV. LKT. LKE. LKS.

Lindsey : LLY. LLD. LLN. LLS. LLI.

Sussex.—

East : ESX. ESU. ESS. EUX. EUE. EUS.

West : WSX. WSU. WSS. WUX. WUE. WUS.

One county could even be treated phonetically—SX, SSX, and variations might well stand for Essex.

But none of these suggestions for allocating car index numbers would be suitable for the Metropolitan area. For one thing, many parts of London and its suburbs have names which use much the

same letters, such as Willesden and Wimbledon, Finsbury and Finchley, and Hampstead and Hammersmith, that it would not be possible to evolve the necessary number of combinations on the spelling system.

The simplest method would seem to be to set aside A as the first letter for all index combinations allocated to the London district. Fortunately, there are not many towns and counties whose names begin with A, and these would have to be treated so as not to conflict with London. The second letter would correspond with those used to denote the divisions of the Metropolitan Police Area. The third letter could be varied as required. For example, Westminster, which is in the "A" Division, would have A, AA, AAA, AAB, AAC, and so on through the alphabet. This scheme would allow for 270,000 vehicles in each division.

Of course, such a change over as has been suggested could hardly be made all at once, because of the expense involved. But if some system could be worked out for the re-shuffling of number plates, stage by stage, it should be practicable to effect the change over within a year.

But as many of the combinations which would result from the adoption of the scheme now suggested are not yet in use, it should be possible to allocate them on the spelling principle. And then as old vehicles were withdrawn from service, their numbers could, where necessary, be transferred to the appropriate town or county.

Such a scheme would take time to carry through, but who can doubt that it would be worth while; for then every letter on our number plates would mean something, instead of meaning just nothing.

L. G. LANE.

REVIEWS

LAUGHTER IN COURT. BY DUDLEY BARKER. (Methuen & Co., Ltd.) 5s.

READERS of *The Evening Standard* will be familiar with the "Notebook round the Courts" which Mr. Barker contributes to its columns, and will be glad to possess in permanent form this little book of sketches of life in London police courts. It is not all "laughter": there is a delicate pathos in many of the characterizations. This is an attractive volume which will be appreciated by many types of readers, and not least by those who are familiar with police court routine. Mr. Barker writes with a keen insight of human nature and a sympathy for all sorts and conditions.

BETTING AND LOTTERIES, 1935. BY ALBERT LEICK. (Butterworth and Co.) 15s. net.

THE Betting and Lotteries Act, 1934, is in itself a sufficient justification for a book of this kind. The new Act has in many respects clarified the law, but many new points of doubt arise, and the subject generally is one which requires careful exploration on the part of all those who have to administer the law. Mr. Leick has arranged his references conveniently, and all the information on the subject there is to be had will be found within these covers.

THE IDENTIFICATION OF FIRE-ARMS. BY JACK D. GUNTHER and CHARLES O. GUNTHER. (New York: John Wiley & Sons. London: Chapman and Hall.) 20s. net.

IN England cases involving fire-arms and their identification are happily rare, much rarer than they are in the United States, to which this book chiefly refers. But when they do occur, such cases are of considerable importance, and in many instances the evidence which may be derived from the fire-arms and their appurtenances is of vital importance, since it may form the only means of connecting the guilty party with the wounded or dead person.

Hence it is necessary that there should be no uncertainty in the evidence given in connexion with the productions, whether they be fire-arms or cartridges or bullets. It should be given with such scientific impartiality and proof that it might come either from the prosecution or from the defence, being demonstrated in such a way as to leave no doubt in the minds of judge or jury. There may be differences of opinion on either side, but there should be none on the question of facts. It is for this reason apparently

that we have had two books published on this subject in English in the space of a year, the one by Major Burrard, reviewed in this Journal in the October-December, 1934, number, and the other the present volume from an American source; but where the subject is dealt with scientifically, the subject matter applies to all countries. As the foreword by E. M. Morgan, of the Harvard Law School, puts it: "It is the purpose of this book to make an honest exposition of the science of fire-arms identification in its relation to the judicial process. It is the result of long-continued and accurately controlled experiments with numerous specimens of various types and manufacture both of weapons and of ammunition. It neither exaggerates nor underrates the value of the function which the honest expert can perform. It does not disguise the evils that dishonest or ill-equipped experts may do. It should be an effective aid to court and counsel." This is a good summary of the book as a whole.

The first chapter of 102 pages deals with the principles of fire-arms identification very carefully and methodically, including propellants, types of fire-arms, ammunition, tool marks, motion of bullets through the barrel, manufacture of barrels, analysis of the "signatures" or markings on fired bullets, and the reproduction of groove engravings. It also discusses the question of class and accidental characteristics of marks made by fire-arms on cartridge cases and on bullets, a most important matter which was neglected in earlier work on the subject. It then goes to the various problems which arise in such cases, dealing with each separately. In this section of the book there are certain points which deserve notice. On page 97 attention is drawn to the very great importance of establishing without shadow of doubt every link in the chain of possession of a bullet, from the time it is taken until the time it is produced in court and the marking and labelling of such productions; the same, of course, applies to articles produced in other types of cases. If such a course is not taken, such a case may arise as is described here in which the prosecution had to reopen its case because it developed that "the bullet admitted in evidence was not the bullet removed from the body of the victim". Stress is laid upon the benefit of using a good comparison microscope for making comparisons, and demonstration, either visually or by means of photographs. On page 70 we find the following: "If more than one barrel was rifled with the same cutter before it was reground, bullets fired from these barrels would probably show the same reproduction of groove engravings," and this statement is supported on page 71 by reproductions of comparison microscope photographs showing the complete matching of the groove striations of each of the six grooves on a bullet, as compared with the groove marks on another bullet fired from the same rifle, all the grooves having been rifled with the same hook cutter; and on page 72 we get the remark that "the reproduction of groove engraving creates a situation which is not only serious but extremely significant and conveys a warning that may not be ignored". Stress is laid upon the necessity for care in the interpretation of the finer marks on cartridges and attention is drawn to the importance of the more prominent markings, as illustrated by the following paragraph (p. 251) which deals with the history of certain past cases: "The testimony failed to interpret successfully the differences found in the respective signatures of a single fire-arm and the similarities found in the signatures of different fire-arms.

The failure of the courts to detect the outstanding deficiency of ignoring differences is due apparently to the erroneous belief that it was certain that the respective signatures of a particular fire-arm would be identical. (The courts realized that the respective signatures of any person would not be identical. Fire-arms were distinguished on the theory that they were inanimate objects lacking the personal element existing in humans.)"

The second chapter of the book (pp. 103 to 245) deals with the Sacco-Vanzetti trial in 1920, and contains a discussion of the expert evidence given in that trial. It was chiefly remarkable for the very elementary and in some ways misleading part played by the "experts", in the light of more modern work on the subject. It is surprising to find an expert speaking of a "cannon-lure" (p. 121).

The third chapter (pp. 246-328) deals with the progress of the scientific examination of such productions as traced in court cases, the admission of expert evidence, and the qualifications necessary for an expert, and includes some excellent advice on the presentation of evidence in court. Incidentally, attention is drawn to the misuse of the term "ballistics" in connexion with such work, by pointing out that the term should be applied properly to "the science that treats of the *motion* of projectiles", and not to the marks left on such projectiles or on the cases that contained them, by the fire-arm in which they have been used. The authors suggest the formation of a central bureau, under competent scientific control, for the collection of data, for research and for identification purposes. The following sentence expresses their hope for the future: "The science of fire-arms identification, properly and intelligently applied, not only will substantially contribute to a more accurate administration of justice, but it will also be an important aspect of fire-arms control," and if the work is carried out on the lines laid down in this book, the prospect is good.

A bibliography is added, but there is a notable absence of the names of books and articles on the subject published in languages other than English.

The book is well illustrated, some of the reproductions being particularly good, and it can be recommended to those who wish to specialize on this subject.

SUMMONS HEADINGS USEFUL TO POLICE. 10th Edition. By J. HOPKER, ex-Sergeant, Metropolitan Police. (Police Review Publishing Co. Ltd.) 9d. net.

IN this handy little booklet ex-Sergeant Hopker has collected more than three hundred of the more common summary offences and set them out in the form prescribed by Sec. 32 of the Criminal Justice Act, 1925—that is, a short description of the offence in ordinary language, with a reference to the section and statute. The book serves its purpose admirably, and in its previous editions has proved a great convenience to officers dealing with process, especially in the Metropolitan Police District.

The present tenth edition has been brought up to date by the inclusion of new offences under the Road Traffic Act, 1934, and the various regulations which have come into force during the past year.

LIFE AND DEATH AT THE OLD BAILEY. BY R. THURSTON HOPKINS. Illustrated. (Herbert Jenkins, Ltd.) 10s. 6d. net.

THE occasion of this volume is the centenary of the Central Criminal Court, and it sets out to deal with the history of that famous institution. The historical chapters are most interesting, but the author does not stick too closely to the central theme of his work, and the result is a book which will interest the general reader no less than the antiquary. As a matter of fact the writer is at his best when he lets himself loose on such subjects as the methods adopted by those gentlemen who like to draw money from a bank without the troublesome formality of opening an account, or the modern technique of safe-opening. New light is thrown on the exploits of Jack Sheppard, Charles Peace, Jack the Ripper, and many others. The most notable occupants of the dock at the Old Bailey all have their place in the book, but the author describes their exploits prior to entering the Old Bailey more fully than the features of their several trials. This is possibly all to the good, but it does have the effect of making the old court play second fiddle to those who entered it. May we look forward to a similar volume on the occasion of the Old Bailey's bi-centenary?

POLICE ADMINISTRATION IN BOSTON. BY LEONARD V. HARRISON. (Oxford University Press.) 10s. 6d. net.

THIS is the third volume in the Survey of Crime and Criminal Justice series conducted by the Harvard Law School, and is, as was to be expected, a veritable mine of information. Although a small part of the book is applicable only to Boston, the greater part relates to problems encountered in every large police organization. It is in no sense a handbook on police administration, but rather a detailed investigation (with the most intriguing diagrams) into every aspect of police life. After two chapters dealing with the special characteristics of the Boston Police system, we embark on an inquiry into the selection of police personnel, training, patrols, station houses, and so on. At first sight the book looks alarmingly detailed, but it will well repay a close study by all who are interested in the principles and technique of police administration.

THERE'S DEATH IN THE CHURCHYARD. BY WILLIAM GORE. (Harrap & Co.) 7s. 6d. net.

DETECTIVE fiction has assumed such massive proportions that the standard of technique has been forced to a much higher level than in the happy, Sherlock Holmes' days, when competition was slight. The author of this type of book has to propound an ingenious crime of an unusual character, and it is becoming increasingly difficult to discover methods which have not been used already. There seems to be little virgin territory left for the detective-author to explore.

This novel has some original features. The police do very little, the private detective is amazingly incompetent, and the amateurs leap at conclusions with surprising ability. The method employed by the murderer is well up to standard. Where the story is at its weakest is in the description

of the trial. No judge ever summed-up in a manner so closely resembling the closing speech of counsel for the Crown. We are doubtful also of the procedure which follows the confession in court of one of the witnesses. The prisoner could only be released if the jury found a verdict of "not guilty", or the Director of Public Prosecutions decided to drop the case against him. The chief feature of this story is the conspicuous absence of any effective detective work. The vicar and the heroine do their best, but they follow an entirely intuitional process and do not really deserve to arrive at the truth. However, the story is amusing and vivacious.

SHE STANDS ACCUSED. BY VICTOR MACCLURE. (Harrap & Co.) Price 7s. 6d. net.

A STUDY of the cases herein related, were they truly representative, might seem to justify the hardest things ever said about Women, e.g. "All malice is but little to the malice of a Woman"! To such depths of depravity have some of them sunk that to compare them with tigresses is unfair—to the tigress!

In some instances the motives for murder were obvious enough: a quarrel, greed, jealousy, illicit love, and the like. But what can we think of Hélène Jegado who poisoned five people out of spite and twenty-three others with almost nothing to gain thereby? Or of one who poisoned about seventeen children, many of them her own by a succession of ill-fated husbands, with no more to gain than had the aforesaid Hélène? The search for such motives, along with the accounts of some of the trials, affords the main interest of this book.

As the author says, "there is no romance in crime: romance is... life idealized; crime is never anything but a sordid business."

And sordid indeed is the procession of criminals brought before us, from the murderers of Sir Thomas Overbury among the Court circle of James I—(of sinister repute)—to the miserable laundress who killed three people with her own hands to secure property worth perhaps about £100.

Incidentally, however, other points of interest emerge: the hiring of false witnesses, prone to play their hirers false on trial; the blindness of bystanders to crimes perpetrated under their very noses; the slackness of watchmen and custodians in old days; and the extraordinary lack of communication between authorities charged with the maintenance of law and order. The cases selected are taken from the seventeenth, eighteenth, and first nine months of the nineteenth centuries; before much was known of the chemistry of drugs, of arsenic in particular—ignorance most fortunate for some of the "accused".

The Overbury case has never been quite cleared up. Owing to this ignorance of tests and the suppression by L.C.J. Coke of material evidence, the exact causation of Overbury's death is uncertain, and his secret about Lady Essex is also a matter for speculation. And why—it may still be asked—were the prime movers in the plot only imprisoned for a few years after some of their miserable underlings had been hanged? All this is discussed at some length by the author.

A survey of the other cases reveals men sharing the iniquity of the women, but few men, if any, could have played the part of devoted and affectionate nurse or attendant as some of the poisoners did.

It might be said that Hélène Jegado, like some of the others, missed her vocation; as an actress she might have shone on the stage; or, was hers just a case of "self-dramatization as a ministering angel"? Seldom did she betray her real feeling, but once at least she was seen to be glancing at one of her hated victims with the "look of a wild beast, a tiger cat". This lapse may have been due to the pain of a cancer from which she was suffering.

In another case a woman killed her husband with a single dose of arsenic within forty-eight hours. The medical evidence was inconclusive, and the defence made much of her jocularity with him just before giving the fatal dose. But was she, too, acting a part? The jury acquitted her, but the judge dwelt very severely on her admitted intimacy with a vain-glorious and worthless cad.

A curious case given is that of a woman of very humble birth, but filled with insatiable ambition. She secured an elderly but enormously wealthy lover of very high station, and somehow obtained and *retained* an inexplicable hold on him, after treating him with contumely amounting to physical cruelty. Only when she fears disinheritance does she compass his death. Interested parties secured a hand-picked jury who brought in a verdict of suicide; and the lady subsequently defeated an attempt to deprive her of her ill-gotten wealth on the ground of "undue influence".

To all who take any interest in human motives and temperaments these researches will afford much food for reflection. With a spice of cynicism here and there the work is easy to read and very well produced.

FIRE ON THE BEAT. The Common Sense of Rescue and Attack. pp. 40. Reprinted from the *Police Review*, with a prefatory note by LIEUT.-COLONEL G. SYMONDS, D.S.O., Fire Adviser to the Home Office. (Published by Police Review Publishing Co.) Price 6d.

IN the interest of us all it is to be hoped that every policeman will "read, mark, learn, and inwardly digest" the admirable pamphlet before us.

It begins by emphasizing the duty of giving the alarm at the earliest possible moment to the nearest Fire Station—the duty which takes precedence of all others alike in time and importance.

And this is to be given by the use of a street fire alarm—when at all handy—rather than by the ordinary telephone.

To make the call effective we are told what the Fire Brigade want to know.

Then follow an explanation of the danger of letting amateur rescuers—of "the fools thirsting for glory" type—rush in, where even policemen would only enter with most careful precautions; and an emphatic warning of the extreme importance of keeping the fire shut in, as far as humanly possible, till the Brigade arrives.

Then come directions as to how the policeman, once he has got control of would-be rescuers—may best occupy the time of waiting for the Brigade,

and how he should organize attempts at rescue when human life is already at stake, with important details as to the use of ladder and jumping sheet, the fireman's lift, and a "roll call".

The poisonous character of smoke, its avoidance and palliative treatment are dealt with in some detail. Under avoidance the very meagre protection afforded by the wet handkerchief (over nose and mouth) is duly emphasized, but the rescuer is not told to *fill* his chest, to its utmost capacity, with fresh air before entering the smoke. No mention is made of the familiar names of gases containing carbon monoxide (half-burnt carbon), *e.g.* after-damp, water gas, producer gas.

Treatment of persons ablaze is, of course, dealt with in some detail; but without actual mention of putting their heads *to* the wind and *down* any obvious slope, when extinguishing the flames.

Means of extinguishing fire occupy thirteen pages and include such special cases as electric fires, petrol, acetylene, ammonia, and celluloid, and deal with the organization of bucket lines, plus "throwing jugs", the management of hoses in action, and the removal of horses or cattle in danger.

Few of us who have ever been on patrol duty at night would feel full confidence in our two-o'clock-in-the-morning memory, so a pocket *card* with a brief summary of the most important points about actual procedure might prove of service.

In any case, a pamphlet of some 35 pages would be the better for an index—and pictures of the fireman's lift if space (etc.) allow.

THE COMPLETE KANO JIU-JITSU. By HANCOCK and HIGASHI. (Putnam.) 5s.

ANY person with a casual interest in jiu-jitsu who picks up this book and glances through it will find the mysteries of the science explained in a practical way, and if he is willing to devote time to the subject he should be able to learn how to protect himself and others by these methods. It must be pointed out that skill only comes with practice, and suitable flooring is required to guard against injury.

The Kano system, which is by far the most up-to-date and popular of the various methods of jiu-jitsu, is contained in its entirety in this volume. One hundred and sixty tricks, grouped in three sections, are described in sequence with carefully selected photographic illustrations demonstrating their various phases. The most valuable parts of the book to the average reader are the earlier sections which describe the different ways of breaking falls correctly and the more useful holds and releases. In Section 3 are shown complicated tricks of combat which, when absolutely necessary, may maim or kill. Towards the end of the book are charts showing points of the human body which when struck may cause insensibility and, in some cases, death.

The last chapter is given to Kautsu, a science almost unknown in this country, which teaches how to restore insensible persons to consciousness. It is claimed that Kautsu will restore to life where the present-day methods of the medical profession would fail.

STONE'S JUSTICES' MANUAL, 1935. 67th Edition. Butterworth and Co.) 37s. 6d. and 42s. 6d. net (thin paper).

"STONE'S" is larger than ever this year, an immense volume of 2,437 pages, and embodying twenty-seven new statutes. It would be superfluous to say that it is more than ever indispensable: to all who are engaged in law work it has long ago become an essential reference. It is a work which cannot be reviewed and, indeed, requires no adulation from the reviewer.

CONTINENTAL CRIMES. By E. L. VON SONNENBERG and O'TRETTIN. (Geoffrey Bles, Ltd.) 10s. 6d.

THE title of this book is slightly misleading, as the crimes dealt with do not relate to crime committed in various European countries but exclusively to those dealt with by the German and Austrian police. This fact, indeed, enhances the value of the book, so far as the English policeman is concerned, for it affords a useful opportunity of examining and comparing German police methods with our own. The crimes themselves are varied enough in character, but do not differ in the main from the examples which are usually narrated in volumes of this type—except, perhaps, that of the Charlottenberg schoolmaster, which possesses a psychological pathos of its own.

This book has been written by the heads of the Berlin detective service and, for this reason alone, deserves a careful study. Mr. George Dilnot's critical introduction gives, on the whole, a fair comparison of the strength and weakness of the German system. We wish that some of the cases had illustrated more clearly the scientific methods employed in Berlin in the work of detection. In the present phase of police development at home, that is the feature which we should have particularly welcomed. But the selection has evidently been made with an eye to the general public, for whom the book will have an interest, apart from any technical considerations. The translation helps to make a very readable assortment of stories.

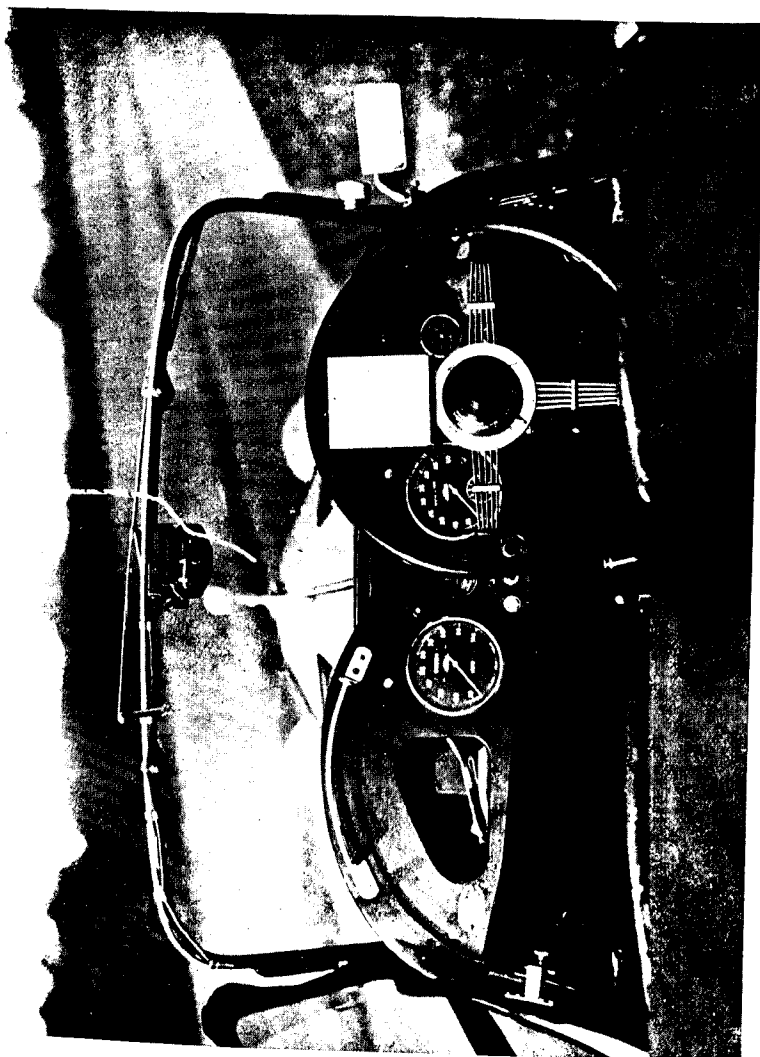
POLICE GOLD MEDAL ESSAY COMPETITION

Subject of the Essay for 1935

"Discuss the Advantages and Disadvantages of Placing the various Police Forces in the United Kingdom under a Common Administration."

Essays must be submitted on or before 1st November, 1935, to—
THE SECRETARY OF THE COUNCIL OF THE POLICE GOLD MEDAL ESSAY
COMPETITION, HOME OFFICE, WHITEHALL, LONDON, S.W. 1.

Essays must be the original work of the competitor, 7,000 to 11,000 words in length, typewritten and submitted in triplicate and anonymously. A sealed envelope bearing on outside a *nom de plume* or motto, and containing the competitor's name and address, must accompany the essay. (For full conditions see THE POLICE JOURNAL, April number, p. 256.)



THE MOBILE PATROL CARD INDEX CASE
(see p. 503)

Frontispiece]

THE POLICE JOURNAL

VOL. VIII. No. 4

OCTOBER—DECEMBER, 1935

Notes on Recent Crime

THE House of Lords in Maxwell's case decided that an accused could not be cross-examined, where he had put in his good character, about a previous acquittal by a jury. The Court of Criminal Appeal in an indecent assault case against a schoolmaster, named Wadey, have quashed a conviction because the accused, who had put in his good character, was cross-examined about charges which had been dismissed in the police-court. The principle is obviously the same. The Lord Chief Justice said: "It is increasingly evident to me that there are some members of the Bar who do not know that one of the primary duties of counsel entrusted with the public task of prosecuting accused persons is to be fair to the accused." In the case of private prosecutions, as this one was, this warning is particularly appropriate.

Mr. Claud Mullins, Metropolitan Police Magistrate, sentenced a young woman of 18, who had run away from home and was going under a false name as "Peggy Blonde", to six months' imprisonment for obtaining credit of 1s. 8d. by false pretences. She was starving and had eaten a meal, for which she had not the money to pay. It was her first offence, but her parents told the police that she was "lazy and a liar". The magistrate thought she needed discipline and gave her six months, so that she could get modified Borstal treatment. Sir Percival Clarke, Chairman of London Sessions, in allowing her appeal against sentence and binding her over, said: "The Bench cannot conceive what Court could have given such a sentence as six months' imprisonment for such a first offence by a girl of that age.

They are not called on to criticize it, but in their view it is one of the clearest possible cases in which the Probation of Offenders Act ought to have been put into use."

A murder conviction of a man named Mills, accused of strangling his stepmother, has been quashed in the Scottish Court of Criminal Appeal. The Judge in his charge to the jury failed to tell them that an alleged verbal statement to the police was contested by the accused, and the jury treated it as in all respects on all fours with a signed statement. This, in the Appeal Court's view, amounted to a serious misdirection. That all the circumstances, in which statements are made by accused persons, must be looked at to see if reliance can be placed on them is illustrated by the sensational trial at the Old Bailey before Humphreys J. of Mrs. Rattenbury and her young lover, Stoner, accused of murdering the woman's husband. Practically the only evidence against the woman was a statement; she was more or less unhinged at the time she made it, and the general circumstances did not corroborate it. The Judge summed up in her favour and she was acquitted.

There have been two interesting corruption cases. One was against an immigration officer at Southampton, named Millington, who was sentenced to twelve months' imprisonment for accepting an £80 bribe from an Italian to let him into the country. "There is nothing worse nor more insidious than corruption. While the law aims at equality between all subjects, corruption is at enmity with law, because it puts a man who can afford to pay in a better position than one who cannot." So said the Judge in sentencing him. The other case was against a Liverpool City Councillor, named Lamb, who was convicted of attempting to obtain money by offering to use his influence to secure municipal contracts for certain companies. Greaves-Lord J. took the merciful view that he

was more fool than knave and, while depriving him of his position and disqualifying him for seven years, only fined him £50.

A youth of 21, named Lloyd, determined to become a forger of bank-notes, as others make up their minds to enter a profession or go into business. He learnt his job with a firm of engravers and then with an accomplice took a house in Cheshire, where he set up a complete forger's den. He, with his accomplice, passed hundreds of forged notes at North of England race meetings. He was sent to five years' penal servitude. Such determination in crime is fortunately rare—the work of the police would otherwise be very much harder.

Recent Judicial Decisions

R. v. Berkofsky

BASIS OF TAKING OUTSTANDING CHARGES INTO
CONSIDERATION

(25 *Criminal Appeal Cases*, page 66)

IN this case the appellant was convicted and sentenced to three years' penal servitude for receiving stolen property. After the verdict the Chairman was informed that there were two outstanding charges, and the Superintendent of Police said: "The difficulty is whether counsel will agree to having these cases taken into account and dealt with to-day." After consultation, counsel for the prisoner said: "I have no objection." The charges were then stated in detail, and the Clerk of the Court asked the prisoner whether he wished those cases to be taken into consideration. The prisoner replied "Yes".

It was contended that there was nothing in the short-hand note to show that the prisoner intended to admit the truth of those charges, and intimated that the prisoner did not intend to do so.

In the course of his judgment, Mr. Justice Humphries said: "With regard to the general practice in this matter, the Court desires to say that charges other than those contained in the indictment can never be taken into consideration by a court in sentencing a prisoner unless the prisoner admits the truth of those charges, and it is desirable that the presiding Judge in any Court, before passing sentence, should make it clear to the prisoner that, if he asks that outstanding

charges may be taken into consideration, he is to be taken to admit the truth of those charges and to plead guilty to them. As the Court is told in the present case that the appellant did not intend to admit the truth of the outstanding charges, it will be for the prosecution to decide whether they wish to proceed on those charges or either of them. The Court gives no direction on that matter."

This case shows the meticulous care which must be taken by judges in sentencing prisoners. It is interesting that in this particular case the conviction was quashed by reason of mis-directions given in the summing-up which were unconnected with the taking into consideration of the other cases, and it is difficult to resist the conclusion that this prisoner really did intend to admit the truth of the other charges at the time of his trial, but later thought it would be useful to change his mind.

R. v. Freebody

PROPER DIRECTION TO THE JURY AS TO CORROBORATION
IN SEXUAL OFFENCES

(Reported at page 69 of the same volume)

The appellant was convicted and sentenced to twelve months' imprisonment at the Durham Assizes for indecent assault.

In the course of his judgment the Lord Chief Justice said: "The proper direction in a case where the offence charged is a sexual offence, although the prosecutrix is not a mere child, is the direction referred to ten years ago in *T. J. Jones* (1925), 19 Cr. App. R. 40, at p. 41: 'The proper direction in such a case is that it is not safe to convict upon the uncorroborated testimony of the prosecutrix, but that the jury, if they are satisfied of the truth of her evidence, may, after paying attention to that warning, nevertheless convict.' In this case, there was no corroboration of the kind required.

The evidence of the young woman alleged to have been assaulted was not strengthened in any material particular by evidence from other sources implicating the accused man. Notwithstanding the fact that there was no corroboration, the Judge, who was evidently leaning to the side of an acquittal, somehow by an oversight omitted to give to the jury any warning such as is required in cases of this kind as to the temper in which they should approach the evidence, and to the effect that, though they were entitled to convict on the uncorroborated evidence of the prosecutrix, in the eye of the law such a course is not safe."

In the result the conviction was quashed.

R. v. Palmer

(Reported at page 97 of the same volume)

In this case, which was tried at the Buckinghamshire Sessions, the appellant was convicted and sentenced to twelve months' hard labour for receiving stolen property. By a curious coincidence the appellant's son was being tried in the same Court for a different offence immediately before the appellant, and after the conviction of the son, his Counsel, by way of mitigation, informed the Court that the mother was a notorious shoplifter. The jury, who were to try the appellant, were at that time in the witness box, although they had not been sworn.

In the course of his summing-up, the Chairman informed the jury that they must entirely dismiss from their minds the remark which had been made about the female defendant before the case came on. "That," said the Lord Chief Justice, in the course of his judgment, "was a request to the jury to perform a very difficult feat." He added that it would have been more satisfactory if the case had been adjourned and tried before a jury who had not heard any such remark, and said that this highly unfortunate incident

was in itself a sufficient reason for allowing the appeal and quashing the conviction.

It would appear that this was a case in which the prisoner or his representative would have been justified in challenging the jury as and when they came to be sworn, but, in the final result, the prisoner's interests were probably much better served by allowing the case to proceed than by subsequently taking objection in the Court of Criminal Appeal.

R. v. Woolmington

PROPER DIRECTION TO JURY IN MURDER CASE WHERE
DEFENCE OF ACCIDENT IS RAISED

(25 Criminal Appeal Cases, page 72)

Although this case is dealt with elsewhere in this number (see "The Police and the Law"), it is of such importance that a supplementary note upon it will be of interest to readers. In this case the appellant was convicted at Bristol Assizes of the murder of his wife and sentenced to death in February, 1935. At a previous trial in Taunton in January, 1935, the Jury had disagreed.

The summing-up of Mr. Justice Swift at the second trial contained the following passage: "If the Crown satisfy you that this woman died at the prisoner's hands, then he has to show that there are circumstances to be found in the evidence which has been given from the witness-box in this case which alleviate the crime, so that it is only manslaughter, or which excuse the homicide altogether by showing it was a pure accident."

After the Court of Criminal Appeal had dismissed the prisoner's appeal, the case came before the House of Lords, under the Attorney-General's fiat, which certified that it involved a point of law of exceptional public importance. The House of Lords reversed the decision of the Court of Criminal Appeal and quashed the conviction. The passage

from the summing-up of the learned Judge referred to above was based upon a passage in Foster's *Crown Law and the case of Greenacre* (1837) (8 Carrington and Payne 35) and is referred to in Halsbury's *Laws of England*, vol. 9, page 426, as quoted under "The Police and the Law", that the onus is upon a person who has caused the death of another, when accused, to show that his act did not amount to murder.

The House of Lords set itself to decide whether that statement was correct law, that is to say, did Sir Michael Foster mean to lay it down that there might arise in the case of a criminal trial a situation at which it is incumbent on the accused to prove his innocence?

The case was argued at great length and involved an exhaustive examination of the law as far back as the reign of King Canute. In the course of his judgment the Lord Chancellor said: "If at any period of a trial it was permissible for the Judge to rule that the prosecution had established its case and that the onus was shifted on to the prisoner to prove that he was not guilty, and that unless he discharged that onus the prosecution was entitled to succeed, it would be enabling the Judge in such a case to say that the jury must in law find the prisoner guilty, and so make the Judge decide the case, and not the jury, which is not the common law. It would be an entirely different case from those exceptional instances of special verdicts, where a Judge asks the jury to find certain facts and directs them that on such facts the prosecution is entitled to succeed. Indeed, a consideration of such special verdicts shows that it is not till the end of the evidence that a verdict can properly be found and that, at the end of the evidence, it is not for the prisoner to establish his innocence, but for the prosecution to establish his guilt. Just as there is evidence on behalf of the prosecution, so there may be evidence on behalf of the prisoner which may cause a doubt as to his guilt. In either case, he is entitled to the benefit of the doubt. But while the prosecution must prove the guilt of the prisoner, there is

no such burden laid on the prisoner to prove his innocence, and it is sufficient for him to raise a doubt as to his guilt; he is not bound to satisfy the jury of his innocence."

Later he said: "Throughout the web of the English criminal law one golden thread is always to be seen, that it is the duty of the prosecution to prove the prisoner's guilt, subject to what I have already said as to the defence of insanity and subject also to any statutory exception. . . . It is not the law of England to say, as was said in the summing-up in the present case, 'If the Crown satisfy you that this woman died at the prisoner's hands, then he has to show that there are circumstances to be found in the evidence which has been given from the witness-box in this case which alleviate the crime, so that it is only manslaughter, or which excuse the homicide altogether by showing it was a pure accident.' If the proposition laid down by Sir Michael Foster or in the summing-up in *Greenacre* (*supra*) means this, those authorities are wrong."

The final result in the House of Lords judgment is given in the head note of the report in Criminal Appeal Cases as follows: "The burden of establishing his defence rests on the prisoner only where the defence is one of insanity and in certain cases specifically provided for by statute. There is no principle of law that on a charge of murder, once the killing has been proved, circumstances of accident must be proved by the prisoner unless they arise out of the evidence produced against him. On a charge of murder, the Crown must prove that death occurred as the result of a voluntary act on the part of the prisoner, and malice, express or implied on the part of the prisoner; but if, at the end of and on the whole of the case, there is a reasonable doubt, created by the evidence given by either the Crown or the prisoner, whether the prisoner killed the deceased with a malicious intention, the Crown have not made out their case, and the prisoner is entitled to an acquittal."

The Police and the Law

The Burden of Proof in Murder Cases

THE judgment delivered by the Lord Chancellor in the House of Lords in *Woolmington v. Director of Public Prosecutions* (mentioned briefly in the last issue of this JOURNAL and now reported in 51 *Times L.R.* 446) is of general interest quite apart from the actual decision reached. It is a striking illustration of the vitality of the basic principles of our common law. No one who knows anything at all about the criminal law of England is unaware that the onus is on the prosecution to prove that the accused is guilty and that it is not for the prisoner to establish his innocence; and this principle is generally understood as meaning that, subject to certain special statutory exceptions and cases where insanity is the defence, no burden of proof is ever put on the accused. It is in relation to this principle that our law differs fundamentally from the law which prevails in most continental States; and we make rather a strong point of this difference. Unfortunately, as a result of a sentence written by a very learned writer of the eighteenth century—Sir Michael Foster, who was also a distinguished judge—and of a judicial decision in 1837 (*R. v. Greenacre*, 8 *C. & P.* 35), there has for generations been on record in the textbooks a proposition which suggests that in cases of homicide there was an exception to this principle of onus of proof. This exception is based on the proposition—now held to be incorrect in the sense in which it has been understood—that all homicide is presumed to be malicious and murder unless the contrary appears from circumstances of alleviation, excuse, or justification; and (as stated in Halsbury, *Laws of England*, 2nd edition, vol. 9, p. 426), “when it has been proved that one person’s death has been caused by another there is a *prima facie* presumption of law that the

act of the person causing the death is a murder unless the contrary appears from the evidence for the prosecution or for the defence. The onus is upon such person when accused to show that his act did not amount to murder.” The House of Lords on 23rd May last disposed of any misconception on this point. It declared in effect that the learned writer of the eighteenth century and the judge who summed up to the jury in *R. v. Greenacre* were wrong if they really meant what the textbooks understood them to mean, and what the judge who summed up in *R. v. Woolmington* said was the law.

The House of Lords came to the conclusion that the statements made by Sir Michael Foster and the judge who summed up in *R. v. Greenacre* did not really mean what had been supposed. We may quote the following passage from the Lord Chancellor’s judgment:—

“Rather do I think they simply refer to stages in the trial of a case. All that is meant is that if it is proved that the conscious act of the prisoner killed a man and nothing else appears in the case, there is evidence on which the jury may, not must, find him guilty of murder. It is difficult to conceive so bare and meagre a case, but that does not mean that the onus is not still on the prosecution.”

It is therefore not for the prisoner to prove his innocence—no such burden is ever put upon him—it is sufficient for him to raise a doubt as to his guilt, and the prisoner cannot properly be convicted unless the prosecution succeeds in proving his guilt. This notable judgment concludes with the following statement of the law:—

“When dealing with a murder case the Crown must prove (a) death as the result of a voluntary act of the accused, and (b) malice of the accused. It may prove malice either expressly or by implication. For malice may be implied where death occurs as the result of a voluntary act of the accused which is (i) intentional and (ii) unprovoked. When evidence of death and malice has been given (this is a question for the jury) the accused is entitled to show by evidence or by examination of the circumstances adduced by the Crown that the act on his part which caused death was either unintentional or provoked. If the jury are either satisfied with his explanation or, on a review of all the evidence, are left in reasonable

doubt whether, even if his explanation be not accepted, the act was unintentional or provoked, the prisoner is entitled to be acquitted."

This decision is important because it removes a possible source of doubt and misunderstanding as to the proper direction to be given to juries in murder trials. But it is not, we think, likely to have much practical effect on the conduct of murder trials or to create any new difficulties from the police point of view or otherwise. We do not believe that in this country any trial of a person on a charge of murder has ever been conducted on the basis that when the prosecution has proved merely the bare fact that *A* killed *B*, it was then "up to" *A* to satisfy the jury that the killing was not murder. The actual and, one would imagine, the universally recognized, position is, as stated by the Lord Chancellor, that "if, at the end of and on the whole of the case, there is a reasonable doubt created by the evidence given either by the prosecution or the prisoner whether the prisoner killed the deceased with a malicious intention, the prosecution has not made out the case and the prisoner is entitled to an acquittal".

In spite of this very impressive language of the Lord Chancellor, some people may think that the point at issue in this case was rather more a matter of words than substance. The great principle—the "golden thread" which, as the Lord Chancellor said, is always to be seen throughout the web of English criminal law—that the prosecution must prove the prisoner's guilt—has been illuminated by this judgment; but we doubt whether any attempt to "whittle it down" (as the Lord Chancellor seems to have suggested) has ever been made.

Preventive Justice and Police Right of Entry to Public Meetings

Until the case of *Thomas v. Sawkins* (51 Times L.R. 514) was decided in the Divisional Court in May last, the right of police to enter private premises where a public meeting is being held and which the public is invited to attend

had never been clearly determined or defined. It had always been assumed, in the absence of any judicial decision on the point, that the right of the police to enter private premises in which a public meeting was being conducted was limited to cases where the police are present by leave of the promoter or occupier, or where a breach of the peace or other offence has been or is being committed in those premises. It was doubted whether any such right existed where the police merely had reasonable ground for believing that a breach of the peace or some other offence was imminent or likely to be committed. In other words, there was thought to be a distinction between cases where a disturbance or breach of the peace was actually happening, and cases where that kind of thing might be expected to happen if the police did not intervene. The above decision of the Divisional Court shows that this distinction is not justified in law, and that the police as part of their general duty to keep the King's peace and to keep "watch and ward", have a power and duty of a preventive kind; and, in the exercise of this power they have, in certain circumstances, a right to enter and remain on private premises where a meeting to which the public have been invited is being held.

The proceedings came before the justices on an information by Mr. Thomas in respect of a technical assault alleged to have been committed by Sergeant Sawkins, of the Glamorgan County Police, at a public meeting to protest against the Incitement to Disaffection Bill and to demand the dismissal of the Chief Constable. It was claimed on behalf of the informant that the conveners of the meeting were entitled to remove any police officer who refused to leave, and thus became a trespasser. The justices rejected this contention, and decided that there was no unlawful assault because the police had reasonable grounds for the belief (based on their previous experience) that the meeting might result in breaches of the peace and other offences, and they therefore had a right to enter the premises. From this decision there was an appeal to the Divisional Court.

The late Mr. Justice Avory in the course of his judgment referred to the fact that in a number of statutes express powers have been given to police constables in certain circumstances to force an entry into premises. He pointed out that these are all cases in which a breach of the peace is not necessarily involved, and express statutory authority is, therefore, required to empower the police to enter. In his opinion, no express statutory authority is necessary in a case where the police have reasonable ground to apprehend a breach of the peace. In the present case the court found that the magistrates, from whose decision these proceedings were brought by way of appeal, were perfectly right in coming to the conclusion that the police in this particular case had reasonable ground for believing that if they were not present at the meeting, seditious speeches or incitements to violence would occur or that a breach of the peace would take place.

It is important that the police should not infer from this case more than it actually decided. The limits of the decision are clearly indicated in the following passage at the beginning of Mr. Justice Avory's judgment:—

"I think that it is very material in this particular case to observe that the meeting was described as a public meeting and that it is conceded that it was extensively advertised, the public being invited to attend it. There can be no doubt that the police officers who attended the meeting were members of the public, and were included in that sense in the invitation to attend. It is true that those who had hired the hall for the meeting might withdraw that invitation from any particular individual who was likely to commit a breach of the peace or some other offence, but it is quite a different proposition to say that they might withdraw the invitation from police officers who might be there for the express purpose of preventing a breach of the peace or the commission of any offence."

It seems to follow from this statement that the conclusion at which the court arrived would not necessarily have been the same if the meeting was open only to members of a particular society or organization. However this may be, the decision is likely to prove most helpful to the police

in clarifying their position and in enabling them, notwithstanding the opposition of the promoters of a meeting, to claim and exercise in circumstances such as existed in this case the right to attend and remain at a public meeting if they think it necessary to do so in the interests of public order. As the Lord Chief Justice said, it goes without saying that the powers and duties of the police are directed, not to the interests of the police, but to the protection and welfare of the public.

'Binding Over' as a Measure of 'Preventive' Justice

In the foregoing note reference has been made to the preventive powers of the police. In the case discussed in that note Mr. Justice Avory expressed the view that in principle there was no distinction between the duty of a police constable to prevent a breach of the peace and the power of a magistrate to bind over persons to be of good behaviour to prevent a breach of the peace. A few weeks earlier the latter question had been considered by the same judge in *R. v. Sandbach*, 51 Times L.R. 430—a case in which the court was called upon to decide a new point and decided it in a distinctly helpful manner from the police point of view.

More than twenty years ago, in the well-known case *Lansbury v. Riley* (1914), 3 K.B. 229, it was sought to challenge the power of a court of summary jurisdiction to order a person to enter into recognizances and to find sureties for his good behaviour in respect of conduct calculated to lead to a breach of the peace. The High Court held that whatever the origin of the summary court's jurisdiction might be—whether it be derived from the common law, from the commission of conservators of the peace, or from the statute 34 Ed. III c. 1, or otherwise—the practice of making such orders for the purpose of preventing apprehended breaches of the peace has been too well established for a long period of years to allow of its propriety being questioned at the

present day. The new point in *R. v. Sandbach* arose in the following circumstances. The defendant had been charged before a Metropolitan Police magistrate with obstructing a police constable in the execution of his duty, contrary to section 12 of the Prevention of Crime Act, 1871 (as extended by section 2 of the Act of 1885). In those proceedings it was alleged that the defendant had given warning to a street bookmaker and had thereby enabled him to evade arrest. The magistrate convicted the defendant and bound him over in a recognizance for good behaviour. His decision was the subject of an appeal to the High Court on the ground that there was no allegation or evidence of any actual or apprehended breach of the peace by the defendant or any other person as a result of the conduct of the defendant. The High Court upheld the decision of the magistrate—the substance of their decision being that as the scope of the remedy of binding over was “preventive” justice it was not necessary that there should be anything “calculated to lead to a breach of the peace” in the sense of violence. The words quoted were used in the more extended sense of apprehension that the persons bound over will do something contrary to law and must therefore give full assurance to the public that such offence as is apprehended shall not happen. This decision should be of considerable value to the police. It clears up the only point in *Lansbury v. Riley* which was possibly left in doubt. The police often find themselves in a position in which they have to consider whether they are justified in arresting or taking proceedings against a person who has obstructed them in carrying out their duties; and it is now established that proceedings can be successfully taken under the Prevention of Crime Act in the class of case where one member of the public actively assists another, whom the former knows is committing a breach of criminal law, to escape detection.

The Assessment of Circumstantial Scientific Evidence

By F. G. TRYHORN, D.Sc. (Liv.), A.L.C.

Professor of Chemistry, University College, Hull

THE current trend toward the increased use of scientific evidence, in minor as well as in major cases, suggests that it is not out of place at the present time to review some of the problems that arise in the use of this type of evidence.

Although circumstantial scientific evidence can never take the place of what may be called “ordinary” police evidence, it is, however, likely to be employed with increasing frequency as the knowledge of the possibilities of scientific aids in detection spreads. The establishment of scientific laboratories by certain country and city police forces, together with lectures and demonstrations, is helping to foster the growth of this knowledge.

This knowledge must be put into practice primarily by detective officers themselves, and it is only by the development on their part of judgment in the selection of exhibits, which presupposes a knowledge of the possibilities of scientific aids, that the police laboratories will be able to operate with success. Only in exceptional cases is it likely that a scientific expert, or an officer specially trained in scientific methods, will be able himself to collect at the site of a crime the material for examination; in the majority of cases the laboratory will be dependent on the judgment of the officer in charge of the case for the collection of the exhibits. It will be evident that this officer should, and probably will, at any rate in

the beginning, err on the side of bringing in too much material; material, maybe, that in many instances can yield no useful information. As the officer becomes more familiar with the use of scientific evidence his judgment in the selection of exhibits will become sounder and the proportion of useful material which he collects will increase. It may perhaps be suggested in this connexion that the less formal relationships between the scientific officers or outside experts and the members of the detective force, the more rapidly will this judgment be developed.

It is generally possible to determine by a cursory examination whether an exhibit is useless as evidence or likely to repay detailed examination; if it is only in the latter case that official cognizance is taken of the examination, officers will be much less reluctant to submit for examination material about the value of which they are doubtful. It is probable that nothing would do more to stimulate the putting into practice of the theoretical knowledge of scientific aids than many officers are acquiring than the feeling that they were able to avail themselves freely of the advice of those on the staff of the police laboratories as to whether material which they had collected was worth sending *officially* for examination.

In almost every case in which the results of the scientific examination of exhibits are put as evidence, the question of "probability" arises; certain facts are stated which have been found during the examination, and certain inferences are made from these facts; it is then a question as to the probability of these inferences being true. The judging of the probable truth of ordinary evidence is a matter for the jury, with or without direction from the Bench; in the case of scientific evidence it frequently happens that both the interpretation of the evidence and the estimate of the probable truth of any inferences drawn from it must be given by the witness, and it clearly is his duty in such circumstances to show that the methods and extent of the examination he has made are such as to raise to the highest possible value the probability of his inferences being correct.

For example, it may happen that a comparison has to be made of some fibres found at the scene of a crime with fibres from the material of a suspect's clothing; if the nature, quality, diameter, and colour of the fibres agree it may reasonably be inferred that they may have come from the same source; but if, in addition, it can be shown that the fibres are dyed with the same dye, or have been put through the same chemical treatment, and that they show evidence of similarity of weave, then the probable value of the above inference is materially increased.

Again, in testing the assumption that a certain instrument has been used in a case of breaking, it may be noticed that coarse scratches found at the scene of the crime correspond with those made on a test piece of material by the suspected tool; such correspondence might suggest that this particular instrument had indeed been employed. It might, however, be suggested by the defence that the few irregularities on the tool that were said to have made the coarse scratches did not sufficiently characterize it to justify the opinion that it alone could have made the marks. But if in addition to the examination of these coarse marks it had been found that there was close correspondence between the fine lines composing the coarse marks at the scene of the crime and on the test marks respectively—marks, that is, due to the microscopically small irregularities, invisible to the naked eye, on the instrument—then the probability of the inference that the tool examined was the one used in the offence being correct would be immensely enhanced. In fact, if the correspondence was general, the probability would approach certainty.

Although this ultimate judgment of the probable value of such evidence must rest with a jury, it must begin with the officer at the scene of a crime who is searching for material which is likely to repay examination. It may therefore be useful to suggest certain tests, or criteria, by which an officer can judge the value of scientific evidence, and the development of judgment in this respect will be hastened if officers make

a habit of regarding circumstantial evidence of a scientific kind from the standpoint of these criteria. The criteria are intended to apply in the first place to that type of circumstantial evidence that is based on the examination of traces found on the suspect, or discovered at the scene of the crime. The examination of such traces involves usually the identification of the matter composing the "trace", followed by its comparison with other matter from which it may be derived, or with which it may be identical in character.

If the matter is common or widespread, its evidential value is small, unless some form of individuality can be found in it; thus, the presence of sand on a suspect's clothing and the finding of sand at the scene of a crime do not necessarily connect up the suspect with the offence, since sand is so widely spread that its occurrence in clothing is not significant.

But if it can be shown that these two samples both contain iron and titanium and that both are in the form of rounded granules, indicating that the sand has been subjected to the action of wind or water for a long time, then a type of individuality is observed which raises greatly the evidential value of the comparison. The value will be raised still further if chemical analysis of the sand shows the presence of other impurities common to both samples.

Again, it may be that some spots of wax are found on the clothing of a man suspected of housebreaking, the suggestion being that they came from a candle found at the scene of the offence. If the fragments of wax are found to melt sharply at some particular temperature it is unlikely that they came from a candle, since commercial candles are composed of mixtures of waxes and usually melt over a considerable temperature range.

If the fragments melt over the same range as pieces taken from the candle the inference may be made that they came from the candle in question, but the probability of this inference being correct is low, since the melting point range of a candle cannot be regarded as an identifying characteristic of much value. But if a chemical analysis of the wax spots

were made and was found to agree with the composition of the candle in question, the evidential value of the above inference would be much greater.

Another type of examination in which this criterion may be applied is that in which a suspect's clothes yield traces which are believed to have come from the ballast of a safe which he is thought to have broken open. Although the filling in modern safes is often an asbestos or slagwool mixture of low heat-conducting properties, older safes frequently contain workshop sweepings with the addition of alum. Thus, even though the suspect's clothing may be found to contain traces of alum, the finding of this is not a matter of great evidential value because of the common occurrence of this material; but if, as happened in a recent case, the alum in the safe has undergone a change, through contact with other constituents of the ballast, in which it has become coated on the surface with a film of prussian blue, it has acquired an individuality which raises enormously the evidential value of the discovery of similar fragments on a suspect's clothes.

As a last example of the application of this criterion, reference may be made to a case which occurred recently at Sleaford.

A man was suspected of having stolen from another allotment-holder some pig-meal which was found in a bin on his allotment. His story was that he had at his house some pig-meal which he was known to have bought legitimately, and that he had taken some of it to his allotment. Three samples of meal were examined; one from the bin that had been robbed, one from the bin containing the meal alleged to have been stolen, and one from the sack at the suspect's house. All were composed of crushed wheat grains, and no differences could be found between the various samples by microscopical examination or by chemical determination of the ash. A sieve-analysis was therefore made to determine the various percentages of the meals which passed through a series of sieves of different mesh; it was found then that the meal in the bin robbed and that from

the bin on the suspect's allotment gave curves for the distribution of particle-size which agreed closely, but which differed sharply from the distribution-curve for the sample of meal taken from the suspect's house. In this way a characteristic of the meal was found which enabled a distinction to be made between samples which by most methods of examination appeared similar.

A second criterion which may be applied to circumstantial scientific evidence involves a consideration of the degree of rarity of the matter examined. It may be taken as a general rule that the rarer and less widely distributed a substance or material, the greater is its evidential value when it is found in the course of an examination. This happens most often in the case of debris from rare or sparsely-distributed plant or animal species, and its application will depend on the previous knowledge, or opportunity for inspection, on the part of the expert of the locality of the crime. The principle applies also to the chemical analysis of "traces"; the finding in the dust of a suspect's clothes of a rare metal or compound may connect up the suspect with a locality where that substance occurs, or with an industry in which it is used. For example, iron is sufficiently widely distributed in this industrial age for its occurrence on a person's clothes to have small significance, unless it possesses individuality of some sort; but a metal like gold or platinum is still sufficiently uncommon for its discovery in such circumstances to possess real significance. Again, ultramarine (washing blue), although a common substance, is rare in dusts; in Hull, however, where much of it is made, it is a common constituent of dust, particularly in the eastern part of the town. In Barrow, the only other place in England besides Hull where it is made, it is also likely to occur in local dusts; but in the same district in Hull where ultramarine is made large amounts of graphite are used, and this also finds its way into the dust of the district. The application of this second criterion indicates that that finding of both ultramarine and graphite in the clothes of a person living or working in East Hull would have small

significance, but such a discovery in the case of a person resident, say, in Oxford, suspected of an offence in Hull, would be extremely significant.

A third criterion to be applied depends on the degree of unexpectedness of the locality in which the matter under examination is found. The less expectation there is normally of finding a given material in a particular place, the greater becomes the importance of its discovery in that place during an examination.

Thus, the finding of gold, platinum, or silver dust in the clothes of a working jeweller is of small significance, but if the same materials are found in the clothing of a man suspected of stealing and breaking-up jewellery and plate, their finding acquires high evidential value. Similarly, the finding of chicken feathers in a farmer's car is not surprising, but the discovery of such feathers in the car of a townsman suspected of poultry thefts possesses a high value as evidence.

A final criterion that should be applied in assessing the value of scientific evidence is based on the fact that, in the aggregate, a number of observations all pointing to the same conclusion, even though individually of low evidential value, possess a high value as evidence, and thus inferences drawn from them possess a high probability of correctness. Mathematically it may be shown that the probability that both of two independent events will happen together is the product of their separate probabilities. Although it must be borne in mind that the interpretation of circumstantial evidence cannot be made with mathematical precision, the above mathematical conclusion is in accord with the criterion suggested, since if the separate probabilities are represented by small fractions, their product is still smaller, and if the inference drawn from the events is a logical one, then the probability of its being true will vary inversely as the combined probability of the events.

Thus, the finding on a person accused of assault of fibres of a single type and colour agreeing with fibres from the clothing of the victim possesses a small evidential value, unless

the fibres in question are particularly uncommon in type. But if on the accused's clothing fibres of six different types are found, agreeing with six different types of fibres in the clothing of the victim, then evidence of high value is present, even though the fibres individually are of common types.

Again, as was pointed out above, the finding of alum on the clothes of a man suspected of safe-breaking is not of great significance; but if, say, mahogany sawdust is associated with the alum, both in the safe ballast and on the man's clothes, the evidential value of the circumstance becomes much greater.

The examples which have been given, and those which follow, may serve to indicate to detective officers the usefulness of making a habit of judging the value of circumstantial evidence by applying the above tests, which may be summarized as follows:—

Circumstantial evidence based on the examination of traces has a high evidential value when—

(i) matter, otherwise common and widespread, possesses some individuality or characteristics;

(ii) matter is found which is uncommon, or normally sparsely distributed;

(iii) matter, even though common in occurrence, is found in unexpected places;

(iv) a number of individual observations, although singly of low evidential value, all point to the same conclusion.

1. *Safe-breaking; Hull*.—Dust composed of mahogany sawdust and powdered dolomite (calcium and magnesium carbonate) was found on the boots of the suspect and formed the packing of the safe.

Application of criteria (ii), (iii), and (iv) show high probability of connexion between suspect and safe.

2. *Sacrilege; Spalding*.—Candle-grease spots found on suspects' clothing contained vegetable waxes instead of the mineral waxes used in making common candles; the composition of the wax and its physical characteristics agreed with those of altar candles in the church.

Application of criteria (i) and (ii) indicate high value of the evidence.

3. *Housebreaking; Scunthorpe*.—Fibres found on a window frame, of nine different types in a tiny wisp of material, agreed with the nine types of fibre found in the clothes the suspect was known to have been wearing. On the accused's shoes were found wool fibres of seven different colours, corresponding with the colours of a wool mat on which he must have trodden in effecting entry.

Very high evidential value is indicated by application of criterion (iv) alone.

4. *Breaking at Spalding*.—In the dust from the accused's clothing were found: (a) fragments of paint, composed of three layers, corresponding with the paint on the wall he attacked in an attempt at entry, and (b) alum particles, coated on the surface with prussian blue, mahogany and walnut sawdust, and iron scale, agreeing with the four components of the ballast of the safe opened.

Application of criteria (i) and (iv) indicate high evidential value.

5. *Carnal knowledge; Crowle*.—Fibres found under the finger-nails of the suspect were found to correspond with fibres composing material of victim's garment.

Criteria (i) and (iii) apply.

6. *Burglary; Sedgefield*.—A hair found in a cap left at the scene of the offence was compared with hairs from the head of a suspect; the hairs agreed in six or seven unusual characteristics.

Application of criteria (i) and (iv) indicate high probability of connexion between the cap and the suspect.

7. *Manslaughter; Skegness*.—Examination of the victim's clothing showed that he was hit by a car which had been painted with aluminium paint. Examination of the smashed bicycle gave evidence of contact with the car.

Criteria (iii) and (iv) apply.

8. *Safe robbery; Northwich*.—Dust on suspect's clothing, and safe-ballast, both contained hardwood sawdust, black and

red iron oxides, and sand. Marks on window-frames and scratches on the safe corresponded, as regards both coarse and fine structures, with marks made by a jemmy in suspect's car.

Criterion (iv) applies.

9. *Child-murder; Hessle*.—Fragments of water-weed, growing at the scene of the crime, were found on the clothing of the accused.

Criterion (ii) applies.

Reference has already been made to the fact that in the examination of exhibits from which circumstantial evidence is to be drawn everything possible must be done to raise to the highest available probability the likelihood of the inferences being correct. Although fruitless or redundant work may be involved, such precautions should never be omitted.

In the comparison of two fibres the opinion may be given that they come from the same source because they are, for example, both wool, both of the same colour, and of approximately equal length and diameter. The probability of this opinion being correct may be fairly high, but it might be challenged on the ground that it is possible to have two fibres of the same type and colour but dyed with different dyes and therefore of different origin.

If the investigator is able to say that in addition to making a microscopical examination of the fibres he has applied chemical tests to them and that, even although it has not been possible to identify the actual dye, yet no difference in reaction was shown in the tests, the probability of the fibres having a common origin is considerably increased.

The principle here involved may be summarized by stating that if an opinion based on the statement that two things appear similar can be backed by the statement that analysis shows them to possess similar compositions, then the opinion acquires much increased evidential value.

Whilst the purpose of this article has been to suggest certain guiding principles which may be of help to the

detective officer in gauging the possible value of material he may find at the scene of an offence, it is perhaps not inappropriate in conclusion to point out that much work remains to be done by those working in police and other laboratories in compiling data, to the end that more precise criteria may be available for the testing of scientific circumstantial evidence. One need only consider the frequency with which evidence regarding blood- and semen-stains is produced in court, to realize the need for data relating to the relative frequency of occurrence of such stains on garments in no wise related to crimes; for example, on one hundred garments chosen at random from miscellaneous sources, how many would show blood-stains, how many semen-stains?

Questions such as these must arise in court, and answers based on experimental investigation would prove of considerable value in assessing evidence of this type.

The Causes and Treatment of Crime

By INSPECTOR CECIL R. HEWITT

City of London Police

I

GENERAL PRINCIPLES

FOR centuries thinking men have been vaguely uneasy in their attitude to crime and punishment. For the last fifty years they have been acutely troubled. The last fifty years have, accordingly, witnessed a remarkable change of attitude to crime and the criminal, with an accompanying impetus towards law reform and a steady growth of individual liberty. There is much yet to be done. Posterity will laugh at some of our crimes and shudder at some of our punishments. The ethics of community vengeance still survive in some of our penal laws. But the essence of this new approach to a great social problem lies in the transferring of attention from the criminal "class" to the criminal himself. Every member of the community must be recognized as a potential criminal, restrained from crime by a conventional conscience, a natural benevolence, a lack of imagination, or a healthy fear of the law. Every case of crime must be studied on its merits, and if classification is to be attempted at all it must be the work of the psychologist and a first step towards reclamation.

The very word crime has lost much of its former significance. The Common Law of England contemplated only that type of offence which to-day is described as "indictable", but the growing complication of human affairs has brought into being a mass of prohibitory law administered in courts of summary jurisdiction. Breaches of that law fall naturally into two categories, the boundaries of which are drawn by every man according to his sense of social responsibility.

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Those two categories have been aptly described as (1) offences which are *mala in se* and (2) offences which are *mala quia prohibita*; they are either wrong in themselves or wrong because the law says so. A new class of potential law-breakers has been established by a spate of recent legislation not supported by public favour. Yet the citizen probably gets the legislation which his own apathy deserves, and that sinister Aunt Sally who, masquerading as a benevolent old lady and spoken of tolerantly as "Dora", decides so strictly what he shall do with his leisure, is a monster of his own creation.

However, a discussion of serious crime and its treatment should not concern itself with "Dora's" prohibitions, beyond pointing the obvious moral that a multiplicity of minor laws tends to bring the whole legal system into the contempt proverbially bred by familiarity. Let us, therefore, give the word "crime" the narrower meaning usually accorded to it—the meaning which confines it to those major offences against persons, property, and the State which are punishable with penal servitude or imprisonment.

The Administration of the Criminal Law

A craftsman given poor tools cannot be blamed for inferior work, and the executive officer of the criminal law is a craftsman with poor tools. The policeman, above all, is the initial interpreter and administrator of most of the criminal law, and yet not only is he generally unequipped, so far as an adequate knowledge of it is concerned, but such a knowledge, if and when acquired, could only serve to reveal to him difficulties of interpretation which might well shake his confidence. There is no reliable classification of crimes, for example, which he may use as a guide to police action in street emergencies, and it is felt by many policemen that the problems of prevention and detection alike are closely identified with the need for a codified and simplified criminal law. Laymen generally, and policemen in particular, can see nothing but good in the plea for codification. This view is not based on a mere desire to make it easier to catch criminals,

but upon the principle that the first thing necessary in the proper administration of the criminal law is an efficient police service, armed with a clear knowledge of its powers and duties, and not, as at present, working largely in the dark.

The Causes of Crime

Any effort at prevention must first concern itself with causes, and the causes of crime deserve most careful attention. They seem to fall naturally into two main classes, which may be grouped as (1) economic and (2) psychological.

It is a popular and an easy explanation of offences against property that poverty and dispossession are the causes of such crime. But various analyses of offences of stealing and fraud have shown that the poor man is not always, or even mainly, the man who steals or perpetrates frauds. Honesty is no monopoly of the well-to-do. Economic necessity may, and indeed often does, cause a person to steal, but it is probable that for every offence of that nature which might have been due to the grind of poverty, there is at least one where the theft could not have been due to any kind of want.

It is said that the overcrowded and degrading conditions in which many poor people live undermine their moral sense, and that children born into such surroundings have little chance of a clear moral outlook. It is idle to deny the unhappy truth of this, but again one must point out that luxurious or comfortable surroundings are found to be surprisingly productive of criminal tendencies, and that the mode of living of many modern well-to-do families can have no good effect upon the minds of children born into them. It is, of course, well known to police officers, social workers, and others who have knowledge of slum conditions, that the enforced lack of any proper standards of decency and personal hygiene are a direct cause of crimes against the person. Incest and punishable indecencies are an inevitable outcome of circumstances which condemn people of uncultured instincts to be herded thus together. But sexual misconduct, generally, is very far from being confined to the poorer classes.

It is probable that the crime of incest is more prevalent in slum districts, for the reasons mentioned; but it would be impossible to carry the limitation further. There is no safe guide to the proportion of crimes against property and against the person which are the outcome of dire necessity and inadequate housing, respectively.

It is in the category of psychological causes, however, that the modern reformer is finding his most satisfactory field of research. The psychological aspect of crime is beginning dimly to be understood. Already it is an established principle of criminological research that the parent, the school-teacher, the employer, and the mental expert are figures of far more significance in this respect than the magistrate, the judge, the jailer, and the hangman.

The difficulty in dealing with psychological causes of crime is to confine the consideration of psychology to those mental reactions which will yield to reformatory treatment. It is of little use talking of repressions, inhibitions, and exterior stimuli in the case of a man who steals necessities for a hungry family. The same may be said of a person who contracts a bigamous marriage as the only escape from a situation due to our anomalous divorce laws, or who maims an antagonist in a street affray, or who commits a heinous, but not unnatural, sexual assault. Such cases offer little scope for the psychologist. But there are numbers of offences against person and property which have a purely psychological origin, and for which the law has no special regard; and those who pride themselves on being hard-boiled still tend to despise the attitude of mind which seeks to understand crime rather than to accept it and punish it. The word kleptomania, for example, and the suggestion that a predisposition to steal may be a minor mental disorder, excite derision in the minds of many quite worthy people whose job it is to deal with such cases by the means now available. Yet we are frequently confronted with the case of the well-to-do and domestically happy woman who steals a dress too small for her to wear, and of the youth who removes a book which he

knows he will never read. Repulsive and yet pitiful moral perverts, serving endless and futile imprisonments, elderly men of blameless lives who suddenly astound their friends by a series of indecencies—these merely excite in the minds of the “anti-sentimentalists” a bitter revulsion of feeling and a smothered desire to do summary violence to the offenders who so disgust them.

This is the attitude of Smithfield and the Tyburn Tree, and it is a reproach to find it in our midst in these more enlightened days. It is possible, no doubt, to argue that the appeal of the psychologist is mere cant, on the ground that mental impulse is the basis of every sort of crime and that if we are to concern ourselves with the conditions which have created those impulses and seek to remedy them, we had better disband our police forces, pull down our prisons, and appoint an army of mental nurses under every local authority, with the functions of district visitors. But the claim of the psychologist is for the most part a modest one. He offers no complete remedy. He believes that certain crimes and certain criminals are being wrongly treated, and the layman will have little difficulty in following him thus far. He recognizes that the criminal may be as chronic a feature of civilized communities as the honest man.

The view of the psychologist is that the sooner it is recognized alike by legislators, judges, magistrates, police, and prison authorities, but above all by the legislators, that a predisposition to a certain type of crime may be the symptom of a mental condition which may be cured, the sooner the desperate problem of prevention, so far at least as those cases are concerned, will be capable of solution. The larger body of informed opinion entirely rejects this theory. It is probable that a considerable majority will agree with some remarks which the late Mr. Justice McCardie addressed to a Grand Jury at the Glamorgan Assizes in November, 1932. “The real causes of crime,” he said, “are still to be found in the old and fundamental forces of nature—greed, anger, jealousy, vanity, lust, and perhaps negligence . . . I believe that very

serious injury is being done by the notion some people attempt to spread—that crime is some form of disease. It is not necessarily associated with mental disease in any way.”

II

PREVENTIVE WORK

Early Training

If ever we are to eliminate the criminal element from society, that Utopian goal will only be reached through the mind of youth. We must realize that too much stress cannot be laid upon the importance of early training and the development in infancy of a sense of right and wrong. No departure from established moral standards, no new-fashioned ideas of communal obligation, should be necessary to show the infant mind the essential rightness of the broader principles of the law. Much more attention could be given to the development of a sense of social responsibility. The promise of future favours or punishments produces its own anti-climax in years of discretion. If a child can be taught that a thing is good, it can usually be taught why it is good. The lives of most of us are dominated by the question, “Why?”, and carelessness in our early training will nourish a childish inquisitiveness into an adult scepticism. All active criminals, as well as all good citizens, have sat and listened to their teachers with their minds open and, at varying stages, equally innocent of ideas.

Unemployment and Temptation

It is when the child leaves school that his moral training is put to its first real test. Family influence, if it remains, may be good or bad; but the school atmosphere, the things that “teacher says”, begin to recede. The economic deadlock of our times leaves hosts of young people unemployed from the day when they leave school onwards, sometimes for many years; a difficult period for which to prepare any one from the point of view of ensured good conduct. In this direction, although almost every intelligent observer has

his own cure for our greatest social problem, little progress has been made as yet, and its solution would be a step forward in the war against crime to which no other measure could be compared. The relationship between unemployment and the inducement to a criminal way of life, to which it gives rise, has endowed the old saying that "the Devil finds work for idle hands" with a new and ominous quality.

The Preventive Influence of the Uniformed Policeman

The uniformed policeman is a tremendously important factor in preventive influence. The presence of the police uniform is probably one of the greatest restrictive influences with regard to crime in the streets. It is known that a sudden encounter with a totally unsuspecting policeman has often deterred a man from the commission of a crime. The wise constable realizes that his day's duty may have been responsible for many such unconscious crime-preventions, and acquires an appropriate philosophy which is proof against the depressing contemplation of a tiring day's duty apparently devoid of incident.

The Force of Example

Social aspirations and imitative instincts play such an important part in the lives of many people of humble circumstances that the example of those whom they regard as their "betters" becomes a great influence towards either crime or virtue.

The cinema, with its virtual canonization of the "racketeer" and the anti-social thug, has been blamed, rightly or wrongly, for much juvenile and even some adult crime. The trans-Atlantic jargon of our street corners to-day, indeed, suggests that American films of the "tough guy" variety have had a considerable influence on the outlook of the post-War youth.

The influence of the Press, too, is of immense importance. The principle underlying the suppression of certain undesirable newspaper reports, to which expression was given by the

Judicial Proceedings (Regulation of Reports) Act, 1926, could with great advantage be extended to the restriction of reports of other types of crime. Ample inspiration can be drawn from the daily and Sunday newspapers by any one susceptible to suggestion and ripe for mischief. In relation to crime, even the "man in the street" has never quite outgrown his third-form "penny-dreadful" complex. Provided a crime, in the first place, is not of such a nature as to rouse his resentment or horror, and in the second place does not directly inconvenience him, his sympathies are often with the criminal, and may afford a fertile field for crime-suggestion.

In a country where liberty of thought, movement, and recreation are regarded as constitutional corner-stones, it would be difficult to close any of these avenues of undesirable suggestion. The case for and against censorship has been ably argued for many years, and has no place in this discussion. It will be sufficient, perhaps, to say here that the susceptible mind is better trained by experience than by grandmotherly protection.

Imprisonment

Whatever the causes of a criminal career may be, the inevitable end is prison. The complete, conscious criminal, who has declared war on society, knows this and accepts it. Reform in his case would be improbable in any circumstances, but under the system which imprisons him mechanically every time he is convicted of crime it is idle to talk of reforming him. There is much to be said for the point of view that persons who have obviously thrown morality to the winds and who are indifferent to the effects of their conduct upon the community at large should be permanently segregated from the community. It is possible to condemn this as running away from an important aspect of the problem; but, it must be remembered, the "hardened criminal" is a symptom and not a cause of the social evil. A cure must be found for that evil, but the hardened criminal must wait his turn until last.

The most distressing feature of our criminal procedure is the system which puts recurrent offenders into prison for short periods. Short periods of imprisonment are the order of the day. The Court of Criminal Appeal has recently intimated that, for the purpose of deciding the penalty to be imposed upon a person who stands before a court convicted of an offence, he should, in the absence of circumstances requiring the consideration of previous convictions, be regarded as a first offender and sentenced accordingly. The principle underlying this is, of course, that he has expiated his former crimes and that it is wrong that he should be continually paying the penalty for them. It is evidence of the humanity that animates our criminal courts to-day. But it is open to the respectful criticism that it lets loose upon the community, at short intervals, a large number of rogues whose immediate object, upon release, is to resume their lawless pursuits where they were interrupted, and to carry on until the next imprisonment.

The time must come when the short term of imprisonment, as we understand imprisonment, will be unknown. Short terms only subject an easily reclaimable offender to influences which will increase a hundred-fold his criminal propensities. There is a possibility, which the true reformer has continually in mind, that when the more fundamental social reforms which were discussed earlier in this article have been carried out—the gradual elimination of extreme poverty, the improvement of housing conditions, the growth of a sense of moral interdependency amongst individuals—this may lead to the disappearance of imprisonment, as we know it, from the social scheme. The ethics of imprisonment have no place in this article, but the moral aspect of this forcible herding together of a minority of the community as an expression of the will of the majority must eventually be faced.

Probation

The Probation of Offenders Act, 1907, has never really had a chance to work itself out. It established the system

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of "parole" supervision which, as extended and consolidated by the Criminal Justice Act of 1925, has developed into the present-day practice of discharging under the care of a "probation officer" those offenders whose character, antecedents, and possibilities of reform, considered not singly but as a whole, appear to the Courts to offer material for moral rescue-work.

Probation is a topic upon which it is easy, but dangerous, to dogmatize. There is no more controversial subject in the whole field of applied criminology. Eminent judges and magistrates are known to differ profoundly amongst themselves; members of the legal profession generally are either whole-heartedly for or against, but never lukewarm. Police officers are seldom kindly disposed to probation, but in justice to them it should be said that their attitude is not antagonistic to probation in principle, but to probation as they see it in practice.

The probation officer is usually a man or woman who comes to the job with a sense of vocation, for the work is essentially of a nature that demands certain qualities of benevolence and self-sacrifice. But he or she depends for the degree of success to be achieved largely upon the co-operation forthcoming from the various officials and others already referred to. Everyone concerned must work together, or the system fails lamentably. That it has not been altogether successful should be acknowledged at once, and extensive measures should be adopted to remedy existing defects. In addition to the fact that (with no disrespect to the very great bulk of probation workers) a much finer discrimination should be observed in the choice of men and women for this very responsible work, there is an urgent need for their numbers to be increased many times over. The unequal struggle at present being fought by our probation officers is at once farcical and tragic.

Two essential principles should be imported into the administration of the Act. First, it should be resolved never to put an offender on probation before the probation officer has been afforded an opportunity of making full inquiries

concerning the offender ; and this must generally mean the adjournment of the court proceedings for a suitable period. Secondly, offenders should only in rare instances be released on "good behaviour" recognizances or to "come up for judgment if called upon", without also being placed under some sort of supervision, whether by the probation officer or otherwise. Both these recommendations, it is suggested, are essential to the successful working of the probation idea.

III

DETECTION

If it be once admitted that the detection of crime has made greater strides than the prevention of crime, it logically follows that the success of the former springs from the failure of the latter. The fact that detection has taken upon itself the qualities of an exact science, while prevention is largely experimental, simply means that society has made a virtue of necessity, and that in criminology, as in medicine and economics, the search for cures has inspired more enthusiasm than the examination of causes. The explanation obviously is that the detection of crime engages the attention of men of a robust mentality and alertness, who are apt to dismiss most preventive activities as the concern of sentimentalists.

The Growing Recognition of the Expert

The resources of science have been applied increasingly to the detection of crime. In this country the expert's appearance in criminal investigation is comparatively recent. It is commonly said that in England we are as far behind the continental forces in this branch of police work, as we are in advance of them in matters of internal organization ; that the expert has had his place in many foreign police administrations for over a century ; and so on. But perhaps some foreign countries have by the nature of their police systems produced a crime problem which has necessarily developed its own antidote.

Those who are inclined to be timorous as to the reliability of expert evidence should find reassurance in the stolid scepticism which is shown by the average British jury. Those who have watched criminal trials in this country must have been either reassured or exasperated, according to their own valuation of expert evidence, by the spectacle of the twelve ratepayers examining blood-stains, bullet marks, finger-print enlargements, or handwriting, and sometimes asking questions as to the reliability of such exhibits as evidence.

The recognition of the expert in this country has probably been long delayed, and is still largely qualified, by this national characteristic of doubt.

Identification

The various means by which the identity of a criminal may be established beyond doubt, and by which his identity in relation to certain known facts may be proved in a court of law, have reached in this country a high standard of perfection—so far as concerns cases where the person to be identified is a known and registered criminal. No difficulties occur where personal evidence of identity can be given by someone who picked out the offender from a number of others at a date subsequent to that of the offence, or no difficulties occur, as a rule, in the case of criminals "caught in the act". But the Finger-print Register of the Criminal Record Office at New Scotland Yard, the Register of habitual Criminals, and the "*Modus Operandi*" Register, by which criminals are classified on the card-index system according to their methods of committing crime as well as by their descriptions and personal peculiarities, contain the particulars merely of those persons who have been convicted of crime, whose finger-prints have accordingly been filed, and with regard to whom other useful information has been assembled.

Could the continental system of universal registration for identification purposes be adopted—the system by which every citizen is registered and issued with a card of identity ? This has been suggested in this country on several occasions

and has never failed to rouse a storm of protest. But it is the view of many responsible persons, who are not unmindful of the jealousy with which civil liberties are guarded, that every member of the community should, apart from the question of registration, be compelled to have his or her finger-prints carefully taken and filed in a National Finger-print Register. The problem of ready identification would thus be half-way to solution. The other half of the solution must rest with the extent to which the police would be competent to avail themselves of the immense facilities thus afforded. A far greater realization of the importance of finger-prints left at the scene of a crime, an intensive education in the circumstances and places in which they may be expected to be found, and a widespread, systematic instruction in the preservation and reproduction of finger impressions would be needed to implement such a scheme. Police officers engaged in the investigation of crime throughout the country are of opinion that the early destruction of good finger impressions by uninstructed persons at the scene of the crime is a frequent cause of a barren and futile inquiry.

The Questioning of Suspects

With regard to the questioning of suspects the English Police may be said to work under widely different conditions from those to be found abroad. It is customary, both in and out of the Police Service, to attribute these difficulties to what are known as the "Judges' Rules". But the truth is that these famous rules of conduct for policemen, so far as they concern the questioning of, or the taking of statements from, suspected persons, broke very little new ground when they were first approved by the Judges of the King's Bench in 1912. The rules of evidence are still the final test as to the propriety of a course of criminal investigation. The Judges' Rules merely give expression to the attitude of the courts with regard to statements taken from accused persons and tendered in evidence. Statements made to the police by other persons involved are not accepted where those persons are alive to

give evidence in person—"best evidence." And it must not be assumed that every conviction prior to 1912 which involved an incriminating statement or a confession was obtained under conditions different from those of to-day. The rules have been the subject of strong, if muffled, criticism in the police service. They have even led to anxious questions in the House of Commons as to their association with an alleged increase in crime. Yet it could probably be frankly admitted that the Judges' Rules alone have made no appreciable difference to criminal investigation in the twenty-two years since their appearance, and that the investigating officer goes about his business to-day with as little sense of restriction as he has ever done. Indeed, if he understands his work he appreciates that to obtain evidence which is morally certain to be challenged on the grounds that it was improperly obtained is a mere waste of time, to say nothing of the fact that it is fraught with possibilities extremely dangerous to himself.

The essential difference between the procedure followed in this country and the methods of certain foreign criminal investigators lies in the standard of restraint and humanity which is observed by the officers responsible. The principle involved is fundamental to the practice and procedure of our criminal law. The position is given the clearest possible expression in the Report of the Royal Commission on Police Powers and Procedure: "Although it is the duty of the police to obtain all possible information regarding a crime, they have no power (save in such exceptional cases as offences against the Official Secrets Acts) to compel any person to disclose facts within his knowledge, or even to answer direct questions put to him. The position of a constable collecting information as to the commission of a crime differs from that of a private citizen in two particulars only: that it is his special duty to obtain such information and that, in doing so, he is a 'person in authority'."¹

¹ *Report of the Royal Commission on Police Powers and Procedure*, 1929, chap. iii, paragraph 57.

As the nature of the inquiries to be made in investigating a crime ranges (to quote the Royal Commission again) "from a few simple questions addressed to some person in the street to the taking of a formal written statement", it is important that no exaggerated sense of restriction should be allowed to prevail as a result of anything in the Judges' Rules. Police officers may be relied upon to appreciate the restrictions imposed by the standards of decorum referred to, on the one hand, and the rules of evidence on the other. The question "I suppose you did this?" is recognized to be outside the scope of those questions to which the Judges say there is "no objection".

The "Modus Operandi" Factor

The conduct of any investigation should, of course, be directed largely to the method by which the crime was carried out. It is a known fact that criminals, and especially thieves, follow at least for prolonged periods the "*modus operandi*" which afforded them their first success. Thieves will select the same type of property (bicycles, jewellery, cloth, etc.), the same type of victim, or the same type of premises for recurrent crimes, and it is by their predilection for such things that they may be identified. Such a recognizable similarity of conduct is most common in larceny of various kinds, but it is to be found in other types of crime—forgery, false pretences, offences against decency, etc. The recognition of it as a means of identifying and tracing criminals was a great step forward in the history of criminal investigation. It was as the outcome of many years of patient observation that the present-day *Modus Operandi* Register at Scotland Yard was developed into the valuable crime index that it has become.

The *modus operandi* of a crime is a clue of immense importance to a trained mind investigating a crime, though to an investigator not concerned with the criminal's plan of action from the view-point of identification it may pass unnoticed. Here, therefore, lies the need for a systematic education, amongst the rank and file of police forces, in the

methods of criminals and the signs by which those methods may be recognized and reconstructed.

The Police and the Public

It is inevitable that the influences which make for the prevention of crime and the energies which are devoted to its detection should, by their fundamentally different nature, be considered separately. But the subject cannot be left without some regard to the urgent problem of the relationship between the police and the public. Unless police and public can establish a mutual confidence and co-operation which, it should be admitted, are often lacking at present, those aspects of preventive and educative work which are within the scope of police activities will be obscured and frustrated. This mutual confidence and regard has suffered much at the hands of "Dora". Since every decent member of the community became an incipient breaker of the criminal law, since guilty intention, as an essential element in a criminal offence, ceased to be so recognized in such a large number of cases, the citizen has lost much of his inclination to help the police in their work.

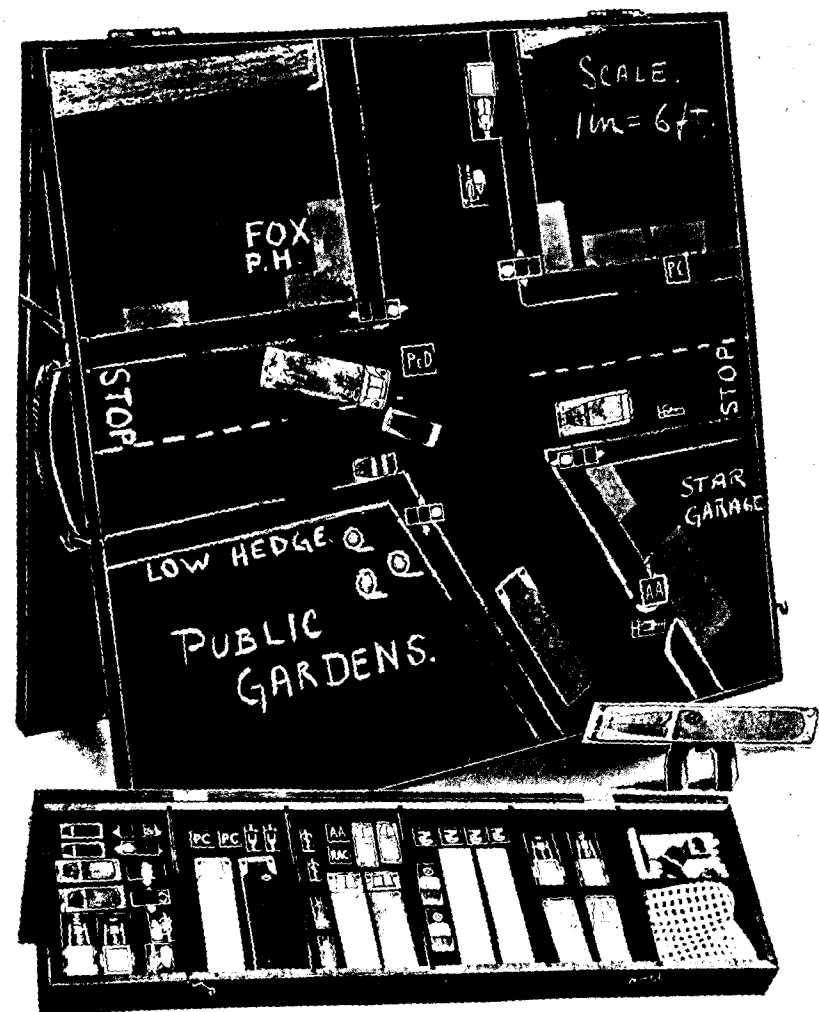
It is permissible, however, to close on a note of optimism. The progress which has been made towards an enlightened attitude to crime is cheering. Give the criminal investigator his proper and hard-earned place in the story; let him wed his tireless enthusiasm to reason, logic, deduction, and science. The work of discovering the causes, and so of prevention, of crime has begun, and although the technique of detection will not stand still, the race, if one may regard the progress of the two activities as a race, is already virtually decided. It is the story of the tortoise and the hare over again, with this difference: the tortoise has not deserved to win, for the hare has displayed far more enterprise, imagination, and resource. But we are beginning to see now that the tortoise will win.

The Traffic and Accident Demonstrator

"WELL, Sir, from these models and things I find it so difficult to understand where you really mean that the cars and pedestrians were, that I am completely muddled."

Such a remark by a befogged witness has often been made when confronted in Court by a collection of models, etc., from the positions of which on a table he was supposed to reconstruct the details of some accident at which he was present. It is very difficult in this way to produce a clear representation of the road and surrounding buildings, for, in order to do so at all satisfactorily, it would be necessary to have an enormous number of model houses, shops, etc., of varying sizes. Then again, it is extremely difficult to show satisfactorily the exact position of kerbstones, electric traffic lights, pedestrian crossing places, etc., in such a way that the actual scene of the accident is clearly recalled to the mind of the witness.

A large scale sketch-map may be used, and this is sometimes satisfactory, as intelligent witnesses dealing with a straightforward case can visualize, from the sketch, the scene and can probably give their evidence clearly, pointing out on the sketch what the positions and movements of the various vehicles, pedestrians, etc., were at the time of the accident. However, in the majority of cases this method is very unsatisfactory, chiefly because witnesses find it difficult to orientate the sketch and visualize the ground, and also because only a few people at a time can see where the witness is pointing out the position of vehicles, etc., to have been. Another failing of these sketches is that when a witness has shown, by marking the sketch-map, where he considers vehicles to have been, the marks have then to be laboriously rubbed out, so that other witnesses shall not be biased by previous opinions.



THE TRAFFIC AND ACCIDENT DEMONSTRATOR

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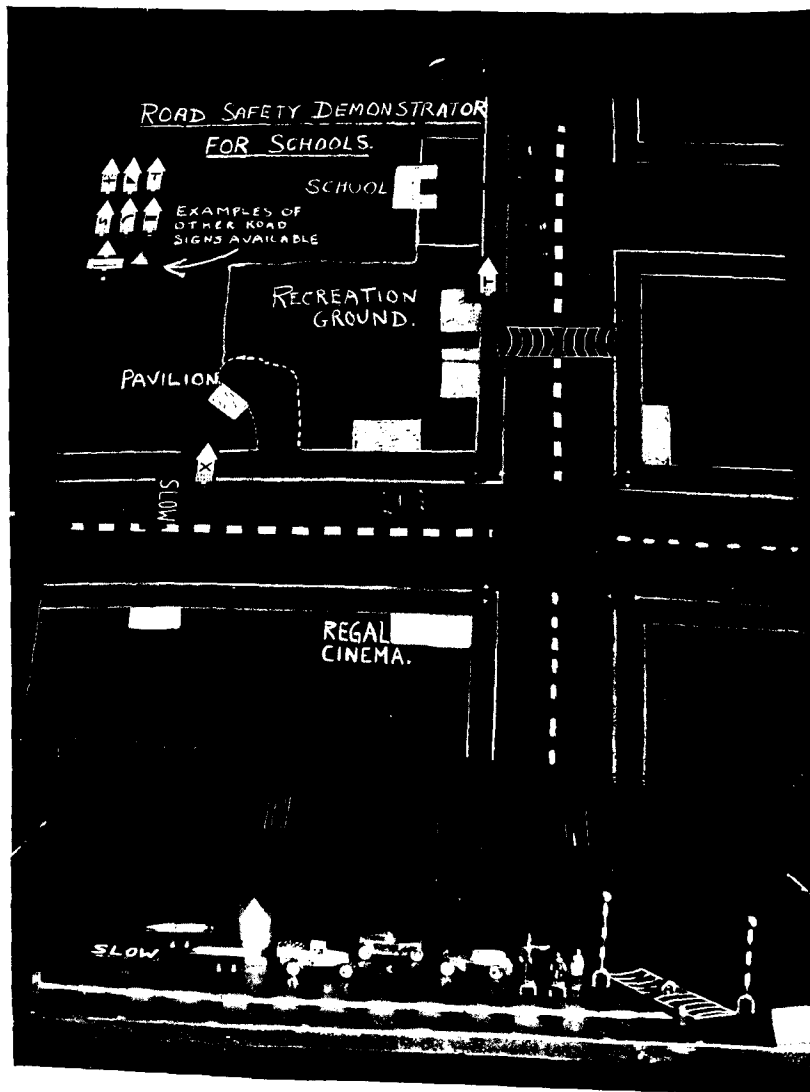
An ever increasing amount of work is being done and time spent by police and lawyers in connexion with litigation arising out of road accidents, and any scheme for simplifying this work must be well worth considering.

The "Traffic and Accident Demonstrators" recently placed upon the market by Messrs. Gale & Polden, of Wellington Works, Aldershot, would appear to be just the type of thing that has long been sorely needed. These Demonstrators have only been on sale for a short while and have proved eminently satisfactory in the hands of both police officials and solicitors who have used them in Court, and several presiding judges and magistrates have remarked upon the ingenuity and yet simplicity of this invention and have forecasted their probable inclusion as the normal equipment of courts of any description where litigation as a result of road accidents takes place.

The equipment consists of a small folding blackboard, 2 by 2 feet in size, which is provided with a handle for carrying when not open and in use, and a box containing a selection of symbols for representing the various vehicles, policemen, A.A. men, etc., who may be involved in a road accident. Each of these symbols is mounted upon a powerful magnet which will adhere to any part of this board, which is made of metal and covered with a special black mixture, and when not in use to the metal bottom of the box provided.

All the symbols representing motor-cars of varying sizes, motor-cycles, pedal cycles, and other vehicles, are constructed in bright colours to a scale of 1 inch to 6 feet, so that when the diagram of the piece of road under consideration has been drawn in chalk upon the board to the same scale and the symbols placed upon it, they occupy their correct road space. Certain contrivances are provided so as to show the colour that traffic light signals were exposing at the time under consideration; small red, green, or yellow discs being exposed on each.

A police official arriving at the scene of an accident will, of course, take particulars of the vehicles and persons



ROAD SAFETY DEMONSTRATORS FOR SCHOOLS

(face p. 429)

various problems. By a few strokes of the duster on the board the sketch disappears; a new sketch can be substituted in a moment or two, and then a fresh set of problems may be considered.

For the Children

The makers are now producing a set which works on the same principle, but, instead of having symbols to represent motor-cars, etc., actual models of cars, lorries, pedestrian crossing places, beacons, children, etc., are provided, each being mounted upon magnets. These are specially designed for instruction in children's schools where teachers can, by using the sets for a few minutes daily, train children in such a way that the enormous and growing casualty lists can be considerably reduced.

A child would not readily appreciate what a car looked like from above, but if actual models (whether exactly to scale or not does not matter) are shown and moved about the board whilst the conditions of traffic lights, etc., are also explained, it is considered that the instruction so given would have far-reaching effects.

The general appearance of these models when in use can be seen from a reference to the photographs of the 'Road Safety Demonstrator' for schools. Two motor-cars and a motor-lorry may be seen clinging to the board by their magnets, whilst road traffic signals showing green, yellow, or red lights as required are in position at the cross-roads. Two "Belisha Beacons" and a herring-bone crossing place (all mounted upon magnets so as to simplify preparation), together with children, policemen, road signs, etc., are shown in use. Even "white lines" as marked on the roadway are provided for, by the supply of a length of black and white tape with magnets at each end, the placing of this upon the board saving the instructor time and labour.

There is no doubt that children will react to this type of instruction—it will certainly interest and amuse them, and should have far-reaching results.

The Smuggler

IN the January, 1935, issue of THE POLICE JOURNAL an article, entitled "Under the Influence", illustrated how the time of a Police Court and of the police can be wasted for several hours on a case which ought to occupy at most ten minutes. Speaking as a layman, I should have thought that, when a man pleads guilty to a trivial charge, it is totally unnecessary to bring in an array of witnesses to prove facts which have already been admitted by the prisoner in a signed statement. Sometimes witnesses—often unwilling witnesses—are subjected to a cross-examination of so inane a nature that one might imagine an attempt is being made to prove the prisoner innocent, despite himself.

The following case may be of interest in this context. It is the verbatim report of proceedings at which I was myself present. The names are, of course, fictitious.

CLERK OF THE COURT. George Washington Johnson, you are charged with bringing into this country fifty cigars on which Excise Duty amounting to one pound one shilling and a penny was payable to His Majesty's Customs. And that you did wilfully and knowingly attempt to evade payment of the said duty. Are you guilty or not guilty?

JOHNSON. Me guilty.

MAGISTRATE. Doesn't the prisoner understand English?

JOHNSON. Me know English. Me speak a little English but me bring cigars for friend.

MAGISTRATE. Do you understand what a serious charge this is?

JOHNSON. Me don't understand much—but me bring cigars. Me couldn't afford to pay.

MAGISTRATE. Didn't you mean to pay for them?

JOHNSON. How could I? Me no money. Me brought cigars for good English friend but me no able to pay—

MAGISTRATE. So you smuggled them in?

JOHNSON. Smuggled? Me don't understand.

MAGISTRATE. Then I shall take a plea of "Not Guilty," for he evidently doesn't understand me.

SOLICITOR FOR PROSECUTION. If I may suggest it to Your Worship, we have very good reason to believe that he understands a good deal more than he pretends. I can call Customs Officers who will tell Your Worship that the prisoner can speak English perfectly—that is if Your Worship wishes me to do so.

MAGISTRATE (*coldly*). I have said I shall register a "Not Guilty" plea, Mr. Binks.

SOL. FOR PROS. As Your Worship pleases. I represent H.M. Customs and Excise and the circumstances of the case are as follows. The prisoner is an able seaman on board the s.s. *Good Hope*. As Your Worship can see, he is a coloured man, a native of the west coast of Africa, and he is thirty-two years of age. I do not doubt, Your Worship, that the prosecution will establish beyond any doubt that the prisoner did unlawfully and wilfully attempt to evade paying Customs duties on certain excisable goods. In statements which he made to both the Customs and the Police officials he admits that he was aware the Customs regulations and that he wilfully "tried it on", if I may use such an expression before such a learned Bench. The goods in question lie before Your Worship. They are cigars—a box of cigars of the finest quality. I am instructed to assure Your Worship, that the Controller of Customs and Excise takes a very grave view of the offence—

MAGISTRATE. But Mr.—

SOL. FOR PROS. Quite so, Your Worship. I will refer to that point at a later stage in the proceedings. I will now call my witnesses. William Percy Brown. (*Brown enters the witness-box and is sworn.*) Is your full name William Percy Brown?

BROWN. It is, Your Worship.

SOL. FOR PROS. I believe you are a Customs official—is that so?

BROWN. It is, Your Worship.

SOL. FOR PROS. On Saturday the eighth instant was it your duty to go aboard the s.s. *Good Hope* and did you then see the prisoner there?

BROWN. I did, Your Worship.

SOL. FOR PROS. Will you tell His Worship what transpired at that interview.

BROWN. Yes, Your Worship. At 5 p.m. on Saturday the 8th instant I went on board the s.s. *Good Hope* in company with Customs' Officer Smith. The ship had just berthed, having arrived in this port from New York. Accompanied by Smith I went to the crew's quarters and asked each member of the crew the customary question, "Have you any excisable or customed goods to declare?" When it came to Johnson's turn I asked him the customary question—

MAGISTRATE. What customary question?

BROWN. What I have said.

MAGISTRATE. What you have said? What do you mean? What have you said?

BROWN. I asked him the customary question which I have just repeated to Your Worship, "Have you any excisable or customed goods to declare."

MAGISTRATE. Look here, Mr.—(*consults his notes*)—Brown, you seem to be a man of great experience. I don't know how old you are but you appear to be a respectable middle-aged man and surely it must be patent to you—as it should be to everyone, although, unfortunately, it isn't so—that exact words are vitally important. As the Magistrate trying this case I try not to lose my temper, I try to be very patient—nobody can say that I am not patient—but it is very trying to sit on this Bench and repeatedly be obliged to have to ask witnesses to speak up, or to merely answer the questions put to them, or to be exact in everything, and I want you to realize that the prisoner is charged with a very serious offence

—perhaps his liberty is at stake. Now, Sir, be good enough to tell me *what* question you put to him on the 8th instant.

BROWN. I said to him, "Have you any excisable or customed goods to declare?"

MAGISTRATE. Those were your exact words?

BROWN. Yes, Your Worship.

MAGISTRATE. Very good. Well, what did he reply?

BROWN. He said to me, "I have fifty cigars. Can I take them through the Customs without paying duty on them?"

MAGISTRATE. Yes. And what did you say?

BROWN. I said, "Yes." I then—

MAGISTRATE. But my good man, you've charged him with unlawfully and knowingly bringing fifty cigars into this country without paying any duty thereon.

BROWN. Yes, Your Worship—

MAGISTRATE. Then what on earth did you mean when you told him he could—

BROWN. Your Worship, he is allowed to bring up to fifty cigars into the country duty free, and the charge is in respect of a further fifty cigars which he failed to declare.

MAGISTRATE. Oh, I beg your pardon. Yes, carry on. You say you informed him that he could carry up to fifty cigars into the country duty free?

BROWN. Yes, Your Worship. I then said to him, "Have you anything else to declare?" He replied, "No." I then asked him to sign the usual declaration to this effect—here it is Your Worship. This is his signature. (*The witness offers the declaration to the Magistrate, who says, "Kindly pass it up through my learned clerk, will you."*)

MAGISTRATE (*receiving declaration from the learned clerk*). What did you say his name is—Johnson?

BROWN. Yes, Sir, Johnson.

MAGISTRATE. How do you spell it?

BROWN. J-O-H-N-S-O-N.

MAGISTRATE. Do you? (*turning to the prisoner*). How do you spell your name, Mister. Is it Johnson or Johnston?

PRISONER. Johnston.

MAGISTRATE. Yes. Then how is it, Mr. Clerk, that on the charge sheet before me the prisoner's name is distinctly and clearly set out as Johnson? J-O-H-N-S-O-N. Does no one recognize the value of accuracy? Surely there's the greatest possible difference between Johnson and Johnston! Am I to amend the name as it stands on the charge sheet? What had I better do, Mr. Clerk? The man says his name is spelt Johnston and I have a document here in my hand alleged to bear his signature which is also spelt Johnston, so don't you think the charge sheet had better be amended accordingly? What had I better do?

The Magistrate and the learned clerk discuss the matter for some time, and then the clerk is heard to say, Yes, Sir, if you will be good enough to do so, I suggest that the name be altered to Johnston.

MAGISTRATE (*writing*). Very well, Mr. Clerk—I have altered it as you suggest. Yes, Mr. Brown.

BROWN. He signed the form, Your Worship, and handed it back to me.

MAGISTRATE. Did he sign it in your presence?

BROWN. Not exactly, Your Worship—

MAGISTRATE. Then how do you know that he signed it?

BROWN. I was busy at the time, Your Worship, putting the same questions to the other members of the crew. Having definitely questioned him and satisfied myself that he understood the meaning of the Declaration Form, I asked him to sign it whilst I went about my other business.

MAGISTRATE. I take it that you mean me to understand that you carefully and clearly warned him that nothing excisable could be taken ashore if the requisite duties had not been paid?

BROWN. Yes, Sir.

MAGISTRATE. And he then signed the customary form to the effect that he had nothing else to declare but the one box of cigars that he had previously produced to you?

BROWN. Yes, Your Worship.

MAGISTRATE. But since you didn't see him sign the form, how can you be certain that it wasn't signed by someone else?

BROWN (*rather artfully*). That is a difficult point that perhaps Your Worship will decide when all the evidence is before you.

MAGISTRATE. Yes, quite so. Quite so. Did he say he had signed it himself?

BROWN. He did, Your Worship. As he handed the form back to me I said to him, "Is this your signature?"—pointing to the signature as I made the comment—and he said, "It is."

MAGISTRATE. Well that seems to be of some help at any rate. (*Turning to the prisoner*). Well, Johnston, you hear what he says? Have you any questions to ask him?

JOHNSTON. Me—no. Me very ill. Me not understand.

MAGISTRATE. He says that you signed a form in which you stated you had no excisable goods to declare—

JOHNSTON. But me not understand. Me speak very poor English. Me not read at all.

MAGISTRATE. Very well. Have you any questions to ask him?

JOHNSTON. No.

MAGISTRATE. Very well. Since you are not represented by a solicitor I will look after your case for you. Is that all your evidence, Mr. Brown?

BROWN. Yes, Your Worship.

MAGISTRATE. Thank you very much. (*Brown stands down.*)

SOL. FOR PROS. William White. (*White enters the witness-box.*) Your full name is William White, and you are a Customs officer?

WHITE. That is so, Your Worship.

SOL. FOR PROS. I believe that on the date in question you went aboard the s.s. *Good Hope* in company with the last witness and that you were with him when he interviewed Johnston?

WHITE. I was.

SOL. FOR PROS. You have heard Brown's evidence? Do you confirm it?

WHITE. I do, Your Worship.

MAGISTRATE. Any questions to ask this witness, Johnston?

JOHNSTON. No, Sir.

MAGISTRATE. Very well, thank you. (*White stands down.*)

SOL. FOR PROS. John James Green. (*Green enters the witness-box.*) You are John James Green?

GREEN. I am, Your Worship.

SOL. FOR PROS. Are you employed as a Customs watcher at the north dock?

GREEN. Yes, Sir.

SOL. FOR PROS. And were you so engaged on the 8th instant?

GREEN. I was, Your Worship.

SOL. FOR PROS. Then will you please tell His Worship what transpired.

GREEN: Yes, Your Worship. At 6 p.m. on Saturday the 8th instant I was engaged as watcher at the northern dock. It was my duty to examine the packages and luggage of the members of the crew of the s.s. *Good Hope* as they disembarked. When Johnston passed me at the barrier (I was examining the men as they passed through a barrier, Your Worship) I noticed that he was carrying what appeared to be a bird-cage. The upper half of it was uncovered and I noticed it appeared to be similar to hundreds of such cages that are brought into this country annually from the Canary Isles.

MAGISTRATE. Why?

GREEN. Why what, Your Worship?

MAGISTRATE. Why are they brought into this country?

GREEN. Sailors frequently bring canaries and other fancy birds home, Your Worship, and generally in cages like this one (*holding up the cage*).

MAGISTRATE. Very well. Continue with your evidence.

GREEN. Well, Your Worship, when Johnston approached

me at the barrier he was carrying the bird-cage in his left hand and in his right hand he held this box of cigars—the seal of which had been broken as it now is, Your Worship. When he approached me I said to him, “What have you there—a canary?” He replied, “Yes,” and then in perfectly good English added, “I have a box of cigars here which I wish to declare.” As I examined the box of cigars which he handed to me, I said to him, “Have you anything else to declare?” He replied, “No, nothing whatsoever.” I said to him, “Very well, away you go,” or words to that effect, Your Worship. He then picked up the bird-cage—which he had placed on the ground whilst talking with me—and was walking away, when it occurred to me that the bird-cage appeared to be of a queer shape. As I stated to you earlier, Your Worship, the lower half of the cage was covered with a piece of silk, as though to protect the canary. Suspecting that the prisoner might be carrying something concealed under the bottom of the cage I called him back and asked him to uncover the cage. He said, “No, mister—please no. My little canary he die of cold,” and from that moment, Your Worship, I have only heard him speak very broken English. Seeing that I insisted upon having the cage uncovered, he said, “Me got a few cigars—they Christmas present for good English friend.” I was compelled to take the cage from him and when I unwrapped the silk, Your Worship, I discovered this box of fifty cigars carefully concealed underneath the cage. As soon as I took the cage from him he tried to run away, but I caught him and told him I should have to take him to a senior Customs officer to whom he would be obliged to explain everything.

SOL. FOR PROS. And I believe you did in fact take him then and there to the office of the chief Customs officer?

GREEN. I did, Your Worship.

MAGISTRATE. Have you any questions to ask the witness, Johnston?

JOHNSTON. Me not ask him anything.

MAGISTRATE. Don't you want to ask him anything about

the box of cigars which he said you had hidden underneath the bird-cage?

JOHNSTON. No.

MAGISTRATE. Very well. Thank you.

SOL. FOR PROS. Thank you, Mr. Green. Mr. Potts. (*Mr. Potts enters the witness-box.*) Are you James Potts?

POTTS. I am, Sir.

SOL. FOR PROS. Now, Mr. Potts, I want you to tell His Worship what transpired when Mr. Brown brought the prisoner to your office on the 8th instant.

POTTS. Well, Sir, Green and Brown brought the prisoner into my office and Brown narrated the circumstances as he has just narrated them to you. The prisoner was present the whole time and he kept saying, “They for good English friend—me give him Christmas box.”

MAGISTRATE (*to Solicitor for Prosecution*). A Christmas box he is hardly likely to receive now, Mr. Binks! (*Laughter.*) Yes, carry on, Mr. Potts.

POTTS. I then told him that I intended to call in the Police, and I did so. Five minutes later the detective-sergeant arrived and took charge of the case.

MAGISTRATE. Thank you. Any questions, Johnston?

JOHNSTON. No, Sir—me only give Christmas box to good English—

MAGISTRATE. Tell us that later on. (*Witness stands down.*)

SOL. FOR PROS. Detective-Sergeant Pink. (*Officer enters the witness-box.*) Are you Detective-Sergeant Pink?

PINK. I am, Sir.

SOL. FOR PROS. Then will you please give your evidence, Sergeant.

DET. PINK. Your Worship, at 6.10 p.m. on Saturday, the 8th instant, I was called to the Central Customs Shed at the North Dock. I there saw the prisoner, who was detained. In the presence of the prisoner all the previous witnesses related the facts of the case, as now detailed to Your Worship, and after hearing the witnesses, Brown, White, and Green,

I decided to charge the prisoner with the offence. I cautioned him and told him that I was going to charge him with attempting to bring fifty cigars into H.M. Kingdom, on which the duty had not been paid, and in reply he said, "Me take them to a good friend." I arrested him and conveyed him to the station, where I formally cautioned and charged him with the offence to which he replied, "Me guilty."

MAGISTRATE. Did he appear to understand the charge?

DET. PINK. Yes, Your Worship.

MAGISTRATE. How do you know? Did you ask him if the cigars were his?

DET. PINK. I did, Your Worship.

MAGISTRATE. And what did he say in reply?

DET. PINK. He said they were, Sir.

MAGISTRATE. What I want, officer, is the defendant's exact and proper reply to the question. I presume you asked him in words similar to these, "Are the cigars yours?" didn't you?

DET. PINK. Yes, Your Worship.

MAGISTRATE. And what was his reply?

DET. PINK. I'm afraid I can't tell you, Your Worship.

MAGISTRATE. What is that? You stand there, an experienced detective-officer, and first of all you tell me that the prisoner admitted that the cigars were his property, and yet now you say you don't know what he said. What do you mean, officer? What am I to think you mean? How can I administer justice if experienced Police officers are permitted to say the first thing that occurs to them? My duties are sufficiently trying—

DET. PINK. Your Worship—

MAGISTRATE. I don't want any excuses. What I want is that police officers shall be more exact in this important matter of giving evidence. The prisoner's liberty is at stake—I know I'm repeating myself, but there you are. I feel my position—

DET. PINK. Your Worship, if you will please let me explain. When I asked the prisoner if the cigars were his, he

nodded his head as much as to say, "Yes," and he also said "Yes", or something indicating "Yes". Just *exactly* what he said I can't pretend to remember, Your Worship, but he certainly intended that I should believe the cigars were his property.

MAGISTRATE. Well, if that is the case, I can't pursue the issue any further. (*Turning to the prisoner.*) The detective says you told him the cigars were yours. Did you tell him the cigars were yours?

JOHNSTON. Yes, Sir. The cigars were mine. I buy them. I buy them in New York. I bring them to England for good friend—for Christmas box.

MAGISTRATE. So I can take it for granted that you do not contest the ownership of the cigars, can I, Johnston?

JOHNSTON. Me no understand. The cigars they mine. I bought them in New York. I bring them to England—

MAGISTRATE. Very well, Johnston. Thank you very much, officer. (*Detective stands down.*)

SOL. FOR PROS. That is my case, Your Worship, but if Your Worship pleases and thinks it necessary I can call another detective-officer to corroborate what the last witness has already told Your Worship. I can also call the—

MAGISTRATE. Well, Mr. Binks, you are in charge of the prosecution. You are a very experienced lawyer—you know best what witnesses you should call to establish your case. And if you think your case will be relevantly strengthened by calling the other witnesses, pray do so by all means. You must conduct your case as you think best, Mr. Binks. Please don't ask me to instruct you on what is entirely a matter for you to decide.

SOL. FOR PROS. Very good, Your Worship. I will leave it at that.

MAGISTRATE. Leave it at what, Mr. Binks? Leave it at what?

SOL. FOR PROS. I was trying to convey to Your Worship that I will leave the case as it is. I will not call any more of

my witnesses, Your Worship, for it is my submission that I have proved my case. If Your Worship pleases, I will address you at a later stage in the proceedings.

MAGISTRATE. Presuming, of course, that I decide to take a certain course?

SOL. FOR PROS. Quite so, Your Worship. (*Sits down.*)

MAGISTRATE. Well, Johnston, that's the case you have to answer, and I think there *is* a case for you to answer. Are you going to go into the witness-box to give your evidence? You are not obliged to if you would rather not do so, but I think you had better do so.

JOHNSTON. Me not want to. Me get cigars—

MAGISTRATE. Yes, I know you said you took them, but I registered a "Not Guilty" plea, not being certain that you tried to take them ashore with intent to defraud the Customs. Of course, the offence is an offence whether you did it with intent or without intent, but in the matter of inflicting a penalty—if I decide to convict—it will be helpful to be certain one way or the other, whether you did this act with guilty knowledge. Will you give evidence in your own interest?

JOHNSTON. Yes.

MAGISTRATE. Very well, then, you go into the witness-box, will you. (*Johnston enters the witness-box.*) Now tell me in your own words just what happened on this day in question.

JOHNSTON. Me can't say no. Me took them off ship to give to good English friend as Christmas box. I not pay money on them—me have not no money. That's why.

MAGISTRATE. But the Customs officer says he told you that you could only take fifty cigars ashore without paying duty.

JOHNSTON. Yes.

MAGISTRATE. Is that a fact?

JOHNSTON. Yes. Me knew, but I—

MAGISTRATE. But you thought you would try to smuggle them ashore without paying duty. Is that it?

JOHNSTON. Yes, Sir, me tried—

MAGISTRATE. And you were caught. That is so, isn't it?

JOHNSTON. Yes, Sir. But me very sorry.

MAGISTRATE. Have you any witnesses?

JOHNSTON. Me sorry. Me very sorry.

MAGISTRATE. Quite. You are very sorry because you were caught out. What would happen if every seaman took it into his head to behave in this dishonest way? You knew the law—even if you didn't know the law before the date in question, I am satisfied that the witnesses, Brown and Green, did their best to make you cognizant of it when they interrogated you on the ship on the 8th instant. And yet, being well aware of the law as it stands (and I am satisfied that the prosecution have proved the case), you deliberately and *wilfully* tried to smuggle the cigars ashore. Furthermore, you stooped to most despicable deception by concealing them underneath the bird-cage. I feel it is my duty to convict, and I do so. Have you anything to say before I pass sentence. You haven't? Very well.

SOL. FOR PROS. May it please Your Worship, as I have said before, the authorities take a very grave view of this flagrant attempt to evade duties lawfully and rightly due to His Majesty. I hardly think it necessary to say anything further for Your Worship has taken the words out of my mouth, so to speak. I would just like to add that the law makes provision for a penalty to be imposed that shall be equal to three times the lawful duty, together with the confiscation of the goods. I am instructed to point out to Your Worship that the lawful duty payable on this box of cigars is twenty-one shillings and a penny. (*Sits down.*)

MAGISTRATE. Johnston, it is difficult for me to say what I think about your conduct in this case. To say the least I think it was despicable. His Majesty's Customs have to be paid. They must be paid. If they are not paid where will we all be? I will not say anything further about your deception in this case—I think I have been sufficiently outspoken. There will be a fine of three pounds three shillings

and threepence, which is the amount of treble the duty on the cigars in question. Also the cigars will be confiscated. In view of the very serious nature of the offence there will be no time allowed in which to pay the fine, which means that unless you can find the amount forthwith, you will go to prison for one month.

The Slough Murder

By JOHN VIBART

EARLY one evening in July, 1910, Mrs. Isabella Wilson, an elderly woman of 70, was found dead with her head battered in at her house in Slough. Although the crime and the tracking down of the criminal failed to arouse the same interest, perhaps, as is usual in such cases, probably on account of the fact that public excitement was at its height at about this time over the search for, and subsequent conviction of, Hawley Harvey Crippen, none the less as an unusually clever piece of detection, the "Slough Murder" deserves a foremost place in the police annals of this country.

Mrs. Wilson was a second-hand clothes dealer and lived alone in one of a small row of houses in the High Street of Slough. The front portion of the premises was used as a shop, where the old woman transacted all her business, and this led into a smaller room at the back, which she designated as her "parlour". It was in the parlour that the dead body was discovered. That she had fought hard for her life was apparent in the disordered state of the room and her torn and disarranged clothing.

The local authorities promptly called in the aid of Scotland Yard and Detective-Inspector Elias Bower, with Detective-Sergeant Burton as his assistant, was immediately put in charge of the case.

It may be recalled that it was Elias Bower who solved the famous Moat Farm mystery in 1899 when, after nearly four years of relentless searching, he struck the trail of Herbert Samuel Dougal and sent him to the gallows for the murder of Miss Camille Holland.

It was not very difficult for Bower to discover a motive for the murder of Mrs. Wilson. An empty purse was found in the folds of the woman's dress, while a cash-box in the room had also been broken open. Her watch, too, had been snapped off its chain and a gold ear-ring torn from her ear, both of which were missing. An unusual feature, and one that did much to bring about the murderer's arrest, was the condition of the victim's right hand, which was heavily stained with blood. Bower soon found an explanation for this. The hand itself was uninjured, which told Bower that the stains might have come from the assailant himself. This was proved almost immediately by the discovery of minute particles of skin embedded in the finger-nails of the right hand. Here was Bower's first important clue, which enabled him to construct the crime as follows: Mrs. Wilson had been a strong, vigorous woman for her age, and in her fight for life she had evidently clawed and scratched her assailant's face in such a manner as to leave a scar for many a long day to come. She had then been beaten down by a series of heavy blows about the head and, while unconscious, a scarf had been tied round her arms, a bit of string round her ankles, and a cushion fastened over her face. Suffocation was the primary cause of death.

After an examination of the room it seemed plain to Inspector Bower and Sergeant Burton what had occurred. At a first glance the case appeared a simple one—a brutal murder of an old woman for the sake of robbery. The house was situated in the High Street and Slough was on the main road for hundreds of tramps passing on their way to and from London. But difficulties soon began to appear. The body of Mrs. Wilson had been discovered by her sister-in-law on the evening of the day of the murder. The shop-door was ajar and the door leading from the shop to the parlour was partially closed. But, although the police had been at once informed, there was no trace of footmarks, and no weapon responsible for such terrible injuries was discovered. So well had the murderer covered his tracks that

Bower felt convinced he was dealing with one who not only was well acquainted with his victim's habits but who also knew his way about her house.

In reply to his questioning he learnt that Mrs. Wilson had no enemies, and her generosity and kindly actions were reported on all sides. Her distrust of banks, and the Post Office Savings Bank in particular, had often been the subject of good-humoured chaff among her more intimate friends, who had long been aware that, on this account, the old woman had kept her savings on the premises. Once again was Bower induced to believe that this was no chance crime by a passing tramp, but a deliberate and carefully planned murder by someone who was thoroughly familiar with the dead woman's movements and who, above all, was aware that money was to be found in the house.

It was during his search that Bower came across his second important find. This was a little piece of brown paper, folded in the shape of a small oblong bag, and used, possibly, for holding coins. Inspector Bower noted certain markings on the inside of the bag which he considered might prove of service later on. He therefore forwarded the scrap of paper to Dr. (now Sir William) Wilcox for microscopical examination.

After a few days Sir William's report was to hand. He had found in the interior of the bag certain markings which corresponded to the indentations or milled edges of numerous coins. The microscope, in fact, had clearly shown nineteen distinct milling marks, each the size of a sovereign, and less clearly, two smaller ones which might be the edges of ten-shilling pieces. Further, he had actually come across faint traces of gold embedded in the paper.

Encouraged by this remarkable evidence, Bower put it aside for the moment and concentrated his attention elsewhere.

With the assistance of Superintendent Pearman, of the Bucks Constabulary, the district round Slough was combed for a man with a scratched face, but without success. Tramps in all parts of the country were detained and questioned. All

of them gave a satisfactory account of their movements and were sent about their business. Bower, however, was in no way daunted by this, for he never believed that the murderer of Mrs. Wilson would be found among the tramping fraternity. He quietly continued his searching inquiries in the town itself, listening to stray bits of gossip which, though generally valueless, might give him a line to follow.

It should be realized that Bower was not unlike a man walking in the dark. The two clues he had picked up, though important in themselves, were of no great assistance to him at the moment. The murderer had left no trace behind him except for the grains of skin that had been found in the dead woman's finger-nails, and these did not necessarily prove that they came from the assailant's face or, indeed, had anything to do with the crime.

It was during a conversation with a shop-keeper who lived near the scene of the crime that the name of Broome was by chance mentioned. Mr. Broome had kept the shop next to that of Mrs. Wilson, but had left the district several months previous to the murder. He was a married man with a son of about 20, named William, who, it seemed, had served or was serving in the Army. This piece of gossip would not have had very much interest for Inspector Bower, had it not been for his informant's next words. William Broome had been seen in Slough on the day before the discovery of Mrs. Wilson's dead body. Since when he had disappeared.

Bower pondered upon this information. This man had been a neighbour of the dead woman. He had probably been inside her house more than once and, therefore, was quite familiar with her surroundings. Kindly and generous, as everyone had said, Mrs. Wilson might have given him money—even confided in the young soldier and told him where she stored her little horde of wealth. Mr. Broome and his family had left Slough some time ago. It was a coincidence, to say the least, that young Broome should have been seen in the town at the time of the murder. Bower decided that this information was worth investigation, though

at the time he was not inclined to place much importance on it. The detective, however, was not the man to let any opportunity slip through his fingers, and he began to concentrate on the movements of William Broome and soon discovered that he had been seen by four other people in Slough—a publican and his wife, a police officer, and a newsagent. To the last, Broome had apparently imparted the fact that he had now left the Army and was looking for work. Asked why he had not reported this conversation, the newsagent not unnaturally replied that he had no reason to do so; he had known William and his family all the time they had lived in Slough and he had thought no more of the matter.

Soon after this, having ascertained from a firm of furniture removers the present whereabouts of Mr. Broome, senior, Inspector Bower sought an interview with him, and found him a little reluctant to speak of his son. It seemed that Mr. Broome had not seen William for some time. He knew that he had joined the Army and gave the name of the regiment. Mr. Broome agreed that he had occupied the house next to Mrs. Wilson when he lived in Slough, but was unable to say whether his son was acquainted with her. Mr. Broome, himself, knew her quite well. William was very seldom at home. They had left Slough some two or three months before the murder. He was unaware that his son had left the Army.

Inspector Bower was not quite satisfied with this interview. While making every allowance for a parent's natural reluctance to talk, the detective's suspicions, none the less, had been roused. It was a little difficult to believe that Mr. Broome had been ignorant of the fact that William had left the Army, and still more, that he was out of a job and did not know his present whereabouts. Surely, Bower argued, it was obvious that under such circumstances the boy would return to his home for food and shelter, at least until he had found work again. It was rather strange, too, that the father was unable to say whether his son was on speaking terms with the old woman who lived next door to them in Slough.

On the other hand, if, as Mr. Broome had stated, he had not seen William for a long time, he would know little or nothing of his movements, and everything he had said would be in conformity with this fact.

Inspector Bower's next step was to seek the assistance of the military authorities who put him in touch with Broome's regiment. Bower was now not a little startled to learn that no person of the name of William Broome had enlisted in the regiment and nothing was known of such a man. Bower was puzzled. Was he on a wrong trail after all—or was false information leading him astray? He sought another interview with Mr. Broome and obtained from him the number of his son's company and the depot where the regiment was stationed. Armed with these he requested to see the list of names from the officer commanding the company. Slowly and carefully the detective perused the list and his attention was drawn to one name—William Brookes, of Slough. Bower asked for the address of this man's next-of-kin. It was a lucky shot, for it showed that "Brookes's" father had lived at Slough and in the next house to Mrs. Wilson. But why, wondered Bower, should the man enlist under another name, as apparently was the case? There was nothing really suspicious in this, to be sure, since it was often done. It might be that Mr. Broome was Brookes's step-father—that he had married a widow. Bower speedily ascertained, however, that this was not the case—Mrs. Broome had only been married once, and when he was further informed that "Brookes" had obtained leave of absence at about the time of the murder, suspicion almost amounted to certainty in the detective's mind.

Here was a man who had enlisted in the Army under an assumed name and had gone on leave a day or two before the murder, who had been seen in Slough by four independent witnesses—one of whom had spoken to him—and had never returned to his regiment. As a fugitive from justice this might very well explain the reason that Mr. Broome knew so little of his son's movements. Slowly but surely the

links in the chain of evidence were being forged. But mere suspicion is no proof of guilt, and Inspector Bower with Sergeant Burton had yet to lay their hands on William Broome and then to drive the guilt home.

It was one of the anomalies of this case that no adequate description of the wanted man, it seemed, was available. Certain information as to his appearance had been furnished by persons in Slough and the military authorities. But much of this, as is often the case, was contradictory and therefore unreliable. A portrait, picture, or sketch is usually to be found, but in this instance the police were working almost entirely in the dark, and it is to the credit of Inspector Bower and those associated with him that in the face of manifold difficulties they succeeded in finding their man, hunting him down, and eventually bringing him to justice.

With the scanty means at their disposal, therefore, the detectives circulated a description of William Broome, *alias* William Brookes, which appeared in every newspaper and outside every police station throughout the country, and waited with but small hope that this effort would meet with success. The chief clue, of course, were the terrible scars which Bower believed must mark the man's face for many weeks to come and nothing could conceal. He was right.

A few days later a message was received from the police at Harlesden to the effect that a man with a badly scarred face had been seen in the little town, accompanied by a young woman. Beyond the scars there was little reason to suspect him since his appearance did not entirely agree with the published description. He was being kept under observation pending further instructions.

Accompanied by Sergeant Burton, Inspector Bower hurried to Harlesden and there laid his plans. With the consent of the vicar, Burton, with a local officer, who had already observed the suspect, climbed to the top of the church tower where, armed with a pair of field-glasses, he could command a view of the roads that converged on the church. Bower, in the meanwhile, concealed himself below in the

churchyard and awaited the signal from the tower that the quarry had been sighted.

He had not long to wait. The signal was given and Bower strolled to the churchyard gate, while Burton and his companion hastily descended the tower and followed their chief.

Bower saw approaching him a well-dressed young man accompanied by a woman. The right side of his face was marked by two long parallel scratches, which powder vainly sought to conceal.

The detective accosted him and said that he was making inquiries into the Slough murder. The man admitted that his name was Broome but denied all knowledge of the crime. He declared that he, with his father and mother, had left Slough a long time ago, and that he had passed through the town only once since then. The couple attempted to move on, but the officers closed round them, and Bower went on with his questioning.

"How did you get those scars on your face?" asked Bower.

"In a fight outside a public-house," was the reply.

"Where?"

"In the Euston Road."

"What was the name of the house?"

"I can't remember."

"In a fight one usually receives a blow from a clenched fist. Those are scratches on your face, from finger-nails."

"I was fighting a woman."

"A woman!"

"She was fighting me."

"Why?"

"She said I owed her some money."

"Did you?"

"No."

"How long had you known this woman?"

"Never seen her before."

"And she said you owed her money. How do you explain it?"

"She was mistaking me for somebody else."

"You were both drinking in the bar?"

"Yes."

"Others were present?"

"Yes."

"Were you 'treating her'?"

"No."

"Talking to her?"

"No."

"And in the presence of others she came across and accused you of owing her money?"

"Yes."

"And so certain was she about it that she followed you outside and began fighting you?"

"Yes."

"A crowd collected during the fight, I suppose?"

"I dunno'. I was all out to hold her off."

"You managed to do that, then?"

"Yes."

"And she managed to give you those ugly scratches. How do you account for that?"

No answer.

"How did the fight end?"

"I said I'd give her the money."

"Which you never owed her?"

No answer.

"Well, what happened then?"

"We went off together to get it."

"Where did you go?"

"To my room."

"Where was that?"

No answer.

"When did all this take place?"

Broome mentioned the date—the day before the body of Mrs. Wilson was discovered.

"At what time?"

"About seven in the evening."

Inspector Bower's experience in dealing with suspects told him that the man's story was false from start to finish. As a matter of fact, detectives visited every public house in the Euston Road district, but nothing was known of a street fight between a man and a woman on a certain evening about a week ago.

Broome was detained on suspicion while further inquiries were made. In a pocket of his jacket an envelope addressed to a house in Regent's Park was found, and there Bower and Burton repaired. Meanwhile various persons identified the man, in the name of Broome, who had known him in Slough, while several of his Army messmates recognized him as one "Brookes" of their company.

The landlady of the lodging house where Broome had taken a room said that she had noticed the scars when he arrived, but she had kept silent about them. She knew nothing of a woman being brought to her house, she would have known of it if it had been correct. In the room Bower and Burton came across, in a drawer and wrapped in an envelope, the sum of nineteen sovereigns and two ten-shilling bits, which not only exactly filled the little oblong bag that had been found in the dead woman's room, but also fitted the impressions on the inside of the brown paper. A boot was discovered with stains on the instep which, on analysis, proved to be human blood. Faint blood-spots, too, were discernible on the "uppers" of the same boot.

Asked to explain these, Broome said that he was bleeding a lot after the fight, but since he was still unable to give the name of the public house, nor did a single witness of the incident in the bar or of the fight outside come forward in support of Broome's story, his statement was treated in the way it deserved. Finally, no less than two chemists were found—both of them in London—to whom Broome had applied for a lotion for his face. To each of these he had told a different story. He was arrested and charged with wilful murder.

At his trial he realized too late that the statement he had made to Inspector Bower had been proved to be false,

so he changed his tune. He said that on the day of the crime he was drunk and unaccountable for his actions. He spoke of a visit to Scotland Yard in the morning where he failed to pass the test as a taxi-cab driver; of a journey to Windsor to join the local yeomanry where, it seems, he had the bad luck to fail again; of a quarrel with a betting man, another journey to Slough, visits to several public houses, where he got drunk, and then home to his room. Although in this way he accounted for every hour of his day on which the murder was committed, it is not surprising that the jury remained unconvinced and did not take very long to arrive at their verdict.

Had Broome allowed his counsel to adopt a better line of defence, or had he told a more plausible story and adhered to it from the moment of his arrest to the end of the trial, it is possible that under the circumstances a jury might have hesitated to bring in a verdict of "Guilty".

As it was, in the words of a well-known detective, "he talked himself to the scaffold."

Infra-red Rays in Criminal Investigation

By C. HAROLD EDLIN, B.Sc.(LOND.), A.Inst.P.
Nottingham City Police Physicist

THE use, in the examination of materials encountered in criminal investigation, of "light" of shorter wave-length than that in the visible region of the spectrum, *e.g.* ultra-violet light, is of undenied importance, and has been referred to several times in THE POLICE JOURNAL.^{1 2 3} The still shorter wave-length X-rays may also have applications, either on account of their high penetrating power or of their ability to induce visible fluorescent effects in certain substances. Those radiations of longer wave-length than the visible red, *viz.* "infra-red" rays, have, chiefly as a result of considerable research by well-known photographic firms, been shown to exhibit properties which cannot be overlooked by the scientific criminal investigator. The properties referred to are the apparently anomalous reflection, transmission, and absorption of the rays by certain familiar substances and materials. Kögel⁴ deals briefly with the application of infra-red photography to criminology, but does not give any concrete examples. In the sequel the writer proposes to outline the technique of photography by these rays, and to give illustrative examples of applications in the police laboratory.

¹ C. T. Symons, "The Fluorescence Test," Vol. III, p. 235, 1930.

² F. W. Martin, "Ultra-violet Rays in Criminal Investigation," Vol. VII, p. 431,

1934.
³ Capt. Popkess, "Pursuit by Science," Vol. VIII, p. 199, 1935.

⁴ G. Kögel, "Die unsichtbaren Strahlen im Dienste der Kriminalistik," pp. 133-6.

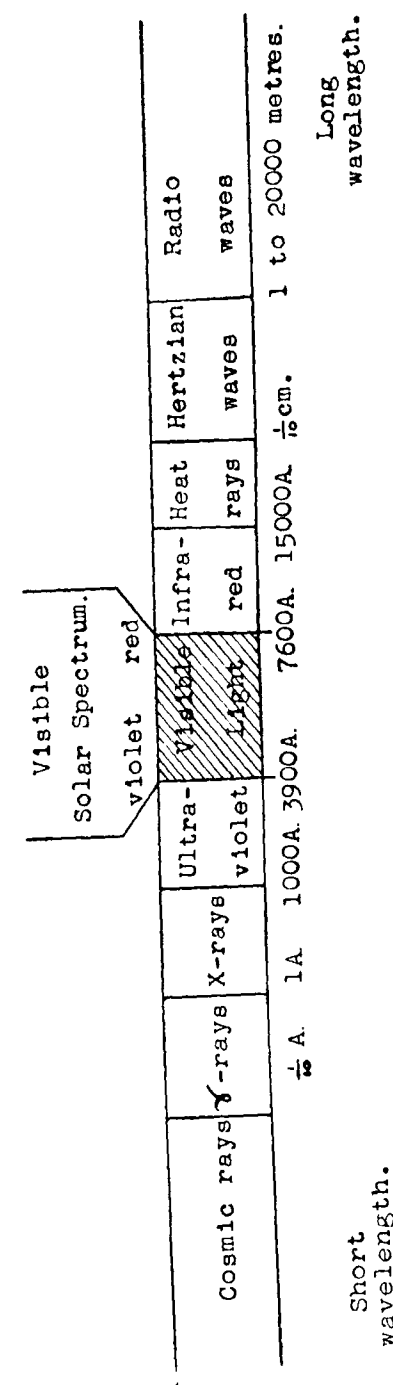


FIG. 1.—THE COMPLETE SPECTRUM OF ELECTRO-MAGNETIC WAVES.
Showing the relationship of the various invisible waves to the visible Solar Spectrum.

(This diagram is not to scale.)

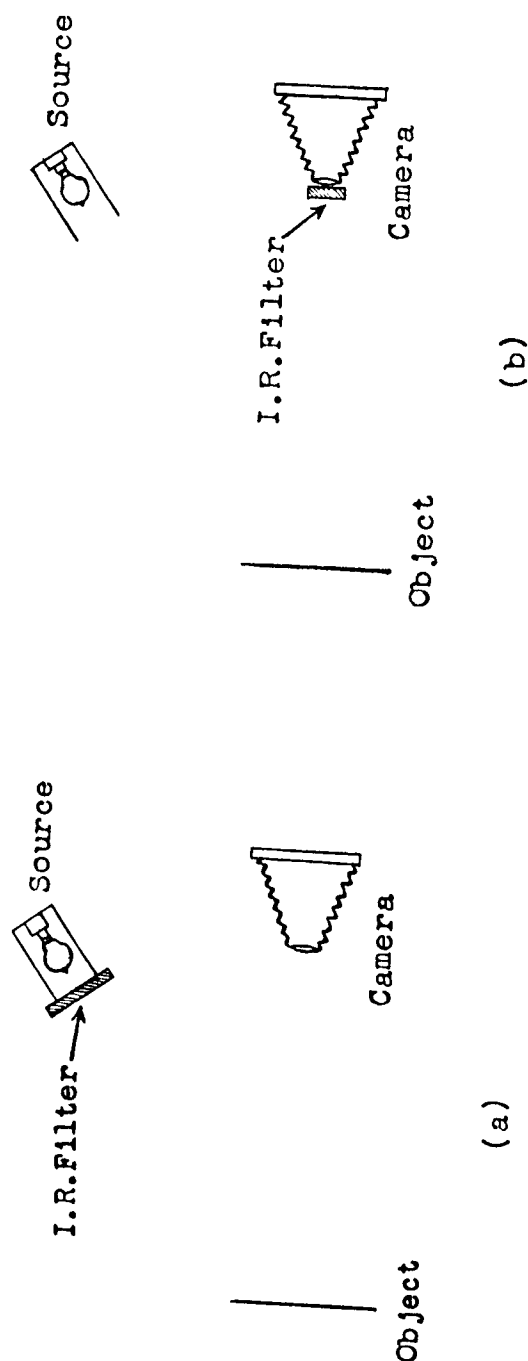


FIG. 2.—ALTERNATIVE POSITIONS FOR THE INFRA-RED FILTER.

Fundamental Principles

The complete spectrum of electro-magnetic radiations is shown in Fig. 1, where it will be seen that the wave-length of the longest visible red light rays is approximately 7,600 A. (Note.—1 A. = 1 Angström Unit = 10^{-8} cm.) The word "infra-red" usually connotes the rays in that region of the spectrum immediately beyond the red, and extending from 7,600 A. to approximately 15,000 A., though some writers take it to include the still longer wave-length heat rays which extend to more than 100,000 A. The region with which we are here concerned extends from 7,600 A. to 9,000 A., since it is in this region that it has recently been found possible to sensitize photographic plates by the introduction of certain complex organic dyes (usually one of the Cyanine group) into the silver sensitizing emulsion. The modern infra-red plate supplied by Ilfords has its maximum infra-red sensitivity at 8,100 A., and is still sensitive up to 9,000 A. in the long-wave direction, and to 7,000 A. in the short-wave direction; and it is important to note that it has the normal sensitivity of an ordinary fast plate in the blue, violet, and ultra-violet. This last fact makes it essential, when using the infra-red region, to filter out all the visible blue and violet. The special infra-red light filter supplied for use with the Ilford plate absorbs the unwanted rays and transmits from about 7,300 A. onwards; it thus transmits a portion of the extreme visible red in addition to the infra-red.

Sources of Infra-red Light

As regards sources of infra-red light, the most convenient appears to be the half-watt gas-filled electric lamp. With two such 100 watt lamps about one foot from the object, exposures are of the order of 15 seconds at aperture f 8. Daylight contains infra-red light which, however, varies considerably in intensity with variations in the amount of sunlight and the amount of moisture present in the atmosphere. Most high temperature sources of artificial light contain some infra-red light.

The Infra-red Filter

The mode of taking an infra-red photograph is, in the fundamental sense, to illuminate the object with infra-red light only, and by means of a lens to focus those infra-red rays which are reflected from the object on to an infra-red plate. Now, in the first place, it is not possible visually to focus these invisible rays on a ground-glass screen; and in the second place, any source of infra-red light which we may use will also contain visible light in abundance. Thus, we must first carry out the focussing in the ordinary way with visible light, and then expose the infra-red plate with an infra-red filter interposed either (a) between the illuminating source and the object, so that no visible rays shall fall on the object, or (b) between the illuminated object and the infra-red plate, so that the visible rays reflected by the object shall not reach the plate. These two possible arrangements are shown in Fig. 2. If it is desired to take photographs "in the dark" then the arrangement (a) would be used; but the arrangement (b) is far more convenient for our purpose since a much smaller filter is required (about 1 inch diameter), and moreover there is no trouble arising through its proximity to the very hot source. The filter may be slipped into a holder which clips on the camera lens, in just the same way as a colour filter is supported.

The Camera

Any ordinary camera is suitable, though care must be taken to see that the leather of any bellows is in good condition. An all-metal camera is the most reliable, as thin strips of certain woods (*e.g.* mahogany) are to a certain extent transparent to infra-red rays: great care must be taken when using wooden dark slides, as they always involve the possibility of fogging. It may be useful to know that the black paper in which photographic plates are packed is opaque to infra-red rays.

Focussing

As regards focussing the image, it is important to note that the latter (for a lens which is not specially corrected for use with infra-red light) is slightly *further away from the lens* than it is for white light. Thus, if the image is focussed with white light, the plate should be racked a short distance away from the lens before the exposure is made. The writer finds that for the type of work encountered in the police laboratory, such as the photography of documents, the following procedure gives photographs of excellent definition. When racking the plate end of the camera and observing the ground-glass screen, a certain amount of latitude is usually found in the final setting for sharp focus; the plate is then left in that position which is furthest from the lens but which still gives sharp focus. Another approximating method is to place an ordinary red filter before the lens while focussing. A more accurate method is to fix a dial and pointer to the focussing screw, and to calibrate this by taking a number of infra-red photographs at various settings, and determining the corrections to be applied at each setting; such a procedure is essential for accurate photomicrographic work with infra-red plates.

Exposure

The manufacturers state that the Ilford infra-red plate, used in conjunction with their infra-red filter, has a speed of approximately 20 H. & D. to daylight, and of about 200 H. & D. to half-watt light. It is difficult to make any direct statement as to the time of exposure, since this will vary with the nature of the object being photographed, the lens, the source of illumination, the distance of the latter from the object, and many other considerations. The following two examples, however, will probably serve to give a useful indication.

For bright summer sunshine the exposure at aperture f. 8 for an average landscape is of the order of half a second. For photographing a document illuminated by two 100-watt

opal gas-filled electric lamps, each about one foot from the document, and with the camera lens set to aperture f. 16 and situated about one foot from the document, very satisfactory negatives are obtained with an exposure of 30 seconds. The conditions and exposure last mentioned were those obtaining in the case of all the infra-red photographs illustrating this paper.

Processing the Plate

Nothing need be said regarding development, fixing, reduction, and intensification, as the whole of the processing is carried out in exactly the same way as with ordinary plates or films; an acid fixing bath is recommended. The plates must not be opened in any light but that of the special infra-red safelight. This can be obtained in the form of a colour film (usually a combination of yellow and blue) mounted between sheets of glass; 10 inches by 8 inches is a very convenient size. If this is mounted on the open side of a light-tight box containing a 40-watt electric lamp, it gives a surprising amount of light of a pleasant pale green colour.

To summarize :—

- (a) The dark-slide is loaded with an infra-red plate in the dark room with only the special safelight switched on.
 - (b) The object is suitably illuminated with half-watt electric lamps.
 - (c) The camera is focussed in the ordinary way, a small correction being subsequently applied as experience directs.
 - (d) The infra-red filter is fixed over the front of the lens and the exposure made.
 - (e) The plate is developed in the light of the special safelight, white light not being switched on until the plate has been in the fixing bath for at least one or two minutes.
- For further technical details I would refer the reader to a paper read by Mr. Olaf Bloch before the Royal Society

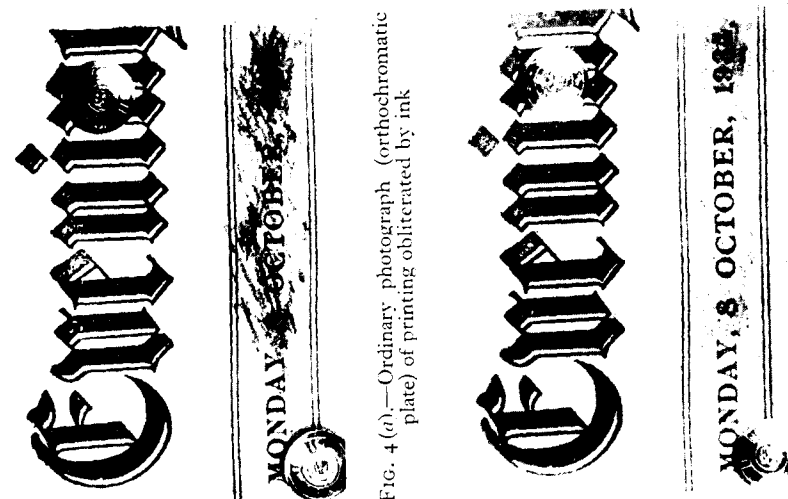


FIG. 4 (a).—Ordinary photograph (orthochromatic plate) of printing obliterated by ink

FIG. 4 (b).—Infra-red photograph of above



FIG. 3 (a).—Ordinary photograph (orthochromatic plate) of pencil writing obliterated with ink

This is written with an
ordinary lead pencil and
afterwards obliterated with
blue-black writing ink.

FIG. 3 (b).—Infra-red photograph of above

A number of samples of various *black* fabrics were gummed on to a piece of cardboard. These appeared uniformly black both to the eye and when photographed on an ortho-chromatic plate. An infra-red photograph of them is shown in Fig. 6, in which it will be seen that they range in shade from black to pure white; in the white one the texture of the fabric is clearly visible on the original plate. On one or two of the specimens a small dark patch can be seen; this is due to the presence of gum (seccotine used in sticking the samples to the cardboard) which had soaked into the material. Such an illustration shows how infra-red photography might prove of great assistance in differentiating between specimens such as black fibres, even though a very small quantity be available.

The presence of abnormal conditions of the skin, such as varicose veins, ulcers, and areas affected by certain diseases, is often revealed by infra-red photography when otherwise unsuspected. The writer suggests that this might be of assistance in problems of identification.

The property of infra-red rays, due to their long wavelength, of undergoing less scattering in the atmosphere than rays of white light, has made it possible to take photographs of exceedingly good definition in mists, and over huge distances, even of several hundred miles; objects invisible to the naked eye, and even through a powerful telescope, can thus be recorded.

These few illustrations are probably sufficient to show that infra-red photography is another powerful weapon with which science can arm the criminal investigator.

An article for a "popular" Service publication like THE POLICE JOURNAL, should not be too technical, and it is therefore the intention of the writer to publish a small booklet of a more technical nature on the results of his research into infra-red photography generally.

Psychology and the Detection of Lying

By BERESFORD KINGSFORD, M.D.

ON reading the psalmist's confession, "I said in my haste all men are liars," a great detective is said to have remarked: "I think I might have said that at leisure!"

But would such a sweeping generalization have been justifiable? Distinguished anthropologists have a rather different tale to tell. If we go back to the earliest folk-lore and literature of many peoples, says Elliott Smith, "we find the story of a golden age embodied in their traditions, when sin had not yet entered into the world. Hundreds of witnesses have collected evidence which reveals 'Natural Man' as a naked, harmless, truthful child, good-natured, honest, and considerate."

Sundry small tribes in the hills of India are noted for their veracity; thus Sherwill writes: "The truth is by a Southal held sacred"; and Forsyth says of other tribes in India: "The aborigine is the most truthful of beings." Similarly, the Wood Veddahs of Ceylon are described as "proverbially truthful and honest". The same is said of tribes in North-West Siberia, of Hottentots, and of tribes in North-West America, and of Patagonians.

Some of these tribes are peaceful, others are fond of fighting: what have they in common besides a well-deserved reputation for veracity? The answer is that none of them are subject to coercive rule. Livingstone wrote of mendacity as being much more annoying among the slaves than among the free population of East Africa; untruthfulness, he added, "is a sort of refuge for the weak and oppressed." And this

is the key to most of the lying so much in vogue among civilized people as a means of escape from an embarrassing or dangerous situation.

By way of excuse for the greater prevalence of lying among the more cultured peoples it has been urged that savages are not sufficiently educated to be able to invent lies. True it is that idiots of low grade cannot invent lies—they are indeed the most truthful of all mankind. But children tell plenty of lies; and even dogs act them. Thus, a big dog slips his collar, goes out for a sheep, returns, thrusts his head through his collar, and lies down again as though nothing had happened. A small dog runs off with a turkey from the kitchen table, hides it, returns, and pretends to be asleep.

Men also act lies. A family man insured his life for a large sum; a double amount to be paid to his widow in event of his death being caused by accident. Soon after, he became bankrupt, proceeded to set his car on fire, and took a big dose of cyanide just before throwing himself on to the burning car. Unfortunately for the widow, the fraud was detected by *post-mortem* examination made at the instance of the insurance company.

A certain number of children's lies are told from fear. On the bank of a forbidden pond a policeman finds a small boy with a dripping dog. In answer to the officer's stern remark about breaking park regulations, the youngster blurts out, "Please, sir, it's his perspiration."

Some children, so far from being really prone to lying, suffer from *pseudophobia*, and so can never answer "yes" or "no" decisively, but appear to be always shuffling. Others lie, out and out, simply for amusement of self or/and others. Notable among these was Saint Augustine, who confessed of his own childhood, "I cheated with innumerable lies my teachers and parents from a love of play and for the purpose of being amused. Occasionally this habit persists in adult life, among brilliant talkers and writers as in the case of Oscar Wilde who wrote, "the aim of the liar is to charm, delight,

give pleasure—the basis of civilized society" . . . "only lying for its own sake is beyond reproach."

Here we may detect something of vain-glory, and children often lie from a similar motive: longing for the attention of their fellows (and elders) they invent wonderful stories of their own great deeds. More commonly children lie from a mere confusion of fancy with fact; from excessively vivid imagination before the development of self-criticism. But these lies sometimes prove very inconvenient to their elders. Such children, living in a world of pretence of their own making, are prone to be dull in their school-work, and, if not corrected in early adolescence, sometimes fail, in after life, to face up to the facts of this all too real world. Day-dreaming too long indulged may prove utterly disastrous in the long run for "dreams give wings to fools". Living in a world of wishes rather than of facts we have many of the rather ignoble army of hysterical egoistic liars—always misunderstood—who try by invention of self-greatness in the realms of fancy to compensate for their sense of inferiority, or incompatibility, in the land of facts.

But they deceive themselves and, by their plausible statements, too often the more credulous of their friends; for, as Huxley said long ago, "there is no alleviation for the sufferings of mankind except veracity of thought and action, and the resolute facing of the world as it is, when the garment of make-believe . . . is stripped off."

As Mr. Harold Dearden has pointed out, this self-deception is apt to lead to domination by a "fixed idea" of unfair treatment; a conviction that society owes the sufferer a lot of betterment, and a determination to get that betterment at the cost of others, even of their lives in some cases like those of Dr. Crippen and Mrs. Thompson.

Occasionally children lie from the rather nobler motive of shielding a comrade from punishment, but even this is not really commendable as it tends to belittle the importance of always telling the truth.

It is a moot point as to how far women's lies exceed or

differ from those of men. No doubt Byron was unfair when he said, "Believe a woman or an epitaph or any other thing that's false."

Women's testimony is perhaps on the whole about as reliable as that of men. It must never be forgotten that from her youth up woman has been taught to suppress a good deal of the truth, and to use roundabout descriptions of her personal hygiene—which she can hardly discuss quite frankly except in her doctor's consulting room, and not always there. This habit, coupled with a more or less oppressive environment especially in Victorian days, may have accounted for some of the alleged differences between male and female testimony.

As times have changed in respect of both those drawbacks, our successors may be interested to see what influence their emancipation has had on women's testimony. But women's, and occasionally men's, intuitions often score. There is a gynæcologist of London whose diagnoses are marvellously correct, almost infallible, but his students say he can't always explain how he arrives at them! Confusion between fact and inference is common to both sexes, and does not necessarily imply purposive deception, *i.e.* lying.

On a pitch dark night an Irishman received a violent blow in the eye and "saw sparks". In court he presently swore that he recognized his assailant by the light of those sparks.

There has seldom been any lack of political lies. Queen Elizabeth has been called "the greatest liar of a lying age", but this only implies that she "could beat the subtlest diplomat at his own game of deception, perhaps because she was a woman" (Neame). Swift declared that abundance of political lying was a sure sign of true English liberty. Thus Swift in time of war; a time when deception attains its apotheosis and falsehood serves the people's turn better than the truth!

A false confession of crime is usually a contemptible attempt to obtain notoriety; but *may* be made to right a wrong, as in the case of Field who gave himself up to the police for the murder of Nora Upchurch in an empty Soho

shop. His life had become unendurable owing to the suspicion of all his neighbours who boycotted him very severely. At the Old Bailey he repudiated his confession, saying that he could only prove his innocence by standing his trial. As the police had failed to find any corroboration, Mr. Justice Swift directed an acquittal. Many people seem to think a man more capable of crime than of falsehood. A well-known surgeon once remarked that he never knew whether to be the more indignant or amused when parents said to him: "Now, Mr. Blank, if this were your own child would you advise an operation?"

Many lies arise from the dual nature of civilized man; most of us have something of both Jekyll and Hyde in our 'make up'. "There are persons," wrote William James, "whose existence is little more than a series of zigzags, as now one tendency and now another gets the upper hand; now the self-regarding instincts, then the herd-regarding instincts reigning by turns." Even St. Paul wrote, "What I would that do I not, but what I hate that do I." We are but dimly, if at all, aware of the instinctual drive underlying some of our actions—like those due to hypnotic suggestion; and for both we have to invent explanations to rationalize them, as the current phrase goes. Such invention on the part of a prisoner who really doesn't know quite why he did this or that seems to land him in lying, as better and better explanations possibly dawn on him under pressure of cross-examination.

The importance of telling the truth has been recognized, by the few, from the earliest ages of which we have any written record, and these go back for 5,500 years. According to Egyptian belief there was no hope of a happy hereafter for those who were not declared to be True of Word by the recording Angel.

In the great code of Hammurabi (about 2000 B.C.) we find: "If in a lawsuit a man gives false evidence, and the word he has spoken is not justified then, if that case involve a life, that man shall be slain."

The lie being the criminal's chief means of defence, its detection has engaged the attention of men for ages past. Among the means used were trial by combat, casting lots, ordeal, and torture. In modified form ordeal and torture still survive, in parts of U.S.A., under the euphemism of methods of the third degree, or the art of getting on someone else's nerves. Now American procedure in criminal inquiry seems to attach enormous importance to obtaining confessions from "suspects". There seem to be two main reasons for this: juries are too often bribed, intimidated, or both; all police officials are appointed at recurrent intervals by popular vote whereby their independence is seriously impaired. This is the more regrettable, in view of Dr. House's dictum: "In America the lie wins nine legal battles out of ten."

To remedy these disadvantages two new methods of examining suspects have been tried in U.S.A. during some ten to fifteen years. The first method is that of Dr. House, who holds that without some type of third degree officers would be helpless to protect society. His method consists mainly in stupefying the examinee with a powerful hypnotic such as scopolamine, sometimes called truth-serum. As the examinee begins to come round from the enforced sleep Dr. House plies him with questions, "to extract from the subconscious mind its stored content called memory." Dr. House holds that hearing returns *before* full understanding and consequent caution are regained; hence the hope of more or less mechanical or reflex, but truthful, answers.

Wrong answers may be due to questions put in unintelligible form; or to their not being put at quite the right stage of recovery. Such answers are not (as yet) to be produced in Court, but used as a lead or clue to further inquiry. This method is mainly based on Schilder's theory that "every situation provokes an answer of the body" and "human beings lie with their consciousness but are truthful with their unconscious" (mind) and "when they do not confess with their mouths then they confess with their body."

In other words the language of gestures is sometimes more truthful than the spoken word; a truth well known to every skilled detective!

Another method of examination is that by the "Lie Detector". In this method, while the suspect is undergoing oral examination by the police officer a record is made of his blood pressure, and pulse and respiration rates, in ways familiar to physiologists. The apparatus used enjoys the jaw-breaking name of cardio-pneumo-psychograph. Many varieties of the apparatus have been tried with a certain amount of success. The method is based on the general principles that the suspect, if guilty, will be afraid of giving himself away and that his fear will be betrayed by rise of blood pressure and increase of pulse and respiration rates.

These assumptions are open to the obvious criticism that a hardened criminal or inveterate liar will be less likely to be nervous than a law-abiding citizen in a compromising predicament for the first time in his life. Nevertheless, it seems quite possible that researches along these lines may afford valuable leads for further investigation; or exonerate the innocent!

Tree Branches and a Knife-blade

By EDWARD A. DIECKMANN

Homicide Detail, San Diego Police, California

THE little town of Roy is situated in the heart of the timber country, twenty miles from the city of Tacoma, in the State of Washington. The town is a peaceful one, the inhabitants being engaged in farming or in the lumber trade.

Crime, in its major aspects, is almost unknown in that peaceful community. A few minor cases of petty theft and suchlike did occur in rare instances, but in a neighbourhood where everyone knew everybody else even such cases were rare.

Such policing as was necessary was done by sheriff's deputies from the county seat, which is located in the big city of Tacoma. Needless to say, visits from this law enforcement agency were seldom made.

Such was the state of affairs in December, 1928, when an event took place which put the town of Roy in the headlines of every big newspaper in the United States, as well as in the various publications devoted to police science throughout the country.

Gaily tripping along, swinging her school books, pretty little Betty Hendricks traversed the narrow path through a patch of woods on her way home from school.

It was 6th December, 1928, and the little girl's thoughts were on a Christmas present she was preparing for her mother. Betty was 12, a bright, happy child, and her thoughts were on the Christmas gift and how happy her mother would be to receive it, when suddenly she was seized from behind, and an evil-smelling cloth jammed against her face, preventing any outcry.

Betty struggled, but it was of no avail.

The human brute carried her to a secluded spot some distance from the path, where he assaulted her in a manner which beggars description, striking her several times with his rough fist during the attack.

Then, his animal appetite sated, the man released her and tore the cloth from her battered face.

An hour later the child staggered into the doorway of her home, and fainted in the arms of her distracted mother.

* * * * *

Such terrible sexual crimes as this arouse any community to heights of hysterical frenzy. The town of Roy was no exception to the general rule.

The town constable kept his head, however, and did not allow himself to be overcome by the general feeling that prevailed. He posted cool-headed men to guard the spot closely where Betty's school books were found, and sent for Sheriff Thomas Desmond at Tacoma.

When this official arrived at the Hendricks' home, he found little Betty suffering great pain from the brutal assault, but able to give him meagre bits of information regarding the assault.

The kindly officer elicited the following facts from the child.

Betty had not seen the man's face. He wore a mask of white cloth during the attack, but she could describe his clothing, and said that she would remember his voice because he had talked to her, saying that he would strangle her if she made any outcry.

The man was tall, she said, and was dressed in overalls tucked into high-top laced boots. He wore a dark coat and cap. This description did not assist a great deal, however, because such clothing was typical of that worn by 90 per cent of the male population of the little lumbering community.

With this meagre information to go ahead with, Sheriff Desmond threw his deputies into the search for the degenerate.

As the investigation continued, other bits of information were brought to light.

From other children attending the little country school Desmond learned that a man, answering somewhat to the description furnished by Betty, had been observed loitering in the woods near the school for three days previous to the assault.

From a farmer who had been engaged in ploughing his field near the clump of woods where the attack took place the Sheriff learned that on that very afternoon at about five minutes past four o'clock, a man had entered the patch of trees and remained therein for about a half-hour, after which he had emerged and walked north toward the rail-road tracks.

The assault on the child had been committed at about half-past four o'clock, and the man observed by the farmer answered the description given by the girl.

When asked if he could identify the man he saw the farmer answered that he could not, but that he was sure that he was a stranger.

The Sheriff had lost no time in arriving at Roy, so within two hours following Betty's return home he had thrown a cordon of deputies and citizens about the town, closing every exit.

He then began a house-to-house search.

In the town's single hotel the searchers came across a man, a stranger in the place, who answered the description of the suspect.

This man gave his name as Franklyn G. Clark and informed the officers that he often took walks in the woods of an afternoon, that he was staying in the little town for his health. He denied meeting the girl, but admitted that he often watched the school children at play.

Under close questioning he stated that he had been in the woods that afternoon, but stated that he saw no one there, either man or girl.

Sheriff Desmond took the man into custody, and directed

that a careful examination be made of his clothing for any evidence which might connect him with the crime.

The result was negative.

His room in the hotel appeared to hold nothing of interest. But one thing stood out from the otherwise drab appearance of the room.

On the chiffonier were lying two freshly-cut cedar boughs. These had been cut that very afternoon, Clark declared, for Christmas decorations to place in his window.

The cedar boughs, together with the man's other personal effects, were gathered up and taken to the county jail, where they were placed with the articles taken from the pockets of the prisoner. Among these articles was a three-bladed pocket-knife.

* * * * *

Only a slight search had been made at the scene of the attack upon the day which it occurred, so on the following morning little Betty, still shaken by her terrible experience but brave by reason of her heritage of pioneer ancestors, directed Sheriff Desmond and other officers to the spot.

Her school books had been found, thrown clear of the path, and there was evidence that a struggle had taken place.

While Desmond was questioning Betty, his deputies were engaged in a thorough search of the surrounding bush.

"Look here, Sheriff," one of them suddenly called, "someone has constructed a regular 'blind' here."

An examination proved that such indeed was the case.

Fir branches had been cut from near-by trees and stuck into the soft soil along the edge of the footpath, making an ambush such as is built by duck hunters, behind which a man could lay hidden from the view of anyone coming along the path from the direction of the school-house.

The stub of a brown-paper, hand-made cigarette was found behind the "blind". This, and the fact that a bag of cigarette tobacco together with a package of brown papers had been found in the clothing of the man under arrest, was called to the attention of the Sheriff.

But that practical officer shook his head.

"That has very little significance," he said, "we'll have to do better than that. This 'blind' is curious, though."

He turned to the silent girl.

"Are you sure this is the place?" he inquired.

"Yes, sir," the child sobbed.

"Gather these fir boughs up, boys," the Sheriff directed, as he jerked one of them from the ground and examined it.

The tiny branches had been but recently cut, the officer discovered. His eyes held a far-away look as he walked toward his car.

* * * * *

It was a dramatic moment when Betty faced a small group of men in the hallway of the county jail later that day. Among them stood Franklyn G. Clark.

She failed to identify her attacker visually, but after each of the men had repeated certain words by direction of the Sheriff, she hesitantly stated that one of the men used a tone similar to that of her assailant.

That man was Clark.

"His voice sounds the same," she said.

The Sheriff shook his head in despair.

It looked like a blank wall to him when he called a conference of other officials, among whom was a representative from the office of the District Attorney.

"We have a hard case on our hands," Desmond began.

"While I have no doubt but that Clark is our man, that is not evidence. Too bad the child did not obtain a look at his face."

The District Attorney's office official was pacing the office with short nervous strides.

"Whoever did this thing was clever. Just think of how he must have planned it, building a 'blind' just as a hunter does, and laying there like a snake until that baby came along, then leaping out at her . . ." he broke off in the middle of the sentence and turned to the Sheriff.

"Bring that fellow in here, Desmond, and let me have

that knife and those cedar boughs you found in his room. I have an idea."

* * * * *

The prisoner appeared nonchalant enough when brought before the officers.

The prosecutor began to question him.

"When did you cut these cedar boughs?" he probed, pointing to the fragrant sprays upon the desk.

"Yesterday afternoon," Clark replied.

"Did you use this knife?" the interrogator held out the pocket-knife to which the prisoner had admitted ownership.

The man said he had.

"Do you, or did you, ever own another knife?" was the next question.

"No," the man replied, "that's the only knife I've owned in years. I bought it in Tacoma about three years ago." He hesitated.

"What has that to do with this case?" he continued.

"Probably nothing. Perhaps a great deal," the Deputy District Attorney rose from his chair and turned to the Sheriff.

"Lock him up again, Tom," he said, "and then come up to my office. I think I have a solution to this affair."

* * * * *

The following morning Sheriff Thomas Desmond left Tacoma, bound for the city of Seattle, Washington.

He carried with him the following articles:—

(1) The fir boughs used to construct the "blind".

(2) The two cedar boughs found in the room occupied by Clark, admittedly cut by the man with the knife he had owned for three years.

(3) The three-blade knife with which the cedar boughs had been cut.

All these articles were delivered to Mr. Luke S. May, President of the Institute of Scientific Criminology, for examination.

The result of this examination caused the District

Attorney to charge Clark with the brutal attack upon Betty Hendricks.

To this charge the man entered a plea of "Not guilty".

* * * * *

A few weeks later the case came up for trial in a court room crowded to capacity with friends and relatives of the child victim, augmented by the usual morbid individuals who throng to hear such cases.

The case proceeded in the usual manner, the evidence of Betty, the medical evidence, and the testimony of the various witnesses who saw a man loitering in the woods on the day of the attack. The Sheriff described the arrest, the search of the room, and the discovery of the cedar boughs. He identified the knife, and told about the "blind" and how it was constructed.

Then the District Attorney called Mr. Luke S. May to the witness-box.

The defence attorney was alive to the danger to his client, and leapt to his feet.

"What is the purpose of this witness, if Your Honour pleases?" he demanded.

There followed a brief discussion, which ended when the District Attorney began his direct examination of Mr. May.

The witness explained how the knife, the cedar and fir boughs came into his possession.

"How long have you been engaged in the practice of scientific criminal investigation?" he was asked.

"For eighteen years," he replied.

"Have you made a special study of the identification of knives, tools, and other cutting instruments during that time?" The District Attorney rose from his chair, and walked to a table near the witness-box.

"I have," replied the witness.

"And is the identification of such instruments possible?" The interrogator held up the three-bladed pocket-knife.

"Yes, under favourable circumstances," was the reply.

"Did you make an examination of these articles?" The witness was handed the knife, the cedar boughs, and the fir branches.

"I did," he answered.

"Will you explain to the Court, and jury, just what you did in making this examination and its result?" The District Attorney seated himself, and leaned back in his chair.

In brief, Mr. May's explanation was as follows:—

The knife had been examined. On the large blade was found pitch, such as comes only from fir trees. Under the powerful microscope the blade showed the usual irregular cutting edge of a knife-blade which has been used and often sharpened. None of the other blades showed signs of pitch.

In his extensive research work Mr. May has designed an instrument which resembles the human arm, including the shoulder, elbow, and wrist joints. This instrument has variable adjustments simulating the shoulder and elbow movements. The section holding the knife has adjustments which may be controlled to simulate the degree of circumduction and other movements of the wrist in the act of making a given cut.

With such a device it is possible to duplicate the same cut, using the same portion of the knife-blade each time, the blade entering and passing through the wood at the same angle with relation to the plane surface of the portion cut.

Mr. May explained how, using this device, he made a number of cuts in fir boughs of the same size and taken from the same trees from which the boughs had been cut to construct the "blind" at the scene of the crime. He explained how, by means of his comparison microscope, he had determined at what angle the knife had been held.

A perfect match resulted when the boughs used in the "blind" and those upon which the test cuts had been made were examined.

Then he produced composite micro-photographs made of the cut sections of the fir boughs used to construct the "blind", the cut section of the cedar boughs found in the

prisoner's room, and the cut sections of the boughs used to make the test cuts.

The individualistic marks made by the nicks on the large blade of Clark's knife were found to coincide exactly throughout the micro-photograph.

All three pieces had been cut by the prisoner's knife !
Clark was convicted, but appealed.

The Supreme Court of the State of Washington upheld the conviction, and legally advanced science in its battle against crime. Summing up, the Supreme Court stated :
" The micro-photographs of the cuts on the boughs which the appellant admits cutting with the knife taken from him, and of the surface of the cuts on the branches taken from the scene of the crime, conclusively establish, we are convinced, as doubtless the jury were, that the cuts were made by the same blade ; that the knife cuts on the fir boughs found in the ' blind ' and the knife cuts on the other branches were made by the same blade the expert witness testified was demonstrable. Testimony of the expert coupled with the photomicrographs of the fir and cedar boughs should be admitted. A question of fact was presented for determination by the jury. The one who cut the fir branches and made the ' blind ' doubtless committed the criminal assault."

Franklyn G. Clark was sentenced to serve fifty years in the Washington State Prison.

Faces and Characteristics

By GEORGE STIRRAT

Sergeant-Instructor, Glasgow City Police

THE policeman must sharpen his senses to seek out criminal characteristics in those he meets. Apart from his knowledge of registered criminals and their associates, *modus operandi*, and places of ill-repute, he should study all faces and mannerisms. He should, in addition, for example, associate a gait with a drug addict or a scar with a certain type of weapon. He should observe as much as he can about any person, thing, or happening of which he has had no experience or information.

It is not my intention to prescribe rules for rounding up criminals, but merely to make known some of the points which have struck me, and further, to state what authority has said upon the subject.

I am no reputed physiognomist, but the study of faces, gesticulations, characteristics, and clothes has always been a matter of interest to me.

Might I remind those who have lived or served in India of the introductory remarks of the Indian fortune-teller ?
" Ah, Sahib ! You have a kind face. Master, you have a number one nose."

This numerical reference conveys nothing to me, but probably no feature is so indicative of character as the nose. One frequently finds a perky person with a sharp sparrow-like nose indicating extreme pertness.

It is very noticeable that people connected with certain professions or businesses acquire a certain look. Thus, the aquiline clerical face is a type by itself, and at the other end of the scale, quite apart from his clothes or demeanour, one

can always spot a butler or confidential servant—though we all know a lord who looks very like a “gentleman’s gentleman”. We all know, too, the firm jaws and strong chin of determination. One can usually distinguish a groom, some of whom get quite the look of a horse.

Sluggish-minded people often give their characters away by their slipshod bodies and sheep-like faces. Small pupils are indicative of a sluggish nature.

Taken as a whole, there is a good deal to be said in favour of physiognomy, and especially of certain looks in the eyes as an indication of character. We all know bright eyes, sad eyes, wicked eyes, and glad eyes, for of all the organs which express the state of the mind, none is a better index than the eye. It reflects the state of the nervous system, and, therefore, of the ductless glands, which in turn exercise control over the hair, eyes, teeth, colour, skin, intellect, temper, and even instinct.

Types

It was, I believe, Doctor Freeman who studied over a thousand cases which came his way, and divided them into four groups:—

The Schizoid.—The pure Schizoid is physically pale and sharp-featured. He is mentally censorious, non-social, preferring routine habits, tending to have his personality split—hence the name. Generally speaking, he is tall and thin. He is highly nervous, and apt to be tuberculous and susceptible to intestine troubles.

The Paranoid.—The Paranoid type, at the other extreme, is usually moody, quarrelsome, and suspicious. He tends to have systematic delusions, often of grandeur, but without symptoms of derangement. He is an athletic type and well-proportioned. Among his group are found many successful business men. The group as a whole furnishes more brilliant minds than any of the others.

The Cycloid.—The Cycloid is active, rubicund, round-faced, mentally jovial and sociable. As a rule he is robust,

built with a large trunk and short legs, and has a round five-pointed face.

The Epileptoid.—The Epileptoid is likely to be badly proportioned physically, with a long trunk and short legs, or to suffer from fatty developments, possibly around the hips, or to have a head disproportionate to the size of the body. Pronounced types in this group are inclined toward epileptic convulsions, hysterical fits, and sudden bursts of temper.

Characteristics

The typical Cycloid is incapable of concentration, unless he happens to be interested in the subject on which he is looking. He has tremendous energy, as a rule, but sometimes it is directed in too many channels to accomplish a great deal. He delights in companionship and usually knows a great many people.

When under the influence of alcohol the Paranoid type becomes morose and a fighter, the Schizoid becomes solemn and sleepy, and the Cycloid happy.

If an employer shouts at his employees, the Schizoid accepts it and grieves in silence, the Paranoid feels the criticism is unjustified and he blames someone else for the trouble. The Cycloid becomes depressed and is likely to tell everyone his troubles. He may get drunk to drown his sorrows, but the next day he will have forgotten all his troubles. The Epileptoid is likely to agree with his chief and believe the trouble was really his fault.

The theory of the diagnosis of disease from personal traits and characteristics is based upon the association or affinity of certain diseases of types of individuals noticed by physicians over a long period of time. It seems reasonable to believe, for instance, that a man who could stand up well mentally and nervously under tremendous financial losses would probably be able to stand up well under severe illness. Numerous examples have proved that this is so. A man who

takes things lying down is likely to be easily overcome by disease.

The capture of a criminal usually requires observation and search, and unless policemen scrutinize every face they see, there is no object in publishing information about wanted persons. Besides, the study is interesting and amusing.

A Railway Mystery

By EX-SUPT. WILLIAM J. MAY, M.B.E.

Late of Criminal Investigation Department, Birmingham

AT about 2.15 p.m. on Friday, the 16th April, 1909, a man's coat, of which the description follows, was found in a tunnel on the Great Western Railway between Hockley and Snow Hill Station in the City of Birmingham. The coat was of greenish mixture cloth, with faint blue and red squares and grey stripes, double-breasted, having the usual side and two inside breast pockets and an inside ticket pocket, four black bone buttons each side; a bullet hole in left breast, which was scorched, apparently by a pistol or other weapon being fired at close quarters; the coat, which would fit a man of rather stout build, was saturated with blood on the inside, near the bullet hole. In one pocket were parts of a torn envelope, bearing portions of an address:—

Mr. . . .

21 or 27 . . .

London, S.E.

This would appear to have been deliberately torn to remove the name and also the thoroughfare.

There was also a note in Spanish inside a pocket of the coat (specimen photograph attached), the translation of this being:—

Revenge and death to all traitors decreed
by the Grand Council to you within
24 hours of receiving this notice.
London, April 12th, 1909.
(Crossed daggers appear below.)

The handwriting possessed characteristics which are usually to be found in the writing of a foreigner.

The coat was found immediately after an express train, which ran non-stop from Paddington to Birmingham via Oxford, had passed through the tunnel on the way to Birkenhead. The blood on the inside of the coat was still damp.

The line here is a very busy one and all G.W.R. trains from north, south, or west pass over it. The train had stopped at Snow Hill for several minutes before proceeding on its journey and nothing of an unusual nature was noticed whilst the train was in the station, although apparently the coat was thrown from the train only a few hundred yards after it had left the station.

Such search as could be made of the tunnel was carried out immediately, to see if any other articles could be found to throw light on what was apparently a murder, but with a negative result.

Telephone messages were at once sent to all stations between Birmingham and Birkenhead, with a view to ascertaining if any man had been seen to leave the train who was obviously ill from loss of blood, or whether any such person had been treated in hospital or by a private doctor. No person was seen to leave a train at any one of these stations who had attracted attention through obvious illness, nor upon whose clothing blood was noticed. If was, of course, realized from the commencement that, being in April, it was highly probable that the victim had an overcoat with him, and that when he discarded the coat he put on an overcoat, and thus would probably escape notice. Similar inquiry was also made with regard to trains travelling in southerly and westerly directions with a similar result. It was, however, practically certain that the coat had fallen or been thrown from the north-bound train, as a railway man had passed through the tunnel only a few minutes before, and was positive it was not there before the north express passed.

It was arranged with the Great Western Railway authorities that a search of their lines in both directions should be made, particularly at the foot of embankments, to see if any body could be found, or any fire-arm. During the night

the tunnel between Snow Hill and Hockley, and the line beyond, and also the tunnel which gives access to Snow Hill Station from the south side, were searched by means of acetylene lamps, but nothing was found to throw any light on the matter. A more systematic search was made on Sunday, whilst traffic was at a minimum.

The Metropolitan Police were informed by telephone of the circumstances, as it appeared that some person resident in London, probably a foreigner, had been murdered.

The writer went to New Scotland Yard on the following day, Saturday, with the bloodstained coat, and had a conference with the then chiefs of the C.I.D. The coat, which had probably been made abroad, was examined and was also passed on to the Home Office for examination and analysis by the Home Office experts. Arrangements were made for inquiries to be carried out that evening at No. 27 and 21 in every road, street, grove, place, terrace, etc., in London, S.E., to see if any male person was missing from home, and particularly if any foreigner had disappeared. It was arranged to give the fullest publicity through the Press, and photographs like the specimens attached were also distributed to the local, London, and provincial newspapers, and appeared in two issues of *The Police Gazette*.

Arrangements were also made that every compartment of all railway carriages on the Great Western line which had passed through Birmingham that day in any direction, should be searched for blood-stains or bullet marks: also that a similar search should be made of trains which had passed over the Great Western line at any part between London and Birkenhead, in case it may have happened that the coat had been thrown from a train whilst passing over a bridge and had fallen upon the roof of the Great Western train, on which it might have been carried a considerable distance. Only G.W.R. trains pass through the Hockley tunnel.

The result of the examination by the Home Office experts showed that although a bullet had no doubt been fired directly at the heart, and at close quarters, there was every likelihood

that the bullet had escaped piercing the heart or any of the main blood vessels, and that the injured man may have succeeded in continuing his journey, although he would be in a very critical condition, the bullet apparently being still in the body. The blood was definitely proved to be human.

The inquiry throughout the south-eastern district of London, although it was carried out most thoroughly, failed to show that any male person was missing from a No. 21 or 27 in any part of the area, and no foreigner had been reported missing, or to have recently left any such address.

The examination of railway carriages and the searches at hospitals, private nursing homes (of which there were then few), was also most carefully carried out, but in every case the result was a negative one. No person was seen to embark on any vessel at Birkenhead, Liverpool, or any other port in such a weak state of health as the victim in this case must have been on account of the injury he had received, and no person had called upon any doctor to receive attention for a shot wound.

From that day to this nothing has been learned to throw any light upon the disappearance of the body, in case the man actually died, or to give any clue as to the identity of the individual.

One of the theories put forward was that this might have been, from beginning to end, a student's hoax, carried out probably by a student who had lived in Spain or one of the South American Republics. It would be quite possible to have fired a bullet at close quarters at the coat which was found, and then to have saturated the inside with blood, which could easily be obtained at a hospital, provided the student was undergoing a medical course. This is, however, only a theory, but it does seem exceedingly difficult to account for an individual so badly wounded as this one must have been, making his way from the train to a station exit or gaining access to a vessel without attracting attention in any way. The fact remains that no body was found under

circumstances which would suggest that it had been the body of the victim in this case.

An alternative theory was that having received the threat of murder, the recipient thought it wise to disappear under circumstances which would lead his enemies to believe that he may have committed suicide. The shooting through the breast of the coat at close quarters would easily be accomplished while the coat was taken off, and it would only require a little amount of blood from a small self-inflicted wound to make such saturation as appeared on the coat when found.

Some General Reflections on the Law

By DETECTIVE-SERGEANT JOHN CARLYLE REID

Bradford City Police

Difficulties of the Uniform Branches of Police

“THE mass of new legislation has made it necessary to increase to some extent the size of this volume, and, unless some steps are taken in the direction of codification, it will soon be impossible to produce a work of this character which will be of any value.”¹

Here is the considered opinion of an eminent lawyer with regard to the exposition of the criminal law. What is the attitude of those who are required to enforce it, and how does that attitude affect the efficiency of the machine of which they form part?

A famous French lawyer once remarked: “It is a fundamental principle with English lawyers that Parliament can do everything but make a woman a man, and a man a woman.” One saw in the eighteenth century a gradual increase in the activity of Parliament, but although at that period a relatively greater number of statutes of a so-called public nature may have been passed, we find that many of these statutes were more in the nature of privileges. There are statutes dealing with the paving of a certain town, the erection of a house of correction in another, the licensing of a theatre in another, and so forth. In other words, comparatively little was done to augment the existing public law of the time, and it is not until the nineteenth century that we find any material addition in this direction. The present century bids fair to supersede

¹ *Principles and Practice of the Criminal Law*, by S. F. Harris, B.C.L.; edited by A. M. Wilshire, LL.B. Preface to the 15th Edition.

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all others; and one begins to wonder—not where it will end, for there can obviously be no end to legislation—but what will be the state of affairs if it continues to develop along the same lines for another decade.

To the ordinary constable who, after all, is the foundation upon which the remainder of the police edifice is built, the present state of law as it affects him constitutes a chaos from the unravelling and understanding of which he shrinks with dismay, and the training of constables can do little to assist them in becoming familiar with the enormous mass of acts and orders which now exist and which for the most part are devoid of any general principles. The constable's already overburdened mind refuses to absorb them, and, as he is usually exclusively entrusted with their enforcement, the result is obvious: they are not effectively enforced.

This has to be considered alongside another fact. There are many enactments which have become obsolete but which have not specifically been repealed, and the result is not altogether fortunate. Although not repealed, the statute is not enforced, or is enforced only on rare occasions, and there is little doubt that this tends to diminish respect for the law and correspondingly for those who are shouldered with the responsibility of enforcing it. Although relations between the public and the police in this country compare more than favourably with those existing in other countries, the fact that there are laws which are sometimes disregarded does not improve the status of the guardians of the law in the eyes of the public.

One has only to consider this aspect in connexion with the steps taken to enforce the recent adoption of the 30 miles per hour speed limit and the reactions of certain sections of the community in creating phrases such as “police spies” and “this is not a police car”. Such phrases have not helped to increase that confidence in himself which is essential to the police officer in the efficient execution of his duties.

Recent legislation, although doubtless necessary to cope with the complexity of modern life, has tended in many ways

to obscure the reasons for the existence of such a body as the Police Service, namely, the prevention and detection of crime, the preservation of the peace, and the protection of life and property. Possibly the principle underlying the enactment which provides that a "motor tractor" (as defined) shall draw only one trailer, if loaded, is that of the preservation of life. But the purpose is not very clear.

Apart from the fact that it is practically impossible for a police officer to know this huge body of law, it is apparent that in enforcing even a small part of it his time is being engaged out of all proportion to the value of the work which he is doing. One shudders to contemplate what would be the state of affairs if every constable knew all the law which is expected of him and reported every breach of it which came within his notice! It is true that the system of "cautioning" for minor offences has had an effect in diminishing the congestion of the courts, but it is so innocuous as a deterrent that it has had very little similar effect in reducing the time spent in reporting this type of offence.

The effect on patrol work is reflected in the congestion at headquarters. The consideration of reports, issue and service of summonses and cautions, recording and correspondence in connexion with the administration of the Road Traffic Acts and Orders, alone occupy quite a major proportion of the total working hours, probably to the detriment of duties more closely related to true police work, unless the staff is increased correspondingly. It is not to be wondered at that there is a universal demand for increases in the strength of police forces, a demand which, unfortunately, is not always met.

Effect on Detective Work

How must we consider the detective side of police work in this connexion? Although admittedly not affected to the same extent as the uniform branches by recent legislation, nevertheless the problems of this department are similar, but for different reasons.

If we are to accept the claim—and it will hardly be denied—that the material now in the Service is better than it was thirty years ago, the results should be better. But if this is not so—and statistics indicate that it is not—wherein lies the explanation? It is true that post-War methods of compiling statistics have in themselves created an apparent decrease in the percentage of detections, but this fact does not altogether account for the discrepancy, the explanation of which is to be found in the lack of proportionate progress of a machine which is utilizing material admittedly superior.

The ubiquitous motor vehicle has again been a potent factor in bringing about this state of affairs and has been the direct cause of the emphasis laid by His Majesty's Inspectors of Constabulary on the extreme necessity for co-operation and of their appreciation of the increasing efforts made in this direction. Doubtless these efforts are developing along the right lines, but are they sufficiently drastic to cope with the causes which necessitated their adoption?

The machinery for the circulation of information has certainly progressed, almost out of all proportion to the other elements necessary, and one aspect in this connexion strikes even a casual observer. This machinery appears to have rather outgrown itself and is tending to become a Frankenstein monster, requiring so much attention in itself as almost to defeat the purpose for which it was brought into existence.

Informations which show the increasing tendency of crime to become delocalized are being circulated with a rapidity and profusion which were never contemplated ten years ago, and yet in effect the investigation is still in the hands of the purely local investigating officer. The result is co-operation of a kind, but not of the kind required. The local officer is not impressed to any material extent by the commission of a crime twenty or thirty miles distant by merely observing the notice of that crime in a police information. His primary aim is naturally the detection of local crime. The emphasis placed on the necessity for co-operation demands that he should do quite a lot in the matter, but his efforts

are restricted to the realm of routine which is seldom productive of good results.

On the other hand, the officer, to whom the inquiry is of first importance, is left to continue his investigation, too frequently doomed to failure at the outset, in his own locality. Detective officers are interchanged on such occasions as race-meetings, and frequently criminals are brought to justice by these officers. But, apart from such abnormal occasions, we seldom find them straying into another police district unless they have a definite line of inquiry to pursue.

The result is that informations, photographs, and descriptions convey little or nothing to members of other Forces. The demand for co-operation, in fact, at present increases the work of the local officer without in any corresponding degree assisting in the detection of crime. Suppose, on the other hand, that in addition to the circulation of informations there were circulation of members of the branch required to investigate these crimes—apart from any practical result which might follow—would not the local officer tend to regard a crime committed 20 miles from his district as a matter demanding immediate, rather than casual, attention?

Powers of Arrest

One more general consideration: recent judicial decisions have been the cause of no little anxiety among thoughtful police officers all over the country, and have not added to the confidence which has already been emphasized as necessary to a police officer. The case of *Southerton v. Pickup* (1934), in which a motorist was awarded damages against an officer who was making every endeavour to deal with one whom he thought a criminal, and that of *Horsfield v. Brown* (1931), in which damages were awarded against an officer for executing a warrant for arrears under a maintenance order, the warrant not being in his possession at the time of arrest, occur at once to one's mind.

Unfortunately, although there are many statutes which

enumerate a constable's powers of arrest, many circumstances arise where there is no such definite information. Such information has to be sought in reports of judicial decisions, or from such sources as Sir Archibald Bodkin's address to the Chief Constables' Association in 1923. The police officer in exercising these powers is as much subject to the ordinary law of the land as any civilian, and he has also to bear in mind the existence of a police disciplinary code.

In France, according to the majority of French authorities on the subject, a police officer cannot be held responsible for any wrong done in a *bona-fide* attempt to carry out his duty. In such a case the remedy would be against the State for a *faute de service*, but no such protection is afforded to a police officer, or to any other servant of the State, in this country. There is, in fact, no discrimination between *fautes personnelles*

as England made to shelter liability of its very effort is t of the State t him against, of faults com- of centralized f this type." 1 i of remedies es peculiar to . The issues

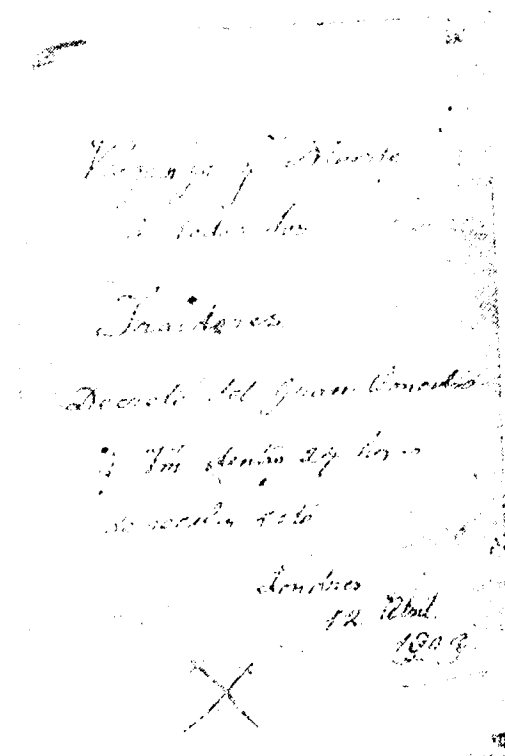
THE POLICE JOURNAL

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involved are so great as to be beyond the scope of chief constables in their individual capacity. As far as legislation is concerned, there is no doubt that codification would do a great deal, both as regards the offences themselves and as to police powers and procedure in connexion with them. The official and administrative aspect is becoming more and more technical, and will not be satisfied by the utilization of

¹ Hauriou, *Précis de Droit Administratif*, 3rd Edition.

the material in the Service itself. This is reflected in the increasing number of vacancies advertised to be filled by persons possessing office and business qualifications. Lastly, as regards criminal investigation, one is driven to the conclusion that something at least approaching "nationalization" is the best, or possibly the only, remedy.



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DOCUMENTS FOUND IN THE "RAILWAY MYSTERY"
(see page 487)

(face p. 498)

to one side, and the arms laid forward in accordance with the diagram (Fig 1). Not an instant must be lost even in loosening clothing; artificial respiration must begin without a moment's delay and be kept up as long as may appear necessary: in some cases life has been restored after an hour or more of unceasing work.

To perform artificial respiration, the operator should place himself on the side of the patient facing the head, in a kneeling position, never astride the patient, a position often advocated, but which on consideration will be realized to be inefficient, by reason of it being an unnatural position to kneel in, *i.e.* with the thighs wide apart; furthermore, if such a position is taken up on loose ground there is a great tendency for the ground to shift and the operator in consequence has to alter his position in order to gain greater comfort whilst carrying out the operation of resuscitation. With the aside position, the above-mentioned inconveniences do not arise.

As soon as this position has been taken up, the operator should place his hands on the small of the patient's back with the wrists nearly touching, the thumbs as near to each other as possible without strain, and the fingers passing over the loins on either side; the operator's little fingers being about $\frac{1}{2}$ in. above the patient's hip bone. The fingers should not be spread out, but should point towards the ground. The operator then, bending his body from the knees and somewhat straightening the hip joints, swings slowly forward so that the weight of his body is conveyed to his hands, as shown in diagram No. 2. No exertion is required: the necessary pressure being imparted by the weight of his body. In this way the patient's abdomen is pressed against the ground and the abdominal viscera are forced against the diaphragm; the diaphragm rises and air is driven out of the lungs along with the water or mucus which may be present in the air passages or mouth, and "expiration" is produced.

The next movement is for the operator to swing his

body backwards to his first position, thus removing his weight from the hands (which are left in place) and relaxing the pressure on the abdomen. The viscera now resume their former position, the diaphragm descends, the thorax is enlarged and air passes into the lungs, "inspiration" being produced. These movements must be repeated with great regularity about 12 times per minute, swinging the body alternately forwards and backwards from the knees.

Every such double movement will occupy about 5 seconds, two of which are to be taken up by pressure (expiration) and three by relaxation (inspiration). The operator is well advised to count five slowly.

When performing resuscitation the operator should be careful not to bend his arms at the elbow, when making the forward or "pressure" movement, or to exceed a line, perpendicular from his shoulder to his wrist.

Should he, by reason of faulty movements, lean further forward than already mentioned, he will have to make an excessive pressure in order to regain the "off" or "sitting back" position.

As soon as convenient, after natural breathing has been restored, it is necessary to promote circulation. To do this, the operator will stand astride the patient's hips, facing the feet; he will separate the legs slightly leaving the toes pointing inwards, then cupping his own hands round the inside of the respective ankles of the patient, he will, by a deliberate movement, with pressure along the insides of the legs, rub to the middle of the thighs, and will repeat this action simultaneously with both hands, continuing rhythmically.

The operator will then apply the same movements to the patient's arms raising them very slightly from the ground; the rubbing must in all cases always be towards the heart.

When the patient has been completely restored, and his ability to swallow has been tested by means of a teaspoonful of warm water, then a teaspoonful of hot coffee, tea, or brandy and water, when advised by a medical man, may be given.

THE POLICE JOURNAL

The patient should then lie on his side in a warm bed and be encouraged to sleep, but he must be carefully watched for some time to ensure that breathing does not again fail.

The resuscitation as described above may be used not only in cases of drowning, but also in cases of suffocation due to sewer gas or smoke, and in cases of electric shock, and for these reasons everyone should know the principles and the method of application.

THE COLONIAL POLICE

The following appointments are announced by the Colonial Office :—

BRETNALL, H.	Inspector of Weights and Measures Police Department, Uganda.
BRODIE, N. (Detective-Inspector) .	Assistant Superintendent of Police, Northern Rhodesia.
DUKE, Major O. St. A. (Inspector of Police)	Chief Inspector of Police, Leeward Islands.
FRANK, J. H. (Assistant Superinten- dent of Prisons)	Superintendent of Prisons, Kenya.
HARWICH, A. E. (Corporal, British Section, Palestine Police)	Assistant Superintendent of Police (Cadet) Uganda.
IMRAY, C. H. (Constable, British Section, Palestine Police)	Assistant Commissioner of Police, Gold Coast.
THOMAS, L. A. (Deputy Com- missioner of Police)	Deputy Commissioner of Police, Perak.

CORRESPONDENCE

MOBILE PATROL CAR CARD INDEX CASE

To the Editor of THE POLICE JOURNAL.

SIR,

I have much pleasure in giving you details of the above which has been introduced in this Force for the use of the Mobile Patrol Section.

The outcome of this small invention came as a result of experience of the inconvenience suffered by mobile patrol officers in carrying police " informations " and " lists of stolen cars, etc. " when on duty. The lack of accommodation for any additional accessory on the modern sports car or motor-cycle prevented the introduction of a large route card holder or anything of a similar nature (such as is used by trials riders as a temporary means of holding a route card), and the appearance of such a " holder " would certainly not be in uniformity with the dash-board fittings of the car, and to say the least would look unsightly.

As a result of experiment my clerk (P.C. Green) and Mr. A. Bell (a special constable of this Force) collaborated with me in the production of a highly polished metal case, similar to a silver cigarette case which would provide for all the needs of a mobile patrol officer. The case being made for the use of five cards each having a separate classification—Motor Vehicles (stolen); Pedal Cycles; Travelling Criminals; Miscellaneous; Unoccupied Property, these cards being held on metal leaves turned at the edge to hold the card in position.

The Mobile Patrol Card Index Case was presented before the Chief Constables' Association—co-ordination of County and Borough Forces (No. 6 District) meeting at the Home Office on 23rd May, 1935, and met with a very favourable reception. Since that time many inquiries have been received at Reigate from other Forces eager to adopt this case and the special cards printed to use in conjunction with it.

The Mobile Patrol Card Index Case has been patented by the manufacturer—Mr. A. Bell.

I should like to mention the card "Travelling Criminals" which has been made for holding the miniature photograph of criminals (known to Police Forces in Surrey) issued by the Surrey Constabulary each quarter. This photograph is a neat collection of criminal photographs on one card and is just a perfect fit for the card index case, so that the mobile patrol officer can refer to a group of criminals at a glance even when travelling at speed in his car.

Before going further I should like to give a few details of the construction of the case itself. The design will be easily gathered from the photograph, and it will be seen that the outer case takes two cards, and the three leaves of metal neatly hinged, carry the other three cards, so that five cards in all are accommodated. The metal leaves are held in position by serration of the edges of the cover, so that when in use they are trapped into any desired position and remain rigid at speed. Countersunk holes are made on the right-hand side of the case for affixing it to the instrument-panel or any desired position in the car. This case could also be adapted for use on a motor-cycle by bracket fixing.

When in use the card index case does not in any way obstruct the driver, even if attached to the steering wheel, as is done on the "Singer" Le Mans car. The police driver can use the card index case which is also available to his passenger, and above all things, it does not necessitate his having to keep unfastening his clothing to get at his pocket book and "police information", all his details are contained in the case. As there is little room for movement of the body in a small sports car, these facts will be appreciated.

I trust that the few details I have given and the accompanying illustration will be of interest to readers of THE POLICE JOURNAL. I should like to see the universal adoption of the card index case as it has proved such a help to the mobile officers in this Force, and I think it could be regarded as a necessary fitting in any police car.

WILLIAM H. BEACHER (Chief Constable, Reigate).

UNLAWFUL GAMING

To the Editor of THE POLICE JOURNAL.

SIR,

The following interesting defence, which was expounded in a recent "Gaming House" prosecution, may be of interest to your readers. Six members of the committee of a social club were

prosecuted under Section 4 of the Gaming Houses Act, 1854, for knowingly and wilfully permitting the club premises to be used for unlawful gaming. Counsel for the defendant parties pleaded "Not Guilty" and the prosecution proceeded to prove that several fruit machines were prominently displayed in the bar of the club premises where they were used by members and non-members alike, and could be used by anybody at any time. A police sergeant stated that as a result of inquiries substantiating the foregoing facts he made an appointment to meet the club committee, and subsequently interviewed the chairman and five other members, whom he informed of the allegation of unlawful gaming and that proceedings might be instituted respecting the irregularities. At the interview the chairman produced the club minute book, and drew attention to a resolution entered therein, dated some six weeks previously, ordering the management to return the fruit machines to the manufacturers.

Counsel for the defence did not question any of the witnesses, and at the conclusion of the case for the prosecution he addressed the Bench as follows: "In my submission there is no case to answer, for the prosecution have failed to establish—

"(1) That any member of the present committee was a member of the committee when the machines were voted and contracted for;

"(2) That any member of the present committee was present at any time when the machines were used, since the passing of the recent resolution ordering the removal of the same;

"(3) That, with the exception of the chairman, any of the defendants is a member of the committee, and even assuming all are members—which I am not going to admit—then they have been charged with managing machines similar to those which were permitted to be used in every park and fair ground in this city on a recent auspicious occasion. Indeed, one of the defendants, who has been a member of the club since its inauguration, is a life-long abstainer and never once entered the bar, and not having attended any of the meetings when the fruit machines were referred to, was entirely unaware of the existence of the same. You have been told the police made an appointment to meet the committee: the half-dozen defendants before you are the only members who troubled to turn up to keep the appointment, and they are the only members to be prosecuted. The other committee members—perhaps the parties directly responsible for the irregularities—go scot free. I shall not call any evidence, and I ask Your Worships to rule that the case has not been proved against the defendants and to find them 'Not Guilty'."

After a considerable deliberation, the Bench decided the case had been established, and decided to convict. The chairman was fined 40s., and the other members of the committee were discharged under the Probation of Offenders Act. NEMO.

THE FRAUDULENT MOTORIST

To the Editor of THE POLICE JOURNAL.

SIR,

With reference to Sergeant Meek's comments on the back-dating of cover notes by unscrupulous insurance agents to enable a client to avoid a prosecution for driving a motor vehicle when uninsured, may I point out that this is indictable as a criminal conspiracy?

In a case within my experience, the owner of a motor vehicle who induced a motor insurance agent to issue a cover note bearing a date antecedent to that of its actual issue, in order to appear that he was covered on a certain day when he had been stopped by a police motor patrol, was indicted along with the insurance agent for conspiring together to obstruct, pervert, or defeat the course of justice. A conviction followed and heavy penalties were inflicted, one of the men being fined £100—despite the efforts of expensive counsel.

I agree this offence is difficult to detect (and even more difficult to prove) but I would suggest that the inquiring officer ask the agent for a sight of his receipt book, as most insurance companies insist on their agents giving a receipt for moneys received and numerous agents use a type of receipt book which retains a carbon duplicate of every receipt issued. If the date of the suspect receipt is studied in relation to those going before, it is at once revealed as anachronous. In the case previously mentioned, this book was seized by the Police and put in as evidence.

W. E. GAMBLE.

THE MOTORIST AND THE LAW. SHOULD THE POLICE HAVE POWER TO FINE?

To the Editor of THE POLICE JOURNAL.

SIR,

The article under this heading in your July issue is of particular interest to the Birmingham Junior Chamber of Commerce, because it is more than two years ago since we first advocated a system of dealing with the increasing number of minor offences.

In the first place, we should like to agree particularly with two points which your writer makes. We agree entirely that the system of "Fines on the Spot" in force elsewhere should not be recommended for adoption here. The plan we have put forward is for "Fines by Consent", and your readers might be interested in a brief outline of it.

(1) A list of offences and the fines applicable thereto would be proclaimed to the public. (It is only recommended that minor offences should be included, not those which might incur some criminal liability). As examples, we might give, under Motoring Offences: Obscured number plates, no lights, no silencer, weights not marked on heavy motor vehicles. Under General Offences: No dog licence, dog without collar bearing address, chimney on fire (private houses). Cycling Offences: No lights, no reflector. No wireless licence.

(2) A police officer detecting an offence would tell the offender that he would be reported. The officer would then report the facts to the Superintendent of his Division (or, in the case of a small area, to the Chief Constable) who would set out the facts on the prescribed form.

(3) The form would state the alternatives (a) of payment of the specified standard fine to the Justices' Clerk (at address stated) within seven days of date of the form; or (b) of a summons being issued after the expiration of that period.

(4) One copy of the form would then be sent by post to the offender and another copy to the Justices' Clerk. On payment of the fine, the Clerk would record a "Conviction by consent" and at once notify the Chief Constable of the Force concerned or, if not paid, he would so notify the police on the eighth day after the date of the form, and the usual procedure would follow, the police being authorized to issue the summons on the tenth day after posting the forms to the Justices' Clerk and to the offender, if the fine had not been reported paid. The Justices' Clerk would not be empowered to record any "Conviction by consent" after the expiration of seven days from the date of the form.

(5) A record would be kept by the police of the names of all persons committing the specified offences within their district, and this would be referred to on each occasion in order to ascertain whether the offender had rendered himself liable to an increased fine as a result of a previous commission of the same offence.

Our proposals do not alter the right of anyone accused to plead his cause. If legislation lays down a list of offences and prescribed statutory fines for each, an offender knows what penalty lies before him and is quite capable of deciding whether to pay or go to the Court. We should be glad to learn whether any of your other readers can express views on this subject.

HAROLD OAKLEY,

Hon. Secretary, Birmingham Junior Chamber of Commerce.

REVIEWS

FORENSIC MEDICINE. A text-book for students and a guide for the practitioner. By DOUGLAS J. A. KERR, M.D., F.R.C.P.E., D.P.H., (Lecturer on Forensic Medicine in the Royal Colleges, Edinburgh). Illustrated. Price 15s. net. (A. and C. Black, Ltd., 4 Soho Square, W. 1.). 1935.

If crime is an incident of the social state, every advance in material civilization may be shadowed by a like advance in crime, for, as Clarence Darrow has pointed out, concentration of both population and of wealth are potent factors in the causation of crime.

Hence the ever-increasing importance of co-operation between Law and Medicine as set forth in the work before us. Among the many subjects of interest to medical men are several of almost equal interest to the Police.

Foremost perhaps among these are: the action of alcohol on human beings, especially on motor drivers; and poisoning by gas, or by "exhaust fumes" of motor vehicles; each of which is discussed at some length with much instructive detail including the injurious action of "exhaust fumes" on Police on "point duty"—an argument for the substitution of robots wherever circumstances allow.

Limitations as to co-operation between doctors and Police come in for notice especially as regards abortion and infanticide, and the author duly stresses the truth that no examination of the person can legally be made without the owner's *voluntary* consent.

The various modes of suffocation are well illustrated and Dr. Kerr emphasizes the importance of persevering with Artificial Respiration in certain cases, including arrest due to electric shock, for several hours. The chapters on wounds are also profusely illustrated. About a quarter of the book is devoted to toxicology. A discussion of many, more or less abnormal, mental states leads up to the question of criminal responsibility, complete or partial as the case may be, with a full statement of the McNaghten rules and Lord Alness' judgment in *Rex v. Savage*.

The author's judicious sympathy with offenders is shown by such remarks as "the modern outlook of a Court should be not punishment . . . but adjustment"; and advocating probation rather than punishment adds, "though this in turn can be overdone." Similarly distinguishing between adolescent and adult sex offences he deprecates the use of the term *sex-pervert* for any but chronic offenders.

The legal procedures obtaining in England and in Scotland are set forth with illustrations of death and lunacy certificates.

As a practical guide to action for students and practitioners, whether in England or Scotland, this book will not easily be bettered.

REVIEWS

A POCKET MEDICAL DICTIONARY. Compiled by LOIS OAKES, S.R.N., D.N., assisted by THOS. B. DAVIE, B.A., M.D., M.R.C.P. 2nd edition. (E. and S. Livingstone, 16 Teviot Place, Edinburgh). 1935. Price 3s. 6d.

THIS book is no mere dictionary of medical terms. It gives the correct pronunciation of these with explanatory notes on the more recent methods and treatments; information on dietary, antidotes to poisons, weights and measures with metric equivalents, calculation of dosage, and many medical abbreviations which incidentally afford aid to the writing of prescriptions. It can be heartily recommended as a *multum in parvo* to students, nurses, and practitioners, and to any Police Officers who may wish to better their understanding of the rather cryptic utterances of medical men.

TEN THOUSAND PUBLIC ENEMIES. BY COURTNEY RILEY COOPER. (Lovat Dickson). 8s. 6d.

ALTHOUGH the Division of Investigation of the United States Department of Justice has been in existence since 1908, it is only recently, with the advent of such films as "G-Men", that this Federal organization has gained prominence in this country. The Lindbergh Law of 1932, and subsequent Acts have given new powers to the Division, and this book describes how its "Special Agents" are fighting crime in the United States.

In his foreword, J. Edgar Hoover, Director of the Division of Investigation, introduces the author as one of the best-informed writers on crime in America. Mr. Cooper gives the histories of a large number of notorious criminals, including Al Capone, Frank Nash, "Pretty Boy" Floyd, and John Dillinger; and consequently his book reads rather like a collection of gangster film scenarios.

The scientific methods now employed by the Bureau of Investigation, which the author enthusiastically describes, will doubtless be of interest to the general public, though Police Officers in this and other European countries will learn nothing new. From the cases quoted, it is noticeable that information gained from scientific investigation is largely used by the Police as a means of inducing the suspect to confess. Apparently, methods of interrogation have not greatly changed since the National Commission on Law Observance reported on "Third Degree" in 1931.

The most interesting part of the book to English readers is the chapter in which Mr. Cooper compares the Bureau of Investigation with Scotland Yard. "If Scotland Yard came to America in full control of the law enforcement," he declares, "this entire country would run so *solid* with lawbreaking that the poor gentlemen from London probably would jump in the ocean through sheer frustration." Mr. Cooper's contention, that America, with an entirely different crime problem, does not need an imitation Scotland Yard, is sound; but nearly every sentence in this part of the book is disputable. For example, the author's statement that

there is no single finger-print file at Scotland Yard is difficult to understand in view of the fact that in 1930 Mr. Battley published *Single Finger Prints*, describing the system he originated in 1928. And when Mr. Cooper points out that there is a far larger finger-print collection in Washington than in London, he ought to mention that the increased size results in a loss of the speed and simplicity which characterizes the system at Scotland Yard.

Some of Mr. Cooper's figures are misleading. "The area covered by Scotland Yard, with its 19,769 men, lies within the city limits of London, and covers about 700 square miles. The Division of Investigation, with a total field personnel of 724, including clerks, stenographers, typists, and messengers, is that of the entire United States and its possessions, an area of three million square miles." The comparison would have been more impressive if Mr. Cooper had not omitted the strength of the regular police of the United States.

Another line of argument taken by the author is not very convincing. After pointing out the comparatively trivial amount of crime with which Scotland Yard has to deal, he goes on: "It is easy to guess what would happen to an American Scotland Yard, faced annually with some three thousand kidnappings of various degrees, twelve thousand murders, one hundred thousand assaults, fifty thousand hold-ups, and forty thousand homes burglarized." In England, the efficiency of the Police is not measured by the number of crimes committed or even detected. We take the view expressed by the Commissioners when the Metropolitan Police Force was established in 1829, that the primary object of the Police is the protection of the public and the preservation of the peace, and that "the absence of crime will be considered the best proof of the complete efficiency of the Police".

Why has crime reached such alarming proportions in America? Mr. Cooper blames Prohibition. "The present crime set-up with its vast underground tendrils of acquaintanceship, connexions, persons wired-in to Courts and Police departments, is directly traceable to this experiment." He also condemns the prison system which almost immediately after conviction lets loose hardened gangsters "on parole".

Apart from freeing the Police from political influence and giving Police Chiefs permanent tenure of office—points which are stressed in this book—the most obvious reform to an outside observer is the necessity for a strict control of firearms. Mr. Cooper, however, does not seem very sanguine as to its practicability. "There is no doubt that such a law would prevent revolvers and pistols from falling into the hands of casual criminals. But it would not halt a single activity of the more experienced lawbreakers. Their guns do not come from legitimate sources."

This book reveals the extent to which crime spreads once it is allowed to get out of hand. Most of the problems with which America is faced to-day have arisen in this country, but they have been checked at the outset. And if we were asked the reason for our freedom from serious crime, we could not simply point to Scotland Yard (thus annoying Mr. Cooper). We should attribute it to a wise legislature, an incorruptible Bench, an efficient Police, and, most important of all, a law-abiding public.

OUR CONTEMPORARIES

The Analyst, vol. 60, No. 710, contains (p. 313) an article by M. N. Ghose and S. N. Bhattacharjee on the determination of physiological activity of hemp resin by a polarimetric method, which is of importance since most of the previous works on this drug have neglected the activity of the products which cause the intoxication. An abstract is given on p. 338 of the latest method devised by W. Hees (Stuttgart) for the use of the migration of the sulphates to determine the age of ink writing.

Vol. 60, No. 711, contains the fifth part of the work of H. E. Cox and J. U. Lewin (p. 350) on the chemical examination of furs in relation to dermatitis, which might be of value in criminal cases where hairs from dyed furs are involved.

Vol. 60, No. 712, contains (p. 454) an interesting article by C. Ainsworth Mitchell on the use of infra-red rays in the examination of inks and pigments.

In the *Revue internationale de Criminalistique*, vol. vii, No. 1, 1935, Dr. Locard (Lyon) gives a brief article on the usual methods adopted to disguise ordinary handwriting, which he classifies under thirteen headings, but he mentions that the list is incomplete. He points out that the most dangerous disguises, i.e., the most difficult to detect are those of illiterates, because their normal writing is the most difficult to identify. The chief points to look out for are the brief moments when a mistake has been made by the writer and he forgets the disguise. Dr. Locard also lays stress on the possibilities of identifying the writer from extraneous traces, such as latent finger-prints on the paper, imprints of lips covered with lip-stick, and possibly hairs in the gum of the envelope.

In *Police* "13-13", Chicago, May, 1935, there is an illustrated description of the training of the staff for the United States Bureau of Investigation, which is the federal organization for forensic science and crime investigation under the federal laws throughout the States. C. K. Yeaton (p. 19) describes the "lifting" of latent finger-prints by using fixed unexposed (i.e., transparent) photo films damped sufficiently to allow the powder to adhere to the gelatine surface of the film.

The Journal of Criminal Law and Criminology, vol. xxvi, No. 1, May, 1935, on p. 115, refers to a case of murder in which the conviction in the lower court was reversed in appeal in Alabama. A doctor gave evidence that "the depth and width of the wound corresponded to the depth and width" or a knife produced, but added, "there was something on it that looked a little red. I couldn't say that it was blood, I don't know whether it was rust or blood; I did the best I could to see what it was, but I can't tell." Almost unbelievable at the present time!

Police Gold Medal Essay Competition

RULES FOR THE 1935 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 1935

"Discuss the Advantages and Disadvantages of Placing the various Police Forces in the United Kingdom under a Common Administration."

Essays must be submitted on or before 1st November, 1935, to—

THE SECRETARY OF THE COUNCIL OF THE
POLICE GOLD MEDAL ESSAY COMPETITION,
HOME OFFICE,

WHITEHALL,

LONDON, S.W. 1.

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