



POLICE JOURNAL

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

ISSUED UNDER OFFICIAL PATRONAGE

NOTICE TO CONTRIBUTORS

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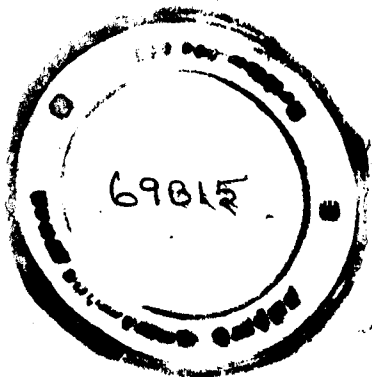
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THE POLICE JOURNAL

War Commentary

LIAISON

IN the sphere of police and military liaison, both in relation to measures of security and in planning and assigning duties to be undertaken in conditions of military operations which an attempted invasion would involve, a working knowledge of the roles assigned to other arms and services becomes essential to every person in a position of command. As the war proceeds, and in ever increasing measure brings into the front line of battle every man, woman and child in the community, the police, who are specially charged with the safety and protection of the lives and property of the people, should know not only their own role, but the roles of those other services with which they are in daily contact.

Police officers who are seconded for duty at the offices of regional commissioners and, more recently, to the headquarters of formations and military commands, with the designation of "police liaison officers," have responsible functions, demanding qualities of initiative, resourcefulness and intelligence. The need for their work and influence to be extended over the whole field of co-operation between the various arms of the fighting services on the one hand and the police and civil authorities on the other, becomes increasingly plain. At one time the average regimental officer, and even officers holding staff appointments, showed a lamentable lack of knowledge of police organisation and the layout of local government, with its cumbrous peacetime machinery, its historic and misleading nomenclature, and its lack of a "chain

of command " which is the very backbone of military organisation. Knowledge breeds confidence. Personal acquaintance induces respect. The facts are that under war conditions local government has succeeded in adapting itself to the situation, and in every branch of its activities has prepared and is steadily improving its readiness to meet every and any war contingency which may arise.

Despite our inherent distrust of new institutions the regional commissioners' organisation is now well grounded in public confidence, and the knowledge that regional resources are at hand to meet all emergencies is, in its turn, a stimulant to officers in charge of local services as well as to the public. In military operations, particularly in the tactics which have emerged in succeeding phases in the present war, intelligence and information which are both accurate and rapid are vital, since knowledge of the local situation, the local resources, the location and extent of the essential public and utility services may determine the course of military action. The recent formation of the G.H.Q. Liaison Regiment to assist the Commander-in-Chief, Home Forces, to make his appreciations of the progress of operations and for other purposes is indicative of the importance with which liaison is regarded by the higher military command. The police are in a special position to take a share in military liaison with their intimate knowledge of and frequent contact with responsible members and officers of local authorities and public and utility services. Military liaison, therefore, does not begin and end with the appointment of selected police officers for duty at the headquarters of military commanders. It begins on the beat, as in every sphere of police duty, and a right conception of military and police liaison as it affects the beat, and as it is seen from the beat, is desirable at the present time.

For the police it is desirable that all ranks should know the distinctions as well as the comparisons which may usefully be made between our English police system and the organisation and chains of command of the several arms and formations

of the three fighting services. This knowledge is equally and conversely necessary to members of His Majesty's forces. The fundamental distinction is that while both the policeman and the soldier wear the uniform of the King the policeman is an individual and not, like the soldier, one of a squad invariably acting under the direct orders of a superior officer or n.c.o. The policeman is a member of a highly disciplined service, wearing a uniform and equipment common to his service, and following methods of duty which are more or less of a standard pattern in every force. But he performs duty as an individual, alone, and on his beat and in the performance of his duty he exercises a wide individual discretion. He is himself responsible to the Crown for his acts, and any decision to make an arrest or to act on any occasion of police duty as circumstances dictate must generally be taken on his own initiative. His performance of his duty is supervised and reviewed not only by officers of superior rank, but also in a large measure by Courts of Justice. Because of this, a constable is trained, and it becomes a habit with him, to realise that any commonplace act of police duty, as well as any major decision which he takes, may well be the subject of exhaustive enquiry and review by the justices, and in the case of the more serious cases of indictable offences, by a judge and jury at quarter sessions or assizes.

Not infrequently, moreover, a constable's action in dealing with an occurrence unconnected with crime and the preservation of the peace, such as police investigation into the causes of and responsibility for accidents on roads or in workshops and factories, or in cases of trespass on private property, or torts by individuals, may come up for examination and review in the civil courts. If a constable makes an error in law he is personally responsible for it and we know that the Courts are always ready, and rightly so, to uphold the rights and privileges of the ordinary citizen against the risk of unlawful arrest or interference with the rights and liberties of the subject. This fundamental distinction between the police-

man and the soldier should be appreciated and recognised by every military officer ; the soldier should also be aware of the more commonplace definitions of the several units of police organisation, such as the definition of " the beat," the section, the division (which is quite different from the military conception of a " division " consisting as it does of a formation of infantry brigades and other arms under the command of a major general), the several types of police forces, and the several ranks and designations of police officers.

On their part, the police desire to know the ranks and designations of the army, the military and other service and departmental chains of command, and constitution of the staffs of formations stationed in the police area, and to maintain a close liaison with those staffs on the " A " and " Q " side which are in daily contact with the civil authorities in relation to billeting, movement, supplies and amenities for the troops. The discipline of the army on the one hand, and the morale of the civil population on the other, are factors in which the police have an active share, and one of the major tasks of the police liaison officer is to promote sound co-operation between the provost, intelligence and security branches of the army and the police in the district.

THE POLICE WAR RESERVE

The Auxiliary Police Association is the latest measure inaugurated to promote welfare and efficiency in the police war effort. Framed on a basis somewhat on the same lines as the Police Federation, and having the same principles and aims, the local committees, the regional conferences, and the Auxiliary National Police Committee will serve a useful purpose. The machinery will enable members of the Police War Reserve and whole-time special constables to make representations to their chief constables and to the Secretary of State on matters relating to the welfare and efficiency of the Reserve, other than questions of discipline affecting individuals.

Many members of the Police War Reserve in the various forces have now served more than two years, working alongside and sharing the duties of the regular force in the protection of life and property, and in maintaining order, under conditions of acute difficulty and strain. Many reservists are now seasoned veterans, qualified and experienced in the duties of the Police in times of *blitz*, and some have laid down their lives in the service of the nation. In the two decades of its existence the Police Federation has proved its value as a medium for the discussion of matters relating to general welfare and efficiency, and by adopting the same principles and pursuing the same aims the police war reservists who are elected by their colleagues to represent them on the local, regional and national bodies will have the opportunity to perform useful work.

The Police and the Law

DISCOVERY OF EVIDENCE THROUGH INDUCED CONFESSION

IT is well understood that certain promises or threats which induce an accused to confess will render his confession inadmissible in evidence. Less well-known than the general rule is the qualification to it, that facts discovered in consequence of an inadmissible confession are themselves admissible. In *R. v. Barker* (1941, 3 *All E.R.* 33) the Court of Criminal Appeal was set the task of applying this distinction to a case in which, not the police, but an Inland Revenue representative had induced a confession of a taxation offence. The nature of the qualification to the general principle which the prosecution relied on is illustrated by *R. v. Gould* (1840, 9 *C. & P.* 364). The prisoner was charged with burglary and after an improper inducement he confessed to having thrown a lantern into a pond: this part of the confession, coupled with the fact that the lantern was found in the pond, was held to be

admissible in evidence. In the recent case the principle and not the proviso was held to be applicable.

In the course of investigations by the Inland Revenue, the appellant, an accountant, produced certain documents which showed that there had been irregularities or a failure to disclose, for the purpose of assessing taxes, over a number of years a sum of £7,000. Later the accountant was induced to produce further ledgers and papers, as a result of which it appeared that the irregularities amounted to at least £10,000. The ledgers had been brought into existence for the express purpose of misleading the Inland Revenue. The inducement took the peculiar form of reading to the accountant an extract from Hansard's Parliamentary Debates, which apparently represents the practice of the Inland Revenue: "Where the taxpayer takes the initiative and voluntarily discloses the fact of his past frauds and their full extent and is also prepared to facilitate investigation the Board of Inland Revenue will not institute criminal proceedings, but will accept a pecuniary settlement." The Court of Criminal Appeal naturally held that these words amounted to an inducement and, as a consequence, the accountant's confession could not be admitted in evidence. The question was, however, whether or not the evidence of the ledgers and papers could be admitted, they being brought to light as a consequence of the inadmissible confession. This evidence also was held to be inadmissible.

The result may be expressed by saying that the ledgers and papers were not on the same footing as the lantern in the leading case of *R. v. Gould*, though that case was not referred to. In the words of Mr. Justice Tucker: "The promise expressly relates to the production of business books and records, and that, if, as a result of the inducement or threat, which is contained and is implicit in this Hansard extract, such books and documents are in fact produced by the person or persons to whom such inducement or promise is held out, such documents so produced stand on precisely the same footing as any oral or written confession which may be brought into existence

as the result of such promise." In *R. v. Cason* (1935, 14 *Ann. Tax Cases* 471) a document which had been brought into existence as a result of reading the Hansard extract to the taxpayer was held to be inadmissible as being a confession, but in *R. v. Barker* the ledgers and papers had always been in existence and were part and parcel of the method whereby the fraud had been committed. None the less the Court held that they were inadmissible. The ground of the decision seems to be that the inducement related not only to a confession, as such, but also to the production of particular evidence so as to facilitate investigations. It is as if the inducement in *R. v. Gould* has expressly related to the whereabouts of the lantern and not only to the general fact of the burglary.

This is a refinement on the law as expressed in *Archbold's Criminal Pleading* (1938 ed., 402) which the Court of Criminal Appeal quoted with approval. "The court accepts that statement as undoubtedly setting out the law, and it does not desire to question for one moment the fact that there may be cases in which evidence may be given with regard to facts or matters the existence of which may have come to the knowledge of the police as the result of some inadmissible confession." From the point of view of police practice it is important to have this affirmation of the qualification to the inadmissibility of induced confessions, for it is not always easy to say what is an improper inducement of a confession. The application of the law in *R. v. Barker* is hardly in accordance with the reasons given for the *R. v. Gould* type of case. In that type of case the reason for an apparent evasion of a fundamental rule of evidence is to be found in the reason underlying that rule: confessions wrongfully induced are rejected because they may not be true, in that the accused may have been induced by hope or fear to criminate himself falsely. But the facts emerging from such a confession are not in such a state of doubt. Facts are facts; a confession may or may not be true. There is certainly the distinction which the Court relied on in *R. v. Barker*, that the inducement related directly to a certain kind of evidence which

was only thereby brought to light and did not relate to abstract guilt of a certain offence. But this distinction does not seem to be vital to the reasoning given in previous cases.

Recent Judicial Decisions

PROVOCATION IN MURDER CASES

R. v. Prince; Mancini v. D.P.P.

THERE is still a number of uncertainties in the law of provocation as a defence to a charge of murder. Two recent cases on the subject are therefore particularly welcome. In *R. v. Prince* (1941 3 *All E.R.* 37) we have a new example of the very rare conditions in which mere words may amount to provocation sufficient to reduce the crime to manslaughter. A successful defence of provocation, unlike one of self-defence or accident, does not entitle the prisoner to be acquitted; it means that he has been guilty of manslaughter, contrary to a popular notion of what is the legal position in the *crime passionelle* type of case of provocation. The relation of provocation to self-defence was, among other things, examined by the House of Lords in *Mancini v. Director of Public Prosecutions* (1941 3 *All E.R.* 272).

In *R. v. Prince* the accused alleged that he killed the deceased because of the indecent suggestions which he made to him and as a result of which he became enraged. The trial judge and the Court of Criminal Appeal assumed that such a provocation, if it existed, would amount to a sufficient provocation in law. Almost the only case in which mere words have been held to be legal provocation is *R. v. Rothwell* (12 *Cox* 145). Mr. Justice Blackburn then stated the law as follows: "As a general rule of law, no provocation of words will reduce the crime of murder to that of manslaughter, but under special circumstances there may be such a provocation of words as will have that effect; for instance, if a husband suddenly

hearing from his wife that she had committed adultery, and he having had no idea of such a thing before, were thereupon to kill his wife, it might be manslaughter."

Many of the reported cases on provocation have concerned matrimonial relationships. *R. v. Prince* is only the second such case concerning indecency between male persons to be reported. And in the earlier case, *R. v. Fisher*, 1837 (8 *C. & P.* 182), facts and not mere words were involved. Mr. Justice Park said that if a father sees a person in the act of committing an unnatural offence with his son, and instantly kills him, it will probably be manslaughter. But on the facts of the case the father was told of the offence by an eye-witness and killed the offender the next day. The jury were directed to convict of murder. In *R. v. Prince* there was provocation on the instant, but it consisted in words. The jury convicted the accused of murder.

He appealed on the ground that the judge's direction as to the burden of proof was insufficient. The appeal was allowed and a conviction for manslaughter was substituted with a sentence of penal servitude for fifteen years. The Court of Criminal Appeal agreed that the trial judge's direction was not at all unfavourable to the accused, but thought that his direction was not in conformity with the ruling in *Woolmington's Case* (1935 *A.C.* 462). They thought that the direction ought to have included the clause, "if, upon a review of all the evidence, the jury were left in reasonable doubt as to whether, even if the explanation was not accepted, the act was unintentional or provoked, the prisoner was entitled to be acquitted" of murder. The direction did not make it clear enough that the defence of provocation did not require complete proof of facts which were sufficient to amount to provocation in law; it ought to have brought out more distinctly that if the accused raised a reasonable doubt in the minds of the jury as to the existence of those facts (namely, the indecent suggestions) he was entitled to the lesser verdict. It may be worth adding that for the defence to be complete

the accused must in fact be provoked so as to lose self-control; since *Woolmington's* case, however, it would be sufficient if an apparently mild-tempered man raised a reasonable doubt as to whether he had in reality lost his self-control.

The question of the burden of proof in murder cases was also reviewed in *Mancini v. Director of Public Prosecutions*. It is the third appeal on a conviction for murder to reach the House of Lords since the passing of the Criminal Appeal Act of 1907, the second such appeal in which the conviction was upheld, but the first in which the death sentence was subsequently carried out. The case was also argued twice before the Court of Criminal Appeal, five judges sitting on the second hearing before that Court. But the points of law involved in the appeal, which was disallowed, are not so important or uncertain as these facts might suggest.

On a trial for murder it was proved that the accused had killed the deceased with a dagger-knife in the course of a fight. The defence raised at the trial was self-defence, provocation not being mentioned by counsel nor in the direction to the jury. It may be that counsel omitted to deal with the possibility of provocation in order to concentrate on one particular line of defence, thus avoiding complication in placing the matter before the jury. It is well settled that such an omission would not exclude a reference to provocation in the summing up by the judge if there is evidence which the jury can reasonably take into consideration as reducing the crime to one of manslaughter. The House of Lords reaffirmed this rule, but as there was held to be no evidence at all of legal provocation the trial judge's omitting to mention it was not a good ground of appeal. It was explained that *Woolmington's* case entitled the accused to be acquitted of murder if there is some reasonable doubt about the validity of a defence, whether expressly raised or a possibility on the facts as suggested; it does not mean that the judge is bound to deal with every defence to a charge of murder even though it is not a possible one in the given case. With regard to *R. v. Prince*, which was extremely

fair to the accused, it was explained that that decision did not lay down that any particular form of words must be used in the direction to the jury in these cases of reasonable doubt. It is stated in the judgment of the Court of Criminal Appeal in *Mancini's* case that stabbing with a dagger "is a crime which is *prima facie* murder." Such a presumption does not conflict with the ruling about the burden of proof in *Woolmington's* case. The statement of the Court accords with the opinion in *THE POLICE JOURNAL* in October 1941 (Vol. XIV, p. 354).

The most interesting part of the judgment of the House of Lords, delivered by Lord Simon, L.C., is that which deals with the nature of provocation in law. He said that "an unusually excitable or pugnacious individual is not entitled to rely on provocation which would not have led an ordinary person to act as he did." We may say that the law retains its criterion of what the reasonable Englishman would do; the test is not what an excitable Italian armed with a dagger would do, nor, for that matter, is it what a Glaswegian similarly armed would do. The Lord Chancellor declared that in applying the test of provocation in law, "it is of particular importance (i) to consider whether a sufficient interval has elapsed since the provocation to allow a reasonable man time to cool, and (ii) to take into account the instrument with which the homicide was effected, for to retort in the heat of passion induced by provocation by a simple blow is a very different thing from making use of a deadly instrument like a concealed dagger. In short, the mode of resentment must bear a reasonable relationship to the provocation, if the offence is to be reduced to manslaughter." On the facts of the case, as found, the only provocation was the hostile attitude of the deceased who aimed a blow with his fist at the accused. Such action "would not constitute provocation of a kind which could extenuate the sudden introduction and use of a lethal weapon like" the dagger in question. The reasonable man of the common law, if attacked with fists, does not resort to the knife.

FUGITIVE OFFENDERS

Persons charged in other parts of the Empire may be sent back under the Fugitive Offenders Act, 1881, to stand their trial by means of a procedure similar to extradition of accused persons to foreign countries. Several interesting points in the law of fugitive offenders were discussed in *R. v. Secretary of State for India* (1941, 2 *All E.R.* 546). The accused made use of every possible argument, some of them trifling in the extreme, to avoid his forcible return to the scene of his alleged crime in India.

In November 1935 a provisional warrant had been issued at Bow Street on the application of the Indian Government for the arrest of the accused. In his absence from India he had been charged there, together with a number of other persons, who had been arrested in October 1935, with having conspired to commit offences involving fraud. He had left India in April 1935 and in the spring of 1940 was in Belgium. In May 1940 he came to England from Belgium and the provisional warrant of 1935 was executed. The next step was an Indian warrant, dated June 3rd, 1940, and duly authenticated as required by the Fugitive Offenders Act, s. 3, on which the magistrate at Bow Street committed him to prison to await his return to India. He thereupon applied for his release under a writ of *habeas corpus*. The application was not successful.

The first objection raised was that the applicant for the writ was not a fugitive offender because he had not fled from India to avoid arrest. It was obvious and not disputed that he remained away from India because of the criminal proceedings there. While it is true that the word fugitive taken in its strictest sense does suggest one who has deliberately flown from justice, the word is specially defined in section 2 of the Fugitive Offenders Act in a more general sense. It provides that "where a person accused of having committed an offence in one part of His Majesty's dominions has left that part, such

person (in this Act referred to as a fugitive from that part) if found in another part of His Majesty's dominions" may be arrested and returned. As Mr. Justice Humphreys said: "All that is necessary, therefore, is to show that the applicant is a person accused of having committed an offence in India and that he has left India, when he becomes, in the words of the Act, a person in the "Act referred to as a fugitive from India." This view of the law was supported by two decisions founded on the very similar definition of "fugitive criminal" to be found in the Extradition Act, 1870.

It was further objected that the court should exercise its discretion to discharge the applicant or postpone his return to India on the grounds, among others, that the voyage to India would be dangerous and that it would be difficult to ensure the presence in India of those witnesses who were then in England. Section 10 of the Act does give the court a wide discretion to discharge a fugitive or postpone his return, but the Court saw no reason to exercise this discretion in this case. The medical witness for the prosecution showed that there would be no special danger to the applicant's health in his return to India in the hot season even though he had become somewhat acclimatised in Europe since his departure from his native land. And the objection that it was dangerous to travel in wartime was soon disposed of: "That is perfectly true. It applies to all such persons as in fact are, and have to be in the ordinary course of their duties, whether military or civil, travelling between India and England at the present time. It will not apply to the applicant in any greater degree than it will apply to those other persons."

The other arguments for the issue of a writ of *habeas corpus* need not be noticed. There was no substance in them and they can be described even by a lawyer as merely technical. They illustrate how the time of the judges may be taken up in criminal proceedings by purely procedural objections which have no legal merit.

DANGERS FROM BUILDINGS ADJOINING THE PAVEMENT

It will not occur to most pedestrians when walking along a pavement that if they should be injured by something falling from the adjoining buildings their legal position with regard to a claim for damages is a complicated one. That this is so is shown by two recent cases in which the injured pedestrian succeeded in an action against the owner of the building.

In *Slater v. Worthington's Stores* (1941, 1 All E.R. 245) an extraordinarily severe snowstorm had caused snow and ice to accumulate on the roof of the defendant's shop. No steps were taken to remove this snow or to warn the public of its presence. Four days after the snow had fallen the plaintiff was standing on the highway outside the shop when she was injured by a sudden fall of the snow from the roof. It was held that this accumulation of snow on the roof constituted a public nuisance to persons using the highway because it rendered the use of the highway dangerous to the public; in view of the severity of the storm the owner of the shop must have had knowledge of the presence of the snow on his premises. Since a period of four days had elapsed during which the nuisance could have been abated, i.e. rendered harmless, and nothing was done, the defendant was liable both in nuisance and in negligence. The extent of these two separate headings of the law of tort is obscure and fortunately for the plaintiff he had both points in his favour. Further, the plea that the storms were an act of God was no defence as it was the snow, and not the storms, which directly caused the injury. The oddly-named excuse of "act of God" is of less importance than the non-lawyer often thinks; it is rarely successful.

In *Dollman v. Hillman Ltd.* (1941, 1 All E.R. 355) a pedestrian fell and was injured by slipping on a piece of fat outside a butcher's shop owned by the defendant who was sued for damages. It was proved that the fat came from the shop and that it either flew from the shop when meat was being cut up on a stand near the door, or was carried out adhering to the

shoe of a customer. It was held that in the circumstances the presence of the fat on the pavement constituted a nuisance for which the shopkeeper was responsible. He was also held to be negligent. He should have taken precautions to prevent the fat from leaving his premises for the public highway.

ATTACK BY DOG ON LICENSED PREMISES

When a person is attacked by a domestic animal and wishes to sue the owner for damages the action will be more likely to succeed if he was attacked when on the owner's property with his permission. One who agrees to the presence of another on his premises owes him a certain duty to take care that he is not injured. In *Gould v. McAuliffe* (1941, 57 T.L.R. 369, 468) there is an important ruling on the duty owed by the proprietor of licensed premises to his customers or intending customers.

The plaintiff went to a public house to meet her husband and, while waiting for him, had occasion to look for a lavatory. She did not inquire where she could find one, but went to a garden at the side of the public-house: some years before there had been a lavatory there to her knowledge but it had since been removed. She therefore went on through an open gate at the other side of the garden, and a few feet beyond the gate she was attacked by the publican's dog. As an intending customer, it was found that the plaintiff was invited by the defendant to enter the garden which was regularly used by customers but there was no invitation to go through the gate which led to the private part of the premises. But there was no notice that customers must not go beyond the gate and it was found by Mr. Justice Singleton that "the nature of the premises was such that anyone might well think that the invitation extended further, and the plaintiff did so." The result was that she recovered damages even though, strictly, she had no right to be where she was when the dog made its attack.

The liability of a publican towards his customers was thus expressed: A publican who has a dangerous dog ought to take steps to see that that dog is kept away from customers of his inn behaving reasonably; any reasonable man occupying those premises as licensee would know that someone might easily wander from the garden through that gate. It is not always necessary to prove that the owner of a domestic animal knew of its tendency to attack human beings. It is in some circumstances a legal rule that "every dog is allowed one bite," *i.e.* to give the owner knowledge of its vicious nature and thereby make him liable to a person bitten on a second or later occasion. But this rule only applies if the dog-owner has not been negligent in looking after his dog; if he has been negligent he is liable whether the dog has bitten someone before or not.

OBJECTIONS TO THE ADMISSIBILITY OF EVIDENCE

R. v. Hammond

It is impossible, or almost impossible, to argue a legal point concerned with the admissibility of evidence without referring to the concrete facts evidence of which is objected to. Hence in a jury trial the jury are sent out while the legal discussion proceeds. *R. v. Hammond* (1941, 3 *All E.R.* 318) is a decision of the Court of Criminal Appeal on the practice which ought to be followed in such cases. It was held to be a general, though not an absolute, rule of practice that arguments as to the admissibility of evidence should be heard at the time when such evidence was tendered, and not at the opening of the case, and it was a rule which should be adhered to in most cases. Sometimes it will not be known that certain evidence will be tendered and so the objection cannot be taken at the beginning. But the Court refused to lay down as a rule of practice that in no case should the judge decide to hear in advance arguments as to the admissibility of evidence. There may be cases in which it is convenient, and in which it cannot

possibly result in any harm in its being done. But although the Court thought that it would have been very much better if the ordinary rule had been followed the appeal was dismissed. A rule of practice is not a rule of law.

The case also raised another point in the law of evidence. At the trial of the appellant for murder, counsel for the prosecution stated at the opening of the case that he wished to put in evidence a confession of the murder which the appellant contended was not a voluntary statement but which was induced through ill-usage by the police. The jury were sent out and the question was gone into and it was proved that the confession was entirely voluntary. The interesting point is that the accused stated that the confession was improperly induced, but went on to say that the confession was true, in reply to a question in cross-examination. The jury knew nothing of that which happened while they were out of court: they did not hear the accused admit that his confession was true. But when the jury returned this admission of the truth of the confession was read to them as part of the case for the prosecution. The accused did not go into the witness box on the trial, but only went in on the argument on the admissibility of the confession. It was held that the question as to the truth of the confession was admissible and therefore the accused's reply to it could be put before the jury.

The question was a perfectly natural question to put to a person and was relevant to the issue of whether the story which he was then telling of being attacked and ill-used by the police was true or false. It went to the credit of the person who was giving evidence and was therefore admissible. Mr. Justice Humphreys put it as follows: "If a man says, 'I was forced to tell the story. I was made to say this, that and the other,' it must be relevant to know whether he was made to tell the truth, or whether he was made to say a number of things which were untrue. In other words, in our view, the contents of the statement which he admittedly made and signed were relevant to the question of how he came to make and sign that state-

ment, and, therefore, the questions which were put were properly put."

FIREARMS CERTIFICATES AND THE HOME GUARD

Heritage v. Claxon

Members of the Home Guard being both civilians and soldiers their double status has given rise to a number of legal difficulties. That which arose in *Heritage v. Claxon* (85 Sol. J. 323) concerned the application of sections 1 and 5 of the Firearms Act, 1937. The question was whether a Home Guardsman required a firearms certificate in respect of his possession of a .32 Browning automatic pistol and seven rounds of ammunition. He had no certificate and an information was preferred against him under section 1 by a police superintendent. When the Home Guardsman had the weapon and ammunition in his possession he was not performing any duties in his capacity as such. The justices dismissed the information and the superintendent appealed by way of case stated.

Section 5 of the Act exempts from the prohibition of the possession of firearms without licence "persons in the service of His Majesty in their capacity as such." And by regulation 2 (3) of the Defence (Local Defence Volunteers) Regulations, 1940, "members of the Local Defence Volunteers shall be members of the armed forces of the Crown." The justices thought that this regulation was sufficient to exempt the respondent even though he tendered no evidence other than the fact of his membership of the Home Guard; but the Divisional Court took a different view. It was held that on the facts of the case, or rather in the absence of any special facts, a licence was required in the ordinary way under section 1. The Lord Chief Justice explained that if a member of the Home Guard in his capacity as such had in his possession a firearm without a licence he committed no offence

had the pistol and ammunition in his possession in that capacity. If he had been on sentry duty at the time there would have been no need for a certificate. Lord Caldicote went further and said that it was easy to suppose a case in which a Home Guardsman might at all times have in his possession a firearm in his capacity as a member of that force. Mr. Justice Tucker thought that in some circumstances a licence would not be required even though the weapon was not actually issued to him by the man's officers. In the absence of evidence of these types the justices ought to have convicted.

This decision has been followed in a later case where it appeared that a Home Guardsman was going about the country with a revolver and cartridges in his motor-car (*The Times*, October 11th). The magistrates accepted his contention that he was an officer of the Crown and was, as such, entitled to the possession of the weapon without a licence. But the Divisional Court corrected them upon a case stated and followed *Heritage v. Claxon*.

"FUN FAIRS": NECESSITY FOR LICENCE

The man in the street may be inclined to describe those gilded saloons conveniently described as "fun fairs" as a nuisance even though the man inside may think of them as places of amusement; but the lawyer would hesitate long before condemning them as public nuisances in law. It appears, however, from *Amusement Equipment Co. Ltd. v. McMillan* (85 Sol. J. 333), that these establishments may be brought within the criminal law even though the amusement machines do not infringe the gaming laws.

In "Arcadia" the company had installed a number of machines, pin-tables, dart-boards, rifle targets, and an automatic gramophone. The gramophone was fitted with twelve push buttons by which records could be selected and was operated by the insertion of a penny in a slot and the pressure

led to the record chosen. The instru-

ment could be heard throughout the interior of the premises and also in the street. The place was open to the public daily without charge for admission and the gramophone was used daily continuously between 6 p.m. and 10 p.m. and was in use when the police paid their visit to "Arcadia." The company derived financial profit from the operation of the machine by the public. The company was charged with having unlawfully used premises for public music without a licence from the licensing justices of the district as required by the Public Health Acts Amendment Act, 1890, section 51, para. 5. The Yeovil justices convicted and their conviction was upheld by the Divisional Court.

It was argued that the company did not provide music for the entertainment of the public, but merely furnished means whereby individual members of the public could provide music for their own entertainment. But it was held that notwithstanding the method of operating the gramophone, it was used also for the purpose of attracting members of the public to the premises and entertaining them while they were there. The respondents also attempted to defend themselves by saying that the music formed a subsidiary and not a substantial part of the entertainment as there were fifty-four amusement devices to only one gramophone. There was no difficulty, however, in holding that in spite of these figures the use of the gramophone was a substantial part of the entertainment provided for the public. The mere numerical relation of the offending instrument to the others was not the only test, the nature and extent of its use being material. The Divisional Court thought that if authority for the ruling was needed *R. v. Tucker* (2 *Q.B.D.* 417) would provide it.

QUALITY OF MILK: ONUS ON DEFENDANT

Churcher v. Reeves

In this case (reported in *The Times*, November 7th, 1941) the accused raised successfully a new defence to the common

charge of unlawfully selling milk deficient in milk-solids not milk-fat, contrary to section 3 of the Food and Drugs Act, 1938. In prosecutions under that section milk containing less than 8.5 per cent. of milk-solids other than milk-fat is to be presumed not to be genuine "until the contrary is proved." This presumption at present depends on article 2 of the Sale of Milk Regulations, 1939. It is one of the exceptional cases in which statute has imposed the burden of proving his innocence on the defendant, after certain facts have been proved.

It was contended by the defendant that the milk was sold to purchasers in exactly the condition in which it was drawn from the cows, even though it was proved that there was a considerable period overnight before the sale when the milk had not been constantly under supervision. It appeared that the defendant at the material time was allowed to buy only 66 per cent. of the quantity of dairy cake which he had bought in the year before the war, although he had more cows in milk at the later period. He fed his cows on hay, kale, roots and the dairy cake which was available. Dairy cake being the chief concentrated food for cows, lack of it, unless made up for by other foods, would tend to reduce the quantity and quality of the milk. The justices dismissed the information and on an appeal by the sanitary inspector the Divisional Court indorsed their view.

The inspector was not supported in his prosecution by the special rule which is admittedly placed upon vendors of milk. *Kings v. Merris* (1920, 3 *K.B.* 566) is a leading authority on the rule, but that case is no authority for saying that the only evidence to discharge the burden of proof on the defendant is impossibility of access to the place where the milk is kept. It was urged for the inspector that the only way in which "the contrary" could be proved under the presumption against the accused was by showing the impossibility of access to the milk by evil-minded persons. But there was no authority for such a proposition, which laid down an unnecessarily high standard of proof. The decision in *Jenkins v. Williams* (55 *T.L.R.* 639)

did not go so far. All that that case decided was that where the defence of non-access was relied on, it must be proved up to the hilt; unlike the general run of criminal charges, it is not sufficient in the "milk" case to raise a reasonable doubt as to the truth of the defence of non-access. But in *Churche v. Reeves* there was other evidence to explain the deficiency in the quality of the milk and the justices had fully accepted the truth of this evidence.

Criminal Law and Practice in Scotland

STATEMENT MADE TO THE POLICE BY FOREIGNER IN CUSTODY—
NEED FOR AN INTERPRETER

H.M. Advocate v. Olsson

WHERE the Police have occasion to arrest a foreigner suspected of having committed a serious crime, the most scrupulous care must be taken to see that the prisoner understands what is happening and is aware of his rights under our law. Where his knowledge of English is imperfect, no vital step should be taken except in presence of an interpreter and, if the prisoner so desires, of an agent. Failure to see that full justice is done may hamper the prosecution in the later stages of the case.

Olsson, a Swedish sailor, was tried on a charge of murder. From evidence led for the prosecution, it appeared that, following upon interview by the Police, Olsson was formally charged with murder. An interpreter was present and no exception was taken to the conduct of the Police at this stage. Later, however, Olsson expressed a wish to see the detective officers who had interviewed him. These officers, along with a superintendent, went to his cell. The superintendent then administered a further caution, which he was satisfied accused understood, and accused made a statement.

When, at the trial, before a judge and jury at Aberdeen, an attempt was made to prove the nature of this statement, counsel for the defence at once formally objected. His objection was sustained by Lord Jamieson, the presiding judge, on two grounds: (1) that, as no interpreter was present at this later interview, neither judge nor jury could be satisfied that Olsson understood the caution administered or that the Police rightly understood any statement which the prisoner made, and (2) that accused had not been informed of his right to consult a law agent (Criminal Procedure (Scotland) Act, 1887, section 17), who might well have advised him to make no statement.

It will, of course, be appreciated that the considerations which influenced the judge in Olsson's case (at least so far as the presence of an interpreter is concerned) would not apply in the case of an alien who had lived in this country for many years and who had mastered our language.

IS AN EMPLOYER LIABLE FOR HIS SERVANT'S ACT?

Duguid v. Fraser

An Inverness shopkeeper was charged, in the sheriff court, with a contravention of the Prices of Goods Act, 1939, section 1—selling a price-regulated article in the course of his business at a price exceeding the permitted price. From his business at a price exceeding the permitted price. From evidence led at the hearing before the sheriff, it was clear that the shopkeeper was not present at the transaction complained of. The actual sale was made by an assistant acting in course of her employment. The price charged for the article sold was excessive. Admittedly, the business was carried on by Fraser under his own name, but he "took no actual part in the management of the shop, being wholly concerned with the management of another shop in the vicinity." On these facts, the sheriff refused to convict, on the view that the shopkeeper was not responsible for the actings of his servant. The procurator-fiscal appealed.

Allowing the appeal (and therefore holding that the sheriff should have convicted) the judges of the High Court of Justiciary unanimously took up the position that the shopkeeper, not the assistant, was the true seller of the article concerned. No doubt the article had been bought with his money and the proceeds of the sale would find their way into his pocket. He could not escape responsibility by devolving the liability on to an employee. The wording of the statute contravened (the Prices of Goods Act) was such as to make it clear that the legislature imposed upon the trader an absolute obligation to see that the statute was complied with in all transactions in course of the business. The effect of the Act was to prescribe conditions subject to which the business might be carried on—so far as it extended to price-regulated articles. The trader was, in the court's opinion, in much the same position as a licensee under the Licensing (Scotland) Acts, who must in general accept responsibility for his servant's acts within the scope of his employment.

ROAD TRAFFIC ACT—DISQUALIFICATION

Murray v. Macmillan

In the cases of *Adair v. Munn* and *Adair v. Brash* (1940, J.C. 69; reported in THE POLICE JOURNAL, 1940, at p. 380), a Full Bench of seven judges carefully considered the direction given by section 15 of the Road Traffic Act, 1930, that "a person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise, be disqualified for a period of twelve months for holding or obtaining a licence." It will be recalled that the majority of the court held that considerations of personal hardship did not amount to "special reasons" which would justify a sheriff in refusing to disqualify.

The case now reported (*Murray v. Macmillan*) may be regarded as a sequel. It raised pointedly the question, left open by the earlier decisions, whether overriding considera-

tions of public interest might not suffice to enable a sheriff to evade the direction to disqualify. Unfortunately, the issue was complicated by the fact that the prosecution in Murray's case was laid under section 35 of the Act of 1930, not under section 15. The direction given by section 35 as to disqualification is identical to that given by section 15.

Murray, the appellant, pled guilty, in the sheriff court at Ayr, to a contravention of section 35, which, in effect, consisted of allowing his brother—who was too young to hold a driving licence—to use a motor-car without having in force an insurance policy which complied with the statute. The sheriff, ignoring a strong plea by accused's agent, not only imposed a penalty but disqualified Murray from holding a licence for a period of twelve months. In taking this step, the sheriff indicated that he felt himself bound by the ruling of the court in *Munn's* case.

The main considerations urged on accused's behalf were: that he was a doctor, assistant in a large practice; that he had to attend to a proportion of "night calls"; that, because of an increased population due to war conditions, doctors in the locality were very busy; that he was in charge of first-aid surgical services at a place over four miles from his residence; that he was medical attendant at three collieries several miles from his home; and that he could not adequately discharge his many duties without a car. It was not maintained that it would have been impossible for the accused to obtain the services of a competent licensed driver. In the sheriff's opinion, none of these considerations amounted to a "special reason."

Against the sheriff's decision that he was bound to disqualify, Murray successfully appealed to the High Court of Justiciary. In the leading judgment, with which his colleagues generally concurred, Lord Cooper expressed the view that (1) the sheriff had not given due weight to the element of public interest involved in the appellant's duties as head of first-aid services and as attendant at the collieries and (2) in prosecu-

tions under section 35, the balance might be tilted in favour of remission of disqualification by considerations which would not suffice where the prosecution was raised under section 15. Where a conviction had been obtained under section 15, the capacity of the offender as a driver was suspect and the paramount consideration was the safety of the public on the roads. In cases under section 35, on the other hand, the driver's capacity was rarely involved—indeed, the offence might be committed by a person who had never driven a car and had no intention of doing so. The test was not whether the offender could engage a driver in his place, but whether the public interest would be materially prejudiced if he was deprived of the right to drive. In applying this test, the sheriff was fully entitled to have regard to the present emergency and to the importance of mobility of services in present conditions. The court therefore remitted the case to the sheriff, so that he might reconsider the matter in the light of the opinions expressed.

FIRE PREVENTION—WORKING “AT” PREMISES

McGarrachan v. Adair

The Fire Prevention (Business Premises) Order, 1941, provides, *inter alia*, that “it shall be the duty of all male persons working at premises . . . to take turns of duty at the premises and perform such fire-prevention duties as may be allotted to them.” When does a man work “at” premises?

McGarrachan, a bricklayer, was an employee of John Hill (Builders) Ltd., who occupied premises at 5 Taylor Street, Glasgow. These premises, the company's principal place of business, were premises to which the Fire Prevention Order applied and a fire-watching scheme, approved by the local authority, was in operation. Under this scheme, McGarrachan was detailed for fire-watching duties on certain dates and at certain times, of which he was duly notified. He refused and failed to carry out these duties, maintaining that, although

employed by the company, he did not work “at” the premises.

Being charged, in the sheriff court, with contravening article 3 (1) of the Fire Prevention Order, he pleaded not guilty. From evidence led, it appeared that McGarrachan received orders for his work at 5 Taylor Street; that he reported there for orders if he had no duty to perform; that he was sometimes paid there but on occasion at the place where he was actually working, i.e. on the job, where he was engaged at bricklaying; and that he was sent to work on the company's behalf, at various places in Glasgow. On these facts, Sheriff Macdonald convicted, but McGarrachan succeeded in his appeal against this finding to the High Court of Justiciary.

Allowing the appeal and quashing the conviction, the High Court judges held unanimously that the phrase “working at premises” must be read in its ordinary popular sense. Although his instructions emanated from Taylor Street, McGarrachan never actually worked there at his trade. For that reason, the Order did not affect him and he could not be compelled to undertake fire-prevention duties at the company's headquarters.

NEW PENALTIES FOR OLD OFFENCES

Under this heading, on page 356 of the present volume of THE POLICE JOURNAL, the statement is made that “it is a general principle that statutes should not be construed to impose increased punishment for offences which are complete at the time of the coming into force of the statutes.” It may interest our readers to know that this is good law in Scotland. So long ago as 1913, the High Court of Justiciary took a strong line on this very point (*Hall v. Macpherson*, 7 Adam. 173). Hall had been convicted, in Edinburgh Police Court, of contravening section 1 of the Immoral Traffic (Scotland) Act, 1902, as amended by section 7 of the Criminal Law Amendment Act, 1912. The period charged in the complaint was “between 1st October, 1912, and 15th March, 1913”; and

the difficulty arose because the maximum penalty appropriate to the offence had been increased from three months to six months imprisonment by the amending act, which became law on 13th December, 1912, *i.e.* on a date during the period libelled. The magistrate, on the view that he could avail himself of the maximum penalty exigible at the time of the conviction, sent Hall to prison for six months. On appeal, however, the High Court reduced the sentence to one of three months imprisonment, holding that "it would not be fair to an offender to inflict a punishment upon him which was not before his eyes when he committed the offence."

"MUST I APPEAR PERSONALLY?"

How often, in these busy times, is the constable serving a summons met by an enquiry as to the need for personal attendance in court! "Must I go myself?" "Can my solicitor appear for me?" "Can I send my wife?"

To insist that every offender, no matter how trivial his transgression, should appear in person might cause great inconvenience not only to the accused but to his employer or other persons who rely upon his services and might, by calling men away from important work, impede the national effort in the present emergency. To meet the situation, the legislature has so modified the rules of summary procedure as to give, to any summary court willing to take advantage of them, wide powers of proceeding in absence.

Even before the war, important concessions had been made. Section 4 of the Criminal Procedure (Scotland) Act, 1938, (1) allowed objections to the competency or relevancy of the complaint to be made by counsel or agent outwith the presence of the accused and (2) allowed a plea of not guilty to be tabled by written intimation sent to the prosecutor or by the appearance in court of a solicitor or any other person authorised by the accused. These concessions applied to "any proceedings in a court of summary jurisdiction" and were a long-overdue extension of the limited powers of proceeding

in absence—confined to cases of statutory contraventions punishable by fine only—conferred by section 33 of the Summary Jurisdiction (Scotland) Act, 1908.

In 1940, the Law Reform (Miscellaneous Provisions) (Scotland) Act made still more drastic concessions. Now, no matter what the charge—whether it be laid at common law or under statute—and no matter what penalty is exigible, a plea of guilty (equally with a plea of not guilty) may be tendered in a summary court either (1) by letter to the prosecutor, who produces the letter to the court when the case is called or (2) by a solicitor or any other person who can satisfy the court that he is authorised by the accused to appear on his behalf. In either event, the court may proceed to "hear and dispose of the case in the absence of the accused in like manner as if he had appeared and pled guilty."

It follows that nowadays no person served with a summons need trouble to attend court personally in the first instance—so long as he either writes or sends someone. Normally, this will see the matter through. If he has sent a letter, the clerk of court will in due course intimate the court's decision. If he has sent a solicitor or friend, he will learn the result through him. Time will have been allowed to pay any fine imposed and, provided that payment is promptly made, the matter will take end.

There is, however, a "snag." The court *may* dispense with accused's attendance in person, but it is not bound to do so. The magistrate or sheriff is empowered, where he thinks fit, to continue the case to another diet and require the attendance of the accused with a view to pronouncing sentence in his presence. Even where the court's intention is merely to impose a fine or to admonish, this may be done. If more drastic treatment is contemplated, it must be done, for the statute expressly enacts that "no sentence of imprisonment or of detention in a Borstal institution or in an approved school or in a remand home shall be imposed in the absence of the accused."

“ NO MATCHES; NO CIGARETTES ”

In certain districts, police officers are being pestered by indignant members of the public, who complain that shopkeepers have refused to sell them cigarettes, matches or other articles of which the supply is insufficient to meet the demands of all comers, although—the complainers assert and are prepared to prove—the goods are in stock and are being freely sold to regular customers. Is such a complaint justified and must the Police act upon it?

The general position is clear. In normal times, any shopkeeper—including a licensed grocer or publican—may select his customers and may refuse, without reason assigned, to sell to an individual who presents himself at the counter and demands to be supplied with an article which he has in stock, even though payment be offered on the spot. Incidentally, the display of an article in a shop window or showcase, with a price-ticket attached, makes no difference. This is merely an indication of willingness to bargain, not an offer which can be clinched into a completed contract by the tendering of the price marked.

To this rule an important exception has been made by war-time legislation. The shopkeeper's right to refuse to sell now depends upon the nature of the article asked for. If he is trading in goods for which no maximum price has been fixed, he may still select his customers—but not so with price-controlled articles, such as tomatoes. This restriction has been imposed by section 9 of the Goods and Services (Price Control) Act, 1941, which enacts that if a shopkeeper has price-controlled goods in stock and if he, or his servant, when asked for them, refuses to sell or denies having such goods, or offers to sell subject to a condition that the buyer should also purchase other goods, he (the shopkeeper) commits an offence and is liable to a penalty. This enactment, however, is drastically qualified—indeed, in practice, largely nullified—by the proviso that it shall be a defence for the shopkeeper to prove that the

sale would (a) be contrary to the normal practice of his business, or (b) involve a breach of some obligation lawfully binding on him, or (c) interfere with arrangements made by him for an orderly disposal of his stocks among his regular customers.

It remains to be noted that enforcement of the Act of 1941 referred to rests, not with the Police, but with the local price-regulation committee, to whom complainers should be referred.

SUNDAY DRINKING—TRAVELLERS

In areas to which Regulation 42D of the Defence (General) Regulations, 1939, has been applied, the supply of excisable liquor by a hotelkeeper on Sunday to a traveller has been restricted to supply “for his consumption at a meal supplied to him at the same time in such part of the premises as is usually set apart for the service of meals.” Some indication of the interpretation which the courts may be expected to give to this restriction is afforded by a careful opinion recently delivered by Sheriff N. A. Maclean, K.C., at Dunfermline. The facts of the case were disputed, but the impression made by the evidence upon the Sheriff's mind was such as to induce him to convict. In a written judgment, Sheriff Maclean expressed the view that the purpose of the Regulation was to enable a traveller who called at a hotel genuinely desiring a meal to have liquor served as part of the meal. The customer must be a hungry man who wished to be fed. The law allowed him to have a drink with his meal, but not a meal with his drink. It was not possible to define the term “meal” with exactness, as the demands of individual customers might vary greatly. One man might require the most substantial lunch which rationing restrictions allowed. Another might wish for no more than bread and cheese or a few sandwiches. Moreover, the supply must be made in a room used ordinarily and mainly for the supply of meals, while any other use of the room was occasional and unusual.

In the case before him, the Sheriff had come to the conclusion that the persons served went to the hotel to obtain drink and that the supply of sandwiches was really an attempt to evade the statute. The room used was not, in his view, one "usually set apart for the service of meals." He therefore convicted of a contravention of Regulation 42D.

Studies in Identification and Reconstruction. No. 13

By SYDNEY SMITH, M.D.

Department of Forensic Medicine, University of Edinburgh

FROM the previous cases which we have studied it is obvious that identification is of primary importance, for it is relatively seldom that investigation can be directed into the proper channels unless the authorities know who the individual is. The question of who, therefore, takes precedence of how, when, where, and why, which represent subsequent steps. It has been abundantly shown that in identification and reconstruction every minute detail, every particle of matter, every fragment of information, must be taken into consideration; everything must be examined, and examined carefully. It is only this meticulous attention to detail which enables a decision to be given in complicated cases.

It might serve our purpose to run over some of the details of the examination. The body itself is often not the most important matter. The whole of the surroundings should be searched before the body is touched, for something may have been thrown away, or dropped on or near the body. Much information can be obtained from the clothes; even the clothes alone have enabled us to make a perfectly good identification and reconstruction. For example, the quality and cut of the clothes may give an idea of the social position of the individual. The amount of wearing, the tailor's name, the name on the buttons, the cleaner's marks, laundry marks, repairs, etc., may all help. The stretching of buttons may give an idea as to whether the person is putting on weight. Name tapes may be found on handkerchiefs, socks, or shirts. An examination of the footwear may indicate physical

deformities, such as flat foot, bunions, missing toes, or lameness. The wearing of different parts, or polishing of the surface, may give some idea of the trade or occupation, as will dust in the clothes, or fragments of material in the pockets. Hairs about the collar, or about the hat, may give a general idea of the colour and whether the hair is healthy or diseased. The stature and appearance of the individual may be obtained from the length of the trouser leg, the chest measurements, waist measurements, size of the hat, and so forth.

The reader will recognise in this several points which have been used in the cases which we have discussed previously.

Of course the value of anything found with the body, such as a watch, knife, tobacco, matches, papers, jewellery, etc., need hardly be mentioned. There may be other things; for example, there may be fragments of extraneous clothing. You will remember in the Ruxton case there were found a pillow slip, sheet, blouse, and rompers, all of which were identifiable and were subsequently identified. In the same case newspapers were found with the remains, namely, a portion of the *Sunday Graphic* and *Sunday News* of September 15th, which were parts of a slip edition which had been prepared in connection with a carnival at Morecambe on September 14th, and therefore had a very limited distribution. In the Crippen case you will remember that the pyjamas found with the remains were equally important in identifying the body of Belle Elmore. Portions of material found in certain other cases, for example, material used for strangulation, have been recognised. A piece of sacking may be found, as in the Rameleh and Aberdeen cases in our series, and, in general, any fragment of material may lead to absolute identification.

There may be hairs, fibres, or other fragments of material on the body, or grasped in the hand; for example, in the Aberdeen child murder case there were not only hairs with certain characteristics but a fragment of fluff which made almost certain identification of the room where the murder took place.

Sand may be found with a drowned body giving some idea whence the body has come. Other substances may give an idea of the trade, such as flour, asbestos, oil, grease, wood dust, traces of iron filings, or other metallic material. Boots are a fruitful source of information and they should be most carefully examined before they are disturbed. Material may remain for long periods in the welt and about the instep.

The value of the examination for vomited matter, blood, urine, etc., is common knowledge.

With regard to the body itself, the exact details of its position relative to its surroundings, the position of each of its parts, the presence

and character of any stains, foreign bodies, weapons, etc., should be noted, and photographs should always be taken before it is touched. The presence of insects, maggots and pupa cases should be observed, and samples taken. Any disarrangement of the clothing, evidence of a struggle, and evidence of dragging should be noted. It is particularly important to take photographs of injuries and of any blood about the face or clothes before the body is moved, because if there are wounds the handling of the body may cause blood to get on to the clothes and this may make reconstruction very difficult. For example, in a case I saw recently, the most important question to solve was whether a deceased woman had been in the erect position after she had received an injury causing bleeding from the nose. The absence of any sign of blood running downwards from the nose and the absence of any blood on the clothing underneath made us pretty certain that she had not been in the erect position after the nose had started to bleed. Further, it was important to ascertain whether the bleeding from the nose had started when she was lying on her face, or whether it had started whilst she was lying on her back. The absence of any blood running down the side of the face was conclusive. This may not seem very important, but, together with other factors, it led to a verdict of "not guilty" in a case of alleged murder.

After having made a full examination as above, the body should then be examined, and all the details which may give some idea when death took place investigated. Such details are the temperature of the body, which is ascertained by passing a thermometer into the rectum; the state of stiffness, remembering that the stiffness begins at the head and neck and passes downwards and that softening occurs in the same order; the presence and position of post-mortem stains, which indicate the position in which the body has been lying after death—this is most important for the body may have been moved by the murderer; the presence of the putrefactive changes, of drying or mummification, or of the presence of adipocere, which indicates a fairly long interval of time since death and also that the body has been in damp conditions; the general height, development, colour of the hair, whether it is dyed, oiled, trimmed or curled; the question of baldness; whether the hair is going grey, and the type of hair on the head, the axilla, the pubis, and the body, and the presence of moustache or beard, or evidence of shaving and the appearance of brows and lashes. The skin should be examined to find whether it is fair or dark and for the presence of freckles or wrinkles, moles, warts or scars. It will be remembered that in the Crippen case and in the Tichbourne case scars were of the greatest importance. Tattoo marks should also be looked for and the

presence of old injuries and the marks of disease. In our series we have already seen the importance of this in the case of the one-eyed woman, the congenital wry neck and the girl suffering from partial paralysis. A complete examination of the teeth must be made.

This will be followed, of course, by a complete internal examination of the body with particular reference to the stomach contents and identification in detail of everything found, the extent of digestion, the contents of the bowel, and the condition of the bladder. All these may be of value in tracing the movements of the deceased shortly prior to death, and the length of time between the last meal and death, etc.

In many cases only fragments of tissue have been found, as has been observed in a number of our previous studies, and in such cases we must endeavour to ascertain whether the parts belong to a human being, whether there is more than one, the sex, the age, the stature, the presence of disease, deformities or injuries, the manner of disposal, whether disarticulated or roughly cut by means of saw, hatchet or knife, and the probable length of time since death. The importance of examining the tissues or debris from the neck for the presence of a hyoid bone or ossified larynx has been shown in several cases.

The case which I am about to describe brings out the importance of attention to certain of these details.

An elderly landowner who was apparently in good health suddenly and completely disappeared. His son was rather a bad character and there was a strong suspicion that he had murdered his father, but no proof came to light, and the son became heir to the estate. Some months later the Police were given information that a murder had actually occurred, and that the body had been dismembered and disposed of by burying it in a field beside a canal bank. Information was given as to the spot where excavation would be likely to prove fruitful. The field was dug up at this particular part and fragments of bones were found with a few pieces of clothing. These fragments were forwarded to the Department to ascertain whether any information could be obtained which might lead to their identification.

The parts consisted of a skull, six fragments of long bones, and a mass of decomposed tissue in which were discovered two pieces of a hyoid bone and fragments which were recognised as the ossified thyroid cartilage. The clothing found with the remains consisted of a portion of a fancy waistcoat.

Not a particularly promising lot of material it must be admitted, but the problem was rendered somewhat easier from the fact that the remains were suspected to be those of a definite individual. Any conclusions which might be arrived at from the examination were there-

fore liable to be definitely confirmed or rejected by witnesses who knew the missing person.

Let us examine the exhibits one by one, starting with the skull in the usual way. (Figs. 1 and 2.)

The skull is that of a human being and is complete with lower jaw. There is an extensive fracture on the left side due to damage during the exhumation. It has the following measurements:—

Length	...	...	...	182 mm.
Breadth	...	...	...	135 mm.
Height	...	...	...	140 mm.
Length of Base (Basi-nasal)	...	...	...	105 mm.

The nasal bones are narrow, the nasal orifice is narrow, the nasal orifice and nasal spine are sharp and there is little *prognathism*. The reader will no doubt note that these features practically exclude the negro.

The nasal bones join the forehead forming a distinct angle, the superciliary ridges are strongly developed, the mastoid processes are massive, the base of the skull shows strong muscular attachments, and, in general, the skull has all the characters of a male. The sutures, which appear to be ununited on the outside, are *all* closed when examined from within. Some of these sutures begin to close in the early thirties, others at varying periods, but all are not usually closed until fairly advanced age.

Other features inside the skull, such as the channelling of the vessels, also suggest old age. The upper jaw is edentulous, and, as may be seen from the photograph, practically the whole of the alveolar margin has been absorbed, indicating that the teeth were all extracted a great many years before death. It may also be observed that the jaw on the left side shows *much more absorption than that on the right*, which indicates that extra pressure has been exerted on the left side for a number of years. If the lower jaw is examined, the reason for this is obvious, for whereas the whole of the teeth on the right side have been lost for a number of years there still remain the three molars on the left side and therefore the whole of the work of mastication has been carried out by pressure of these left teeth on the upper jaw. The presence of recent localised wearing on the upper surface of the lower molars shows that they were grinding against upper molars and suggests that the person wore an upper denture.

On the right side of the skull a small portion of the scalp remained. This was converted into adipocere. Embedded in the scalp there were many hairs, grey at the base and black in the upper part of the shaft, indicating that the person was in the habit of using a hair dye. The

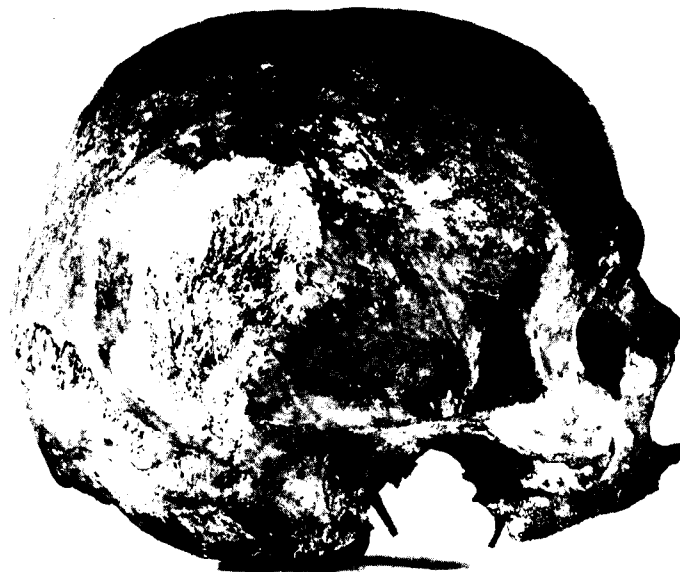


FIG. 1.
Note the shape of the nasal bones and orifice, the edentulous jaw, the patch of scalp with dyed hair in the adipocere.



FIG. 2.
Note the absence of teeth and the wearing away of the gums. (face p. 36)



FIG. 3.

Above: Two fragments of Thyroid Cartilage.
Below: Hyoid bone, showing fracture.



FIG. 4.

RADIUS ULNA FIBULA
Note the cuts and adze marks.



FIG. 5.

Lower ends of right and left tibia.

Professor Sydney Smith wishes to acknowledge the help given by Inspector Storer of the Edinburgh City Police in photographing the specimens.

precise nature of the dye could not be determined; it was not a normal dye and was probably one of the aniline compounds.

The small fragments of bone found with the remains consist of (a) the hyoid bone, and (b) the thyroid cartilage (Fig. 3). The hyoid bone is ossified, which occurs in middle age, the tip of the left horn is broken, and the right horn is fractured at its junction with the body. Adipocere is seen in the fractured ends indicating that the fracture was caused before the formation of that substance, and presumably before the body was buried. It is difficult to fracture the hyoid bone in the manner found by any means other than grasping the neck, and we may assume therefore that the individual was killed by manual strangulation. The two fragments of thyroid cartilage are completely ossified, a condition found as a rule only in old age. They also appear to have been damaged by pressure on the neck.

The six portions of long bones are all human and appear to have belonged to the same body. They have male characters and are fully ossified. They consist of the lower ends of both right and left tibia and fibula and the radius and ulna of the left arm (Figs. 4 and 5 together). The left leg bones are about $3\frac{1}{2}$ inches long, the right leg bones $2\frac{1}{2}$ inches, and the left arm $4\frac{1}{2}$ inches. In the figure may be seen transverse cuts from a fairly sharp knife used to cut through the soft parts, and nicks from a moderately sharp adze or similar weapon used to cut the bones, indicating the manner in which the body was dismembered.

On the lower ends of both tibiae there may be seen smooth facets in front of the articular surface; these are due to long-continued pressure of the tibia against the astragalus bone of the ankle joint, indicating that the person was in the habit of squatting, the usual method of resting in the native Egyptian.

The piece of cloth is a portion of a fancy waistcoat in common use by Egyptians of somewhat better class than the fellaheen.

What information have we managed to extract from the material?

The remains are all human and are all from one body. The body was that of a male as shown from the characters of the skull, hyoid and long bones.

Race.—As I have mentioned previously it is seldom possible to be sure of the racial origin of a skull. In this case the question to be decided was whether the skull was Egyptian, Negro, or European. The measurements given above are helpful in deciding. From these measurements we may calculate the ordinary indices of the relationship of the length to breadth, height and base, and compare these with average figures for the three races mentioned, as follows:

Index		Egyptian	Negro	English	Case
Breadth Length	$\frac{B}{L} \times 100 =$	71.8	72.8	74.3	74.2
Height Length	$\frac{H}{L} \times 100 =$	74.3	74.1	69.9	77
Height Breadth	$\frac{H}{B} \times 100 =$	103.3	101.75	94.3	103.7
Acroplatic	$\frac{B-H}{L} \times 100 =$	-2.4	0	+ 6	-2.7
Basi nasal length		104	103	101	105
Length/Basal length		177	177	186	173.3
Height		137	135	132	140

From these characters, especially the height, the height breadth ratio and the acroplatic index, the absence of prognathism, the shape of the nasal bones, type of nasal aperture and nasal spine, we may with reasonable certainty say that the person was a native Egyptian without negroid characters.

Age.—The age was probably over sixty years as shown by the obliteration of the sutures of the skull, the ossification of the hyoid bone, the ossification of the thyroid cartilage, and the condition of the upper and lower jaw.

Stature.—The stature cannot safely be given within even approximate limits, but the reconstruction of the long bones, and, from them, the skeleton, gives a body length of about 5 feet 9 inches. (Reconstructed tibia 380 mm. = height 174 cm.)

This elderly Egyptian male had had the whole of his upper teeth and all the lower teeth, with the exception of the left molars, extracted many years before death. He probably wore a denture in the upper jaw. He was in the habit of dyeing his hair with one of the aniline dyes. He was in all probability killed by manual strangulation, after which the body was dismembered by cutting through the soft parts with a strong sharp knife and dividing the bone with a fairly heavy and moderately sharp adze, or similar instrument. The body was buried in a damp place and remained there for at least six months.

This description tallied accurately with that of the missing individual. The condition of the teeth was identical, and, on examination of the house, an upper plate was found which fitted the upper jaw, and, what was of major importance, the molars on the left side were worn, whereas those on the right were not, and the worn edges fitted accurately into the surfaces of the lower molars in the jaw. This, to my mind, made the identification conclusive.

The individual was known to have used hair dye and the remains of that dye with pot and brushes were found in the house.

The waistcoat was identified as belonging to the missing man.

The identification was accepted by the Courts and the son was charged with the death of his father. The evidence connecting him with the murder need not be considered here.

The Police and Post-War Motoring

By SERGEANT JOHN BURDETT

Brighton County Borough Police.

IN the months immediately preceding the present war much success was achieved in road accident reduction. Many methods were being employed throughout the country in an effort to reduce the appalling casualty figures. Police tactics varied with different Forces, but the problem of road casualties was doubtless well in the minds of the Chiefs of Police who were grappling with the matter.

Unfortunately, a general application of well-proved principles in this connection had not been brought about. This feature in itself had a great retarding effect upon the results when they were reviewed *en bloc*.

A motorist undertaking a long journey would naturally pass through many police districts. Conditions in different towns varied to such an extent that drivers were liable to become a little bewildered. One Force would be exhibiting large "Police" signs on its vehicles, and officers well trained in their particular work would help, caution and advise when- ever possible. In the next district it was possible for entirely opposite conditions to prevail and Police may have been lurking in a side road with a fast car and disguised in plain clothes. Could such a deviation in principles bring about a satisfactory common result? The answer is definitely a negative one.

Pedestrian crossings were a success in many parts of the

country, yet in certain areas they were unfortunately neglected. The crossings have not proved the havens of safety to the pedestrian which they were intended to be. A major difficulty was the inability of the motorist to recognise the crossings at a reasonable distance. The Belisha Beacons are very easily obscured from the view of an oncoming traveller. Vehicles, in fact, were frequently to be found parked close to, or, in some cases, actually on the crossings. These factors tended to make the crossings unsafe and to lull the pedestrians using them into a false feeling of security.

Education Authorities were in many parts performing splendid work by their efforts to further safety methods. The liaison in numerous towns between the Police and the schools was remarkably good and correspondingly favourable results were obtained in accident figures. Yet in other districts the link was not so satisfactory and expert advice to the children was sometimes lacking.

The instruction given to school children in the past has been in the film, poster, and classroom talk categories. Often it has occurred to me that to take out small groups of children to the pavements and there provide practical demonstrations of safety methods would prove a more satisfactory type of teaching. Let the child have classroom theory by all means, but few will deny that theory when ably backed up by practice tends to perfection.

With the outbreak of war the responsibilities of the Police were increased tremendously and duties in regard to accident prevention have been severely hindered. The terrible number of road deaths since hostilities began presents a dreadful picture of the decline which has taken place. For this reverse the motorist cannot be entirely blamed, nor can the pedestrian. There is a combination of neglect on the part of all users of the highways, and the general conduct of road users has deteriorated considerably since war began; of this I am sure after careful observation of wartime travellers. The worries and anxieties of the present period can well be the cause of

much of this trouble, but, whatever the reason may be, the ugly figures of death and injury present themselves to us at regular intervals, in all their horror.

A large-scale attempt to improve conditions is not possible during wartime. The need for economy in fuel and the difficulties of employing suitable personnel prevent it.

In times of peace we should be prepared for war and likewise in war we should prepare for peace conditions as early as circumstances permit. This is vitally necessary as far as the accident question is concerned.

The number of private motorists has been drastically reduced by various means, but with a return to peace conditions the number will gradually surge to record figures.

New motor vehicle production will be delayed until the producing plants of the manufacturers have been transferred to their normal routine. It therefore follows that there will be a reasonably quiet period on our roads until the new vehicles are in full production. It is during this time that throughout the whole of this country each Police Force must provide a high standard of proper training to every member with a view to educating the public in accident prevention.

For separate Police Forces to adopt independent methods, there can be no recommendation. Such a procedure would in fact prove disastrous to future efforts. A complete overhaul of methods is necessary and a policy must be embarked upon which is common to each and every Force.

A careful analysis of local conditions is called for. It will readily be appreciated that traffic conditions in Birmingham are vastly different to those at Blackpool. In spite of this the fundamental principles of road safety must be such that they can be generally applied in every part of the country. The motorist who travels to work each day in the city must be educated on such lines that when he may take to the roads at week-ends, for pleasure, he will find the same well-thought-out methods governing road users whatever region he may use.

Many of our roads are unsuitable for the amount of peace-

time traffic which they carry, but however improved they may become they cannot bring about a change in the attitude of the persons using them. From time to time narrow and dangerous sections of road have been closed and a modern highway substituted. The results on many of these new sections have proved disappointing. The wider the road the greater is the tendency of the motorist to overtake or to cut in on other traffic. Dual carriageways simplify the question of traffic flow and tend to give additional safety, but only to a degree will they improve conditions as far as accidents are concerned.

Let us look to the future with the hope that road safety will become a matter of general concern and of paramount importance once war is over.

Thousands of drivers will leave the Military Services and many of these will not have passed a driving test as defined by the Motor Vehicle Driving Regulations. No doubt during war-time a large number of reasonably good drivers will be produced. Will their experience be of the correct pattern to tend towards general safety? An Army Driving Permit must surely not warrant the issue of a normal Driving Licence. Efforts to encourage ex-military drivers to follow the same type of work will doubtless be made by motoring organisations. In many cases the training of the soldier in the use of mechanically propelled vehicles is all too brief. Once a driver has mastered the manipulation of the various controls he is too early thrust on the road to carry out his duties. It is therefore essential that before these men become peace-time drivers their attitude towards their vehicle and to public safety must be remoulded.

Many women are at present giving splendid service to their country by driving motor vehicles of all types. They too will look forward under happier conditions to both business and pleasure motoring. It will be necessary for future instructors of motor driving schools to make a careful study of the idiosyncrasies of the woman driver. Her reactions to unexpected happenings on the roads are somewhat different to those of men.

The irresponsibilities of youth find a natural outlet when the young driver takes to the road. This inexperienced individual must be carefully handled, for he may become the Public Service Vehicle driver or chauffeur of a few years hence. Motor Clubs should be assisted by the local Authorities and every effort made to impart expert knowledge to the members. When dealing with the younger section one also thinks of the pedal cycle. Cyclists, by virtue of the behaviour of the juvenile section, are probably the most dangerous group of road users. The provision of cyclists' lanes adjacent to certain main roads has proved a step forward. It must be remembered however that thousands of cyclists seldom use the main roads but take advantage of a cheap means of business travel in towns. Safety lanes cannot be provided in many built-up areas and consequently the question of cyclists must receive most serious consideration. Many travel the highways with machines which are mechanically unsound. Brakes are often neglected, sometimes useless, yet the Police are almost powerless to deal with this important factor in public safety. Many are the cyclists who have met with a tragic death through neglect in this direction alone. The obligation for cyclists to carry rear lights must be maintained. Cyclists have always proved themselves a nightmare to motorists after lighting-up time.

Unfortunately pedal cyclists may take to the road at any age. Once they have discovered their ability in the art of balance or even before they have properly reached this stage, the highway, with all its dangers, is theirs. Children of three years and upwards are unexpectedly encountered shooting from a side road or drive. It is really an unsatisfactory state of affairs. In hilly districts it is not uncommon to find young boys racing in varied types of boxes to which wheels have been attached. Serious and often fatal accidents have resulted from these contraptions, which should be barred from the highway for all time. No child of tender years should be allowed on the roads unless accompanied by an adult person responsible for his

safe conduct. Future efforts must also be directed against cyclists who ride three or more abreast. The habit, a thoughtless yet very common one, hinders traffic and is a constant source of danger.

To educate the future motoring community on proper lines is a colossal task, for there are so many types and classes to be considered.

The Public Service Vehicle driver is in one of the most important sections. Here, however, provided that the Transport Undertaking is enthusiastic, as it certainly should be, it should prove a fairly easy matter to foster the correct attitude among the men. A feeling of friendliness and helpfulness must exist between the drivers and the Police. Lectures should frequently be given by competent police officers and the traffic accidents of the particular department should be carefully perused and discussed in the presence of the men with a view to broadening their ideas of safety. It must be borne in mind that most urban passenger transport drivers spend their total driving time in districts which can only be regarded as danger areas. Specialised training in safety methods is therefore warranted, and indeed necessary. Traffic Inspectors of Transport Departments should be provided at danger periods not only to supervise the drivers but to assist the travelling public at danger points. The keen and conscientious Public Service driver might even be encouraged to work at schools in conjunction with the Police. Numerous injuries are still being caused through travellers mounting or alighting from vehicles and this matter should be prominently in the mind of Transport Authorities with a view to improving conditions. Conductors must receive more training in the handling of the travelling public, particularly in paying the necessary attention to the old or infirm and the very young.

Drivers of commercial motor vehicles rank with our very best. They have been referred to in the past as "Knights of the Road." With their comparatively slow-moving vehicles they regularly embark upon long and tedious journeys, yet

the majority maintain a standard of driving and courtesy unequalled by any other class of road user. Employers of these men usually take a great interest in their ability and behaviour, and the Police must also pay more than ordinary attention to them. The professional driver invariably bears his highway responsibilities well in mind. Here, indeed, is a body of men eager to learn and usually willing to co-operate. With the goods vehicle driver displaying a high standard of driving and extending proper courtesy to other road users a form of reciprocation must eventually begin to show itself in other sections of the motoring community. Although he will probably not realise it the paid driver will thus become an agent for the cause of safety. No effort should be spared to obtain the loyal support of this class of driver.

The owners and drivers of private cars form our largest class of road user. To-day every type of person utilises the motor car or cycle. The introduction of driving tests for newcomers was an excellent step forward and there can be little doubt that the method will be reintroduced as soon as circumstances permit.

A strong link should be established between Motor Driving Schools and the Police. To illustrate the need for this it is only necessary to bear in mind the danger areas which exist in every city, town or country district. By means of suitable co-operation between tutors and the Police the former should be in a position to sharpen up pupils to the necessity of exercising proper care and control in the hazardous sections of roads which the latter will probably use frequently.

The majority of motorists have but a vague idea of the Highway Code. Millions of copies of this excellent booklet have been distributed to both motorists and householders in the past few years. The individual who possesses a sound knowledge of the code is competent usually to display a high standard of driving and in addition to preserve the safety of his fellow beings. The Code contains all the directions which are necessary for the safe conduct of every class of road user.

The future should see the outcome of an unprecedented educative campaign to travellers based entirely on it.

Vehicle brakes are one of the most potent factors in road safety. A surprising number of vehicles frequent the highways with brakes which are not in proper condition. Braking systems have always received the serious consideration of transport designers and in this respect English vehicles are second to none. Many are the owners, however, who completely disregard the need for properly adjusted and balanced brakes. The person who travels in a car with inefficient brakes is careless and may be a criminal. It has been my unhappy experience to attend many serious accidents, a high percentage of which were fatal, to discover that defective brakes have been the causation. The resultant inquests and/or police court proceedings invariably were the cause of worry and grief to the driver, apart from his victim's side of the question; the occasion might not have arisen at all if only the vehicle had been maintained in a roadworthy condition.

In many parts of the world a standard percentage of braking efficiency, as measurable by meter, is prescribed. Such a practice adopted in the British Isles would considerably simplify matters for the Police. It would also be more favourable to the motoring community were it to be made known that a given standard of braking efficiency would be required throughout the land. We have manufactured in this country an excellent braking testing appliance and its value cannot be overestimated.

My various criticisms and remarks will no doubt serve to point out how ill-fitted for their responsibilities are many who frequent the highways. They also indicate the tasks which lie ahead for the organisations concerned.

It will doubtless be the business of the Police to play a major part in any Post-War Safety Campaign. It is essential that such an operation be carried out on lines which will enable a carefully designed policy to be set in motion in every section of the land. Senior officers in charge of Traffic Sections

of the Forces should first receive the necessary information of the scheme at a Central School similar to those established for a time in Lancashire, Essex and the Metropolitan Police District, and which were performing excellent work. I must acknowledge the thorough tuition which was imparted to me by the instructional staff in the first-named Force and to them I am indebted for some of the views I have expressed in regard to the need for a national effort towards bringing about an improved standard of driving behaviour. The experiment, especially in Lancashire, proved an unqualified success and a bigger effort on similar lines should be given a prior place in a post-war programme of road safety measures. One guiding policy only should be applied to Police methods in this connection, also to ensure that arrangements are brought about whereby liaison between the traffic departments of neighbouring Forces is properly and harmoniously maintained; these are essential to progress. On returning to their respective Forces it should then be the work of the appointed officers to set in motion the nation-wide scheme. Motor Patrols would of course form an important part of such a scheme. The number of these men must be considerably increased. In the past good results have been limited owing to the restricted number of personnel. Much will depend upon the manner in which such patrols carry out their work. They must be carefully selected and subsequently receive the most thorough training. Appearance and demeanour must be of a high standard. They must be all things to all road users.

In conclusion there is one important point which I have already mentioned. It is the time factor. If motorists, once war is over, are permitted to drift back to the roads and little or no means are provided for the proper education of them in road safety, then only one thing can happen; there will be a very considerable increase in road accidents. We cannot afford to let this occur and the prevention of this development is of the first importance. Once peace is in sight, or before if conditions permit, the Authorities must embark upon this vital work of

preserving the lives of our fellow beings. Street accidents can usually be avoided if proper care is exercised. It is the failure of the human element which is to the forefront in almost every road tragedy.

Prior to this war the Chief Constable of Brighton inaugurated many schemes in the Borough with a view to increasing public safety. Much success was obtained locally and our accident figures revealed in no uncertain way the effect of the efforts which were being made. Considerable reductions were obtained. I am therefore well aware of what can be achieved in this direction. All members of the Police Service are looking forward to happier times and I know all will be ready and willing to play their part in the future drive to reduce the dreadful carnage of the roads to a minimum.

Common Sense and Criminal Investigation

COMMON sense, which should be the most powerful weapon in the detective's armoury, has been bitterly described as "the most uncommon sense." It is important for every man who strives to succeed in life; it is even more important when he has got to the top of the tree. It can be acquired perhaps more easily by a policeman than by anybody else, because common sense is based on observation of one's fellow men and their customary actions and reactions. No amount of learning can impart it: "a handful of common sense is worth a bushel of learning" says an old proverb, and never was any saying more apt where criminal investigation is concerned.

Of late years there has been a disquieting trend in the work of detective officers, a trend which, if it continues much longer, is likely to prove definitely harmful to their efficiency. The practice has arisen, and is growing fast, of taking out of the detective's hands and passing on to the scientific expert

any case, however simple, in which it is considered that "scientific evidence" will ensure a conviction. It has grown to such an extent that detectives, especially the younger ones, are apt to spend too much time in considering details which they think may be of use to a scientific expert, instead of realising that the crime can be elucidated by means of their own common sense and that ample ordinary evidence is available.

Nobody outside Bedlam, least of all a trained detective officer, will underestimate the vital importance of scientific assistance *in the right case*; but if the assertions that science can help in far more cases than it actually can, and that it is the "duty" of the Police to call in the aid of "experts" whenever ordinary reasoning powers are needed, continue to be put forward by over-enthusiastic amateurs, it is time that somebody called a halt. For there is a real danger of breeding a race of detectives who will imagine that all their troubles will be solved if only they will consult a scientist in any and every case in which any interesting problem arises.

The truth is that, apart from medical cases (pathological and toxicological for the most part), the vast majority of other problems which confront the detective ought to be solved by the investigating officer himself with the help of the police machine—another name for the accumulated experience of himself, his fellows and his predecessors—coupled with applied common sense.

It is the business of an efficient Criminal Investigation Department to produce a number of intelligent men who are prepared to make use of applied common sense with the aid of up-to-date apparatus. In large forces this can and has been done. In small forces it is more in the nature of a counsel of perfection and they must seek help either from the nearest efficient detective force or elsewhere. It is only when one gets beyond the range of applied common sense—and it is a very wide range—that the case becomes one for the best expert on the particular subject.

In London at any rate—and Liverpool, Manchester, Birmingham and other large cities are unlikely to admit inferiority—it is possible to obtain an authoritative opinion on any scientific or semi-scientific subject if one is prepared to take the trouble. The accumulated knowledge of generations of C.I.D. officers will lead to the right man within a very short time.

The exaggerations of a few enthusiasts as to the number of cases in which scientific aid can help, and the newly-awakened zeal and determination to make more use of scientific aid by those who have realised its importance much later than they should have done, have had a most unfortunate result: they have led to a competition among police forces to produce as many records as possible of cases in which scientifically qualified experts have been called in. Thus case after case has been sent forward for examination by an "expert" in which all that was necessary was applied common sense on the part of the investigating officer assisted by the police machine. In the vast majority of these cases the "scientific" evidence, whilst academically interesting, has carried the case no further. The first question an investigating officer should ask himself when considering whether he should adduce "expert" evidence of any kind is not *can* an expert examination be made, but, if it is made and comes up to the highest expectations, *will it carry the case any further evidentially?* In other words, is it necessary in order to assist the prosecution?

Statistics of cases in which an expert might have been consulted and was not consulted because the problem was solved by the ingenuity of the investigating officer would give a far better indication of whether the particular force had emerged from its infancy than whole lists of cases referred to an "expert" merely because it was possible to have some kind of "scientific" examination made. The criterion of efficiency in every police force should be ability to carry through prosecutions successfully without introducing unnecessary evidence.

Some years ago, in a murder case, it was important to prove that a silk stocking found round the neck of the murdered woman was a fellow of one still in the possession of the landlady of the alleged murderer. "Expert" evidence was called to prove in minutest detail that the two stockings were exactly similar in composition, method of manufacture, dye, etc. This evidence produced the inevitable cross-examination, which very soon elicited that similar stockings were produced by the thousand every week. Later in the case the landlady herself recognised her stocking from the way in which she had darned it. Is it to be wondered that the learned Judge expressed the view that the prosecution had been overdoing it?

It is almost an everyday occurrence for a detective to demonstrate to a jury that a jemmy found in the possession of a burglar could have made the marks found at a particular "breaking" and that it bears traces of something which looks like paint of similar colour to the paint on the particular door. Often the jemmy bears a golden "trace" which looks like brass, the "trace" being found in a position which exactly corresponds to that in which the tool would have been had it come in contact with a certain portion of a brass lock fitted to the door in question. In either case the evidence speaks for itself; proof that the paint on the jemmy is composed of ingredients exactly similar to those in the paint on the door, or that the golden streak is in fact brass, carry the matter no further when it is remembered that the majority of doors in the town have been treated with paint of similar composition and that brass is brass all the world over.

It is far more common than many people imagine for a button, complete with the thread which once attached it to his coat, to be accidentally left behind by a thief at the scene of a crime. The significant point that, when arrested, his coat was found to be short of one button and that the remaining buttons on his coat look exactly like the one found at the scene of the crime and have been sewn on in an exactly similar way with thread which is also similar in appearance, is obviously

of great importance. The facts that the detached button and the remaining buttons are of exactly similar chemical composition and that the thread has been made of yarn of similar warp and weft and dyed with similar dye are interesting but carry the matter no further when it is remembered that similar buttons are made by the million and are to be found on most coats and that similar thread is produced by the mile.

Some time ago thieves used a tea chest to assist in transporting a safe from the scene of crime to their home. In the course of the proceedings they broke a wooden lath which had been in the chest. One piece of this lath was subsequently discovered at the scene of the crime, the other at the house to which the plunder had been transported. Anyone could see, when the two irregularly-broken pieces were fitted together, that they had once formed a single lath, and surely anyone could understand that if he continued to break similar laths of wood one by one all his life the odds against his ever producing two breaks exactly similar were so great as to make it quite safe to ignore the possibility.

Does anyone suggest that a scientific examination which proved that each piece of wood had come from a particular kind of tree, grown, let us say, at Archangel and not at Libau, would have carried the case any further? Yet it was actually suggested that time and money should be wasted in having such an examination made. Examples could be multiplied almost *ad infinitum*. The scientists are not to be blamed for making examinations when asked, but detectives are, for suggesting that unnecessary examinations ought to be made.

There is a tendency, too, among detectives to-day—most noticeable in those who are urged to produce statistical records of the “scientific” cases in which they have been engaged—to prefer the complex to the simple. For example, they will ask for a photograph to be taken of, say, a faked betting ticket which has been discovered to be a fake by the clerk to whom it was tendered. Surely if the clerk can detect the fake by looking at the document, so can the jury. Another practice is to ask

for a micro-photograph when an ordinary enlargement is easier to understand and at least as convincing, if not more so. Others will take elaborate pains to make a cast of a footprint in difficult conditions (*e.g.* in light dust) just because it is possible with sufficient care for such a cast to be taken. They forget that it would be much easier and much more convincing to take a photograph of the suspected mark and then compare it with a photograph of a mark made with the boot in question in similar artificially-produced conditions, than it would be to compare the cast with the boot itself.

It should never be forgotten that unnecessary “expert” evidence always gives the defence something to talk about and raises the possibility that the jury may be led away on a false side issue. “Expert” evidence is usually rebutted by “experts”; for if the prosecution rely on “scientific” evidence, obviously the defence will employ other scientists to refute it, and the more the aid of science is called in on the one side, the more will scientific testimony be brought in by the other. So that in the end the jury will have to choose between two groups of scientists, of equal learning, and the evidence of the investigating officer founded on common sense will be relegated to the background, if indeed it is considered at all. Moreover, the evidence of the scientist, from its very nature, must inevitably enjoy precedence, and thus it takes away from a keen detective the chance of showing a judge and jury that he has discovered something which speaks for itself and which, if looked at in the light of the surrounding facts, can only lead to one conclusion.

It is more than time it was recognised that trained detectives must be allowed to show courts that they possess common sense, that scientific examinations cannot be made until the investigating officer has found something to examine, and that a scientific examination alone cannot tell one who committed the crime although it may give the detective a new line to follow. If there are any detectives who do not recognise the help which science can give them in criminal investigation they

should have the fact drummed into them by their seniors and be made to read the Sherlock Holmes stories and the Dr. Thorndyke stories, where they will find innumerable examples not only of cases in which scientific examinations can usefully be made but also of cases to remind them of the necessity for minute search, with a view to finding out whether a criminal, by accident or design, has either taken anything away from a scene of crime or left something behind him. The question whether evidence must be given about any such "trace" and who is to give it depends upon what it is, what other evidence is available, and whether it speaks for itself. For instance, peculiarities of a particular jemmy reproduced upon a broken door if visible to the naked eye can be pointed out by the officer who discovered them; if they can only be seen with the aid of a microscope then somebody who understands microscopic work must be called to explain them. But above all it must be recognised that it is the investigating officer, first and foremost, who is responsible for the solution of a crime problem. And to achieve this task he must be made to use his common sense.

A New Car Theft Dodge*

By B. H. GERMAN

Seattle Branch, National Automobile Theft Bureau.

RECENTLY a case passed through this office which proved to be very interesting and might prove helpful to the rank and file of police forces elsewhere.

This office was advised by the Washington State Patrol that a 1937 Plymouth Coupé had been burned on the Muckle-shoot Indian Reservation about seven miles out of Auburn; that it bore no licence plate, that the motor number had been

* Reprinted from *The Canadian Police Gazette*, by courtesy of the Author and Editor of that journal.

chopped out, the serial plate removed; and that it bore no other means of identification.

In company with Auburn and Seattle officers I examined the remains and found it to be as reported to me. I was able to procure certain component part numbers, and in digging through the charred debris, in what had been the floor, we found what remained of the ignition lock, with keys still attached to it. By sending the component part numbers to our office in Detroit, and having the ignition key and rear compartment key examined by a key expert, we were able to determine the motor and serial numbers that the car had originally borne, and that such car had been originally shipped to a dealer in California.

This information was relayed to our San Francisco office, and that office requested to trace the subsequent history of the car, locate it, and determine if it had been stolen. The natural assumption was that the car had been purposely destroyed for the insurance, but failing to find a report covering any such theft in Washington, we began combing the records in all of the surrounding states, but with no better results.

With no insurance involved, the entire thing became one big mystery. The car appeared to have been in excellent condition, well cared for, and worth several hundred dollars. Why was it deliberately destroyed?

Two days before this car was destroyed a resident of Seattle reported the theft of his 1937 Plymouth Coupé, and that car had not been located. We felt sure that there was some connection between the destruction of the one and the theft of the other, but since both were 1937 models, and apparently of equal value, we couldn't find an answer that seemed to add up.

The owner of the stolen Plymouth was thoroughly investigated, and his record and reputation traced back for several years, on the theory that he, in some way, was involved in the destruction of the other car. We knew the burned car could not be the stolen car, as we had the component part

numbers of each, and they in no way tallied. The owner of the stolen car is an old-time tavern keeper, and is a wise guy, but we could dig up nothing that seemed to implicate him, or to indicate that he would profit particularly in collecting from his insurance company.

In the meantime, our San Francisco office had traced the history of the original car bearing the motor and serial numbers supposedly belonging to the burned car, found that it had been registered continuously in California since 1937, and that it was then in the possession of a college professor at San Jose. Our agents had 'phoned the San Jose police and asked them to make a physical inspection of the numbers of the professor's car, which was done, and the San Jose police reported back that the motor and serial numbers tallied, and were the same as those supposedly on the destroyed car.

San Francisco suggested that I must have misread one or more of the component part numbers of the burned car, which had misled our Detroit office in checking such numbers through the factory records. I revisited the remains of the car, rechecked the part numbers, and found that my original reading of them had been correct.

Up to this point, and with these facts, what would be your answer to this Chinese riddle, and where would you go from there?

I wired back to our San Francisco office that I was sure they "had something" in the San Jose car, and that they had better get one of our agents on the job, and give it and its history a thorough "once over." Upon interviewing the professor, they found that he had purchased the car from a man by the name of Reavis, and upon running this name through all registration and criminal records, our agent learned that there were six brothers in the Reavis family, and that two of them had done time in penal institutions in California for car theft, and other crimes. In checking further, our agent found that the two Reavis brothers with criminal records had purchased some twelve or fifteen late model wrecks in Cali-

fornia from wrecking houses. In following out the subsequent history of these wrecks and inspecting their numbers, the whole mystery was quickly solved, and some twelve late model stolen cars were recovered and the thieves are now on McNeil Island. Two of the Reavis brothers were arrested in San Francisco while driving the 1937 Plymouth Coupé stolen in Seattle. The motor and serial numbers had been changed to conform with those on the burned Plymouth.

One of the Reavis brothers and a cousin were arrested at Seattle. Their confession solved the mystery of why the car was destroyed by fire. It had been built from parts of various wrecked cars and had been legally titled and licensed in California. It was not in very good condition, and they decided that it would be cheaper to steal a like model in good condition than it would be to recondition the legitimate car. They had to have a title for the stolen car, so it was safer to completely destroy their own car and use its title in disposing of the stolen car.

Their entire routine was along this general line: Buying a late model wreck, and getting the title for it, they would salvage what they could from the wreck, and sometimes transfer the motor from the wreck to a stolen car, in order to avoid changing the numbers of the stolen car. Stealing a car, exactly like the wrecked car, they would make whatever changes were necessary, and dispose of the stolen car under the title of the wreck.

Had they shoved their own car into deep water in the Sound, or some other large body of water, they could, with reasonable luck, still be at large and going strong in the auto theft game. Their decision to burn the car was their one serious mistake.

Hire Purchase and the Police

By SERGEANT J. EDMONDSON

Bacup Borough Police

PRIOR to the first January, 1939, when the Hire Purchase Act, 1938, came into force, it was not an uncommon occurrence for articles of furniture, bicycles, etc., acquired on the hire-purchase system to find their way back to tradesmen or dealers by various avenues. Pedal cycles in particular, by reason of their being a popular hire-purchase investment, were in no small way susceptible to a mysterious kind of transportation, and a fair amount of police time was taken up in endeavouring to trace these missing articles reported to the police as "stolen."

It is as well to point out, however, that there are two kinds of agreements whereby a prospective "purchaser" may be afforded assistance to obtain goods which, for the moment, are beyond his financial resources. There is the usual "Hire-Purchase" agreement, which is an agreement for the bailment of goods under which the bailee may buy the goods or under which the property in the goods will or may pass to the bailee. On the other hand there is the Credit-Sale agreement, which is an agreement under which the purchase price is payable by five or more instalments. As can be readily seen, in the former agreement the property in the goods does not pass until the whole of the purchase price has been paid; whereas in the latter agreement the property in the goods passes immediately the seller loses his lien on the goods.

Having regard to the definition of "owner" in Section 1 of the Larceny Act, 1916, as including any part owner or person having possession or control of or a special property in anything capable of being stolen, many police officers were of the opinion that the unscrupulous tradesman who snatched back goods which had almost been paid for, and in fact would have been paid for in many instances had not some unforeseen misfortune temporarily curtailed the efforts of the bailee, could be charged with larceny: the circumstances being akin and co-extensive with a person stealing his own property when in the possession of a bailee. Unfortunately, however, from a police point of view, the words "without a claim of right made in good faith" as contained in the statutory definition of larceny were always looming in the background and acting as a deterrent to criminal proceedings. Similarly, two sections of the Sale of Goods Act, 1893, did not help matters, for whereas Section 24 of the Act tells us that where goods

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have been stolen and the offender prosecuted to conviction, the property in the goods reverts in the person who was the owner of the goods, Section 41 informs us that the unpaid seller of goods *who is in possession of them* is entitled to retain possession of them, until payment or tender of the price, in three particular cases, among these being a case where the goods have been sold on credit but the term of credit has expired. It follows, therefore, that if the unscrupulous tradesman, who had been guilty of "transporting" goods in a manner suggested, was prosecuted to conviction the property in the goods should, by Section 24, revert in the "owner" (who would be actually the bailee); whereas Section 41 implies that once the goods are in possession of the unpaid seller (nothing being said as to how he obtained possession) he is entitled to retain possession until payment or tender of the price is made.

Having regard, therefore, to the uncertainty of the legal position so far as criminal proceedings were concerned, it was not surprising to find that legislation had to be invoked to regularise these transactions. Hence the Hire Purchase Act, 1938.

Although the Act does not apply to all contracts of hire-purchase and credit-sale agreements, it does certainly cater for that large section of the community who obtain or acquire articles of small or comparatively small value by this means. For example, the Act applies only to those hire-purchase and credit-sale agreements under which the hire-purchase price or total purchase price, as the case may be, does not exceed:

- (a) Where the agreement relates to a motor vehicle or railway wagon or other railway rolling stock, the sum of £50.
(N.B.—"Motor vehicle" includes motor cars, motor lorries, motor vans, motor cycles and mechanically-propelled invalid carriages whose unladen weight does not exceed 5 cwts., so obviously an agreement for the purchase of a *new* motor vehicle would be outside the scope of the Act, as naturally it would cost more than £50.)
- (b) Where the agreement relates to livestock (which means horses, cattle, sheep, goats, pigs or poultry) the sum of £500, and
- (c) in any other case, the sum of £100.

Among other things, the Hire Purchase Act has done much to clarify the position as between genuine dealer and bona fide customer. The latter must now be informed in writing by the owner as to the cash price of the goods: the hire-purchase price or the credit-sale price, as the case may be: the amount of each of the instalments by

which the purchase price is to be paid, and of the date or the mode of determining the date upon which each instalment is payable. The former surreptitious agreements which made provision for the owner to be able to enter upon any premises for the purpose of taking possession of goods which had been let under a hire-purchase agreement, or relieving him from liability for any such entry, appear to have gone for ever, for the Act renders any agreement containing such clauses absolutely void.

Towards Promotion

THE LAWS WHICH GOVERN THE POLICE

Police Pensions

ALTHOUGH questions on police pensions seldom appear in police examination papers, it is desirable that every member of the force should be acquainted with the provisions of the Police Pensions Acts. The Police Act, 1890, first provided generally for the grant of ordinary pensions to policemen, at a time when pensions legislation related only to a limited number of branches of the public service and rarely to persons following other employment. The Act enabled a constable to retire on a life pension not exceeding in amount two-thirds of his pay on completion of 26 years' approved service, and provided special pensions, widows' pensions and children's allowances in cases where disability or death was caused through injuries received in the execution of police duty.

The provisions of the Act of 1890 and a number of minor enactments in later years were consolidated by the Police Pensions Act, 1921, following the exhaustive inquiry into police administration, pay and conditions of service by the Committee on the Police Service over which Lord Desborough presided, and save in one amending Act which, in 1926, was passed to increase the contribution of policemen towards their pensions from 2½ per cent. to 5 per cent., the Act of 1921 remains the basis for the award and payment of pensions to members of the force.

The Act makes retirement compulsory, in the case of sergeants and constables, at the age of 55; in the case of superintendents and inspectors, at the age of 60; and in the case of chief constables and assistant chief constables, at the age of 65. This requirement is suspended for the period of the war, and exceptions are also provided for senior officers in special cases. A member of a police force who is compelled to retire on ground of age is entitled, if not already eligible for an ordinary pension, to receive an ordinary pension at the rate otherwise payable on medical certificate.

Retirement is also compulsory for any member of a police force who is required to retire on the ground that his retention in the force would not be in the interests of efficiency, after he has qualified for an ordinary pension. Pensions may be *ordinary* or *special*, the former being the pension to which each member of the force is entitled to receive for life on completion of the qualifying period of service or on medical certificate (through ill-health), and the latter an award made in respect of incapacitation from duty through injuries received in the execution of duty. Members of the force serving before July 1st, 1919, were given the option, on the passing of the Act, of continuing under the scale of ordinary pensions prescribed by the Act of 1890.

Men to whom the Police Pensions Act, 1921, applies, are entitled to retire without medical certificate and to receive a pension for life on completion of 25 years' service. The amount payable is half the rate of pay, so that a constable in receipt of pay in scale "A," of which the maximum is 95s. per week, is entitled to receive an ordinary pension on completion of 25 years' approved service at the rate of 47s. 6d. per week. On completion of 26 years' service the rate of pension is increased by two-sixtieths of his pay, and by a similar amount after each succeeding year until he qualifies for the maximum ordinary pension on completion of 30 years' service at the rate of 63s. 4d. per week. Constables in receipt of pay in scale "B," which applies to men appointed after October 1st, 1931,

qualify on completing 25 years' service for a pension of 50 per cent., amounting to £2 5s. per week, increasing each subsequent year by two-sixtieths of his pay until on completion of 30 years' service he is entitled to two-thirds of 90s. amounting to £3 per week.

Members of the force who are forced to retire on medical certificate through ill-health receive, if with less than ten years' approved service, a gratuity amounting to one-twelfth of the annual pay for each completed year of service. If less than one year's service has been completed the gratuity will amount to the rateable deductions which have been made from his pay. If he has completed ten years' service a pension in the scale prescribed is awarded, amounting to one-sixth of his pay in the case of a constable with ten years' service, one-third in the case of a man with 20 years' service, and thereafter adding two-sixtieths of his pay for each completed year until, on completing 25 years' and 30 years' service respectively, he qualifies for the maximum ordinary pension.

Special pensions may be awarded in respect of partial disablement, in which case there is a corresponding reduction in the amount of the pension, or in respect of total disablement. In the latter case, if the injury is non-accidental (defined in section 33 as being "any injury intentionally inflicted, or involved in the performance of a duty involving special risks") or a war injury (section 11 of the Police and Firemen (War Service) Act, 1939), the special pension will amount to 45-60ths of his pay in the case of men with under 11 years' service, 48-60ths of his pay in the case of men with 11 years but less than 16 years' service, 51-60ths in the case of men with 16 but less than 21 years' service, 54-60ths in the case of men with 21 but less than 26 years' service, and 57-60ths in the case of men with 26 but less than 30 years' service. A member of the force who has completed 30 or more years' service receives in such circumstances a pension equal to his scale of pay.

A man whose total disablement is due to an accidental injury received in the execution of his duty receives a special

pension which is at the rate of 30-60ths in the case of men with less than 11 years' service, with increases of 2-60ths for every additional five years' service until 40-60ths is awarded if 30 or more years' service has been completed.

A special pension of an amount intermediate between the two rates mentioned is payable at the discretion of the police authority in cases where it is not possible to determine definitely whether an injury has been caused accidentally, or non-accidentally. As already stated, any "war injury" is deemed to be a non-accidental injury.

Pensions awarded in respect of cases of partial disablement are based on the degree of disablement in relation to total disablement, but are not less than the minimum scale prescribed by the Act, amounting to 20-60ths and 10-60ths for "non-accidental" and "accidental" injuries respectively in the case of men with less than ten years, and rising with longer service to the maximum of 40 per cent. in each case on completing 30 years' service.

Service which reckons for pension must be "approved," namely the service which is certified by the chief officer of police to have been diligent and faithful service, excluding any service before attaining twenty years of age, unless before attaining that age the constable is incapacitated through an injury received in the execution of his duty. Service in another force, if continuous, and the transfer is made with the written sanction of the chief officer of that force, is reckoned as approved service, and the cost of the pension is shared between the police authorities concerned. Discontinuous service in one or more forces may be reckoned as approved service, on repayment of the amount of any gratuity or rateable deductions, made by way of deductions from pay or otherwise as the police authority may determine.

Provision is also made (section 10) by which previous or broken service in the civil service and in a limited number of other capacities is allowed to reckon as approved service. War service and members of the force recalled as reservists to the fighting

services is also allowed to count as approved service in the force.

Special pensions are subject, under section 12, to medical review as to the degree of disablement, and in the first instance are granted for a period fixed by the police authority, thereafter being renewed or made permanent. Provision is made for appeals to the Secretary of State against the medical award. The police authority may reduce a pension by an amount not exceeding one-half if satisfied that the injury was brought about or contributed to by the man's own default or vicious habits. Pensions may be assigned to other persons subject to rules and cause being shown.

Pensions may be forfeited either permanently or temporarily, if the grantee is convicted of any offence and is sentenced to penal servitude or to imprisonment for a term exceeding three months, or knowingly associates with thieves or reputed thieves, or refuses to assist the police in the detection of crime, or carries on a business which is illegal or makes use of his former employment as a policeman to carry on a business in a discreditable or improper manner, or accepts gifts on retirement without authority, or carries on any business, or employment as a private detective after being prohibited to do so by the police authority on reasonable grounds.

Pensions are granted to widows of members of the force and to widows of police pensioners, ordinary pensions being payable to the widows of members of the force whose husbands have completed five years' service. Special pensions are payable to widows whose husbands die from the effects of non-accidental injuries received in the execution of duty or war injuries. A gratuity is payable if the widow is not entitled to a pension, and a gratuity may also be paid in lieu of a pension if the police authority are satisfied that special reasons exist for so doing. Children's allowances are also payable in respect of each dependent child under 16 years of age.

A departmental committee, under the chairmanship of Lord Snell, has recently reported on the subject of police widows' pensions, including children's allowances. Its recom-

mendations include increases in the basic rates of pensions for widows from £30 per annum to £52 in the case of sergeants and constables, from £40 to £70 in the case of widows of inspectors, and from £50 to £85 in the case of widows of officers of higher rank. A number of amendments to the pensions law are also recommended which will improve the benefits for the widows and children both of members of the force and of police pensioners. The cost of giving effect to the committee's proposals is estimated to be £5½ millions, and the recommendation is made that, while all new entrants to the service should automatically receive the benefits and make the additional rateable deduction of 2 per cent. (making 7 per cent. in all), serving members at the date of commencement of the amending Act should be given the option of "contracting out" from the "voluntary allocation scheme," whereby the additional contribution of 2 per cent. would be payable by each man who desires the increased benefits to be payable to his widow and dependent children.

Members of the police force make a contribution towards pension at the rate of 5 per cent. throughout their period of service. In a report issued in 1930, the Government Actuary stated that this contribution represents a comparatively small percentage of the cost of police pensions. It is recognised, however, that the pension is an important factor in maintaining the high standards of public service, conduct, incorruptibility and integrity of the force. The additional 2 per cent. recommended by the Snell Committee may involve a serious demand on the purse of the constable who is already harassed from many directions in his effort to keep himself and his family in that position in the community where the public are accustomed and entitled to find the policeman, respectable and respected by his fellow citizens. The knowledge that the policeman is making a substantial personal contribution towards his pension and the pension of his widow would stimulate that spirit of independence and professional pride which undoubtedly contribute to general efficiency.

Bullet Holes and Chemical Residues in Shooting Cases

By JOSEPH T. WALKER

(Continued from Vol. XIV., p. 336)

FROM WHAT DISTANCE WAS THE WEAPON FIRED ?

ALL methods for the determination of distance are applicable to comparatively short distances only. Under ordinary circumstances a bullet wound may be self-inflicted only when the weapon is held with the muzzle within a few inches of the body. The determination of distance is therefore particularly valuable in this region. Fortunately, fairly accurate determinations are possible. All available methods depend upon the presence and distribution of various ingredients of the muzzle blast. It is therefore necessary to distinguish carefully between the contact ring produced in fabric or tissue by the impact of the bullet and the powder residue tattooing and smoke halo produced by the muzzle blast. The halo and tattooing are present only at short distances; the contact ring is independent of distance.

There are five major types of material emitted from the muzzle during discharge of the bullet. These consist of (1) gases, (2) smoke (fine dust, carbonaceous and metallic), (3) residues of partially burnt and unburnt powder, (4) metal fragments or droplets, and (5) wax or grease lubrication.

In order to visualise the process more readily and to evaluate the significance of each of the above factors, it is desirable to examine the course of events within a revolver subsequent to the moment the firing pin strikes the primer cap. The primer mixture ignites the powder, which, under pressure, progressively explodes. The bullet of lead alloy is forced out of the cartridge case into the barrel. In the case of a revolver it must pass through a space between the cylinder and the

The small numerals in the text refer to the Bibliography which will be published at the conclusion of the article.

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breech of the barrel. If the chamber is imperfectly aligned with the barrel a portion of the lead of the bullet may be shaved off. In automatic pistols no such action can occur, for the barrel is a prolongation of the chamber. The barrel is provided with lands and grooves which twist either to the right or left. The bullet, being of a somewhat greater diameter than that of the barrel, is compressed and elongated. At the same time it receives an enormous rotational thrust. If the fit of the bullet is not perfect, gases may escape past it and cause a preliminary discharge before it emerges from the barrel.⁶⁸ Subsequent to the emergence of a bullet further gases will be discharged. While this is in progress, the muzzle is describing an upward arc round the centre of mass of the firearm. Thus, in general, matter discharged before the bullet emerges would be expected to reach the target at a point below the bullet hole, and anything discharged afterwards, to reach it above.⁶⁴ Heavy particles and dense particles might be expected to carry a greater distance from the muzzle than light particles and gases.

Gases: The gases of combustion, of both black powder and smokeless powder, contain carbon monoxide; the former to the extent of about 10 per cent.,⁶⁸ the latter, 38 per cent.⁴⁴ Palteuf⁶¹ and Meyer,⁴⁴ as well as others,^{23, 57, 69} have shown that with contact or near-contact shots, where these gases enter the body, carbon monoxide hæmoglobin (carboxyhæmoglobin) is formed from the blood. The shot canal becomes bright red (typical of carboxyhæmoglobin). Spectroscopic proof of carboxyhæmoglobin in the shot canal would thus serve as a proof of a contact or near-contact shot.

Strassmann⁷⁰ has reported a remarkable case involving a putrefied body, which had remained immersed in water for several weeks. A bullet hole at one opening presented a bright red appearance, in contrast with the corresponding orifice and the rest of the body, which were greenish. In a water extract of the tissue of the red region, "carboxyhæmoglobin was clearly shown spectroscopically." In view of the recent work of Schmidt⁶¹ and others on the stability of carbon mon-

oxide in putrefied blood, it seems more likely that the carbon monoxide, if present, would be in the form of carboxyhæmochromogen, or a similar degradation product. Strassmann concluded that the hole was caused by a bullet fired from short range. No powder smoke or powder grains could be detected.

Smoke : Both black and smokeless powders give rise to a discharge in which carbon and metals are present as a fine dust or soot. The smoke of a black powder discharge is much more dense than that of a smokeless powder discharge. In either case, if the shot is fired from a comparatively short distance, the fine smoke will be deposited on the target round the bullet hole in a roughly concentric manner. This deposit may take the form of a halo, showing a greater density near its periphery. The diameter and density of the smoke halo serve as an indication of the distance from which the weapon was fired. In general, a definite smoke halo may be detected under most favourable conditions with smokeless powder at muzzle distances as great as twelve to eighteen inches, depending on the type of weapon, the type of cartridge, and other factors. B. Müller⁴⁸ believes that an estimate of distance based on the intensity of blackening of the smoke halo is preferable to one based on its diameter. In actual practice it is difficult to measure this intensity. With dark and bloodstained garments infra-red photography has proved useful.^{40, 63} Simonin⁶⁷ and Brusatto⁶ have pointed out that with contact shots on skin covered with several layers of fabric a modified series of smoke halos or "cocarde" is occasionally formed within the layers of cloth. In this case the examination of the outer garment may reveal very little in the way of a halo, whereas the inner garments may show several concentric rings.

It should be noted here that when an automatic pistol is forcibly pressed against the skin at the moment of firing, a dark stamp mark of the outline of the forward end of the slide may be impressed round the bullet hole.^{16, 78} The effect is caused by the return of the slide to its forward position. This appearance, when present, not only serves to characterise

a contact shot, but in favourable cases may help to identify the make of pistol. In some cases similar appearances caused by foreign particles in the powder or the ejector rod of the cylinder of a revolver may be encountered.^{57, 78}

The chemical nature of the smoke halo has been only partially investigated. In the case of black powder, it may be assumed to consist principally of potassium salts and carbon, although it is well known that it is generally contaminated with lead from the accompanying lead bullets. Brüning⁴ has shown that in fresh residues much of this lead is in the form of sulphide; in older residues, sulphate.

In the case of halos from smokeless powder cartridges, more work has been done. The halo proper does not necessarily contain nitrites or oxidising agents characteristic of unburnt or partially-burnt grains of powder.³⁵ A great portion of the dark material consists of metals⁵ the source of which depends upon a great number of factors.

Many authors have pointed to the strongly metallic nature of the smoke halo. The earliest metal to be detected was, quite naturally, lead. Lochte³⁶ was able to dislodge lead particles from the area surrounding the bullet hole up to a muzzle distance of $\frac{1}{2}$ to 1 metre in all cases where lead bullets were employed. By polishing the dislodged residues between glass slides or by the use of X-rays, Demeter⁸ confirmed the presence of particles of lead and found them at distances as great as 12 metres. Lochte felt that the lead was largely derived by the dislodging of the bullet from the cartridge case; Demeter, that it came from abrasion in the revolver barrel. Neither detected any lead in the bullet hole of shots fired from automatic pistols. Demeter noted that the lead was frequently in the form of grey fluid droplets. Jansch and Meixner²⁸ found lead to a distance of 2 metres by methods similar to those of Lochte.

Eidlin¹⁰ pointed to the fact that on the basis of X-ray evidence the lead round the bullet hole caused by lead bullets fired at short range was in the form of a ring, the diameter of which increased with distance. With increase in distance,

the ring changed to an inner and outer ring and, in general, became more punctate.

Buhtz,⁷ employing a spectrographic method, found that the quantity of lead immediately surrounding a bullet hole from a lead bullet decreased with the shot distance up to 200 cm. By the analysis of the fabric round the hole of near shots, he found the lead content more dense at the centre, less dense at the periphery. In one experiment, Rankin⁵⁸ found that the lead content of the cloth of the bullet hole decreased regularly up to 100 feet.

Recently the holes produced in linoleum by lead bullets fired at close range from a variety of revolvers were examined microscopically in this laboratory. A large number of splashes of molten lead was found immediately surrounding the hole and extending upwards above it. The droplets could be seen clearly, even, in some cases, with the naked eye. Similar shots fired into woollen cloth left the wool fibres stippled with splashes of lead. The disposition of this lead was certainly not concentric with the hole. As the distance of the weapon from the target was increased to six inches, molten splashes of lead were still detected, although less were to be observed. This lead appears to originate in the particular bullet causing the hole. Microscopic examination of the cylindrical surface of the fired bullet near the base at the following edge of each land impression showed a molten appearance and an apparent loss of material. That lead bullets tend to melt from the action of hot powder gases or friction within the barrel has long been known to those concerned with their design. The presence of splashes of molten lead round a bullet hole is, among other things, an indication of a near shot. These droplets, in solid state, probably travel to considerable distances.

The presence of lead in the halo round a bullet hole is not confined to shots from lead bullets.* At the base of jacketed bullets the lead core is exposed to the action of hot gases.

* 5, 18, 24, 25, 59, 60, 75.

Many modern primers contain lead in the form of the azide, dinitrophenylazide, styphnate, thiocyanate, chromate, nitrate or dinitrobenzoate. The sealing disc in the primer cup may be composed of a lead-tin foil. It may be stated that in actual practice lead from one source or another is present in the muzzle blast of every type of cartridge fired in a used pistol. Holsten^{24, 25} has made use of the general presence of lead in modern primers to form the basis for the estimation of distance based on the quantitative determination of this metal in concentric rings round the bullet hole. He employed the sensitive diphenylthiocarbazone method. Wickenhauser⁸⁰ criticised Holsten's method as inapplicable to oblique shots. B. Müller⁴⁸ states that the quantitative determination of lead for the estimation of distance can be expected to be limited to exceptional cases.

Mercury in the form of the fulminate is present in many primer caps, both old and new. Upon detonation it reverts to metallic mercury. As early as 1907 Georgii²⁰ observed droplets of metallic mercury, in the residues of shots from Flobert revolvers up to a muzzle distance of 20 cm. The propellant powder in cartridges designed for this firearm was composed largely of mercury fulminate at that time. Lochte, with Fiedler³⁷ and with Danziger,³⁸ was able to demonstrate mercury in the halo by chemical means when Flobert cartridges were fired, but detected no mercury with ordinary mercury fulminate primed cartridges. Schmidt,⁶⁰ by a more sensitive chemical procedure, detected mercury in the latter cases to a distance as great as 25 cm. Piedelievre and Simonin⁵³ and Journié, Piedelievre and Sannié²⁹ have been able to show mercury droplets microscopically up to a distance of 20 cm. with mercury-primed cartridges. Gaureschi¹⁷ was unable to demonstrate mercury histologically beyond 3 to 4 cm. under similar conditions. Buhtz⁷ and Journié, Piedelievre and Sannié²⁹ have tried the spectrographic method without satisfactory results, although Gerlach¹⁸ claimed that by employing

the method of the high frequency spark no difficulty was encountered.

By a spectroscopic method Gerlach¹⁸ noted in several cases a preponderance of iron in the entrance wound. He was unable to establish definitely its origin and differentiate it from physiological iron. Fritz¹⁵ showed that this iron was in fact due to material carried on the surface of the bullet or expelled with the powder. In the smoke halo on the skin it was an indication of a close shot. Fritz used a histological method employing potassium ferricyanide in 10 per cent. hydrochloric acid as a reagent.

Buhtz⁷ was the first to point out that copper is to be found in the smoke halo of shots fired at short distances. By firing shots from cartridges provided with nickel-jacketed bullets, he found copper in the smoke halo, but not in the contact ring. He reasoned from this that the copper was derived from the cartridge case. Copper was found at distances up to 40 cm. by spectrographic methods. Fritz¹⁵ likewise detected copper histologically in the same manner as with iron. Membranes of brown copper ferrocyanide were formed round each particle by the potassium ferrocyanide reagent. He found copper up to distances of 20 cm. and concluded from an examination of the powder that the copper was derived from the case. Erhardt¹² determined the copper quantitatively in the smoke halo in clothing of shots fired from automatic pistols. The copper content decreased with distance up to 20 cm., where it reached the blank value for the cloth.

The determination of distance by the quantitation of metals round a bullet hole is a process beset with many difficulties. As early as 1915 Demeter⁸ observed that the quantity of lead round the bullet entrance depends upon the material of the bullet, the length of barrel, type of target, quality of barrel wall, construction of weapon, ratio of the calibre to the bullet diameter, and form of the bullet, as well as the distance. And one may add many other less controllable factors, such as the cleanness of the gun barrel, the manner of

firing the weapon (single action or double action with revolvers), and the angle of fire. In addition there is the almost unsurmountable difficulty of accurate and representative quantitation without destruction of the entire bullet hole and its surrounding area. The halo is rarely, if ever, disposed symmetrically round the hole in either form or quantity. A preliminary discharge may cause a heavy deposit below the bullet hole. An after-discharge creates a deposit above. The rifling grooves may cause the formation of radiating areas of greater density in the pattern.⁵⁵ Flakes or chips of the metal in question, either from the bullet, cartridge case or fouling in the gun barrel, may cause local accumulations that lead to an entirely erroneous result. Demeter⁸ has shown that individual particles of bullet metal travel to considerable distances; in some instances, as great as 10 metres. Obviously, then, one runs the risk of an erroneous conclusion if he attempts to determine distance by quantitation in the smoke halo of a metal which is also a constituent of the bullet. Thus the method of Holsten^{24, 26} is applicable only to lead-primed jacketed bullets.

Clothing frequently contains lead, copper, zinc, tin and nickel,* in addition to other metals. If any of these metals is to be used for the purposes of quantitation, the tests must be suitably controlled, or a metal which is not commonly present in fabric or skin should be chosen. A possible approach lies in the employment of a metal commonly present in the primer which is not present in the bullet or cartridge. Barium is such a metal. It has the advantage of not being frequently encountered in clothing. In an experiment in this laboratory conducted to determine the dispersion of the metallic constituents of bullet and primer round a bullet hole in cloth, a shot was fired at close range, using a cartridge with a lead-antimony-barium primer and a lead bullet. A strip of cloth $\frac{3}{8}$ in. wide and extending four inches on either side was cut through the bullet hole. This strip was placed on the flat

* 12, 19, 25, 59, 80.

surface of a $\frac{1}{8}$ in. copper bar one-half inch by twelve inches. The bar with adhering cloth was used as a movable lower electrode against a stationary upper copper electrode in the spectrograph. The copper bar was moved slowly through the spark while the plate-holder of the spectrograph was synchronously lowered. The resulting spectrogram was a series of overlapping individual spectra, in effect a progressive analysis of a diameter of the smoke halo. It was noted that barium, as well as lead and antimony, each increased in quantity towards the hole. This method promises to be useful for experimental purposes. It necessitates destruction of a portion of the bullet hole.

Lubrication : Particles of bullet lubrication, present on the surface or in the cannellure of a bullet designed for a revolver cartridge, may generally be found round the entrance hole in shots at close range from revolvers. These particles are somewhat larger than powder particles and tend to adhere tenaciously to rough fabric. They may therefore occasionally be found on cloth at a muzzle distance as great as nine feet. By means of a warm iron, Lochte⁵⁵ pressed tissue paper covered with blotting paper against the garment. Lubrication stains produced on the tissue paper were developed with Sudan III or with iodine or osmic acid vapours.

Powder Residues : Whereas gases and smoke have comparatively limited range, it has long been observed that individual grains of powder, unburnt or partially burnt, may travel to somewhat greater distances. Thus, if a smokeless powder cartridge is fired into white cloth, a smoke halo may generally be observed up to a distance of twelve to eighteen inches, whereas powder grains are likely to be found as far as twenty-four to thirty-six inches. The detection of these particles therefore becomes highly important, for their complete absence tends to place the weapon outside the suicide range. There is one outstanding exception to this generalisation, and that occurs in the case of the absolute contact shot.⁶⁶ Here one may find no traces of powder residue on the clothing,⁵⁴ a fact which

might carelessly be assumed to necessitate a more distant shot. Due consideration to the nature of the wound, the appearance of fabric at the bullet hole, and in particular the infra-red photographs of the smoke halo or stamp mark of the muzzle, will readily enable one to distinguish a contact from a distant shot. Highly characteristic of the contact shot is the cross-shaped tear of the fabric. A like appearance is found on skin.⁶⁸

In 1911 Wellenstein and Kober,⁷⁷ advocated the use of a solution of diphenylamine in strong sulphuric acid as a reagent for the characterisation of powder residue particles. As is now well known, the reagent is a general one, responding to many oxidising agents. Its response to powder residues, both black and smokeless, is due to the presence of nitrates and nitrites. The production of the characteristic blue colour is due to a two-stage oxidation of the diphenylamine; the first stage resulting in colourless diphenylbenzidine, the second in its blue quinoid derivative.⁶⁰

Because of the corrosive nature of the sulphuric acid in the diphenylamine reagent, the latter cannot be applied directly to the skin or clothing. Wellenstein and Kober⁷⁷ removed the powder grains with a needle and tested them on a porcelain plate. Various methods of brushing,²² beating,^{50, 73} scraping⁶⁶ or swabbing⁶⁶ the subject to remove the powder grains have been proposed. With but few exceptions, none of the methods is sufficiently graphic to permit a reasonable estimate of distance. Strassmann⁷² spread that portion of the garment containing the bullet hole face down over a tin or wooden vessel within which rested a shallow glass dish lined with paraffin. The garment, held in place by means of an outer tin hoop, was scraped or scratched. If the distance between the garment and the paraffin surface is slight, the dislodged powder grains will be found in an image of their original location on the garment. They might then either be examined microscopically, tested with diphenylamine reagent, or both. Hilschenz²³ covered the garment with concentric rings of cardboard and brushed out the fabric with a tooth-brush, the process being

carried out over a dish of diphenylamine reagent. In this way, by successive removal of cardboard rings and rebrushing, the number of particles at various distances from the bullet hole could be ascertained. He found that it was difficult to free the grains from long-fibred fabrics. Dyrenfurth and Weimann⁹ tried various adhesive bases with the intent of retaining the removed powder particles in their original relative positions. Cardboard was spread with (a) glycerine gelatine, (b) para-rubber solution, or (c) "Mastisol." The latter was found to be the most satisfactory. The cloth was placed against this material and beaten; the grains which adhered were individually removed and tested. Kochel³³ found the above method too laborious and employed paper spread with water glass. The diphenylamine reagent could be applied directly to this substrate with a glass wool brush.

The non-specificity of the diphenylamine reagent is a source of great uncertainty.* Oxidising agents capable of giving a blue colour are common. Clothing very frequently contains these substances.^{22, 48, 60} Therefore, with no satisfactory means of applying the reagent to obtain a true spatial representation of the distribution of the grains round the orifice great caution should be exercised in drawing any conclusions based upon the finding of a few scattered particles of a substance which responds to the test. On the other hand, the failure to find such particles does not entirely exclude their presence. Infra-red photographs show that the brush-out method of removal of powder grains is not complete. For this reason Beil² believes that the infra-red photography of black powder residues is superior to the method of Hilschensz²² particularly when the bullet hole is dirty and when the garment is deep-napped.

Foyatier¹³ and others prefer brucine in sulphuric acid to diphenylamine. It is more specific for nitrates than diphenylamine.⁴⁵ Simonin⁶⁶ points out that it has a real advantage when blue cloth is encountered, because of the fact that the

test colour is red. Both the brucine and diphenylamine reagents suffer from the fact that the colours are fugitive; no permanent visible record of the test can be prepared. The choice between the two reagents appears to be largely a matter of individual preference.

In 1928 Goroncy²¹ proposed the use of alpha naphthylamine and sulphanilic acid in acetic acid, for the detection of nitrites present in the residues of smokeless powder. A portion of the cloth is removed and extracted with alcoholic potassium hydroxide. The solution is acidified with acetic acid and the nitrites detected by the production of a red colour on the addition of the reagent. The depth of colour, under controlled conditions, may be used as an indication of the approximate distance of the weapon from the garment. Contrary to the diphenylamine test, the Lunge reagent is specific for nitrates. The test as conducted lacks specificity for powder residue. The individual grains are not represented spatially, hence information as to distance is at the best vague and uncertain. Furthermore, a portion of the fabric must be destroyed.

Walker⁷⁴ has proposed a method of spatially representing powder residue patterns on fabric by printing the pattern against gelatinised paper treated with "C" acid (2-naphthylamine-4, 8-disulphonic acid). Alpha-naphthylamine and sulphanilic acid or "H" acid (1-amino-8-naphthol-3, 6-disulphonic acid) may be used in the same manner. Following is a description of this method: Ordinary glossy photographic paper is completely desensitised by the usual photographic hypo bath, washed thoroughly and dried. It is then immersed in a warm 5 per cent. solution of "C" acid for ten minutes. The treated paper is allowed to dry. A pad of cotton cloth or a towel is laid upon the table, on top of which a piece of the prepared paper is placed face up. This must be of sufficient size to accommodate all of the powder residue. On top of this, face down, is laid the fabric containing the bullet hole. Next are placed a thin layer of dry towelling, a thin layer of towelling

* 10, 21, 22, 28, 35, 37, 57, 60.

slightly moistened with 20 per cent. acetic acid, and a final thin layer of dry towelling. The whole pack is then pressed with a warm electric iron for from five to ten minutes.

The prepared photographic paper when removed is found to have impressed upon it a number of dark red spots which correspond to the position of the partially burned powder grains round the bullet hole. This test is sensitive to black and smokeless powder residue, and is insensitive to all other usual chemicals except nitrites. The test is specific for nitrites and highly indicative of powder residue if consideration is given to the spatial distribution of the particles round the bullet hole. A permanent graphic representation of the powder residue pattern is produced, without in any way destroying or significantly altering the fabric of the bullet hole. Bloodstains do not react nor greatly interfere.

There is a general agreement between authors that in actual cases no estimate of distance should be made without firing a series of test shots from the same firearm, with the same type of ammunition and against the same type of target^{32, 33} as were believed to have been involved in the questioned shot. Great variation exists between the various types and calibres of firearms, as well as between the makes and types of cartridges. F. Müller⁴⁹ found that the variations in mechanical operation of revolvers greatly affected the character of the powder pattern. Employing a revolver of unknown make, the cylinder of which fitted so poorly that every time the weapon was fired part of the bullet was shaved off, Müller found the powder pattern very irregular. Scarcely any estimate of distance could be made.

Karhan³⁰ has investigated the effect of burial and submersion in water on near-shot characteristics. He finds that even under the most adverse conditions some traces, either chemical or microscopic, are likely to be found.

Kraft³⁴ found that a handkerchief held over the muzzle did not appreciably alter the powder residue pattern.

FROM WHAT ANGLE WAS THE SHOT FIRED ?

Any method of graphic representation of the residues surrounding a bullet hole is capable of being used as a means for approximating the angle of incidence of the path of the bullet to the struck surface. Piedelievre⁵² has shown that the more inclined the angle of incidence, the longer the wound or abrasion. A shot cannot enter human skin at an incidence angle of 5 to 10 degrees or less. Moreover, where a grazing has taken place the greatest strain is produced on the entrance side of the wound. This last conclusion is in agreement with the X-ray results of Eidlin,¹⁰ who found a heavier deposit of metals in the contusion ring at the near side of the hole. Furthermore, with near shots an elliptical form to the outer metal ring made visible by X-ray photography is a means of estimating the direction. Elbel¹¹ points out that the smoke halo made visible by infra-red photography is also useful for this purpose. Likewise the C-acid print test of Walker may be used. In each case where the evidence is obtained the heaviest deposit is to be expected on the near side of the bullet hole. Considerable caution should be exercised, however, for other uncontrollable factors may give rise to a false appearance of an angle shot. In estimating direction, due consideration should be given to the fact that the clothing is generally free to swing and assume positions other than that of the surface of the body.

Wilson⁸¹ has shown in an actual shooting case that a particular revolver regularly left a denser deposit of black powder residue directly above the bullet hole. He attributed this phenomenon to a premature escape of the gases at the top portion of the barrel, due to faulty manufacture. Although in this particular case this explanation might hold, it is a recognised fact that even with well-constructed revolvers the deposit is more dense above the bullet hole. This is attributed to the discharge of gases subsequent to the emergence of the bullet. In revolvers the muzzle describes an upward arc while

the bullet and gases are being discharged; consequently the after-discharge is located above the bullet hole.^{55, 53} In automatic pistols the centre of mass lies near the axis of the barrel. As a result there is little tendency for the muzzle to rotate upward, and the after-discharge is likely to be found on the target concentric with the bullet hole. Whatever the cause, the regular production of a dense eccentric deposit serves as a means of orienting the position of the weapon with respect to the target. In this laboratory it has been found that the droplets of molten bullet-metal likewise are to be found on the target above the bullet hole. In some cases they range slightly to the left; in others, to the right.

CALIBRE OF BULLET

It is particularly difficult to estimate the calibre of the bullet from a mere examination of the hole produced by it in an elastic material, such as fabric or skin tissue. Holsten^{24, 25} states that the calibre can be estimated in near shots by determining the diameter of the chemically provable lead-containing smoke halo, where lead primer charges have been used. Buhtz⁷ believes that the quantity of spectrographically detectable lead in the contusion ring is dependent upon distance and calibre; if one can be determined, the other can be estimated. That the dispersion of the smoke halo elements and powder residues is dependent upon the calibre to a certain extent is obvious, but the other factors involved are very numerous. It is doubtful if sufficient exact information of these factors will be available frequently in actual cases.

(To be continued)

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War Commentary

VICE IN WAR-TIME

A COMPARISON of the conditions as they have emerged in the present war with those of the war of 1914-18 show that, in many aspects of social, economic and industrial life, the advantages of modern housing, education, social amenities and public health present many favourable comparisons with the generation which fought or grew up in the war of 1914-18. Vice, in its varying forms, has in the present war so far presented no serious menace to the efficiency, health and morale of those who make up the Services to-day. Drunkenness amongst members of His Majesty's Forces is rare, and even in centres of population where wages are considerably above pre-war standards the reports of chief constables to the annual licensing meetings of justices contain no reference to substantial increases in the numbers of persons proceeded against or convicted for drunkenness. Many, indeed, report substantial decreases, particularly in areas where in pre-war days the "drunks" came largely from the vagrant or wayfaring classes. The sobriety of the nation at war is a tribute to those whose war role lies in the forces, the workshop, on the land and elsewhere, and is in itself significant of the national determination to see the war through to victory.

Immorality, in its more sinister forms, is also rarely heard of. Despite the widespread separation of husbands from wives, parents from children, and the regimentation of young men and women into the several forms of military and national service, the standard of personal conduct can seldom have been higher.

These conditions, however, do not justify any relaxation of the vigilance of the Police. It is unfortunate that considerations of economy in staff and paper have prevented the publication of the annual criminal and licensing statistics since 1938, but personal experience indicates that increased, rather than relaxed, vigilance is necessary for the suppression of those forms of vice which present special forms of temptation to the adolescents who, in both sexes, are earning good money, working a full quota of hours each week, not infrequently on a shift

basis, sometimes at a monotonous task, and in a position to pay for such entertainment and leisure as become available to them. The lures of the amusement arcade, so-called, the opportunity to throw a hazard provided in the pin-table saloons and in similar pastimes need a much more energetic police supervision than they have received in recent years.

It is a fallacy to suggest that the law of gaming and betting is chaotic, and that the fault lies with Parliament in its omission to bring the law up to date following the report, in 1933, of the Royal Commission on Lotteries and Betting. Was it not Lord Hewart who said, in the Court of Criminal Appeal as long ago as 1927 (*R. v. Kirby*) dismissing an appeal against conviction and order for the destruction of automatic machines used in contravention of Section 1 of the Betting Act, 1853, and Section 4 of the Gaming Houses Act, 1854, "The law is perfectly clear. It depends only upon the vigilance and diligence of the Police to put an end to what can only be regarded as a pest, and a most mischievous pest, because it operates on the minds of young persons and corrupts them in their youth."

Automatic machines and amusement arcades are not the only forms of gambling which amount to a vice demanding the close attention of the Police in the discharge of their primary duty of "preventing" crime. A London newspaper recently called attention to a gambling party organised in a seaside town, in which high stakes were laid, and in which the promoters sought to legalise the proceedings by never using the same premises twice, thus escaping the liability to penalty for the "habitual" use of premises which would bring them within the definition of a common gaming house.

This and similar attempts to get round the provisions of the Betting and Gaming Acts is countered by a recent Defence Regulation (42 C (a)) which makes it an offence for any person to be concerned in the organisation of any party held for the purpose of playing any game of chance or of chance and skill combined for money or money's worth for gain. In announcing the new Regulation, the Home Secretary has expressed the hope that it will now be possible to put an end to the scandal of a device by which those who make a profitable business out of providing facilities for gambling have hitherto evaded the law.

UNDER THE INVADER

Recent months have brought to the Police of many of our Far East possessions and dependencies even greater strain than that which evoked such widespread respect and admiration in the home country through the Battle of Britain. In Hongkong, Malay, Singapore, Burma and

elsewhere British police officers, for the first time in modern history, are performing their duties of protecting the lives and property of the civil population under the government and direction of the Invader. Their task is immense and the strain severe. We know that they are discharging their duties with the same vigilance and devotion which is characteristic of the Police throughout the Empire. The sympathy of all policemen in the home country and throughout the Dominions, India and the Colonies is with them in these times.

The Police and the Law

THE CONSOLIDATION OF BOROUGH WITH COUNTY POLICE

IN a non-county borough the watch committee are normally, beyond question, the police authority. But boroughs may agree to consolidate their Police with the County Police by virtue of the County Police Act, 1840. The effect of such an agreement on new and important police powers fell to be determined in the case of *Swindon Borough Council v. Herbert* (1941 3 All E.R. 481). The issue was whether the watch committee of Swindon, a non-county borough, or the standing joint committee of the quarter sessions and the county council of Wiltshire was the police authority to exercise the powers given by the House to House Collections Act, 1939.

The borough had entered into an agreement in 1902 for the consolidation of its police force with that of the county. It thereby parted as completely as possible with its own police force and became a borough with no police force of its own. As is usual in such consolidations, the county authority undertook to maintain for service within the borough a police establishment of a certain strength in return for an annual payment. The House to House Collections Act, 1939, gave certain powers to check the activities of bogus and other charitable collectors to the "police authority." And the expression "police authority" was given the same meaning as it has in the well-known Police Pensions Act, 1921.

The court was faced with a point of construction which it had little difficulty in answering. In the schedules of the Act of 1921 "police authority," "police area" and other cognate expressions have a varying meaning: in a borough it is stated to be the watch committee; in a county, the standing joint committee, and so on. The Swindon Borough Council contended, on the strength of this, that the borough watch committee was the authority intended by the House to House

Collections Act, even though there was no borough police force. But Mr. Justice Atkinson took a different view. He held that one has to look at an Act as a whole and not merely at the lists of a schedule. And under the Police Pensions Act he decided that in a case where a borough had parted with its own police establishment the "police authority" could never be the watch committee. The county was the police authority for all purposes in a case where there had been a consolidation agreement. The schedule was not conclusive at all; the expression "a borough" must be limited to a borough which has a police authority, a chief officer of police and a police fund. Hence the claim of Swindon Borough Council was answered in the negative and judgment was given for the county joint committee with costs. The local authorities concerned have enabled any doubts which there might be on the point to be set at rest by this decision.

FINGER-PRINT EVIDENCE

The comments of Sheriff Substitute Jameson in Haddington Sheriff Court, East Lothian, on 19th September last, are of interest to the Police, especially from the point of view of finger-print evidence, and of its standing in law and its effect upon the decisions of a Judge.

The case under review ended in the trial of one Alexander Hood, charged with theft by H.B. The history of the case is as follows:

On 6th April, 1939, a dwelling-house at Longniddry, East Lothian, was broken into, and a quantity of articles stolen. The thief or thieves were evidently not in a hurry, for in the kitchenette of this house was found an empty beer bottle, the contents of which had been drunk by the thief. This bottle was discovered by the local constable who arrived first on the scene, and was shown to the detective officer who was called to this house. A powdered test on this bottle disclosed that finger-print impressions had been left on the bottle, and it was removed to the Finger-Print Department of Edinburgh City Police for further examination. The digital impression found on this bottle was believed to be that of a left middle finger, and as it did not correspond with any of the finger-prints of members of the household, a search was made in the finger-print files to discover the thief, but this search proved negative.

The sequel to this theft happened on 29th August, 1941, when Hood was suspected of this and other thefts in the county. He was arrested, duly cautioned and charged, and was finger-printed. When his prints were compared with the original print found on the beer bottle, it was found that the left middle finger of Hood was identical with the print found on the bottle.

On making his first appearance in court, Hood tendered a plea of not guilty, and his trial was fixed for 19th September, 1941.

On that date, at Haddington Sheriff Court, the Procurator Fiscal put forward as witnesses the occupier of the house (who identified the bottle as being hers), the constable who found the bottle, the detective officer who made the powdered test, and the two detective officers from Edinburgh City Police who photographed and classified the prints in question. These witnesses formed a chain of evidence which ended in the two Edinburgh City police officers identifying the print on the bottle as being made by the left middle finger of the accused, and pointed out to his lordship sixteen points which proved beyond doubt that the print on the bottle was identical with the left middle finger of Hood.

The accused was not defended by an agent, and refused to be represented. He did not put forward any witnesses on his behalf, and throughout the trial he stated that the finger-print found on the bottle could not be his, and that he denied all knowledge of the theft.

The Sheriff Substitute, in summing up the evidence before him, remarked that all he had to go on was finger-print evidence, and strongly expressed his disfavour of convicting a person where this form of evidence was the only factor. Recalling one of the detective officers to the witness box, he asked what chance there was of the print on the bottle not being made by the accused, and asked if it was not possible for the print in question to belong to some other person. In reply, the detective officer stated that the chances of there being two prints alike (being made by different people) ran into the colossal odds of millions to one against such a happening, and that there was absolutely no doubt that the print on the bottle was made by the accused.

Resuming his summing-up, his lordship stated that in a case such as this the judge had no say in the matter. It did not matter what he thought of the evidence of finger-prints, he had to accept it in law. In his opinion, the judge was only a machine; there to sit in court and hear evidence in which he was not expert and which no person in court was able to discredit. It just amounted to the fact of expert police officers stating in court, "That is the finger-print of the accused," and that was final and had to be taken.

Saying he strongly disliked the whole procedure, but that he had to accept it and convict, he found the accused guilty and sentenced him to thirty days imprisonment.

Recent Judicial Decisions

CHARGING ALTERNATIVE OFFENCES

Jones v. Sherwood

A CASE wholly without merits on the part of the appellant, who, on the facts, had plainly been guilty of an aggravated assault, was decided in his favour by a Divisional Court in *Jones v. Sherwood* (85 Sol. J. 425). The information before the justices suffered from the vice, often only technical, of "duplicity." The appellant was charged under section 42 of the Offences Against the Person Act, 1861, with having unlawfully assaulted or beaten the respondent. The latter had in fact been unlawfully assaulted and beaten. The justices held that the summons was good in using the word "or" because it followed the wording of the Act. But on a case stated the appeal was allowed. The Lord Chief Justice held that it was important to maintain the rule, about which there was no doubt, that convictions must not be for alternative offences, but must be precise. Mr. Justice Humphreys, agreeing, said that if a person might do one of the things charged without doing the other, it followed as a matter of law that the information which charged him in the alternative was bad. He also agreed that on general principles it was not desirable to encourage laxity in the statement of offences of which a person had been convicted.

The difficulty which the justices not unnaturally felt in this case was that the information followed the wording of a section which itself used the alternative "or" in describing the criminal liability under the section. But the mere fact that "or" is used in a section does not mean that only one offence is being defined by the section. There were two offences and two offences must not be joined in the same count or information, even though they be joined in the same section of a statute. It is true that under the Indictments Act, 1915, when any statutory offence is defined by alternatives a count may

allege the different alternatives set out in the statute. But this provision refers to the rare case where there are alternative ways of committing the same offence; it does not cover alternative offences. The cases show that there are very few genuine instances in which a statute has defined an offence "by alternatives." *R. v. Surrey Justices* (1932 1 K.B. 450) is a warning that the prosecution should not slavishly copy the wording of a section containing the conjunction "or." This decision was followed in the recent case.

IS A FORECOURT A "ROAD" ?

Bugge v. Taylor (1941) 1 K.B. 198

Can it be an offence to leave an unlighted vehicle in a forecourt? The answer would appear to be "Yes," if the forecourt is one which the public is in the habit of using. For the forecourt will then be in law a "road" for the purposes of the Road Transport Lighting Act, 1927, the enactment which (subject to the special provisions of the Lighting Restrictions Order) regulates the lighting of vehicles on roads.

The above conclusion was reached by a Divisional Court (Lord Caldecote C.J., Hawke and Humphreys J.J.) on a case stated by the Sutton (Surrey) justices arising out of their conviction of Ronald George Bugge for having permitted a motor vehicle to be on a road, namely the forecourt of the Cock Hotel, Sutton, during the hours of darkness, without having alight the lamps required by regulation 6 of the Road Vehicles Lighting Regulations, 1936, which are regulations made under the Road Transport Lighting Act.

The material facts admitted or proved in evidence were that the forecourt was about 69 feet long and 10 feet wide at one end and 20 feet wide at the other; that one side abutted on the hotel and the other on an island pavement, and that both ends were open to the High Street; that members of the public were in the habit of walking over the forecourt in all directions and in particular as a short cut from the High Street to

Carshalton Road, which joined the High Street at the side of the Cock Hotel; and that on occasions vehicles (including public service vehicles) had been seen to drive over and through the forecourt.

Sec. 15 of the Road Transport Lighting Act purports to provide a definition of "road" but is not really very helpful, as the definition says that it means:

"any public highway and any other *road* to which the public had access"

leaving the word "road" wholly undefined.

In the above circumstances, upon the hearing of the case, it was argued not unnaturally for the motorist that a "road" means a defined route between two points as a means of communication and that this could not be predicated of a forecourt. The Court however did not accept this argument and evidently (although the point is not dealt with in the judgments as reported) considered that a forecourt had sufficient of the characteristics of a means of communication between two points to constitute it a "road." The facts showed clearly that the public had in fact access to it. In *Harrison v. Hill* (1932, S.C. (J) 13) the Court of Session in Scotland had, with respect to the similar definition of "road" in the Road Traffic Act, 1930, held that it was not necessary that the public should have any right of access as opposed to there being access in fact. The appeal was therefore dismissed.

The undoubted object of the legislation requiring vehicles to be lighted during the hours of darkness is to prevent people from colliding with them, which in the "black-out" they will especially be liable to do. If therefore it were possible to leave unlighted vehicles in places to which the public had habitual access, the legislation would to this extent be defeated in its purpose. The decision is undoubtedly welcome in assisting in contributing to public safety in the "black-out."

RECENT JUDICIAL DECISIONS

WHAT DOES "OFFENDER" MEAN?

Barnard and Another v. Gorman (57 T.L.R. 681)

This case, which was discussed in these pages (Vol. xiv, p. 373) when it was heard by the Court of Appeal, has since reached the House of Lords, and the decision arrived at by the majority of the Court of Appeal has been reversed. It will perhaps be remembered that the case was one of a number of recent ones in which Judges have reluctantly come to the conclusion that although the public interest demands that the particular offence should be dealt with by way of summary arrest, Parliament has unfortunately not used apt words to confer such power. The House of Lords in the present case, whilst being unable to lay down any wide principle which would bring this type of case into line with what the public interest requires, have nevertheless, from a closer examination of the words used, been able to interpret the particular legislation involved in this case in a sense which is in conformity with the obvious needs of the occasion.

It may be recollected that the facts giving rise to this case were that customs officers, when boarding a ship at Liverpool, handed to the crew declarations which they had to sign as to their possession of goods chargeable with duty. A ship's steward signed the declaration that he had no such goods. The customs officers, subsequently searching the ship, found 100 cigars concealed in the steward's bedding. They charged him with concealing uncustomed goods contrary to sec. 186 of the Customs Consolidation Act, 1876, and arrested him and took him to the police station, where he was duly charged with this offence and, after being detained for a short time in custody, released on bail. He was thereafter brought before the Liverpool stipendiary magistrate, to whom he told a story of his having sold the goods to another member of the crew, who left them where they were found by the customs officers. The magistrate thought there might be a reasonable doubt and dismissed the case. The steward thereupon sued the customs

officers for false imprisonment. The officers, in their defence, relied upon the power of arrest contained in sec. 186 of the Customs Consolidation Act, which provides that:

“ the offender may either be detained or proceeded against by summons.”

It was contended for the customs officers, in the action which was tried before the Judge of the Liverpool Court of Passage, that this power was a power to arrest on reasonable suspicion. The trial Judge accepted this argument and held upon the facts that there was a reasonable suspicion against the plaintiff. It was this decision which was reversed by a majority of the Court of Appeal, who held that “ offender ” meant a person who had in fact committed an offence. It will be remembered that MacKinnon L.J. vigorously dissented, on the ground that in all cases where a power is given to arrest an “ offender ” or someone “ found offending ” or “ found committing ” some act, the Legislature could not have intended the person on whom it had conferred such power of arrest to exercise it at his peril. Whilst the House of Lords was able to come to this conclusion in respect of the power conferred in this section, their lordships deliberately refrained from basing their decision on this wide, if convenient, ground.

The judgment of the House of Lords was delivered by the Lord Chancellor (Lord Simon), who pointed out that the primary duty of their lordships was to interpret the particular words of the section in their ordinary meaning. The word “ offender ” was in fact ambiguous and could mean either someone guilty of an offence or someone charged with an offence. The power of arrest envisaged an alternative course of process: the “ offender ” could either be detained or proceeded against by summons. The power to proceed by summons was obviously not confined to persons actually guilty. If the plaintiff was right, therefore, the word “ offender,” although only used once in that one sentence—“ the offender may either be detained or . . .”—nevertheless had two meanings. In relation to “ detained ” it meant a person actually

guilty, and in relation to “ proceeded against by summons ” it meant a person reasonably believed to be guilty. This was not a reasonable method of construing. The word could only reasonably be construed as having one meaning; and that meaning must therefore be the meaning which would include both of the alternative courses—namely, “ a person suspected on reasonable grounds ” of an offence. Upon the facts, their lordships agreed that there were reasonable grounds for suspecting the plaintiff. His claim therefore failed, and the appeal of the customs officers was allowed.

MANSLAUGHTER ON A MURDER CHARGE

R. v. Roberts

Since the war started there have been many homicides in which a woman victim has died by a soldier's rifle as a result of a quarrel with him. *R. v. Roberts* (58 *T.L.R.* 138), a case in which a Home Guardsman was charged with murder, raised a question whether the jury should have been directed that a verdict of manslaughter was open to them. But, unlike most cases of this type, the particular kind of manslaughter in issue was not manslaughter through provocation but through the commission of a negligent act.

The facts were that the prisoner, after a girl had told him that she wished to end her association with him, visited her at a house, taking with him a Service rifle which was loaded and had the safety catch off. While the girl was speaking to him at the front door, a witness, who was with others in a room inside the house, heard a shot. On emerging into the passage, the witness saw the girl collapsing and the prisoner standing with the butt of the rifle at his hip. The prisoner's defence to a charge of murder was that the rifle had been discharged entirely by accident. He said that he merely meant to frighten the girl by jerking the rifle forward, meaning to catch it at the point of balance for the “ short trail ” position. It was conceded that there was no question of provocation by the victim. But at the trial the prisoner was not asked any questions about how the rifle had come to go off. The Judge directed the jury that they must either convict of murder or acquit altogether. They brought in a verdict of guilty of murder and the prisoner appealed to the Court of Criminal Appeal.

In giving the judgment of that Court Mr. Justice Humphreys said that there was a number of circumstances inconsistent with the defence of accident and that there was ample evidence, on which a jury, on a

proper direction, could have convicted the appellant of murder. Nevertheless, the Court of Criminal Appeal substituted a verdict of manslaughter and a sentence of ten years' penal servitude because a verdict of manslaughter was open to the jury as a matter of law.

It was agreed by counsel for the defence that a Service rifle cannot go off of its own accord; it can do so only if a heavy blow is administered to it, or, possibly, through its being dropped on hard ground. On the facts, neither of these two things happened. Therefore, the rifle was discharged by the placing of the appellant's finger on the trigger. Whether that was so or not, did not appear, because he was never asked whether his finger was on the trigger but the Court took it that it must have been. True, the trial Judge was acting, as he believed, in the interests of the prisoner in withdrawing manslaughter from the jury and in directing them that, unless they were satisfied that it was a deliberate act, they ought to acquit him of all guilt. Nevertheless, he was entitled as a matter of law to have the jury properly directed about the verdicts open to them. He was committing a highly dangerous act on his own admission of the way in which he had handled the rifle. Hence the death *could* have been due to manslaughter by negligence or carelessness amounting to rashness. On this point the Court adopted the statement in *R. v. Hughes* (1857, Cox C.C. 301).

R. v. Roberts is a remarkable instance of a successful appeal on a point of pure law when it was most improbable, if not certain, that a right direction to the jury would have made any difference to their verdict. But the question of manslaughter was open to them in law. "As for the question whether it was open to them on the facts," said Mr. Justice Humphreys, "counsel for the prosecution has argued with good reason that no reasonable jury could come to such a conclusion. The Court may be disposed to take much the same view, but it cannot delve into the minds of the jury and say what they would have done if the issue had been left open to them. We are disposed to take the view that it is extremely unlikely that the jury would have returned a verdict of manslaughter seeing that, as we know, they regarded the act as deliberate. But we cannot say that it is certain that the jury would have returned a verdict of murder if manslaughter had been left open to them."

TRADE CUSTOMS IN FOOD OFFENCES

Tansley v. S. Sainsbury & Co. Ltd.

This case, reported 165 *L.T.* 376, is a forcible illustration of the rule that a well recognised custom or trade practice cannot override a rule

of the criminal law. Such a custom may, of course, qualify the ordinary law for civil purposes. The Meat (Maximum Retail Prices) Order, 1940, imposed certain fixed prices on the sale of meat. On a case stated by a court of summary jurisdiction for Wealdstone it appeared that the defendant sold a portion of top-side of beef, best cut boneless, and included three steel skewers in the weight charged for. The joint was rolled in a manner in which it had long been customary to sell top-side of beef. To roll such a joint it was usual and necessary to employ skewers, that the joint might hold together. It had, for many years, been customary and the practice among butchers to weigh such joints together with the skewers which they contained. But it meant that the skewers represented 2½d. of the sum of 4s. 8½d. paid by the purchaser.

The Justices dismissed the information for selling meat in excess of the legal maximum price. The Food Executive Officer appealed and the Divisional Court held that the Justices were wrong in dismissing the charge. The case was sent back with a direction that they ought to have found that the offence was committed. "The Justices can then deal with the matter in such a way as they think right. It does not follow that they will think it necessary to impose a penalty, or even record a conviction." It is not often that such a strong hint as this one by Mr. Justice Humphreys is given by the High Court on the way in which a court of summary jurisdiction ought to exercise its discretion over the punishment to be inflicted. The appeal by way of case stated is confined to points of law. Magistrates are free to differ from Judges about the appropriateness of sentences.

THE EFFECT OF WITHDRAWAL OF A SUMMONS

Owens v. Minoprio

It is a familiar rule that by English law no one may be tried twice for the same offence. Does this rule protect a person who has been summoned a second time after the first summons has been withdrawn with the permission of the magistrates? This was the question which the High Court answered on a case stated in *Owens v. Minoprio* (1942, 1 *All E.R.* 30).

The respondent was charged with failing to comply with a billeting notice. On his appearing before the magistrates it seemed that the notice had been served on him by a person who was not authorised to do so by the Defence Regulations and because of this informality in the service of the notice the magistrates allowed the prosecution to withdraw the summons. A second summons was then brought after proper service. This was objected to on the ground that it was putting a man

in peril twice in respect of one charge. In other words, the defence of what lawyers know as *autrefois acquit* was raised. The magistrates accepted this as a good defence but on the police appealing by way of case stated, the High Court held that they had arrived at a wrong decision on the point of law and remitted the case to them to decide on the merits.

It was held that the accused had never been put in peril of a conviction on the first occasion because the objection was only concerned with the formalities of the preliminary procedure and not with the merits of the case at all; nor with legal errors in the hearing itself. There had been no hearing of the case and therefore no danger of a conviction. The magistrates had been misled by a proposition in the headnote of an earlier decision, *Pickavance v. Pickavance* (1901 P.60), and by the effect of this decision as stated in the textbooks and particularly in Stone's *Justices' Manual*. Lord Caldecote, Lord Chief Justice, said that it was "highly desirable" that the earlier decision "should cease to appear in the books as an authority to the effect stated by the magistrates." *Owens v. Minoprio* therefore provides a double warning. First, a warning against accepting too readily a statement of a rule in the mere headnote of a law report. Secondly, that an invaluable and learned manual on criminal law is not the last word in the law of crime.

CONTROL OF MAGISTRATES' DECISION BY "CERTIORARI"

R. v. Wandsworth Justices

The defendant in *R. v. Wandsworth Justices* (1942, 1 All E.R. 56) did not wish to appeal to quarter sessions from a decision of a court of summary jurisdiction and in any case he was out of time if he had wished to appeal in this way; nor did he ask for a case to be stated for the opinion of the High Court, this procedure being inappropriate. But he succeeded in having his conviction quashed by applying to the High Court for an order of *certiorari* which is only granted in circumstances which rarely arise in ordinary criminal prosecutions.

The applicant was charged before the justices with misrepresentations made on certain tickets as to the weight of articles of food. The tickets were not produced at the hearing, and the justices retired to consider whether their non-production was sufficiently explained. On returning into court they inadvertently not only gave their decision on this evidence point, but at once proceeded to convict the applicant without giving him an opportunity of answering the charge. The justices admitted that they had thereby committed an error amounting to a denial of natural justice. They contended, however, that an order

of *certiorari* quashing the conviction was not the proper remedy as the accused could have appealed to quarter sessions. It is certainly the general principle that the court will not issue such an order if there is another remedy which is equally convenient. But, in the words of Mr. Justice Humphreys, this does not mean that there is any "reason why a person who has been wrongly convicted without evidence should assist the prosecution to go to some other tribunal, at which, it may be, the necessary evidence will be adduced." The prosecution were, in effect, arguing thus: "If only you had gone to quarter sessions, we should have had the opportunity of putting our house in order and of giving there the evidence against you which we never attempted to put before the justices." An appeal to quarter sessions is, of course, by a re-hearing of the whole case. The applicant was not to be forced to adopt this course. He could rely on the general supervisory jurisdiction of the High Court based on the old common law writ of *certiorari*.

It is also a general principle that *certiorari* will not be issued to an inferior court to have the proceedings therein brought up for review unless there is want of jurisdiction in the court below. But it was held that a denial of justice as in the present case is analogous to want of jurisdiction and the applicant was applying for the proper order.

It was held to be ludicrous to suggest that he was confined to a remedy by way of case stated. The Lord Chief Justice declared: "To ask this court to consider as a question of law whether the justices were right in convicting a man without hearing his evidence is so extravagant a statement as not to merit, in my judgment, a moment's consideration."

Just as the ancient *habeas corpus* procedure is little used nowadays for the purpose of securing a speedy trial or release on bail because there are newer and simpler remedies for most complaints: so it is rarely necessary to resort to *certiorari* for the purpose of correcting the trial judges in inferior courts. But the common law remedies are still there to be used in an appropriate case. *R. v. Wandsworth Jf.* shows that the old remedy is sometimes the best.

REMAND IN CUSTODY AS A PUNISHMENT

R. v. Brentford Justices

Many persons may take the view that a fine of £5 was too small a maximum penalty for failing to submit to medical examination under section 17 of the National Service (Armed Forces) Act, 1939. *R. v. Brentford Justices* (106 J.P.4) shows that heavier punishment cannot be imposed for such an offence by the indirect method of remanding in custody.

The defendant stated that, before he was asked to plead to the information, the chairman of the bench, without consulting his fellow justices or the clerk, ordered the defendant to be remanded in custody for three weeks, and refused an application for bail, saying, "I'll treat them all alike." It was also alleged that the chairman had dealt previously with two similar cases in a similar manner. The defendant was later released on bail by order of Mr. Justice Stable. He then applied for an order of *certiorari* to quash the order of the justices.

A Court of Summary Jurisdiction has a discretion to remand a defendant in custody pending trial by virtue of section 16 of the Summary Jurisdiction Act, 1848. But Lord Caldecote, Chief Justice, thought it was an "astonishing" argument to maintain that the justices have an uncontrolled discretion to remand in custody any person who appears before them on an information. The argument led to the conclusion that the High Court had no power to interfere with the exercise by justices of their powers under the above section, although it might lead to the imposition of punishment in excess of the penalty prescribed by the Act which constituted the offence in issue. For this reason the order of the Justices was quashed. In exercising their discretion to remand in custody the justices must exercise it judicially and for a proper purpose, as, for example, for the purpose of obtaining further information.

In *R. v. Brentford Justices* the High Court approved of the statement of Lord Hewart, C.J., in *R. v. Toynbee Hall Juvenile Court Justices* (1939, 103, *J.P.* 279): "Of course, it could not be right for justices to remand an offender in custody for the real, though unavowed, purpose of detaining in prison an offender charged with an offence for which a punishment by imprisonment could not lawfully be ordered."

THE NECESSITY FOR AN OPEN HEARING

"It cannot be said too often, and all courts should bear in mind, that it is not necessary merely that justice should be done, but also that it should appear to be done, and it is an elementary requisite of procedure that one party should not, before a decision is given, be examined by the court behind the back of the other." This recent pronouncement by Lord Merriman, President of the Probate, Divorce, and Admiralty Division of the High Court, in *Jones v. Jones* (105 *J.P.* 353) follows on many other similar judicial statements.

This case was an appeal from a decision of the Hawarden Justices on a wife's complaint of persistent cruelty and wilful neglect to maintain by her husband. After the Justices had retired to consider their decision it was intimated that they wished to see the wife alone in their

room. Counsel for the husband raised no objection. One member of the bench, a woman, then interviewed the wife with the sole purpose of effecting a reconciliation. The woman magistrate proved unsuccessful in this attempt. It was held that even assuming the interview to have had no effect on the Justice's decision, such an interview was improper before the announcement of the decision; the possibility of its even being thought to have influenced the decision being sufficient to invalidate the order.

THE SCOPE OF APPEALS BY CASE STATED

The decision in *Norwich Rating Authority v. Norwich Assessment Committee* (105 *J.P.* 374) is interesting for its explanation of the scope of the appeal by way of case stated by justices for the opinion of the High Court. Although such appeals are an everyday feature of the ordinary criminal procedure of the courts, there are points of law and practice which are still obscure. In this case it was argued for the respondent on a case stated by Quarter Sessions that no appeal lay to the High Court on the ground that it had no jurisdiction to entertain an appeal by way of case stated unless the decision of the case stated would finally dispose of the question between the parties one way or the other. The answer to this was given by Lord Caldecote, C.J.: "This was never more than a question of practice and was not a question of the extent of the jurisdiction of the court."

The Lord Chief Justice approved of a statement made as long ago as 1844 by Lord Denman. The latter said: "It is satisfactory that we may now take it as universally known that, on cases sent from the sessions, the Court of Queen's Bench will not decide merely for the purpose of putting the inferior court in motion. To receive cases on which sessions only ask us whether they shall go forward or not is merely creating additional expense." This is still the sound guide to practice and magistrates ought to take heed of it when they are asked to state a case. But the recent decision shows that the High Court still has its jurisdiction to hear an appeal even though the case has been stated in an unusual manner or at an unusual stage in the proceedings. In *R. v. Southampton Licensing Justices* (1906, 1 *K.B.* 446) Lord Alverstone, C.J., said: "It has, I think, never been doubted that the Court of King's Bench will not entertain special cases where there will not be a final order determining the matter one way or the other, depending on the view they take of the special case." These words have now been shown to be too strong.

Criminal Law and Practice in Scotland

WHEN IS A KNOWN THIEF "FOUND IN POSSESSION"?

Fisher v. Motherwell

IT is unfortunate that a point so important to the Scottish Police as that raised in this appeal had to be argued on a stated case in which the findings in fact, if commendably brief, were not wholly satisfactory. Fisher had been convicted, in Airdrie police court, of a contravention of section 409 of the Burgh Police (Scotland) Act, 1892—that, being a known thief, he was, on August 15th, 1941, within the shop at 13 Flowerhill Street, Airdrie, occupied by him, found in possession of 3,620 cigarettes or thereby without being able to give a satisfactory account of his possession thereof. He was sentenced to a fine of £5 with the alternative of sixty days' imprisonment. (Incidentally, £5 carries only thirty days.) He appealed and was granted a stated case which averred that "the following facts were admitted or found proved":

"(1) That on July 27th, 1935, appellant had, in the burgh police court, Airdrie, been convicted of theft; that on April 8th, 1940, appellant had, in the burgh police court, Airdrie, been convicted of reset (two charges); that appellant is a known thief.

"(2) That on August 15th, 1941, within the shop at 13 Flowerhill Street, Airdrie, of which appellant was in possession of the key, and which on August 15th, 1941, was occupied by him, he was in possession of 3,620 cigarettes or thereby which, by his own hand, he retailed to members of the public. There was a notice outside that cigarettes were for sale within the said shop.

"(3) That said members of the public found appellant in possession of said cigarettes as aforesaid.

"(4) That on August 17th, 1941, appellant, at his place of employment in Glasgow, and after being warned as to the circumstances consequent upon his being a known thief, refused to give any account of his possession of the said cigarettes to R. M., detective sergeant, and W. M., detective constable, both of Airdrie burgh police force.

"(5) That three prior and unsuccessful attempts had been made to interview appellant at said shop—the first of which took place about 10 p.m. on August 15th.

"(6) That appellant had failed to give a satisfactory account of his possession of said cigarettes either to said police witnesses as aforesaid or in his evidence at trial."

This statement of facts leaves much to be desired. One is left

wondering just how members of the public found the appellant in possession of 3,620 cigarettes. It is hardly conceivable that he sold these to a single person or even to a limited number of persons and equally unlikely that certain members of the public took it upon themselves to count his stock.

In the debate before the High Court of Justiciary, counsel appeared to accept the finding that appellant was a known thief, although his only conviction of theft had been six years previously (see *Mitchell v. Moir*, reported in *THE POLICE JOURNAL*, Vol. XII, page 393), but argued that appellant had not been "found in possession" of the cigarettes within the meaning of section 409. Counsel's contention was that the person "finding" a known thief in possession must be a person entitled to challenge him, demand an explanation and, if the explanation tendered was not satisfactory, arrest him—in other words, that the Police must appear on the scene while the possession was still current and must there and then demand an explanation. It was not sufficient, counsel insisted, that members of the public who had ascertained the fact of possession should inform the Police and that the Police should later face the known thief with the allegation and ask him to explain. (Throughout the debate, it was assumed that Fisher had actually been arrested. As appears from the minutes of procedure, he was cited to the court.)

Rejecting this argument as unsound, the High Court affirmed the conviction, holding that "the terms of the enactment are naturally fitted to cover the case when the known thief is found in possession of an article by one person and is, on the information of that person, subsequently arrested by someone else." Lord Carmont further made the useful point that a known thief does not cease to be in possession if, realising that he is about to be challenged, he throws the article away or otherwise gets rid of it. "In such a case," he said, "the individual is still constructively in possession although he has just caused the possession to come to an end."

IT MAY PAY TO WAIT

Among the duties with which police officers are entrusted is that of preventing crime and to this end many of their activities are directed. A constable who had reason to suspect that a serious assault was about to be committed would fail in his duty did he not intervene to prevent it—assuming that that were possible. Yet there are circumstances in which the Police are within their rights in lying low, watching the actual commission of a crime which they could have prevented, and then pouncing upon the offender. So a detective, on receipt of complaints of theft from a cloakroom, may set a trap with marked coins and lie in

wait, watching through a hole in a partition until some person arrives and commits theft. Only then need he reveal his presence and challenge the thief. (*Macdonald's Criminal Law*, pp. 25-6 and cases there cited.)

It is important to know when to act. Frequently it pays to wait not only until the crime is complete in every detail but even longer. Two instances may serve to make this clear. (1) Apart from specially strong circumstances which put the guilty intent beyond doubt, shoplifters should not be challenged until they have left the premises with stolen property in their possession. To act prematurely is to make the shoplifter a present of the defence—"but I intended to pay before I left." (2) Certain types of fraud, which depend upon the suspect's state of mind, are much more easily proved if no challenge is made until some time—it may be days—after the fraud has been completed. The following case, which recently came under the writer's notice, will drive this point home.

The management of a factory engaged on war work had reason to suspect that certain employees were procuring others to stamp their time cards and so were inducing the wages clerk to pay them for shifts which they had not worked. To test this, a physical check was made about midnight on a Monday of the employees in a particular department. A, B and C were found to be absent and their machines were idle; but an examination of their time cards revealed that all three had been "clocked in" at times just before the night-shift began, and a further scrutiny next day showed that all three were "clocked out" about 8 a.m. Clearly, some other employee or employees had stamped the cards. The cards were kept in racks just inside the premises, at a place inaccessible to members of the public, and were arranged in numerical order, each employee having a number allotted to him. When he came on duty—and again on leaving—the employee's duty was to take his card from the rack and insert it into a slot in one of the electric clocks, so marking the time of his arrival or departure. It was quite possible for an employee to mark first his own card and then another's.

A, B and C worked the remaining night-shifts of the week and on each shift marked their cards correctly "in" and "out." At the end of the week, the cards were removed—being replaced by cards for the coming week—taken to the office and used as the basis for calculating the wages due. In making up A's wages, the pay clerk, following the card, credited him with the hours of the Monday night shift and arrived at a total for the week; and so with B and C. At this stage, the shop superintendent intervened, instructing the clerk to deduct the amount referable to the shift not worked and the Police were called in. Against the advice of at least one police officer, the firm insisted in bringing

matters to a head at this stage. A, B and C were formally charged with attempted fraud and prosecutions followed. In each case, the defence adopted was—"I agree that I did not work the Monday night. I deny that I arranged with anyone to mark my card. I noticed that the card was wrongly stamped, but did not think it necessary to call anyone's attention to that or myself to alter it. I was waiting to see how much pay was tendered to me. If it had been too much, I would have refused the over-payment and pointed out the mistake." As it happened, each case was heard by a different magistrate and in each a conviction was secured. The prosecution witnesses, in addition to speaking to the facts already summarised, conceded the possibility of mistakes in the marking of cards—that one employee might mark another's in error—but were clear that no such mistake had been made on the night in question as no employee who had worked the shift had complained of not being paid for it. It would have been remarkable, they contended, if an error had been made twice on the same night in respect of any particular card.

Although these prosecutions for attempted fraud succeeded, the verdicts might well have gone the other way. The question before the court was very much a "jury" question, on which an equally competent magistrate might have reached a contrary conclusion. The point to seize upon is that the prosecutor need not have been put in the position of having to present and argue a marginal case. Had the firm let matters take their course, leaving the paybills as made up by the clerk and tendering to A (and to B and to C) wages for a full week's work, then either (1) A would have refused the overpayment, disclosing the error—in which case there could have been no charge, or (2) he would have accepted it without comment, in which case the completed fraud would have been easy to prove. Even then the prosecutor's position would have been still stronger if a day or two had been allowed to elapse before A was challenged. He could then be charged, as an alternative to the charge of fraud, with the crime of knowingly retaining an overpayment. (Case of Robert Potter, 1844, reported in *Brown's Criminal Reports*, Vol. 2, at page 151.)

THE NEED FOR AN INTERPRETER

Liszewski and others v. Thomson

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In our issue of January 1942, attention was called to the case of *H.M. Advocate v. Olsson*, in which the High Court clearly affirmed the principle that no vital step should be taken by the Police in relation to a foreigner accused of a serious crime unless an interpreter is present. That the same considerations of scrupulous fairness apply with equal force to proceedings in court appears from the case now reported.

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N28.15

Three Polish soldiers were charged in the police court at Forfar with breach of the peace. They had no solicitor to represent them and no officer was in attendance. At the calling of the case, the court's attention was drawn to the fact that no interpreter was present and the accused were asked—through one of their number, who spoke English—whether they wished delay so that one could be procured. After some consultation among themselves, their spokesman indicated to the court that he was willing to act as interpreter for the others. The charge was read and the accused pleaded guilty. The prosecutor made a statement emphasising the seriousness of the incident libelled and each of the accused—none of whom said anything in mitigation—was sent to prison for thirty days.

On appeal, the conviction was quashed by the High Court, which strongly condemned the procedure adopted of selecting one of the accused to represent and interpret for the others.

PROOF OF CARELESS DRIVING

Edwards v. Hawthorn

This was an appeal from conviction, in Stirling Sheriff Court, of contravening sections 12 and 22 of the Road Traffic Act, 1930. From the judgments delivered in the court of appeal, two points emerge: (1) that it is dangerous to reach a conclusion of guilt, in a prosecution of this nature, partly because the motorist has failed to explain the damage to his car, and (2) that where a prosecutor rests his case on circumstantial evidence, he must, if he is to succeed, exclude all possibilities consistent with the innocence of the accused. The main facts proved at the hearing were:

A road accident involving personal injuries to certain members of a group of men standing on a foot-pavement at a bend in the main Stirling-Edinburgh road occurred about 12.35 a.m. on a Sunday morning. The car involved mounted the pavement and, having collided with the men, proceeded on its way eastwards towards Plean, a village two miles farther on. The circumstances of the accident were such that there was no doubt that the driver was guilty of careless driving and also of failing to stop. The whole question in the case was that of the identity of the driver—was it the accused?

Some ten minutes before the accident a special constable was standing with a local mechanic at Bannockburn cross-roads, a point on the main road about three hundred yards west of the locus of the accident. While they were there, two cars passed in an easterly direction—the first about 12.27 a.m. and the second about five minutes later. (Witnesses could, of course, speak only approximately to times.) The

second of these cars was identified by the mechanic as a Vauxhall "ten-four"—a type of car with which he was particularly familiar. The tail light of this car was noticeably bright. No other traffic went over the cross-roads in either direction until after the accident had occurred.

So far, accused has not come into the picture. He was, however, discovered by local residents standing with a friend beside a Vauxhall "ten-four" car near the west end of Plean village, in a quiet street off the main road. These residents came upon him at a time between 12.30 and 12.45 a.m. The car had an unusually bright tail light. Accused and his friend were in process of changing the near front tyre. They explained that they had had a puncture "just through the bridge," i.e. just before entering the village from the Stirling direction. The residents noticed that the flat tyre was very hot, the near headlamp twisted, the front number-plate bent back and the near front mudguard dented. The tyre referred to had a rough round hole on its inner side and there was a corresponding hole in the inner tube. Neither accused nor his friend tendered any explanation of the damage of the car. Admittedly, accused had left Stirling after midnight and had driven the car (apart from a short stretch when his friend took the wheel) along the main road across Bannockburn cross-roads. The evidence clearly justified the inference that the car noted by the mechanic at the cross-roads just before the accident happened was the car driven by the accused. The evidence did not, however, exclude the possibility that some other car might, just before the time of the accident, have emerged from a side-road between the cross-roads and the locus or that a car might have been stationary on the main road and might have moved on after the Vauxhall passed.

The sheriff convicted, but the conviction was quashed on appeal on the ground that the chain of circumstantial evidence was not complete, that all possibilities consistent with accused's innocence had not been excluded, and that the sheriff appeared to have been influenced by the failure of the accused to account, either at the time to the Police or at his trial, for the damage to his car. He was under no duty to explain. It was for the prosecutor to prove his case, not for the accused to satisfy the court that he was innocent.

STRAY DOGS

The powers of the Police to deal with stray dogs are to be found in sections 3 and 4 of the Dogs Act, 1906. (Section 4 is to be read as re-enacted by the Dogs (Amendment) Act, 1928.) These sections envisage three sets of circumstances—(1) where a police officer seizes the dog—in which case, if the owner fails, within a stated period, to

claim the dog and pay expenses incurred, the Police may "cause the dog to be sold or destroyed"; (2) where the finder, being a member of the public, does not wish to keep the dog—in which case the same power of sale or destruction is given to the Police; and (3) where the finder, being a member of the public, brings the dog to a police station and indicates to the officer in charge that he desires to keep it—in which event a certificate is issued to the finder, who is then at liberty to remove the dog but under obligation to keep it for at least a month.

On more than one occasion, the present writer has been consulted as to the effect of these provisions on the ownership of the dog. How far does the statutory procedure operate to extinguish the original owner's right of property and to confer on the purchaser or finder a right to retain the dog in face of a claim by the original owner if later he should discover the dog's whereabouts and be in a position to prove its identity? The following opinions may be hazarded—though with some diffidence.

(1) The statutory purchaser of a stray dog from the Police—assuming that the requirements of the Act have been strictly observed—would seem to be in a strong position. It is at least arguable that, as purchaser in a sale expressly authorised by statute, he has acquired a title to the dog against all comers and can snap his fingers at the original owner. This may operate unfairly—the dog may have strayed without any negligence on its master's part—but "hard cases make good law."

(2) The holder of a certificate is in quite a different position. Here there has been no sale but simply a permission to retain the dog, subject to a condition that it be kept for a minimum period in the finder's hands. Has anything really happened to divest the original owner of his right of property? Has the finder, even after the expiry of the month, graduated to full ownership? Should he, after the expiry of the month, sell the dog, or give it away, to a third party, could he pass on to his successor full rights of ownership *contra mundum*? No doubt he may be regarded as owner for certain purposes. Should the dog chase sheep, he might well be the proper respondent in a prosecution under the Dogs Act. But we doubt whether, if challenged by the original owner, he would have any answer to a claim for delivery of the dog.

Wounds from High Velocity Projectiles

By SYDNEY SMITH, M.D.

Department of Forensic Medicine, University of Edinburgh

READERS of this JOURNAL are no doubt quite familiar with the appearance of injuries from projectiles of low and medium velocities, for example from revolvers, automatic pistols and shot guns. It is doubtful, however, whether there is such a good general knowledge of the effects of high velocity projectiles such as that of the Service rifle, especially at close ranges. This has been brought prominently to my notice in connection with errors of judgment in three recent cases; in one a decision had been given that a wound in an individual had been caused by a dum dum bullet or explosive bullet: in another that the small amount of powder marking and blast effects indicated that a Service rifle had not been used, and in the third, that the position of an assailant and the direction of fire could be deduced with accuracy from the examination of the entrance and exit wounds on the victim and the position of fragments of a disintegrated bullet on the wall behind.

It is desirable therefore that we should put on record such cases as come before us in connection with injuries from Service rifles.

Before dealing with such injuries we might quickly run over the main ballistic features of the subject. We have in this country two distinct Service rifles—the .300 inch, as supplied to the Home Guard, and the .303 inch, supplied to the other Armed Forces of the Crown. The Home Guard bullet differs from the .303 bullet inasmuch as it is streamlined, that is boat-shaped at the base, whereas the .303 is cylindrical. Both have a pointed apex. Both types are composed of a soft lead core enclosed in a harder metal jacket. The .303 ammunition manufactured in Great Britain has a stout cupro-nickel jacket, inside which there is a soft lead core surmounted by a tip of aluminium. .303 ammunition, as supplied to us by the United States, has a soft lead core but no aluminium tip (Fig. 1, A and B). The powder varies, depending upon the seat of manufacture. The official ammunition made in this country has for its propellant a charge of cordite, whereas in that supplied from the United States the charge is composed of nitro powder in the form of fine rounded or cylindrical grains. It will be noted, therefore, that in a close discharge there may be considerable differences in the powder marking, depending on the nature of the propellant.

It is essential to know the forces acting on the projectile and its behaviour before it reaches the body if we are to get any clear idea of its effect.

When a rifle is discharged the ignition of the powder results in the evolution of a very large volume of gas, which raises the pressure in the firing chamber to something in the vicinity of twenty tons per square inch. This forces the bullet into the barrel, and as the barrel is cut into grooves, the bullet is forced to rotate during its passage through the barrel. Since the grooves in the Service rifle make one complete turn in ten inches, it is obvious that the bullet, when it leaves the barrel, must rotate at a rate greater than the velocity (as 12 : 10). The initial velocity in rifle bullets is in the vicinity of 2,500 feet per second, and therefore the bullet must be spinning at the extraordinary rate of something like 3,000 revolutions per second. In addition to the forward movement and spin there is also, in the early stages of flight, a rotation of apex or base of the bullet around the line of flight. This is well demonstrated in the spinning of a top. When you first spin a top you will notice that though the point may remain stable, the base tends to rotate around a line drawn perpendicular to the point. After a certain time the top straightens out and, as is commonly said, "goes to sleep," that is to say, it spins around the perpendicular without much deviation. A bullet acts in the same way and therefore we may expect wounds of a more explosive type to occur before the spin becomes stabilised, within a few hundred yards. After that range we tend to get clean through and through wounds until we reach extreme range, when the loss of velocity tends to cause lacerated wounds.

Two other movements of the bullet, *tipping and turning*, must be considered, and we must be prepared for this to happen at almost any range. It is obvious that any elongated body, with its centre of gravity rather behind the real centre, must be somewhat unstable in flight. Tipping of the bullet is accelerated by the aluminium tip in the Mark VII, and since this is likely to increase the resistance on striking and thus lead to more severe wounds and greater stopping power, it is no doubt something of an asset, provided that it does not alter the accuracy or range. Tipping or turning may cause keyhole wounds of entry, or even lacerations, which may have a very deceptive appearance.

Theoretically, the wounding power of a missile might be expressed in terms of its potential energy, i.e. $E = \frac{WV^2}{2g}$ where E = the energy in foot pounds, W = weight, V the velocity, and g = gravity; thus the heavier the bullet and the more rapid its flight the greater the wounding power.

Since the velocity is squared, it is obvious that velocity is the main factor, and in the evolution of the military bullet the striking power has been greatly increased by reducing the weight and increasing the velocity. Since, however, a certain minimal weight is required to inflict a suffi-

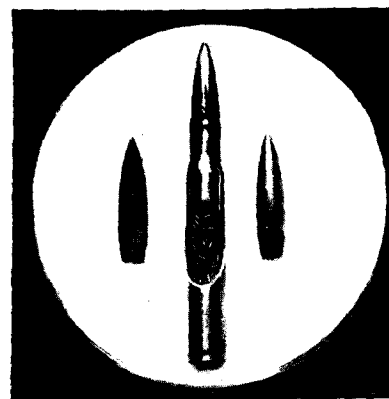


FIG. 1A.
·300 Cartridge and streamlined
bullet as used by Home Guard,
showing cylindrical rods of
powder.

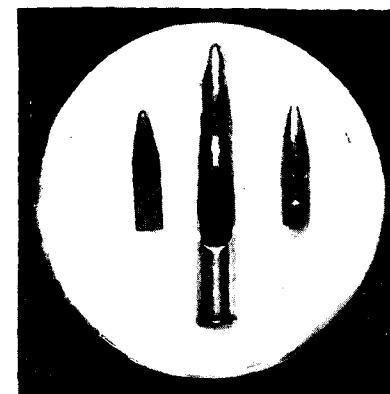


FIG. 1B.
·303 Cartridge and bullet,
showing cordite.



FIG. 2.
Showing the effect of firing a ·303 bullet into clay. Two blocks were placed
with a gap of 4 inches between. Both blocks show marked cavity formation.
The bullet was smashed into fragments.

(face p. 106)

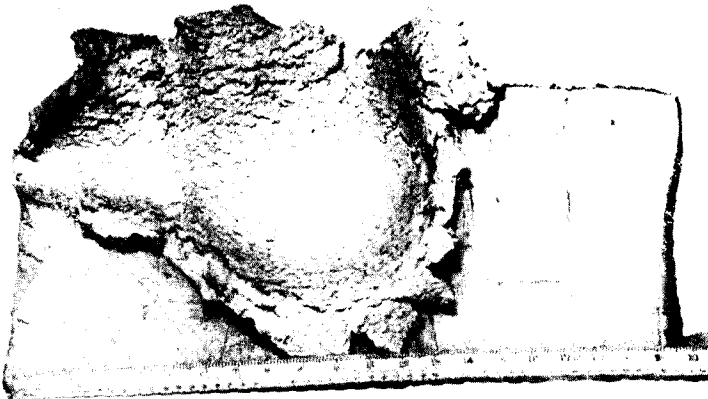


FIG. 3.
Cavity produced when a .303 bullet fired from a range of 300 yards strikes a block of clay on the side so that the bullet itself never enters the clay.



FIG. 4.
.303 at 200 yards. Section. Bullet struck dead centre, $\frac{1}{2}$ inch hole, after about 7 inches blew up a cavity and went off at angle upwards (14 inches altogether). Note the square of black material inside the cavity. It went in with the bullet and is not damaged in any way. Bits of lead in cavity showing that bullet disintegrates.

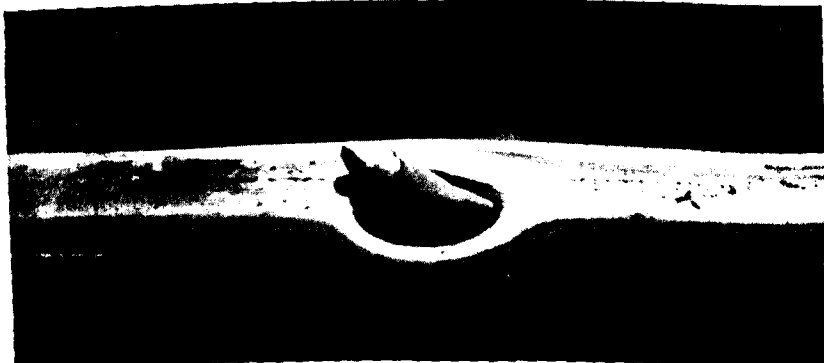


FIG. 8.
Photograph of part of bullet placed in dent seen in Fig. 7.

ently severe injury, and since it is undesirable to increase the cross section of the bullet, which would automatically increase the resistance of the air, the elongated pointed type of bullet has been evolved.

It is obvious that the potential energy is not the only factor to be considered in dealing with the wounding power of bullets. If a bag of sand were thrown at a door, the door would possibly be knocked off its hinges. If it were struck with a mallet a panel might be staved in. If it were struck with a pointed object, a clean hole might be driven through it. In these three cases, exactly the same amount of energy might be used with very different effects, depending, other things being equal, on the area of the striking surface, that is to say, on the cross section of the striking object.

Another factor of importance is the completeness with which the potential energy of the bullet may be converted into work. If a high velocity projectile with a small striking surface passes through the tissues without meeting with any special resistance, it may drive a clean hole without doing particular damage. It is quite possible to pass completely through highly important organs without killing, and sometimes without stopping, the person. It may drill a clean hole smaller than itself through bone, and the hole of entry in the skin may be so small that it cannot readily be observed.

This is not always the case, however, for even when little resistance is encountered severe damage may result, as I shall illustrate later on. When sufficient resistance is encountered to stop the bullet, as, for example, when compact bone is struck, the whole of the energy is converted suddenly into work, and extensive destruction may result, bone being comminuted into powder and soft tissues pulped.

When a rapidly moving object strikes a fluid or semi-fluid medium, the force is distributed in all directions, and this may result in extensive bursting of the particular part, as well as damage to tissues and organs remote from its path. The bullet, moreover, imparts its momentum to all particles of tissue which are struck, and such particles are driven forwards with the same velocity as the bullet, and they themselves may act as secondary missiles.

The bullet, as I said, may pass through the tissues. It may, however, tip before it reaches the tissues or enter broadside on, or it may turn around in the tissues and be found with the tip facing the entrance wound. This is comparatively common with all bullets. The bullet may "mushroom" or "set up," as it is called, and produce considerable laceration. Lead bullets are easily deformed if they strike a resistant object. Rifle bullets only mushroom as a general rule when the jacket has been damaged or is deficient at the tip, but mushrooming occasionally occurs where no particular obstruction has been met, and when the

jacket has not been interfered with before firing. This effect is produced in some cases by deliberately converting bullets into expanding bullets by interfering with the jacket, either by cutting or by boring a hole in the tip. Since the use of such bullets has been banned by international agreement, it is essential that no opinion should be expressed about the use of dum dum bullets without the most careful consideration.

The bullet may break into fragments, and it must be remembered that high velocity bullets fired at close ranges may fragment without striking any highly resistant body. This is most important, for the tendency of medical officers is to attribute this fragmentation either to explosive bullets or to deliberate damage to the cupro-nickel jacket.

In a series of experiments with the Mark VII service bullet, the .300 Home Guard bullet, and the .303 (U.S.A.) service bullet, I have observed complete disintegration of the bullet when firing into soft clay at ranges from 10 to 300 yards. That this is due to the velocity and spin I have no doubt whatever, for in comparative experiments over the same distance into the same medium, with the same weapon and ammunition, but with charges of powder reduced, no fragmentation of the bullet was observed. In low velocity weapons fragmentation was never encountered.

Now let us put our minds to the effect on the body of the discharge of such a projectile.

We have first to think of the mass of highly compressed gas, particles of semi-burnt and burnt powder and flame. These within one or two feet are likely to cause effects from which the range may be deduced. In the case of cordite, the burning is usually fairly complete, and it is not common, where the ignition is correct, to have much residue, even in very close discharges. In the case of flake and grain powders there is a tendency for partially burnt grains to be embedded in the skin and, from the dispersion of these grains, it is possible to get a fair idea of the distance from which the discharge was made. Burning with the military rifle, contrary to expectations, is usually comparatively mild, even at close ranges.

Now let us observe the effects produced experimentally when such a projectile is fired into a medium such as soft clay free from foreign bodies at a close range. It might be expected that a bullet with this velocity would pass through several feet of clay making a clean cylindrical channel, but it does nothing of the sort. When a high velocity bullet strikes such a medium, it passes in making a cylindrical channel for a few inches then suddenly produces a terrific disintegration of the clay and a cavity ten or twelve inches in diameter, and if the clay is not supported may explode it in all directions. (See figures 2 and 3.) The bullet may then continue its passage through the clay or may itself disintegrate.

Many explanations have been given for this cavitation of the clay; that it is due to a wave of compressed air in front of the bullet; that it is due to a vacuum produced behind the bullet; that it is due to steam pressure produced by the heat of the bullet; that it is due to hydraulic pressure. I have not the space to discuss these in detail, but you may take it that none is correct. When the projectile strikes the medium its energy is transmitted to each particle of the tissue through which the bullet travels. These particles are driven forward from the impact of the nose of the bullet and laterally by the shoulder and sides of the bullet, and the velocity of the particles is the greater when the particles are easily moved the one on the other. The spin of the bullet varies with the velocity, and the terrific centrifugal effect of a projectile spinning at the rate of 3,000 revolutions per second can well be imagined. With low and medium velocities the movement of the particles is only sufficient to cause a fusiform dilatation of the medium, but high velocities cause such disturbance of the material that explosive effects are produced.

To illustrate further, this disruptive process and its dependence on velocity, if the bullet is fired through two plates of clay separated from one another by a gap of several inches, the first plate is blown out or excavated in the manner which I have previously described, but instead of the bullet producing another small hole of entry in the second plate as one would expect, it produces a hole several inches in diameter. (Fig. 2.) If the plates are ten or twelve inches apart, it is quite possible that masses of material from the first plate may be thrown forward on the second, but the bullet may not make an entry hole in that plate. If the bullet is made to strike on the side of the block of clay so that it never completely enters, as shown in Fig. 3, the same cavitation is produced, showing conclusively that no vacuum or compression wave theory need be considered.

If we consider now the effects upon the human body of high velocity bullets at relatively close ranges, that is anything up to 200 or 300 yards, and it is highly improbable that we will see many injuries at greater distances than this, we must be prepared for extraordinary effects. The bullet may strike the surface of the body and if it meets with comparatively little resistance it may pass through producing a hole about a quarter of an inch in diameter at the inlet and a puckered torn hole at the exit, and there may be comparatively little damage in the tissues in between. It may, however, especially in thicker tissues, cause a minute hole of entry and exactly the same type of destruction as has been shown in the clay blocks. The whole of the tissues may be pulped, even though bone is not struck. If bone is touched it may be reduced into powder or into small fragments, many of which are projected forwards with the same force as the bullet, acting as secondary projectiles.

The effect on the bullet has also to be considered. When it is fired into clay at short distances, even when no hard object is struck, the bullet may become partly flattened, it may break into two or three pieces, or it may disintegrate into innumerable small fragments. The bursting of the tissues and bursting of the projectile have all the appearances of an explosion and are commonly stated to be due to dum-dum or to explosive bullets, but the whole of these effects may be produced by ordinary Service ammunition. The fragmentation of the bullet is not usually observed with any except high velocity bullets at short ranges.

The probable line of flight of high velocity projectiles after passing through soft tissues either whole or after disintegration is important. We know that in ordinary circumstances if a line is taken between the inlet and exit hole of a bullet and a third point where it impinges, we may get a rough idea of the position from which the weapon was fired, assuming that these points are fixed. In high velocity bullets this must be accepted with great caution for when such a bullet is passing through a soft medium the point is spinning in the way that I have mentioned and also tending to rotate around its trajectory. There is every chance therefore that any slight resistance may cause it to deviate from its true line and go off at an angle. It is most uncommon when firing the Service rifle into clay for the bullet to go in a straight line. After producing the cavity that I have mentioned the bullet may be diverted upwards, downwards, or to right or left, and this may be almost at a right angle to this line of flight (Fig. 4), so that even with a whole bullet it is impossible from the final position of the bullet to be sure from where it was fired. If the bullet disintegrates in the tissues, as it commonly does, each fragment proceeds with the velocity and spin of the parent bullet, and the particles will diverge at extraordinary angles. If there are any flattened pieces they are liable to be more eccentric in flight than the finer rounded particles, but in any case it is extremely dangerous to assume that there is any definite cone-like distribution of fragments such as one obtains with a shot gun. In addition to these difficulties in fixing the line of fire, it must be remembered in dealing with the human body that the relationship of entrance and exit wounds may be profoundly altered by even a slight movement, and the examining officer never knows precisely the relationship of the different parts to one another at the moment of fire. I may illustrate this with reference to different cases at a later period.

The following case illustrates certain of these effects.

On July 12th, 1940, about midnight, during an air raid alarm, a police motor car containing three police officers and the Assistant Chief Constable was driving towards police headquarters at about 40 miles per hour. In the car there were two police officers in the back

seat, and the driver and the Assistant Chief Constable in the front, the latter being on the left of the driver, that is the near side of the car. As it approached the city the car was challenged by a sergeant in the Air Force who was on leave, and as it did not stop he discharged his rifle at the car.* The bullet passed through the rear celluloid window of the car on the right or off side, struck the Assistant Chief Constable on the jaw and inflicted a very severe wound. The car was immediately stopped, the officers alighted and arrested the sergeant, and the driver proceeded to the Royal Infirmary with the victim. There he was found to have a bullet wound which entered on the right side of the lower jaw, and made its exit on the left side of the cheek causing severe lacerations. He was operated upon, but septic infection of the lung occurred and he died three days later.

At the post mortem examination the following injuries were found:

On the right side of the lower jaw, two inches from the middle line and one and a half inches downward from the corner of the mouth, there was a clean-cut entrance wound of a bullet, approximately a quarter of an inch in diameter, with a zone of erosion around it.

The exit wound was situated on the left side of the jaw and consisted of a lacerated wound running in an upward direction from the level of the chin towards the lobe of the ear, three and a half inches long. This wound was severely lacerated and was due to the bursting caused by the passage of a bullet.

The lower jaw was comminuted. The portion comprising the chin was smashed into fragments. The central and two lateral parts of the jaw with teeth were completely separated. The tissues round about were severely lacerated and greyish in appearance. The wound was in a very dirty state and showed a certain amount of pus.

The lungs showed evidence of acute septic broncho-pneumonia.

From this examination it was obvious that death was due to acute septic broncho-pneumonia, caused by infection from inhalation of material from the wound in the jaw, and that this wound was caused by the passage of a projectile passing from right to left with a direction slightly upwards.

The appearance of the entrance wound indicated that the bullet was intact when it struck the right side of the face of the victim. It appeared to touch the jaw in the region of the chin and its velocity and spin caused complete disintegration of the bone, as is shown by the X-ray photograph (Fig. 5). Also to be observed in the X-ray is a small particle of a metallic substance. This, on chemical examination, was

* See POLICE JOURNAL, Jan.-March, 1941, Vol. 14, 1, page 12 for notes on the legal aspect of this case.

found to be lead, associated with antimony, and since the lead in the Service ammunition is completely enclosed in a cupro-nickel jacket, it is obvious that the bullet must have disintegrated when it struck the jawbone. The large exit wound and laceration of the tissues was due to the explosive effect of the high velocity bullet and was similar to the effects produced in clay, which have been previously described.

The car, on examination, showed several projectile marks. In the middle of the licence holder, which was situated on the lower corner of the windscreen on the near side, there was evidence of two projectile holes passing from inside the car outwards. These two projectile holes were similar in shape and approximately six-tenths of an inch in diameter. On the upper one there was a fragment of human tissue adhering. These holes both looked like the exit of .303 bullets and suggested that at least two shots had been fired. On the extreme edge of the licence holder, two inches to the left of the lower hole, there was a mark caused by a projectile of lesser dimension striking the metal. (Fig. 6.)

There was also an indentation about the middle of the holder just at the edge of the triangular Alvis disc. This was also caused by a small projectile, and chemical examination showed it to be contaminated with lead.

There were also several marks of projectiles on the windscreen. On the lower near side left corner there were three well defined holes corresponding to the position of the two holes in the licence holder and the dent on the lower edge of the licence holder. There was another about two inches above the left lower corner. These four together formed a square of approximately two inches.

In and around these holes the glass was severely shattered on both sides of the cellophane middle layer of the triplex glass.

There were, in addition, five minor marks on the left half of the windscreen, due to the impact of fragments of a bullet.

Certain portions of the broken glass were examined chemically and were found to show traces of lead, indicating that the bullet which struck them had been shattered before striking the glass.

On the upper bar of the windscreen frame, seventeen inches from the left upper corner, there was a lozenge-shaped indentation, about one inch in length, causing a rupture of the metal at one part. In this indentation some metal had been deposited, which, on examination, was found to consist of lead. Immediately above this mark a fragment of the cupro-nickel jacket was found. (Fig. 7.)

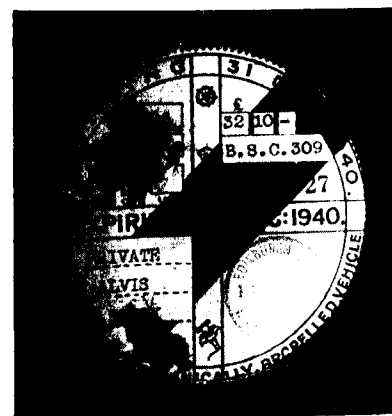
The left traffic indicator was pierced at its upper part by a projectile which passed from behind forwards and from right to left.

In and around the windscreen, particularly on its left half, on the



FIG. 5

From an X-ray photograph, showing extensive injuries to the lower jaw caused by .303 bullet.



No. 14 (a)

Photograph of front of licence of motor-car, which was affixed to the inside of the windscreen on the near side, showing two holes in licence.



FIG. 6.

No. 14 (b)

Photograph of metal licence holder which was affixed to inside of the windscreen on near side of motor-car, showing two holes in holder and dent and fracture of metal at bottom left-hand corner of holder.

(face p. 112)

woodwork in the front of the passenger seat, on the seat and on the hood, were fragments of human tissue and bone.

At the back of the car there were two celluloid windows. On the off side window on its upper right aspect there was a hole a quarter by three-eighths of an inch in size, such as would be produced by the passage of a projectile. A line connecting this hole with the licence holder and holes in the windscreen was in line with the level of the jaw of the deceased, and a bullet passing along this line could produce the injury which was found in the deceased, without affecting the other three passengers.

On the back seat of the car on the off side there was found a portion of a Mark VII .303 bullet consisting of the aluminium tip and its jacket of cupro-nickel. This fragment was semi-lunar in shape, was distorted into a lozenge shape from striking a hard object, and was polished on the under, or convex, surface, indicating that the object which it had struck was of a smooth nature. The piece of metal weighed 17 grains. This fragment consisted of the greater part of the tip of a bullet. This was the biggest fragment found ; it fitted exactly into the depression on the upper bar of the windscreen frame and had certainly ricocheted from there to the back seat. (Fig. 8, facing p. 107.)

A piece of metal was found on the floor of the front seat and this was a portion of the cupro-nickel jacket and exhibited marks of rifling similar to that of the seized rifle.

In addition, there was a piece of the metal jacket found embedded in the hood just above the windscreen and large numbers of small particles of lead and nickel on the floor of the car and about the windscreen.

The total weight of all the substances found was considerably less than the weight of the bullet, and the question that had to be decided was whether one or more bullets had been fired. The opinion was freely expressed that the holes shown in the licence holder, the marks on the windscreen, and the large indentation on the windscreen frame, could only have been caused by the discharge of two or three different bullets. However there were a number of eye witnesses all of whom spoke to one shot only being fired. One cartridge case only was found at the scene of the crime and the remaining four, out of a clip of five, were still in the rifle, one in the chamber, three in the magazine.

A reconstruction of the case at the scene of the affair with the motor car and passengers showed that more than one shot could not have struck the car, and the position of the accused at the time of firing showed that the bullet must have struck the off side near window, passed between the two passengers on the back seat, and passed diagonally across the car towards the near lower corner of the windscreen, striking the chin of the victim in its flight.

c



FIG. 7.
Photograph taken from interior of motor car, showing fractures to windscreen and dent in windscreen frame.

It is without a shadow of doubt therefore that the whole of these bizarre effects had been produced by one bullet and, knowing as we do the way in which fragments disperse, we can easily understand that on striking the jaw, even though it was not a very firm structure, the bullet itself exploded and fragments of the bullet plus fragments of tissue were driven through the cheek causing a lacerated wound, then passed in diverse directions causing the numerous fractures on the windscreen, and the two holes in the licence holder and the trafficator. In addition the largest piece which was found—the tip of the bullet—instead of going forward in the direction of the discharge which was from the right to the left and slightly downwards, after striking the jaw flew from the left to the right at an acute angle upwards with sufficient velocity to cause an indentation in the windscreen frame and ricochet to the back seat. The manner in which this piece of the bullet was deflected almost at right angles to the line of flight is most important, for it shows how careful we must be in assuming that any fragment of a bullet which disintegrates necessarily continues in the line of flight of the parent missile.

To sum up, therefore, in dealing with high velocity projectiles at short ranges, we must be prepared to find wounds which have all the appearance of having been produced by explosive or expanding bullets; we must expect to find in certain cases that the bullet itself breaks up into several pieces or even into minute particles, even without striking bone; we must expect to meet cases where the bullet deviates in the tissues and proceeds at an angle to its original line of flight, and when it disintegrates that many of the particles may pass out from the body at angles different from that expected from the original line of flight. We must also be prepared to find wounds from high velocity projectiles in which the bullet passes through the body even at close ranges, causing comparatively little comminution of the tissues and causing entrance and exit holes that are difficult to find. In wounds at medium distances over 400 yards, clean perforated wounds of tissues and even of bones are to be expected.

In conclusion I must express my thanks to Inspector Stobie for his help in preparing the illustrative figures.

A Businesslike Police Force

By H. J. VANN

Chief Constable, Maidstone Borough Police

I HAVE often wondered if the average Police Constable has ever spared himself the time to sit down and consider the organisation of his Force and whether it has any similarity to a business. After all, it is a business. A business aims at giving service and the police give service, but as a business is generally run for profit and the accumulation of realisable assets, such results cannot appear in any balance sheet produced at the end of a police year. But a balance sheet should be produced and it should show the state of crime, particularly the work of detection, and not the least important among the tabulated items should be efficiency, loyalty to duty, and goodwill.

As is well known the Police Force is unarmed and relies in a large measure for its effectiveness upon the general desire of the average citizen of the British Isles for law and order.

In return, therefore, the business of the Police Force should be to prevent crime by every effort, detect such crimes as do occur, preserve life, protect property and be ever ready to serve the public.

EFFICIENCY

There is much well-intentioned talk about efficiency in the Police Service; in fact it is heralded as obtaining in every Police Force. Efficiency, which is defined as the production of results, is a subject which may be characterised by many degrees.

An organisation should be both efficient and economical. So much efficiency inevitably comes from real experience that it is desirable to have actual service knowledge of the Departments in a Police Force and practical experience of the many miscellaneous duties that fall to a police officer.

If the Police Service were run as a business the Managing Director would be required to account from time to time to his Directors as to the progress made, the amount of the turnover and the sum available for distribution to the shareholders.

In every Police Force a day might be appointed when, Department by Department, the organisation could be reported upon. Any defects or deficiencies would be shown in all their nakedness so that a really true picture would be obtained of the profit and loss during the year.

No organisation is, of course, perfect, and even when it attains

something approaching 100 per cent. it cannot stay at this figure ; it constantly requires revision and toning-up.

The most perfect organisation of which I can think is the human body, and this, unless cared for and constantly kept in order, will show signs of disease ; serious illness and indeed death may result if neglect is allowed to continue. Might not this example apply equally to a Police Force and to a business ?

A business relies to a great extent on the sales capacity of its staff and their zeal and initiative. In a Police Force zeal and initiative should be inspired in every Constable by personal interest in his welfare and training, and steps should be taken to encourage his capacity for work. He should be kept alive and alert. He should become a thinker as well as a doer. I wonder how many Police Forces have a scheme by which the lower ranks may submit suggestions for the improvement of the Police Force ? Yet almost every well-organised business has a means by which the lowest junior clerk may place his ideas at the disposal of the Managing Director, frequently to the benefit of the concern.

There is a well-founded principle that a business does not stand still ; it either makes progress, *i.e.* it increases the volume of its turnover and the efficiency of its organisation, both in methods and personnel, or it fails.

Does not a Police Force often reach a stage when its Managing Director, after being in office for many years, and having inaugurated a good sound system, sits back feeling satisfied that a machine so well founded will run for ever ? This idea or delusion is, of course, a fallacy. If no enterprise is shown, no experiments are made and an air of contentedness pervades the concern, there will inevitably follow a downward trend towards disaster. Even if a force aims only at "Safety" it is not enough. A force must be active, alert and progressive to escape the dangers of retrogression.

Every member of the Force should be on his toes looking for weak spots in the organisation, comparing its methods and results with its neighbours and in every way seeking to increase the general efficiency.

COURTESY

A golden rule of every well-organised business is that whatever circumstances prevail the staff must always be courteous and respectful to customers. Policemen are in a like position—they have been told that however trying the circumstances they must keep their tempers. Many policemen achieve this desirable attitude and provide the soft answer that turneth away wrath ; but there may be some who do not quite attain this very high standard. Courtesy goes such a long way

towards helping the police in their work that it should be the watchword of every Police Officer. Some years ago a Chief Constable of an important Police Force produced a very compact and appropriate text which he caused to be posted in all his Police Stations. It read as follows :—

1. Courtesy is politeness and originates in kindness.
 2. Courtesy gains esteem and goodwill of others.
 3. Courtesy and civility cost nothing, but mean much.
- To the Public our slogan must always be :—
" AT YOUR SERVICE."

I have always thought this to be a most effective piece of work. It not only reminded a Constable of his obligations, but told the public that they were entitled to expect courtesy from the members of the Police Force.

A Police Force is judged by the courtesy of its individual members, and all are likewise condemned when the Force is considered rude, abrupt and unwilling to help.

If a caller at the Police Office is met with cold suspicion as though he were a gate-crasher, or is given a curt answer in reply to his questions, he may judge the whole organisation on this one showing. Every member should therefore be ever ready to give assistance to the public.

If a mistake has been made or there has been any discourtesy no effort should be spared to make amends by ample apologies.

THE MANAGING DIRECTOR

The Managing Director is, as his title implies, the Manager and Director of his organisation. He it is who largely, by precept and example, and by wise and able direction, makes or mars not only his organisation but the lives of his subordinates. He is the man upon whom the concern depends for its general policy, its detailed working and the efficiency of its units. According to the accuracy, explicitness, and speed with which he gives his directions, so will be the response of his staff and employees. Whenever he makes any radical changes they should aim at securing greater efficiency, and no change should be made unless there is likely to be loyal support and goodwill on the part of those who have the work to do.

Strange though it may seem, many a man who has attained this high position has conceived the idea that he has achieved everything and there is nothing more to be learned. He does not like criticism of his methods and organisation. He becomes very partial to praise

and evinces a desire for the limelight. Such a man should be wary, for he becomes not only blind to himself but blind to the facts and details of his business.

Power is, of course, the test of every man. He may create fear if he is by nature a coward, and if by nature cruel, he will inflict suffering on others.

No man who is unable to promote the happiness and well-being of others should be considered fit to control.

An ideal manager is one who possesses, among others, the following qualities :—

- (a) A desire to learn.
- (b) A friendly outlook.
- (c) Courage.

DESIRE TO LEARN

If a Managing Director has a desire to learn he will find that his subordinates have brains and that if he consults them he will learn a great deal about their work and outlook which will assist him in his business. They know more of the detail and what is actually being done than he does, and he should therefore make use of the knowledge they are able to impart. He should study them, encourage initiative, and promote team spirit.

He is a wise Chief who makes a daily tour of his various Departments in the capacity of a friend seeking co-operation and ideas. Having gained the confidence of the men he not only satisfies his desire to learn but is rewarded by loyal service.

A FRIENDLY OUTLOOK

The person who can make friends easily is well suited to the position of Manager. He should possess the faculty of putting his subordinates at ease by his natural kindness and consideration for their welfare. He should be easily approachable and one in whom the rank and file can place their confidence. It is well known that many men have acquired great wealth, but in so doing have lost their friends. Friendship is itself representative of great wealth. If a man stands alone and has no friends he is indeed a poor man. So it is wise to make friends of your employees.

COURAGE

The man who possesses courage as well as the other assets to which I have referred is indeed fortunate. Courage is largely looked upon as a physical effort, but there are indeed many people who possess moral courage in abundance. It enables them to take risks and overcome tasks which would dismay their physically brave opponents.

Courage is essential in business, which so very often depends upon bold initiative and brave endeavour.

APPARATUS

A great deal of apathy and disinterestedness arises from the inability of the manager to secure efficient instruments with which to bring about the best results or his indifference to the need for such "aids." With ancient apparatus and out-of-date methods no man can compete against his well-equipped neighbours. A detective in a small force bereft of specialised training or scientific aid can never hope to achieve the results which may accrue to his contemporary in a large and modern Police Force. Every man should have an opportunity to become able and efficient in his particular sphere; but no man should become such a specialist that he is considered indispensable.

RESPONSIBILITY

No Manager or worker should be allowed to become indispensable, and it is the duty of the Managing Director to see that all his key positions are adequately supplied with deputies. As soon as one falls out there should be a competent person available to step into the breach.

Responsibility should be shared and every subordinate should be allocated a definite job of work. Responsibility creates character and in its train brings obedience, without which no aspiring deputy can reach the Manager's chair; but there should go with the delegation of responsibility sufficient trust to allow of the exercise of initiative.

Matters are bound to arise which must be dealt with on the spot, and the ability to make a decision, if fortified with the knowledge that any such action will be loyally upheld, tends towards creating managers of the future.

So few subordinates nowadays are prepared to become responsible that every encouragement should be given to those who are willing to do so.

As soon as a man has trained his deputies he should expect them to stand on their own feet and be his support if necessary, instead of looking always to him for direction. It is a mistake to allow those in positions of subordinate authority to become weaklings.

CORRESPONDENCE

There is no truer criterion of the efficiency of an organisation than the correspondence which it produces. Letters from the firm imply, by only a casual perusal, the accuracy and ability of the directorate and staff. A badly-written letter gives at once an impression

that the business is inefficient. A carefully-typed, properly-spaced and well-set-up communication indicates a well-ordered organisation. Although correspondence is so valuable a part of every business, one often finds that untrained and sometimes illiterate persons are permitted to write important letters.

Letters badly typed bring loss of prestige ; some badly written may result in law suits, and those incorrectly worded or phrased may result in loss of business. In a Police Force there can, of course, be no loss of business ; but the quality of the correspondence is clearly indicative of the efficiency of the organisation and indeed there may be a considerable loss of prestige.

COMPETITION

A Police Force differs very largely from a business in that it is not inspired to greater effort by competition. The actions of the police are, however, very much the subject of public opinion, and it can safely be said that a great deal of the good rule and government of this country is influenced by public opinion. If the police take extreme views on matters of public policy they are liable to incur the displeasure of the majority of the community. Unlike a business, however, the police do not lose their customers. They are nevertheless liable to lose a valuable asset in the goodwill of the public. There is competition, however, within the framework of the police service, and in the detective department, for instance, a great deal of pleasure is derived from obtaining a higher percentage in the detection of crime than in any previous month or year.

It has been for many years a sign of good and conscientious police work if a particular beat or division has been free of complaints, and a great deal of healthy competition is available to interested constables who can keep complaints down to a minimum. In many Police Forces records of complaints are readily available for perusal.

TRAINING

Most large business concerns arrange that before a newly-appointed employee enters a department of the firm he shall receive proper training for the section in which he is to be employed. Accuracy, salesmanship, and so on are of incalculable value in the new entrant—so with the Police Service. Every member should be sent to a school for training, and whilst he obviously cannot be trained for salesmanship a portion of his instruction should aim at accuracy, truthfulness and honesty, which are among the tenets of every Police Force. The selection of entrants to the Police Service is not less important than that of a business; in fact it may be of greater sig-

nificance, for whilst many members of a business leave at varying stages of their careers, a policeman is normally expected to serve for 30 years. All the assets that go towards the creation of character should be taken into account in the selection of a recruit. It will not, of course, be possible to select every one at 100 per cent., but this figure should always be the aim.

SUPERVISION

There is a great deal of difference in the interpretation of this important subject ; indeed it is sometimes considered to mean a daily or hourly conference, with the time spent in talking of everything but the job of work in which both supervisor and supervised are concerned.

The supervisor is the representative of the manager. He is responsible for discipline. He should be a teacher, a trainer and also a missionary, for he carries, to the least important of employees, the instructions and ideas of the manager. By his contact, his methods of approach and his outlook can the output of the workpeople be influenced.

If so inclined there is no limit to the good an Inspector or Sergeant can do in fostering goodwill, a real public outlook, and a high sense of duty among the constables in his care.

Errors will, of course, occur, and while it is said that nobody ever learns who never makes a mistake, many errors are due to lack of or defective instruction. This can be remedied by the supervising officer in his capacity as an instructor, by conversing with his constables on their many and varied problems.

Criticism is often necessary, but it should always be designed on a constructive basis. Find the cause and amend the system which brought about the fault. What is more—avoid sarcasm like the devil !

Praise in due measure is invaluable. Many are " scared " of their supervisors, but a pat on the back removes many misunderstandings and is always understood.

A manager, and in turn his heads of departments, should hold regular conferences and talks with subordinates. It gives the rank and file an interest in the job ; allows them to believe they are part of the show, and not infrequently their views prove to be of great value.

If an employee has a grievance let him have a fair chance of airing it. The manager should never be above an interview with the last-joined recruit.

Never bear a grudge—when an incident is over, forget it. Encourage initiative and the taking of responsibility. Remember there are frequently opportunities to promote suitable men.

A sense of humour is invaluable, for in every business or Police

Force there must be many occasions when some incident occurs which demands the giving or taking of a joke. Give or take as the case may be, and win the respect and goodwill of the subordinates.

The Chesterfield Axe Crime

By THOMAS WELLS

Chief Constable of Hull City

THE following account of a brutal crime, and the manner in which a number of slender clues were pieced together to solve what at first looked like an unsolvable mystery, may be of interest to those engaged in criminal investigation.

The scene of the tragedy was the shop of a large house-furnishing firm in the heart of the town of Chesterfield.

Shortly before 6 p.m. on Sunday, March 30th, 1941, the body of Thomas James Bown, day caretaker of the premises, aged 49 years, was found lying on one of three beds normally used by fire-watchers on night duty. There were terrible injuries to the head and throat, and the appearance of these injuries suggested that they had been caused by a fireman's hatchet. Three of these hatchets were usually kept in the room, one on each bed; and now only two could be found. A careful search failed to provide any "trace" of the murderer, but it was found that the shop keys, which had been entrusted to the dead man, were missing, as was a torch lamp which formed part of the fire-watcher's equipment.

Professor J. W. Webster, medico-legal expert to the Home Office, who examined the body, confirmed suspicion of foul play and testified to many injuries. The wounds, which included ten on the head, face and neck, had apparently been caused by at least fourteen blows, delivered with two types of weapon, *viz.* a heavy cutting instrument, and a spiked or penetrating one. The condition of the wounds, in the Professor's opinion, were consistent with the use by the assailant

of the blade and spike of a fireman's hatchet. An important point about the injuries was the fact that each temple of the victim had an incised wound which had been caused by the spiked part of the instrument. This seemed to denote accurate aiming.

There was no ostensible motive for the crime. There was no sign of a forcible entry into the premises. The keys which were known to have been in possession of the dead man would have unlocked the safes; but the safes had not been opened. Stock in the shop was untouched, and the few shillings found in the victim's pockets seemed to dispel any suggestion of robbery.

For two days the premises were searched. Enquiries at all likely places in the neighbourhood proved unsuccessful. Neither the keys, hatchet nor torch could be found.

Checking up the dead man's movements, it was established that he arrived for work at 8 a.m. on the day of the crime (Sunday). The keys were then handed over to him by the night watchman, the axe and the torch being then in their usual positions on the beds. At 11.30 a.m. he was known to have admitted one of the firm's employees, who went up to the roof to conduct his hobby of 'plane spotting. This employee left at 1.10 p.m. and was readmitted at 2.30 p.m. It was he who discovered the crime shortly before six o'clock and he was the only person known to have been on the premises at the time the crime was committed.

An enquiry at a local public house provided the first clue. The publican's wife declared that the dead man had visited the inn at 1.30 p.m. on the material date and had talked to her about some insurance money which he had received from policies payable on the death of his mother-in-law, who had died the previous week. He had showed the publican's wife a purse containing about £5 in notes of an old issue, and also displayed the keys of the shop, apparently to impress her with his importance as being such a trusted servant.

A motive for the crime being thus forthcoming the next

question to be considered was "Who knew that Bown had this money?" Many persons were interviewed and many statements were taken; but none of these provided any tangible clue.

On April 20th, however, a statement was taken from Ernest Prince, a miner 32 years of age. This man was not, at that time, under any suspicion. He frankly admitted—perhaps very wisely—that he had seen Bown in the public house on the fateful Sunday and also that he had been in the neighbourhood of the shop that afternoon. Although at this stage nobody had spoken of seeing Prince in the public house his statement was otherwise verified as far as possible.

Prince had no police record, but it was learnt that he had been ill-treating the woman who passed as his wife. It was rumoured that he lived on her immoral earnings and he had the reputation of being of an aggressive disposition. This information was supplemented by the fact that on March 21st (nine days before the crime) he had been granted relief by the Assistance Board, having been unemployed since January 28th—another indication that he was in need of money.

The next step taken was to interview the householder with whom Prince and his "wife" lived. Here it was learnt that the couple were in arrears with their rent, and it was remembered that "on a Sunday" a week's arrears had been paid. Given time to think, the landlady remembered Prince leaving the house on that particular day in order "to collect his wages," he having caused her to think that he was in work. Her daughter remembered that Prince had travelled home on the omnibus she was in, and there was an interval of fifty minutes between the times which the mother and daughter stated.

This interview established the first important point in the enquiry; for the times given by Prince's landlady and her daughter did not tally with those given by Prince himself.

Prince was now definitely under suspicion; for it had been ascertained that (i) he was a violent man, (ii) he was a miner and therefore capable of handling an axe with such ease as to enable him to plant accurately aimed blows on a man's

temples, (iii) he was in need of money, and had explained his sudden possession of it, when paying the arrears of rent, as having drawn his wages, whereas in fact he was out of work, and (iv) the time when he alleged he had gone home on that Sunday was inconsistent with the statements of his landlady and her daughter. He was therefore interviewed again, and being unable to give a satisfactory explanation of the discrepancy it was decided to arrest him.

On April 30th Prince was apprehended when leaving work at a pit. (He had resumed work on April 14th.) During the six-mile journey to the police station not a word was spoken to him and he did not ask for any explanation of his detention. Later he exclaimed, "I can write better than talk; let me tell you just what happened." He declined an offer for a statement to be written for him and with his own hand prepared one in the form of a full confession. The statement led to the recovery of the missing keys from a brook, and the case belonging to the torch from a drain a mile or so away. The purse, he said, he had thrown on the fire and the hatchet he had buried in a coal mine, it being by that time irrecoverable. Describing the assault he said, "He invited me to the shop to show me round. When we were sitting on the bed he made a suggestion to me which I took offence at. I sort of saw red; an axe was near and I grabbed it and hit him. I think I lost all reason and started as if I was in a New York den. When I realised what I had done, I tried to cover it up. I took the money to make it look like robbery."

The arrest coincided with the time of the inquest, which was nearing its termination after six hours. It was promptly adjourned.

In Prince's possession was a list of persons to whom he owed money, and from one of these it was ascertained that he had borrowed two shillings an hour before the crime. The list concluded with the words, "What few things remain, Mrs. —" (his landlady) "can keep for the family for her aid." His intention was never known, but conclusions could be drawn.

It was later ascertained that on the day before his arrest he had pawned a parcel of clothing with a local pawnbroker. The ticket for this was never found. The clothing included a knitted golf jacket which, when submitted to Dr. Holden of the Forensic Science Laboratory at Nottingham, was found to be smeared with blood, not of a different class from that of the victim. In view of the ferocity of the attack it is surprising to have to record that, beyond this, no other bloodstain was found on Prince's clothing. Other details gradually became known. Immediately after the crime Prince had spent money on food and at cinemas and public houses.

At the summary hearing it was submitted by the prosecution that the allegations made by the prisoner against Bown were merely put forward to cloak the real motive for the crime, which was robbery.

The trial opened at Derbyshire Assizes on June 20th and Prince went into the witness-box to give a third version of what happened. He suggested, for the first time, that he had acted in self defence under great provocation; but the submission of the prosecution that there could be no possible excuse was upheld by the jury, who brought in a verdict of guilty. Prince was sentenced to death.

At the Court of Criminal Appeal on July 28th, however, he was successful in his plea that "the provocation was sufficient to deprive a reasonable man of his self control," and a sentence of 15 years penal servitude for manslaughter was substituted.

Accident Lectures

By INSPECTOR P. BROAD
Metropolitan Police

BEFORE the outbreak of war, Accident Lectures or, to use a fuller and more descriptive title, "Lectures given for the purpose of obtaining a reduction in accidents," were becoming more and more a part of Police duty, in particular for those officers of the rank of sergeant and upwards. So much so in fact that in many towns and

cities it was assuming an important place in Police routine. This was as it should be; for a great deal of good was being effected by this method, both in obtaining immediate results and in ensuring the future safety of the population.

The manifold duties imposed on Police by the necessities of war called a temporary halt to the Accident Prevention Campaign. Now, however, with the transition from peace to crisis and from crisis to total war behind us, and with the growing public and official consciousness of the seriousness of the high accident casualty figures, we can again search for methods of dealing with this "enemy in our midst."

There is no need to stress here the gravity of the peace- and war-time accident statistics and their effect on the private lives of those immediately concerned, as well as on the economic life of the country, or of the harmful results of so many accidents. Not the least disturbing feature is that a large percentage of these accidents are of the "avoidable" category. Happily there are signs that the David of the Prevention Campaign is stirring in his sleep enforced by the war, preparatory to attacking once more the Goliath of the Accident figures, and this article has been written in the hope that it will be of assistance to those who are about to take part in lecturing.

Granted that lecturing on this subject is of benefit—and surely there can be no question that this is so—every available opportunity should be taken, and indeed sought, to address audiences where it is considered, or there is reason to believe, that good will ensue.

Concentrations of people are, of course, essential, and it has been found that the simplest method, apart from schools, of obtaining these concentrations is to interest the officials of clubs and associations of all kinds in this subject. Arrangements can then be made for the lectures to be fitted into the programme of periodical events for members. Apart from the fact that these talks assist in filling programmes they are welcomed by the officials of clubs and societies as adding to the variety and as supplying something out of the ordinary. The wearing of uniform by the lecturer adds considerably to this "attraction" value.

Prior to the war many lectures were being given by officers who, before the necessity arose, had no idea that talking to people collectively would ever become a part of their duty. These officers soon found that lecturing was a very different thing from talking to, or being addressed by, members of the public individually. Some of these Accident lecturers have since been able to continue the practice of lecturing, albeit on other subjects related, chiefly, to war-time conditions. The change back to Accidents will present no difficulties for them.

It will, I think, be agreed that in the initial stages of lecturing a certain strangeness is felt, mainly through lack of experience. But when once this strangeness has worn off, "talking" in this way can be most interesting. I use the expression "worn off" advisedly, for the first one or two lectures can be, and often are, an ordeal.

Complete confidence is hard to come by, and as virtue is its own reward, so does confidence, when acquired, bring with it compensations. Fortunate is the man who is able to begin lecturing with the required amount of this quality.

Confidence can be more quickly gained if one masters, early in one's lecturing career, the beginner's habit of talking too fast. This habit is caused mainly by nervous tension. Whenever you are inclined to become nervous, therefore, speak slowly. A determination to enunciate all words clearly and distinctly will automatically ensure steadiness—as well as better and more interested listening.

Very few definite rules, if any at all, can be laid down on the subject of Accident Lecturing. The most important thing to remember is, I think, careful preparation. A wealth of meaning is contained in these two words; for it is, without doubt, the secret of easy and attractive talking, and it tends more than anything else to give that much desired confidence. There is no need to explain the meaning of the words: their import is obvious. It is possible to speak impromptu and to speak well; but, where it can be avoided, this method should not be used. The writer well remembers the final session of a series of instructional lectures delivered to a special accident squad. The senior officer who was to give the final talk to the squad entered the room, sat down in the middle of the front row, and waited, with much more composure than the writer, for something to happen. An impromptu talk was a necessity then, especially as all the prepared subject matter had been exhausted.

So although I do not recommend impromptu lecturing it is well to know your lecture thoroughly—so thoroughly in fact that you can keep an item or two up your sleeve, as it were, in case you may be called upon to fill in an odd five minutes or so. If you have ammunition in reserve, well and good; if you haven't, there may be an awkward pause, and a lecturer who examines his boots or the ceiling is unlikely to enhance his reputation.

By "careful preparation" I do not mean that you should prepare the complete text of your lecture and then proceed to read your script. Reading from script should be avoided as much as possible. It is a fact that a lecture read from notes raises some distrust in the minds of the audience and generally tends to be uninteresting. Some of your listeners will be wondering if you wrote it yourself or whether

you are merely passing on to them something "official." Notes for lectures should be confined to headings only, and the temptation to enlarge, in compiling your notes, on these "reminders" should be disregarded.

It is essential, on all occasions, that the preparation of your lecture must satisfy two rules. The first of these is, to use only material which has interest for the particular audience to be addressed. The second is to adapt the style to suit that particular audience.

With regard to the first: the writer has found that any general quotation of figures, beyond a statement of total casualties given to emphasise the gravity of the accident question, is apt to bore audiences. One quotation, such as the total fatalities and injuries for one year for the whole country, is generally sufficient to give the required emphasis.

Figures of local interest, for example the number of accidents (or persons injured) in a well-known local street, have been found to be of most use in bringing home to the audience the necessity for their interest in the subject and in showing that accidents can, and do, happen to ordinary persons doing the ordinary daily things. Most important of all, these local figures show the audience the necessity for the exercise of care and commonsense by all members of the public, irrespective of the particular class of road user to which they refer.

All figures should be given early in the talk; they are better over and done with, as their value lies solely in impressing the audience and gaining their interest. In the introductory part of the lecture it is wise to use such generalisations as the effect of accidents on the family life of those concerned, on the economic life of the country, on the hindrance to the war effort, and so on.

These generalisations can be carried still further, and made more effective, by such arguments as the loss to ordinary sufferers which these accidents cause by the diversion of medical, nursing and hospital facilities and finances. Point out that these facilities and finances would, without this diversion, be employed in the alleviation of war injuries and in research.

The effect on the strength of the country from the point of view of National Service can, with advantage, also be stressed.

These types of arguments have been found particularly useful in bringing home to audiences the necessity for their thinking for themselves and for clearing from their minds the prevalent thought "accidents won't happen to me; it will be someone else."

The majority of people using the roads generally fail to see the amount of work entailed, behind the scenes, by an accident. A member of the public who does witness an accident sees the ambulance take

the injured person away, watches the inevitable police officer writing mysterious "nothings" in a little book, and, beyond a certain amount of sympathy for the injured person, thinks that that is the end of the matter. Arguments such as those quoted above tend to disabuse his mind of the impression that accidents are ended as soon as the street regains its normal aspect.

Local figures, as suggested above, given in the form "so many people were injured in the High Street last week" can be enlarged upon by giving particulars of causes and by advice as to how such accidents can be avoided. Care must, of course, be taken, when addressing private persons, to avoid definite opinions as to where the blame lies when accidents are likely to become the subject of court proceedings or where other complications are likely to ensue.

If outstanding accidents, from the local point of view, have occurred, some reference as to whether the injured person is still in hospital, etc., also help to gain the interest of the audience. From these local observations further enlargement can be made on the subject of general group causes, remedies, and so on.

The writer has found, from accident report analyses, that causes tend continually to group themselves and that the percentage of causes remains very much the same. Weather conditions will sometimes alter these percentages, but generally they follow the same lines. It is impossible, naturally, to place every accident in one particular group, but most accidents can be classified.

When addressing any particular group of persons one should confine the quotation of figures, explanation of causes, precautions, and advice, to those which most concern that particular group. It is essential to obtain and retain the interest of the audience, and this can be done only by confining, as much as possible, the material used to that which is "near home."

With regard to our second rule: it is obvious that the style adopted for giving a talk to young school children would be entirely unsuitable when talking to a gathering of motor cyclists, for instance. This adaptation of style is as important as any other thing in connection with this subject, and it again shows the need for the careful preparation which I have stressed above.

Even with schools some variation of style is necessary; young children need a different form of address from those approaching the school-leaving age. With the latter, the form of address should approximate to that used with adults. This is slightly flattering and makes the children think the subject an important one, as indeed it is. The interest of this class of children is thus gained by the method of talking alone.

The talks to young children must, of necessity, be of the simplest form possible, only the most elementary statements being made and these being as short and concise as is compatible with simplicity.

It would be wearying to mention every occasion on which a different style is necessary, the field is so large that a list would be almost endless. The lecturer should, however, before commencing his talk, decide on the style to be used and frame his lecture accordingly.

So far no mention has been made of lectures to police officers on this subject. No great difficulty should be experienced in this direction, except that a more detailed talk can, with advantage, be given. In one way or another police officers have been engaged with this problem for some time, and so it is necessary to go much deeper into the subject.

Analyses of accidents, group causes, times of accidents, vehicles or persons most involved, Traffic Law, The Highway Code, are all in themselves forms of material useful in lecturing on accidents to police officers.

While speaking of material, one fruitful source can be mentioned. For some time the writer has made a habit of cutting from newspapers and periodicals all articles, letters and news items which have a bearing on accidents and their prevention. These cuttings tend to give added interest and enable the lecturer to embrace many and varied points of view. Photographs and drawings are at all times interesting and, where they are to the point, they explain at a glance much more than can be done by a lecturer talking solidly for several minutes.

Some of the better-class American periodicals are particularly useful in this respect. Motor-car and accessory manufacturers in that country make a practice of including in their advertisements some contribution to "Safety First," and the drawings and photographs accompanying these advertisements are very useful. This is an example which might, with advantage, be followed by English manufacturers, although in fairness it should be added that some of our newspapers are now beginning to display advertisements in this form.

Further opportunities for giving visual demonstration can be obtained by using a blackboard. It is useful to remember that illustrations of this kind should always be simple, closely allied to the particular argument being used, and should only be employed where definite assistance is thereby obtained. In short, the blackboard should be used only to assist and it should never be allowed to become the principal medium of expression. It is a useful tip also to gain some practice in drawing with chalk on the board before the lecture is given. Although not an art, drawing of this kind is more difficult

than it appears, and practice alone will ensure the attainment of best results.

When preparing the framework of a lecture the writer always bears in mind an instruction given, many years ago, by a school teacher in a lesson on essay writing. It is simple, easily remembered, and has been of some assistance in examinations. This instruction was that in framing an essay, three separate parts should be made. Firstly, an opening which generalises on the subject in hand. Secondly, "the meat" of the essay, in which is stated all that is known about the subject. Lastly, a conclusion which rounds off all that has been previously said.

This instruction is just as applicable to lectures as it is to essays. It simplifies preparation and ensures a well-constructed, well-rounded lecture. A lame finish to a lecture can spoil the whole effect and tends to destroy all the good work previously done in preparation and delivery.

Good preparation, then, can be called the golden rule of lecturing; it is a rule which should, on all occasions, be strictly adhered to or the whole purpose of the lecture will be lost.

It will be noticed that the foregoing remarks have been directed to giving lectures of a local character and to local audiences. By the word "local" I do not mean to imply a geographical place, but to indicate a grouping of classes of road users, such as motor-car drivers, motor cyclists, pedestrians, and so on, through their clubs and associations. I believe that this type of lecture has much the best results and that to obtain the desired reduction in accidents it is necessary to make what may be termed an "intimate" appeal.

It is almost a question of interesting each person individually. For, when one reduces the whole problem to its elements, surely one's object is to get each individual person to look after him or herself, and to respect the rights and privileges of others.

Not that wide general appeals, such as by broadcasts, have no value. By being addressed to a large number of persons at one time they undoubtedly have a marked effect. But to my mind these appeals must fail to some extent since they are bound to be very general in their character and make-up, and so lose that individuality of appeal which is of so much importance.

Perhaps, when more complete organisation is effected, the best and most effective method will be found to be a combination of the general and local methods. The general appeal could be followed closely by the local appeals, given while the interest of the general appeal is still alive and while the local lecturer can take advantage of the receptive state of mind engendered by the broadcast.

This method would need much previous preparation in the form of arranging for the talks, and there would have to be much intensive work in order to cover as many lectures as possible in a short time. No doubt arrangements for the local talks would be greatly helped if undertaken immediately after the delivery of the general talk. People would be interested in the subject and would be much more likely to help in arranging opportunities for talks, and audiences generally would have a stimulated interest.

This all sounds very much like hard work, but in such a good cause and in the endeavour to remove what is one of our largest and most serious social problems it must be recognised that no good can be done without hard labour of some sort.

In conclusion, I think we can all agree that lectures are undoubtedly of benefit and that they form a valuable addition to our armoury in the fight to reduce road accidents. Everyone likes to feel that a job undertaken has been well done. Accident lecturers may ensure for themselves this comforting thought by following a few simple rules and by the exercise of some forethought. They will then have the additional recompense of knowing that all their efforts have been undertaken in the laudable attempt, by direct methods, to save other people from pain and suffering.

The Bicycle Problem

By INSPECTOR W. E. BRITTON

East Sussex Constabulary

THE bicycle, as a cheap and ready means of locomotion, has proved its worth over a long period of years, and, while petrol rationing remains with us, will be called upon for still greater service. As a means of providing pleasure and healthy recreation it also has much to commend it. However, apart from the credit side of the account, there is a very unhealthy debit aspect.

For many years past the bicycle has presented the police of this country with a first-class problem and one which has so far evaded solution. Week in and week out, large numbers of bicycles are stolen, while many others are found abandoned. The neighbourhoods of large seaports and military establishments present the problem in a particularly acute form, although the position is quite bad enough in most districts.

Whether a machine is stolen or found abandoned, the police are at once confronted with a difficulty, for, as regards the stolen machine, the owner, in the majority of cases, can give but a very mediocre description of his cycle, and in a very few cases the maker's number which (although not in all instances) is stamped thereon. A description of a cycle which merely covers make, size of wheels and frame, and other standard information, is not of much use, for there are thousands of cycles in circulation which would fit any such description. Descriptions of particular fittings also provide little of value, for these may easily be removed.

Turning to the case of the abandoned machine, the police will, in many cases, be in a position to circulate the number of the machine with the other particulars, which should greatly enhance the value of the circulation; but unfortunately one gets back to the same position as before, because of the fact that in most cases no person has reported losing a machine bearing that number, for the simple reason that the loser does not know it.

The resultant position is that the police find themselves burdened with numbers of abandoned bicycles, many of them doubtless recorded as thefts in one police district or another, the owners of which cannot be traced owing to the absence of any scheme which would give them at least a fair chance of doing so; while the thief who steals a cycle with a view to realising a little hard cash, has little difficulty in disposing of it to a cycle dealer or other person in some other district, with very little prospect of the police being able to trace the machine (cycles are not usually circulated very widely), for even the dealer is not obliged to keep records. Even the usefulness of the Cycle Index maintained at New Scotland Yard is limited by the lack of an efficient registration system for bicycles, for, without the number of a machine being quoted, the chances of a successful search are not great.

What, then, is the answer? The problem will assuredly have to be tackled sooner or later, and it is commonly appreciated that deep-seated diseases require drastic remedies. I am therefore of the opinion that further consideration should be given to the oft-discussed question of cycle registration, although I am thinking more of a system which would confer benefits of some value to the police rather than to the provision of revenue, which is the more usual theme when the subject of cycle registration is in the air.

The system I have in mind is one whereby every bicycle would need to bear its own identification number stamped into the metal, coupled with a system of record-keeping by makers and dealers.

It is realised that legislation would be required before such a scheme could be brought into operation, but this could not be used as a legitimate

argument against its introduction, as legislation would merely provide the means to an end.

The first essential requirement would be that all makers and retailers of pedal cycles should register with the police and be allotted a registration number. This would apply equally to the small man who builds a cycle to a customer's own specification as to the manufacturing wholesaler who turns out machines by the hundred. Thenceforth every complete newly-built cycle intended for sale by a dealer in this country would need to bear (a) the maker's registration number; (b) two figures indicating the year of manufacture; and (c) a serial number which could take any form desired by the maker, the whole comprising the identification number of the machine.

For registration purposes the unit of area would be the individual police district, to each of which would be allotted a two-letter combination as its registration letters. Every maker and retailer who registered in that district would be given these two letters, followed by one or more figures, the whole forming his trade registration number. For example, if the Kent Constabulary Police District were allotted the letters KT, the first registration in that district would be KT.1, and the next KT.2, and so on.

The registration letters of each police district could be reproduced once a year as a supplement to the *Police Gazette*, for the information of all forces.

As previously stated, the identification number would need to be punched into the metal of the machine, the most appropriate place being the seat lug. For the sake of clarity a uniform system of stamping should be adopted and I would suggest that the trade registration number and the figures representing the year of manufacture be stamped over the serial number of the machine, a space being left between the two upper markings. A typical example might be as follows:

KT.12 40
S/15675

The next point is the recording of purchases and sales, and, in the case of wholesale firms with branches, transfers.

It should be incumbent upon every person or firm buying or selling cycles, whether wholesale or retail, by way of trade, to maintain a register of all purchases, sales and transfers. This register would contain, in respect of every transaction, the following particulars: (a) date of transaction; (b) name and address of seller, purchaser or transferee; (c) complete identification number of machine; and (d) make, if any, of machine. It would prove convenient to keep the register in two sections, one for sales and the other for purchases.

The register would have to be available for police inspection at all reasonable times. Should the business pass into other hands, the

PART 1

..... Police.

..... Date.

To:

The Chief Constable,
Chief Constable's Office,
.....
.....*Bicycle Enquiry*

Will you please supply below, the name and address of the maker and person to whom the undermentioned pedal cycle was sold.

If sold to a person in your police district, will you kindly cause enquiries to be made as to the present owner thereof.

	<i>Maker</i>	<i>Year</i>	<i>Serial</i>
Identification number			
Brief description of machine			

(Office stamp.)

(Signature).

PART 2

..... Police.

..... Date.

To:

In reply to your enquiry, the maker of the bicycle described above was of
The machine was sold on to
..... of

For subsequent history, so far as this police district is concerned, see reverse.

(Office stamp.)

(Signature.)

register would have to be transferred to the new owner or proprietor; but a firm closing down its business would surrender its register to the local police, by whom it would be kept for reference as and when required.

With the register system in being it would be necessary to decide how the information it contained should be made available to the police. To meet most cases a stereotyped form of request, on quarto paper, worded somewhat on the following lines (see opposite page), would appear suitable.

It should, of course, be understood that the form, while providing a simple and ready means of initiating an enquiry as to the ownership of a bicycle, would not be suitable in all cases. There would be many occasions when the enquiry would have to be made, as a matter of urgency, by telephone, telegram, or even by a personal visit by a member of the enquiring force working in conjunction with the local police.

To show how the form might work in practice, the following provides a simple illustration.

A bicycle is found abandoned in Brighton and it is desired to trace the owner. An examination reveals the identification number to be KT.17 41. A form is accordingly sent off to the Chief Constable WA/156 of Kent (assuming once more that KT is the Kent Constabulary registration code). The Kentish register of makers and dealers reveals that KT.17 is the registration number of Albert Smith, cycle dealer, of High Street, Sandwich. The enquiry is taken up at Sandwich, and Smith's sales register shows that the bicycle forming the subject of the enquiry was sold on the 18th October, 1941, to William Jones, of White Street, Sandwich. Jones is seen and informs the police that he disposed of the cycle a fortnight after purchase, to his cousin, Thomas Brown, of Sutton Road, Croydon. The Kent Constabulary have thus taken the enquiry as far as they are able in their own district, and the enquiry form, duly completed, is returned to Brighton. Brighton Police then communicate with the Metropolitan Police, who are able to inform them that Brown had reported having his cycle stolen on the day it was found in Brighton. Whether or not the alleged thief is found (bearing in mind that many forces will not accept a bicycle as having been stolen if it is subsequently found abandoned), Brown regains possession of his machine; Brighton get it off their hands; and the Metropolitan Police are able to show recovery of the property in their records.

It is admitted, nevertheless, that there would be the inevitable case of a person having sold a bicycle privately to a man at the local public-house, a man, incidentally, whom he had not seen before or since.

On the other hand there would be many cases in which this method of enquiry would provide a clue, at some stage or other, to the identity and probable whereabouts of the culprit, whether thief or otherwise.

At the very least, a system such as I have attempted to describe would provide the police with a means of tracing the owners of many of the bicycles which nowadays come into their hands or in which they otherwise have a professional interest. Inspections of dealers' records would also on occasion reveal a transaction concerning a machine reported stolen, thus possibly opening up a line of enquiry as well as offering a chance of recovering the machine, although this procedure would depend for its measure of success upon the manner in which information regarding stolen bicycles was circulated. For example, an examination of a dealer's record in Buckinghamshire would not be of much assistance regarding a cycle stolen in Sussex, unless Sussex circulations percolated as far as Buckinghamshire.

There would, no doubt, be cases in which the police would not consider it worth while to try to trace the owner of a machine, in which event it would probably be sold in due course with other found property. This is immaterial, and would be a matter for the discretion of the force concerned. The important thing to remember is that there would be a system available should it be desired to use it.

Apart from its main function of establishing the ownership of bicycles coming into the hands of the police, the system would also afford a means of tracing persons who had used cycles in the commission of other forms of crime, for although cycle-stealing is itself rife, cases are not infrequent in which the rightful owner of a machine has himself used it in the perpetration of some crime. If disturbed during its commission he may be obliged to abandon his machine, possibly with damaging results to himself.

The system would also assist in the circulation of more useful descriptions of stolen cycles, for there will be many persons who, as now, will be unable to quote the number of their missing cycle. By tracing it back to the dealer, it will be possible to ascertain the number of the machine. As a natural consequence, too, identifications established through the Cycle Index at New Scotland Yard should materially increase.

It is obvious, of course, that unless all existing cycles were brought into the scheme in some way, it would be many years before the system became reasonably effective. The answer here, too, is registration. To this end I would suggest that it be made compulsory for every cycle owner to take his machine to a registered cycle dealer for registration within a period of two years. The dealer would stamp his registration number and the year into the metal of each machine presented, and,

unless the machine already bore a serial number of some sort, would add one of his own, the whole then forming the identification number of the machine. The necessary particulars would then be entered in the sales register, including name and address of person, identification number and date of registration. A special note or mark would need to be made against each such entry, indicating that the transaction was a registration only, and not a sale. Bicycles brought into this country from abroad would need to be similarly dealt with.

With all existing cycles properly registered, full advantage of the whole scheme could be taken within a period of two years.

It is agreed that the system would not prove 100 per cent. effective, but it is difficult to envisage any system which would prove so. There are bound to be loopholes of one sort and another.

The necessary legislation would have to make provision for penalising certain offences, *e.g.* being in possession of an unregistered bicycle; altering or defacing identification marks; or being in possession, without good cause, of a cycle with altered or defaced markings.

Although, as I have already mentioned, I am more concerned with a scheme which would prove of some value to the police rather than to a revenue-producing system, a licensing system of a simple nature could also be introduced at the same time, whereby every person wishing to buy a bicycle from a dealer would first have to obtain from a Post Office a bicycle licence, at a fee, say, of 2s. 6d. This he would surrender to the dealer, it being looked upon merely as an authority to purchase. It need only be given a validity of about seven days. The dealer would be required to make an entry of the licence number in his register in addition to the other particulars already mentioned.

Before bringing this article to a close it may be well to consider what objections may be raised to the introduction of a scheme such as I have described.

I will deal first with the public. The only objections which could come from this source would relate to the necessity of registering bicycles already in circulation and to the obligation to pay a licence fee when purchasing a machine from a dealer, both objections of a most trivial nature, for, as regards the former, a period of two years is suggested in which the registration should take place, so that no cycle owner should be unduly hurried or inconvenienced; while the small licence fee proposed is too small for legitimate quibble.

Then we have the makers and dealers, and here the main objections would be (a) the necessity of having to keep records; (b) supplying the police with information as to transactions; and (c) making records available for police inspection.

As regards (a) it must be admitted that the necessity of keeping

records in the form suggested would prove irksome to those firms which had not previously bothered to keep records of this nature; but, in the case of the small business the amount of clerical work involved would be quite small, while the larger firms would be already possessed of clerical staffs, and the maintenance of the necessary records should not prove a very great strain. In the case of the wholesale manufacturers too, records of a very similar nature to those proposed are, no doubt, already in existence.

Concerning (b) and (c), the necessity to supply the police with information and to cause registers to be available for inspection might, in a few cases, be resented; but it may safely be assumed that the great majority of firms would be only too pleased to assist. It may be argued that the large manufacturing concerns would be inundated with bicycle enquiry forms from the police. It would, however, be some years before this was so, for it must be remembered that the registration of all existing cycles would be spread more or less evenly over the whole country, and not until large numbers of new machines were in circulation bearing the registration number of a particular maker, and those machines were beginning to find their way into the "abandoned" lists, would such a firm begin to receive a higher proportion of enquiries than the lesser firms. Even then the large manufacturers would have some consolation, for, their business being what it is, it is not anticipated that their registers would need to contain any "purchase" section, and, because of this, they would not be inconvenienced by frequent police visits for the purpose of inspecting their registers with a view to tracing stolen machines.

Finally we have the police. Here the objections might be (a) the extra clerical work involved; and (b) the additional work thrown upon them by the inspection of dealers' records and by ensuring that all cycles had been properly registered.

As regards (a), registration of dealers would be quite a small matter and all other clerical work involved would be for the purpose of tracing owners of machines and other incidental matters. In view of the fact that most of the abandoned machines will have been recorded as thefts elsewhere, the police will only be carrying out their duties as servants of the public by attempting to restore the machines to their rightful owners, thereby doing what they can to keep crime figures and the value of the property affected at as low a level as possible. As to the inspection of dealers' records and ensuring that all cycles are duly registered, these functions need place no undue strain on the police. It is not contemplated that regular inspections of records should be made, although there may be forces which would desire to do so. Rather the idea is to provide a means of ascertaining whether particular

dealers have handled a particular machine for which the police are searching, in which case the matter falls under the head of crime enquiry, a normal police function. Neither is it suggested that every cyclist should be stopped for the purpose of ascertaining whether his machine is registered; but rather that such inspections should be made of cycles coming into the hands of the police and in other cases where the police have an interest in a machine. It would, no doubt, be a good plan for a note to be made of the identification number of a cycle whenever a cyclist was stopped for an offence of some kind, in case it should prove of value in some subsequent enquiry.

Whatever his views as to the merits or demerits of the scheme I have endeavoured to propound, I feel certain that every police officer who reads this article will agree with me when I say that the bicycle problem as it presents itself today is little short of a curse.

The Brown House Moth as an Agent in the Destruction of Mummified Human Remains

By GILBERT FORBES

B.Sc., M.B., Ch.B., F.R.F.P.S., F.R.C.S. (Ed.)

Lecturer in Forensic Medicine at the University of Sheffield.
Police Surgeon to the City of Sheffield

IN December 1940 two semi-detached houses were damaged by enemy action, and in May 1941, when workmen were engaged in repairing the damage to the roof, they had occasion to enter the "false roof" or space under the slates. The false roof in this particular case is a space bounded by the wall of the attic on one side, and the roof of the house on the other, and access can be gained to it by a small inspection door in the wall of the attic. In the false roof the workmen found a parcel which contained the mummified bodies of two fetuses. The bodies were wrapped in rags with an outer covering of brown paper. This sheet of paper bore a label with the date 27.7.24 on it and the name of a lady who was the tenant of the house from 1924 till 1927. This lady had died in 1927 but the police

were able to trace her daughter who had lived with her during this period. This witness stated that from 1924 to 1927 a domestic servant had been employed in the household and the attic adjoining the false roof served as her bedroom. She also volunteered the information that in 1924-1925 she noticed that the girl was becoming rather stout and suspected her of being pregnant. One morning she observed that the girl's girth had decreased considerably overnight and, though she commented on it, the servant gave no explanation. Shortly after this a peculiar smell was noticed in this attic, and though attempts were made to trace it they were not successful, though no exploration of the false roof was carried out. The present tenant of the house has occupied it since 1927 and no member of the household has ever entered the false roof.

It seems fairly certain therefore that the bodies must have been deposited in the position in which they were found at some time prior to 1927, and the incidents and suspicions surrounding the domestic servant in 1924 or 1925 makes it seem likely that at that date she was secretly delivered of twins and the bodies disposed of in the space under the slates. The evidence points therefore to the conclusion that the two mummified bodies had remained in this space under the roof of the house for at least fourteen years and very probably for seventeen years. Corroboration or otherwise of these deductions could not unfortunately be obtained, as it was found impossible in spite of exhaustive inquiries to trace the young woman on whom the suspicions of the police rested.

CONDITION OF THE BODIES

When the paper and rags were removed the bodies were found to be covered with a layer of brownish black granular material. Not only was this matter found on the outer surfaces but it was present in the thoracic and abdominal cavities and inside the skull of Fœtus No. 1. The bodies were practically odourless. The skin had entirely disappeared and the soft



FIG. 3
X-Ray of Fœtus No. 1



FIG. 1.
Fœtus No. 1



FIG. 2.
Fetus No. 2



FIG. 4
X-Ray of Fetus No. 2

tissues, or what remained of them, were converted into clay coloured material of the consistence of stout cardboard which could be cut with a sharp knife. The soft tissues were riddled with roughly circular holes which led into burrows running here and there in their substance. The burrows were filled with the same debris as was present on the exterior and in this debris small white larvæ were flourishing.

Fœtus No. 1 (Fig. 1). This body weighed 1lb. 6 ozs. and was reasonably complete, so that no doubt could arise as to the fact that it was the body of a human fœtus. It measured 14 inches from breech to vertex, but owing to flattening was 7 inches broad and only 1 inch thick. The right side of the head and face was complete apart from the maxilla, but the bones of the left side of the face were missing. The outlines of the extremities could be plainly identified. The thoracic and abdominal cavities were represented by narrow irregular slits about $\frac{1}{2}$ inch deep. Both cavities were empty and there was no trace of the viscera. In places the soft tissues had been entirely removed and the bones exposed particularly about the face and head. X-ray examination revealed that this was a full-time fœtus. Centres of ossification can be seen in the talus, calcaneous and cuboid bones of the foot, and in the lower end of femur (Fig. 3). A further indication of the maturity of the fœtus was the fact that the tympanic ring of the temporal bone had united with the squamous part of that bone.

Fœtus No. 2 (Fig. 2). This specimen weighed only 8 ozs. and was in a much poorer condition than that described above, but had not undergone the same degree of flattening though it was somewhat distorted. The basi-occiput was attached to the spinal column, but the remainder of the skull bones were detached from the body and largely disarticulated. The bones of the left half of the skull were still articulated loosely with the exception of the maxilla and mandible, but those of the right side were disarticulated. The right maxilla and the right half of the mandible were missing and also the right temporal bone. The left upper extremity was intact,

but the right radius and hand had disappeared. The ulna and humerus from that side were lying loose. The lower extremities were complete. The soft tissues of the chest wall had disappeared, exposing the ribs, and inside the thoracic cage the only trace of viscera was some membranous material obviously the remains of the pericardium. This was continuous above with a membranous sheet occupying the front of the cervical spine. The abdominal cavity could still be identified but no trace of viscera was found, and the thoracic and abdominal cavities were filled with the same granular debris as was present on the external surface. The same radiological evidences of maturity were found in this case as in Fœtus No. 1 (Fig. 4).

FAUNA OF THE BODIES

A quantity of the debris found around and in the natural cavities of the bodies was placed in a jar with a screw cap to await examination. On inspection at a later date several adult moths were seen perched on top of the bottled material and a few larvæ had appeared in it. This material, along with larvæ and pupæ previously collected, was submitted to Dr. E. T. B. Francis of the Zoology Department of Sheffield University. Dr. Francis reported that the debris consisted of moth eggs and excreta, and he identified the moth as the Brown House (or False Clothes) moth (*Borkhausenia pseudopretella*: Stainton). This type of moth alone was represented.

In Laing's opinion, according to Austen and Hughes, the Brown House moth was originally vegetarian in its diet and subsequently became adapted to feeding upon "certain kinds of wool." As pointed out by Fryer "it can now adapt itself entirely to an animal diet." According to N. M. Richardson the larva eats furs, skins, and dried specimens of animals and birds.

It is thus fairly certain that the peculiar condition of the bodies was to a considerable extent due to the activities of the Brown House moth. In this space under the slates of the house there was a free circulation of air and an absence of damp, and

under those conditions the bodies of newly-born infants would readily mummify. The mummified remains would, according to the authorities quoted above, furnish ideal fare for this insect during the different stages of its development, and given time the soft tissues of the bodies would probably have completely disappeared. This conclusion is supported by the fact that the tissues which remained were riddled with burrows containing the larvæ of the insect. The finding of moth eggs and excreta in the abdominal, thoracic, and cranial cavities, strongly suggests that the internal organs were also disposed of by the moths. One possibility of course would be that the internal organs and to some extent the superficial structures also had been dealt with by flies or beetles, but had this been the case zoological evidence of their presence would have been discovered. Dr. Francis found nothing in the debris to suggest the presence of agents other than the Brown House moth.

HISTOLOGY OF THE TISSUES

As the tissues had become dry and very hard they were quite unsuitable for ordinary histological methods without special treatment. The method used was that elaborated by Ruffer for the investigation of pathological changes in Egyptian mummies. Under the action of Ruffer's solution the material became soft and pliable and swelled considerably. It then could be dehydrated, cleared, and embedded in paraffin wax in the usual way, and satisfactory sections were obtained.

Histological Features. The soft tissues of the thigh were examined in their whole thickness down to the shaft of the femur. Towards the surface it was found to be very difficult to obtain a satisfactory picture. The fibrous tissue remained, but the muscle fibres had almost entirely disappeared and in their place only a granular debris with no structural details could be seen. In general the histological picture improved with depth from the surface. Where muscle fibres could be seen they were found to show no cross striation and no nuclei were observed. The ordinary areolar tissue was well preserved,

particularly in the deeper parts, and tendons could readily be identified. In the fatty tissue the fibrous septa between the lobules were in many places well preserved. Treatment with osmic acid showed that a large proportion of the fat had gone. None of the lobules were full of fat, some were half to one third full, but most showed only a small fragment of fat occupying one corner of the lobule. The structure of the cartilage from the upper end of the femur was clearly demonstrated.

When the thoracic contents of foetus No. 2 were being softened in Ruffer's solution fragments of what appeared to be lung tissue were discovered attached to the side of the pericardium. This tissue must have been so shrunken and flattened to the side of the pericardium as to escape notice before the softening agent was used. The pericardium and other fibrous membranes present in the thoracic cavity showed their structure quite clearly. The pericardial appendages mentioned above consisted mainly of the structures of the lung root covered with pleural reflexions and embedded in areolar tissue. The structure of the cartilage in the walls of the bronchi was clearly seen, but the small fragments of lung tissue were so badly disorganised as to be largely unidentifiable, apart from their anatomical relations. No nuclear staining was observed in any of the tissues.

When studying sections of the tissues occasional collections of small spherical bodies were seen. These were usually to be observed in groups, and they varied in size from about 7 to 30 μ . It was found very difficult to identify these structures which showed no internal details and stained very poorly. I had noted their presence in the debris covering the bodies and Dr. Francis suggested that they might be the faeces of the larvæ of the Brown House moth. This suggestion was proved to be correct by my finding identical bodies in sections through the hind gut of the larvæ.

Precipitin Test. Portions of thigh tissue were extracted in the usual way for twenty-four hours but no reaction was obtained. The extraction was allowed to proceed for forty-

eight hours when a faint precipitate just visible in a Nickolls & Thomas viewing box was observed. After extraction for a total of seventy-two hours a satisfactory specific reaction was secured.

GENERAL CONCLUSIONS

These two bodies were found in circumstances such as are generally accepted as encouraging mummification and this modification of putrefaction is more likely to occur in the body of a new-born child than in an adult because of the entire absence of intestinal bacteria in the former. Once the bodies had become thoroughly mummified they would provide ideal breeding grounds for the Brown House moth, a relatively abundant supply of dried animal matter being available to the growing larvæ. Moths favour keratinous material such as wool, furs, etc., and the dried skin would probably prove attractive to them. In this particular instance no single trace of skin was found. Having devoured the skin the parenchymatous organs seem next to have received attention, then the muscle and finally no doubt the fibrous structures would have been disposed of.

The findings in this case are similar to those described by Dervieux, Dérobert and Fournault in two adult bodies which had undergone natural mummification. They describe how the cranial, thoracic, and abdominal contents had entirely disappeared due to the action of flies on the putrefying material. They were able to identify the larvæ and nymphæ of diptera and coleoptera. In the present case, however, no traces of fly infestation were found on entomological examination of the material, and it seems reasonable to suppose that the Brown House moth only was responsible for the tissue destruction. In a description of a case of natural mummification Strauch describes how the surface of the body had been attacked by worms and he found brown, powdery, mouldy masses of debris in the folds of the cloth covering the body. The description of this material corresponds closely to that seen

in the present case. In it Strauch discovered numerous chrysalis shells of diptera, moths nests, and larva shells of beetles. He however makes no mention of the type of moth or moths concerned and whether or not they played any active part in the destruction of the body. Dervieux, Dérobert and Fournault have also noted how the fibrous tissues remain after all the softer structures have been disposed of and the presence of the membranous material in the thoracic cavity of Foetus No. 2 bears further witness to this fact.

In view of the fact that histological details could be seen in preparations of the tissues of ancient Egyptian mummies (Ruffer and Shaw) and in material from Peruvian mummies (Williams) it is not surprising that details of microscopic anatomy could be seen in the tissues which remained in this particular case in spite of the fact that here the mummification was natural. The absence of nuclear staining seems to be an almost constant feature and the greater resistance of the less highly organised tissues of the body is to be expected apart altogether from the depredations of insects and their larvæ.

Dervieux and Meyer have both described positive precipitin reactions with very old mummified material, though Williams failed to obtain a reaction with extracts of the tissues of the Peruvian mummies he examined, and Uhlenhuth and Weidanz were likewise unsuccessful. On account of the much more recent origin of the specimens described it is not surprising that a positive reaction was forthcoming though more prolonged extraction than usual was necessary.

I wish to express my thanks to Dr. J. L. A. Grout, Director of the Department of Radiology at the Royal Hospital, Sheffield, who X-rayed the specimens, and to Detective Sergeant Wallington, of the City of Sheffield Police Photographic Department, who produced the photographs.

NOTE :—The references to the authorities quoted in the above article will be found on page 160.

Immobilising Motor-Cars

By INSPECTOR LESLIE A. TOMPKINS

Bedfordshire Police

OUR police duties increase as time goes on, and we are never sure of the next subject on which we shall have to be an "expert." The war has called upon us all to become experts on the immobilising of motor-cars, and in this article I propose to set out, in as simple a manner as possible, some of the ground-work which should be known by all police officers who are likely to be called upon to immobilise motor vehicles or ensure that it is done.

Of course, the simplest way of immobilising a motor vehicle is to let the air out of a tyre ; but the process of replacing the air in a tyre is not so easy, and this method of putting a car out of action is unnecessary if a police officer has the requisite knowledge.

The system of igniting the gas inside an internal combustion engine has undergone a process of evolution which has almost come full circle. The first engines were ignited by the low tension current from a battery (say 6 volts) which passed through a trembler coil and was converted from low tension into a high tension, of sufficient intensity to jump the gap of a sparking plug's electrodes, thereby making a spark and thus igniting the petrol vapour. Then that "wonderful" new machine, the magneto, was evolved. This required no battery to drive it, but produced a high tension current by means of the strong permanent magnet which it contained. Still later the "wonderful new" coil ignition was evolved, and this is still in use at the present time. This coil ignition is not exactly like the old trembler coil, although it is, after all, battery ignition, and relies on a storage battery for its supply of low tension current.

Coil ignition means that you have a bundle of iron wires (or strips) about which is wound a fairly large number of turns of insulated copper wire. There are naturally two ends to this coil of wire and, directly or indirectly, these two ends are connected to the terminals of the car battery, one to each. In actual practice two wires are not led from the battery to the coil, but only one: the metal work of the car is used in place of one wire, and a normal covered wire for the other. This method of saving one wire is called "earthing" one side of the battery. It is useful to know this, as it follows that any covered wire on a motor-car

is carrying *current*. It also follows that if any of these wires are damaged or chafed so that the wire is naked and this naked wire touches any metal part of the car, a "short circuit" is caused. Short circuit means that the current has taken the shortest route back to the battery instead of passing through the apparatus to which the particular wire leads.

The bundle of iron wire, or "core," as it is called, becomes a magnet during the time that the current is flowing. On the top of this coil of copper wire, which is wound on the iron core, are wound many hundreds of turns of much thinner copper wire; thus is created an ignition coil, or transformer (because it has the power to transform low voltage into high voltage). The two ends of this second coil of wire must be connected, directly or indirectly, to the centre and side of the sparking plug respectively.

Now, when the first coil of wire is connected to the battery and the iron core becomes a magnet, the magnetism passes through the second coil of wire and causes a current to exist in the second coil of wire, and this is a very high tension current, and sufficient to jump across the points of the sparking plug. It will be found that the high tension current only flows when the flow from the battery is stopped, therefore there must be some mechanism in the ignition system to make and break this current. This is done by what is known as a "contact-breaker." In practice, there is the trouble that the make and break points become foul with burnt particles of the points, caused by little sparks on them due to the continuous making and breaking. A "condenser" is, therefore, fitted, with its terminals one on each side of the points, to absorb these unwanted sparks.

The purpose of the ignition switch of a car is in effect to break the wire which carries the current from the battery to the coil. When the switch key is removed and the current is, of course, cut off, the engine cannot be said to be immobilised substantially, because it is such an easy matter to supply the coil with current without relying on the wire which can be broken by the switch key.

On every coil will be seen two terminals. One of these is normally dependent on current through the ignition switch. It is very easy, however, to supply that current from any wire which is carrying current. For example, there is usually the electric starter cable terminal near at hand, and all that is necessary to start the engine is to connect a piece of wire from this terminal to one side or other of the coil, and the engine will start, if the starter or handle is used, of course.

The writer has proved how easy this is, even when there was no wire handy. In one particular case a person had left a dog in charge of the car. The dog was chained to the steering column by a steel link chain, and the owner had removed the ignition key. The chain was taken off the dog and used as a connection from the starter terminal to one side of the coil; the engine was then started to prove to the driver that it could be done. How easy it would be for enemy parachutists (who are sure to be trained in this matter) to make use of cars from which the ignition key only had been removed!

When a motorist immobilises his car, naturally he wants to be able to restart it, and for this reason he cannot merely cut a wire or do any of the very obvious things which can be visualised from the foregoing. He may fit a switch in the feed wire at some secret place, but it can now be clearly seen that the car could be made to run by the aforementioned simple wire connection. So the motorist who is so self-assured when he tells the policeman to start it if he can, does not realise how simple this starting can be. No; some part of the ignition system must be removed and taken away to make certain that the car cannot easily be started by an enemy.

Now, when an engine has four or more cylinders, all of these have to be ignited *in a certain order* by a sparking plug. There is a part of the ignition system which supplies this need, and it is called the "rota arm." This rota arm is timed to contact a wire which leads to a sparking plug just as the make and break points are breaking. And this rota arm is the only item of the ignition system which can easily be removed from a car and carried away without great inconvenience.

The method of removing the rota arm is to unclip the distributor cover, lift it off, and lift off the rota arm. The distributor is the brown half-spherical body into which are led a number of thick rubber-covered wires. The rota is a small piece of insulating material, usually about the size of a thumb, and it is not secured in any way, although it is sometimes tight on its spindle. Gentle wriggling from side to side will ease off the rota from its spindle. As for replacement, the rota cannot be wrongly replaced, as inside it there is a small lump or "register," which determines the position on the spindle. When the distributor cover is replaced, it cannot be wrongly fitted as there is also a register on this.

With the magneto type of ignition, immobilisation is not so easy; but there are not very many magnetos fitted to vehicles in these days.

Perhaps the simplest way of immobilising an engine through the magneto is to remove the make and break cam ring. This is the ring which causes the make and break points to make and break the circuit, as with the ignition coil ; but the removal of the ring is not an easy matter, and its replacement calls for a fair amount of skill. This ring, however, is not fixed by bolts or other means to the magneto other than the fixture of a control rod, which operates the advance and retard of the spark.

In general, it is not advisable for the police to attempt to remove this cam ring, or in any way interfere with the magneto. In those cases it would be easier to deflate one tyre or even remove a petrol pipe with a spanner.

A very easy way of immobilising a motor-car, which is allowed by the regulations, is to chain up one of the road wheels. A stout dog chain and a padlock give complete satisfaction. All that need be done is to pass the chain through the spokes of the road wheel and round the bumper or other substantial part of the car, and lock the chain with a padlock.

When we come to the Diesel engine, the situation is very difficult. "Fuel oil" engines are worked on the Diesel principle, which is in brief a system whereby the fuel is injected into a combustion chamber where the air is so highly compressed that it is hot enough to set fire to the fuel oil. These engines can be recognised by the peculiar knocking sound they emit when running, and from the black smoke at the exhaust. They have no sparking plugs, no ignition coil, and no magneto. Consequently the only means of immobilising such an engine is either to remove the fuel pipe or remove the injector pump, and both of these operations call for considerable skill. These engines, however, are not easy to start in any case, and they are extremely rare in private cars.

When the police do have reason to take a case before the magistrates, they should remember that unless they see and hear the engine of any motor vehicle started by the driver on his return to the vehicle, they have no direct evidence that the car was not immobilised, even if they find the key in the ignition switch.

The Service of Youth

WAR frequently draws attention to things social—weaknesses and faults not due to the war, but already existing; by aggravation and exaggeration they become, as it were, spotlights. One of the problems which this war, as the last, has brought into prominence is juvenile delinquency. We are all familiar with the publicity given by the Press, sometimes to a few remarks made by magistrates (especially when the birch is mentioned, and then we suspect that the remarks are made "news" only because of the caution exercised by the Ministry of Information in other matters), and sometimes in the more sincere form adopted by a Northern newspaper whose reporter visited several Children's Courts, not merely reporting the highlights, but studying justices and "atmosphere." Unfortunately this publicity, while not actually suggesting it, implies that nothing is being done about it, and the purpose of this article is to examine the need for action and the measures which are being taken.

THE NEED

In the years before the war there was a steady increase in the number of young offenders before the Courts. The average yearly increase was about 14 per cent. in the age-group under 14, and 10 per cent. in the age-group 14-17. Statistics for the first twelve months of the war show that these averages have leapt to about 41 and 22 per cent. respectively.

For reasons which will later become apparent, the expressions "youth" and "young people" will mean those between the ages of 14 and 20.

Before the war it was estimated that only about 40 per cent. of the youth between the ages of 14 and 20 belonged to any youth organisation, or attended night classes. If the average individual were asked what he remembered of the pre-war activities of the remaining 60 per cent., he would probably say, "I suppose they just hung about the streets or went to the pictures." This majority of 60 per cent. who have no interest but just hang about the streets are those from whom the delinquents come. Of them, the majority experience the circumstances which are the commonest factors in delinquency: poverty, overcrowding, mental backwardness, lack of discipline. They

are the lads who get into trouble because they have nothing to do. Not all went to the pictures; many had their street games which were broken up by indignant householders whose quiet they had disturbed, the Police, or by a broken window. Too frequently their mischief is maliciously aimed at the people who they feel are "always interfering" with them.

The adolescent's commonest form of passing the time was what is known in some cities as the "monkey parade": a parade of boys and girls up and down the streets mainly due to vague sex-feelings and supplemented by the highly gregarious nature of the average youth. Generally it was unconscious self-display with a little "getting off" and some horseplay; but self-display loses its "efficiency" when there are fewer to see, as there must be after black-out time. In passing, it is interesting to speculate how many city-bred youths are moved to form larger groups, and make more noise, out of fear of darkness.

The importance of self-display and gregariousness can best be illustrated. Life in a city on the East Coast changed very abruptly. An efficient black-out was introduced, cinemas closed earlier, bus services were discontinued two hours earlier than usual, night-classes were suspended, and boys' clubs closed down. In the centre of the city was a café and milk bar open until midnight; it was almost the only place open after 10 p.m., and was, to those accustomed to staying out late, the only alternative to going home. Gradually youths of varying ages and from different kinds of homes in widely separated parts of the city drifted to this milk bar, where for a few coppers they could enjoy light and company. From accidental meetings there a gang grew; not at first a gang in the accepted sense, but youths who wanted company. Inevitably they got into mischief. From merely being a nuisance on account of the noise they made and the damage they did by such tricks as swinging on the stays of shop blinds, they "graduated" to more serious things.

Just how much individual imagination was stirred by the exciting stories of exploits in the war cannot be said, but the time came when they had the urge to fight. There were assaults on other youths at the milk bar, and then at dances, sometimes followed by assaults on the Police called to deal with them. More recently there have been attacks of a serious and indecent nature upon girls.

Other members of this gang have been dealt with by the Courts for taking and driving away motor-cars and warehouse breaking, some

of them going so far as to commit an offence in a distant town with the aid of a stolen car. By this time they had begun to call themselves the "Dead End Kids" after the picture of that name, and bragged of being "tough." During enquiries into an offence, it was revealed that a fifteen-year-old had bragged of having been to Borstal twice. What distorted ideals, what wasted enthusiasm that that youth should boast of feigned badness, and how ironic that students of individual psychology should assess such conduct as the "striving for superiority!"

At least one of the above youths belonged to a club which had closed down with the outbreak of war, and it is certain that many of the others would have been less likely to have got into mischief if there had been some other alternative which would have satisfied the self-display and gregarious instincts. Surely clubs lost a great opportunity of serving youth when they closed down. We know that many of the 60 per cent. have not been interested in clubs, and have preferred to roam the streets, having experienced nothing better; but a few would certainly have gone into them, and once the few had gone, there is no telling how many would have followed. (Again: how many would have been driven in by darkness?)

Frequently the cinema is blamed for youthful misconduct, and the "Dead End Kids" would seem to prove it. I do not think that the explanation lies in straightforward imitation. Rather is it that so many films hold out such poor "ideals" of life and conduct, making them pleasant and attractive, especially to those from sordid surroundings with proportionately poor ideas of right and decency. Moreover, these "ideals" are easier to attain than the more valuable ones which call for industry and self-control; and in attainment they obtain welcome attention. Even though the attention be disapproval, the end has been gained. Disapproval does not have a deterrent effect because, their "ideals" being bad, they do not value the standards implied by such disapproval. It might almost be said that they translate disapproval as "interference."

The "Dead End Kids" (here referred to) did not form themselves into a gang in outright imitation. That would have meant, in effect, that someone first said, "Let's make a gang and call ourselves 'The Dead End Kids,' and adopt such-and-such conduct." Far from that, they met casually and drifted from bad to worse conduct, until they felt themselves in sympathy with the characters of the film. Only then was the name attractive.

Whilst not suggesting that the forming of similar gangs is an inevitable or even very frequent consequence, or that gregariousness and misdirected leisure are the only and allied causes, I think that the illustration indicates their seriousness. There are many other factors, but they are usually complementary.

THE MEASURE

That the Government anticipated an increase in juvenile crime is indicated by the fact that as early as November, 1939, following a conference of the Home Office and the Board of Education with Justices, their clerks, Police and various paid and voluntary workers in this field, a circular was issued.

Briefly, the gist of this circular (Board of Education No. 1486) is as follows : It has been decided that the Board of Education shall be responsible for the welfare of youth between the ages of 14 and 20 after school-leaving. The National Youth Committee has been appointed to advise the Board and to guide the local Youth Committees which local authorities are to set up. It is not expected that these Local Committees will supersede such voluntary organisations as exist, but will work with them, even to the extent of advancing money to those in need, and their members will be representative of local voluntary youth movements; religious denominations and philanthropic bodies; such services as public health, juvenile employment, parks and baths; teachers and members of the local education committee. Such a committee, it is hoped, will best be able to co-ordinate its existing facilities with any new ones so as to provide the maximum of opportunity for the "social and physical development" of these young people.

The response of local authorities has been varied. Those who have "gone to it" wholeheartedly have followed pretty much the same broad lines in appointing, first a committee, then a full or part-time youth leader whose duty it is to carry out the practical part, in smaller areas by acting as club-leader, in larger areas by becoming a sort of "technical assistant" or "general manager." Most authorities have sent at least one intended club-leader to one of the special courses organised by the Universities for those whose part in the movement will bring them into contact with the young. The response is indicated by the fact that there were 500 applications for 110 places in a fortnight's course held early in 1941.

No training can replace experience, but club-leaders, whether voluntary or not, should have some training, and here it seems there is a fault. A syllabus of one of these University courses shows detailed attention to the theoretical, but overlooks the living: it would be immeasurably improved by a kind of "pupil-teaching" period in a well-established club. It will be better for the new club-leader to make his mistakes under the eye of one of some experience rather than when he is in sole charge of a new club. Anything savouring of "slumming" must be avoided, but opportunities should be made for visiting the homes of poorer youths during this training period. We all think we know under what terrible conditions the less fortunate live, but it is not until we are called in in our capacity as nurse, doctor, or policeman, to some case of illness or death, that we really know what overcrowding means, for instance. This first intimation is frequently repugnant, and reaction is against the people we are there to help. Several experiences are necessary for us to become in true sympathy with them, and this, perhaps, is why some of the most successful lads' clubs are those in which the Police take an active part. A man who has spent forty years working for youth and with youth expressed this need when speaking of a club whose voluntary helpers had failed. "They are all very decent people and very, very earnest; but they know damn-all about life," he said.

Having appointed the club-leader, the next step is the gathering of all relative local information together in directory form, frequently by the circulation of questionnaires to all those interested.

Games, of course, play a large part. It is realised, however, that games are "not everything." Educational and handicraft classes are organised with the intention of developing a sense of proportion towards the social side of life. While games, drama classes, and dancing are to be encouraged as a means of making one's own entertainment, and putting the ready-made in true perspective, an attempt is made to indicate rather than preach that life is not all entertainment. It has been realised that many will arrive tired out by a hard day's work, and will need rest before entering into any activity: for them it is proposed, where membership and means allow, to set aside a rest room.

It is not intended that only the delinquent shall be provided for. Something of the atmosphere of Toynbee Hall is aspired to, with boys of all types and standards of education meeting in common interests. There are many of secondary school education who have nothing to

do in their spare time, boys who have been sent to a good school with the one idea of getting a "good job" and have been disappointed, all of whom will benefit by being shown that the vague "good job" is not a complete aim, and will be helped to find where their talents be.

It is unfortunate that those cities whose youth is most in need of assistance are just the cities whose life has been most disorganised, and where difficulties facing clubs are aggravated almost day by day by air-raids. The Government has made possible the evacuation of school children from such cities as London, Bristol, Plymouth and Hull, but those of over school-age almost certainly fall outside evacuation schemes because of the demand for them in the labour market. Clubs most ideally situated (in working-class areas) in these cities are almost certain to be within the range of a "near-miss" aimed at some important target. In such cities, following air-raids, premises suitable for clubs are in demand for business and industrial purposes. Even if clubs in danger zones have shelters, club officials find the responsibility of a large number of youths too great, especially as they may be separated from their families for the whole night if there is an "alert" or a raid.

Two practices in cities most heavily subjected to air-raids suggest a solution. First, there is a large nightly evacuation, undertaken severally and without organisation. Second, usually buses are scattered round the city boundaries so as to conserve transport in case of a severe raid. Why not, then, transfer clubs outside the city boundaries? I say "transfer" because it will not always be necessary to rebuild; there should be co-operation between the rural and city committees which would permit the use of schools, church halls, etc. Whether shelters would be built is a matter of discretion. Shelter bedding could be used to convert improvised club-rooms into dormitories at the close of the session. Buses taken out of service after evening peak periods could run out to these clubs, bringing back their passengers before the early morning peak. Elementary catering could be undertaken by mobile canteens, which would at the same time be out of the danger area and yet accessible in the case of a raid.

Let us hope that this in particular, and the Service of Youth in general will get beyond the committee stage, then there will be hope for the "under-fourteens" after the war.

M. W. L.

Reviews

A POCKET MEDICAL DICTIONARY. By LOIS OAKES. Fourth Edition. (E. & S. Livingstone, Edinburgh.) 3s. 6d. net.

ILLUSTRATIONS OF BANDAGING AND FIRST-AID. By LOIS OAKES. Second Edition. (E. & S. Livingstone, Edinburgh.) 6s. net. Cheap edition, 4s. 6d. net.

AMONG the books which we have received recently for review there are three which plainly will be of value to police officers as "working tools." Two of these books are by that great authority on nursing and all that pertains thereto, Miss Lois Oakes, and are respectively the Fourth and Second Editions of works which we have already commended. The first of them, *A Pocket Medical Dictionary*, now appears with additional appendices; the other is revised and rearranged.

The Medical Dictionary is a book that should be owned by every policeman, from chief constable to recruit. It is a veritable mine of information, lucid and concise. The detective officer whose work brings him in touch with surgeon and pathologist will find it especially valuable, and indeed it is almost indispensable to those who would follow intelligently the medical reports of cases of scientific crime detection. The junior who is preparing for First Aid examinations will also find it a handy pocket-book for reference at all times.

Miss Oakes' other book has now been rearranged both as regards text and illustrations, so that every method of bandaging can be seen—and understood—at a glance from start to finish. It contains some three hundred illustrations, all from photographs. Thus every stage of putting on a bandage, and incidentally the correct position of the patient, is clearly shown. All the bandages used in modern First Aid and surgical dressings are included and depicted. This book, too, will be found by police officers to be of the greatest help to them in their First Aid work.

POLICE LAW: An Arrangement of Law and Regulations for the Use of Police Officers. By C. C. H. MORIARTY. Seventh (War) Edition. (Butterworth & Co.) 5s. net.

MR. MORIARTY'S book occupies a niche by itself and it now appears in its seventh edition. This time it contains (in addition to new sections dealing with recent legislation, with additional references to eleven recent statutes and four decided cases) some 50 pages of very useful Notes on Emergency Legislation, arising out of war conditions—Rules and Orders superimposed upon the general body of the Law, in some cases specifically amending the existing law, in others superseding it by virtue of general overriding provisions. These Notes are well indexed and contain all the above-mentioned Rules and Orders promulgated down to the date of publication. Once again Mr. Moriarty is to be congratulated—and thanked.

The Colonial Police

The following appointments are announced by the Colonial Office:

BALLANTINE, Captain R. W. H. (Assistant Commissioner of Police, Nigeria)	Deputy Inspector-General of Police, Palestine.
BARRY, J. C. (Assistant Superin- tendent of Police)	Superintendent of Police, Malaya.
BRIANCE, J. A. (Police Sergeant)	Temporary Assistant Superintendent of Police, Palestine.
COLCHESTER-WEMYSS, E. J. H. (Superintendent of Police, Bar- bados)	Third Class Inspector of Police, Jamaica.
DE FONDAUMIERE, J. A. J. (Police Sergeant-Major)	Assistant Superintendent of Police, Mauritius.
ELSTON, A. H. (Chief Detective Inspector)	Assistant Superintendent of Police, Hong Kong.
MACINTOSH, D. W. (Assistant Superintendent of Police)	Staff Officer, Security Service, Malaya.
MACMILLAN, I. C. (Superintendent of Police)	Senior Superintendent of Police, Malaya.
MURLAND, Major C. C. (Deputy Commissioner of Police)	Commissioner of Police, British Guiana.
RODDA, H. C. F. (Superintendent of Police, Mauritius)	Assistant Superintendent of Police, Sierra Leone.
RUTLAND, R. E. (Sub-Inspector, Ceylon Port Police)	Assistant Superintendent of Police, Sierra Leone.

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War Commentary

RELEASE OF POLICEMEN TO THE ARMED FORCES

THE decision of the Government to release to the Armed Forces policemen who, at the date of their registration for military service, were under twenty-five years of age, marks the end of a phase in the Police war effort, and the beginning of another. The limited number of policeman hitherto released for service in the Royal Air Force or the Fleet Air Arm, or who were recalled to the Colours in the early days of the war, have already made their mark in the fighting arms.

In many cases the honours they have gained and the advancement in commissioned rank of others have added lustre to their individual forces and to the name of the Police. In the ranks of the policemen shortly to be released there is striking evidence of keenness to serve in those offensive arms of His Majesty's Forces in which men whose physique, intelligence, and skill will have special scope for the most active forms of combatant service.

The service can be proud of the statement that in the "higher level" man-power consultations in Whitehall, an assurance was given by the Service departments that the policemen now to be released for combatant service will be used to the best advantage. Those policemen who wish to fly will be given an opportunity to volunteer for flying duties in the Royal Air Force or the Fleet Air Arm; those who express a preference for Naval service will meet an urgent demand for seamen and marines; while those who are posted to the Army will, subject, of course, to the aptitude which they show during the initial period of training, be selected for units which demand high physique and offer scope for initiative and resourcefulness.

The recently announced revised enlistment scheme for the Army, whereby all recruits will first serve in a General Service Corps, will have special interest for policemen who are selected for service in the Army. Under the new scheme the men will spend six weeks in the primary training centres of the General Service Corps. During the first fortnight a specially selected and trained interviewing Military Officer

will see all the recruits. Basing his assessment on results of intelligence and aptitude tests, on the man's civilian experience and qualifications, and, above all, on the result of the interview, the officer will recommend the recruit as suitable for training in two or three out of ten broad categories. Potential officers will be earmarked, but will not be told that they have been selected. A new intake of recruits will be sorted out into such categories as drivers, maintenance workers, signallers, layers, clerks, and storemen, mobile and combatant duties, administrative, and domestic duties, and tradesmen. When the whole intake has been dealt with, the supply of men in the various categories will be matched centrally against the current demands of the various branches of the Service, and posting made accordingly. Among the many units to be considered are medical category, aptitude, trade, height, and nationality. The new scheme will not interfere with the old Regimental system; in fact, it will strengthen it, because, after posting to units, transfers to other corps will seldom be necessary.

Under the Police and Firemen (War Service) Act, 1939, policemen released for service with the Armed Forces continue to be borne on the strength of their respective forces. A large number of police authorities decided, soon after the commencement of the Act, to make good the difference between the pay of constables and their pay as soldiers, sailors, or airmen. Unfortunately, the discretion vested in police authorities by the Act enabled a few to avoid their moral obligations in this matter, thus causing considerable hardships on the wives and families of some of the men concerned. They have not recognised that on joining the Police Force, constables were assured of a graduating scale of pay and allowances which entitled them to invest in the purchase of houses suitable to their rank and station in life, and to make other financial provision which is expected to be made by men of the status of policemen. It is earnestly to be hoped that, for the good name of the Police Service, the few police authorities who still omit to make up the difference in pay and allowances to their men will be induced to follow the example set by the Government and all other good employers of labour.

THE NEW PHASE

The release of a strong percentage of regular policemen to the Armed Forces will inevitably create serious deficiencies within the Forces. Taking the broad view, it is generally recognised that as the war will be won only by offensive action, the policy must be to put into the offensive arms of the national effort all men capable of wielding those weapons of offence which now lie at our disposal. The defensive rôles must be shared by the middle-aged, the elderly, and the women.

This may have to apply even under conditions of invasion. Despite the onerous tasks of the Police in maintaining the public safety and security of the State under unparalleled conditions, the Force must aim to extend its reliance upon the senior constables, the Police War Reserves, Special Constabulary, Women's Auxiliary Police Corps, and the Police Auxiliary Messenger Service. In each of these branches of wartime police activity good and faithful work has already been done, and a tradition for leadership and courage steadily built up on true police lines. Those now serving in these branches of the Police Service will share the task of imbuing the new police auxiliaries with the same sense of responsibility and service which has characterised their own work.

POLICE EXPENDITURE

Not least among the minor problems of wartime administration is the task of securing the approval of local authorities to expenditure required on Police matters. In the matter of man-power, it is true, the problem of Police strengths is overcome to a large degree by the shouldering by the Government, through the Home Office, of the whole cost of the pay of whole-time Police Auxiliaries (Police War Reserve, Women's Auxiliary Police Corps, and Police Auxiliary Messenger Service). The pay, however, does not complete the cost. Uniforms, incidental establishment costs and training expenses must of necessity be incurred. In counties, Police expenditure is exclusively a responsibility for the Standing Joint Committee, which transmits its annual or half-yearly precept to the County Council; and, on receiving the County Council's approval, the Standing Joint Committee is not further embarrassed by the disapproval of specific items of proposed expenditure by the County Finance Committee. In boroughs, the Watch Committee, which is the police authority, is in a weaker position. Under the Municipal Corporations Act, 1882, as amended by the Police Act, 1919, the Borough Council's "approbation" must be obtained to any proposals of the Watch Committee to expend the borough rate on the Police. Difficulties which are inherent in peace-time administration are increased under war conditions, particularly in those towns in which the rate revenue has already been seriously reduced by properties damaged or vacated through enemy action or other consequences of the war. There seem to be ample grounds to merit the police authority being given a greater measure of control over the expenditure on the Police, or, alternatively, for additional items of police expenditure to be borne wholly by the Exchequer.

DISCIPLINARY PROCEDURE

The distinctions between disciplinary procedure in Borough Police Forces, as laid down in the Municipal Corporations Act, 1882, and the Police Regulations, and the procedure laid down in the County Police Acts and the Police Regulations, have in recent months been under searching discussion. The legislation and practice of the last twenty-five years has tended more and more to reduce the distinctions between policemen serving in County and Borough forces. A large number of towns, some of them county boroughs, are policed by members of the County Constabularies, and the enactments by which 120 cities and boroughs maintain separate police forces, with a distinctive and unwieldy disciplinary procedure vested in the Watch Committees, make a paradox which is explained only by its historical development.

It is generally agreed within the Police Service that the county policeman and the borough policeman should be subject in disciplinary matters to a common form of procedure, equally as their rates of pay, conditions of service, hours of duty, and leave of absence, and similar matters are standardised under the Police Regulations. There agreement seems to end. This is largely due to a need for the merits of both forms of procedure to be merged into one code, and for the blemishes which also are present in both existing forms of procedure to be eliminated.

The first essential is that natural justice should be assured. The second is that the high standard of discipline which is traditional in the Police Service, despite the blemishes in procedure, shall be maintained and improved. Few Chief Constables, whether of counties or boroughs, would claim to be a model of judicial tribunals, against whose decisions there should be no safeguard and no appeal. Most policemen, however, would agree that a large body of laymen, disinterested and public-spirited though most members of Watch Committees are, is an unwieldy and inadequate tribunal for inquiry and adjudication in the acts of misconduct listed in the code of discipline which is appended to the Police Regulations. The paradox by which the disciplinary authority in a county is the Chief Constable, and the disciplinary authority in a borough having a separate police force is the Watch Committee, cannot now be justified, though its replacement by a common code of procedure which will meet the desires of all who are interested—police authorities, chief officers of police, and the rank and file of the Service—is a question of some difficulty. Safeguards are necessary, both for the disciplinary authority and for an accused policeman, and the machinery of the Police (Appeals) Act, 1927, could

doubtless be adapted to cover a wider list of disciplinary decisions against which an appeal could lie to the Secretary of State. At present the Act limits appeals to cases of dismissal or requirement to resign as an alternative to dismissal. A possible compromise would seem to be to replace the full Watch Committee as disciplinary authority by an appellate tribunal, which with a complement of three members would conform to the modern standards of such bodies, including a chairman with judicial experience, plus the legal and technical assistance as required. To designate such a body the "appellate tribunal" implies that in boroughs, as in counties, the Chief Constable should be the disciplinary authority. For most practical purposes, Chief Constables in boroughs already act as disciplinary authority, so that the revision of law which these proposals involve would, in most forces, show few superficial changes.

PUBLIC DISHONESTY IN WARTIME

The Bishop of Liverpool in a recent address to Liverpool diocesan conference pleaded for a livelier public opinion against the growth of public dishonesty in wartime.

"We have been confronted with an outbreak of self-seeking, carried far beyond the limits of ordinary honesty," said Dr. David. "Men in a big way of business, some of them leaders in public life, have been abusing public confidence in the perpetration of reckless frauds. Lower down the scale we see the same shameless spirit in pilfering and shoplifting, in wanton and senseless damage, and in falsifying time-sheets. There is abundant evidence of dishonest work. I know quite well what can be truly said in explanation of some of the slackness and idling in factories and on the docks. We must also be careful not to condemn the whole body of workers for the crimes of a proportion of them, especially when no one knows how great or small that proportion is. But there can be no doubt that what I have described is a great and growing evil.

"It is acknowledged all over the world that British work is sound and honest work, and that a Briton's word can be trusted. Is our national standard of integrity slipping downwards? And are we acquiescing in the decline? The public mind is not, so far as I can judge, greatly disturbed by these grave symptoms. But the danger before us is real. There is still among us, among ordinary people, abundance of respect for truth and honour, strong enough, if only it would express itself, to check, if not to reverse, this downward trend. In the long run it is that mysterious and powerful force called public opinion through which the issue will be decided. Is it not for us of the Church to move that opinion?"

The Police and the Law

SERVICE OF BILLETING NOTICES

MANY of the Defence Regulations expressly authorise the police to carry out the formalities requisite for their observance. And this is common even though other officials are the ones primarily concerned in the matter. But with regard to the serving of billeting notices on the occupiers of premises, Regulation 22 does not provide for service by a constable. The High Court has, however, expressed the opinion that the police may make valid service of notice if authorised by the billeting officer.

In the case of *Humphreys v. Tyler* (*The Times*, March 27, 1942) a billeting officer prepared a billeting notice addressed to the defendant, handing it to a police constable for service on him. On the same day the constable handed the notice to him in a street. The defendant returned the notice and a fresh notice was issued by the billeting officer and handed by the constable to the defendant in the billeting officer's presence. On a charge of failing to comply with the notice, the Flintshire Justices held that it had not been validly served, and dismissed the information. The police superintendent who prepared the information successfully appealed to the High Court. The Lord Chief Justice, in giving judgment, said that there was no doubt whatever that the billeting notice was properly served, for the simple reason that the person who handed it to the defendant was expressly authorised to do so by the billeting officer. "It could not have been the intention of the regulation that billeting officers should serve these notices by themselves placing them in the hands of the persons to whom they were directed."

On the facts of the case, the billeting officer was present at the time of service. The Court was asked to make observations on the question, which has sometimes been raised, whether a billeting notice should be served in the presence of the billeting officer. Any observations of the Court on this point were, of course, only *obiter dicta* and not a definite ruling, but Lord Caldicote "saw no reason why the billeting officer should not authorise some person to serve notices which had been duly prepared even if he (the officer) were not present." The other two judges agreed. In this way the powers of the police are greater than they appear to be from the strict letter of the Defence Regulations. But the additional powers attach to them not as police constables, but as deputies of billeting officers.

Recent Judicial Decisions

BILLETING NOTICE : "CHILD EVACUEE"

Rodger v. Varey

COUNSEL for the police superintendent who successfully appealed from a decision of the justices in *Rodger v. Varey* (*The Times*, March 27, 1942), stated that a great many justices apparently did not like the billeting regulations and that informations under it were often dismissed. He was asking the Divisional Court to rule that the justices were wrong in law in saying that a girl of the age of fourteen years had ceased to be a child within the meaning of the billeting regulation.

The defendant in the case had twice appealed without success to the billeting tribunal against a girl of that age being billeted on him. He was then charged with failing to comply with a billeting notice in that he did not care for a child evacuee to the best of his ability, contrary to regulation 22 of the Defence Regulations. It appeared that his bungalow consisted of two bedrooms, a living room, and a kitchen-scully. The girl had a bedroom to herself, but had meals alone in the kitchen. She was never short of food. The defendant had stated to the billeting tribunal that he was not going to have her feeding with him and his wife. The girl did not sit with or enjoy the company of the defendant and his wife, and when he was on night shift it was arranged that she should come into the house only at specified hours.

It was contended for the defence that as the evacuee, being over fourteen years of age, was not a child, the defendant's only duty was to provide board and lodging. The justices declared that the girl was not a child within the meaning of any statutory definition cited to them, and dismissed the information without calling on the accused for his defence. In giving the judgment of the Divisional Court, the Lord Chief Justice said that the justices were wrong in thinking that they needed a statutory definition of "child" in a case such as this. "In the ordinary use of English language a person of fourteen years was a child, and everyone would understand him or her to be so. To find to the contrary was perverse and to misapply a word perfectly understood by everyone." To which it may be added that, if the justices wished to be technical, they ought to have remembered that, in law, a person remains an infant until his twenty-first birthday. The case was remitted to the justices for them to adjudicate on the facts in the light of the High Court's ruling.

"USING" A MOTOR VEHICLE

Gifford v. Whittaker

Some light was shed on the vexed question of the meaning of "the user" of and "using" a motor vehicle in *Gifford v. Whittaker* (58 T.L.R. 195). On a police prosecution the justices found a driver of a vehicle guilty under regulation 67 (2) of the Motor Vehicles (Construction and Use) Regulations, 1941, but the Quarter Sessions Appeal Committee allowed his appeal; the Police successfully appealed from their decision to the Divisional Court on the point of law.

The regulation provides that "the load carried by any vehicle shall be so secured that danger is not likely to be caused to any person on a road by reason of the load or any part thereof falling from the vehicle." And the general regulation 94 is to the effect that "if any person uses" on any road a motor vehicle in contravention of the regulations, he is guilty of an offence. The facts in *Gifford v. Whittaker* were that the A company hired out a lorry and driver to the B company, whose skilled employees loaded it without any assistance from the driver. The load consisted of empty beer barrels and cases of empty bottles. The loaders were supervised by an employee of B company who was in charge of the lorry. While it was going round a bend he overbalanced, grabbed the nearest case as he did so, and brought down ten to fifteen cases over him and was killed on the road.

It was held by the Divisional Court that the driver was a person using the vehicle within the meaning of the regulation. He was not interested in the business side of the journey and had no hand in the loading of the lorry, but was none the less guilty even though the deceased, who had supervised the loading, had purported to relieve him of the responsibility of seeing that the vehicle was properly secured. At the same time the deceased himself might also have been guilty under the same regulation of the offence which led to his death. Lord Caldicote, Chief Justice, said: "It may be that the person in charge of the vehicle is a person using the vehicle, but that the person driving the vehicle is using it seems so plain as to make it unnecessary to look at the other regulations to see whether they throw any light on the question." The Scottish decision of *Adair v. Donaldson* (1935, S.C. (J.) 23) was followed.

IDENTIFICATION BY PHOTOGRAPHS

R. v. Wattam

It was remarked by the Lord Chief Justice in *R. v. Wattam* (1942, 1 All E.R. 178) that it is well known that photographs are used, and

can properly be used, in criminal proceedings. He added that there is an improper way of using photographs and a proper way. The decision shows that the Court of Criminal Appeal will not necessarily quash a conviction when a police constable in the witness box has made an improper reference to a set of photographs which was used to identify the accused.

During the cross-examination of a police constable at the trial, reference was made by him to a photograph of the accused which he had seen after the alleged offence in a book of photographs maintained by the police. It so happened that the question of identification was a critical one in the case. The police witness had caught a glimpse of the accused in the dark outside a shop which had been broken into and he said that this was sufficient to enable him to identify the prisoner in the dock. But he also mentioned that he had seen the photograph of him in the police book. In summing up, the judge warned the jury against thinking that this book was a "rogues' gallery" or anything of that sort. He told them that they "must not assume that there was anything untoward in the policeman consulting a book of photographs": "You must not assume against the accused man that it was a book of photographs of convicted persons or known thieves, or anything of that sort. Detective officers have their own methods of going to work and of trying to identify people. Books of photographs of perfectly respectable people are supplied, and they are very often used for these purposes." No application for a fresh trial was made after the police constable had given his evidence.

It was held on appeal that in view of the judge's clear direction to the jury, it could not be assumed that the prisoner had been prejudiced by the reference to the photograph, and that the conviction ought not to be quashed. The Court of Criminal Appeal was far from satisfied that the original mention of the photographs would have had any effect at all upon the jury. The Court thought that a jury was probably much more likely to direct attention to the broad issues in the case than to any points such as this, which might appeal to a person versed in the practice of the criminal courts, but would not be so obvious to a jurymen. Whether or not the mention of a photograph had any effect on the mind of a jurymen the judge did everything to correct any improper inferences.

CHILDREN'S EVIDENCE AND CORROBORATION

R. v. Cleal

It is often difficult for the Police to know whether it is advisable to prosecute for sexual offences against children when the only evidence

available is that of the child complainant. The reason for this difficulty is that the courts insist that corroboration is desirable but do not go so far as to say that it is legally essential. There are few cases in English law in which corroborative evidence is essential. But the cases in which it is held to be desirable may in practice be almost equally favourable to the defence. *R. v. Cleal* (1942, 1 *All E.R.* 203) is a case in which a man was convicted of an indecent assault on a boy of ten years of age on the boy's uncorroborated evidence as to the identity of the man: the Court of Criminal Appeal quashed the conviction.

The chairman of quarter sessions gave the jury sufficient warning of the danger of convicting on the uncorroborated, though sworn, evidence of the boy, although he declined to advise them not to convict. On appeal, it was said to be a case where the chairman would have been fully justified in directing the jury to return a verdict of not guilty. Whether or not he so advised and directed the jury was, however, in his discretion, and it was not a case where it was possible to say that the discretion could not have been judicially exercised in the way it was. But the chairman omitted to point out to the jury in his summing up certain discrepancies and uncertainties in the boy's evidence which, taken all together, threw some doubt on the reliability of his memory of the accused and the boy's ability to identify him accurately. For example, he described the man in question as having brown wavy hair, whereas the detective who accompanied the boy to the scene of the identification admitted that the accused's hair was not brown. Again, when the boy was asked what the detective was wearing when he was waiting a few yards from him he was quite unable to recollect, except that he was sure that the detective was carrying a mackintosh over his arm, but the detective deposed that he was not carrying any coat.

The Court of Criminal Appeal held that it was necessary that these and similar passages in the boy's evidence should have been called to the attention of the jury. This was particularly necessary as the boy gave his evidence on one day and the summing up was not given until late in the afternoon of the next. If these passages had been called to the attention of the jury it was unlikely that they would have convicted. To omit any reference to them was misdirection, having regard to the particular circumstances of the case.

The effect of the decision would seem to be that in cases where corroboration is desirable the summing up ought to be particularly careful to stress any evidence in favour of the defence. The Court also affirmed the law as defined in *R. v. Baskerville* (12 *Cr. App. R.* 81) and re-stated in *R. v. Beebe* (19 *Cr. App. R.* 22). In cases where

the evidence of a child, upon which the whole case for the prosecution depends, is without corroboration, it is for the judge (i) to tell the jury that it is within their legal province to convict upon such uncorroborated evidence, (ii) to warn the jury of the danger of convicting a person on the uncorroborated testimony of the child, and (iii) in the exercise of his discretion, to advise the jury not to convict. And the Court of Criminal Appeal will quash a conviction even when the judge has given to the jury the warning or advice above-mentioned if the Court, after considering all the circumstances of the case, thinks the verdict unreasonable, or that it cannot be supported having regard to the evidence.

CORROBORATION BY ACCUSED'S CONDUCT

R. v. Keeling

Another recent decision on the subject of corroborative evidence is *R. v. Keeling* (58 *T.L.R.* 205). Here the question was whether the conduct of the prisoner after being charged with having carnal knowledge of a girl aged eight years was corroboration of the child's story, which was the only other evidence against him. Having regard to her age, she was not sworn as a witness, but gave her evidence unsworn. Accordingly the proviso to section 38 of the Children and Young Persons Act, 1933, rendered it not merely desirable, as in most sexual cases, but absolutely essential as a matter of law, that her evidence should be corroborated by some other material evidence implicating the appellant. At the Assizes the Judge directed the jury that there was the necessary corroboration to be found, if they thought proper to take that view, in the conduct of the appellant from first to last when the accusation was made against him. But in allowing the appeal, the Court of Criminal Appeal construed the rule of evidence in a different manner.

The alleged corroborative conduct of the accused was as follows. When told by a police officer that he had a warrant for his arrest, charging him with the offence, which the officer specified, the appellant said, after being cautioned: "I know what you mean, but not likely." When the warrant was again read to him the same evening and he was again cautioned, he replied, "I have got you—nothing to say." When asked before the committing justices whether he wished to say anything and told that he need not do so, he replied, "I am not guilty; I am going to say nothing." At the trial he elected not to give evidence. It was not suggested by the prosecution that the reply on first being charged amounted to an admission of guilt. But the trial Judge did suggest that the form which the denial took was weak and inadequate,

having regard to the gravity of the charge being made. The Judge told the jury that they could consider as affording the necessary corroboration the appellant's conduct from first to last in failing adequately to deny the charge. But the Court of Criminal Appeal declared that the conduct did not in point of law afford such corroborative material.

The Court followed *R. v. Whitehead* (21 Cr. App. Rep. 23), in which it was held not to be corroboration that the accused person did not deny the charge, or was silent about it. The recent decision holds that an insufficiently strenuous denial cannot afford any more corroboration against the prisoner than the absence of any denial at all. The Court preferred *R. v. Whitehead*, which had been followed in two other cases, to Mr. Justice Avory's judgment in *R. v. Feigenbaum* (14 Cr. App. R.1), the authority of which must now be regarded as severely shaken.

PROBATION OF OFFENDERS : CONSCIENTIOUS OBJECTOR

Eversfield v. Story

There are not many decisions on the discretion given to the criminal courts by the Probation of Offenders Act, 1907, to place an offender on probation upon recognisances to be of good behaviour. *Eversfield v. Story* (1942, 1 All E.R. 268) is a reminder that there are legal limits to the desire to give an offender a "second chance."

The respondent in the Divisional Court was a conscientious objector who had been classified by the competent tribunal as a person liable to be called up for service, but to be employed only in non-combatant duties. He thought he ought only to be employed on work under civilian control, but the appellate tribunal upheld his original grading. He was served with a notice requiring him to submit to medical examination, but he failed to comply and subsequently a court of summary jurisdiction ordered him to submit himself. At the appointed time he was taken by a constable to the appointed place, and he then refused to submit himself for examination. He was then charged with an offence under section 4 (2) of the National Service (Armed Forces) Act, 1941, based on such refusal. At the hearing, the magistrates dealt with the case under the Probation of Offenders Act, discharging the respondent as being of good character and placed him on probation under a recognisance requiring him to be of good behaviour, and to seek ambulance or similar work, or agricultural work.

The High Court declared that it was no part of the duty of magistrates to decide what work the respondent should be put to as a conscientious objector. That was the task of the special tribunal provided

for by the National Service (Armed Forces) Act, 1939. The opinion expressed by the bench was in direct contradiction to the findings of the local and appellate tribunals.

Mr. Justice Humphreys pointed out that in deciding whether a person should be placed on probation, it is to be remembered that one of the objects to be sought is the prevention of any repetition of the same or the commission of any other offence. In this case the defendant was confessing for the second time in two days to a deliberate refusal to obey the law, and, in effect, announcing his intention to continue in that disobedience. His lordship was clearly of opinion that it would be wrong for a court of summary jurisdiction not to convict any person proved to have been guilty of an offence against the National Service Act, 1941, sec. 4 (2). "The Probation of Offenders Act, 1907, is a valuable and useful piece of legislation. The discretion vested in courts of summary jurisdiction is a wide one, and this court will not interfere with the lawful exercise of that discretion; but the Act is not to be used as a means of evading the law, or of encouraging persistent offenders in their contumacy." Mr. Justice Wrottesley made the point that the respondent was not a man of good character or antecedents within the meaning of the Probation of Offenders Act as he had consistently refused to obey the obligations of the Acts and regulations under which he was charged, and had preferred to defy the law. "He is no more therefore a person of good character in this context than is a person who consistently exceeds the speed limit a person of good character when charged with an offence under the Acts dealing with the driving of motor cars on the highway." His lordship added: "The object and scope of the Probation of Offenders Act, 1907, is not to give comfort and encouragement to those who defy the law. On the contrary, it is there to give comfort and encouragement to those who, it is thought, are going to obey the law."

The Court approved of the unreported case of *White v. Hurrells Stores* (January 17, 1941), which the High Court remitted to justices with a direction to convict when it appeared that they had dismissed, under the Probation of Offenders Act, an information against the owners of a large stores for having committed a breach of the Rationing Order in selling bacon without receiving the appropriate coupon. The decision proceeded upon the ground that a deliberate evasion of the food regulations in time of war could not be properly described as a trivial offence, that being the ground on which the justices had purported to act.

BREACH OF RECOGNISANCE AND LATER OFFENCE. UNSUITABILITY FOR BORSTAL

R. v. Tarbotton

The criminal career of the accused in *R. v. Tarbotton* (106 *J.P.* 44) gave rise to two points of procedure which she enabled a Court of Criminal Appeal to pronounce on when she appealed against a Borstal sentence for breach of recognisance. In November, 1940, the appellant had been convicted at the London Sessions of obtaining goods by false pretences, and was bound over for two years. In June, 1941, she was convicted at Westminster Police Court of a similar offence and sentenced to six months imprisonment. The magistrate was informed that proceedings for the breach of recognisance of November, 1940, were pending at the Sessions, but held that this was a matter for the Sessions to which he was not entitled to have regard. In August, 1941, the appellant appeared before the London Sessions in respect of the breach of recognisance and was sentenced to detention in a Borstal institution for a period not exceeding three years, despite a recommendation from the Borstal authorities that she was unsuitable for such treatment.

The Court of Criminal Appeal altered the Borstal sentence to one of six months imprisonment, to begin at the conclusion of the sentence which had been imposed by the magistrate for the other offence. Mr. Justice Humphreys, in giving the judgment of the Court, said that it was always inadvisable to send a person to Borstal detention when the authorities of that institution, represented by the governor of the prison in which the person was detained, recommended that he was not suitable for Borstal treatment.

With regard to the second point, *R. v. Tarbotton* was described as being one of several cases which had been before the Court from time to time where a person who is serving a sentence has been taken from prison in order to be charged with a breach of recognisance, and has been sentenced to some further term of imprisonment. Mr. Justice Humphreys added: "The Court lays great stress on the importance of a person who is sentenced to imprisonment knowing that when he has served that term he will come out with a clean sheet, and the Court does not approve of a person who is serving a sentence being taken away and sentenced to some other term for an offence which was committed long before the one for which he is serving a sentence."

The difficulty was to avoid such a situation when there had been a breach of recognisance in a higher and a fresh offence before a lower court. What might have been done, and what the Court of Criminal

Appeal recommended should be done in future cases, was that the magistrate at the court of summary jurisdiction should be informed of the pending case of breach of recognisance and should communicate with the other court, inquiring whether it desired that he should take into consideration in his sentence the breach of the recognisance of the higher court. If this had been done in this case, the Court of Criminal Appeal thought that the learned magistrate, instead of sentencing the appellant to six months imprisonment, might well have sentenced her to twelve, as he had power to do. And this was the effect of the sentence substituted for Borstal detention by the Court of Criminal Appeal.

But the difficulty will not necessarily be avoided for, as the Court said, it is quite true that if a court of summary jurisdiction applies in the way recommended, and is told that the higher court does not approve of this course, nothing further can be done. In most cases, however, it would probably be found that the court of Quarter Sessions or Assizes would be glad that the whole matter should be dealt with by any other court which had the case of the individual under consideration. In any case, the Court of Criminal Appeal hoped that this practice would be followed in the future.

LONG SENTENCES OF PENAL SERVITUDE

In a case reported in *The Times* (April 21) the Court of Criminal Appeal gave renewed expression to its policy with regard to long sentences. It allowed the appeal against sentence of a man of 60 years who had been found guilty of an offence against a girl of twelve and sentenced by Mr. Justice Stable to ten years' penal servitude.

The Lord Chief Justice, in giving the judgment of the Court, said that the case was one of undeniable gravity, deserving of a long term of penal servitude, but that the habits of the age had led to a reconsideration of sentences of such severity as ten years' penal servitude. Although such sentences had been common ten years ago, they were, and in the opinion of the Court should be, rarely passed to-day.

In the particular case before the Court, the appellant's age made the ten years sentence equivalent to a life sentence. Apart from that, however, even if he were a younger man, a five year sentence would have been proper in the circumstances, in the opinion of the Court. It thought it right to make these observations with regard to sentences of more than five years, although the circumstances might be such as to justify the passing of a sentence of ten years' penal servitude. In the present case, horrible though it was in some of its features, a sentence of five years' penal servitude was both severe and adequate.

WITHDRAWAL OF "GUILTY" PLEA: EFFECT ON JURY

R. v. Deane

When a prisoner has pleaded "Guilty" in the presence of the jury, and later is allowed to withdraw that plea for one of "Not guilty," must he be tried by a fresh jury? This point arose before the Court of Criminal Appeal in *R. v. Deane* (*The Times*, December 16, 1941).

The prisoner pleaded "Guilty" on being charged at the trial. The clerk having said that he could not hear, the prisoner again said "Guilty." Having consulted with his counsel, he withdrew those pleas and entered a plea of "Not guilty," saying that he had entered the plea of "Guilty" in an agonised frame of mind. The appellant's two pleas of "Guilty" were heard by the jury who tried his case, although they had not then been sworn. At the trial, his counsel did not take the objection that the jury, having heard the first two pleas, was not a fit and proper jury to try him. The defence to a charge of murder was that death had resulted from provocation or was an accident. It was argued that as the crux of the matter was the intention in the prisoner's mind at the time of striking the blow, it must have weighed heavily with the jury that they had heard him twice plead "Guilty." Counsel on appeal submitted that the trial judge should have discharged the jury and empanelled a new one.

In dismissing the appeal, the Court of Criminal Appeal said that a case might arise where it would be undesirable to allow a jury to try a case when they had heard a plea of "Guilty" later withdrawn. But it was added that the circumstances of the case before the Court did not allow of the view that there was an impropriety or unfairness in allowing the trial to take place before a jury who had heard that plea. There is, then, no strict right to be tried by a fresh jury in circumstances such as those in *R. v. Deane*. It is not a question of pure law whether there is good ground for an appeal. But an appeal may succeed on the general ground of unfairness at the trial as is provided for by the Court of Criminal Appeal Act, 1907. It will depend on all the circumstances.

TRANSFER OF LICENCE AFTER AIR-RAID DAMAGE

R. v. Weymouth Licensing Justices

When licensed premises have been destroyed by enemy action the licence does not suffer the same fate but it may be transferred to other premises. Air-raids have given an unexpected importance to a provision in the Licensing (Consolidation) Act, 1910. Section 24

provides that where unforeseen and unavoidable calamity has rendered licensed premises unfit for the business there carried on, an application may be made for the special removal of the licence to any premises, within the same licensing district, which, in the opinion of the licensing justices, are fit and convenient for the purpose. The question in *R. v. Weymouth Licensing Justices* (48 *T.L.R.* 166) was whether or not the justices could refuse an application for a transfer on the ground that the needs of the neighbourhood to which it was proposed to remove the licence were fully served.

Although the application for removal was unopposed, the justices refused to permit a removal, but the High Court by order of *mandamus* directed them to grant the application. It was held that under the Act there were only certain grounds entitling the justices to refuse a transfer, and these grounds did not cover the case where an old transferred licence was beyond the needs of its new neighbourhood. Such an objection could not be taken by the licensing justices but might be taken by the compensation authority on a reference from the justices and on payment of compensation. The curious result was that the licence found a new home on premises which had been erected forty years ago when an on-licence was applied for and refused on the ground that there were already sufficient facilities in the neighbourhood. But *R. v. Weymouth Licensing Justices* does not quite give *carte blanche* to a bombed-out licensee to settle wherever he wishes in the licensing district. Mr. Justice Humphreys said that "we should not lightly attribute to Parliament the intention of compelling the justices to grant a removal of an old on-licence to a house built on a site which those justices consider quite unsuitable for such a purpose; a house, for instance, adjoining a church on one side and a school on the other. It may be that such premises would rightly be regarded as not being convenient for the purpose of a licensed house, using the word 'convenient' as being equivalent to 'conveniently situated.'"

CONSCRIPTION OF FOREIGN CITIZEN BY FOREIGN GOVERNMENT
IN BRITAIN*In re Amand*

The applicant for release by *habeas corpus* in *In re Amand* (58 *T.L.R.* 187 and 198) was a Dutch subject long resident in England, where he carried on business. He was conscripted under a decree of the Netherlands Government established here. He was granted leave from the Netherlands Army, at the end of which, after taking legal advice, he failed to return to the camp where he was stationed. He

was therefore arrested by the English police for failing to return for service in the Netherlands Army in England. His legal advisers had given him erroneous advice on the constitutional position for the High Court held that his arrest and detention were lawful and the application for *habeas corpus* was refused. The Allied Forces Act, 1940, empowered any foreign allied state to exercise its powers in the United Kingdom in relation to the discipline and internal administration of its forces stationed here. These powers were not curtailed in the case of the applicant because he happened to have resided here for thirteen years, his wife was British born, and he had permission from the Home Office to remain here indefinitely.

Criminal Law and Practice in Scotland

EVIDENCE—STATEMENTS TO THE POLICE

IN the recent case of *Berkovitch v. H.M. Advocate*, counsel for the Appellant submitted an ingenious argument, viz., that evidence of statements made voluntarily to police officers by an accused at the time of a formal charge should not have been allowed because it followed closely on the heels of a period of interrogation. The argument was rejected and the conviction sustained.

On receipt of information pointing to the presence of stolen property in the house occupied by Berkovitch, officers of Glasgow City Police paid a visit to the house and there questioned him. Following this investigation, they were invited into the house, where they found a number of cartons containing certain of the missing property. They further found a cheque drawn by Berkovitch in favour of the thief of certain other stolen property. A caution was administered and a formal charge of reset preferred. Berkovitch thereupon volunteered a statement that certain of the articles had been "planted" on him and that certain others came legitimately from a dealer whom he named.

After a full examination of the relevant authorities, the High Court Judges unanimously held that Berkovitch had not been prejudiced by the very proper interrogation which had preceded the formal charge. With the making of the charge, matters entered on a new phase. The statement then made by him was volunteered—indeed, one might say that it was forced on the police by the accused in an attempt to shift suspicion from himself. It was relevant and voluntary, and therefore admissible.

THE CRIME OF RESET

At the recent sitting of the High Court, two important points in the law of reset were determined.

In the case of *Berkovitch* already referred to, the High Court sustained a conviction of resetting articles which had never actually come into accused's physical possession. The articles had been stolen by a man named Mitchell, and accused knew this. They were stored by Mitchell in a warehouse in Wishaw, where Berkovitch inspected them and made an offer for them which was accepted. The goods, however, were not handed over there and then, but were to be delivered to Berkovitch at his house in Glasgow on the following day against payment by cheque. Berkovitch, who was to be away from home next

day, drew a cheque in Mitchell's favour, which he left with his wife. Through transport delays, the goods were not delivered at the time fixed, but arrived in a taxi on a later date when, as it happened, detectives were at the house making enquiries. Before delivery could be made, these detectives intervened and seized the goods.

On the view that Berkovitch had been, since the conclusion of the bargain with Mitchell, in constructive possession of the articles, and that he was in this way actively assisting the thief to dispose of them, the High Court (adopting the argument of the charge to the jury in *Browne*, 1903, 41 *S.L.R.* 136), held that Berkovitch had rightly been convicted of reset.

A somewhat finer point was taken by counsel for the appellant in *Boyd v. Adair*. He advanced the contention that a conviction of reset of whisky must be upset because, although there had been evidence that the whisky had been stolen and that it was in accused's possession in circumstances which proved that he knew this, the possibility had not been negatived that accused himself, and not some other person, was the actual thief. No man, he argued, could be convicted of resetting property which he himself might have stolen. This argument was rejected by the High Court and the conviction affirmed.

WHAT IS "FELONIOUS APPROPRIATION"?

Stuart v. Cowie

In order to bring home a charge of theft, a prosecutor in Scotland must prove not merely that property was taken without the owner's consent, but that the taking was "felonious"—i.e., that the person who had helped himself knew that, in doing so, he was not acting within his rights. What, then, of the case where one person takes and disposes of the property of another in the honest, though mistaken, belief that the owner would have raised no objection?

On November 22, 1941, six cattle were killed in Lerwick slaughterhouse and the liver from the carcasses was hung on the walls. Cowie, a killer at the slaughterhouse, took part of the liver down from the wall and, openly and in the presence of other members of the staff, handed it over to an army sergeant for use in a local sergeants' mess. The liver in question was a perquisite of G.K.A., agent for a local meat supply company, and was his property, to be disposed of by him as he saw fit. Cowie and G.K.A. had for long been on friendly terms. They had, about a week previously, visited in company the mess referred to. Although Cowie had no express permission from G.K.A. to donate

the liver to the mess, he relied on his subsequent approval. Failing that, he thought he could at least put matters right by paying for the liver, which would in any case have been sold by G.K.A.

Being charged, in Lerwick Police Court, with theft, Cowie, at the hearing of evidence, managed to satisfy the magistrate that he had no felonious intention. The charge was found not proven, whereupon the prosecutor, being dissatisfied with this result, appealed.

Refusing the appeal, the High Court ruled that the magistrate was justified in refusing to convict as Cowie had satisfied him that he honestly believed that he would secure the approval of the owner of the property to his disposing of it.

CAN A DEAF MUTE STAND HIS TRIAL FOR MURDER?

H.M. Advocate v. Wilson

Wilson, who is deaf and dumb, and of doubtful mental capacity, was indicted with murder before Lord Carmont and a jury at Glasgow. No plea in bar of trial had been tabled, and, indeed, counsel for the accused was anxious that the trial should proceed so that his client's character might be cleared—as eventually it was—by a verdict of not guilty. Lord Carmont, however, thought fit to intervene, insisting that he must be satisfied of Wilson's capacity to stand his trial with fairness. To this end, medical evidence was led. This evidence would appear to have been inconclusive, for the judge, after hearing it, adjourned the proceedings and himself interviewed the accused in a private room in presence of counsel, an interpreter, and accused's brother. He satisfied himself that Wilson was practically stone deaf, that he was unable to articulate in a normal way, that he could not read, and that he did not know the deaf-and-dumb alphabet. He also reached the conclusion that some degree of mental defect was present; that this, coupled with his physical disability, cut him off from adequate contact with the outside world, that he was unfit to stand his trial on a charge of murder, and that he was therefore "insane" within the meaning of the Lunacy (Scotland) Act, 1857. In view, however, of the difficulty of the question raised, Lord Carmont did not pronounce an order detaining the accused "during His Majesty's pleasure," but certified the case for hearing by a Full Bench of the High Court of Justiciary.

After a very full argument—in course of which counsel for the accused pressed the court to allow the trial to proceed in ordinary course and insisted that he had been able to obtain instructions sufficient to enable him to do justice to his brief—the High Court decided, in

the particular circumstances of the case, to send Wilson for trial, leaving it to the jury to assess his capacity to follow the proceedings and instruct his counsel. On a later date, the trial proceeded before Lord Wark and a jury, and—as already indicated—resulted in a verdict of not guilty.

WHY NO CIVILIAN WITNESSES ?

Especially in cases where a suspect has been arrested without warrant (as distinct from cases in which a warrant is to be applied for or procedure by summons is contemplated) one frequently finds that the charge is supported only by the statements of the two arresting officers—and naturally so. It is unreasonable to expect police officers who find a drunk person lying in the gutter to look round for civilian witnesses ; while if the person is both drunk and disorderly, the likelihood is that their hands are full. In such cases, moreover, a measure of corroboration may be obtained by adducing as a witness the lieutenant-on-duty or other officer in charge of the police station to which the accused was conveyed after his arrest. This officer can express an independent opinion on accused's condition and, that being done, a magistrate will normally prefer to believe two sober officers and will reject the evidence of accused unless it is strongly supported by independent third parties.

Cases do occur, however, where the prosecution case could have been materially strengthened had the prosecutor been supplied with the names and addresses of bystanders who witnessed the incident which occasioned the charge. Such bystanders may even have been in a better position to judge of the merits of the incident than police officers who arrived late on the scene, who did not see "the start of it," or who were badly placed to see the precise detail of what was happening. Delay of a moment or two to jot down the names of possible witnesses may be well worth while. A prosecutor is in a strong position if he can argue that several persons viewing the incident from a different angle each formed the same impression, and if he can maintain that accused's conduct must have been flagrant indeed if disinterested civilians were so shocked that they were willing to submit to the inconvenience of coming to court. A prosecutor is, of course, entitled to restrict his case to the leading of the minimum evidence sufficient in law to prove the charge, but it does not always pay to do so. One does not know how many defence witnesses may appear, nor how plausible accused may be in the witness-box. Not every magistrate will accept a statement as beyond all doubt simply because "the policeman said it."

Civilian evidence, therefore, should be made available wherever

possible. One would imagine that the force of this proposition would be obvious ; yet one finds, here and there, a constable who would appear to be temperamentally averse to the course suggested, regarding it as an insult to his own testimony—"Why should I not be believed ?" It might be added that independent civilian evidence has a special value as a protection to a police officer against whom suggestions of assault or over-zealous conduct are made by an accused or his friends.

These observations apply with special force to cases in which civilians are directly involved in the incident charged—e.g., begging or importuning ; yet, in the writer's experience, police officers are too often content to rest their case on their own testimony, making no effort to fortify it by that of the civilian immediately concerned. One appreciates that, where an extended observation is in progress, officers cannot risk revealing their presence to a suspect, or losing touch with him, through stopping to interview each of the persons approached ; but at least the last of the series is usually nearby when the arrest is made. One further appreciates the reluctance of civilians to come forward, the likelihood that any request for a statement will be met with "I want to have nothing to do with it," and the absence of power to demand name and address ; but at least the effort should be made to procure what is often regarded by a magistrate as the best evidence.

ASSUMING THE CHARACTER OF A POLICEMAN

Section 23 of the Police (Scotland) Act, 1857, penalises any person, not being a constable appointed under the Act, who takes the name, designation or character of any person appointed as such constable "for the purpose of thereby obtaining admission into any house or other place or of doing or procuring to be done any act which such person would not be entitled to do or procure to be done of his own authority or for any other unlawful purpose." This provision is echoed in the Burgh Police (Scotland) Act, 1892, section 92, and in local police enactments. The point to note is that the offence struck at is not the mere taking of a policeman's name or character, but the taking of it for one or other of a limited number of purposes. It is no offence, under these enactments, simply to say "I am Constable Brown of the Blankshire Constabulary," or "I'm from the C.I.D." And rightly so. One can readily imagine circumstances in which a private citizen might, for the best of motives, make such a statement (e.g., in order to overawe an assailant).

To the provisions above cited there now falls to be added No. 1 (1) (a) of the Defence (General) Regulations, 1939, which, *inter alia*, enacts that "no person shall do any act calculated to suggest that he

or any other person is or is not acting (either generally or in a particular capacity) as a member of a police force or special constable." This enactment is triable only in a sheriff court and carries a heavier penalty than that provided by the earlier statutes. Does it extend the scope of the law dealing with persons who assume police character? At first sight, it would certainly appear to do so; for in the regulation one finds no limitation to specified purposes. On a closer view, however, this may be doubted, and the opinion is hazarded that the scope of the regulation will be found in practice to be no wider than that of the Act of 1857. The important words are "do any act" and "acting as." These words suggest—at least to the mind of the present commentator—something more than a bald statement by someone to the effect that he is (by profession) a policeman. They imply some overt act—pulling up a civilian in the street and demanding to see his identity card; seeking to insinuate oneself into a private house under the cloak of an assumed authority, or the like. If this view is justified, the type of behaviour penalised by the regulation is precisely that struck at by the earlier enactments, and the only advantage of charging under the regulation is that a higher penalty is exigible.

EVIDENCE—PROOF OF ASSAULT

Murphy v. Henderson

In this recent decision on appeal to the High Court of Justiciary, the judges of that court once again evinced their firm determination to enforce the "rule of two witnesses," i.e., the rule that, in a Scottish criminal court, no person is to be found guilty of a crime or offence on the uncorroborated evidence of a single witness—apart from the few statutory offences in relation to which an express exception to the rule has been made by Act of Parliament. In taking up this position, the judges affirmed the ruling given in the full bench decision of *Morton v. H.M. Advocate* (1938, J.C. 50).

Murphy had been charged, in the sheriff court at Cupar, with an assault of an indecent character upon a woman committed on a quiet country road about dusk in February. He pled not guilty, but was convicted by the sheriff on evidence. Briefly stated, the tenor of the evidence accepted by the sheriff was to the effect that, on the evening in question, a woman of 23 years of age started to walk from Kingsbarns to Dunino. Shortly thereafter she was passed by a man unknown to her, who was then walking towards Kingsbarns. A few minutes later she stopped to speak to a friend and, while she was engaged in conversation, the same man again passed; but, on this second occasion,

he was making towards Dunino—that is to say, he had apparently turned after first passing her. She concluded her conversation, left her friend, and went on her way, to find that the strange man was waiting ahead of her at a road junction. When she came up to him, he assaulted her in the manner detailed in the complaint. She managed to throw him off and he then hurried away towards Kingsbarns. The woman made her way home and told her story to her brother, who at once informed the police at Kingsbarns. Police officers found the woman at home very upset and suffering from injuries consistent with her story. She gave a description of her assailant, which tallied with the actual description of the accused. She later identified the accused both at an identification parade and at the hearing in court.

The difficulty in the case arose from the fact that proof of these material circumstances rested solely upon the woman's evidence. No one else saw the assault, or could speak to facts which directly connected the accused with it. One other witness, however, identified the accused as the man who had passed the complainer while she was in conversation with her friend as already narrated. At the trial, accused gave evidence to the effect that he had boarded a bus at Kingsbarns on the evening in question at a time about 15 minutes before the assault took place. In this assertion he was uncorroborated, and the sheriff did not believe his statement, which flatly contradicted the evidence both of the woman and of the witness who identified accused as being in the near vicinity just before the time of the alleged assault.

Murphy successfully appealed against his conviction by the sheriff. In the view of the High Court, the prosecution case was supported only by the woman's uncorroborated evidence. At the best, the other evidence tendered only brought the accused to the near vicinity of the crime, but did not directly implicate him in it. The court further emphasised, on the authority of *Wilkie v. H.M. Advocate* (1938, J.C. 128), that corroboration of the woman's story was not to be found in accused's false denial that he was in the vicinity at the time of the assault. The doctrine of corroboration by contradiction had no place in the criminal law of Scotland.

The Laboratory and the Police Officer—IV

By G. E. TURFITT, Ph.D., A.I.C.

Staff Chemist at the Forensic Science Laboratory, Nottingham

SAMPLING PROCEDURE IN PETROL INVESTIGATIONS

DURING the interval which had elapsed since the publication of the writer's previous article on the investigation of petrol cases (P.J., 1941, XIV, No. 2, 180), the conservation of petrol supplies has assumed an even greater importance, and with added restrictions upon the use of this fuel, there has come the inevitable response, a parallel increase in the various offences against the Petroleum Regulations. It has, however, been both instructive and encouraging to note the continually widening interest shown by police officers in the detection of such offences.

The method of taking samples for analysis has apparently been a source of some difficulty to officers who have not previously been involved in cases of this type. In view of this, it has been considered that a more or less detailed description of the procedure which it is recommended should be adopted might perhaps be appreciated, even by those officers whose experience of the subject is more extensive.

The siphoning apparatus described below, and illustrated in Plate I, is intended as a universally applicable substitute for the familiar length of rubber tubing so commonly employed in petrol sampling. The objectionable inhalation of petrol vapour is completely avoided, and the taking of the sample becomes a simple and straightforward operation.

The sample bottle is an ordinary 12 oz. medicine bottle, into the neck of which is fitted a cork carrying two bent glass arms.* Attached to one of these arms is a length of rubber tubing, of internal diameter 3-16 in., for inserting into the tank or other receptacle from which it is desired to take a sample. The other arm carries only a short length of rubber tubing which is fitted over the adapter of an ordinary bicycle pump. The valve of the pump is reversed, an operation which can easily be performed in a minute or two, so that a suction effect is obtained instead of a compression.

Prior to embarking on a petrol sampling expedition, the investigat-

* This part of the apparatus will be supplied by the Laboratory on request. A more robust apparatus may be constructed by officers themselves by soldering two metal tubes through the screw cap of a coffee or similar type of bottle.

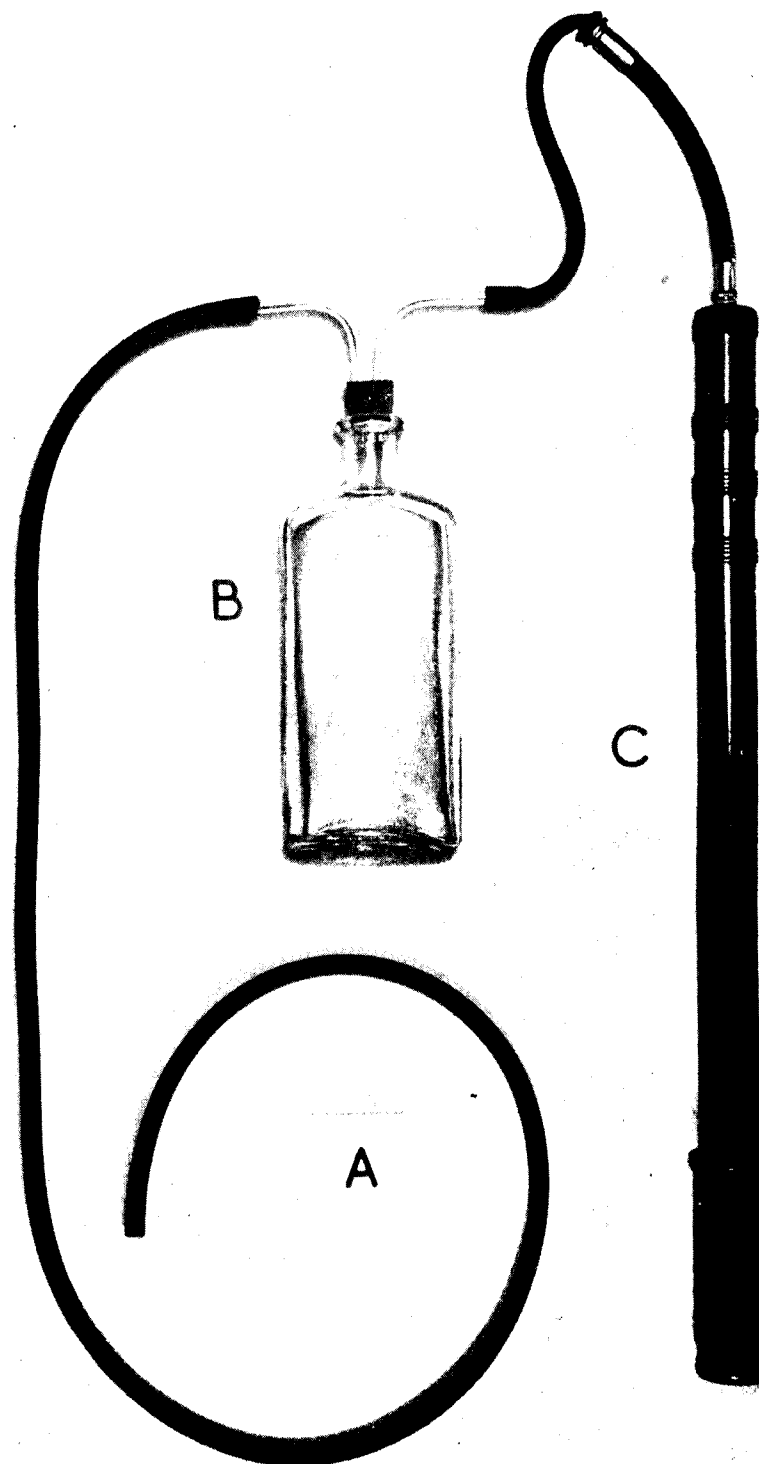


PLATE I.—Siphoning Apparatus.

ing officers should equip themselves with the following articles, which may conveniently be carried in an attache case :

- (a) A siphoning apparatus as described above.
- (b) A suitable number of clean, dry 12 oz. medicine bottles (or other bottles of similar size to fit the siphoning apparatus).
- (c) A number of corks. These should previously have been bored transversely with a bradawl, and a thin string passed through the hole, leaving a length of approximately 5 in. hanging down each side, and terminating in a substantial knot.
- (d) A number of gummed labels of approximate size 2 ins. square.
- (e) A bottle of "Pool" petrol.

The actual sampling operation will then present no difficulty whatever. A bottle is fitted to the siphon apparatus, the end of the tubing placed in the petrol supply (passing right to the bottom of the tank or drum in order to ensure that a representative specimen of dirt and debris is also obtained), and the piston is withdrawn. Petrol at once runs into the bottle, and when the flow has stopped the piston is pressed home and again withdrawn. Three "pulls" in this way usually suffice to fill a 12 oz. bottle. On no account must the petrol be allowed to come into contact with the pump ; the flow should be stopped by depressing the piston as soon as the level of liquid nears the neck of the bottle. The bottle is then removed, and a cork inserted, leaving the strings hanging downwards. A label is firmly affixed to each side, over the string, but leaving the knot exposed. On one label the car number or other source is indicated, together with the name of the officer taking the sample, the time and date, and the reference number of the particular sample. On the other label the suspect is asked to sign his name in bold writing. The suspect should be asked if he requires a sample for his own use. If he does, he should be provided with one taken in precisely the same manner; if not, he should be asked to sign a statement to that effect.

Before a further sample is taken, the siphon tube must be washed thoroughly. A bottle reserved for this purpose is attached to the apparatus, and the tube inserted into the bottle of "Pool" petrol. It will be found in practice that if about two tablespoonfuls are pulled through into the bottle, the tube will be perfectly washed.

This completes all that is necessary in the taking of any individual sample, and the apparatus is then ready for use in the next case.

The writer has always stressed the advisability of paying particular attention to the sealing of petrol exhibits for court use, and he has encountered no method which is at the same time so simple and so effective under all conditions as that described. A sample bottle sealed in this way is illustrated in Plate 2.

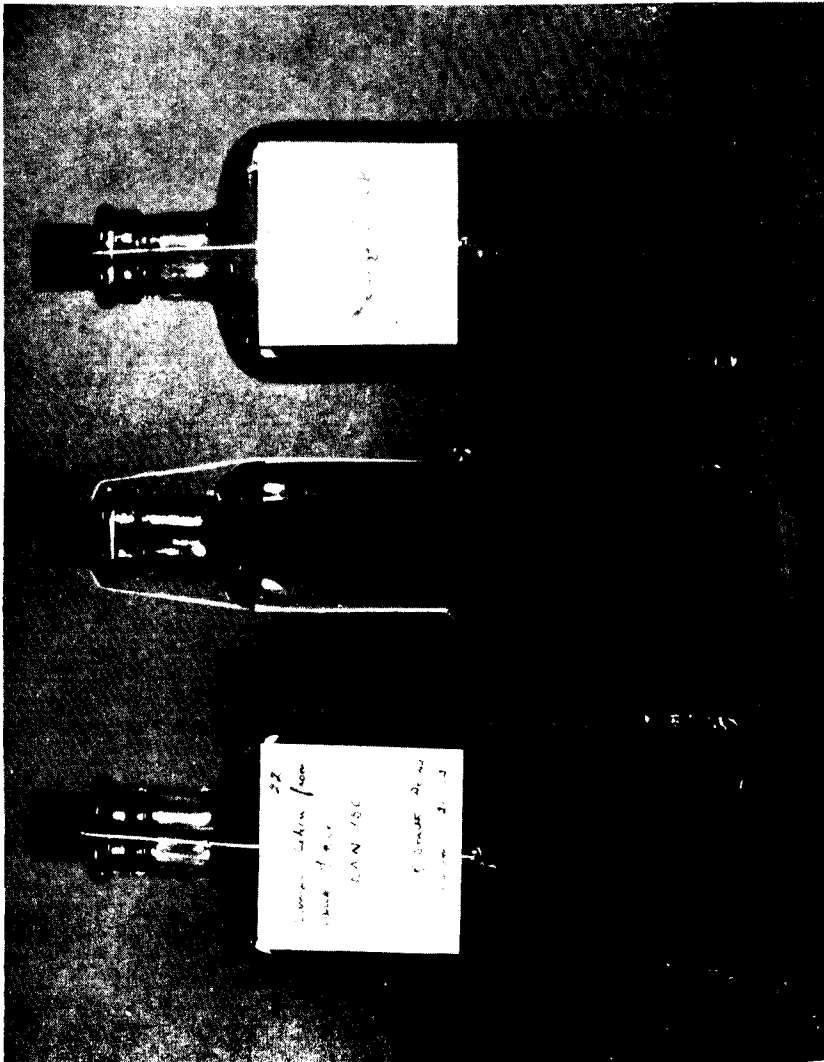


PLATE II.—Sample Bottle.

The Incident Officer

By SERGEANT C. E. TURNER, B.A.

Wiltshire Constabulary, Devizes, Wilts.

MANY persons still remain unconvinced of the necessity of any form of operational control at air raid incidents, and are still apt to regard the Incident Officer as a somewhat officious redundancy; but the practice of permitting four or five quite different Civil Defence Services to work at high pressure, on the same spot and at the same time, without some strong co-ordinating influence, seems to be haphazard and uneconomic in the extreme. A close analogy will illustrate this more clearly. Suppose that instead of a scene of damage there is a house, some of whose rooms are to be redecorated and repainted, some wired for electric light, some of its chimneys swept and some of its floors scrubbed. Instead of the Services there will be a number of groups of workmen, each conversant with the work they themselves have to do, but, in the main, ignorant of the work or maybe even of the presence of other parties. If all groups set about their task at short notice and at roughly the same time, situations such as a chimney-sweep commencing operations in a recently painted room will be commonplace. The result will be considerable loss of time, labour, material and perhaps temper. To avoid such a chaotic state of affairs and ensure smooth and successful working, two methods could be adopted. The various foremen could confer until some plan of action had been evolved, or alternatively some third person could be appointed by the householder to draw up a plan of action himself and see that it was followed. The suggestion that heads of services should hold a conference before tackling their job appears incongruous on the scene of air raid damage, and plans which might be made at such a conference would often be incapable of execution as a result of a change in the situation, or of the arrival of further services

whose advent had not been anticipated. The appointment of some third person to take charge seems therefore to be the only solution, and the basic attributes of such a person are that he shall possess common sense, and also a knowledge of what work is to be done and who is going to do it.

It would be possible to amplify and elaborate on this *prima facie* case for incident control, but it is more important to review the performance of this war-time creation in the light of practical experience. The results of this review are far from gratifying, but the fundamental soundness of the principle is proved by the fact that successes have been achieved, and that failures have been more often due to outside causes.

The main failure has been under conditions of prolonged bombardment, and the reason for that failure is that the situation in a blitz has been so concentrated in one area that no one man can handle it, and so kaleidoscopic that no organisation can be built up, at any rate in the immediate vicinity, to take the place of that one man; nor can the situation be split up piecemeal with a view to decentralised control. To revert to the analogy drawn above, no one man, other than a super-genius, could hope to handle forty houses being decorated simultaneously, especially if the several owners continually changed their minds as to what they required done. Evidently the Incident Officer does not meet the case under such conditions, and persons who have undergone experience under those conditions feel anxious to belittle the benefits of incident control. The fact that a city has once endured a blitz, however, does not make it for ever immune from any other kind of attack. Forms of attack are not static, and the blitz method might at any time be supplemented or even partially or wholly replaced by short sharp raids. The working of incident control after such latter forms of attack has been successful in an increasing degree, and practical experience shows it to be worthy of perseverance, even if only as a measure of defence against one specific type of raid, and not to be discarded merely on the grounds that it is incapable of universal application.

In addition to frequently finding the situation too intensified to cope with, the Incident Officer has frequently been hampered by reason of having too little information on which to base any systematic approach to his task. Unless a picture of the initial situation is presented to him promptly, through the medium of the Wardens' or some other Service, and unless subsequent developments in that situation and in the measures adopted for dealing with it are at once brought to his notice, he will often find himself in the unenviable position of being expected to take decisions on incomplete or incorrect data. But more will be said on this point later.

DESPATCH OF INCIDENT OFFICER AND ACTION TO BE TAKEN BEFORE HIS ARRIVAL

So controversial is the atmosphere surrounding the Incident Officer, that even before he sets up his post, several nice problems have been evolved as to preparatory behaviour. The first point arises as to what authority is responsible for setting machinery in motion which will result in his despatch—the Controller or the Police? Happy indeed are those areas where the Chief Constable and the Controller are the same man. Where that is not the case, difficulties do arise, chief of which is the danger that no Incident Officer would eventually arrive at all. The Controller is generally more familiar with the situation than anyone, and should have some voice in arranging the deployment of all his resources, the pool of Incident Officers being regarded as a special civil defence unit of its own. If such authority is vested in the Controller, it should in no way interfere with the equipment and maintenance of that pool, which must rest in the hands of the police authority. In exceptional cases, the obvious need for the despatch of an Incident Officer might be apparent to the Police before a preoccupied Controller was in possession of sufficient information to appreciate the fact; the Police should not on any account stand idly by if there was clear need for action,

and nothing in the Controller's authority should preclude them from anticipating his action, if the occasion should warrant it, provided the Controller was immediately informed, and a satisfactory agreement reached.

Another point at issue is the nature and extent of the measures which it is advisable to take on the scene, prior to the arrival of the Incident Officer, and more particularly who should initiate such measures. Instances where he arrives before any of the Services will be the exception rather than the rule, and no effective method can be devised to guarantee that the contrary shall always be the case. At the time of writing, the senior police officer on the spot has the authority to take charge to the exclusion of the wardens, who come automatically under his control. If a regular policeman is on the scene, few people are prepared to raise any objections to his exercising this authority, as his experience and training render him generally the best man for the position; but with auxiliary police the position is somewhat different. For example, a country squire, a warden of long experience, may find himself technically under the orders of his own gardener, a special constable only shortly before enrolled. Efforts to avoid such anomalies by preconceived arrangement would be futile, as there are so many combinations of different persons who might be present, and so many permutations of how many of those would be at the moment engaged on urgent tasks which they could not properly at that moment abandon, that to legislate for all sorts of possible contingencies would be impossible. The question seems to be an academic one which seldom arises in practice. By comparison, a group of men might argue as to which of them was the best suited to deal with a casualty should one occur, but if one of them suddenly fainted, a natural leader would in most cases automatically emerge from among them and take charge, with the tacit consent of all the others, irrespective of any conclusions which might have been previously reached in discussion, and emphatically irrespective of any conclusions previously reached

by some outside authority as to the ability of those men, known to such authority only as robot members of different Services. Many are the applicants for the honour of authority, but fewer, when the time comes, are those who wish to shoulder the attendant burdens of responsibility. As to the measures such a leader would take, these would depend entirely on his individual capabilities and the most pressing needs of the moment, and might vary from next to nothing, to an exhibition as adequate as any trained man could give.

ESTABLISHMENT OF POST

His first act on arrival will normally be to make contact with the person who has already assumed control of the situation, or, failing that, the person who originally reported the incident, with a view to obtaining a clear picture of the situation and the action taken. A personal survey of the scene is essential, but if not practicable at once, could for the time being be postponed. Next comes the establishment of the post, and siting is a matter of importance, for incorrect siting will result in accentuating the difficulties of control and inconveniencing other workers. He should on no account move his headquarters once they have been set up, unless for exceptional reasons, as this causes great confusion when it is done. When selecting the post he should bear in mind three principles: (i) to obtain the use of a telephone, if possible, (ii) to choose a situation close to the actual scene of damage, not generally nearer than about fifty yards, and up-wind of any smoke, coal gas or poison gas that was or might subsequently be in the vicinity, and (iii) to select a position on the line of approach of the majority of the Services expected to arrive, in order to facilitate dealing with them when they do. Acquaintance with these points will enable him to choose the most suitable spot with a minimum of reflection and consequent waste of time. If no reply can be obtained on any telephone, it is important to make sure that this is really due

to a breakdown, before assuming it to be the case, and not merely to the fact that the telephone exchange is too busy dealing with priority calls to answer calls from instruments rented by private subscribers. The use of a wardens' post, if convenient, or other place equipped with a priority telephone, would circumvent such difficulties. While some officers prefer to use premises of some kind, which they are entitled to commandeer if necessary, others find it better to work out in the street, and it is certain that the man who makes himself the most conspicuous will exercise the most effective control over the Services.

The marking of the post by flag or lamps is equally important, as so many allegations are made by Civil Defence Services that they failed to see it; the provision of some type of stand, and the placing of it in or near the street, in full view of oncoming traffic, would go far towards avoiding such allegations. A painted wooden board seems preferable to a limp or rain-sodden flag, while a stand with two small electric blue-filter lamps, lighted by a dry battery, would be better than hooded hurricane lamps which, at the requisite height, make the stand top-heavy and unstable.

In the event of persistent gas being anywhere near, he should at once take stringent measures to ensure that the post did not become contaminated.

He should then inform not only the Controller and the police station of the exact location and telephone number of the post, but also the heads of Services which were already on the scene when he arrived. Interim reports should follow at intervals to the Controller and to his headquarters, and in deciding how frequently to send such reports, he should take into consideration the conditions in the Group Control Area as a whole. A Controller with only one incident in his area would no doubt welcome frequent reports, regarding, for example, the arrival and departure of units; but one with twenty such incidents on his hands at the same time would not be able to devote too much individual attention to any single one, and too frequent

reports in such cases would either seriously congest an already overstrained telephone system, or exhaust messenger strength.

TO WHOM HE IS RESPONSIBLE .

The dual responsibility of the Incident Officer to the Controller on the one hand and to his own headquarters on the other is somewhat confusing in that he has some doubt as to which of these two masters it is his primary purpose to serve; turning to the one has often led him to despise the other, and the one to which he most instinctively turns is the headquarters of his own Service, often thereby bringing down upon himself the criticism of all the other Services. Where the Chief Constable and the Controller are the same person, he can kill two birds with one stone; but where there is no such liaison he runs the risk of falling between two perhaps widely-spaced stools. The problem, however, seems capable of a satisfactory solution, which experience has endorsed when such a solution has been applied. Responsibility to the Controller should generally take preference, for, if it does not, a breakdown involving all Services may ensue, whereas his failure to perform his obligations towards his own authorities at worst affects only one Service, namely the Police. The position is more complicated in that disciplinary action may be the sequel if he falls short in his duties as a police officer, while allegations that he had neglected the Controller would be stoutly met with the genuine assertion that his preoccupation with purely police duties had precluded him from giving the matter his undivided attention. While a police officer seems to be more suited to be an Incident Officer than a civilian, his position as such is so important to the general scheme of things that it should leave him untrammelled in other respects. He should therefore delegate all questions of a purely police nature to another police officer, who would take charge of the Police on the scene in their capacity as an individual Civil Defence Service. If there is no officer present of sufficient

experience or responsibility—and this will seldom be the case—then the Incident Officer could maintain a supervisory interest, at any rate, in domestic Police matters on the spot, so far as his time permits. The almost unqualified success of such a scheme in practice, and lack of friction in its application, is due to the fact that it is not so much a division of authority—which is notoriously difficult to achieve with any degree of success—but rather a differentiation of two almost unrelated functions.

In this connection, a question is frequently raised as to who should be responsible for the parking of vehicles—the Incident Officer or the Police? When a unit reports, the leader naturally expects to be told where he is to leave his vehicles. The decision as to where that unit shall be employed obviously rests with the Incident Officer, but the exact position to be taken up by the vehicles comes more properly under the sphere of the Police. To ensure that a vehicle is parked just where one wants it to be parked, perhaps some appreciable distance away, it is of no avail to give the driver detailed instructions which he might fail to understand or neglect to carry out once he has left the post. It is therefore essential either personally to supervise the parking, which is impossible for anybody not actually on the spot, or to delegate the duty to some person capable of performing it and free to do so. It is unlikely that there will be sufficient persons available at the post to send with every vehicle, so the conclusion follows that an Incident Officer not only should not, but can not, perform this duty. The most he can have time to do is to indicate roughly where the vehicle is to take up its position, and inform the driver to drive towards that position, but to consult the nearest police officer before taking up his final position. This solution will generally meet the case, provided police officers are placed at strategic points, and, what is vitally important, given instruction beforehand on the marshalling of vehicles in accordance with instructions.

DELEGATION OF AUTHORITY

To produce proof of the importance which all Services attach to the rôle of the Incident Officer and the pedestal on which he stands, it is sufficient to feel the pulse of enthusiasm with which all are anxious to surround him, in theory, with such lesser luminaries as deputies, assistants, co-incident officers, advisers and records clerks, to mention only a few of the names suggested for persons to assist in performing his duties. One fact, however, stands out clearly—he must at all times be the person in supreme charge. To appoint a person to an office, and then to surround him with officials whose functions he may not clearly understand, or whose tendency might be to usurp his powers, would tie his hands to such an extent that he would feel himself an automaton, a cog-wheel in a maze of minor cog-wheels, rather than a guiding human personality. A man worth his salt will know what he has to do, but will have his own way of doing it, and, if given the necessary personnel, will know how to ensure that they relieve him of routine work without taking the reins out of his hands. If among such assistants he finds a man as well or better able to do the job than he can himself, he would be a rarity indeed if he failed to make the fullest possible use of such good fortune. No two men will work alike, and it is not because an Incident Officer is jealous of being deprived of authority that he resents pre-conceived plans for taking work off his shoulders, but rather because the more stereotyped his instructions, the less scope is there for individual common sense, or elasticity under widely-differing circumstances. It is far better to ensure that assistants are supplied in plenty, if required, than to attempt to furnish blueprints of how those assistants, if present, are to be deployed.

EXTENT AND NATURE OF CONTROL

Some Services have been, and probably still are, very perturbed to think that after being allowed to spend their

childhood in civil defence training in almost blissful independence, they find themselves, at any real full-dress rehearsal, instructed to take orders from a policeman. It is only natural that they should seek enlightenment as to the nature and extent of his authority over them. To put the answer in a nutshell, he is empowered to tell units *where* they have to work, *when* they are to work, but never *how* they are to work. If, for example, there were casualties at two separate points, he could direct a First Aid Party unit to whichever site, in his opinion, required the most urgent attention. For such a unit to proceed without consulting him would be uneconomic, as it might unknowingly go to the less important site, or might remain for some time ignorant of the fact that there were two sites, and not only the one, in need of attention. This authority over Service units only, however, applies to those which arrive first on the scene, and not to subsequent reinforcements, who take their instructions not from the Incident Officer, but from the person in charge of units of their Service already working on the scene, who is generally in a better position to provide for their deployment at that stage than is the Incident Officer.

His power to order a unit when to work implies that he can, if he thinks it necessary, order one to stand by; for example, a public utility service might be told not to commence work until rescue operations had been completed, if it were thought that their commencing work on the site might seriously impede the more important operations of the Rescue Party. This power may seem pregnant with dangerous possibilities in the hands of a man without all-round technical knowledge, but actually it is not so. A unit, on arrival, is invariably allowed to go forward unless for some good special reasons, furnished perhaps in the first place by the leader of a party, and not by the Incident Officer's imagination. He thus becomes rather a referee between the various Services, if they are at variance, than a dictator in authority over them. The general rule that first priority is usually afforded to the Fire

Service, and second priority to the Rescue Service, is of considerable value to him in reaching any decision.

It cannot be too highly emphasised that his powers over the Services do not include any directions to interfere with the internal or technical workings of any one of them. To revert to the analogy of the contractors, the person appointed to take charge of operations will not criticise the quality of the paint used or the method of applying it, and if he did so it would suggest that he was neglecting his other duties, or that he had no other duties to do. In addition, his lack of technical knowledge will generally preclude his ability or even desire to interfere in this manner. Such isolated cases as do exist of his overstepping the mark have resulted in rather disastrous consequences.

TO LEAVE OR NOT TO LEAVE HIS POST

The official instructions as to whether at any time an Incident Officer is entitled to leave his post are contained in the following paragraph: "For this purpose the senior police officer present will establish an incident post at which he and the senior or designated officer of each of the other Services present (or a representative who knows his plans and movements) will always be found." This is unfortunately worded in an ambiguous manner which may mean that he must not leave his post, or alternatively that he may do so, provided he leaves behind a responsible deputy. To say that the choice should be left to his discretion, correct though it might be, would hardly be satisfactory from the point of view of giving some guidance to a person who might be faced with the problem. There are two divergent schools of thought, one of which holds the view that he should remain rooted to one spot, come what may, the other of which maintains that he should constantly patrol the area. The latter put forward the argument that, at a major incident, active perambulation is more consistent with the conditions than passive aloofness from the

scene of danger; this school base their argument on the fact that when a police officer is supervising others, for example at a race meeting, patrolling is the best method of maintaining control; but the analogy does not apply in the case of an Incident Officer who is not primarily performing police duties. When Services with little or no training in incident control ignored his presence, and left him marooned, Micawber-like, with nothing but a flag for company, it certainly looked as if they had good grounds for their argument. If, however, Services fulfil their obligations, reporting at intervals to him, it is clear that he will have a busy time, more particularly in the early stages. The threads of a fluid situation are not easy to follow, and, if he leaves his post when reports are coming in frequently, two things will almost certainly happen: first, as soon as he leaves, he relaxes his grasp on the situation as a whole, and his view becomes, as it were, provincial rather than central; events in his immediate vicinity would seem of greater moment than events, probably of much greater importance, not within his immediate field of vision. Secondly his deputy, during his absence, would take action in a number of matters, and a good deal of time would be taken up on his return in his effectively picking up the threads again. Incidentally this point illustrates the importance of his deputy, if he is left behind at the post, being completely familiar with the situation from beginning to end. A still further argument can be put forward in favour of his remaining at one spot. His post becomes a place where reports and enquiries are made not merely by members of Services, but also by the general public, sometimes in large numbers. Whether this is desirable or not is beside the point, seeing that it so frequently happens, and he has to take some action to deal with them. To lay down a hard and fast rule that, after his initial survey, he should in all circumstances remain rooted to one spot is perhaps inadvisable, although it should be pointed out that, if the Services are co-operating, he should only leave in exceptional circumstances, particularly during the early stages, in view of the dislocation which even

a temporary change-over will produce. A permanent change-over of the person of the Incident Officer should also be avoided, except when absolutely necessary, for similar reasons.

EXTENT OF AREA ONE MAN CAN CONTROL

The official instructions state that "where a number of units of several services are engaged . . . the senior police officer present will establish an incident post," and it is difficult to see how they can be worded more explicitly so far as they go. The point arises now, however, that if for example six houses are demolished along a road, should six posts be set up, or would one suffice to deal with the resultant situation? Practice has shown two things which help to decide this point. No man can be expected to control damage which extends over an area of more than about four hundred yards in diameter, which figure is, of course, liable to considerable variation according to circumstances, particularly in the case of damage having taken place extensively in a concentrated area. The limits of his sphere are determined usually by geographical factors, and within a certain area he may control a number of separate sites. This method of splitting up a damaged area may seem rather complicated, and may put the Controller in the position of a man who has to share out a plum pudding, not so that a number of persons may each get an equal share, but that each shall get an equal number of threepenny pieces. The only alternative method appears to be the sending of an Incident Officer to each individual site, but this is exhaustive of personnel even after a small raid. Apart from this drawback, there is a second point brought out in experience, namely that where two posts have been set up in close proximity to one another, overlapping has given rise to much waste of effort; enquiries and reports which concern one post often find their way to the other, with the result that both bewildered men waste much time in sorting out and

diverting enquiries to the proper quarter; both, too, use the same place for the parking of vehicles, unknown to each other; sometimes Services arrive at the wrong post, so that while one incident may be overstaffed, the other may be starved. So great is the confusion in practice, that after a short time the two posts are invariably merged into one. The Incident Officer should therefore take charge of scenes of damage within a reasonable distance from his post, unless he is sure that they are receiving effective attention through other channels.

OBLIGATIONS OF OTHER SERVICES

One of the reasons why the different Services were slow to appreciate the advantages for incident control can be traced to the somewhat erroneous impression produced at the outset. Too frequently they were introduced to the subject by being told that they had certain obligations to perform, the reasons for which they did not properly comprehend and the benefits of which seemed somewhat obscure. A prejudice grew up which it has been difficult to eradicate, and the removal of this prejudice is of direct concern to the Police, partly because the task has to be undertaken in many instances by police officers delegated to give lectures to the Services on this matter. In giving such talks, it is as well to bear in mind that before imposing an obligation on anyone, particularly on a volunteer, it is advisable to explain why it is necessary for that obligation to be performed, and in addition, to illustrate what advantages can be derived from its performance. The use of the word "duty" or "obligation" is perhaps misleading, as only stressing one side of the question; when Services are informed that they should report their arrival at the incident post, they should be told that the object of this is that they should obtain an up-to-date picture of the situation, rather than that they should observe a statutory ritual for the sake of "keeping to the book"; when they are told to leave a

representative behind at the post, they should be made to view this as a means of keeping their lines of communication open with the Controller and their own depot, and maintaining a connecting link with all other Services, rather than they should feel themselves deprived of the services of one of their own men for purposes of questionable value. They should understand, too, that reinforcements can be obtained much more rapidly through the incident post, rather than be given the impression that they must obtain them in that way so that the Incident Officer shall be allowed to censor their private business.

The attitude of many Services towards incident control is super-critical, to say the least, in many districts. They often regard the setting up of control point pennants superfluous; maybe it is in a small town in broad daylight, with local Services only being employed, in which everybody knows everybody else. But if strange Services from several different centres are called upon to reinforce other towns, where they do not know their way about, then some means of identification becomes essential, especially during darkness. Service leaders, too, often fail to appreciate the need for the presence of a representative of their Service at the incident post, and most exercises fully endorse this attitude by not producing incidents to illustrate some purpose for their being there, other than to stand and do nothing; and purposes there are in plenty during an actual raid.

Wardens, according to instructions, should act under the general guidance of the Police. Frequently they attach themselves to every other Service but the Police, with the result that the Incident Officer and the Police find them already too preoccupied to give any assistance. Wardens have much to do, but they should understand that a percentage, at any rate, should put themselves at the disposal of the Incident Officer, if required. On his arrival, they should appreciate the necessity for reporting any developments within his area to him alone. Whether or not they close their own wardens' post, and

set up local headquarters at the incident post seems a matter for them to decide, according to its position and their own inclinations or instructions. In either case it seems immaterial, provided that only one line of communication operates to the Controller at any one time. *

So dependent on the actions of others is an Incident Officer that, in addition to performing his own duties, he must at all times endeavour to see that others do the same. If they do not, his remedy is to send out representatives in search of the information which should really be brought to him. Hence the training of the Services, particularly the Wardens' Service, is a matter of great moment for him.

STRIKING THE POST

The question as to when he should decide to strike his post is one which can be safely left to his discretion; in practice he begins to think of doing so when all casualties have been cleared. He must, before leaving, make a final survey of the scene to ensure no duty has been overlooked, and can generally leave a number of public utility services to work without his supervision. He should inform such Services left working of his intention to leave, saying where he can be found if required, and then inform the Controller and the police station. By this time the post has usually become so closely connected with the incident that any remaining Services, salvage authorities, etc., on the scene continue to use it as a headquarters.

MARKINGS, QUALITIES, ETC., OF INCIDENT OFFICER

The necessity for a scheme of using some distinguishing mark to enable anyone easily to pick out the Incident Officer from among other persons similarly dressed, or, in the event of gas being used, from all other persons who wear protective clothing, may not seem a point of major importance, but in

the same way that the post should be rendered as conspicuous as possible, its principal occupant should be treated likewise, with a view to saving much valuable time. Armlets, banderoles, white handkerchiefs or triangular bandages have all been used for the purpose, and there seems little to choose between them, provided the leaders of other Services do not resort to a similar method for identifying their own personnel. Most ingenious of all methods of marking is a small torch bulb, painted blue, carried in the buttonhole and lighted by a battery carried in the pocket. This is effective at night time and could be used to supplement any of the other methods rather than to replace them.

The perfect Incident Officer, like the perfect policeman, probably does not exist, and a list of the qualities which he should possess would read too much like a catalogue of the human virtues to be at all helpful or even interesting. But if a perfect policeman did exist, there seems to be no doubt that he would make a perfect Incident Officer. To find a creature sufficiently omniscient to satisfy the many critics of the position which he occupied would be impossible. Technical knowledge of the work carried on by the various parties does not, however, seem necessary, in fact a little such knowledge might prove to be a dangerous thing in that it might lead to unconscious bias towards one or more of the Services to the detriment of the others. It has often been said that the criterion of a man good at his job is not necessarily that he should possess an abundance of knowledge, but that he should know just where he can put his fingers on such knowledge, and such a criterion seems to apply particularly well to the Incident Officer. He is surrounded by technical experts of all kinds, and their combined knowledge and experience are far greater than any he could acquire in a lifetime. It does therefore seem advisable that he should establish personal contact beforehand with leaders of Services, since, like all human beings, they will the more readily give assistance to a personal acquaintance than to a stranger.

CONCLUSION

Since the issue of Operation and Training Memorandum No. 4, which deals with incident posts in some detail, the authorities have made only scanty reference to the subject in their subsequent memoranda. While some seem prepared to interpret this silence as an indication that operational control is to be allowed to die a natural death, there appears to be a more adequate explanation. After delving deeply into the subject, as so frequently occurs, one tends to travel the full cycle and come back to the starting place. The original instructions seem to have been aimed at laying down broad general principles to form a foundation on which different authorities might start to build, in a style and to a pattern most suited to their own local requirements. It is impossible to elaborate too much on a broad general principle without being drawn into laying down detail which might apply, for example, admirably to an urban district, but which would fall far short of requirements or be too stereotyped for a rural area. Critics often expect to find in some new scheme a panacea for all their own local problems, or conversely expect their own local difficulties to be so universal that they require periodical amendments to give official sanction to their methods for dealing with them. Perhaps the authorities are wiser than their critics in refusing to be drawn into issuing too dogmatic or too detailed instructions, otherwise the Incident Officer would find himself so tied down by Lilliputian bonds that he would have all initiative and common sense—qualities for which the Police are renowned—completely numbed. In the same way that Services expect him to refrain from interference with the internal workings of their Services, so they should abstain from too much interference in the internal workings of an incident post. The dry bones of incident control do not need to be structurally altered, but rather to be covered with the flesh of common sense and clothed in garments of local colour. The result would not fail to embellish the Civil Defence organisation.

The Criminal

By FRANK W. MARTIN, M.D.

Late Divisional Surgeon, Glasgow Police. Formerly Assistant to the late Professor John Glaister, Medical-Legal Department Glasgow University

CRIMINOLOGY is that part of sociology which relates to what may be called the morbid psychology of criminals. It is concerned chiefly with the physical and psychical peculiarities exhibited by these people. The good results of its investigations into the origins of crime are to be seen in our changed methods of prison discipline, our treatment of juvenile offenders, and in the preventive detention of the "habitual." As a science it is more or less modern: not so very long ago the criminal was looked upon simply as the product of "Providence, Predestination, and the Devil."

The main impetus to the science was given by that highly controversial book by Lombroso called *L'huomo Delinquente*. Long before Lombroso, however, a classification of criminals was attempted; various definitions of moral insanity were propounded, and a greater measure of sympathetic consideration for the criminal was advocated. Unfortunately in all these works there was a want of precision in thought, and much misleading generalisation.

The word "crime" does not permit of easy definition. It has been defined as a breach of an obligation imposed by the law where it is felt particularly to menace the interests of the community, and which results in punishment. The great advantage of this definition is that it distinguishes crime from civil injury, the two terms being not mutually exclusive. Neither the moral qualities of specified acts nor the enormity of the consequences are certain criteria for referring an act to the category of crime. Nothing really is a crime unless it is plainly forbidden by law; but a common law court may, in its discretion, pronounce to be a crime any act which is productive of great public mischief or grave moral scandal.

Mercier held that crime is due either to temptation or opportunity, these constituting the experimental factor, or it is due to stress acting upon the predisposition of the offender, and this he called the inherent or constitutional factor. The more potent the one factor, the less of the other will be needed to bring about the result. For crime every man has his breaking strain, and he will give way under stress if the stress is sufficiently powerful and of the right kind.

Gallin, in his excellent work on the subject, held that crime is

an act which is believed to be socially harmful by a group of people which has the power to enforce its beliefs and which places such acts under the ban of penalties.

In every crime there is a physical and mental element, and, according to Mercier, in order to establish criminal liability "the actor must *will* the act, intend the harm, desire primarily his own gratification." The act must be unprovoked, and the actor must appreciate the consequences. The deed alone does not constitute guilt unless the mind is guilty.

Crime must be distinguished from delinquency, another word difficult to define. Delinquency must not be looked upon merely as a more sympathetic way of describing crime, a sort of cloak to protect the offender from the consequences of his evil deeds. Rather should it be reserved for "accidental offenders," for example first offenders. The delinquent should be regarded as one in whom there are possibilities of readjustment and rehabilitation, the success of these depending upon the willingness of the offender to be so readjusted and rehabilitated. By this means it should be possible to separate the so-called accidental offender from the large number of offenders whose relation to society is chronic, habitual, and unchangeable.

It must always be remembered that there are many who carry within themselves anti-social impulses which, but for the laws of chance and the grace of God, would make them criminals. As Lord Dawson remarked recently in his advocacy of more co-operation between the medical and legal professions in their dealings with crime, "there are a number of offences which have one foot in pathology and one in crime." Many are the ways, and easy ways at that, of falling into crime. Byron wrote of "the thousand paths that slope the way of crime."

IS THERE A CRIMINAL TYPE?

Lombroso put forward the theory that there was a definite criminal type, a type of congenital criminal whose instinctive propensity to criminal habits was easily discernible by various peculiarities of physiognomy and physical structure. He maintained that there was such a being as the "born criminal," diagnosable by certain marks. A child could just as easily be born with a warped mind as with a warped limb.

Lombroso and his supporters considered the following physical characteristics generally criminal, though not all of them might be displayed by the same individual: thieves have small heads, murderers large ones; the shape of the head is remarkable for abnormality or

irregularity; the eyes are often cat-like and cold; the lower part of the face, and especially the lower jaw, is heavy; the ears are large and stand out prominently; the hair of the head is abundant while that of the beard is scanty; the chest is frequently badly developed.

Swindlers, Lombroso maintained, are much more sensitive than murderers and thieves. Sexual precocity in all forms is excessive. A history in the parents of over-indulgence in alcohol is common. Vanity of a morbid kind is very marked, this probably accounting for the otherwise inexplicable omission of the criminal to take proper precautions against leaving clues behind him. Murder trials have an almost irresistible attraction for many offenders.

Lombroso's theory that the criminal was "born, not made" and could be diagnosed by various marks aroused bitter controversy, so bitter in fact that he was forced to change his opinion, the investigations of Goring plainly showing that there was no such thing as a "born" criminal. Goring, however, held that all criminals, except those convicted of fraud, differed from the general population in build and weight. Those convicted of crimes of violence were strongly built, whereas thieves and burglars were light-weights. But in view of the fact that any classification of criminals forms but a small proportion of the aggregate of criminal types—if such a thing as a "criminal type" exists—this theory of the congenital criminal must be regarded as not proved. Such terms as "the criminal mind" and "the criminal type" are at best very vague expressions: criminals are not all of the same kind. An eminent judge once said that he had no use for the expression "criminal mind": he regarded most criminals as ordinary persons subject to the same motives as other people under certain conditions. Norwood East has recorded his opinion that "the ordinary man is a potential criminal, and the measure of his potentiality depends upon his ability to adapt himself to stress and adverse circumstances."

THE CAUSES OF CRIME

These may be classified briefly as :—

Heredity.

Environment.

Disease and Physical Defects.

As regards heredity, Lombroso had many opponents to his doctrine that heredity alone was responsible for the criminal. In his view the criminal was an irresponsible person because of his hereditary tendencies: he could not alter his innate proclivities. Many of Lombroso's opponents flew to the opposite extreme, maintaining

that the criminal was the creature of his environment, and of his environment alone, and that the blame should be placed upon a society which permitted him to be brought up in adverse conditions. The truth probably lies somewhere between these two extremes: the most we can say without fear of contradiction is that there may be an hereditary predisposition to crime just as there may be an hereditary predisposition to tuberculosis. Research in the science of heredity is altering so rapidly the many opinions previously held staunchly, or modifying principles laid down as basic by earlier observers, that at present it is unsafe to propound doctrines regarding variation, selection and even the mode in which heredity works. Perhaps presently, as the outcome of recent advances in our knowledge of genetics, we may expect some enlightenment in respect of criminal tendencies.

ENVIRONMENT

Let us understand as clearly as possible what is meant by this term. It should include racial, financial and psychological factors, since environment is the sum total of these; to which may be added conditions which surround the individual and enable him to form his character or personality. In fact we can say that it is the environment which exerts a controlling influence on his social make-up. As Bentley says, "unadjusted children become the recruiting ground for all adult misfits; for what goes in at the beginning of life goes into all life." In his interesting book *God in the Slums*, Redwood states that 98 per cent. of all indictable offences are crimes in which the economic factor plays a leading part, and he further avers that seven to eight cases out of ten are the result of poverty.

DISEASE AND PHYSICAL DEFECTS

As regards malnutrition defects, we are indebted to Cyril Burt for the best expression of opinion, since there is no greater authority on the young offender, and "to study a man's mind and his morals without first of all studying his physique is to throw away a proffered key on the chance that there may be another in the casket." Burt's researches show that youthful offenders of poor physique are much more common than well-built adolescents of the same social class. To emphasize this he gives as an illustration the case of the under-sized young female who, unable to obtain employment because of her small stature, takes to thieving and prostitution in order to gain a living. What may be said of undergrowth may be applied equally to overgrowth, especially in females who as a result of abnormal development

may be sexually overdeveloped and consequently embark upon a life of immorality at an early age.

Many other causes of criminality may be ascribed to malnutrition and physical defects, such as anæmia, visual defects, St. Vitus Dance, epilepsy, head injuries, such diseases as tuberculosis, and to malnutrition itself, the latter leading to a lowering of morale.

As to what part the lack of vitamins plays it is at present difficult to estimate. The same may be said of the endocrine or ductless glands, where perhaps the sole hope of cure lies along surgical and medical lines. As shown by Forbes in his book, *The Criminals We Deserve*, the increase in sex crimes and unnatural offences is almost beyond credence. Certain Italian workers have investigated the results of hormone treatment and assert that once a criminal is cured of his hormone deficiency he usually becomes a law-abiding citizen. The thyroid, the pituitary, the reproductive and adrenal glands are the most important as regards crime; but while these are cogent in association with crime, it is not possible to do more at present than suggest the effect of their internal secretions on criminal conduct. Deficiency in thyroid growth may be shown by physical and mental retardation. Overactivity of the gland is manifested by restlessness, irritability, lack of power to concentrate and by variable changes of mood. Defects in the pituitary secretion are shown by mental symptoms, such as depression and irritability. Excessive sexual activity plays a most important part, due no doubt to changes in the testicular secretion. Furthermore, it is thought that the cortex of the adrenal glands plays the part of a bi-sexual accessory sex gland, which is active throughout life and secretes accessory substances under control of the pituitary gland (in the brain). This would seem to be borne out by the researches of Broster, which show that there is a change in personality from homosexuality to heterosexuality after operation on the adrenal glands. However, in the treatment of the criminal glandular conditions are of little practical value at the present time, in fact a direct association between glandular disfunction and crime can be proved only in rare cases.

CRIMINAL RESPONSIBILITY

In English law no one is a criminal unless he has a guilty mind. Criminal intention and guilty mind are synonymous terms, since they indicate not ill will against a person but that a wrongful act has been done intentionally and without just cause or excuse.

Insanity is deemed incompatible with criminal responsibility. The presumption of insanity, however, is only rebuttable by proof

that the accused, at the time of committing the act, was labouring under such a defect of reason from disease of the mind as not to know the nature and quality of his act, and if he did know such, then he did not know that what he was doing was wrong, that is to say against the law.

It is doubtful whether Lombroso's theory of irresponsibility implies insanity in the generally accepted sense of that word; logically, however, if his theory of instinctive criminality be true, no theory of punishment can be justified that aims at retribution or vindication, since a person cannot be held responsible for acts which he cannot help committing.

The view held by the older school of mental pathologists was that the congenital criminal was morally insane. But what is moral insanity? Pritchard defined it as a morbid perversion of the natural feelings, inclinations, temper, habit and moral dispositions without any notable lesion of the intellect. Pinel called it "manie sans delire" and considered that persons labouring under it appeared to be governed by a kind of instinctive madness.

Medicine and the law have ever been at variance over theories of responsibility, and this applies particularly to delusions. From a medical point of view a delusion indicates a disease of the brain. The law, on the other hand, abstains from any such pathological enquiry, and imputes criminal responsibility not to an abstract conception of right from wrong but to the capacity of *knowing* right from wrong with reference to the circumstances of any particular case. The morally insane approaches closely to what Havelock Ellis called "the emotional criminal," or as another eminent authority defines it, "emotional insanity."

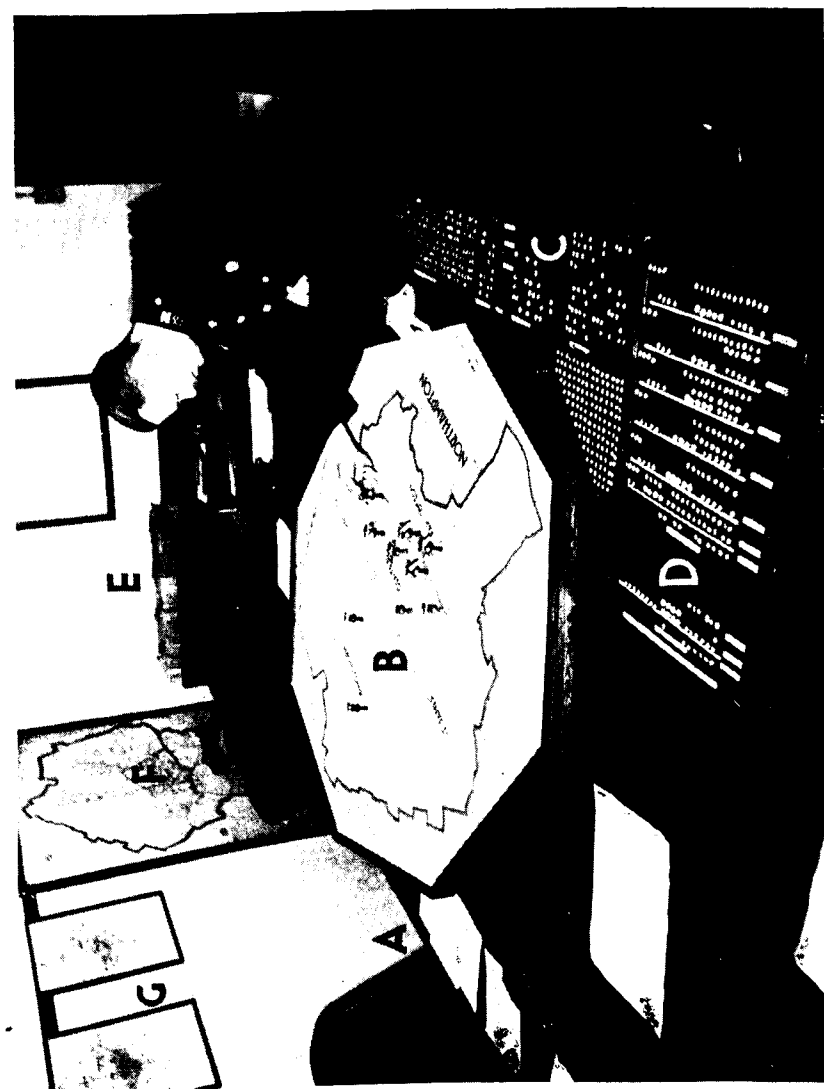
The occasional criminal has been described as one who betrays an inability to resist an opportunity for crime because he is cursed with some original weakness of organisation. He is quite distinct from the "habitual criminal." This latter class may be divided into those who commit crime helplessly, that is to say, the weak and degenerate, and those who deliberately follow a career of crime no matter what the risks may be. These professional criminals do not usually show any marked physical or psychical abnormality, so that the question of a true instinctive type can be ruled out. There is nothing exceptional or mysterious in the physical and mental constitution of the average criminal: it is simply the case of the guilty mind. It is not the doing of the physical act but the mental element involved. And it is this mental element that causes the difficulty with juries.

Our jury system has been the bulwark of justice from its very institution: it is a system that works well, as is shown by the common-

sense findings of juries. But while juries are well equipped to deal with the physical element they cannot be expected to determine, with any degree of accuracy, complex problems connected with the mind. Take the constantly recurring problem: "Was the accused accountable for his actions? Did he know what he was doing? Did he know it was wrong? Did he know that what he was doing was against the law?" Decisions on these points are most difficult for laymen, and no wonder, since they present a great problem even to mental experts. Some day, perhaps, a system will be devised whereby a panel of mental experts, who have had the opportunity for some time prior to the trial of observing the accused and who have sat through the trial and listened to the examination-in-chief and the cross-examination of the witnesses, will be appointed to advise the court as to what was the mental outlook of the accused at the time of the commission of the crime and whether he was cognisant of his actions and of the mischief upon which he was engaged.

There are mental illnesses in which the accused is accountable for his actions and quite conscious of the wrong act he is doing. That is to say, he is an "accountable being." As far back as 1800 Lord Erskine used the phrase "accountable and conscious of the mischief he was engaged on" when acting for the defence in the case of Hadfield, in which a plea of insanity was raised. His lordship declared "he is either an accountable being or he is not," and the phrase "conscious of the mischief he was engaged on" appears preferable to "knew what he was doing was contrary to the law." Very aptly Erskine described such cases as "cases which mock the wisdom of the wisest."

How is the criminal to be dealt with? In a word, only by close co-operation between the medical and legal professions. These professions have noble traditions: their members are citizens of a great country and are conversant with that well-known truth (in the words of Samuel Smiles) "experience seems to prove that the worth and strength of a State depend far less upon the form of its institutions than upon the character of its men; for the nation is only the aggregate of individual citizens." For treatment of the criminal to be successful there must be recognition of and investigation into the possible social, mental and psychological causes which may have determined the crime.



No. 1.—Police War Room—"Plotting" on Central Turntable

(face p. 212)



No. 2.—View of Police War Room from entrance through Message Distribution Centre (face p. 213.)

Northampton County Borough Police War Room

By JOHN WILLIAMSON, O.B.E.
Chief Constable, Northampton Borough Police

THE new Police Headquarters at Northampton were completed and occupied on December 1st last, and after overcoming many difficulties easily imagined at a time like this, the building has been found to meet every requirement for which it was intended. Although designed prior to the war, provision was made to meet the present emergencies.

The points which appear to be of special interest to our visitors, particularly those competent to judge the merits of the organisation here, is the layout of the Civil Defence Message Room, the Civil Defence Control Room, the Police War Room and Battle Headquarters, and the Headquarters of the Special Constabulary (Foot Section; Mobile Section; and Incident Officers' Group). A sketch of the whole layout can be seen facing page 214.

POLICE WAR ROOM

The photographs of the Police War Room, here reproduced, show its main features. No. 1 photograph was taken from the entrance to the Control Room, through which a copy of all messages is received from the Civil Defence Message Room or the Civil Defence Control Room, reporting incidents of whatever type and wherever located within the confines of the Borough boundary.

It may be added that messages giving reports of incidents affecting the Police may also be received over the telephones linked to the Police Emergency Switchboard in an adjoining room, or sent out to Emergency Depots over direct extensions.

The room is so arranged that the Police Officer (Chief Constable, Deputy Chief Constable or some other responsible officer) seated at "A" has a complete view of everything that is happening in the room. It will be seen that his position is indicated immediately in front of the map of the Borough, which is mounted on a *central turntable*. In addition, he is in a position where all messages will come to him or his assistant (who is positioned on his right) first of all, and he has access to telephones which he can use or which can be used on his behalf by those on duty in the room.

On the table under position "A" will be seen an "Action File,"

This is a loose-leaf book with easy reference tabs, relating to the various kinds of action that will be required to be taken, such as dealing with crashed aeroplanes, military assistance, traffic diversion, and detailing particulars required for various reports which the Police have to make. Each section contains a brief outline covering instructions from the Home Office and other sources.

Seated at the end of the table to the right of the Officer-in-Charge is the Commandant of the Special Constabulary (Foot Section), the Officer-in-Charge of the Special Constabulary (Mobile Section), and the Officer controlling the Incident Officers' Corps. These officers are arranged in this position so that they may have ready access to the Special Constabulary Headquarters, which are situated through the door to the right of the map marked "I" (Photo. No. 2). Certain responsible officers are ready in these Headquarters to take any action determined in the War Room. The reserves are located in an adjoining room and vehicles are parked around the building.

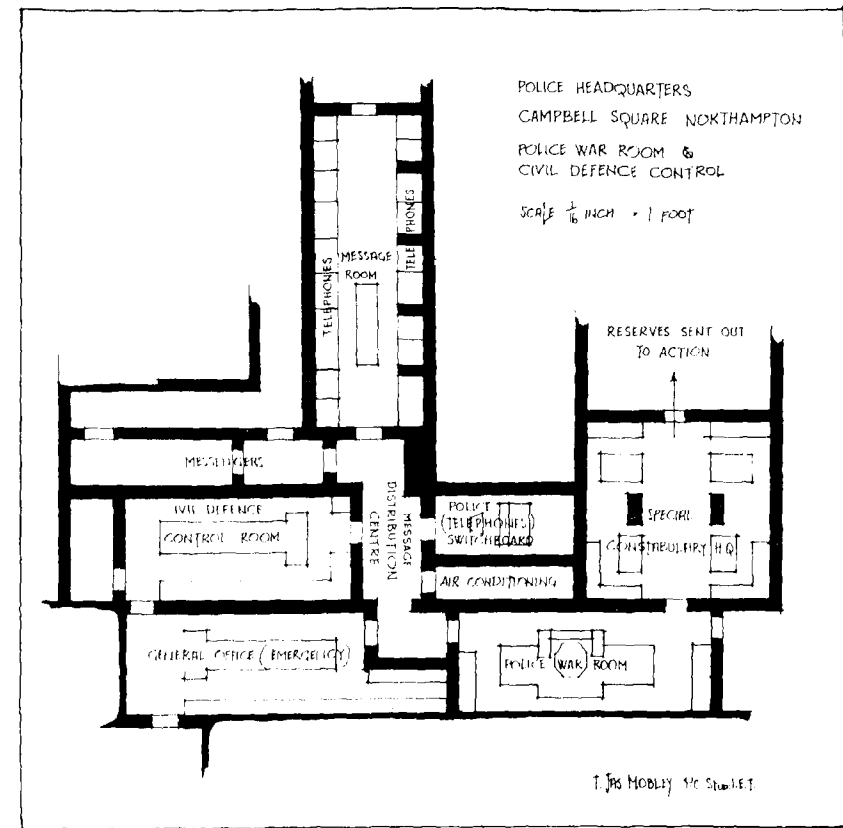
In front of the central turntable marked "B," at a position about "H," is the Plotter. He has a special set of pins, each pin bearing the number of a member of the Regular Police. Similar sets of pins are provided for the Police War Reserve, Special Constabulary (Foot Section), Special Constabulary (Mobile Section), Incident Officers and Police Messengers. In addition, he has on his right three types of metal indicators with plasticine let in a cup at the top. These are used for indicating high-explosive bombs, fires and gas incidents. (Marked "C" on photograph No. 1.) These indicators are moved on the turntable as required and fixed in position with a pin. When this has been done a pin showing the number of the incident is inserted into the plasticine top.

On the left of the Plotter is an Availability Board, similar to that on which the indicators are placed. This has replaced the original Tally Board showing the disposition of police personnel. The pins of all police personnel on duty (ordinary or emergency) are fixed thereon.

As messages are received in the Police War Room giving details of personnel despatched to incidents, so the pins are taken from the Availability Board and inserted into the top of the indicator pin, which is so designed that it will hold a number of the pins. That of the Incident Officer has attached a small flag giving a telephone number, as a place at which messages can be received by him or on his behalf.

Immediately behind the Plotter, and marked "G" on photo. No. 2, is a fixed board indicator on which is recorded all major incidents to which a large number of men have been sent, and which is too large an incident to be indicated on the turntable "B."

This board has other purposes. One is to show—written on



Plan General Layout of Battle Headquarters

slides below " G "—all roads blocked, and another to record all Police casualties. Its central position enables every person in the room to see it.

As incidents occur, and large areas of the town are affected, so must traffic be diverted, and map " E " is used to indicate diversions of both local and through traffic by pins also kept on the Plotter's table. A special feature are the cut-to-scale talc pieces, marked " F." They assist those in the Police War Room, and outside personnel, in deciding the extent of the area or areas which must be subject to diversion or evacuation.

Behind the Plotter, and to his left, is the Permanent Incident Map, marked " H." On this is shown all the incidents as on the turntable " B " but with smaller pins. They remain plotted for after-raid purposes.

Next to " H," and marked " I," is the Bomb Isolation Area Map. Instructions in book and small-scale map form (marked " J " on the photograph) are issued to every senior officer. This ensures that areas subject to heavy attack are easily and quickly isolated, every man's position being pre-selected, and it shows the number of men required for individual areas.

On the left at the bottom of photo. No. 2 (marked " D ") is a permanent record of the folder type. On this is a word picture of every incident, described in detail, its cause and effect, action taken, and its conclusion. From this the incident messages in their final stages are filed in numerical order.

At " K " is a microphone and unit of re-diffusion. Broadcasts can be made from the Police War Room to members of the public who have the Wireless Relay System installed in houses and business premises (approximately 3,000).

In the right background of the photograph No. 2, at the end of the War Room marked " L," is a portion placed at the disposal of the Military Authorities for use by their Liaison Officers, together with separate telephone.

The aim in all these arrangements has been to co-ordinate the work of the Police with the Civil Defence Services, as well as with the National Fire Service, and to endeavour to obtain, as soon as is practicable, an exact picture of any incident or incidents which may occur, and to see that all the forces created to deal with the results of hostile acts are brought into action immediately ; and that they co-operate efficiently.

It might be added that " tie lines " exist between the Police and Military, and every provision is made for the Military representative when his presence is necessary in the War Room.

The Problem of Road Accidents

By CONSTABLE JAMES GOWING

Sunderland Borough Police

WITH the advent of a second world war in September 1939 it was to be expected that many changes would take place in our daily lives, some only temporary, others remaining to have far-reaching effects. Ordinary peacetime standards and viewpoints have since vanished one by one and, naturally enough, new urgent problems demanding all our energies and attention have arisen with the bombing of this country by the Nazis.

One major problem of pre-war days, however, has survived the general upheaval and has in fact become of even greater urgency. I refer, of course, to road accidents and their dreadful outcome, the appalling wastage of human life which continues day by day.

Assuredly this is no problem that we can regard with complacency or conveniently shelve until after the war. For moral reasons alone we cannot remain unmoved by such staggering and purposeless slaughter when civilisation is one of the things we are fighting to uphold. Though the carnage of war may blunt our sensibility to violent death, the toll of the road still stands out as a shameful blot on our social system.

But there is another and more practical side of the question which makes it imperative that something should be done. To-day, in the third year of war, all available resources of the nation are being mobilised in the fight against Nazism and we cannot afford to throw away lives wantonly when everyone is needed to play a part in the general effort. Moreover, as children figure so prominently among the hapless victims of road accidents, the cutting-off of so many potential citizens will have a serious effect on the nation in years to come.

What, then, can be done to stem the mounting tide of road casualties? The scope and extent of many remedial measures are severely restricted by the embargo imposed by prevailing circumstances. Much that could be done must be left undone, at least for the time being. Yet certain reforms are practicable *now*, and it is the purpose of this article to suggest some of them for the reader's consideration.

EDUCATION OF ROAD USERS

First of all it is well to realise that accidents don't just happen: they are *caused*. The cause itself can be attributed either to (a) some human error or lapse; or to (b) some non-human agency, such as road or weather conditions, and so on. In certain cases a combination of these two principal factors provides the cause.

So far as (a) is concerned, it is logical to infer that the secret of accident prevention lies ultimately in what may broadly be termed "education." The education that I visualise must take several forms, and in addition those to be "educated" must include not only the people who cause accidents, namely, the road-users themselves, but also the bodies whose aim and duty it is to prevent road accidents. This "education" is of two kinds, but the object of each is the same: to cultivate care and consideration for others when using the roads and to inculcate "road sense" until it becomes a sixth sense, in pedestrians no less than in motorists.

1. THE GENTLE WAY—BY PROPAGANDA

Propaganda, well organised and conducted, can be a most effective instrument in education: its effects are not necessarily spectacular, but by a protracted process of "dinning it in" a large measure of success is possible. Skilfully employed it has a psychological effect akin to auto-suggestion. Variety in the media used is an advantage, so it follows that Press, radio, posters, school and public addresses should all be employed.

Unhappily, as put forth at present, accident-prevention propaganda lacks virility; there is no "punch" in it; a much more forceful tone is needed. Far too many of the current appeals do not hit the mark just because they are *appeals*; they are lukewarm and often written in stilted language. Naïve phrasing in the best "Highway Code" tradition is needed. Long-winded, fatuously obvious exhortations are foredoomed to failure; crispness in manner of presentment is vital and should be the keynote; clarity with a minimum of verbiage is a *sine qua non*.

The need for these qualities in propaganda is best illustrated by references to posters and Press notices. Here, too much reading matter ruins any chance of popular appeal. A suitable picture, however, is seen at a glance and tells its story almost without the use of words. What is ever gained by beating about the bush or by planting shrubs to hide a wood? The object of accident-prevention propaganda is first and last to end a form of *violence*, and can that object be achieved by raising a protesting hand and murmuring, "Please desist, my

friend"? If you think it out to its logical end there is no avoiding the fact that road-users *as a whole* have become consenting parties to the slaughter on the roads. Do you object and say that they are only "deplorably apathetic"? Then surely what is needed is something to shake up public consciousness to a realisation of everyone's individual responsibility on the road, pedestrians and motorists alike. Stress the *actual consequences* of carelessness, selfishness, apathy if you will, and you have made an inroad upon their susceptibilities. "Like water from a duck's back . . .": unhappily that simile summarises the fate of most of the propaganda put forth to-day, whereas constant *graphic* reminders of the stark tragedy which inevitably follows in the wake of wrong road conduct would bite more deeply into the public consciousness than merely advising people politely what they should or should not do.

Another fruitful avenue that could be explored with advantage is the plan of outspoken public censure of the malefactors. A mere paragraph in the local Press giving, as though incidentally, the name of the car-driver responsible for a death is not enough. Such scanty publicity has no deterrent effect whatever. Public feeling against those who wantonly indulge in accident-causing habits would be stirred up by pointing, and in no uncertain way, the finger of censure at them. Accident-causing road-users should be made to feel their position acutely and keenly; public censure would do more to make them mend their ways than any police court appearance or paragraph in the Press. This denunciation of the selfish and dangerous could be effected by skilful incorporation of particular accidents into various kinds of propaganda. Full insistence on the anti-social nature of misbehaviour on the road should achieve a greater measure of success than is apparent from existing methods. Once the spot-light of publicity is turned mercilessly upon the wrongdoer he is unlikely to court its glare again.

Our propaganda then must have "punch" and "pep" if it is to succeed in achieving its purpose. Incidentally, the very novelty of such a change from the usual would itself give a fillip to a campaign undertaken on the lines I suggest. Let us at least try the experiment of being bold and forceful in our efforts to rouse the public conscience, for our conventional propaganda has misfired; it has failed to capture the popular imagination and it has failed to produce any tangible result.

2. THE STERN WAY—BY PUNISHMENT FOR MISBEHAVIOUR

There will unfortunately always be some people—a minority maybe but a dangerous one nevertheless—who remain unaffected by

all the propaganda it is possible to put out to them. These individuals are usually the worst offenders against society. Their immunity must not imply that they can offend with impunity. For them, prosecution and punishment for conduct likely to cause or actually resulting in accidents are the only alternative measures.

There is no doubt at all that in this matter of punishment for road misdeeds there is room for considerable improvement. Legislation has been carefully formulated over a period of years to cover a host of cases of bad conduct on the road; but the administrative body—that is, the magistracy—in carrying out the provisions of the traffic laws shows neither uniformity nor consistency in its decisions. Hence the anomalous and eminently unsatisfactory position constantly arises of two widely differing punishments being meted out for the same offence in different towns. The gross unfairness and instability of this method of administering the law inclines to make magisterial justice a mockery and needs no emphasis here.

Arising from this unevenness and variation in penalties for traffic offences—which incidentally has long been a grievance with motorists—we reach the following conclusion: that strenuous efforts should be made to regularise the punishments by issuing some definite instruction to magistrates as to precisely which penalty fits which offence. Such guidance is at present needed badly.

Furthermore, the penalties themselves are in need of extensive revision. Traffic law was framed primarily to ensure the safety of road-users; yet after operation of the Road Traffic Acts collectively for some ten years, it is questionable whether this aim has been even partially realised. Certainly the ever-increasing casualty returns give no support to the belief that it has; rather the contrary.

Perhaps this is not surprising when one considers, for instance, that a motorist who is found guilty of speeding, careless driving, or other accident-inviting conduct, has in the majority of cases only to attend court armed with his cheque book, pay a paltry £10 or £20, and everything is quite all right again—so far as the offender is concerned anyway. But is everything really all right from the public's point of view? The deterrent effect of having to part with £10 or so is, one imagines, practically *nil* on the average motorist. Indeed he probably laughs up his sleeve at the court as he leaves, not one whit abashed but rather exultant at having got off so lightly. Is he going to drive more slowly or carefully in future? The question requires no answer.

The price (monetary or otherwise) now paid by careless, reckless and dangerous drivers is out of all proportion to the potential and actual harm they do to society. Heavier penalties have, it is true,

been provided in the statutes; but how often are they imposed, even in the worst cases? Trifling sentences for bad behaviour on the roads have their repercussions in the growing road toll, and before any improvement can be hoped for, more stringent penalties will have to be introduced and, what is more, *inflicted*.

The inadequacy of punishments as at present awarded is most apparent in "drunk-in-charge" cases. With monotonous regularity we read of these potential killers being fined £10 or even less. Ah, yes! but a scandalised motoring fraternity promptly reminds us that disqualification from driving for twelve months accompanies the fine. For twelve months, then—possibly less if an appeal be allowed—the King's highway will be rid of this arch-criminal amongst bad drivers. And what next? In all probability the termination of the ban will be duly celebrated and, soon after, a befogged mind and unsteady hand will take the wheel again.

Twelve months in a lifetime is little more than a pause for breath; but twelve *years* . . . twelve years would allow time for thought as well, serious reflection that drink and driving don't go together, that they *must not* go together any more. Twelve years' disqualification for being convicted of drunk in charge of a motor vehicle, coupled with imprisonment, without the option, would go far to stamp out this heinous offence. If a man has not the common sense to refrain from driving a motor-car when drunk he must be deterred by *fear*. A few pounds' fine, a few months' suspension of his licence, is merely scratching the surface of this disgraceful social evil. A fine can always be got over somehow; but imprisonment is a different proposition, and, as most policemen think, infinitely more fitting. For it is the Police who see the aftermath of accident after accident, and there is no class of the community who is in a better position to judge.

The criminal habit of mixing drinking with driving is common to-day because its devotees have little or no fear of the consequences if they happen to be caught and are fully aware of the difficulties the Police have to surmount before proceedings can be taken. It is probable that a fair percentage of those elusive motorists wanted for interview as having failed to stop after running down someone (*vide* the frequent police appeals by broadcast) belong to this vile clique. Instead of trying to prevent drunken driving by providing penalties that have proved themselves to be utterly inadequate, and of leaving far too many loopholes, our legislators would do well to recognise the gravity of this crime by striking back sternly at these evildoers.

So much for road-behaviour *likely* to cause, if not always actually resulting in, accidents. What of those who by their dangerous, careless, or drunken driving deal out death and injury, not to mention untold

grief, to so many random victims? Are they to be deprived of the opportunity to kill or maim again, temporarily or permanently? In cases where the culprit's guilt is conclusively established there should be only one answer to the question. And yet, strangely enough, the statute as at present drawn up prefers not to limit entirely the nefarious activities of such monsters. The wisdom of a *laissez faire* policy in attempting to reduce road accidents is not apparent to police officers. Imprisonment, yes; disqualification, yes—but not disqualification for life. Now surely it cannot be argued that when someone, through his own gross neglect of proper precautions, takes a life or makes another person in the prime of life a cripple for perhaps forty or fifty years of misery, he should be entitled after a lapse of time to repeat his crime. The third-party insurance of the motorist may provide a pittance for the cripple: the motorist, having paid his fine, dismisses the matter from his mind as an ugly incident that is best forgotten. Does the cripple *ever* forget it? No, a heavy term of imprisonment plus immutable life-disqualification from driving should follow automatically as the very least expiation to be made. Drastic injuries need drastic remedies.

When death results from a road accident, and negligence or drunkenness on the driver's part is definitely established as the cause, the drastic expedient used in the U.S.A. has much to recommend it as a deterrent. The guilty party is shown the ghastly aftermath of his lapse in the mute testimony on a mortuary slab. True, this may be considered a harsh measure; but it has this merit—actually proven in practice—it cannot fail to bring home once for all, even to the most hardened road-hog, the enormity of his crime. In any case it is not nearly so cruel to him as his act is to the relatives of the unfortunate victim. Certainly in the case of the cowardly hit-and-run driver who deliberately drives on after running down somebody, viewing his victim would be a most fitting prelude to a punishment in harmony with his callousness.

THE ERRING PEDESTRIAN

In road accidents it is not of course always the motorist who is to blame. Carelessness and recklessness are by no means confined to drivers of vehicles; pedestrians are subject to the same weaknesses. Yet in the entire body of law governing traffic and its movement on the highway there are at most only two illegal acts that may be committed by a person on foot. The number of foolish and dangerous acts daily committed by pedestrians, on the other hand, is wellnigh infinite.

Why, one is prompted to enquire, should the pedestrian use the roads unhampered by legislation while the motorist is literally encompassed with regulations which, if broken, entail punishment? The only answer, and not a very satisfying one, seems to be that pedestrians were here before motorists. Legislation to make pedestrians in their turn amenable to the discipline of the law is manifestly needed. Cases of careless and dangerous walking would be no more difficult to detect and prove than are the corresponding motoring offences. (For one thing it would not be necessary to demand production of a Road Fund Licence, Driving Licence or Insurance Certificate.) It is reasonable to suppose that a decided improvement in pedestrian behaviour might well follow the introduction of suitable restrictions, and with this a welcome reduction in pedestrian mortality. Certain it is that motorists would unanimously favour any control of pedestrians' movements, at present so erratic, on the roads and willingly assist the Police in the capacity of witnesses. As it is, the average pedestrian knows he is almost exempt from legal responsibility and is inclined to take advantage of this, much to the exasperation of those motorists who habitually drive carefully. Movements of pedestrians are usually spasmodic and haphazard, with results that we all know too well. Control and rationalise those movements, and something approaching order in our streets will be educed out of the chaos we now endure.

MAGISTERIAL COMMENTS

Traffic law was intended as a means to an end; but in practice the original end is in danger of being lost sight of: the bringing to book of offenders now tends to become an end in itself. Thus we hear every day of So-and-so being fined for exceeding the speed limit, for not obeying a Halt sign, or what not, and in the court proceedings, after evidence has been tendered on both sides, we find the bench announcing its decision more often than not without comment. This is all very well as regards carrying out the letter of the law, but what of the spirit behind the making of that law—does it not merit some few words of mention once in a while? Why not a reminder to the defendant in particular and the public in general (through Press reports) of the danger to life and limb entailed by this or that contravention of the Road Traffic Act? Juridical speeches on these lines are a commonplace in most other criminal cases, magistrates in their judgments frequently pointing a moral as a warning to others against, let us say, shoplifting, showing a light during the black-out, and so on; why, then, should not this practice be extended to include traffic offences? A useful field of propaganda is lying fallow here.

CHILD CYCLISTS

We observed earlier that children form a large proportion of the annual total casualties in road accidents, and an examination of recent returns shows that cycling mishaps account for a terrible number of deaths among young persons.

Considering all the circumstances, this is not to be wondered at. A child of tender years let loose on a bicycle amongst fast-moving traffic in a normal urban street is potentially as safe as if he or she were given a loaded revolver to play with. What does his immature mind know or remember of (if ever taught) the Highway Code, once he feels the machine beneath him? High spirits and exuberance oust caution every time—witness the common spectacle of the schoolboy who proudly “shows off” to all and sundry by blithely riding “without hands,” all oblivious of the dangers surrounding him.

And yet, curiously enough, it is advocated by some well-meaning folk that cycling tuition should be given in schools as a means of reducing the shocking child-slaughter on the roads. So far as we can see this would prove as helpful as small arms instruction would be before entrusting a child with a loaded pistol. Would his “lesson” curb an innate tendency to experiment on his own, to take a chance? Not a bit of it: no more than instruction in safe cycling will prevent youthful instincts from asserting themselves when once the classroom is left behind. The only way absolutely to prevent any mishap with the revolver is not to allow the child to have it; and the same applies to the cycle. However, as parents evidently do not realise the danger to their offspring in giving them cycles to risk their necks on, the only solution is for the authorities to debar child cyclists from the roads altogether. This, after all, would be no great hardship; legs were made long before wheels were thought of, and a child can partake of healthy exercise without having recourse to a playground that is constantly stalked by Death in the form of fast-moving motor vehicles.

We would fix the age limit for cyclists at not less than fifteen years. The law already looks after the interests and welfare of children and young persons by prohibiting certain acts before a specified age, usually sixteen years. All such acts are permissible for adults but are considered likely to be injurious to juveniles. Surely, therefore, it could not be condemned as an extreme measure if our legislators were to provide against the massacring of these same children by the only really effective means? The only dissentients, we imagine, would be an insignificant minority who manufacture or sell cycles for juveniles. Their case can be peremptorily ruled out of court since it is founded

solely on self-interest. The paramount urgency of saving young lives from needless sacrifice can brook no interference on mercenary lines.

TRAFFIC IN THE BLACK-OUT

With the introduction of the black-out it became necessary to cut down the speed of vehicular traffic in built-up areas, and so the 20 m.p.h. speed limit came into being. Unfortunately, it is one thing to make a regulation and quite another to see that it is obeyed. In the case of black-out speed, it is plainly impracticable for the limit to be enforced to anything like an appreciable extent, and so we are compelled reluctantly to conclude that the 20 m.p.h. speed limit is fast becoming "paper" law.

This fact, taken in conjunction with the present urgent need for economy in petrol, at once suggests a simple means whereby several birds could be killed with one stone. By forbidding all unessential vehicles to be on the road during the black-out period there would result: (a) a considerable saving of precious fuel; (b) a lessening of the risks of the black-out, with a simultaneous reduction in accidents; (c) a decrease in the amount of light displayed which has been shown to assist enemy airmen in seeking their targets over towns and cities.

The multiple advantages to the community of such a restriction on the use of motor vehicles would so far outweigh the inconvenience caused to some that no plea of excessive hardship could be considered. In these days of almost universal restriction, it is generally agreed that sacrifice of our customary liberties and privileges forms a part of the war effort. That petrol is being wasted by some motorists is undeniable, and appeals to cut out unnecessary travel fall on deaf ears so far as they are concerned. Why, then, should they not be compelled to toe the line with the rest of us?

Given sufficiently heavy penalties for breach of the regulation it should not be very difficult to ensure a strict observance of this suggested measure.

CONCLUSION

The exigencies of war temporarily veto the adoption of such purely mechanical aids to minimising road risks as non-skid roads, segregation of traffic by means of guard-rails, cycle-tracks, and so on; therefore it is unnecessary to enlarge on the possibilities of these measures here. All the proposals I have put forward are capable of being carried into effect without undue expense or waste of valuable time. The one essential is sufficient initiative and determination to

tackle the complex problem of road accidents as vigorously as the prevailing situation patently demands. The Police are ready to play their part: it is for our legislators to provide them with materials to wage war against the ever-present enemy in our midst—the evildoer on the roads.

Post-War Motor Patrol Reconstruction

By INSPECTOR LESLIE A. TOMPKINS

Bedfordshire Constabulary

A YEAR'S dead. That is, 10,000 persons. This fact is thrown at us day in, day out, until we take no notice of it. Let us consider ONE dead. Some of us know what one dead means, but many do not. Death is a thing which happens to everyone but one's self, and but rarely to one's nearest and dearest.

The telephone bell rings. "He's dead." It is stunning. Your muscles go tight, your breath is short, you cannot see clearly, above all can be heard the thumping of your heart. Am I going to faint? Then the voice at the other end of the telephone wire says: "Hullo, are you still there?" "You must be brave," it says; "there are no details yet." "Was it sudden?" "Did he suffer?" you ask automatically. Then you replace the receiver. Others in the room stare at you. "Yes," you tell them, "he's gone." Your mind drums out to you . . . for ever . . . I shall never see him again . . . his smile . . . his admiration for me . . . his eagerness to please . . . gone . . . for ever. Surely it is not true, it is a dream; I have had dreams like this before. All I have to do is to sit still and think hard that I have had enough of this dream and I will wake up. More pressure on the mind. . . I must wake up . . . wake . . . wake. I cannot wake up and other people are talking to me. They are using real words . . . people in dreams never use real words aloud, and these people are using words to me. If only I could have the time over again. I would not have let him go out on such a filthy night. If only I knew what had happened. Did he suffer? Did he lie thinking of me and the torment I should have to bear? Was his torment his hell? . . . this is my hell. . . .

Ten thousand dead leave 20,000 souls to pass the hell just depicted. The combined suffering is incomprehensible. Such rot is ruining our

country. We must stop it. It can be stopped. After this war we must stop the ever-growing malignant growth in our midst. It can be done, but not by wishing and wailing, not by the quotation of statistical returns, nor by appeals and lectures. Everyone will read the figures and articles, but at the back of their minds they say: "Dreadful; there are some fools about; why are they not more careful?" and the matter is dismissed from the mind . . . from your mind, you, who are reading this, because death on the road has not visited your dearest. You, who are reading this, do not know how to drive a motor-car as it should be driven, although you have been driving for many years. "Who does know how to drive, then, if I do not?" you ask. There is a standard, approved by the Home Office for police, which, if properly learnt and adhered to, is fully proof against all forms of road accidents. The best of drivers who is tested against these standards is found to be, at the best, only 50 per cent. efficient: This is where the police come in when they are passed out as being up to the Home Office approved standard.

After the war the police must step in and set this standard of driving by example and ensure that the public adopt the standard. It is no use begging the public to drive like the police, through the wireless, by lectures, or even by driving instructors (because these instructors have no idea of the Home Office approved standard). The only effective way is for the police to be so numerous on the road and so respected, that every driver may see the standard being used, and know in his mind that if he neglects the standard he will suffer the consequences. The standard is not based on a slow crawl, but on any speed (including very high speed) with absolute safety. There must be no soft talk by the police to persons who do not conform. They must be brought before the court and prosecuted. The amount of the fine (if any) does not matter, being brought before a court is sufficient for most people.

Stopping a motorist and warning him of his foolishness simply does not count. From years of experience it has been found that an interesting psychological encounter takes place when a mobile policeman stops a motorist with the intention of cautioning him. The motorist is signalled to pull into the side of the road and stop. He has a look of consternation on his face, which is often a mixture of injured innocence and annoyance and guilt. Of course the guilt is being suppressed. The old hand patrol officer sees these signs and often he cannot suppress a smile, as he has seen it so often, and he knows from these signs what the man is going to say.

"Why did you overtake on the left-hand bend, back up the road,

when you could not see round it?" asks the policeman, in a quiet voice and leisurely manner.

With that look of extreme pain on his face and in his eyes, the motorist answers: "I am extremely sorry, Officer, but I could see round the bend. I am a most careful driver, and I never take a risk."

"May I see your driving licence?" says the officer, and the motorist thinks, "He means business." His face falls, a look of despair creeps over his features, he shrugs his shoulders and hands over the licence. The licence is returned to the unhappy man and the policeman fully knows what will follow when the next part of the little drama is enacted.

"Well," says the policeman, "I have decided to caution you for your foolish act, which might have meant another death had someone come from the other direction. Never do such a thing again, please."

Then the scene changes. The whip has changed hands. "Caution me . . . what for?" Without giving the policeman a chance to speak, a rush of abuse is delivered at the officer from the "injured innocent." "You police have no right to speak to a man in the way in which you have spoken to me. I shall report you to your Chief Constable" (and he invariably does). "What is your name, what is your number? Call yourself a policeman? I call you a bully and I won't have it." He bangs his car into gear and flies off at a furious pace with full intention of repeating what he has just done at the very next opportunity, just to show the police that they cannot caution him for nothing. (If he had been wrong they would have summoned him, he thinks.) No, the cautioning system is futile and an inefficient experiment which has ruined many a good and conscientious policeman.

The men who are detailed for the work of reconstruction on the roads of our country must be of the type who are offering their lives every day and night in the air. These men are men. They belong to engines and high speed, and they have that grand spirit of unselfishness which produces more good feeling in the world than many of the virtues. These fine young men will want a future, and it will be very difficult to tie them down to desks and mundane jobs; but the patrol could be reborn with such as these, banded together to use their skill and daring to save those 10,000 lives every year. It is useless to have old men in comfortable cars rolling around the country "showing the flag." This brings the police to ignominy. We must have virile young men with an object in view, that of saving life, by creating discipline on the roads and driving off the road-hog in the same way that they will have driven off the Hun from the air. The state of affairs in the past has been for some Forces to be noted for an efficient patrol which will not tolerate road madness, whilst other

Forces have not used their patrol cars fully for the purpose for which they were supplied, and have earned the reputation of merely "showing the flag" whilst engaged on other duties. The job of stopping road accidents is a whole-time one, and cannot be intermixed with other duties.

There are road-hogs on the road and they definitely do make a point of evading the police by relying on their high-powered cars. From actual experience it can be said that the fine young life employed on patrol duty on the road in the past has stood at nothing to bring these killers to justice. They drove their mediocre cars at breakneck speeds and made up the deficiency between the powerful car of the road-hog and their own poor cars by taking bends at ridiculous speeds, with tyres screaming and engine flat out, and by their skill and bravery have overtaken and stopped him and brought him to justice. These killers then dispute speed, saying that the poor police car could not possibly have kept up with their super car. The police of the future patrol must have cars equal to the best, and then they will produce the desired result in the same way that the brilliant young men with their second-to-none war machines are driving the enemy from the skies so that we may be free to enjoy our peaceful and safe country.

Towards Promotion

THE INTERPRETATION OF TERMS

EVERY examination paper is bound to test the knowledge of the candidate for promotion in the definition of general terms found in Acts of Parliament and Regulations. Every statute contains a section in which the marginal note is "interpretation," the language of the section running that for the purpose of the Act this and that expression have the following meanings. Text books such as Stone, Paterson and Archbold aid the student by their footnotes and references to leading cases in which the Courts have, in their turn, provided a construction of a term or a word which amplifies the interpretation set down in the statute.

The following are a few of the more general terms met with by the Police, and their interpretation:

"*Road*" means any highway and any other road to which the public has access and includes bridges over which a road passes. A road has been held by the Courts to include the footway as well as the carriageway, and a private occupation road leading to a farm is also a road if at the time the public has access.

"*Bar*." A "bar" in a public house means any open drinking bar or any part of the premises exclusively or mainly used for the sale and consumption of intoxicating liquor. The bar is something more than a counter. Where a place which was structurally separated by a partition from a private bar and can only be approached from this bar through a door kept open during business hours and down a step, and in which liquor was consumed but not sold, it was held that there was evidence to support the find that the place was "part and parcel" of the bar. The question really turns on whether the room was mainly used for the sale and consumption of intoxicating liquor, and a room cannot be a "bar" at one hour of the day and not at another.

"*Child*." A child is a person under the age of fourteen years, and a "young person" means a person who has attained the age of fourteen years and is under the age of seventeen years. This is the definition laid down in the Children and Young Persons Act, 1933. In the Employment of Women, Young Persons and Children Act, 1920, "young person" means a person who has ceased to be a child and is under the age of eighteen years. In the Education Act, 1921, "child" means a child of any age up to the age when his parents cease to be under an obligation to cause him to receive

efficient elementary instruction or to attend school, and "young person" means a person under eighteen years of age who is no longer a child.

A "motor car" is a mechanically propelled vehicle (not being a vehicle classified as a motor cycle or invalid carriage) which is constructed itself to carry a load or passengers and the weight of which unladen (1) in the case of vehicles which are (i) constructed solely for the carriage of passengers and their effects and (ii) fitted to carry not more than seven persons, exclusive of the driver; and (iii) fitted with tyres of the prescribed type; does not exceed three tons; and (2) in any other case does not exceed two tons and a half. "Goods vehicles" are vehicles which are constructed or adapted for use for the conveyance of goods or burden of any description, other than such vehicles which are motor cars.

There are a number of terms in general police use in which no statutory definition is given—drunkenness, for instance. The Licensing Laws contain no statutory definition of drunkenness, save to prescribe various penalties and confer certain powers of arrest for certain degrees of drunkenness. "Drunk" means drunk, making it a question of fact to be decided in each case.

Bullet Holes and Chemical Residues in Shooting Cases

By JOSEPH T. WALKER

(Continued from page 80)

WHAT TYPE OF POWDER WAS USED?

IN the United States only three types of powder need to be considered—black, smokeless and semi-smokeless. A black powder discharge is characterised by a heavy black deposit, interspersed with dense black or grey particles, or minute spherical sulphur-coloured masses. Infra-red photographs of the pattern will disclose a typical picture of dense black spots.² Chemical analysis of one of these spots for nitrates, potassium, sulphate and sulphides definitely indicates black powder residues.* The sulphides which are present in fresh black powder residues are rapidly converted into thio-sulphates and sulphates. Potassium sulphide is lost after four to six hours.⁴⁵ Black lead sulphide⁴ from the lead of the bullet and iron sulphide⁴⁶ are converted after several days into light-coloured sulphates. These and other changes form a basis for the estimation of time elapsed since a weapon was fired.^{39, 45} A modification of the C-acid print test can also be employed if the residue is fresh. Incorporation of lead acetate on the gelatinised paper will give a pattern of semi-metallic spots of lead sulphide.

Smokeless powder residues do not give a dense black pattern of individual spots when photographed with infra-red light. Neither does the residue contain appreciable quantities of potassium, sulphates or sulphides. Black powder residues are alkaline to litmus; smokeless powder residues are acid† or neutral.^{26, 39} The acidity of the residue grains is probably dependent upon the internal pressure during explosion; high barrel pressures tend to produce a non-acid smokeless powder

* 25, 31, 37, 39, 56, 68.

† 4, 5, 35, 55.

residue. Nippe⁵⁰ suggests that the distinction between black and smokeless powder residues can be confirmed by the fact that the nitrates of the former are soluble in water. Black powder charges are only occasionally encountered to-day. They are never met with in ammunition designed for the automatic pistol. We may expect a lead bullet and a bullet lubricant where black powder is encountered. As has been shown elsewhere,⁷⁵ the presence of black powder residue in the contact ring proper, to its exclusion elsewhere, does not necessitate a black powder charge for the particular bullet in question. It implies a previous black powder charge fired from the same weapon.

Semi-smokeless powder consists of an intimate mixture of the principal components of both black and smokeless powders. The proportion is generally 80 per cent. black and 20 per cent. smokeless. The grains of the original powder are dull-black, angular particles resembling black powder, except for the lack of lustre and more angular appearance. When fired they leave a residue similar to black powder residue in appearance and chemical composition. It is doubtful if a distinction could be made between the two residues in actual cases, unless unburnt grains happen to be present.

One of the most characteristic properties of the muzzle blast from a black powder cartridge is its intense heat. Weimann,⁷⁶ in a series of experiments, showed that singeing generally occurred to distances of 20-30 cm. and sometimes to $\frac{1}{2}$ metre. Tissue and body hairs are singed or scorched, and clothing is frequently ignited. In contrast smokeless powder causes no singeing or burning,* or at most negligible traces at a distance of a few centimetres.^{23, 76}

It is possible in some instances to distinguish the various types of smokeless powder. If the combustion has been so incomplete as to leave large particles, their form may be recognised.^{31, 68} In bulk, double base powder may be distinguished from single base by warming at 100 degrees C.

*10, 14, 22, 35, 44, 57.

in a shallow dish covered by a watch glass. The nitroglycerine vaporises and condenses as a fog on the watch glass, where it may be tested with diphenylamine reagent. A modification of this method has been found useful in this laboratory. A fraction of a flake of powder or a small particle of residue is placed in a capillary tube, one end of which is sealed. The tube is evacuated (water pump), sealed, and placed in a copper heating block provided with a thermometer. A portion of the tube is allowed to project from the block. The block is heated to 100 degrees C. If the powder is double base, nitroglycerine distils into the cool portion of the tube. It may be observed under a microscope or tested for by breaking the capillary under diphenylamine reagent. It has also been observed that certain smokeless powders tend to leave very plastic residues. In tests conducted on linoleum with automatic pistols (no lubrication), splashes of powder residue similar to the splashes of molten lead were observed. When the shots were fired into cloth, the powder residue particles surrounded the fibres and assumed the contour of the surface. So far this phenomenon has been encountered only when double base powders have been used.

WHAT TYPE OF BULLET CAUSED THE HOLE?

Many attempts have been made to determine the composition of the bullet from the metals present in the halo or contact ring. Schwarzacher⁶⁴ analysed fragments of metal found in the vicinity of the bullet hole, while Bayle and Amy¹ Brüning,⁴ Gerlach^{18, 19} and Sannié⁵⁹ have analysed the contact ring with this purpose in mind. The assumption must of course be made that the metal deposits are derived from the surface metal of the particular bullet which made the hole. That this is not true in the majority of cases has been shown by numerous investigators. Thus lead round a bullet hole is often derived from barrel fouling or primer residues.* Copper

*7, 24, 25, 60, 75.

and zinc can as easily be derived from fragments of cartridge case metal as from the bullet jacket.^{7, 12, 15} Antimony and tin are constituents of primers as well as of bullet metal.^{60, 75} Even nickel round a bullet hole does not necessarily signify a nickel-jacketed bullet, for the primer caps of modern cartridges are nickel-plated. As has been indicated previously, the source of the deposit left on the contact ring is to a large extent dependent upon the abrasive qualities of the target. Soft fabric or skin tissue may merely wipe the loosely-bound fouling from the surface of the bullet; bone or abrasive fabrics may remove the bullet metal. Much will depend upon the circumstances.

It is of course obvious that radiography of the bullet hole will be helpful. Eidlin found no detectable deposit on the contact ring in clothing when jacketed bullets were fired at a distance. If black powder can be proved, a lead bullet is implied. Proof of an automatic pistol necessitates a jacketed bullet.

WAS THE WOUND SELF-INFLICTED ?

Suicide with a firearm held in the hand necessitates a muzzle distance of twenty-four inches or less. Powder residues, and frequently metals, lubrication and components of a smoke halo, are detectable within this distance. Absence of near-shot traces tends to exclude suicide. In shots found to have been fired within two feet, due consideration must be given to the location of the entrance and the anatomical possibilities.

It has long been known that powder residues escape round the breech of a poorly constructed revolver and are to be observed occasionally on the hand of a person who has recently fired the weapon.* In 1922 Benitez³ recommended the application of the diphenylamine reagent to the interior of a paraffin mould of the surface of the right hand as a means of detecting

*21, 22, 23, 43, 66.

powder residue particles. B. Mueller,⁴⁷ recently conducted experiments on the presence of powder residues on the hand of the person firing the weapon. He came to the conclusion previously reached also by others^{22, 43} that a number of revolvers give no residue, and that a negative result on the hands of the victim does not exclude suicide. The occurrence of powder residues is largely dependent on the precision with which the revolver is constructed. Mueller did not use the paraffin mould-diphenylamine method of Benitez.³

It should be mentioned here that if it is necessary to exercise caution in drawing conclusions based on the appearance of a few particles of a substance which responds to the diphenylamine test on the clothing round the bullet hole it becomes even more important to do so when evaluating residues on the hand. Here at most the number is not great, and the human hand is even more liable to be contaminated with foreign substances than clothing. Matches and tobacco, among other common things, give a positive diphenylamine test.

Werkgartner⁷⁹ mentions the fact that blisters and pinch marks are to be found on the firing hand on occasion, after the use of automatic pistols. Holding the weapon in the right hand and supporting it with the left hand frequently leaves blood or powder stains on the left hand. In addition the explosive action of the gases during a contact shot may blow fragments of tissue back on the firing hand. Particles of bone may be expelled with such force as to cause small puncture wounds.⁷⁸

EXAMINATION OF CLOTHING : PROPOSED PROCEDURE

In order to employ as many useful methods as possible in a single procedure for the examination of a bullet hole in clothing, the following sequence is proposed :

1. Visual Examination. Note size and shape of hole,

disposition of fibres at entrance, evidence of abrasion, evidence of residues.

2. Photography. The use of panchromatic film is recommended for the representation of the appearance of the garment at the hole.

3. Infra-red Photography. Use infra-red sensitive plate and Eastman # 88A filter to represent smoke halo, black powder residue and contact ring.

4. Radiography. Use soft X-rays to visualise deposits of heavy metals in smoke halo and in contact ring.

5. Microscopic Examination. Use binocular dissecting microscope to examine fabric, to locate foreign fibres, tissue or bone fragments in hole, and to find powder particles. Evidence of splashes of molten lead may be seen.

6. Remove questioned traces for testing. Distinguish black from smokeless powder. Remove particles of metal located by radiograph.

7. Press area round hole with tissue paper under a mildly warm iron. Locate lubrication traces.

8. Perform C-acid print test for powder residue. Add lead acetate to paper if there is a question of fresh black powder.

9. Spectrographic analysis of suitable portion of halo or contact ring as shown by infra-red photograph, and radiograph, or—

10. Microchemical analysis, as an alternate or supplement to spectrographic analysis, might indicate muzzle distance or type of bullet.

EXAMINATION OF WOUND : PROPOSED PROCEDURE

1. Visual Examination. Note size and shape of bullet hole.

2. Photography. General-view photographs of body as well as individual close-up views of the wounds. Panchromatic film is recommended.

3. Infra-red Photography. Use infra-red sensitive plates and an Eastman # 88A filter, to represent the smoke halo, stamp mark or contact ring.

4. Removal of Tissue. Remove the skin surrounding the bullet hole. Stretch it on a board with tacks or pins. Remove portions of the bullet tract and place them in separate small bottles or jars, unfixed.

5. Radiography. Trim away subcutaneous tissue and place on cellophane. Use soft X-rays to visualise the metals.

6. Microscopic Examination. Examine the skin and bullet tract under a dissecting microscope. Remove questioned metals, fibres or other particles for testing.

7. Chemical Analysis. Cut out small portions of tissue for spectrographic or microchemical analysis.

8. Cleaning. Wash away the adhering blood. Re-examine the skin for evidence of tattooing.

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War Commentary

STOLEN BICYCLES

BICYCLE thefts occur with such frequency and are so widespread that the report of the loss of a bicycle is apt to merit little or no investigation, particularly when the loser is unable to furnish the details of the number of the machine and other features which will enable this bicycle to be distinguished from the twelve or thirteen million bicycles which even in pre-war days was the estimate of the number of bicycles on the roads in this country. The severely curtailed facilities for public travel brought about by the rationing of petrol and restricted motor transport have given the pedal bicycle a new lease of life. The ubiquitous family motor-car of pre-war days has disappeared. Bus services are severely curtailed.

The bicycle is fast becoming the prime means of war transport, bringing workers from home or hostel to office or factory, as well as to the places of amusement and recreation which have assumed a new place of importance in the war effort. In the limited hours of leisure available to the war worker the means and facilities for recreation are essential to efficiency and health.

It was inevitable that cycle stealing, an acute problem in peacetime, should grow to even more serious proportions under war conditions. Although learned correspondents have written to *The Times* pointing to this "meanest and most contemptible of thefts" and urging a system of registration by which every machine and its owner can be readily traced, it is not easy to find a solution which will have the effect which they urge.

A registration and licensing system would be costly, in paper, personnel and in the metal required for number plates or discs. All these are extremely short and each is required for more urgent war work. An obligation upon cyclists to provide padlocks and chains, a sensible suggestion which in peacetime would largely have solved the problem, is now incapable of application through lack of metal and the workers to produce the millions of locks and chains required.

Many of the thieves of bicycles are young people, who when caught and brought before the Courts are not always made to realise the consequences of their depredations. Not infrequently the offender is able to satisfy the Court, or even the Police, that the machine was taken merely for a ride and there being no intent "permanently to deprive the owner" of his property the offence of stealing is not proved. Such cases are more frequent than is generally realised, and a strong case is made out for an extension to bicycles of the provisions of Section 28 of the Road Traffic Act, 1930, by which it is now an offence to take or drive away any motor vehicle without having either the consent of the owner or other lawful authority. The proviso to the Section precludes a conviction from being recorded if the accused can show that he had reasonable belief that the owner would, in the circumstances of the case, have given his consent if he had been asked therefor. A constable has power to arrest without warrant any person reasonably suspected by him of having committed or of attempting to commit the offence. These powers have proved most useful during the past twelve years in reducing the theft and misuse of motor-cars and if applied to bicycles would doubtless help in dealing with what is a serious war-time problem.

VISUAL TRAINING

In most of the Manuals used in the training of the Armed Forces provision is made for much of the instruction to be given in the form of visual training, particularly in the routine of duties, drill and fire power in the particular arm. The value of visual training is seen under war conditions, when instruction has to be adapted and speeded up to meet new weapons and tactics brought about by practical experience in the field of war. Visual training can be adapted to meet the needs of the moment, and to give the civilian turned soldier a rapid but realistic appreciation of his battle rôle. In the police and civil defence services the higher practical value of visual training, when compared with talks in lecture rooms, is not always realised. The haste with which instructors must be qualified, the lack of enterprise in instructors, due in a large measure to the need for their adherence to a plan laid down for their guidance in an official manual, and problems of premises and accommodation all militate against open air demonstrations and in favour of a straight "platform" talk. Most trainees agree, however, that two hours in a demonstration under a competent demonstrator, will impart more knowledge than ten minutes in a lecture room.

Great advances had been made in instruction by visual training at a number of police instruction schools even before the war, and this is a plea for the extension of visual training to many of the subjects of

instruction in invasion duties and other rôles now being covered by the Police.

COMMERCIALISED VICE

It is always difficult to measure the volume of commercialised vice, the statistics of convictions for prostitution, living on immoral earnings, brothel keeping, and the keeping of premises for purposes of habitual prostitution being merely a record of a part of the attempt by the Police and other agencies to suppress vice in its cruder and criminal categories.

In some quarters, not always well informed, and frequently acting on hearsay, though well intentioned, there is a tendency to exaggerate the figures. In others, and the Police may come within this category, it can be understated. There is no doubt about its menace to the war effort. The problem is to get its precise measure, to locate it, and to take effective steps to suppress it. The fact that in an aggravated form vice has been a concomitant of all wars in the history of man should not deter the effort.

A greater appreciation of the problem can be gained, by Police, magistrates and social workers, by a study of the local statistics relating to venereal disease. These are not always available and, of course, the policy of complete secrecy in treatment of individuals must be faithfully observed, but discreet and judicial steps can sometimes be taken to prevent men from exposing themselves to the danger of infection. There is much to be said for the strengthening of the law, if only as a war-time measure, to compel infected prostitutes to submit to treatment. It seems possible that any woman who knew she had venereal disease in a form which can be passed on by intercourse to a soldier or other member of the Armed Forces or, indeed, any war worker, might be prosecuted under the Defence Regulations. Regulation 1A(a) makes it an offence if any person does any act having reasonable cause to believe that it will be likely to prevent or interfere with the performance of their duties by persons in His Majesty's service or the carrying on of their work by persons engaged in the performance of essential services.

AMALGAMATION OF POLICE FORCES

The Defence (Amalgamation of Police Forces) Regulations, 1942, recently made under the powers conferred on the Home Secretary under the Emergency Powers (Defence) Acts, 1939 and 1940, marks another step in the attempt to deprive small non-county boroughs of the responsibility for maintaining separate police forces. Despite the recommendations of successive Royal Commissions, departmental committees, and reports of His Majesty's inspectors of constabulary, which over the past century have urged the extinction of the small

separate units, the strong arm of organised local government, in which the "big brothers" of the larger cities have solidly backed the police authorities of the non-county boroughs, is likely to be involved in any plan for compulsory amalgamation. Amalgamation by mutual consent or even by persuasion from Whitehall is extremely rare.

The present regulations enable the Secretary of State by order to provide for the amalgamation of police forces of two or more areas if he is satisfied that amalgamation is necessary for facilitating Naval, Military or Air Force operations. In announcing the Regulations in the House of Commons, Mr. Morrison was careful to point out that the measure is one of war-time application only, and is in no way to be regarded as an intention by the Government to reopen the question whether mergers of police forces would be advantageous for the purpose of facilitating the ordinary work of the Police in preventing offences and enforcing the criminal law. War developments have, however, introduced new considerations which make it necessary, as a war-time measure, that there should be power to require the amalgamation of police forces in areas where the Secretary of State is satisfied that amalgamation is necessary for the limited purpose specified. Where amalgamation takes place the forces concerned will be called a joint police force, with a joint police authority and a joint police fund, from which the expenses of the joint force will be paid. The Regulations provide that among other matters the order for amalgamation shall provide for the appointment as the first Chief Constable of the joint force of a member of a police force "so however that the Chief Constable of one of the constituent forces shall be appointed, unless the Secretary of State, having regard to the exceptional circumstances, considers that no Chief Constable of a constituent force is suitable for the appointment."

By the transitional provisions, constables in a borough force which is merged into a county force will be deemed to have been appointed county constables, and constables in a borough force which is merged into the force of another borough will be deemed to have been appointed constables under the Municipal Corporations Act, 1882, as amended. In all cases the constables will be deemed to have been appointed constables in the joint force.

UNITED STATES OF AMERICA (VISITING FORCES) ACT, 1942

The war is providing repeated instances in which the unparalleled conditions of our time render necessary unparalleled changes in the law and in the government of the country. By the enactment of the United States of America (Visiting Forces) Act, 1942, a departure has been made from the traditional and fundamental principle of English Law that all charges relating to crime alleged to have been committed within the

realm, whatever the nationality or condition of the person accused, are matters for the determination of the King's Courts alone. The Act gives exclusive criminal jurisdiction over all members of the American Armed Forces serving in the British Isles to the American authorities. While some hesitation to approve this measure was shown on the part of individual legislators in both Houses, without taking time to consider its implication and effect on English military law and practice, sober reflection of the peculiar circumstances and conditions have satisfied the most hesitant that this departure from long practice will be more than justified. The successful administration of the new Law will be assured by the close co-operation which has already been engendered between the police forces of this country and the American Corps of Military Police. Like many of the personnel of our own Corps of Military Police, not a few of the American Military policemen are drawn from the ranks of the State and Federal Police Forces of the United States of America.

The mutual advantages to be derived by personal contact between police officers in this country and our visitors from the United States in their new capacity of manning the Provost Branch of the American visiting Forces are obvious. They will certainly expand and can confidently be expected to have their repercussions long after the American armies have returned victoriously to the Western Hemisphere at the conclusion of hostilities.

Most of the cases of offences by American soldiers detected by the Police and handed over to the American Provost Branch will be tried by courts martial. An explanatory memorandum on courts martial of the United States Army in this country, recently issued, states that the administration of Military justice within the United States Forces in the British Isles, as authorised in the Act, will be supervised by a branch of the Judge Advocate General's Department of the Army established in the European Theatre of Operations by direction of President Roosevelt.

In general, the maximum punishments provided by the military laws of the United States are more severe than those imposed under American civil laws. A general court martial deals with cases involving punishment ranging from more than six months' imprisonment to the death sentence. It consists of not fewer than five officers. Special courts martial may try only those cases that are punishable by imprisonment for not more than six months. The number of members of such a court may be more but not fewer than three officers. A summary court martial consists of one officer, and the maximum punishment it may impose is thirty days' imprisonment. Trials by courts martial will be held in open court, except those cases in which the evidence might be of value to the enemy. All courts martial will be held within a reason-

able distance of the scene of the crime. Witnesses will receive a fee of \$2 (9s. 11d.) for each day's attendance, with an addition of \$3 (14s. 10d.) if detained overnight, in addition to travelling expenses. Failure to comply with a witness summons, after payment or tender of the reasonable expenses of attendance, will make the person liable to be dealt with by our Courts under Section 126 of the Army and Air Force Acts.

The privilege granted to the United States Army to administer military justice to its own personnel does not in any way affect the power of arrest, search, entry, or custody of British Police. The usual constitutional guarantees that safeguard the rights of an individual in a civil tribunal are also reserved to him in a military court.

When a verdict is reached by a special or a summary court the record of the trial is submitted for review to the authority who appointed the court. He will make the final disposition in each case. If the accused person is acquitted the appointing authority can take no further action. If the accused person is found guilty his sentence may be reduced but not increased by the appointing authority, who may also order a retrial of a case if he discovers errors in the proceedings. The record of all general courts martial, after they are reviewed by a board of review consisting of three officers on the staff of General Hedrick. Normally, the final action with respect to the verdicts of general courts martial will be taken by the board of review. The more serious cases will also be reviewed by the Commanding General of the European Theatre of Operations.

Persons found guilty by an American court martial will be imprisoned in places of detention maintained by the United States Army in the European theatre of operations, but those who must serve sentences of about five years or more will be sent back to penal institutions in the United States. Death sentences will be carried out in the Theatre of Operations, by hanging or shooting. Hanging is considered more ignominious than shooting, and is the usual method of executing persons sentenced to death for such crimes as spying, murder, and rape. Shooting is the usual method prescribed for a purely military offence, such as sleeping on post.

Examples of maximum punishment prescribed for some typical crimes are:

Under Article 92, "Any person subject to Military law who commits murder or rape shall suffer death or imprisonment for life, as a court martial may direct."

Robbery, 10 years; forgery, 5 years; burglary, 10 years; assault, ranging from 3 months for simple assault to 20 years for assault with intent to commit murder or rape; housebreaking, 10 years; involuntary manslaughter, 3 years; voluntary man-

slaughter, in a sudden quarrel or heat of passion, 10 years; drunk under such circumstances as to bring discredit upon the military service, 3 months; drunk and disorderly in the same circumstances, 6 months.

All these sentences may include forfeitures of pay, and all but the sentences for drunkenness include dishonourable discharge.

The Police and the Law

ARREST OF SUSPECTED PERSON : A NEW POINT

ONCE more the courts have been called upon to pronounce a decision, *Cohen v. Black* (58 T.L.R. 306), on the real meaning of the power to arrest a suspected person loitering with intent under section 4 of the Vagrancy Act, 1824. Decisions in the last five years have made it clear that for there to be a lawful arrest there must be suspicious conduct on the part of the accused, observed by the person making the arrest, and antecedent to the act which occasioned his arrest. The effect of the new ruling is that evidence obtained by pooling the joint observations of several police officers is admissible to establish antecedent conduct bringing the accused person into the category of suspected persons.

The type of situation in *Cohen v. Black* is familiar in police practice. A Mr. Collins in the clothing business suspected that Cohen was offering him for sale stolen shirting material. He informed the police who in consequence gave him certain instructions with a view to establishing Cohen's guilt. Three police officers were appointed to watch the subsequent transactions. Cohen duly called again as he promised. This time the police were watching. Collins and Cohen were seen to drive away in the latter's car and later returned. One of the police stated that he heard Cohen say, "I have tried to get him out of the shop with £200," and also alleged that he heard a confederate, who was also charged, say, "See what pocket he puts the poke into." Another police officer said that he heard Cohen say, "I have got to be careful with him, but I think he will fall for it." Various other movements in the car were observed, including the handing of a spanner to a confederate who was sitting at the back behind Collins, and various remarks were overheard by one or other of the police officers. The metropolitan magistrate convicted Cohen of being a suspected person loitering with intent to commit a felony and the London Quarter Sessions dismissed his appeal. On a case stated the Divisional Court upheld the conviction.

The principle of the power of arrest under section 4 of the Vagrancy Act was expressed by Mr. Justice Lewis : " In this class of case there must be the necessary ingredients in the form of antecedent facts giving rise to suspicion, which in turn brings the alleged offender into the category of suspected persons." *Rawlings v. Smith* (1938, 1 K.B. 675) laid down that it is no objection that the antecedent facts occurred on the same day as the arrest.

It was left for Mr. Justice Oliver to deal with the special feature of the case. " None of us has any doubt that when three police officers have, in the course of one watching, jointly observed one person or one set of persons, their joint evidence can be pooled. It is to be assumed that they would not be in communication with each other while they were conducting such an observation, and it would be a farce, if, where officers, suspecting that a burglary is going to be committed, are stationed all round a house, and see persons trying one window in front, going round to the back and trying another, then trying the door, then a French window, then getting up on the roof, their observations cannot be pooled for the purpose of considering whether the persons so engaged were loitering for the purpose of committing a felony." Any other conclusion would certainly have had a cramping influence on unobjectionable police practice.

It is worth noting that *Cohen v. Black* has re-affirmed that *Ledwith v. Roberts* (1937, 1 K.B. 232), rightly understood, did not overrule *Hartley v. Ellnor* (117 L.T. 304), in spite of some judicial remarks in the former case; they were merely *obiter dicta*.

A recent case in which damages for unlawful arrest were recovered from the Police occurred at Carlisle County Court. It was held that a man who was arrested after it was found that he was not carrying an identity card had been unlawfully imprisoned. Under a Regulation of May, 1942, where the card is not produced immediately on demand, a person may be requested to give further evidence of his identity, but no power of arrest is conferred.

Recent Judicial Decisions

THE EFFECT OF PREVIOUS CRIMINAL RECORD ON SENTENCE : THE DUTY OF THE POLICE

R. v. Burton

WHILE the law of evidence is very strict as regards the rejection of evidence of previous convictions before the jury has found the accused guilty, the judge is allowed to listen to his criminal record before imposing a sentence. It is usually the Police who produce this evidence

between the two stages of conviction and sentence at a trial. That the Police must exercise this function with caution is shown by the case of *R. v. Burton* (28 Cr. App. R. 89), in which the Court of Criminal Appeal reduced a sentence of 18 months to one of 9 months of imprisonment with hard labour because a police witness had said too much about what was known against the accused by the Police.

The appellant was convicted of receiving stolen goods. Mr. Justice Humphreys in the Court of Criminal Appeal said that the case was undoubtedly a bad one because the appellant was employed by a railway company and had abused the confidence placed in him, and had on two occasions acted the very dangerous part of receiver of property stolen by another railway employee. But the sentence was described as a substantial one even for such a case in view of the fact that the appellant had been employed for 23 years at the same place and had always borne an irreproachable character. Before sentence was imposed by the chairman of quarter sessions, the police officer in charge of the case said, with perfect fairness, that there was no previous conviction and nothing else which he thought it right to mention to the court. A police officer employed by the railway company was also called as a witness and he gave " this very improper evidence " : " The Police inquiries have proved definitely that Burton has been responsible for the losses which have taken place owing to stealing on the railway."

With regard to this testimony the Court of Criminal Appeal gave the following opinion : " Either the Police could prove this statement, in which case they ought to have prosecuted the appellant, or at least given him an opportunity of asking for those offences to be taken into consideration, or they could not, in which case they ought not to have invited the presiding judge to increase the appellant's sentence in respect of felonies with which he had never been charged, and therefore had never had an opportunity of disproving." Nothing was said by the chairman of quarter sessions to indicate whether he accepted that evidence or not, but the statement which he made to a co-defendant of the appellant made it appear not unlikely that he did take that matter into consideration, because he dealt with the co-defendant in a very different way.

There was, in addition, another small point on the weight to be attached to evidence. The appellant's wife had made a statement, which was untrue, that she had bought some of the property which had been received. In sentencing the appellant, the chairman observed that it was very much in his favour that he did not put his wife into the witness-box to commit perjury. If that meant that the chairman assumed without evidence that the false evidence given by the appellant's wife had been suggested to her by her husband, the observation was unfortunate.

SADISM NOT INSANITY

R. v. Hill

In *R. v. Hill* (86 S.J. 134) on a charge of murder the fashionable defence of schizophrenia or "split mind" was raised and, in addition, that of sadism as another form of insanity. The prisoner, when driving a lorry, was asked for a ride by two little girls aged about eight years. Medical evidence established that each of them had been rendered unconscious and brought to the point of death by manual strangulation and that each had been finally killed by a series of blows or stabs with some instrument. The bodies bore no sign of sexual interference. There was no apparent cause or motive for the murder and the driver had never seen the children before they asked him for a ride. The prisoner was found guilty of murder.

On appeal to the Court of Criminal Appeal it was argued that the trial judge had failed to direct the jury properly or clearly on the difference between sadism and schizophrenia, leaving the jury under the impression that, if it was a case of sadism, it could not be one of schizophrenia. In effect Mr. Justice Humphreys had told the jury that sadism, which was probably the explanation of the crime, was not insanity. The Court of Criminal Appeal upheld his view and dismissed the appeal. The jury were entitled to come to the conclusion that the appellant was in his right mind at the time. There was held to be no defect in the summing-up.

GUILTY KNOWLEDGE IN "RECEIVING"

R. v. Snelling

The offence of receiving stolen goods is not an easy one to bring home to the accused even though possession of such goods raises a presumption of knowledge that they were stolen. The decision in *R. v. Snelling* (86 S.J. 134) may be thought to be one in which the Court of Criminal Appeal was too ready to hold that this presumption had been removed by evidence tendered by the appellant.

The appellant, a secretary, was convicted on three charges of receiving two pounds of cheese, six eggs, and a quantity of suet, and sentenced to twelve months' imprisonment; she was also convicted of a rationing offence in respect of the same food and sentenced to one day's imprisonment to run concurrently. The housekeeper, who was also the storekeeper of a hospital, had pleaded guilty to stealing the goods. They were delivered by the housekeeper to the appellant quite openly and she had paid full price. The convicted housekeeper swore that there was nothing in the transactions to lead the appellant to suppose that the articles had been stolen. The evidence showed that

it was possible that she knew that some or one of the articles had belonged to the hospital at some stage. The main arguments for the Crown were that the position of the housekeeper in relation to the appellant must have suggested to her that the articles were stolen, and that the fact that they were in excess of what the Rationing Order allowed should have engendered some suspicion in her.

In giving the judgment of the Court of Criminal Appeal, Mr. Justice Asquith said that "it did not appear to the Court that suspicion that goods had been supplied in breach of the Rationing Order need suggest that they had been stolen." With regard to the other argument for the Crown he asked, Might not the appellant, even if she knew that the articles had originally belonged to the hospital, well have supposed that the housekeeper had authority to dispose in her discretion of perishable goods if she received proper payment for them? The necessary guilty knowledge could not be treated as proved and the appeal was allowed.

The food rationing offence was not under appeal and the conviction on this count therefore stood. The Court thought that but for her conviction on the other charges, the appellant might well have received the much heavier sentence on that charge which offences against war-time legislation of that kind deserved. The Court of Criminal Appeal has power to increase sentence, but only the sentence on a count in the indictment which is the subject of appeal, and then only if the appeal is against the weight of the sentence and not against conviction. The moral to be drawn is that when sentences are inflicted to run concurrently on two or more counts the sentences ought to be of the same severity as if only one count was charged. If this is not done the accused may escape with a lighter punishment than the court ever intended, if he succeeds in an appeal on part of the indictment.

PROCEDURE IN FOOD OFFENCES

Many cases on the sale of food misleadingly described have come before the courts since rationing made the sale of substitutes worth while to the unscrupulous seller. But it is often the manufacturer or wholesaler who bears more of the moral guilt than the retailer. The case of *British Fermentation Products Ltd. v. Italian Trading Co. Ltd.* (58 T.L.R. 255) illustrates a special procedure by which the legal guilt may be affixed to the wholesaler even though it is the retailer who is charged by the prosecutor. By section 83 (1) of the Food and Drugs Act, 1938, any person against whom proceedings are brought under the Act is, upon information duly laid by him, entitled to have any person by whose act or default he alleges that the contravention was due brought before the court in the proceedings. The section

goes on to say that if the original defendant proves that the offence was due to the act or default of that other person the latter may be convicted and the original defendant acquitted if he proves that he has used all diligence to secure that the provisions in question were complied with. Such a procedure for the transfer of criminal liability to the ultimate originator of the wrongdoing might prove advantageous in other branches of the law.

In the above-mentioned case a charge against Beer & Sons Ltd. was based on the sale of an egg substitute under a label calculated to mislead. That company preferred an information against the respondents in the case stated and they, in their turn, put the blame on the appellants, also under the procedure of section 83 (1). It was held that this could validly be done: the procedure prescribed may be followed down a chain of persons until the person actually guilty of the contravention is before the court. "That is not only a common-sense interpretation of the section but also one which its language justifies," said the Lord Chief Justice. In the words of Mr. Justice Humphreys, "Justice was thus completely satisfied by the acquittal of Beer & Sons Ltd., and the respondents, and the conviction of the persons who by their act were in fact responsible for the giving by themselves and both the other parties in turn of a false label."

It is further provided that proceedings may be taken directly against the ultimate offender when the food authority is reasonably satisfied that the immediate seller would have a defence if he were to use the procedure just described: section 83 (3). In *Cummings v. British Fermentation Products Ltd.* (1942 2 K.B. 108), decided on the same day as the above case, it was held that in such circumstances the manufacturer is not entitled to certain rights which are normally due to the accused in a food prosecution. When a person purchases a sample of food with the intention of submitting it to a public analyst he must then and there divide it into three parts, delivering one to the seller, if required to do so, retaining one himself, and submitting one to the public analyst: Food and Drugs Act, 1938, section 70 (1). It was held that this process is inapplicable when proceedings are taken in accordance with section 83 (3). The Lord Chief Justice found it easy to appreciate the desire of any company charged with a food offence to receive a portion of the suspected sample, but, conceding that the case had not been "an easy one to unravel," he declared that it could not be decided on the ground of hardship.

Thus one of the technicalities imposed on the prosecution under the Food and Drugs Act was removed. It has thereby been made easier to get at the root of the evil in those cases in which the retailer is often only a half-willing tool of the manufacturer.

Another provision for the benefit of the seller was held not to apply to a manufacturer in *Hermann Jennings & Co. Ltd. v. Slatcher* (1942 2 K.B. 115). A prosecution in respect of a sample duly taken under the Act must be brought within 28 days. In this case a sample of an alleged egg substitute was duly taken from a seller, but after several months' consideration and inquiries it was decided to proceed not against the shopkeeper from whom the substance was bought but against the manufacturer for the offence of giving a false warranty to the retailer. For this latter type of offence the time limit for a prosecution is twelve months: section 85. Although it was the examination of the sample which enabled a breach of warranty to be proved, it was held that the prosecution was not too late.

The following remarks of Lord Caldicote, Chief Justice, may be read as a warning to food racketeers who pride themselves on their agility in scuttling through the loopholes in the law: "Although the Court would have to accede to an argument which was well founded technically, whatever effect that might have by way of allowing a guilty person to escape punishment, where, as in this case, the technicality advanced is not a sound one, it is some satisfaction to the Court to know that it is doing substantial justice by the conclusion which it has reached."

PROBATION CONDITION DISALLOWED

R. v. Stringer

Magistrates have a wide discretion in imposing conditions when placing an offender on probation, but there are limits to their exercise of this power. One kind of condition may be appropriate in one case but not in another. In *R. v. Stringer* (*Manchester Guardian*, August 4th, 1942) the accused, a twenty years old typist with no previous convictions, was convicted by the magistrates of stealing a frock from a store. She refused to be placed on probation because the magistrates imposed a condition that she should part from the Frenchman with whom she was living and she was sentenced to one month's imprisonment instead of being bound over. Her appeal against the sentence to Liverpool Quarter Sessions was successful; the Recorder fined the girl £1 in place of the sentence.

"This is not a court of morals. It may be that the girl would be better off if she did not see this Frenchman. She is perhaps old enough to know her own mind in that matter. I have known such a condition being imposed on a girl of 16, but on a girl of 20—I am not going to do it." These remarks of the learned Recorder are a guide to the proper exercise of magisterial discretion. It may be proper to control the habits

of the accused when they have a direct bearing on the offence which he has been found to have committed, but in other circumstances the conditions may be unduly restrictive of personal liberty.

PRIVATE REDRESS IN THE POLICE COURTS

Scottish Dyers & Cleaners (London) Ltd. v. Manheimer

It does not seem to be widely known that section 40 of the Metropolitan Police Courts Act, 1839, gives a private litigant the right to enforce before a magistrate what is, in effect, a civil claim to property. In *Scottish Dyers & Cleaners (London) Ltd. v. Manheimer* (86 S.J. 133) an information was preferred against the company charging them with detaining without just cause goods of the complainant and asking for an order for their return or payment of their value. The magistrate held that the company were liable and the complainant thus avoided the higher expenses of an ordinary civil action in the county court or the High Court. But on a case stated the magistrate's decision was reversed on a point of law.

It appeared that the respondent handed the company a costume for cleaning, a condition being that it was at the owner's risk for shrinkage, loss, or damage. Some days later a burglary occurred at the appellant's shop and the costume was stolen along with others. There was no negligence or breach of duty by the company. The company argued that "detained" in section 40 of the Metropolitan Police Courts Act, 1839, meant actually detained and that they were not liable as bailees of the article in the absence of negligence. The magistrate did not accept this argument, but on appeal Mr. Justice Charles said it was clear that the magistrate's decision was wrong, inasmuch as, in the circumstances, the goods were not only not detained without just cause: they were not detained at all. They were absent from the company's premises in consequence of the criminal act of some person who had broken into them.

The process under section 40 was a hybrid of civil and criminal proceedings, and Mr. Justice Lewis cautiously said, "What the result might be of some action brought in another court in respect of the loss of the goods, it was not for the Divisional Court to decide."

PRIVATE NUISANCE AND SUMMARY JURISDICTION

Betts v. Penge U.D.C.

The causing of a public nuisance is a familiar criminal offence commonly contrasted with private nuisance which is often described as being only a civil wrong. *Betts v. Penge U.D.C.* (1942 2 All E.R. 61) is a reminder that by virtue of section 92 (1) (a) of the Public Health

Act, 1936, a complaint may be brought in a court of summary jurisdiction with regard to "any premises in such a state as to be prejudicial to health or a nuisance." In a case stated, the High Court put a somewhat broad construction on this provision.

The tenant of a flat had not paid rent nor quitted in accordance with a notice to quit duly served. The landlord thereupon removed the window-sashes and the door of the flat. The tenant brought a complaint before the justices. They found that the premises were in a state which interfered with the personal comfort of the occupiers of the flat. The Divisional Court held, firstly, in the words of the Lord Chief Justice, that it was "impossible to say that the Act by section 92 deals only with public nuisances. In my view, quite plainly, it can be read, and ought to be read, as dealing with what is called a private nuisance, as well as with a public nuisance." It had been argued that "nuisance" ought to be read as public nuisance, a criminal offence, as the section gave a remedy in the criminal courts.

It was held, in the second place, not to be necessary to prove any injury or the danger of any injury to health. Thus a remedy could be pursued in the criminal courts even though the public interests were not affected, either by the scale of the offence or by its nature as concerning health.

IMPRISONMENT ON NON-PAYMENT OF FINE : INQUIRY INTO MEANS

R. v. Woking Justices

"The intention of the Act plainly was to amend the existing law in the way which the habits of thought of these times have increasingly demanded, in other words not to send people to prison in large numbers for mere failure to pay debts." This remark was made by the Lord Chief Justice about the Money Payments (Justices Procedure) Act, 1935, in the case of *R. v. Woking JJ.* (58 T.L.R. 330). The Act provides that a person shall not be imprisoned for non-payment of a fine when time is allowed for payment unless, (i) under section 1 (1) the Court at the time of the conviction and in the presence of the accused expressly determines that it is expedient that he should be imprisoned without further inquiry in default of payment; or (ii) under section (1) (3) "subsequent to his conviction the competent Court has made inquiry as to his means in his presence."

In the recent case, on a conviction for selling goods in excess of quota, the defendant was ordered to pay £150 on each of ten summonses within 28 days and the justices made no order for committal to prison in default of payment: therefore (1), above, did not apply. Half of the penalties were paid on behalf of the defendant by the firm which

employed him. The other half remaining unpaid, he was summoned to attend Petty Sessions for an inquiry as to his means. He attended and gave evidence to the effect that he was a bankrupt and had no means at all with which to pay. This evidence was correct; his difficulties had been increased by a further conviction and the loss of his employment as a chemist. The Court ordered him to pay the balance within 28 days or to be imprisoned for three months. He applied for an order of *certiorari* for the quashing of that order on the ground that it was contrary to the Act in that he had no means. His application succeeded. The argument for the justices was simply that the tribunal must hold an inquiry as to the means of the defendant, but that, if they think it a bad case, they may still commit him to prison even if it is ascertained that he has no means. But the Divisional Court took a different view. The other two judges agreed with Lord Caldicote, C.J., who said: "I cannot believe that the Legislature in enacting section 1 intended anything so futile as to order an inquiry and devise the machinery prescribed in section 11, while at the same time meaning that the justices might turn a blind eye to the results of the inquiry."

WILFULLY INJURING A HIGHWAY

Beaumont v. Wilson

An accused who is convicted because he "breaks open" something might be assumed to be a burglar or a housebreaker, but in *Beaumont v. Wilson* (167 L.T. 68) he was a very different kind of offender. A person who is entitled to take a supply of water from the mains of a local authority may, in the words of the Public Health Act, 1936, section 121 (1), "break open" any street for the purpose of laying any necessary communication pipe. This right is subject to the giving of written notice of the intention to exercise it. On a case stated by the East Yorkshire Justices the charge was that of having wilfully injured a highway contrary to section 72 of the Highway Act, 1835. It was proved that a man employed by the defendant was found making a trench for the purpose of fixing a sprinkler arrangement to serve some mills and that no notice of his intention to open the road had been given to the highway authority. The justices dismissed the information but the appeal was allowed although the respondent did not appear and was not represented.

"RESERVED OCCUPATION": NO LEGAL STATUS

Roeder v. Bevin

In *Roeder v. Bevin* (58 T.L.R. 334) the plaintiff asked for an order against the Minister of Labour and National Service restraining him

from permitting an enlistment notice which had been served on the plaintiff to be in any way acted on or enforced against him. The plaintiff was in a "reserved occupation." It was held by the Court of Appeal that the "Schedule of Reserved Occupations" with its explanatory memorandum was in point of law nothing more nor less than a statement by the Minister of the principles on which he is proposing to proceed in calling-up people. The Master of the Rolls thus explained the position: "It is perfectly obvious that for the Minister to have kept locked up in his own mind the policy which he proposed to follow without communicating it to the public would have caused everybody the greatest inconvenience and hardship, and accordingly this publication was issued to give people the knowledge of how the Minister proposed to exercise his powers. It is quite a mistake to suppose that the document has any statutory force whatsoever, or that it imposes on the Minister or on anybody else any statutory obligation." No statement in the document could confer on any individual subject of the Crown any legal rights. Hence the action failed and the plaintiff in disregarding his enlistment notice was committing an offence.

NO APPEAL AFTER ACQUITTAL

Benson v. N. Ireland Transport Board

In the remarkable case of *Benson v. N. Ireland Transport Board* (1942 1 All E.R. 465) it was not discovered until, after several appeals, the case reached the House of Lords that the fundamental principle that there can be no appeal by the prosecution after an acquittal had been ignored. The appellant, who was charged before a magistrate with a road transport offence, was acquitted and the respondents ordered to pay him 8 guineas costs. The respondents appealed to the General Sessions in Northern Ireland, where the only point argued was whether the Act under which the charge was brought was within the power of the Parliament of Northern Ireland to pass. The Deputy Recorder affirmed the decision. From his decision there was a further appeal to the Court of Appeal of Northern Ireland, which held that the Act was constitutional. From there the case reached the House of Lords, where it was again argued solely on the constitutional question.

So absorbing was this question that their Lordships had reached a conclusion on the point before it occurred to the Lord Chancellor, Lord Simon, to ask how the chain of appeals could be supported, the appellant having originally been acquitted. The outcome was that everybody agreed that there was no right of appeal from the dismissal with costs of the complaint by the magistrate. It did not matter that the parties themselves had not taken the point. The proceedings

collapsed like a pack of cards and the expensive constitutional arguments went to the wind.

IRISH RESIDENT LIABLE TO MILITARY SERVICE

Murray v. Parkes

Persons who are called Irish citizens under the Eire constitution are liable to be called-up under the National Service (Armed Forces) Act, 1939, as British subjects if resident in this country. In *Murray v. Parkes* (58 T.L.R. 231) the accused failed to submit to medical examination under the Act and his conviction came before the High Court on a case stated. He was born in Ireland and resided permanently in England since his coming over in 1934. He intended at some future date to make a home in Eire and applied in October, 1941, for a permit to return there. In spite of his long residence here his domicile or permanent home was still Irish. The idea of domicile is of great importance in civil cases but was held to be irrelevant in this case as the Act is concerned with English residence, a much narrower conception. The High Court upheld his conviction.

It was held that the Statute of Westminster, 1931, which removed restrictions on the right to legislate of the Parliament of the Irish Free State, with that of other dominions, did not grant to that State the right to secede from the British Commonwealth. Nor did the Eire (Confirmation of Agreements) Act, 1938, recognise any such secession to have taken place however important that Act was in other respects. The Constitution passed by Eire established Eirean citizenship, but persons who enjoyed this citizenship still remained British subjects if they were of British nationality under Imperial legislation.

STRIKING OFF THE MEDICAL REGISTER

R. v. General Medical Council

The process of being "struck off the register" is often a heavier punishment to a medical practitioner than a sentence imposed by a criminal tribunal. And a name may be struck off for conduct which does not amount to a crime or even a tort. *R. v. General Medical Council* (58 T.L.R. 234) was concerned with the extent of the High Court's right of supervision over the professional body when exercising its wide powers. The applicant's name had been removed from the Register because he had been cited as a co-respondent with a woman to whom, it was alleged, he stood in a professional relationship. The Divorce Court found him guilty of adultery, but he wished to bring forward additional evidence to the Council: he alleged that this might have

established his innocence if it had been heard by the divorce tribunal. But the Council had established the practice of accepting decrees absolute as conclusive evidence of adultery and this new evidence was rejected by the Council when dealing with the applicant.

A Divisional Court refused an order of *certiorari* to quash the order removing the name from the Registrar, but on appeal to the Court of Appeal the order was granted. Section 92 of the Medical Act, 1858, requires the Medical Council to make "due inquiry" before exercising its powers. To accept without further question the decree of a court is not necessarily a "due inquiry." "Due inquiry" cannot imply all the formal exactness of a trial in a Court of law; the council have no power to summon witnesses, and no power to administer an oath. But "due inquiry" does involve at least a full and fair consideration of any evidence that the accused desires to offer, and, if he tenders them, hearing his witnesses.

Criminal Law and Practice in Scotland

FAIRNESS TO THE ACCUSED

IN the recent case of *Ferguson and Butler v. Brown* the High Court upset the conviction on the view that, taking the proceedings as a whole, there had been a substantial denial of justice to the accused; in particular that little had been done to help them to appreciate the nature and seriousness of the charge to which they had pled guilty. This decision once again makes clear the determination of the High Court judges to insist upon scrupulous fairness to persons accused both while they are in police custody and on their appearance in court.

The facts of the incident charged were not seriously disputed. It appeared that, on a Saturday evening in May, while a large-scale military exercise was being carried out near Jedburgh, a dummy Bren gun was left temporarily unattended in a field. Ferguson and Butler, who were both labourers resident in Jedburgh, noticing the gun, removed it, carried it a distance of about 300 yards and concealed it in a plantation. When challenged later, they tendered the explanation that they had taken the gun to see how long it would take the Home Guard to spot them, and added that, if they had been "fifth columnists," they could have got away with it. Being traced by the police, they were, later the same evening, arrested and kept in police custody until the Monday forenoon, when they appeared before the sheriff. When their case was called, the clerk of court read out the complaint, which charged them with a contravention of article 2B of the Defence (General)

Regulations, 1939. This being done, the sheriff asked if they understood the charge and both replied that they did. The sheriff then pointed out to them that they could have the services of a law agent and that the charge was a serious one. Both accused said that they did not wish a law agent and, on being asked to plead, pled guilty. Sentence of sixty days' imprisonment was passed. While they were in police custody over the week-end, at least one of the accused was pointedly informed by the police of his right to have legal advice, but he assumed that this would involve payment of the usual fees, which were beyond his means. Neither the police nor the sheriff made it clear that the accused were entitled to legal advice and assistance free of charge.

As already indicated, the conviction and sentence were quashed on appeal. In the opinion of the judges of the High Court the proceedings were "oppressive," as that term is understood in the law of Scotland. In moving the court to allow the appeal, the Lord Justice-Clerk characterised the conduct of the accused as "an exceedingly foolish act of interference with a matter with which they had no possible concern, which might easily entail very serious consequences." The conviction and sentence must, however, be set aside for the following reasons: (1) A complaint which merely libelled the removal of an article and its secretion was not relevant to a charge laid under article 2B of the Defence (General) Regulations, which struck at acts of sabotage. A relevant charge might have been made under article 1A or at common law; but the prosecutor had selected article 2B and the complaint tabled was, therefore, irrelevant. (2) Although both accused were "laymen of the labouring classes" faced with a charge the full implications of which were difficult to understand, it had at no time been made clear to them that they were entitled to have free legal advice before tendering a plea. (3) No copy of the complaint had been served upon the accused and they had no more opportunity of appreciating the precise nature of the charge made against them than was afforded by the reading over of the complaint in court a moment or two before they were asked to plead. (4) No adjournment, or possibility of adjournment, was offered to the accused by the sheriff. Taking all these circumstances together, Lord Cooper reached the conclusion (with which the other judges concurred) that the proceedings had been "oppressive."

In assessing the effects of this decision, it must be realised that the court of appeal was induced to take the course of upsetting the conviction because of a combination of unfortunate circumstances, no single one of which would have justified interference with the conviction; and further, that the need to bring home to persons in custody their right to free legal assistance and to serve upon persons who have been arrested (as distinct from those cited to the court) a copy of the com-

plaint does not apply with equal force to all offenders. In the normal case of persons arrested on charges which are comparatively trivial and straightforward, the procedure at present followed by the police and by the courts meets the situation admirably. Where, on the other hand, an accused is in police hands on a charge of seriousness and complexity—more especially an elaborate and unusual statutory charge of the very possibility of which he might well be unaware—the only safe course in future will be to call his attention pointedly to the local arrangements for providing free legal advice (assuming that he is not financially in a position to instruct a law agent in the ordinary way and fee him) and to see that he is put in possession of an exact copy of the complaint in ample time to enable him to digest its contents and tender a considered plea. In these days of elaborate statutory enactment carrying drastic penalties, this places a heavy responsibility on officers in charge of persons in custody.

"DRUNK IN CHARGE" CASES: IS THE MEDICAL EVIDENCE CONCLUSIVE?

Where a person has been arrested on a charge of contravening section 15 of the Road Traffic Act, 1930, and has gone to trial on a plea of not guilty, the prosecutor's case normally rests on (1) the testimony of the arresting officers; (2) that of bystanders or other users of the road—where such evidence is available; (3) that of the sitting sergeant or lieutenant-on-duty at the police station and possibly of the turnkey; and (4) that of a medical man who has been called in to examine the accused. Where all are agreed that accused was, at the time when each saw him, "under the influence," the prosecutor is in a strong position. He can argue forcibly that, whatever rebutting evidence may be tendered for the defence, the court cannot readily reject the testimony of so many different witnesses who, seeing the accused at different points of time, and in different circumstances, have arrived at the same conclusion as to his insobriety. The difficulty arises where the opinion of the arresting officers is not supported, or is only supported to a limited extent, by those who saw the accused later; and that difficulty becomes acute where the doctor refuses to grant a certificate in the usual terms. In many cases, indeed, proceedings are dropped when this situation has arisen. The view of the present writer has been, for many years, that (apart from the discovery by the medical man of a condition of illness productive of symptoms which might be mistaken for signs of drunkenness) a prosecutor is perfectly justified in insisting upon the charge in face of the doctor's refusal to certify. This view has now been confirmed, in particular circumstances, by the High Court of Justiciary in the recent case of *Darroch v. Hill*.

Darroch was charged, in the sheriff court at Paisley, with (1) driving a motor lorry on a public highway while under the influence of drink—section 15 of the Road Traffic Act, 1930—and (2) driving the lorry recklessly (section 11) or alternatively driving it carelessly (section 12). He pled not guilty and evidence was led. The effect of the evidence on the sheriff's mind is clear from the facts stated in the appeal which, in brief summary, were as follows :

On the date libelled in the complaint, Darroch was driving a motor lorry from Renfrew to Greenock. He drove "at a considerable speed" and was zigzagging across the road from one side to the other. He narrowly missed colliding with a coal lorry which was being driven along the road towards him and, immediately thereafter, collided with another lorry which was stationary at the roadside. The force of the impact was such that a man was thrown from the lorry on to the top of a hedge and the lorry was damaged. There was no other traffic, visibility was good, the road, which was twenty-four feet wide, was dry and straight for about 400 yards back from the point of impact.

Shortly after the accident, two police officers arrived. They found Darroch smelling of drink. To support himself when standing he had to hold on to the lorry. When asked to walk across the road he staggered. His speech was incoherent and when asked to produce his driving licence he displayed great awkwardness in doing so, allowing his wallet to fall on the road. He was arrested and taken to Renfrew Police office where, about half an hour after the accident, he was examined by a doctor. He was then still smelling of alcohol and his pupils were dilated and reacted slowly to light. He was, however, able to perform satisfactorily all the tests to which he was subjected by the doctor. His speech was normal and clear. In course of the tests, he walked in a straight line without staggering, walked up the room, touched a knob with his right hand, turned, came back, again walked up the room and touched the knob with his right hand, held his hands out in front without tremors, stood with his eyes closed without swaying, and with eyes closed extended his arms fully and, on request, brought them to the front until the two index fingers touched. The doctor was satisfied that accused had had drink but was not prepared to grant a certificate that he was unfit through drink to be in charge of a motor vehicle. There was no evidence and no suggestion that accused was suffering from injuries or illness.

Regarding the medical evidence as "not final and conclusive but merely an element in the proof" and on the view that he was bound to consider the evidence as a whole, including the evidence of the zigzagging of the vehicle, the sheriff convicted both of the charge under section 15 and of that under section 11. Darroch unsuccessfully

appealed. Affirming the conviction, the High Court judges held that the sheriff had, in the evidence as to the manner in which the lorry was being driven and in that of the police as to his condition at the crucial time, ample justification for his finding. The effect of that evidence was not displaced by the testimony of a medical man who saw the accused after the lapse of half an hour. It was notorious that certain persons made a rapid recovery from alcoholic excess.

CARELESS DRIVING—SUFFICIENCY OF POLICE WARNING

By section 21 of the Road Traffic Act, 1930, it is a condition precedent to the conviction of a motorist of speeding or of reckless or of careless driving that either (a) he was warned at the time the offence was committed that the question of prosecuting him "for an offence under some one or other of the provisions aforesaid" (*i.e.* speeding or reckless or careless driving) would be taken into consideration, or (b) within fourteen days of the commission of the offence a summons was served upon him, or (c) within the said fourteen days a notice of the intended prosecution was served in the manner specified in the section. This requirement is qualified by a proviso with which the present report is not concerned. The Act nowhere provides a stereotyped form of the warning to be administered, where the first of the three alternatives is taken advantage of, and police practice throughout the country has varied. Some guidance for future action is afforded by the recent case of *Watt v. Smith*, an appeal by a lady motorist against conviction of careless driving of a motor-car.

Although, in the proceedings in Aberdeen Police Court, a plea of not guilty was tendered and evidence was led both for the prosecution and for the defence, the motorist in the end frankly admitted fault, but contended that the court was barred from convicting her in respect that none of the three alternatives contemplated under section 21 of the Act of 1930 had been complied with. Admittedly, no summons had been served within the fourteen days, nor had there been a notice of intended prosecution. The prosecutor, however, relied upon a verbal warning given to the motorist immediately after the collision which was the subject of the prosecution. This warning was given by a constable who, after taking the names and addresses and particulars of the two motorists involved in the collision and the names and addresses of witnesses and after marking the road, said to the lady motorist—"I've got to warn you that the circumstances of the accident will be reported to the fiscal for the purpose of considering a prosecution." These words were accepted as sufficient to meet the requirements of sub-section (a) of section 21 by the magistrate who heard the case. The lady motorist was found guilty and a fine imposed. She appealed.

On the ground that the warning given by the constable was not sufficiently definite in its wording, the High Court allowed the appeal. While it was not necessary for the person administering the warning to select the offence for which proceedings might later be raised, the wording of the intimation must be such as to give him notice of possible prosecution for one or other (or more than one) of the offences referred to in section 21—speeding, careless driving, reckless driving. The warning actually given, in the case under review, might well have been a warning of prosecution for some crime at common law or for some other contravention of the Road Traffic Act or Regulations (*e.g.* defective brakes). It was, therefore, not such a notice as met the statutory direction set out in the section. The conviction must be quashed.

In light of this decision, what formula should be adopted in future? Clearly, one which, as nearly as circumstances permit, echoes the words of the statute. In the opinion of the present writer, the following would meet the case: "It is my duty to warn you that the question of prosecuting you for speeding or for careless driving or for reckless driving will be taken into consideration."

Wounds from High Velocity Projectiles

BY PROFESSOR SYDNEY SMITH, M.D.

University of Edinburgh

IN the April issue of this JOURNAL (p. 105) I drew attention to certain factors influencing the flight of high velocity bullets and certain of the unexpected effects which may be produced by such projectiles. In Fig. 2 in that article, which is reproduced here (Fig. 1), I described the effect which is produced when a .303 rifle bullet is fired from a close range into a block of clay. There we found that instead of driving a clean passage through the clay it entered normally, making a hole about an inch in diameter, then, after driving a short tunnel, suddenly blew a hole in the clay several inches in diameter. It should be observed that there was not enough resistance to stop the bullet; theoretically a few inches of clay should have little stopping power, but observation of many experiments of this kind showed that at close ranges, with velocities round about 2,500 to 3,000 feet per second, this bursting effect is the rule. Although the bullet is not stopped, its flight is so profoundly altered that if another plate of clay is interposed in its path, as shown in Fig. 1, it does not make a normal hole of entry about an inch in diameter in the second, but enters in an explosive manner,



FIG. 3

Showing the position of the victim at the time of firing, the bullet passed from left to right

(face p. 264)



FIG. 1

Showing the effect of firing a .303 bullet into clay. Two blocks were placed with a gap of 4 inches between. Both blocks show marked cavity formation. The bullet was smashed into fragments. The arrow in the bottom right-hand corner shows the direction of the bullet

making a huge lacerated hole. The question arises whether this is a peculiar function of clay, or whether we may assume that any other semi-diffuent material, such as human flesh, would behave in the same way under the same conditions.

We have already observed in the Thomson case in my previous article that an explosive effect was produced when the jaw was struck, and, although the bone was merely touched at the chin, it must be admitted that a solid substance was struck. I have, however, had the good fortune recently to observe a case in which no solid substance was struck and in which the conditions in the clay experiment were closely reproduced in the human body.

In this particular case a young deserter was fired at from a distance of about 10 to 15 yards by a Service rifle. The bullet passed through both legs. The victim collapsed and died from hæmorrhage in about an hour. The clothes were unfortunately destroyed before I had an opportunity of seeing them, but the following wounds were observed:

On the outer side of the left thigh there was a bullet wound about a quarter of an inch in diameter (Fig. 2a). This wound bore all the characters of an entrance wound. It was clean cut with a slightly bruised zone around its margin due to rubbing off of the surface epithelium, which is always found in entrance wounds. It was obviously the wound of entry. It traversed the fleshy part of the thigh, passing below the femur, and made its exit on the inner side. The tissues were severely lacerated and although the great vessels were not damaged the muscle was pulped, and this damage to the muscle increased as the track approached the exit. The exit itself (Fig. 2b) was $2\frac{1}{2}$ by $2\frac{1}{2}$ inches in diameter; the skin was torn and tags of muscle and tissue were projecting from it. The bullet then entered the inner side of the right thigh at a slightly lower level, but here the entrance injury (Fig. 2c) consisted of a lacerated wound, 6 by 3 inches in diameter, with destruction of the skin and fibrous tissue and pulping of the muscle. It struck the lower end of the femur, smashing the femur into fragments and reducing a portion of it to powder. Amongst the damaged muscle and fragments of bone there were innumerable minute fragments of the bullet, which appeared to have completely disintegrated, and, from the distribution of these fragments, it appeared that the bullet had broken up before it struck the bone. The femoral artery and nerve were destroyed, and it was this which caused the death of the victim.

On the outer side of the right thigh just above the knee there was a somewhat ragged wound something less than half an inch in diameter, where a fragment of the bullet had apparently left the limb.

It will be observed in this case that the conditions closely



A.—Entrance wound on outer side of left thigh.



B. Exit wound on inner side of left thigh.



C.—Entrance wound on inner side of right thigh.



D. Exit wound of fragments on outer side of right thigh.

FIG. 2

(face p. 265)

approached those of the clay experiment, and the results are also closely similar. For example, the weapon in each case was a .303 military rifle, the range was short, and the target was disposed in two parts with a gap between. The gap was probably less in the case of the flesh wound than in the clay experiment, but that matters little. The important points are shown in the explosive effect on the soft tissue in the left leg, and the remarkable wound of entry in the right.

In the ordinary way none of us would have expected individual wounds of this description, and looking at this case without sufficient experience one might have assumed that two shots had been fired, one from the left and one from the right. The appearance of the wounds on the right and left legs respectively would give a semblance of reason for such an opinion, and it can be well understood that difficulty might arise in a case if such an erroneous opinion were given.

When we are dealing with the human body, however, we cannot always expect to obtain results similar to those in homogeneous media. In the body, although one might consider the muscular tissues as more or less diffuent, we must remember that the skin and fibrous tissue are fairly tough, though elastic, and these features, together with the fact that there are bones which offer considerable resistance, and fairly resistant vessels and nerves, tend to produce a conglomerate medium which may lead to unpredictable effects.

To point the moral of the difficulty of prediction, I will report another case in which the conditions were much the same as those in the case outlined above, but in which the results were very different. In this case a soldier was in a hut with a companion who was cleaning a Lewis gun. The victim was bending down tying his boot lace, or adjusting his puttees—he could not exactly remember which—and he was just about to stand up when the gun, which was on the bed on the opposite side, accidentally went off. The bullet struck him at a range of about a yard and passed through all four limbs. The following wounds were found:

(a) On the left leg on its outer side, ten inches below the knee joint, there was a wound about a third of an inch in diameter, with a bruised margin, which was apparently a wound of entrance. The bullet passed through the tissues and made its exit on the inner side of the left knee at a slightly lower level, making a wound about an inch in diameter. No serious damage appeared to have been caused to the muscles or bone.

(b) On the left arm, ten inches below the elbow joint, there was a small entrance and exit wound, clean cut and apparently causing little damage during its passage through the tissues.

(c) On the right leg, ten inches below the right knee joint, there was an entrance wound on the inner side, about the size of a sixpence,

a track slightly downwards, and an exit wound on the outer side, roughly about the same size.

(d) There was a small entrance wound on the inner side of the right forearm, a few inches below the elbow joint. The track showed considerable laceration of the tissues under the wound, and a comminuted fracture of the radius. The exit wound on the outer side was shown as a large lacerated opening. An X-ray photograph of the limb showed the presence of a small metallic particle below the fractured end of the radius and indicated that the bullet had disintegrated when it struck the bone. This, no doubt, accounts for the lacerated exit wound. There was fairly severe damage to certain of the muscles of the right arm.

Fig. 3 shows the position of the lad when the accident occurred.

This case is of extreme interest in showing the number of diverse wounds which may be caused by a single projectile, and the necessity of care in diagnosing the number of wounds and the direction of fire when the injuries are found on parts which may so readily alter their position one to the other. It is also of importance in showing how a high velocity bullet may pass through all four limbs from a close range without causing any considerable amount of destruction or laceration, although in other cases the most gross destruction may be produced. In this instance it was only when the projectile struck the right arm that an explosive effect was observed.

To illustrate further the unpredictable effects of high velocity bullets, I will take the case of a young soldier who attempted to commit suicide with a Service rifle. He placed the muzzle against the left side of the chest and fired. The bullet passed through the body and was lost. The man was taken to hospital, where he was treated, and where he made an uninterrupted recovery.

On examination of the patient it was found that the bullet had entered on the left side of the chest at the junction of the sixth rib with its cartilage just below the nipple. This wound was circular and about a third of an inch in diameter. The surrounding skin was slightly discoloured as if by powder, over an area of one and a half inches in diameter, spreading from the wound towards the left side, but there were no bursting or blast effects to be observed. The tissues under the skin showed some damage within an area of about an inch, and the rib was comminuted, but not grossly so.

The bullet had passed through the diaphragm, the upper edge of the stomach, and the margin of the lung, and had made its exit at the level of the tenth rib, making a wound about three-quarters of an inch in diameter with very slight tearing of the skin. The ninth rib just

under this wound showed a clean punctured wound which would just admit the tip of the finger.

X-ray examination showed very little comminution of bone and the complete absence of foreign bodies. There was no particular pulping of the muscle and not a great deal of hæmorrhage. The patient did not appear to suffer from shock.

An examination of the clothing showed a vertical split about four inches in length on the left side of the jacket. In the middle of this there was a hole at the lower edge of the pocket with slight discoloration from powder about it. There was no trace of cordite to be seen. This is quite common, even in close discharges, for the cordite, if in good condition and properly ignited, tends to be completely burnt. There was very little trace of smoke and no obvious burning.

The back of the jacket showed two torn marks on the left side at a level approximately five inches lower than the front injury. These were together about one and three-quarters of an inch long.

Although there was nothing to indicate that the bullet had broken up in the body, as shown by the absence of foreign matter and the clean cut hole in the rib, it appears to have made two holes in the jacket behind. The appearance of this suggested that the bullet had broken, and we must assume, if that were the case, that it broke up after perforating the back part of the rib.

This case is of interest from several points of view, and firstly because of the slight effect of blast, powder and flame. There was certainly tearing of the tunic, but no blast effect around the entrance wound. This is very remarkable in view of the large volume and pressure of the discharged cases. No doubt all of my readers have seen cases where very marked blast effects have been produced from small weapons such as revolvers and automatic pistols in which the quantity and pressure of gas is very much less.

Secondly, there is the absence of any explosive effect on the tissues, shown by the small amount of damage to the rib in front, the small amount of damage to the diaphragm, stomach and lung, the clean-cut hole in the rib behind and the relatively unimportant injury at exit. A decision might easily have been given from an examination of the wounds that they could not have been produced by a Service rifle discharged in contact with the body, and it is for that reason that I have taken an opportunity of showing it to you.

A further remarkable thing from a medical point of view is the absence of shock and the fact that the individual made an uninterrupted recovery. I am indebted to Dr. Thomas Primrose for the clinical notes about this patient, and to Professor Learmouth and Dr. Richards for the notes and photographs of the previous one.

The Charring of Wood

By PROFESSOR F. G. TRYHORN, D.Sc., A.I.C.

University College, Hull

CASES sometimes occur in which the disputed cause of a fire involves the consideration of whether the fire may be attributed to the sudden ignition of the products of protracted heating of wooden joists, floorboards or panelling. Minor examples of this are the so-called "hearthstone fires," with which all fire brigades are familiar. A major case in which such a cause was suggested was the burning of the Londonderry Opera House in the spring of 1940. Since some startling misconceptions appeared to be held in the latter case it was thought that a note on the charring of wood might be useful to those who may at any time have to investigate such cases. An investigation was made in connection with the alleged malicious burning of the Derry Opera House, in which claims amounting to £43,000 were brought by W. Doherty, and others, against the Londonderry Corporation.

In the early spring of 1940 notices were posted on the doors of Londonderry cinemas threatening reprisals if the showing of British news-films was continued. When such films were not discontinued, attacks by smoke and explosive bombs were made in most of the cinemas. Later, news-films were withdrawn at all cinemas with the exception of the Derry Opera House, owned and managed by Mr. W. Doherty. Further notices were found attached to this cinema, again demanding the withdrawal of British news-films. Shortly after this, the Derry Opera House was found to be on fire. The conflagration demolished the whole building. Claims were later made by the owner, and by parties interested in the equipment of the cinema, against the Londonderry Corporation, asking for compensation on the grounds of malicious damage. It is interesting to note that a penny rate in Londonderry at the time produced about £1,000.

The case of the Corporation was that there was no evidence of malicious origin of the fire, and it was alleged, *per contra*, that the cinema was destroyed by accident, through the ignition of a wooden wall-plate due to the over-heating of the chimney of a boiler-house at the rear of the building. In the development of this allegation it was suggested that the process of charring had been in existence for some time prior to the fire. The gases resulting from this state of affairs followed a particular track or course into the auditorium "where they burst into flames on receiving the stimulus of the carbonaceous gases in the

auditorium." A previous contention of the defendants had been that the fire was due to a defective electric switch. This was withdrawn after it had been proved by the applicants that the electric current had been cut off some time before the building caught fire. The court having heard the above suggestion as to the origin of the fire, gave judgment for the defendants.

A surprising feature of the first hearing of this case was the number of those in Court who came away with the impression that the "carbonaceous gases" emanated from the audience.

The plaintiffs entered an appeal against the decision of the Court: the appeal was heard at Londonderry Assizes in March 1941, before Mr. Justice Brown. It was again decided by the Court that there was no proof of a malicious origin of the fire. The contentions of the Londonderry Corporation seemed somewhat more explicit in the second hearing: the origin of the "carbonaceous gases" by whose stimulus the gases from the charred wall-plate burst spontaneously into flame was now apparently the lacquering and panelling of the auditorium: these gases were apparently generated, it seemed, by the heat of the audience or auditorium. Inherent in the contention of the defendants was the suggestion that the inflammable gases from the charred wall-plate must have travelled by a particularly tortuous path before they became ignited.

As its name implies, the cinema in question was a converted theatre. At the rear of the building, and separated from the stage by a brick wall, was a row of rooms opening from a passage which ran across the breadth of the building somewhat below stage level. Some of these rooms had been dressing rooms, one was still known as the "chorus room," and another had been converted into a boiler room to supply heat to the auditorium. It was from a wall-plate in the boiler-room that the combustible gases were alleged to have come. For these gases to have encountered the "carbonaceous gases" in the auditorium it was necessary for them to have escaped from the boiler room, travelled along a stretch of corridor, up a flight of stairs, along a second corridor, and up a winding staircase which made a complete turn in its rise from the corridor to a door leading into the false roof of the auditorium.

It is of interest to examine these contentions in the light of an examination of the premises and of facts that can be established concerning the charring of wood.

First of all it is desirable to consider the analogy, emphasised by the defendants, between a so-called "hearthstone fire" and what they alleged to have happened in the Opera House fire. The term "hearthstone fire" is used to describe the charring of floor joists under a hearthstone by means of heat conducted from a grate. Experience shows that hearthstone fires occur most often when (a) the thickness of the hearth-

stone is not more than three or four inches, and (b) an ordinary grate has been replaced by a well-fire, or similar modern type of grate, without increasing the thickness of the existing hearthstone to compensate the greater heat on the surface of the hearth.

Even when a hearthstone fire does occur it breaks out as a rule only when (a) the hearthstone is removed, or (b) charring of the joists has progressed so far that weakening of the structure has resulted to such an extent that free access of air is suddenly caused. In either case prolonged warning is invariably given, first by the smell of charring, and later by the appearance of smoke.

The analogy between the Opera House fire and a hearthstone fire was clearly false. The beam that was alleged to have been the cause of the fire was so deeply charred that it was inconceivable that the charring could have occurred in less time than several months, during several of which a smell of charring must have been apparent. No such smell had been noticed. It was equally impossible for the charring to have occurred between the time of the inspection of the Opera House after the last performance, and the moment not long after when the building was found to be on fire.

Often in the case of hearthstone fires detection is made by the smell of charring wood before more than the surface of a joist is scorched. In an experiment to determine the ease of detection of charring it was found that a smell of charring could be detected two or three rooms away from one in which a piece of wood was heated until it had lost by charring only $\frac{1}{4}$ oz. in weight.

Frequently in such fires the smell is noticed, attributed to smouldering paper, and no notice taken of it. The smell may persist for some weeks and smoke from the charred beam or joist may find its way along skirting boards and begin to escape through crevices. It is usually at this stage that action is taken, and the hearthstone lifted: the sudden access of air sometimes causes the exposed beam to ignite, when of course, it is a simple matter to extinguish the small blaze.

These facts will indicate that none of the preliminary signs of a hearthstone fire were present in the case of the Opera House fire.

The next point to be considered is whether circumstances were present which might have caused a fire of the hearthstone type.

First it is necessary to discuss the conditions in which charring of wood may occur. When wood of the fir species is heated only moisture is driven off up to a temperature of 150 deg. Cent. Acetic acid vapour and fumes of wood spirit begin to appear between 150 deg. and 200 deg. Cent. Above 300 deg. Cent. wood tar and various gases are evolved. The first smell distinguishable when wood is heated is noticed at about 200 deg. Cent., i.e. before combustible gases are emitted. Thus warning

of overheating of wood is given even before charring occurs. The first gas detected on heating wood is carbon dioxide, a non-combustible gas and one which tends to inhibit the combustion of other substances. Later, carbon monoxide, methane, and hydrogen are evolved: all of these are combustible and lighter than air. The facts that they are lighter than air, and hot when evolved, help to hasten their mixing with air. But even when these combustible gases are produced, not all the conditions necessary for ignition may be present. For example, amounts between 12.5 per cent. and 73 per cent. of carbon monoxide must be present in air before the mixture will ignite. For hydrogen the limits are 4.1 per cent.-71.5 per cent., and for methane 5.6 per cent.-14.8 per cent.

These figures have an important bearing in considering the cause of a fire, such as that under discussion. When gases are evolved from a charred beam they are at first concentrated, but rapidly diffuse into any space to which they have access, producing weaker mixtures of the gases with air. So rapid is this weakening that the points of ignition of hearth-stone fires, *via* the gas phase, must be close to the point of charring. In the contention of the defendants, the gases from a charred beam followed a long tortuous path until they entered the auditorium. Calculation, from the known dimensions of the premises, showed that even if no diffusion or escape of gases had occurred it was impossible for an inflammable mixture of gases to reach the auditorium unless a great deal of wood had been not only charred, but completely carbonised. Even if the low figure of 5 per cent. is taken for the gas content of an inflammable gas-air mixture, it was calculated that at least 400 cubic feet of wood would have had to be completely carbonised to produce such a mixture in the Opera House at the point where ignition was alleged to have occurred: and in this calculation the assumption was made that no gas was lost by leakage or draughts, or followed several available paths alternative to that prescribed by the defendants. The figure of 400 cubic feet represented many times the total wood content of the boiler house.

The next point to be considered is whether ignition of a gas mixture in the manner suggested by the defence is possible. First it may be pointed out that if the gas mixture was of the type suggested, the propagation of flame, once it had been formed, would have been so rapid that an explosion, as distinct from a conflagration, would have occurred. In the second place, some means of ignition of the gas mixture would have been necessary. The contention that the gases ignited spontaneously on reaching the auditorium is untenable: that they ignited as a result of the "stimulus" of the carbonaceous gases they encountered is mere nonsense. Admittedly a gas-air mixture can be ignited without

the intervention of free flame or a spark: but the conditions requisite for such ignition are high compression, at so rapid a rate that the gas mixture heats up, through lack of radiation of the heat generated by the compression, to a temperature above its ignition point and also a composition of the gas mixture lying between well-defined limits. These conditions were clearly absent in the case under consideration.

A further point that had to be considered in the above case was whether it was possible even that the beam, whose charring the defendants alleged was the prime cause of the fire, could have been charred by the heat from the boiler flue.

The boiler room and the furnace flue were constructed of brick and stonework, in many parts nearly 18 in. in thickness. The outlet pipe of the boiler furnace was connected with the thick-walled brick flue by a metal sleeve, which was for most of its length jacketed by the brickwork of the flue. It was said that there were perforations in this sleeve and that escape of heat from these was one of the causes of the fire. These perforations were quite small and were probably the result of corrosion rather than of burning.

Two points must be mentioned in considering the effects of these holes on the heat in the flue. Firstly, when the furnace was being started up smoke would have escaped from the holes if they were of sufficient size to permit the escape of any appreciable amount of heat. Such smoke was not reported by the man in charge of the furnace. Secondly, when once the coke in the furnace was burning vigorously and the flue was warming up, air would tend to be drawn in by an induction effect through these holes, thus tending to lower the temperature of the flue. The metal sleeve was much too far from the charred wall-plate for heat from the sleeve to have caused the charring, and, so far from the holes in the sleeve promoting charring by heat from the upper parts of the flue, they would have had the effect of reducing the flow of heat through the upper part of the flue.

The final point to be considered in the defendants' contention was whether sufficient heat might have been transmitted through the upper part of the brick and stonework flue to cause charring of the wall-plate. The heat conductance of brick and stone is low. In any but the thinnest brickwork the rate of removal of heat by radiation to the external surroundings is large compared with the rate of travel of heat through the material. Experiments were made with various materials to obtain data on this point. A rather porous brick and a dense Bath stone may be taken as extremes of low and high heat conductance among building materials. When 3-in. thicknesses of these materials were placed at a distance of 3 in. from a radiant surface at 850 deg. Cent., a temperature of 106 deg. Cent. was set up on the face remote from the heat source.

The time required for this steady temperature to be reached varied with the nature of the material under examination: but, once set up, the temperature remained constant for the greatest length of time (*viz.* 18 hours) for which the experiments were continued. Since the interior of the flue was separated from the wall-plate by nowhere less than 5 in. of brickwork, and since the flue temperature could never have been as high as 850 deg. Cent., it was clearly impossible for the heat from the flue to have been the cause of the fire. It was stated that even the metal sleeve rarely became too hot to be handled.

Experiments had also to be made to determine the effects of slow heat on various types of wood. The following results for deal may be taken as typical. Pieces of dry deal were exposed, at various distances and for various lengths of time, to a radiant surface at 850 deg. Cent. The rate of rise of temperature, and the final temperature of the face of the wood nearest to the hot surface, were measured. At 9 in. from the source a steady temperature of 152 deg. Cent. was reached in 18 minutes. For 6 in., 4 in. and 3 in. distances the corresponding figures were 180 deg. Cent. in 15 minutes, 235 deg. Cent. in 10 minutes, and 290 deg. Cent. in 8 minutes. For the specimens of deal tested the following effects were noted at different temperatures:

- (a) up to 160 deg. Cent. Loss of moisture only.
- (b) at 180 deg. Cent. Very faint signs of smoke, with a distinct smell of scorching.
- (c) at 200 deg. Cent. Fairly heavy smoke: gases evolved were not self-igniting, but would ignite on contact with a naked flame, and would strike back to the surface of the wood. After 30 minutes exposure the wood was charred to a depth of $\frac{1}{8}$ to $\frac{1}{4}$ in. At this stage the wood would ignite easily on contact with a flame. Slight staining of tar was visible.
- (d) at 250 deg. Cent. The charred wood became dull red and smouldering began, with the production of a white ash. No free flame was formed.

In all the above experiments air had free access to the heated surface of the wood. In other experiments in which free access of air was prevented the changes observed were similar, except that smouldering did not occur, and the char obtained was dense, preserving the grain structure of the wood.

Further experiments showed that smouldering could begin, with free access of air, at 240 deg. Cent. and became rapid at 260 deg. Cent.

In other experiments the gases coming from heated wood were brought into contact with an electrically heated wire to determine the minimum temperature at which they would ignite. Ignition could always be obtained when the wire was at 700 deg. Cent., and sometimes

when it was at 640 deg. Cent. No ignition could be obtained below 640 deg. Cent. Even at 700 deg. Cent. the wire had to be brought close to the surface of the wood to cause ignition.

It appears therefore that for fires of the hearthstone type to occur, wood has to be raised to a temperature of about 200 deg. Cent., followed by contact of the gases with some object at a temperature of at least 640 deg. Cent., or alternatively, the wood has to be raised, with free access of air, to a temperature of 240-60 deg. Cent.

It has been mentioned that the later suggestion to be considered was that combustible gases might have been generated from the panelling of the cinema interior. The contention was clearly absurd, but as a matter of interest the effect of heat on the panelling material was determined. The material was insulite boarding finished with cellulose lacquer. Samples of the material lost only moisture on heating to 140 deg. Cent. Between 160 deg. and 190 deg. Cent. slight scorching of the lacquer occurred, but no smoke or gas escaped. Charring of this material did not begin until 300 deg. Cent. At higher temperatures gases were evolved which would ignite only with difficulty. It was found impossible to get the material to burn of its own accord at any temperature. It would burn so long as it was exposed to free flame, but was extinguished as soon as the flame was removed.

The contentions of the defendants have been examined at some length: it remains now to discuss briefly the real course of the fire as shown by an examination of the building.

It was clearly shown in evidence of onlookers that as soon as the fire was discovered dense smoke issued from both the front and rear of the cinema. This suggested that fire broke out simultaneously in two places. Examination of the premises supported this view. The obvious sites of the fiercest conflagration were in the chorus room at the back of the building and just above the ladies' lavatory in the front of the building. The chorus room had a window about two feet square, opening on to an alleyway at the back of the cinema. This window was unglazed and covered with an iron wire grille of about $\frac{3}{8}$ -in. mesh. It was stated in the defence that this grille had been "torn to pieces" by firemen's axes when they broke into the burning building, although it was produced, undamaged, by the plaintiffs. Practically all the woodwork of the chorus room had been reduced to ashes; but there were visible, to an extent greater than in any other part of the premises, patches of soft carbon and soot such as might have come from a petrol or paraffin fire. From the chorus room the flames had swept *towards* the boiler room, *i.e.* in a direction contrary to that suggested by the defendants. The surfaces of all door frames and other wooden objects

between the chorus room and the boiler room were heavily charred on the chorus room side and hardly scorched on the boiler room side.

Above the ladies' lavatory was a small trapdoor giving access to the roof space. This trapdoor was easily accessible to anyone of average height who stood on the lavatory seat. The roof joists bordering the trapdoor were burnt away in marked hollows a couple of inches deep, giving a clear indication that a fierce and localised burning had occurred there. No other parts of the building showed signs of such localisation of heat as the two described. Apart from these indications the general appearance of details in the burnt-out building was such as would be expected from the structure and design of the building, and the draughts to which it would give rise, if two fires had been started simultaneously in the chorus room and above the ladies' lavatory.

The Photographic and Fingerprint Department: Its aid in Crime Detection*

By W. B. R. MORREN, M.V.O.
Chief Constable, Edinburgh City Police

ILLUSTRATED CASES, No. 1

TYRE TRACKS

AT the present day every police officer is fully aware of the invaluable work performed by the fingerprint expert and the photographer in combating crime. In this series of articles it is my intention to record, in the hope that they may prove of interest and perhaps of instructive value, some outstanding cases where the officers of the Edinburgh Fingerprint and Photographic Department have rendered assistance to the enquiry officers of my own and other Forces. I have chosen as the subject of my first article a case in which tyre impressions played the most prominent part.

Early in the morning of May 8th, 1939, a police constable patrolling his beat on the outskirts of Edinburgh discovered that the front door of a branch shop of a large dairy produce company had been forced open. He immediately notified the Criminal Investigation Department. The investigating officers found that the premises had been ransacked and that a large heavy safe, which had stood in the rear portion of the shop, had been carried away by the intruders.

*This is the first of a series of articles on Identification, by the head of a famous police force. They will be found instructive to the junior officer, the detective, the police photographer, and the senior officer who has to marshal the findings of each.—EDITOR.

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That a motor vehicle had been used to carry the safe away seemed probable and this theory was supported by the presence, on the footway outside the shop, of tyre tracks which had been made by a motor-car driven across the footway to the door of the shop. Adjacent to the premises which had been entered, there was a building in course of erection, outside of which there was a heap of builder's sand. The sand had spread to some extent over the footway, which was of cinder ash, and, as a result, the tyre impressions were fairly clear. In crossing the footway, the car had been turned approximately through a quarter of a circle, with the result that the tracks of all four wheels were discernible; those of the rear wheels showing clearly on the inner sides of the arcs made by the front wheels. At the door of the shop was a patch of oil which had apparently dripped from the sump of the car when stationary on the footway. Measurements taken of the distance between the near and off side tyre tracks of the front and rear wheels showed that the breadth of the wheel base was 4 ft. 9 in. in each case. A cast of each tyre impression was made in finest art plaster of Paris. An examination of the door of the shop, which was painted green, revealed that it had been forced open with tyre levers, and portions of the woodwork bearing the impressions of the tyre levers were taken possession of. A palmar impression found on the door was photographed.

On examination of the casts of the tyre tracks, it was found that the near side front tyre impression was that of a Dunlop Fort tyre, the degree of wear being greater on the outside of the impression than on the inside. The casts of the off side front and the near side rear tyre tracks showed that the tyres were worn smooth in the middle, the edge pattern in each case corresponding with that of a Dunlop Fort tyre. The cast of the off side rear tyre track was that of a "Pirelli Wayfarer" tyre in good condition.

On the following day information was received from Fife Constabulary that a safe answering the description of the one stolen in Edinburgh had been found, forced open, in a field at Cairneyhill, near Dunfermline, about 40 miles from the scene of the crime. Officers immediately went to Dunfermline and took possession of the safe, which had been forced open by springing the rivets securing the back, and levering it off. The locked drawers containing the money had been forced out from the back by means of a lever, impressions of which could be clearly seen.

In the interval between the commission of the crime and the finding of the safe enquiry was made throughout the city, including a check on all convicted persons who were known to own motor-cars. In the course of this enquiry, it was learned that a certain convicted thief, who was known by the Police to own a motor-car, was in the habit of visiting a restaurant in the Leith area daily. Enquiry officers

thereupon called at the restaurant, when they found standing at the door a Hillman saloon motor-car. A rough inspection showed that the car was shod with tyres of the same make as those of the car which had been used to commit the crime. The owner, and three men who were in his company in the restaurant, were taken into custody.

Immediately the car was taken possession of, a check was made on the air pressures of the tyres, which were as follows:

Near side front tyre	...	28 lb.
Off side front tyre	...	25 lb.
Near side rear tyre	...	38 lb.
Off side rear tyre	...	45 lb.

The car was later taken to a sandpit and, after checking the pressures of the tyres to ensure they were the same as when the car was taken possession of by the Police, it was driven over a stretch of firm sand and a plaster cast made of each tyre track. For comparative purposes and to allow of a more detailed examination being made, these casts, along with those made at the scene of the crime, were photographed and the photographs, half actual size, were mounted side by side—see figures Nos. 1—8. The photographs were taken with the aid of side lighting, and thus the tread marks were brought much more clearly into relief.

Measurements showed that the breadth of the wheel base of the car was 4 ft. 9 in., and a comparison of the photographs of the casts of the tyre tracks found at the scene of the crime with those of the corresponding tyre tracks of the Hillman motor-car showed that the undermentioned features were common to both.

Cast of near side front tyre track :

The pattern was that of a "Dunlop Fort" tyre. The degree of wear was much greater on the outside of the tread than on the inside. The width of the impression was 4 inches.

Cast of off side front tyre track :

The middle portion of the tread was worn entirely smooth, while the pattern of the edge of the tread corresponded with that of a "Dunlop Fort" tyre. The width of the impression was $4\frac{3}{8}$ inches.

Cast of near side rear tyre track :

The middle portion of the tread was worn smooth. The edge pattern of the tread corresponded with that of a "Dunlop Fort" tyre. The width of the impression was $4\frac{3}{8}$ inches.

Cast of off side rear tyre track :

The pattern was that of a "Pirelli Wayfarer" high pressure tyre in good condition. The width of the impression was $3\frac{3}{8}$ inches.



FIG. 4
Photograph of cast of off side front
tyre track of Hillman motor car



FIG. 3
Photograph of cast of off side front
tyre track found at Calder Road



FIG. 2
Photograph of cast of near side front
tyre track of Hillman motor car



FIG. 1
Photograph of cast of near side front
tyre track found at Calder Road



FIG. 8
Photograph of cast of off side rear
tyre track of Hillman motor car

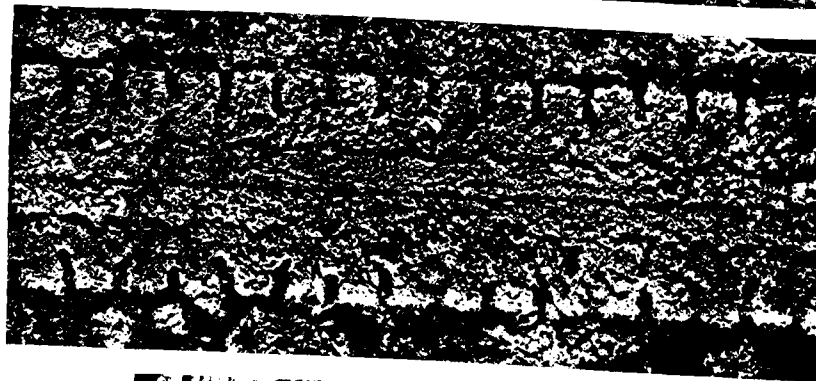


FIG. 7
Photograph of cast of off side rear
tyre track found at Calder Road

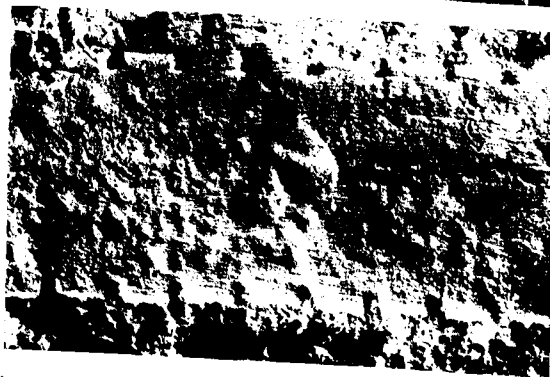


FIG. 6
Photograph of cast of near side rear
tyre track of Hillman motor car



FIG. 5
Photograph of cast of near side rear
tyre track found at Calder Road

It will be noted that there was considerable variation in the width of tyre impressions made by the same type of tyre. This variation, which was identical in both sets of impressions, was due in the first place to difference in the degree of wear and, in the second place, to difference of pressure. The pressures of the rear tyres, 38 and 45 lb. respectively, were abnormally high, a fact which would indicate that the owner intended to carry an unusually heavy load in the rear of the car.

An examination of the car showed that the excessive wear on the outer portion of the tread of the near side front tyre was due to a bent stub axle.

The sequence of coincident detail becoming apparent upon a comparison of the photographs of the casts of the four tyre tracks proved beyond doubt that the tyre tracks found at the scene of the crime had been made by the Hillman motor-car. It is of importance to note that, although the condition of the surface on which the original tracks were found rendered impossible the comparison of minor detail in individual tyre tracks, the value of the evidence was not impaired. It was conclusive in this respect that it could be shown that the car seized by the Police was shod with tyres of the same makes and exhibiting the same general characteristics as regards pressure and wear as those on the car used in the commission of the crime, and that these tyres were fitted to corresponding wheels in each case.

In addition to the evidence led regarding the tyre tracks, there were found, in the car, tyre levers which corresponded in size with the impressions on the door of the shop and on the drawers of the safe, while on the levers there were found traces of paint of a colour similar to that of the green painted shop door and the bluish grey paint of the safe drawers. The palmar impression found on the door of the shop was identified as that of the right palm of one of the men arrested, an associate of the owner of the Hillman car.

Two of the men pled guilty to the charge, and the others, one of whom was the owner of the car, upon evidence being led, were convicted, all being sentenced to terms of imprisonment.

The Shape of Things to Come

The Post-War Police Service

By MAJOR H. A. GOLDEN
Chief Constable of Shropshire

IT is obvious that in this changing world the Police Service will not remain unaffected, neither is it desirable that it should do so. It is therefore—at its lowest—a pleasant pastime, and—at its highest—a duty, to consider what possible form these changes may take and to try to forecast—within the limits of human prescience—the future form of the Police Service of this country.

In approaching the problem it is necessary to free our minds of any inherited prejudices or the influence of any parochial interests and to regard the whole problem dispassionately, solely from the point of view of the interest of the Service.

In planning a post-war service there are three considerations which are fundamental, on which any reconstruction must be based and to which any and every suggested development relating to the Police Service must be referred. These considerations are:

- (1) The welfare of the Service.
- (2) The technical efficiency of the Service.
- (3) The independence of the Service.

It is said that to know a problem is to be half-way towards a solution. In this case it is easy to state the broad outline of the problem; but unfortunately when it comes to detailed discussion it will be found that these considerations are not necessarily complementary and are sometimes conflicting.

WELFARE

It is not necessary to stress the importance of ensuring the welfare—in its broadest sense—of the personnel of the Service, and history has no difficulty in providing examples—in this as in other countries—of the effect of ignoring this most vital factor in the well-being of the Police. But welfare does not merely mean pay; so much so that the author proposes to dismiss the question of pay with the bald statement that it is presumed that in the post-war service the pay will be adequate. There are other factors which affect the welfare of the personnel which are as important as pay, but on which a satisfactory and equitable

THE SHAPE OF THINGS TO COME

standard is much more difficult to achieve. Some of these factors are

- (a) Allowances.
- (b) Housing.
- (c) Discipline.

(a) Allowances

Allowances are on the whole standardised, except such cases as the Special Increment which must, by virtue of its very character, be left in the hands of the Chief Constable. The war has, however, tended to emphasise the difficulties and disadvantages of a system which leaves the decision of the granting of certain allowances to the discretion of local authorities. This difficulty, however, goes to the root of the problem of central *versus* local authority control, which will be dealt with later. Sufficient is it to say that, whatever the solution, it is obvious that both the scale of pay and the granting of allowances should be standardised, with such exceptions as are specifically left to the decision of the Chief Constable.

The question is not one of individual allowances, but of the system of control.

(b) Housing

It should be taken as axiomatic that in any post-war service the Police Authority (whoever that may be) should own all Police houses, whether in cities or counties. The payment of an allowance in lieu relieves the Police Authority of a good deal of trouble and responsibility; but there can be no doubt that from the point of view of adequate housing, the Authority should accept the responsibility of providing—and maintaining—suitable, comfortable, and adequate houses for the whole of its personnel. These houses should not be of the barrack type, and neither should there be any undue concentration of Police houses at a headquarters or Police station. To have a certain number of Police Officers available on the spot (particularly specialists—car drivers, detectives, etc.) is imperative, but it is equally in the Police interest—and much more conducive to the maintenance of friendly relations—that Police houses should be distributed round an area (particularly in a town) and not concentrated.

In a County Force there is a question which is closely allied to the problem of housing and that is the matter of moves. Moves are necessary, and it is sometimes inevitable that an officer has only been in a station a short time when he is required to move again. This does involve additional expense and it would seem equitable that if an officer is required to move within a period of, say, 5 years, he should receive some allowance to cover at any rate part of his out-of-pocket expenses over and above the cost of the actual transport of his furniture

(which is, of course, already paid). Equally, to increase comfort of housing and to minimise difficulty of moving, all houses should, as far as possible, be standardised. A number of County Police Authorities have, of course, already adopted a standard Police house with considerable success.

(c) *Discipline*

Any question of discipline generally reduces itself down to the problem of the "right of appeal" with particular reference to County Police Forces. There is now general agreement that the "right of appeal" should be extended, but there is by no means agreement as to the form which this extension should take.

It is necessary first to consider, with the same unbiased and dispassionate mind which should be brought to bear on all these problems, the form the appellate body should take and in particular whether that body should be found from within or without the Police Service. A great deal of controversy, accompanied with some feeling, has been evoked by this subject, and this has tended not to clarify but merely to confuse the issue.

Agreeing, therefore, that there should be a right of appeal—to whom should this appeal be made?

There are grave disadvantages to any system of appeal to anybody outside the Police Service, disadvantages which would be likely to operate as hardly against the man as against the Chief Constable. It cannot be said that the Police Authority, whether it be Watch Committee or Standing Joint Committee, knows much of Police organisation—and less of Police work. They have a vague smattering of Police administration, almost exclusively from the financial standpoint, and even conceding that they would exercise judgment in complete fairness they have not the necessary technical knowledge to assess the merits of a case in detail.

It is perhaps material to point out that in no comparable service is there the right of appeal to any outside body (even the N.F.S. right of appeal to the Regional Commissioner in cases of dismissal or reduction in rank does not come into this category). In the case of the Army, which is much quoted, there is a nominal right of appeal to the Brigade Commander in summary awards—a right which is very rarely exercised—and in court-martial awards there is also a right of appeal, although in a number of cases it would seem that the appeal is too late to prevent part or whole of the sentence being served.

There are, however, even more serious objections to the appellate body being found from the Police Authority. It is a common belief throughout the Service that a Watch Committee of a Standing Joint

Committee "does what it is told" by the Chief Constable, and any ruling by the Police Authority or appeal against a decision by the Chief Constable would be suspect as being a ruling influenced or biased by the Chief Constable even if he was not present at the hearing of the appeal. There are certain famous—or should they be called notorious?—exceptions to this, and in these cases the same argument applies in the reverse direction, *i.e.* the scales would be considered as being weighted against the Chief Constable. The famous dictum of the late Lord Chief Justice (Lord Hewart) is very relevant to both sides of this question.

Equally, if the appellate body is found from the local Police Authority, there is grave danger of what is politely called canvassing, but, less politely, lobbying or jobbery. Any such methods would have a much graver effect on the welfare of the Police Service than the result of any particular appeal whether fairly or unfairly decided.

What is therefore required is a completely unfettered, unbiased and technically competent body outside the sphere of local influence of any sort, and this can only be found within the Police Service. But how is it to be found?

Various suggestions have been made, *viz.*, that appeal should be to:

- (1) The Home Office.
- (2) Some body within each Force.
- (3) Some standing tribunal formed on a group or possibly Regional basis (the equivalent to the Army permanent Court Martial).

To deal with these suggestions seriatim:

(1) *The Home Office*

If the scope of the present right of appeal is to be widened to any degree, it would be impossible for the Home Office to deal with all appeals, certainly if the appeals were to be heard and not read.

(2) *Within each Force*

It has been suggested that a body or committee should be set up within each Force, not to act as the appellate body, but as a "Reviewing Committee" to consider whether a case merits reference to the Home Office by way of appeal. All cases which were subject to right of appeal would come before them for review, and such a committee would be empowered to grant stay of execution and reference to the Home Office. This would reduce the number of cases referred to the Home Office considerably. It is suggested that the committee would consist of a representative of each rank in the Force. The constitution presents of a representative of each rank in the Force. The constitution presents some difficulties owing to the widely varying size of Forces, but this

could be adjusted. The same drawbacks, however—except on the score of technical competence—apply to this committee as apply to committees of the Police Authority, and it would be difficult to ensure an unbiased and unprejudiced decision, and impossible to guarantee *the impression* of an unbiased decision. Without labouring the obvious ramifications, it would be easy to visualise a case being considered by this committee of a man who has previously been the subject of adverse report by the sergeant or superintendent on the committee. Also, apart from such obvious cases, the mere existence of such a committee within the Force would tend to cause uneasiness, possibly dissension, and would certainly affect the unity of the Force.

(3) *A Permanent Appellate Tribunal*

It is obvious that any one tribunal could not deal with all cases and it would be necessary to deal with appeals on an area or group basis. The present Regional organisation would appear to offer an admirable basis for any such proposal.

If it is agreed, as will be suggested later, that Police development in the future should tend to some form of Regional organisation, then it is also considered that there should and will be a competent and experienced Regional staff from whom the necessary members of the appeals tribunal can be found. The tribunal itself need not be large (three as a maximum) and neither need it be whole-time, *i.e.* the members would have other duties to perform at Regional Police Headquarters.

It is suggested that the composition of the tribunal should be the Acting Inspector of Constabulary (but the title to be improved), a Superintendent and an Inspector, the two latter to be permanently off the establishment of any particular Force.

The decision would be a majority decision, the opinion of the tribunal given in the order Inspector, Superintendent, and Acting Inspector of Constabulary. From this decision there would be no right of appeal.

The second main question is to decide what punishments should carry with them the right of appeal. It is obviously unnecessary and undesirable that *all* punishments should be included. A broad division would appear to be—any punishment which affects a man's pay or service for more than one week. This would, therefore, include all reductions in rank and pay, but not fines; but the special increment would be reserved out and still left in the hands of the Chief Constable.

Including dismissal and resignation, which exist at the moment, this would cover all the more serious punishments, *i.e.* those from (1)

to (4) inclusive of Regulation 21 of Police Regulations, and all those which are of a permanent as opposed to a transient character.

The author has no figures available for the whole country, but from enquiries made from two or three of the large Forces in the country the right of appeal on this basis would seem to apply to about 25 per cent. of the total number of punishments awarded, which would appear to be equitable and would not represent an unwieldy number of cases (even if all were heard) on appeal.

It is also thought necessary to ensure that the right of appeal should be properly used, and for this purpose the appellate body (whatever its form) should have the power to increase as well as decrease punishment, as in the case of the Court of Criminal Appeal.

TECHNICAL EFFICIENCY

Measures to effect an improvement in the technical efficiency of the Service were very thoroughly and very adequately dealt with in detail in the recommendations of the Departmental Committee on Detective Work and Procedure.

All that need be considered, therefore, is the form of organisation as a whole which will best promote the technical efficiency of the Service, and this in turn is a problem of the size of forces and the form of overhead machinery to effect the maximum degree of co-operation and co-ordination between Forces. It is, in other words, a question of amalgamation of Forces, of some sort of Regional Grouping, and/or of nationalisation. Stated in these terms it will be recognised as a very old friend with many ramifications, but for the moment it is intended to deal with the question solely from the point of view of technical efficiency.

It can be stated as axiomatic that the larger the force, within limits, the more *chance* it has of being efficient (although it is not *necessarily* more efficient). Both within and without the force, the larger forces can provide better equipment, better communications, and a more highly trained staff, and for these reasons alone the smaller forces work under an inevitable handicap (the fact that a large number of small forces successfully overcome this handicap does not affect the principle). Equally, the larger forces enjoy greater financial scope and their "overhead charges" are more evenly spread out throughout the Force. It is equally obviously desirable that the number of boundaries should be reduced to a minimum.

It is unsafe to press the principle of the advantage of mere size too far, as one limit is imposed on indefinite expansion by the incidence of geography; but subject to limits it can be said that "God is on the side of the big battalions"—with consequent detriment to the criminal.

This question has been the subject of much enquiry and argument and debate, both official and unofficial, but it must be accepted that in any post-war development the small Force must disappear. It may or may not be inefficient (it is a matter of degree), but it is certainly uneconomic and anachronistic.

It is intended here to do no more than establish the principle and not put forward any detailed proposals, but there would seem to be no reason to disagree with the Home Office suggestion of 75,000 as being a population figure below which no place or area would be entitled to its own Force.

Whether any consequent amalgamation would result in City or Borough being absorbed with a County or *vice versa* is beside the point, and there would seem to be no reason why—if the requirements of technical efficiency demand it—a County should not be absorbed into a City or even with another County.

If it is agreed, then, that the previous suggestions of larger Forces will produce a more efficient "unit" as a unit, what is necessary over and outside the operation of that unit to ensure maximum efficiency? Obviously—machinery for consultation, co-operation, and co-ordination (all magic words, but in this case they mean something) between units. Some might be inclined to add a fourth "C"—Control; but it is considered, for reasons given later, that "Control" should be very limited.

A great deal has, of course, been done by way of development of the three "C's" between forces, and considerable impetus has been given to this development by the war. What has been done so far has been very much to the good, and no one can doubt that the addition of the Regional Police organisation has been of great advantage to the Service. It must be accepted, then, that the abolition of the Regional Police system and the reversion to the pre-war situation—in spite of District Conferences and mutual aid pacts, etc.—would be a retrograde step. This can be the more confidently stated as it is generally agreed that the post-war years will present problems for the Police which will require co-operation in their solution in no smaller measure than has been achieved in war.

The scope and jurisdiction of the Regional organisation should be wide and should include all matters which go outside the immediate purview of the individual Force.

Two questions immediately arise: (a) What should the scope of the Regional organisation cover? and (b) Can Nationalisation offer anything which Regionalisation cannot?

To deal very briefly with (a), the following would appear to be the general headings (some of which already apply):

- (1) Regional wireless and all matters pertaining to inter-force communication.
- (2) A Regional Forensic Laboratory.
- (3) A Regional Clearing-house for Crime.
- (4) A Regional Training School for recruits, for senior officers, Courses, etc.—established as a permanent school.
- (5) A permanent disciplinary tribunal.
- (6) And, in general, all matters involving inter-force relations, such as Police reinforcements, etc.

Equally, the Region would have no jurisdiction over the internal operation of a force. A Chief Constable would not come under the orders of the Regional Police Headquarters for any matters other than those enumerated above.

As to (b), from the point of view of service efficiency, can Nationalisation offer anything which Regionalisation cannot?

Nationalisation is referred to here in its generally accepted sense, *i.e.* a hierarchy of officials in a steadily ascending scale from the constable on the beat to Whitehall.

Nationalisation has little additional to offer. It can add one or two "national" clearing-houses for crime, which are very necessary, and a National Police College which it is suggested should be replaced by Regional Training Schools. It can also offer complete standardisation of conditions, including housing, which is an admitted advantage—but no more. It has the disadvantage from the point of view of efficiency of destroying any spirit of inter-force competition or scope for local initiative—other than that prompted by personal ambition—and would, therefore, detract from the general level of efficiency throughout the Service.

THE INDEPENDENCE OF THE SERVICE

It is often necessary in stating a case to deal in over-emphasis to make that case; but it is difficult in dealing with the independence of the Service to over-emphasise its importance. It is imperative that the Service should be independent in its judgment in executive action— independent of any outside influence and subject only to the faithful and impartial administration of the law.

There are two main directions from which that independence may be threatened: (1) local influence, and (2) governmental dictatorship. The former exists at the moment, the latter is looming over the horizon.

The unique character of the present-day Police Service of this country is not so much its so-called democratic character, but its impartiality, and impartiality can only spring from freedom from outside influence or pressure.

As has already been stated, local influence exists to-day, but more so in cities and boroughs than in counties. It mainly takes the form of control over discipline and promotion, but this control gives wide powers—which local authorities will be extremely loth to surrender—with consequent local influence, an influence which is by no means necessarily directed towards the improvement of the efficiency of the Service. To take an elementary example, it is often held—sometimes with truth—that it is as much as a Police Officer's chances of promotion are worth to charge a member of the Police Authority with any offence. We hear of indignant complaints from outside bodies that they have not been consulted about promotion. We hear of influential requests that Smith should be promoted instead of Jones. We hear of reversals of disciplinary decisions which would seem to be prompted solely by a desire to reverse. We hear a great deal of a local authority's pride in its Police Force—but less of a local authority's pride of power over that Police Force.

A black picture—over-painted possibly—but a very real trouble, and the obvious solution lies in the withdrawal from all local authorities of jurisdiction over matters of promotion and discipline, with no loss to the welfare of the men or the efficiency of the Service. As will be shown later, this does not mean the complete divorce of the local authority from the Police, but means considerable curtailment of its powers.

The other direction from which independence may be threatened is from the central authority, *i.e.* the Minister occupying the post of Secretary of State for Home Affairs. It is essential to ensure that whatever its nature or form in detail the Police Service does not become the instrument of Government pressure or policy other than that required by the established law of the land; in other words, that the Police do not become the servants of the party in power at the time, and that is the insuperable obstacle to Nationalisation.

The world is too full of examples to-day to require the matter to be laboured, and it is sufficient to point out—as an extreme case—that Hitler could never have achieved his rise to power in Germany on any system equivalent to the British Police Service of to-day.

Any scheme of nationalisation postulates a hierarchy of Police officials under one Police Officer who is head of the National Police Service and from whom all orders and instructions on executive action would emanate. His would, of course, be a Government post. In general, a good deal of discretion would be left to the lower levels; but, in particular, an order *could* be given on any matter pertaining to Police action, and therein lies the danger.

To give two elementary examples to illustrate the point. The

writer was once asked by telephone by an official if he would agree to permit a breach of the law by a certain class of person (at the request of a Government Department) and overlook the resultant offence. The matter was regarded as of some importance and the writer refused, but under any system of nationalisation he could have been ordered to comply.

Again, a servant of a certain Service Department was charged with larceny of Government property and, on the instruction of that Service Ministry in London, a representative was specially sent to see the writer the day before the hearing with a request that no evidence be offered or the charge be withdrawn. Both were refused, but presumably under any system of nationalisation the Service Department would have approached the Minister occupying the post of Head of the National Police Service and—depending on the result of that discussion—the necessary orders would have been issued.

It will be said—perhaps with truth—that such a situation could never arise in this country and that our Parliamentary institutions, together with the permanent Civil Service, present an adequate safeguard. The complete integrity of the Civil Service is accepted, but the point is not so much whether it *would* happen in this country but that—under nationalisation—it *could* happen in this country.

In pre-war Europe the system of centralised governmental Police Control was almost universal, with results which no one in this country would wish to achieve, and even outside Europe a system whereby a Chief Officer changes with the political party in power is not unknown.

It is recognised that such a system of direct Police control is necessary and works admirably in certain of our Crown Colonies and possessions overseas, where the nature and character of the population are entirely different; but no one would suggest that for this reason it would be justified in this country.

It is not, however, suggested that the Police Service should be so independent that it is responsible to no one and takes orders from no one. The system of control will remain virtually the same as at present, except that the system in cities and boroughs will conform to the system in counties.

It is hardly necessary to point out that there is one great check on Police action on the executive side becoming arbitrary or high-handed, however “independent” a Police Force may be, and that is the very strict control exercised by the requirements of the administration of the law, with its safeguards varying from judicial rebuke to action for damages for illegal arrest, etc. There is a much greater danger of Police Forces becoming too dependent than too independent.

It should be quite clear that the above discussion is solely concerned

with the executive side of Police work. On the administrative side there is not the same objection to the strict control—and even dual control—which exists at present, which will be referred to later.

To sum up, then, on this question of nationalisation. Apart from the one obstacle of independence, in the writer's opinion there would appear to be no serious objection to nationalisation; but that one obstacle is insuperable and final.

Before proceeding to summarise the points dealt with, and to outline a suggested constitution for this post-war Police Service, there are one or two extraneous questions which should be referred to.

(a) Civil Defence

Whatever the future of Civil Defence is to be it is impossible to forecast. If, however, the maxim of "Never again" is to apply to disarmament, it is to be hoped that we shall not completely abolish Civil Defence, but retain some nucleus as a framework on which the whole structure of Civil Defence could be rapidly expanded if it should ever again be required. The writer is an unrepentant supporter of the principle that Civil Defence should be built on a Police framework, and that the control side should be vested in the Police (with the necessary staff), and if any support for this principle is required it can be obtained from any soldier in this country to-day who knows anything of the subject. The post-war period will at least offer an opportunity to remedy what is considered to be a serious defect in Civil Defence organisation at present, and whatever form that nucleus may take it should be built within the Police framework. Its comparatively small "permanent" (though not whole-time) staff would be part of the Police Service and would be trained by and with the Police, and if it was ever required again—and even if, for political reasons, it was thought desirable to divorce it from the Police (it could only be for political reasons) when the emergency arose—then still the trained core of instructors would be available for rapid expansion of the Civil Defence Service.

There would seem to be no reason why the personnel should not be formed into a body analogous to the Special Constabulary.

THE FUTURE CONSTITUTION

In the light of the considerations and the discussions which have been put forward, let us now try to give some outline to the form and constitution of the Police Service of the future.

1. The Police Force to remain virtually in its present form on a local territorial basis, but all the smaller Forces to be abolished. All necessary amalgamations to be effected by law.
2. All matters pertaining to discipline, promotions and postings

to be withdrawn from the local Police Authority and placed in the hands of the Chief Constable.

3. The right of appeal to a Regional Tribunal to operate for *all* punishments under (1) to (4) inclusive of Regulation 21 of Police Regulations.

4. All matters of pay and allowances to be divorced from local authorities and standardised in the hands of the Home Office.

5. Matters of administration, other than those specially referred to above, such as buildings, etc., to remain in the hands of the Police Authority. This is admittedly a defect and will not necessarily effect that standardisation of housing conditions which is so desirable. If, is the price which has to be paid for retaining local associations. If, however, the Home Office grant was increased to 70 per cent. (*c.f.* Civil Defence) it would ease the local purse-strings and materially help to ensure a "right-mindedness" in the provision of adequate housing, equipment, etc. The alternative is the abolition of the local Police Authority and the substitution of reference to the Regional Police Headquarters; but over this there would be obvious political difficulties, beside which this, in effect, would be nationalisation in disguise.

6. To avoid confusion with the present Civil Defence Region (which may or may not remain) the area of Police Grouping to be co-terminous with the present Civil Defence Region, but to be known as the District, and the Police Officer in charge of the District to be known as the District Inspector. He would not come under the jurisdiction of the Regional Commissioner.

7. All matters within the Force to be the responsibility of the Chief Constable, and in these matters he would not come under the jurisdiction of the District Inspector.

8. All matters outside the Force—particularly inter-Force relation—to be the responsibility of the District Inspector and his staff. The District Inspector to be superior to all Chief Constables in all matters within his jurisdiction.

9. The present Inspectorate to be abolished, but the District Inspector to have the right of inspection and report within his District.

10. The District Inspector to have an adequate staff and to be responsible for:

- (a) Wireless and all inter-Force Communication.
- (b) Forensic Science.
- (c) A Clearing-house for District Crime.
- (d) A permanent District Training School to cover:
 - (i) Recruits training.
 - (ii) Courses for Promotion Examinations.

- (iii) A prolonged course for officers specially selected for promotion to the higher ranks (with a recognised standard and classification certificate). These officers to be nominated by the respective Chief Constables and to pass an examination for entry, but no pre-Police service certificate to be required for entry. These long courses will be the equivalent for each District of the Hendon Police College.
- (iv) Refresher Courses for Senior Officers.
- (v) Detective Courses.

He would also act in an advisory capacity on inter-Force promotion with the District, but no man could be required to move except at his own wish.

- (e) A permanent appellate tribunal.
- (f) Civil Defence.
- (g) Police reinforcements.
- (h) And in general all matters affecting inter-Force relations.

In conclusion, it is hardly necessary to state that any opinions put forward in this article are entirely unofficial—and likely to remain so. *Quis custodiet. . . ?*

The Police and the Wardens' Service in the Post-War Period

By SUPERINTENDENT J. A. ROBERTSON, M.B.E., B.L.
City of Glasgow Police

A review of events on the Home Front since the inauguration of air raid precaution measures in this country throws into bold relief the outstanding part played by the Police throughout the country in the organisation, training and development of the present highly efficient Civil Defence Services.

On the establishment of the Civilian Anti-Gas School at Falfield, many of the earliest vacancies at the School were capably filled by nominees from the ranks of the Police Service. Police officers from all parts of the country met there and delivered themselves on methods of combating the effects of enemy air attacks with an eloquence which would have done credit to any assembled company of orators. A passer-by who had chanced to enter the lecture rooms during the course of the lecturettes by the police students would scarce have believed that

he had entered the company of a body of men, part of that great organisation which had for years been the butt of music hall and cinema witticisms and had provided much material for the humorous periodicals. Leaving the School, the qualified police instructors entered upon an era of entirely different relationships towards the public, that of lecturers on the public platform, surely a revolution from the previous public conception of the Police! No other event, save possibly the development of road traffic, threw the Police into such intimate contact with members of the public in general—as opposed, of course, to criminals and offenders against the law. All sections of the public, including, in many cases, the local squire, “sat at the feet” of the police instructor, acquiring knowledge of a subject on which the police officer could discourse with authority and clarity. The Police Force had become indeed an instrument of expression and not merely of repression.

As a result of these contacts made at public meetings addressed all over the country, often at the sacrifice of much leisure time on the part of the officers concerned, many new friendships were established between the Police and the public, especially in the large cities, where such opportunity had not previously presented itself. The Police were viewed by the public from a new angle, and a healthy respect for the growing academic ability of the Force in general was thus developed in the mind of the public, many of whom were speaking to or being spoken to by a police officer for the first time in their lives. However much members of the Force may have desired it otherwise, up to that time the Police in general had been looked upon by the public as a thing apart, as something with which to terrify children, and even adults viewed the policeman standing at the corner of the street with a certain measure of trepidation, passing him with a quick side look and accelerated step.

With the development of air raid precaution measures, there came the creation of individual services, including one to be most closely allied to the Police—the Wardens' Service. The creation and operation of this citizens' self-help service, linked up as it is with the officials of the Government, the local authorities and the Police, cannot fail to have the most beneficial effects in the years ahead.

During the last war the part to be played by the Police in the comparatively few air raids then experienced was fully appreciated by the Government, and perusal of the instructions then issued to the Police reveals the fact that our predecessors in office of these days had to combine the duties of the present Police Force and Wardens' Service, including in many cases the function of First-aid Parties, Emergency Mortuary Service and Information Bureaux—all this despite the wholesale withdrawals of the younger police officers to H.M. Forces. Police

officers alone, assisted capably of course by members of the Special Constabulary, had to patrol the streets and roads without even the protection of a steel helmet. Black-out problems had also then to be dealt with but, as apparently an hour's preliminary warning of air attack could at that time be anticipated in many parts of the country, sufficient time was available for lamplighters to be assembled on the preliminary warning and despatched on foot at the appropriate time to extinguish street lamps by hand. Even exempted lighting was allowable up to five minutes after the actual air raid warning message had been received by the factory or premises. If a raid did actually develop and bombs were dropped, causing explosions and fire, the Police were charged with the duty of "acting as they ordinarily do on the occurrence of a fire, *i.e.* telephoning for the fire brigade, summoning assistance from the nearest police office, ambulance vans and drawing a cordon around each area affected"—a police officer and incident officer and warden rolled into one. The opening of public halls or vacant buildings for the accommodation of the homeless was also then a police responsibility. They had to be detailed to collect the information regarding the number of casualties and of the damage caused in the area, while unexploded bombs presented a problem which had then to be dealt with by keeping every person at safe distance until the arrival of the military.

Obviously, however, the lessons learned in other countries before the present war clearly indicated that the probable scale of air attack on this country would produce circumstances completely beyond the resources of the Police to carry out, hence the organisation of the Wardens' and Report and Control Centre Services to assist the Police in the discharge of the duty of protecting the public. In fact, the Wardens' Service is clearly, as such, an additional auxiliary to the Police without their powers and relieving the Police to a considerable extent of duties which, at least in the last war, were considered to be wholly police duties. This raises the oft discussed question as to what should be the ideal relationship between the Wardens' Service and the Police. In the organisation of the Wardens' Service three courses could have been taken by the Government, *viz.*:

1. to make the Wardens' Service an Auxiliary Police Service with powers similar to those of a Special Constable;
2. to organise the Wardens' Service by the use of Police acting as staff officers but without vesting the wardens with police powers, and
3. to organise the Wardens' Service on a purely civilian basis entirely separate from the police organisation and, of course, without the powers of police officers.

To have adopted alternative No. 1 would undoubtedly have obviated the complaints which have been made by enthusiastic wardens regarding their lack of authority in dealing with offences against the Lighting (Restrictions) Order, but, presumably, the Government did not consider it would be a wise, or even necessary, step to confer such powers on the Wardens' Service. As has been stated by the Home Secretary, it is not necessary for wardens to have police powers to carry out effectively the duties which they have undertaken to perform. In fact, the Home Secretary of the day told the House that he was not satisfied that any material advantage would be secured by the grant of specific powers, either in general or on the particular point raised by his questioner, *i.e.* on the power to ask people to produce their identity cards. In one or two parts of the country an endeavour was made to meet the plea of the wardens by having certain senior officers of the Service sworn in as Special Constables, but this was only an expedient and could not be applied in a wholesale manner throughout the country. There is no evidence to show that there is a general desire amongst wardens to have police powers and, indeed, it is doubtful whether, to acquire these powers, the Wardens' Service in general would be willing to assume all the personal disadvantages inherent in them. Much of the resentment with which the Police have been viewed by members of the public in the past has undoubtedly been brought about by the many regulations which the Police are called upon to enforce. Many people resent interference with their freedom of action, failing to appreciate the benefits which society as a whole derives from such regulated life. Through having to carry out the duty of enforcement, the Police unfortunately have had great difficulty in gaining the goodwill, friendship and co-operation of certain sections of the community. If wardens had received police powers, therefore, they would have laboured under the same disability and would have been considered merely as part of the general body of the Police. The result would undoubtedly have been the absence of the amazingly high standard of co-operation between the wardens and the public which has been a feature of the Wardens' Service in this country. Having regard to these factors, therefore, the policy of the Government in avoiding the pitfalls of conferring police powers on the Wardens' Service appears fully justified.

This left local authorities with alternatives 2 and 3, which were adopted as considered expedient in various parts of the country. Under each of the alternatives, the system has certainly operated successfully but it would appear, to take the long view, that those local authorities which decided to place the organisation under the wing of the Police Service have taken a step which has conferred a "flying start" on their particular Police Force as far as post-war development is concerned.

The odds are in favour of a more successful organisation being achieved and maintained in a Wardens' Service so organised, supported as it is by the stability and authority of a long established organisation, equipped with offices and with staff trained in dealing with emergencies. The frequent changes and the resultant interference with continued efficiency which are the normal marks of a service organised by volunteers are thus eliminated. In these areas which have been sufficiently wise to place the Warden and Messenger Services under the direct or indirect control of the Chief Constable an opportunity for a post-war development is presented which should not be ignored. There are boundless indications of the success which has attended such a combination of Police and public in which the collaboration has been magnificent and has particularly shown that the Police and public can combine effectively to deal with problems affecting the community. In previous problems which have had to be faced, the Police were usually on one side of the fence and the public in general on the other—more or less Police *v.* Public. Now, for the first time in history, we have Police and Public on a United Front, both suffering the same privations, facing the same dangers and welded together as one unit against a common foe. The public has not been slow to appreciate the fact, as probably never before, that the Police Force is indeed a bulwark upon which they can rely. They have been able to acquire knowledge which they never previously had and thus a more intimate connection with the Police has been developed. In the course of lectures to the general public and as a result of enemy air attack, police stations have been visited by many thousands of persons who had never before seen the inside of such a place. The police stations are no longer the closed book which they hitherto may have been to many members of the community. The numerous acts of heroism performed by the Police in the saving of lives of members of the public during air attack have not passed unnoticed, either when they were performed by police officers alone or in company with the wardens and members of other Civil Defence Services. These brave deeds have developed in the minds of both Civil Defence Services and the public a high respect and admiration for the Police. The carrying out by the Police of the duty of Incident Officer too has provided fertile ground for the seeds of respect for the capabilities of the Police to control desperate situations. In that work they have had to rely to a great extent on the Wardens' Service as the official link between the Incident Post and the public. The wardens have been in possession of and are able to supply to the Incident Officer, items of local knowledge and reactions of the public in a way in which no police officer, however efficient and knowledgeable he might be, could ever have found the time to collect. Indeed, it is doubtful whether the information thus

acquired would have been so readily supplied to the Police by the public. The smaller sectors covered by the wardens have enabled the latter to obtain and collate information which has been of the highest importance in emergency.

In the official handbooks a warden is described as having been "chosen as a responsible and reliable member of the public, who will advise and help his fellow citizens in the sector to which he is allotted in all the risks which might follow from air attack and *will form a link between them and the authorities* for reporting air raid damage and calling aid when required. . . . It should be a warden's aim to form a kind of informal squad of assistants in his sector, to whom he could turn for stout-hearted help if disaster should descend upon it." No one can deny that the Wardens' Service has indeed fulfilled those duties in a highly successful manner and has not spared itself in the task of disseminating advice to members of the public on A.R.P. measures. It has certainly forged an extremely strong link between the public and the authorities in many more directions than merely the reporting of air raid damage. Normally, one of the most difficult tasks facing the authorities is to get the public to do things for themselves but it can now be said that the Wardens' Service has achieved the apparently impossible. The close contacts and house-to-house visitation carried out by the Wardens' Service have been the means of this success.

POST-WAR POLICY

Much has been written regarding plans for solving post-war international problems, but we shall also have post-war national social problems. It is not, therefore, untimely or irrelevant at this stage to consider how we might overcome these problems so far as they affect the behaviour of individuals.

Having regard to all the Wardens' Service has already accomplished in that direction, therefore, the fate of that Service after the war should now also be the subject of serious consideration. To disband it after having established such a valuable avenue of communication with the public would be a short-sighted policy. One can safely presume that victory will bring conditions under which it will be unnecessary to maintain Civil Defence Services at anything like their present standard. Nevertheless, having accomplished such splendid team work between the public and the authorities (including in no small measure the Police) the disbandment of the Wardens' Service would be improvident. Rather should it be maintained as an effective link between the Police and the public. Too often in the past have the Police been misconstrued and misunderstood because of the fact that they had, of necessity, to be a "silent Service." Many problems which they have had to face would

have been solved if the co-operation now being given by the public had then been in evidence. In major cases, for example in the tracing of wanted persons, newspaper columns have been used by the Police in an endeavour to obtain the co-operation of the public and even in days when the Police were much less understood and appreciated the response to such publicity has been surprisingly good. This would indicate, surely, that given sufficient information, the public are always prepared to assist. Often, however, the problems which the Police have to face are even more difficult than the tracing of a suspect but, publicised and presented to the public in the proper manner, it is evident that the fullest co-operation could be obtained. Many indeed are the problems which only co-operation by the public can solve and the means for obtaining that co-operation appear now to be within our grasp. Public co-operation is necessary for the success of Police efforts but that co-operation cannot be obtained unless the appeal is properly presented. The Wardens' Service, as presently constituted, or in a modified form, can be the medium through which publicity can be given to Police efforts and their difficulties presented to the public with an appeal for co-operation. To judge from expressed opinions, most wardens will be reluctant to give up the splendid organisation which has been built up and all of them would agree that, despite the inconveniences which they have experienced in carrying out their duties, the understanding and appreciation which have been displayed by the public have more than recompensed them for the work.

The training and development of the Service has also necessitated the most complete co-operation in recreational directions. Probably now more than ever before do the Police take part in games and sports side by side with members of the public. This too goes far towards convincing the public that the Police are more than law-enforcing automatons. The youth of the country has also come into closer contact with the Police as a result of the working together in a common cause. Many youths who in peace time would have caused the Police the usual trouble by petty offences are now, either as Messengers in the Civil Defence Service or as Police Messengers, co-operating with the Police. They have become allies instead of adversaries. Friendships and understandings presently being formed between youths and the Police will, if properly fostered, have the most beneficial effects by giving these future citizens an insight into Police organisation and administration and creating in them a wholesome regard for the Police, born not of fear but of understanding. The feeling has apparently been latent and has needed the present war with its air attacks to illustrate how the national youth, as well as their elders, can co-operate on completely friendly and equal terms with the Police against a common foe. There are many

common foes of society which can similarly be faced with a United Front. Juvenile delinquency, for example, has long been one of the most powerful anti-social factors and, while small interested sections have worked feverishly and unsparingly to forge the proper weapons to combat this foe, it is evident that much more will require to be done before the problem can be dealt with. Probation Officers have performed yeoman service but obviously the supply of Probation Officers could never be sufficient to deal with each case with the intimate knowledge which the treatment necessitates.

In such cases, could not the help of the local warden, assisted by "stout-hearted" citizens in his sector, be utilised to take that very necessary personal interest in the cases on his sector? The street team idea, operated so successfully during the last two years for fire-fighting, could well be applied to many other problems in the days of peace. The "self-help" principle could be used against the enemies within our gates, as it has been against those from outside. The various youth organisations have already laid the foundation of popular types of boys and youth clubs which could function after the war, and the Police should not neglect the opportunity of developing, and even assuming responsibility, for these clubs. Work on these lines has already been done with distinct success by some Police Forces in the country. Many police officers are already organising the Messenger Service of the Civil Defence and of the Police and in that way have become known to the boys. These organisations could be powerful factors towards social betterment. Why could not the services of the senior boys be used as prefects in difficult cases of juvenile delinquency or, indeed, in minor cases, to handle the matter before the offender has had the opportunity of travelling too far downwards? The influence of these upstanding youths, already recruited, could play a most important part in keeping their more youthful members facing the proper direction. Let youth deal with its own problems and problem children and, just as they have come out on top when given the opportunity during the war period, so will they find the solution to the youth problems of the peace. Too long have adults endeavoured unsuccessfully to force their methods on the youth and now that the youth of the nation has proved itself so capable, it should be allowed to assume at least a share of the responsibilities for the solution of its own problems. The supervision and influencing of erring youth could well be undertaken by members of these clubs, with which the Police could link up so profitably since their success would considerably ease the work of the Police. The dissemination of road safety hints could be carried out by such clubs as well as through their adult counterpart of citizens banded around the wardens. There appears to be ample scope too for the acceptance of the help of girls in dealing

with problems affecting their own sex and in which policewomen could play such an outstanding part—all in the prevention rather than in the detection of crime and offences.

One primary necessity, so far as the youth of the nation was formerly concerned, was to remove their misconceptions of the Police, and now that the war has accomplished that fact and washed away any artificial barriers which existed, let us not hide our light under a bushel. Let us inform the public about ourselves and place our problems before them for their assistance in solving what are, after all, problems which the public themselves create. Let us copy the example of the military authorities and appoint a Police Public Relations Officer who could act as the link between the Police and the various youth and adult organisations. Such a Public Relations Officer could arrange for the spread of police publicity to these organisations—the adult organisation based on the present Wardens' Service and the youth organisation based on the Messenger Service—and every type of propaganda, even poster publicity with police hints to the public, could be used. The facilities which are available to the public in the Police Boxes have never been fully appreciated and many crimes could have been prevented, or at least more easily detected, if the public had been educated to use the available public telephone. Malicious mischief by children could also have been prevented by members of the public if they had been charged with that duty. At present there is a natural disinclination on the part of willing members of the public to interfere with offending children, fearing thereby to encounter trouble with the parents of the children. If however, as under the suggested scheme, the warden and his correlated citizens were given official status as overseers of the area, their position would be recognised and interference by them with offending children would incur no resentment on the part of parents.

Official visits by adult and youth parties to police stations could profitably be organised by the Police Public Relations Officer, when ratepayers could see how the police part of their rates was being spent. The uses which can be made of police wireless could also be explained and, of course, every opportunity taken to invite the public to seek the assistance of the Police in all relevant matters as well as to reciprocate by helping the Police. Let us inculcate and develop the feeling that the beat policeman is a friend, ready to advise, and not an ogre waiting to pounce upon the defaulter.

Arrangements could also be made by the Police Public Relations Officer for a panel of efficient police lecturers to address assembled members of the community on social problems, as they are doing throughout the country on Civil Defence matters.

These suggestions are, of course, only capable of bearing fruit if the

Police are prepared to play their part in meeting the public on the public's own ground and to put forth the greatest endeavour to understand the public point of view. No longer do the Police require to adopt the aggressive attitude of which we have been accused in the past and supposedly born of an inferior education. Nowadays, with the present improved standard of education of members of the Force, we can meet all sections of the public on equal terms. The war has given us one of the greatest opportunities of displaying that higher academic ability with which the present-day police are equipped, coupled with the resourcefulness and initiative which have always characterised the Police Force and examples of which are legion. We have been linked up for the first time with purely civilian organisations and the link is growing stronger. It would indeed be a retrograde step if that link, which has proved to be so successful in the difficult times of war, should be severed before opportunity is taken of viewing its possibilities in peace-time.

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Abortion

MANY eminent jurists, and others, claim that in a democracy a law can be enforced only when that law has the support and approval of the public at large. In this way the masses have the "last say," even to the extent of overriding Parliament, simply by applying a mild form of mass civil disobedience. Proof of the validity of this claim lies, it is said, in the Sunday Observance Acts and other pieces of virtually dead-letter legislation remaining on the Statute Book, and indeed, on broad lines, the claim has always been admitted.

Abortion therefore, the law relating to it, and the attitude of the public, provide a first-class paradox. Professional abortionists are invariably dealt with severely by H.M. Judges; there is no light-hearted treatment of this crime in the assize courts; yet outside the courts there are very few persons, particularly women, who think abortion wrong if it is brought about in the early stages.

A few years ago an Inter-Departmental Committee on Abortion, presided over by (as he was then) Mr. W. Norman Birkett, K.C., published an interesting and edifying report. Reliable statistics were not available, but it was estimated that between 110,000 and 150,000 abortions occurred in this country from all causes yearly, and that forty per cent. of this total were criminal abortions. According to this estimate there are 50,000 criminal abortions yearly, a very startling figure, and one is naturally inclined to wonder how such an estimate was

reached. Certainly the figures were not supplied by the Police, as the number of criminal abortions known to the Police in 1937 was a mere 197. Only 65 persons were prosecuted in the same year. In 1938 only 172 cases came to the notice of the Police and 97 persons were prosecuted, not all of them successfully.

Another estimate placed the number of women who annually are the subject of criminal abortion at 90,000.

There can be little doubt that all estimates of this sort must emanate from the medical and nursing professions which, as a general rule, qualify for the description of the "silent service" in relation to abortion. In the Inter-Departmental Committee's Report are the words "prosecutions are few . . . and this in turn is due to the failure of doctors to report at once, or at all, to the authorities." The report goes on: "The criminal abortionist . . . can feel safe in advising his victim to call in a doctor . . . with the almost certain knowledge that the matter will go no further."

One wonders, if 90,000 criminal abortions were returned next year as "crimes known to the Police," how many professional abortionists would, at the end of the year, be left as they are at present to carry on their sinister business almost undisturbed. One feels that it would require a greater man than Nelson to turn a blind eye to such an enormous number of crimes.

Another interesting conjecture can be made as to the number of criminal abortions about which even the medical profession knows nothing, or would not class as abortions if it did. Vast quantities of drugs and herbs are being sold daily to women who, owing to the absence of menstruation, believe themselves to be pregnant. Very many of these women would have found themselves to be mistaken in the natural course of events, as female irregularities do exist in fact as well as in the polite fiction of the numerous herbalists, chemists and quacks who peddle the astonishing variety of materials all guaranteed to correct the said irregularities. On the other hand, the number of women who have disposed of a pregnancy in its very early stages simply by a forced resumption of menstruation brought about by drugs must be enormous.

What a dismal, horrible racket this is! Despite the spread of knowledge of birth control, or even in many cases because of it, thousands of women find themselves to be in a pregnant condition against their wishes. Hardly one of them thinks it wrong to try to terminate the unwelcome condition in its early stages by the use of drugs, herbs, patent medicines, poisons and so on. 90,000 criminal abortions annually may or may not be a good estimate of criminal abortions occurring at about three months and onwards, but it probably does not even approach the figure of pregnancies terminated in the very early stages.

These women, if inexpert themselves, turn to neighbours, friends or relatives for advice, and all kinds of advice they get too. Violent purgatives such as Epsom Salts and gin, quinine, steel and pennyroyal, gamboge, aloes, preparations containing lead or zinc, and a whole host of proprietary "Female Pills," may be recommended. Always the sellers of these things are protected by explicit directions printed on the package showing the dose as "Three tablets every four hours" or as the case may be; certainly the prescribed doses are invariably such as to be innocuous. Almost as invariably women take the tablets not according to the printed directions but in tens, twenties or even by the boxful. Often the results are that the woman is wretchedly ill and nothing else; but not infrequently, too, menstruation recommences and the particular concoction responsible has found a fervent advertiser for ever after.

It is thus that an extremely vicious circle has been created, and the only persons who derive benefit from it are the sellers who make a profit out of desperation. Certainly the trade is not without its temptations, as a desperate woman will not only ask frankly for abortifacients but will urge that they be made as potent as possible. Substantial sums are asked or offered, so that the business becomes progressively more lucrative as the trader obtains supplies of drugs more and more likely to succeed. Temptation can be twofold: first to sell perfectly innocent drugs as abortifacients at exorbitant prices, and secondly to sell for even more exorbitant sums drugs which are or can be noxious if taken in sufficient quantity.

A recent case dealt with by the writer illustrates this duplex criminality—both are criminal, for the first is a fraud, though hardly a fraud one could prosecute, and the second is a straightforward infringement of the law as to abortion.

The abortionist in this case was a herbalist of good repute who had been in business for many years. He had a double-fronted shop complete with consulting room, and in addition went the rounds of a fairly widespread practice in much the same way as a doctor. Quite a charming man to talk to, he was unworldly in the sense that he was no methodical business man, and it was doubtless the recurring need for money which helped him to drift into abortionist practices.

In his statement made to the Police after arrest he gives his own account of his downfall. "For a number of years I ran my business absolutely straight. There was no definite reason, apart from the demand I had from my women clients, why I started to stock female pills. I started in quite a small way; as time went on there was a steady demand for this kind of pills. I did not consider the danger involved, as it was similar to those so much advertised.

"I used to receive letters and requests from people in various parts of the country, asking me to forward some female pills or medicine, and I used to oblige . . . it was chiefly local.

"*Sometimes I knew that the pills I supplied would be useless for the purpose.* On other occasions I supplied pills, etc., which probably would have had the desired effect."

He then goes on to say that he later "actually helped people," by which he meant he performed illegal operations on a number of women, which he modestly put at nine or ten. His method was either to use slippery elm bark, of which he had a good supply, as an instrument, or to manipulate the womb with the hand. Always he advised his clients to call in a doctor if they found themselves in difficulties—a first-hand confirmation of the Inter-Departmental Committee's Report.

His lack of business method was a handicap to the Police in that he made no understandable record of moneys received or treatment given; but this neglect was counterbalanced by his habit of thrusting correspondence, incriminating or otherwise, out of sight in the nearest available drawer or cupboard. Out of a considerable mass of paper, some of which was mouldy and unreadable through damp, some eighty letters were selected which appeared more or less plainly to relate to abortion. Some were pathetic, and others sturdily brisk and to the point, as in the case of the lady who, sending for a further supply of slippery elm bark strips, requested that they be shaped and pointed for her as she did not seem able to do this satisfactorily! The letters covered the period from 1919 onwards.

In the Court of Criminal Appeal on a number of occasions H.M. Judges ruled that evidence of crimes of abortion other than the one charged is admissible in certain circumstances. Broadly speaking, and particularly if the prosecution are setting out to prove that the accused was in business as an abortionist, it is permissible to put in evidence matters tending to show the commission of a number of similar crimes; thus it was possible for the eighty letters to be used to assist the prosecution. On the same general principle, samples of the various drugs kept at the accused's herbalist shop were taken and submitted for analysis. A number of the medicines and pills contained abortifacients, and this fact also was used by the prosecution.

Abortion cases are difficult actually only because it is so very hard to make a start. Once there is sufficient evidence to justify arrest it is not unusual for records kept by the accused, or other things found at his premises, to prove of the greatest possible help to the police. Usually sooner or later the Police find a woman who has aborted and has since nursed a sense of grievance, either because she has later regretted not having the baby whose life has been destroyed, or because she has

suffered in health ever since the abortion took place. Such a witness may not be a hundred per cent. reliable, but at least she will keep nothing back.

Judging from such data as one is able to acquire it seems probable that criminal abortion has become safer in recent years, and certainly much more prevalent. The former is doubtless due to the fact that even abortionists without medical or nursing training now use antiseptics and have largely given up the use of such dangerous instruments as steel knitting needles. There is also the fact that doctors can be called in after abortion, with every chance that the medico concerned will say nothing, even if he thinks a lot.

The greater prevalence of abortion can be attributed primarily to the modern conception of the proper size of a family, and secondarily to the ready supply of abortifacients available to women in the form of medicines and pills for "female irregularities." A plain example of the working of the law of demand and supply.

Viewed from a national standpoint the ubiquity of abortions and abortifacients is a very great and undoubtedly growing evil. Very many children are lost to the nation completely—it is suggested in all seriousness that criminal abortion is a not inconsiderable factor in the falling birthrate—whilst in addition the health of many women is seriously impaired by abortionist practices.

In the course of a lecture on criminal abortion a doctor said, with very great conviction: "You can take it from me that a healthy woman cannot get rid of a pregnancy by means of drugs, unless she takes drugs in sufficient quantity to be a danger to herself as well as to the unwanted foetus." If this is accurate, how difficult it should be made for women to obtain drugs at all.

Unfortunately the issues in the matter of abortion are surrounded by moral, ethical and social problems. So often a woman really wants a child, but ends her pregnancy either because she feels she is unable to afford the luxury of a child, or another child as the case may be, or because she is afraid of the social obloquy which attends the birth of a child out of wedlock. Social problems such as these are fortunately not for the police to solve; it would be perfectly simple to suggest children's allowances in the one case; but the solution of the other must presumably wait on the slow but ever-changing processes of public opinion.

Two practical suggestions might be considered forthwith. The first is that all abortions coming to the notice of doctors should be reported for record purposes and, except in cases where two medical men certify that the abortion is due to disease or some other "natural" cause, the police informed.

Opposition to this would doubtless be forthcoming from the

medical profession; but they should remember, as a doctor reminded the writer in a diatribe on the impotence of health authorities to deal with venereal disease problems effectively, measles, scarlet fever and other comparatively innocent diseases are already notifiable whether the sufferer wills it or not. The "grave question of principle" now raised has therefore already been settled.

The second suggestion one would make is that the sale of drugs for female irregularities should be forbidden, and a rigorous control instituted over the sale of drugs which can be used as abortifacients.

Abortion, like arson, is probably one of the crimes with which the Police of this country fail to grapple properly. Thought should be given to it. The Police might even decide to try and rouse the public conscience, a pleasanter but harder task than trying to appease it.

COUNTY C.I.D.

A Business Man looks at the Police Service

THAT fools rush in where angels fear to tread is a maxim with which most police officers will heartily agree; yet almost all of them can also recollect how in the early days of their service youthful enthusiasm speedily convinced them that the Police Service could—and should—be run on far more businesslike lines than those favoured by their immediate superiors.

Which peculiarity of human nature accounts for the fact that a great many war-time police auxiliaries—and particularly those who have held administrative posts in commercial life—are firmly convinced that the Police Service would benefit from the adoption of more businesslike methods. At the same time, most of them have by now served a sufficiently long apprenticeship to have got rid of their first superficial impressions and to have formed more definite opinions, which in the interests of both the Police and public might be well worthy of consideration by police administrators. It may, therefore, be useful to consider some aspects of police administration as they appear to the modern business man, and if—as is quite possible—the views here set forth are speedily contradicted by the reply of more experienced

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officers, they will at least have served the purpose of reassuring a great many members of both the regular and auxiliary services that what appears to be an unwise conservatism in regard to the adoption of new methods is in fact dictated by sound reasoning—and not by what one forthright critic recently described as "the typical stupidity of officialdom."

Perhaps the most surprising feature of police life from the point of view of the wartime entrant—by which term I refer chiefly to the auxiliary and not to the recruit who has entered with a view to a permanent career—is the widespread dissatisfaction with the lot of the individual which appears to permeate almost every branch of the service to a greater or lesser degree. This is admittedly a somewhat sweeping statement, yet unless the writer has been more than usually unfortunate in his choice of a force it can hardly be denied by any serving officer. For, with few exceptions, it seems that even experienced regular officers are far from satisfied with their lot, and almost every individual one meets can readily cite some instance—real or imaginary—of unfairness in regard to promotion or appointment to executive posts, or inefficiency in administrative methods. True as some of these criticisms undoubtedly are, it is equally obvious that they cannot all be justified and it is interesting to consider just why and how they arise.

In the first place, it seems that, thanks to the intensive campaign to raise the educational and professional standards of the service which went on for years after the report of the Desborough Committee, the majority of recruits entered the service with far higher hopes of early advancement than are justified by facts. For this they can hardly be blamed when one considers some of the glowing accounts published by the authorities when advertising for new recruits—to say nothing of the extravagantly worded advertisements published by a number of correspondence schools. According to some of the optimistic authors of such publications, it would seem that even the most elementary intelligence, provided it is allied with the necessary physique, is sufficient to ensure the potential policeman's progressive advancement to the inner circles of Scotland Yard within a few years!

Obviously nobody with a grain of commonsense would attach any importance to such fantastic claims, but the fact remains that by their very persistency—together with the eulogistic "write-ups" of a section of the lay Press and the widely published reminiscences of ex-Scotland Yard detectives—the impression has been widely fostered that pro-

motion to the higher ranks of the service is merely a matter of automatic progression and freedom from disciplinary charges. Yet how devastatingly grim are the actual facts! Police regulations in themselves should serve as a drastic warning against facile optimism, when one considers the comprehensive curriculum of the average police training school, and the requirement that, in the absence of special qualifications, the minimum period of service before sitting for the qualifying examination for the rank of sergeant is four years, and that the actual appointment cannot be made until five years' service are completed. What is far too little understood, however, is that these conditions merely represent the minimum requirements and that—with the possible exception of the Metropolitan Force—the actual average age of service at which promotion comes to the successful few is in the region of ten to fifteen years. And if these facts are not sufficient to curb the youthful dreams of the embryo police chief, there are even more potent factors to be considered—namely, that even given every possible opportunity to advancement, the proportion of supervisory ranks is such that there must always be a substantial number of men well qualified for promotion to higher ranks who stand no chance whatever, for the simple reason that there are insufficient vacancies to allow all suitable candidates a chance of securing them.

Thanks to the fact that all police forces were created practically simultaneously under the provisions of the Municipal Corporations Act, 1835, and that the vast majority of past members of the service have served for regular periods of twenty-five to twenty-six years, the number of potential vacancies available is governed largely by the fact that retirements occur chiefly in batches at fairly regular intervals. Granted there is a certain divergence here and there from this rate owing to transfers, deaths, premature retirements, etc., but generally speaking, it is true to say that in the Police, unlike the other national services, the potential promotion vacancies can be assessed well in advance. One result of this periodic grouping is that an individual who is placed in a particular service group may—however good his qualification—well be debarred from any further chance of advancement for the remainder of his service for no other reason than—to take a concrete case—that at ten years' service he is considered too young to merit immediate promotion, and five years later, when another group of vacancies occurs, he is considered too old!

The position is still further aggravated by the unfortunate combina-

tion of circumstances which has arisen as a result of the first Great War; the extension of the maximum service period in 1920 and the present war. "Bloody war and quick promotion" may well apply in the fighting forces, but it is exactly the opposite of what happens in the Police Service, as witness the fact that in 1914 recruiting for the Police was suspended and not resumed until 1919, which means those who entered the service in 1914 for what was then the maximum period of twenty-six years were due for retirement in 1940; but as there was no recruiting from 1914 to 1919 there must obviously be a corresponding period of five years without retirements and, therefore, without promotion vacancies, *i.e.* 1940-1945. In addition to this, however, is the raising of the maximum period of service in 1920 from twenty-five to twenty-six years to thirty years, which, of course, means that yet another four years must be reckoned on to what is becoming known as the "promotion stagnation period." Nor is that the whole of the evil, for on the outbreak of the present war, the right to retirement—except on medical grounds—was automatically suspended for the duration of the war and those who normally would have retired in 1940 have not done so.

It will thus be seen that, even viewed in the most optimistic light, the cumulative effect of these circumstances is that the Service is now faced with the melancholy prospect of a promotion stagnation period of approximately eight to eleven years; the exact figure, of course, being governed by the length of the present conflict. When it is remembered that the rate of supervisory officers in the Service is roughly:

- 1 sergeant to 8 constables,
- 1 inspector to 20 constables, and
- 1 superintendent to 50-250 constables,

it can readily be seen that the prospects of ultimate promotion seem so utterly remote to the average member of the Service as to be hardly worth serious consideration—in spite of the fact that he may be well qualified by both experience and education for appointment to a higher post.

It is hardly surprising, therefore, that the spirit of futility and discontent which strikes the observer of present-day police administration is so pronounced. So far, however, nothing has been done by the authorities to counteract it, and although the war must have compelled many police chiefs to thrust new ideas into the background one cannot help thinking that some of the lessons which have been learned in the large-scale business organisations might well be applied in an effort to

remedy the matter. Time after time it has been proved by statistical surveys of efficiency that contentment of the individual employee is justified not only on humanitarian grounds, but by increased efficiency; and although I am fully in favour of the former reason it is on the latter grounds that I would urge the adoption of some system which would remove the feeling of indifference which must inevitably overtake those who, after giving of their best and studying for qualification to the higher ranks, now find that their chances of ultimate advancement are negligible.

CREATION OF INTERMEDIATE RANKS

Since it is clear that most discontent within the Service is directly due to the limitation of opportunity for promotion, it naturally follows that the most obvious method of remedying matters would be by the creation of more executive ranks; but unfortunately both finance and the recognised administrative system do not permit of this. At the same time there seems no sound reason why the creation of intermediate ranks, as in the armed forces, should not be considered. The rank of Corporal or Acting-Sergeant between the present rank of Constable and Sergeant, and that of Lieutenant or Junior Inspector between the present rank of Sergeant and Inspector, for example, would automatically create a considerable number of additional vacancies, and these could be further extended by the creation of first and second-class ranks. Promotion to these intermediate ranks could be on a temporary basis and their retention dependent entirely on continued good conduct and efficiency.

Holders of these ranks would naturally be regarded as potential candidates to permanent rank, but in the meantime they would continue to perform their normal duties—except when leave, sickness or other temporary wastage necessitated their temporary assumption of the responsibility of the higher rank. It is true that in some cases the adoption of this system might cause one or two minor inconveniences in the smaller forces; but, after all, it is already quite a common practice to appoint senior members of a particular rank to discharge temporarily the duties of the next higher rank when necessary. And when one considers the heartening effect of these measures on those who would otherwise be drearily speculating on their ultimate chances of promotion—and probably deciding that they were hopeless, with the resulting detrimental effect on their individual efficiency—one cannot help

coming to the conclusion that the advantages would far outweigh any possible disadvantages.

Yet another matter which deserves serious consideration is the wisdom of allowing so many senior officers to remain in office for excessively long periods when they have reached the necessary age for retirement. During the past few months a number of chief constables and other senior officers have been reported as retiring after periods of office in the same rank of from twenty to thirty years—and in one case no less than thirty-four years!—and although one must admire the individuals in question one cannot help thinking that in a great national Service like the Police, with its inexhaustible reservoir of latent talent, it cannot be logically disputed that the retention of elderly men for such excessively long periods permanently deprives many others of any chance of advancement and should be abolished.

REFRESHER COURSES

Still other ways in which the general efficiency of a force can be stimulated is by the institution of periodical revision courses in regard to criminal investigation, A.R.P. duties, general police problems, etc. When one considers the strictly limited time which even in pre-war days was available for the curriculum of police training schools, it is amazing that there are so few cases of young constables committing glaring blunders in the execution of their duty. Yet even if time and man-power permitted longer periods of study, it is doubtful if they would prove any more conducive to efficiency until the average constable has acquired a leavening of practical experience to assist him in the solving of the weird and wonderful problems which so frequently confront him.

What seems a far more practical proposition is that the normal preliminary training should be followed by transference to ordinary patrol duties, and that periodical refresher courses should be held, with the two fold effect of imparting knowledge which can be more readily assimilated after a spell of practical duty, and also of stimulating general efficiency and interest in current police matters. Allied to such courses might be informal weekly or monthly discussions by senior officers at Divisional Police Headquarters, at which—within reasonable limits—a free and frank discussion between members of the Division on matters of current police interest should be encouraged. It may be objected that this would involve wastage of valuable time and man-power; but those who have had practical experience of this type of informal train-

ing will readily agree that the time spent is amply repaid by the increased interest and enthusiasm which it fosters.

Incidentally, one cannot help reflecting it is high time that much of the present official disapproval of conversation between the patrol officer and his colleague on the opposite beat or members of the public was relaxed. It is quite true that much of the present disapproval is due to the foolishness of the few individuals who in the past have wasted valuable time in idle gossip, and nobody who has the interests of the Service at heart would countenance this practice. At the same time it cannot be denied that the exchange of a few moments' conversation between patrol officers is often the means of passing on valuable items of information and fostering interest in their work, particularly under present conditions when there are so many police auxiliaries who cannot reasonably be expected to be as fully *au fait* with police problems as are their "regular" colleagues. Conversation between the Police and public, too, is not always necessarily confined to trivial gossip, and at the present time it may well be the avenue of acquiring some really useful knowledge. Yet, unfortunately, the disciplinary attitude of some senior officers is carried to such extreme length that men in their areas are literally afraid to be seen in conversation with either a colleague or a member of the public—unless the matter can be made the subject of an official report. Granted there must be black sheep in the Police as in other large-scale organisations, yet it should not be so readily assumed that a man who is entrusted with all the powers and responsibilities of the average police officer cannot be trusted to engage in conversation without neglecting his duties.

Finally, lest it should seem that the writer is taking a needlessly important view of a trivial matter, I would draw attention to the fact that in the officially published pamphlets and advisory talks to the public regarding invasion and Fifth Column activity the Ministry of Home Security has consistently advised members of the public to get to know their local Police. How this can be done when to be seen in conversation, except on some matter which can be sanctified by an official report, is regarded as a disciplinary offence, it is difficult to comprehend; equally, it would seem impossible for the young police officer and auxiliary to follow the advice of his instructors and official text-books and gain as much information as possible about lock-up property, vulnerable points, A.R.P. officials, fire-watchers, etc., without holding conversation with persons on his beat or fellow-officers. In fact, the more one considers

the matter the more obvious it becomes that a reasonable adoption of a "blind eye" to occasional gossiping might materially assist both the Police and the public in these difficult times when the fullest co-operation and free interchange of information is so vitally necessary.

REDUCTION OF NIGHT DUTY PERIODS

It is doubtful if any other aspect of police duty is so unpalatable to the newcomer as that of night duty. To the man who is used to the regular hours of peace-time business, with every week-end off and every night between the sheets, the prospect of eight hours' patrolling of dark, deserted streets, often in inclement weather, is anything but agreeable. Even although it cannot be avoided, however, it is at least possible that the present rigours of night duty could be considerably mitigated by a more sympathetic attitude on the part of the authorities. For instance, although personnel must be grouped into various shifts for day and night duty, and changed over periodically, it seems unnecessary that night duty periods should extend, as they do in many forces, over periods of three, four or six weeks at a time when, by a more frequent change-over, they could quite easily be reduced to one or two weeks. It has been argued in some quarters that the present policy is more beneficial on medical grounds, in that it involves less changes in the established meal times; but against this must be reckoned other factors which are equally, if not more, important to the individual.

Chief among these is the loss of social life consequent upon reporting for duty at nine or ten p.m. each night, which affects not only the individual officer but also his wife and family. The result is that, although the collective number of duty hours is not excessive, the police officer is deprived of both the time and the opportunity for those personal friendships and social life which mean so much to the average citizen. There are few among us who have not noticed a growing feeling of discontent and resentment as the night duty period advances into the third or fourth week. "Nerves" and eyestrain are other consequences of night duty which can be readily testified to by all who have performed it, even under peace-time conditions; and these have been greatly increased by the black-out and general war conditions. True, the war has necessitated many persons undertaking night duty of one sort or another; but it is questionable whether there is any other occupation in the country in which the whole of the working hours are spent out-of-doors and in complete darkness. Judging from the number of men who

have had to take to wearing spectacles for reading and clerical work during the last two years, it would seem that a statistical survey by police surgeons, of the effects of the black-out on the health of the Police Service, would be of interest.

Yet another factor which—if we are to place any reliance on the teaching of the medical profession during recent years—is having a detrimental effect on the health of police officers is the absence of sunlight consequent on night duty periods. Since they must sleep during the daylight hours, almost all of the waking hours of night patrol officers are spent in darkness. The extra ration of Vitamin D supplied by a beneficent Ministry is but a poor substitute for Nature.

It seems, therefore, that the question of bringing the Police Service into line with other occupations and the other Services by reducing the night duty periods to the minimum of one or two weeks has much to recommend it on medical grounds; while on purely administrative grounds it is worth noting that the closer acquaintanceship between Police and public, desired by the Ministry of Home Security, would be brought appreciably nearer if the residents of a particular district were not obliged periodically to lose touch with their local Police for excessively long periods when the latter are changed over to night duty.

WASTAGE OF MAN-POWER

Even before the war a good deal of nonsense was written about "wastage" of man-power in the Police Service. It is beyond question that the continual flow of extraneous duties and new legislation have created new problems for police administrators. Yet, while recognising the existence of these difficulties, one cannot help reflecting that it would have been well to consider the lessons that have been learnt by large-scale commercial organisations with regard to reorganisation in order to cope with present-day needs, rather than to attempt to cope with the difficulties by continual staff-expansion. Admittedly there have been—and are in process—considerable alterations in the distribution of police personnel in the larger forces; but, generally speaking, the fundamental function of protecting the public and its property by means of the beat system remains practically unchanged. Yet when one considers how rapidly the tempo of modern life has accelerated in our time it can hardly be denied that although—to quote a familiar axiom—"the uniformed patrol officer is still the backbone of the Service," his time can, and should be, expended more economically than it is at present. For

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instance, in an age when almost every person of normal intelligence can use the telephone, and when the quietest suburban roads have cars and people continually passing to and fro along them, and when there is hardly a road in any modern town in which either a private or public telephone which could be used in an emergency is not available, is there any real necessity for periodical patrols by officers on foot in the residential areas of law-abiding citizens?

True, it has long been held that the public is, quite rightly, entitled to look to the policeman's presence as an essential and effective crime deterrent; but much of the patrol man's time is undoubtedly wasted in pacing deserted suburban roads and back streets. In most cities and boroughs, an examination of the beat system shows that—allowing for slight divergencies due to the erratic lay-out of roads and streets—beats are allocated on an area basis which differs according to population and the amount of vulnerable property, traffic points, etc., in the particular area; but no attempt is made to ensure that the time of the police officer is spent where he can most usefully serve the public and the Service, *i.e.* on the main roads, at busy traffic junctions, and in the vicinity of valuable property. Instead, he has to patrol from point to point, either by a pre-determined route or by a semi-discretionary route, which means that out of, say, every sixty minutes' patrol, twenty, thirty or more minutes may be spent on the main roads while the remainder is perforce spent in the secluded roads or streets which he must traverse from point to point, and where there is little possibility of his coming across any matter for police attention, and where there is little prospect of him being found by anybody but his superiors who understand the lay-out of his beat. Yet, in theory, the whole object of the beat system is that the presence of the patrol officer may act as a deterrent to potential criminals and a help to the public in whatever difficulties may confront it! Surely a far more economical disposition of man-power would be the abolition of the present system of beat lay-outs in favour of a connected system of main roads patrols. Under such a system all main roads, whether in town or country, would be permanently supervised, the distances covered, of course, varying according to the immediate traffic and population figures. The advantages of this would be:

1. Quicker attention to road accidents and crimes, because patrol officers would be much more readily available than at present.
2. Business premises and traffic points would receive more systematic attention.

3. In an emergency it would only be necessary to drive along any main road in order to pick up reinforcements.

4. Ambulance, fire and civil defence services would be more certain of speedy co-operation by the Police.

5. Observation for suspected persons, stolen cars, etc., would be more efficiently organised.

It is recognised that, owing to local peculiarities, there might be objections here and there to this suggested change; but all things considered, it seems that the abolition of the present system of beat patrols in favour of properly organised main road patrols would be a far more efficient and economical disposition of man-power. Allied to such a system, there should be Divisional cycle, motor-cycle or car patrols, which would cover the comparatively few points which, although situated off the main roads, still require regular police supervision, e.g. blocks of business premises situated in the centre of residential estates.

Still other aspects of man-power wastage which call for continued consideration are the provision in *all* forces of properly planned police buildings, so that matters can be dealt with on the same lines as in a modern business house, instead of officers being compelled continually to pass to and fro and up and down stairs in the most inconvenient manner possible; the provision of up-to-date office equipment; the abolition of much of the present duplication of report writing by the adoption of a photographic system of copying for filing purposes; and the employment of women or youths for routine clerical duties, cleaning, etc.

Doubtless a good case can be made out in favour of the retention of many of the methods mentioned and also against the suggested alterations; but it appears to the writer that in view of the present necessity for the avoidance of any form of wastage, and the continued imposition of new duties on the Service, the continual review of the functions of personnel is as vitally necessary to the Police Service as to any other modern business.

E. F. ROGERS.

Towards Promotion

EMERGENCY LAW ENFORCEMENT

THE task of the policeman in keeping his knowledge of penal law up to date is increasingly difficult. Since the passing of the Emergency Powers (Defence) Acts, 1939 and 1940, and the issue thereunder of the initial volume of the Defence (General) Regulations, a large number of amendments and additional Regulations have been inserted, the last consolidated (11th) Edition issued on April 30th, 1942, prepared in the office of the Parliamentary Counsel to His Majesty's Treasury, extending to 280 pages. The enforcement of the Regulations and the institution of criminal proceedings for breaches of the Regulations and Orders made thereunder were made, almost without exception, a duty exclusively of the Police or by, or with the consent of, the Director of Public Prosecutions. Regulation 78 enabled competent authorities and persons as defined therein to prosecute offences committed against Regulations in Part IV, relating to essential supplies and work. The extension of the Defence Regulations to numerous measures rendered necessary in the interests of public safety, the defence of the realm or the efficient prosecution of the war, has necessitated some relaxation of the original limitation on the institution of proceedings. Proceedings to enforce the Regulations, including directions, orders, etc., made under them, may be instituted not only by a constable or by, or with the consent of, the Director of Public Prosecutions, but also by other specified persons and authorities. Some of these additional specified persons and authorities are named below:

Regulation 22—billeting:

Proceedings in England or Northern Ireland may be instituted by or on behalf of the Minister of Health or the Secretary of State, as the case may be, or by or on behalf of a local authority (other than a county council) in a case where the proceedings are against any person as the occupier of the premises situated in the area of that authority.

Regulation 22A—billeting of essential workers:

Proceedings may be instituted by or on behalf of the Ministry of Health, a Regional Commissioner or the local authority (other than a county council), in whose area the premises are situated in respect of which the proceedings are instituted.

Regulation 23—public shelters in private premises:

Regulation 23AB—control and management of public shelters:

Regulation 23AC—access to public shelters:

Regulation 23B—erection of air raid shelters:

Regulation 26A—obligation to perform Civil Defence duties:

Regulation 27 (2) to (5):

Proceedings may be instituted by or on behalf of any local authority upon which functions are conferred by or under that Regulation.

Regulation 27A—fire prevention on business premises:

Proceedings may be instituted by or on behalf of an appropriate authority or appropriate department for the purposes of that Regulation or by or on behalf of a Regional Commissioner.

Regulation 29B—power to require persons to continue in Police and Civil Defence employment:

Proceedings may be taken where the person to be proceeded against is in the service of a local authority, by or on behalf of that authority.

Regulation 29BA—power to require persons to take up Police and Civil Defence employment:

Proceedings may be taken by or on behalf of the Minister of Labour and National Service or by any such authority or person as may be specified by an order of that Minister.

Regulation 44B—Measures for safety of vessels in port:

Regulation 44C—Control over visitors to ships:

Proceedings may be taken by or on behalf of the Admiralty.

Regulation 45A—employment in British ships and aircraft:

Regulation 45B—employment abroad of agents for ships and aircraft:

Proceedings may be taken by or on behalf of a competent authority for the purposes of that Regulation or by or on behalf of the Secretary of State.

Regulation 45C—restrictions on departure of ships and aircraft:

Regulation 45D—provisioning of ships:

Regulation 45E—control of agreements for use or hire of, or carriage of goods in, ships:

Regulation 46—control of trade by sea:

Regulation 46A—registration of ships built in the United Kingdom:

Regulation 47A—desertion from ships, etc.:

Regulation 47AA—enforcement of agreements to join ships abroad:

Regulation 47BA—loading of ships:

Regulation 47BA—exemption of certain ships from the provisions of Merchant Ships Acts, 1894 and 1940, relating to passenger ships:

Proceedings may be taken by or on behalf of a competent authority for the purposes of that Regulation.

Regulation 60AC—special temporary provisions for closing of shops in certain areas:

Proceedings may be taken as respects any shop in any area by the local authority for that area, under the Shops Act, 1912, or by any

inspector appointed by that authority under Section 13 of the Shops Act, 1912.

Any Regulation contained in Part IV of these Regulations which specifically entrusts functions thereunder to a Secretary of State or other Minister or to the Admiralty or Board of Trade:

Proceedings may be taken by or on behalf of that Secretary of State or other Minister or the Admiralty or Board of Trade, as the case may be, or by any such authority or person as may be specified by an order of that Secretary of State or other minister or by the Admiralty or Board of Trade, as the case may be.

Any other Regulation contained in Part IV of these Regulations:

Proceedings may be taken by or on behalf of a competent authority for the purposes of that Regulation or by any such authority or person as may be specified by an order of a competent authority for the purposes of that Regulation.

Regulation 80B—medical examinations and interviews:

Proceedings may be taken by or on behalf of the Minister of Labour and National Service or in Northern Ireland the Minister of Labour for Northern Ireland, or by any such authority or person as may be specified by an order of that Minister or Ministry as the case may be.

On the other hand, a limitation even on police prosecutions was introduced in 39BA, dealing with the publication of disturbing reports and aiming at the suppression of rumour which is likely to cause alarm or despondency. Proceedings under this Regulation may not be instituted otherwise than by, or with the consent of, the Director of Public Prosecutions.

To give effect to the foregoing provisions, a number of departments and Ministries concerned with public safety, the defence of the realm or the efficient prosecution of the war, have set up enforcement branches within the department concerned, and persons are employed with the designation of "enforcement officers." The main duty of the departmental enforcement officer is to investigate allegations or complaints that offences against the particular Defence Regulation have been committed. In many cases the Departments have succeeded in obtaining the services for these duties of experienced ex-police officers, while in other cases the persons employed are men with technical or other experience which qualifies them for the particular employment. There is, therefore, an overriding need for the policeman to have a good general knowledge of emergency law, and particularly those provisions which prescribe procedure, create offences or provide for penalties. For instance, Regulation 93 governs the procedure in relation to legal Proceedings for offences against all the Defence Regulations, including

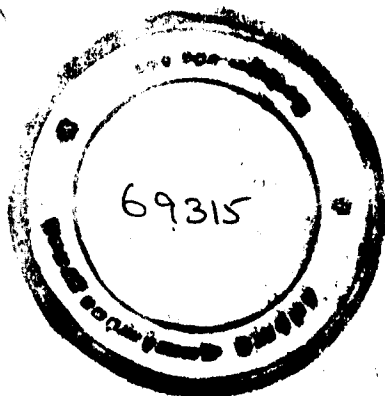
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breaches of orders, directions, rules and authorisations made under the Regulations. By Regulation 93 proceedings for an offence against the Regulations may generally be instituted either by a constable or by, or with the consent of, the Director of Public Prosecutions, but no restriction is imposed by the Regulations upon the institution of proceedings, whether these are begun by arrest, or the issue or execution of a warrant for the arrest, of any person in respect of an offence against the Regulations. The restriction further does not apply to any proceedings under Naval, Military or Air Force Law. Proceedings may be commenced at any time not later than twelve months from the date of the commission of the offence. If the offence is committed outside the United Kingdom proceedings may be commenced any time from the date on which the person concerned first lands in the United Kingdom after the offence was committed.

The Colonial Police

The following appointments are announced by the Colonial Office:

ANDERSON, Captain J. R. (Superintendent of Police)	Assistant Commissioner of Police, Nigeria.
CLARK, D. C. E. (Assistant Superintendent of Police)	Superintendent of Police, Tanganyika.
ESSON, A. M. (Assistant Superintendent of Police)	Superintendent of Police, Tanganyika.
HARRIS, W. (Assistant Superintendent of Police)	Superintendent of Police, Tanganyika.



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