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THE
POLICE JOURNAL

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

ISSUED UNDER OFFICIAL PATRONAGE

NOTICE TO CONTRIBUTORS

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THE POLICE JOURNAL**War Commentary****PENAL REFORM**

WITH so much parliamentary time devoted, as during the last session, to domestic and social legislation, regret has been expressed in some quarters that time was not found for the re-introduction of the Criminal Justice Bill, which but for the outbreak of war in 1939 would soon have completed its course and reached the Statute Book. The intervening years have further helped in the accumulation of opinion on penal reform, and the Home Secretary has given effect to modern thought by his appointment of an Advisory Council on the Treatment of Offenders. Presided over by Mr. Justice Birkett, and representative in its composition, the committee includes one chief constable (Mr. W. C. Johnson, O.B.E., Chief Constable of Birmingham). At its inaugural meeting in September the Home Secretary took the opportunity to survey the field of the Committee's work. There was the question of what more could be done to assist the courts, and especially the magistrates' courts, to reach the right decision as to the treatment appropriate to each of the various types of offenders who come before them. For this purpose the courts must have adequate information about the character and history of the offender, and adequate knowledge of the nature and effect of the various methods of treatment available. The great majority of offenders were dealt with by lay justices, and it was important that these non-professional magistrates should be assisted by skilled and trained professional staffs. He went on to refer to the Roche Committee's Report on Justices' Clerks, and said that the Justices' Clerk ought not only to be learned in the law but to have a wide knowledge of all those matters on which the choice of the right methods of treatment depends. Mr. Morrison commended to the Committee's consideration the question of what more could be done to develop the Probation Service as a highly skilled profession, requiring not only a missionary spirit but training and expert knowledge.

The question also arose as to what more could be done to provide the courts with effective and appropriate methods of dealing with

offenders as alternatives to sentences of imprisonment. The first principle of prison reform was to keep as many people as possible out of prison. One of the most important objects of the Criminal Justice Bill introduced in 1939 was to prevent so far as possible the sending of young people to prison. The Council was also desired to give special and early attention to the general problems connected with juvenile delinquency. They could reasonably take a measure of pride in what had already been achieved in the treatment of the young offender, by the establishment of juvenile courts, the probation system, the transformation of Home Office approved schools, and the development of the Borstal system. Various proposals for developing and improving the methods of dealing with young offenders could be put before the Council by the Home Office. The Council will examine these and any other measures which help to check juvenile delinquency and to render more skilful and effective the treatment of those who continue to offend.

The creation of the Advisory Council is an indication of the change in the public attitude towards the punishment of criminals. Treatment has largely superseded punishment as a magisterial adjudication. This increases rather than lightens the task of the Police, who are responsible for the detection and prevention of crime, and the prosecution of offenders. Tangible evidence is to be seen in the increased work of the Juvenile Courts, the calendars of which are filled with offences of house-breaking, shopbreaking, and larcenies of all kinds. Treatment of the kind which not only cures the individual but deters others and prevents infection seems difficult to prescribe. The work and findings of the Advisory Council will be followed by the Police Service with more than ordinary interest.

COURSES FOR INSTRUCTORS

An event which may prove an important one in police annals took place recently when, appropriately at Peel House, the training establishment of the Metropolitan Police, the Home Secretary opened a series of Courses for Instructors.

With Commander Willis, Chief Constable of Bedfordshire, as Commandant, and instructors drawn from all types of Police Forces in England and Wales, the Courses are designed to equip selected officers with the instructional skill which, added to their professional experience and knowledge of Police law and practice, will enable them to train the large number of recruits to the Police Service in the immediate post-war years. Mr. Morrison observed that the number of regular policemen had dwindled steadily for the past five years, and even when policemen in the Armed Forces returned, it would be necessary, in England and Wales, to recruit and train for the first two years after the European war something like 15,000, which represented

about a quarter of the total police establishment. Upon the quality of their training in the initial stages combined with the spirit of comradeship and loyalty will largely depend the carrying on of the great traditions of the British Police Service. It would also be necessary to provide refresher courses for regular policemen who rejoin, and there were also the needs of the men who had borne the burden of war-time duties with such efficiency and endurance to be considered.

Although the Home Office had taken the initiative in getting this scheme going since it was designed to serve all the Police Forces in the country, the Home Secretary took the opportunity to say there was no suggestion that it was a step towards the regionalisation or nationalisation of the Police Service. The courses are essentially a piece of co-operative planning which the Home Secretary, as the central authority, is best able to initiate and carry through to the mutual advantage of police authorities and the Service as a whole.

The Police Instructors' courses are the first practical piece of planning for the future Police Service, and Mr. Morrison's observation that their needs have not been forgotten will be received with interest by those policemen now in the Armed Forces who look eagerly forward to the cessation of hostilities and resuming their work on the beat.

SALUTING

The Parliamentary recess, when popular journalism is deprived of a fruitful source of stories of minor sensational interest, makes a good opportunity for a news column to be devoted to a subject generally amusing, sometimes extravagant, but always ludicrous. During a recent recess the prize for this journalistic enterprise went to the *Daily Mail* for reproducing an order issued to the Police in Wiltshire containing rules on saluting. Following the usual course the announcement caused a splash, and its ripples but little disturbance. The Under-Secretary at the Home Office in a written answer to the inevitable question said the rules of saluting by the Police were well understood by all concerned.

The only merit of this incident is the reminder it gives of the origin and purpose of the salute. As to the former, researches may extend so far into antiquity as to be mythical rather than authentic. It is claimed, however, that the military salute, which is the form used by policemen, has its origin in two age-old movements; the first, the raising of the hand to the level of the eye, dating from the days of chivalry when knights raised their visors to disclose their identity. It was then the privilege only of freemen to look a knight in the face, a privilege still shared by those who salute in military style. Serfs had to avert their eyes in the presence of their feudal lord and his

underlings, and the glance of the eyes to the person saluted is, therefore, a gesture of freedom and not a servile type of courtesy or respect. The second movement of the military salute, the opening of the palm as the hand reaches the level of the eye, owes its origin to an even older gesture, showing peaceful intent, with the hand holding no concealed weapon.

The military salute is, therefore, a courteous acknowledgment between soldiers. It is also an acknowledgment of discipline, respect and loyalty, a visible indication of the common obedience that all ranks owe to the Crown and its service. The officer saluted has a duty not only to acknowledge the salute but to return it in a proper manner. He therefore salutes in the same manner as the soldier, looking him in the face, recognising him, and giving the impression that his quality as a soldier is being assessed and praised. Failure to salute may be due to shyness or to men thinking that they have not been and will not be noticed; hence the need for a careful watch to be kept by those entitled to the salute. Nothing looks worse than a sloppy, shamefaced salute given with a look of apology. It is not a sign of inferiority. The salute should not only be smart but there should be a friendly atmosphere about it, mutually shared by the man paying the compliment with the officers acknowledging it.

As to whom and when the salute should be given, the Under-Secretary observed that "it is well understood in the Wiltshire Police, as in other Forces, that officers holding His Majesty's Commission shall be saluted when addressing or being addressed by members of the Police Force. This is in accordance with established practice." This is another way of saying that policemen know their manners. As Mr. Churchill said on an historic occasion, "What gentlemen they are!" and good manners, like character and integrity, are taken for granted when we think of the policeman.

The Police and the Law

STATEMENTS MADE BY AN ACCUSED WHILE UNDER ARREST

WHILE there are many illustrations in the law reports of the rule that statements made under threats or other inducements are not admissible in evidence against the accused, there have been very few direct decisions on the cognate rule that answers to questions put while the accused is under arrest are also inadmissible. This rule is familiar to prosecuting authorities, but attention may usefully be called to the case of *R. v. Treacy* (60 T.L.R. 544) both as a good illustration of how the rule works in practice and as raising a less obvious

point in the legal standing of the interrogation administered to the accused.

Treacy was convicted at Chelmsford Assizes of the murder of a girl. He had presented himself at a police station at half-past one in the morning and had voluntarily made a statement. In that statement he gave the reasons why he went to the station and said how he had read in a newspaper about the death of his girl friend and so forth. The officer who took this statement told him that he appeared to be the man for whom they were looking and that he would be detained on a charge of murdering the girl. This statement was, of course, admissible in evidence. But about 3 a.m. another police officer came to the station from some distance away. He said in evidence that he had no idea that the accused had been charged with murder and was being actually detained on that charge. He himself had arrived because he had heard that the accused ought to have surrendered to his bail at another station on a charge of larceny and that there was a warrant out for his arrest on this charge. The officer had therefore come to tell the accused that he was going to hold him, if necessary, on a warrant on charges of larceny.

The accused was then cross-examined by this second officer, who wrote questions to which the accused wrote answers. This cross-examination related, in part at least, to the evidence presented on the murder charge. Some of these answers did not tally with the first statement made by the accused when he went into the police station. The document containing these questions and answers was thought by the prosecution to be of use from their point of view, and they tendered it in evidence at the preliminary hearing. The magistrates, however, came to the conclusion that as the accused at the time when that cross-examination was administered to him was in custody on the charge they ought not to admit the statement, and they refused to allow it to go in. The Court of Criminal Appeal held that the magistrates had acted rightly in rejecting the evidence.

The interrogating officer was ignorant that the accused was then being detained on the murder charge, but on this point the Court of Criminal Appeal said: "It makes no difference whether or not he knew that the appellant was already under arrest on the charge of murder. Whoever was the senior officer at the police station ought to have seen that, as the appellant was under arrest on a charge of murder, no question was put to him about that charge."

USE OF INADMISSIBLE STATEMENTS IN CROSS-EXAMINATION

The important novel point in the case arose at the trial at the assizes. No attempt was made at the trial to get the judge to admit

the statement and no one heard anything about it until the accused was in the witness-box. He was then cross-examined by counsel for the Crown on his written answers, and those answers were contrasted with the answers which he had been giving from the witness-box. Counsel for the Crown argued that when the accused had made statements from the witness-box about his movements on the morning of the alleged murder which in counsel's view did not agree with the statements made in the inadmissible written answers to questions, he was entitled to put those questions to him in cross-examination.

The Court of Criminal Appeal condemned this attempt to make an inadmissible statement assist the prosecution's case in an indirect way when it could not be used in a direct way. Mr. Justice Humphreys thus expressed the view of the Court: "A statement made by a prisoner under arrest is either admissible or not. If it is admissible, the proper course for the prosecution is to prove it, to give it in evidence, and to let the statement, if it is in writing, be made an exhibit, so that everybody knows what it is and everybody can inquire into it and do what they think right about it. If it is not admissible, nothing more ought to be heard of it, and it is wrong to think that a document can be made admissible in evidence which is otherwise inadmissible simply because it is put to a person in cross-examination."

The use of the statement by counsel was described as one of the unfortunate instances of what happened in *R. v. Treacy* without the slightest desire on the part of anybody to be otherwise than fair to the accused. For this and other reasons the trial was so "profoundly unsatisfactory" that the appeal was allowed and the conviction quashed.

Recent Judicial Decisions

EVIDENCE DISALLOWED OF ACCUSED'S HAVING BEEN SUSPECTED OF PREVIOUS OFFENCE

Stirland v. Director of Public Prosecutions

IN seeking to prove the crime charged, the prosecution may not, generally speaking, introduce evidence as to the previous bad character of the accused, yet the accused may call evidence in support of his previous good reputation. There are some limitations on this rule under the Criminal Evidence Act, 1898, one of which is that if the accused gives evidence of his own good character he may be asked questions tending to show that he is of bad character, or has committed or been convicted of or been charged with some other offence. *Stirland v. D.P.P.* (60 T.L.R. 461) is an important ruling of the House of Lords on the meaning of the Act and will become a twin precedent

with the well-known decision of the highest court, *Maxwell v. D.P.P.* (1935, A.C. 309).

The practical bearing of these rather complicated rules of evidence is seen in the facts of the case. The appellant was convicted at the Central Criminal Court before the Common Serjeant of forgery, and sentenced to three years' penal servitude. At the trial he put his character in issue by calling a witness to testify that he was an honest and faithful employee; by obtaining an admission in cross-examination of a police inspector called by the prosecution that he had "not been charged before"; and by his own evidence that he had never in his life been charged with any offence whatever. In cross-examination he was then asked questions about his previous employment at a bank, and the reasons for the termination of that employment. He said that he left that employment because the bank disapproved of his outside interests, and because he had the opportunity of other employment which appealed to him. This cross-examination then took place: "May I suggest another reason to you? Were you questioned about a suggested forgery?" "No." "Did you leave after interrogation about a particular signature?" "I did not." Counsel put such questions relying on material in his brief. After conviction a chief inspector of Police, when asked about the appellant's history, gave information about the circumstances in which, according to his information, the appellant left the bank, and this information corresponded to the two questions put. But this police information provided no answer to the problem whether such questions were legitimate before conviction when the appellant's fate was still in the hands of the jury.

If the accused in the witness-box makes a statement of fact which the prosecution does not accept, he is liable to be cross-examined on the statement with a view to showing that it is not true. And Lord Simon, L.C., in delivering the judgment of the House of Lords, said that this applied to a statement as to the accused's past record where he puts his character in issue just as much as to a statement on any other matter. The view of the Court of Criminal Appeal had been that cross-examination about the allegedly suspicious circumstances in which the appellant left the bank were relevant and admissible to disprove his denial that he had ever been 'charged.' But this view was rejected in the House of Lords. It was there held that 'charged' in the Act of 1898 meant that the accused had been before a court and that the appellant must be understood to have used the word in this sense. He meant that he had never previously been brought before a criminal court. "Questions whether his former employer had suspected him of forgery were not therefore any challenge to the

veracity of what he had said. Neither were they relevant as going to disprove good character; the most virtuous may be suspected, and an unproved accusation proves nothing against the accused."

It was therefore held that the questions should not have been put, and, if put, should have been disallowed. They were likely to injure the appellant in the eyes of the jury by suggesting that he had been in trouble before, and were therefore not fair to him. The Lord Chancellor pointed out that the judge presiding at a criminal trial has a discretion to disallow questions addressed to the accused in cross-examination if he considers that such questions, having regard to the issues before the jury and the risk of the jury being misled as to what those issues really are, would be "unfair." When *Maxwell v. D.P.P.* decided that where the prosecution had enough evidence to indict a man for a crime, but not enough to secure a conviction, no questions can be asked as to that incident in a later trial at which he puts his character in issue, how can mere suspicion alleged to have been entertained by his previous employer on an earlier occasion be a legitimate topic for cross-examination to credit?

Perhaps that part of Lord Simon's judgment which will be most eagerly approved is the following sentence: "It is most undesirable that the rules which should govern cross-examination to credit of an accused person in the witness-box should be complicated by refined distinctions involving a close study and comparison of decided cases, when in fact these rules are few and can be simply stated." He then proceeded to advance six short and lucid propositions which seemed to him to cover the ground, propositions which will prove a most useful summary for reference on this branch of the law of evidence.

Although the point of law raised on the accused's behalf was upheld on final appeal in *Stirland's Case*, his conviction and sentence were not interfered with, on the familiar ground that no substantial miscarriage of justice had actually occurred.

LARCENY : CLAIM OF RIGHT UNDER IMMORAL AGREEMENT

R. v. Gilson and Cohen

One of the elements in the definition of theft is that the thief must take the property "fraudulently and without a claim of right made in good faith." The judge in summing up to the jury in *R. v. Gilson and Cohen* (29 *Cr. App. R.* 174) omitted these words from the definition, and as they were at the basis of the defence of the two accused, the Court of Criminal Appeal quashed their convictions. The claim to the property alleged to have been stolen was made in peculiar circumstances. The appellants, who were prostitutes, were accused by a merchant seaman of stealing £16 from his clothes while

he was in their company at their flat. He had previously paid £2 to one of them which, he alleged, was all that was due under the agreement. They alleged that he agreed to pay the further £16 in return for staying the night with both of them. He demanded his money back, a violent scene took place, and one of the appellants fetched a constable. They stated to him that they were entitled to the money as they were prepared to carry out the agreement and were not prepared to hand back the money. They were sentenced to nine months' imprisonment for larceny at the Central Criminal Court.

In allowing their appeal, the Court of Criminal Appeal made the point that "both the appellants did put forward, however wrong-headedly, a claim of right. The fact that it is wrongheaded does not matter." The conduct of the appellants from the first showed a claim of right, however right or wrong, however reasonable or unreasonable. First it was put forward to the man himself; then it was put forward to the police officer; then to the magistrates; and finally it was put forward at the trial. In the circumstances of the case, therefore, an express direction to the jury was necessary that, if they had any reasonable doubt on the question whether the appellants had a *bona fide* belief in their claim, then they ought to acquit them. This ground alone was sufficient for the appeal to succeed; but there was a further ground.

When counsel for the defence were examining the appellants in chief they were constantly interrupted by cross-examination from the judge. It was held to be wrong that during an examination in chief the judge should appear to be not so much assisting the defence as throwing his weight on the side of the prosecution by cross-examining a prisoner. The examination by counsel of an accused who gives evidence should not be constantly interrupted by cross-examination from the Bench. And if a judge does find it necessary to intervene with questions which seem to suggest that the witness is not to be believed, it is also necessary that the judge should remind the jury that the question of believing or not believing any particular witness is, like all other matters of fact in a criminal trial, a question for them and not for him.

JUDICIAL COMMENT ON WITHHOLDING DEFENCE FROM THE POLICE : CONVICTION UPHeld

R. v. Tune

Since the case of *R. v. Naylor* (1933, 1 *K.B.* 685) in 1933 there have been many hopeful attempts to get a well-merited conviction quashed because the trial judge has made some comment bearing on the fact that the accused did not disclose his defence when given an

opportunity to do so at an interview with the Police. *R. v. Tune* (29 Cr. App. R. 162) may have the effect of saving the time of the Court of Criminal Appeal in the future by emphasising that the judge is not necessarily debarred from making any kind of comment.

The applicant for leave to appeal was convicted at the Central Criminal Court of fraudulent conversion of three sums amounting to £972. On being interviewed by a detective-sergeant after caution with regard to the three charges, he made a written statement in which he admitted that he had been shown various documents by the Police, but gave no explanation and at the end said: "I can fully explain the whole auction, but would prefer to have advice before doing so in writing." The judge referred to this statement in his summing-up and made this comment: "Members of the jury, could not that have been said without legal advice?"

The Court of Criminal Appeal was asked by the applicant to say that that was a misdirection of the jury in the sense that it was inviting the jury to form some adverse conclusion from the fact that the applicant did not give an explanation. "It was nothing of the sort," declared the Court of Criminal Appeal. It was said to be a perfectly reasonable comment to make in the circumstances. "It was merely a comment that what the applicant was saying, if it was true, was something that did not require any legal advice. In our view, that is not objectionable, and certainly not objectionable in the sense in which the statement which was the subject of the appeal in *R. v. Leckey* (1944, K.B. 80) was held to be objectionable."

At the same time the Court of Criminal Appeal, in refusing the application for leave to appeal, thought it right to make the following observation: "It is probably better where a person has been charged with a criminal offence after having been cautioned and has either made no answer at all, or has made some observation which in itself is not in the nature of an explanation of the charge, that the presiding judge should say nothing about it beyond telling the jury exactly what was said or not said on that occasion, because many observations of different sorts by learned judges have from time to time been made the subject of appeals to this Court. If nothing is said by way of comment by the presiding judge, no point can be raised. So far as this case is concerned, we are quite satisfied that there was nothing improper in the very harmless comment which was made by the learned judge."

LARCENY BY A TRICK AND FALSE PRETENCES

R. v. Russell

The distinction between larceny by a trick and obtaining property by false pretences is often a fine one. In *R. v. Russell* (29 Cr. App. R.

165) the indictment charged stealing and the case was presented by the prosecution as one of larceny by a trick; but the jury were directed in the summing-up to return a verdict of Not Guilty of larceny and to consider the case as one of obtaining money by false pretences. On a charge of larceny an alternative verdict of guilty of obtaining by false pretences may be brought in, as it was in *R. v. Russell*. The applicant applied for leave to appeal on the ground that the Deputy Chairman of the County of London Sessions did not give defending counsel an opportunity of applying to be allowed to address the jury on the false pretences charge or of applying to have the alleged false pretences specified in writing, as they would have been if the applicant had been indicted with false pretences in the first place.

The dishonesty of the applicant started by his pretending that there was somebody who had possession of a quantity of sacks, of the sort used at Covent Garden Market, which he was prepared to sell for £250. He then persuaded his victim, who wished to buy the sacks, to go in a cab to Covent Garden, and when in one of the streets near there stopped the cab and said: "I will go and get the receipt for the money. If you will give me the money, I will come back in a minute and we will get the sacks." Having been handed the money, £250, the applicant disappeared with it. The Court of Criminal Appeal thought that there was overwhelming evidence of obtaining money by false pretences. As the Court put it, the victim was defrauded of his money by a rogue who pretended that there was somebody he knew who would deliver the sacks, and by the false pretence that there was somebody with whom he had arranged that the sacks should be delivered he obtained the money. Although counsel for the defence had not the opportunity to address the jury on the false pretences issue there was held to be no miscarriage of justice as the jury were not misled. On the contrary, they were told correctly by the Deputy Chairman the legal aspect of the matter. Application for leave to appeal was accordingly refused.

COMMITTAL OF BORSTAL CASE TO QUARTER SESSIONS AFTER ONE SUMMARY CONVICTION

Martin v. Nolan

A court of summary jurisdiction has power to commit a young person to quarter sessions or assizes for the purpose of the higher court's deciding whether he or she should be detained in a Borstal institution. It is a common opinion that this power can only be exercised after two convictions or one conviction and a breach of probation recognisance. On the face of it the relevant legislation seems to support this view, but the position is not so clear cut, as is

shown by a ruling of Mr. Justice Tucker in *Martin v. Nolan* (60 T.L.R. 558). He agreed that it might be argued that the object of the Criminal Justice Administration Act, 1914, s. 10 (1), as amended, was to deal only with people who have been twice convicted of some criminal offence, but his view was that the whole object of the Act is to provide for and to cover the circumstances of persons who have got into trouble being tried out to see how they will react to probation, and when it is found that they do not satisfactorily react to probation, then the court is given the power to send them to Borstal.

The case on which this ruling was given concerned a girl who had been put on probation by the magistrates on a charge of stealing a £1 note. Some eighteen months later she was charged with having failed to observe a condition of her recognisance, and the magistrates thereupon recorded a conviction for the original theft. The Act provides that where a young person is summarily convicted of any offence (e.g. larceny) for which the court has power to impose a sentence of one month's imprisonment or upwards without the option of a fine and "it is proved that the offender has previously been convicted of any offence or, that having been previously discharged on probation, he failed to observe a condition of his recognisance," the court may commit him to quarter sessions or assizes for consideration for Borstal treatment. The magistrates sent the girl up to quarter sessions under this provision, but the Recorder at quarter sessions held that they had exceeded their powers, there being only one offence. But when the same case had to be considered in *Martin v. Nolan*, Tucker, J., held that quarter sessions were competent to deal with the girl by Borstal treatment. His reason was that she had been convicted and she had previously broken her recognisance. It made no difference to the magistrates' powers that conviction and probation rested on the same criminal activity.

PROSECUTION'S RIGHT NOT TO CALL INTENDED WITNESSES.
TENDER FOR CROSS-EXAMINATION BY THE DEFENCE

Adel Muhammed El Dabbah v. Att.-Gen. for Palestine

It sometimes happens that the prosecution intends to call certain witnesses whose names, in accordance with practice, are placed on the back of the indictment, but during the course of the trial it is thought inadvisable or unnecessary to put them in the witness-box to give evidence. The defence has notice that they are intended witnesses and may wish to have the benefit of cross-examining them. Can he secure that their testimony is brought before the court? The question is an old one and the answer is elucidated by this appeal from Palestine to the Judicial Committee of the Privy Council. In this case (1944,

A.C. 156) the trial judge ruled that there was no obligation on the prosecution to call a witness in these circumstances. The Privy Council referred to decisions in which it had been laid down that the prosecution should call what witnesses it thought proper and that if their names were on the back of the indictment this was only an implied undertaking to have them in court at the trial. The prisoner could call them and examine them as his witnesses if he wished to do so. The witnesses who were originally intended to be called by the prosecution should be present in court, for the prisoner might have abstained from subpoenaing them himself as he knew that the other side intended to call them and to lay them open to his cross-examination. The Privy Council agreed that the prosecutor has a complete discretion as to what witnesses should be called for the prosecution and ruled that the Court will not interfere with the exercise of that discretion unless, perhaps, it can be shown that the prosecutor has been influenced by some oblique motive.

But the Privy Council recognised that there was a practice which had probably become more general in recent years for the prosecution to tender for cross-examination by the defence such witnesses as the prosecution did not wish to call in the ordinary way. It was held to be consistent with the discretion of counsel for the prosecution as to which witnesses to call to tender them for cross-examining in this way, if he thought there was no sufficient reason to the contrary. But the prosecution's discretion was stressed and it was pointed out that in the series of decisions on the subject in no case had the Court superseded this discretion. The Privy Council referred to *R. v. Nicholson*, an unreported case at the Nottingham Assizes in 1937, where Hawke, J., declined to force the prosecution to call a witness whom they regarded as unnecessary.

SENTENCE OF IMPRISONMENT INCREASED ON APPEAL

R. v. Walton

The Court of Criminal Appeal has the power, which is rarely exercised, of increasing the sentence if the appellant appeals against it. An instance of the appellant being hoist with his own petard in this way occurred in *R. v. Walton* (July 12th, 1944). A sentence of three years' penal servitude had been passed on the appellant, a deserter from the army, who had pleaded Guilty to three charges of larceny from offertory boxes in churches. At his trial he asked the Recorder at Blackburn Sessions to take into consideration no fewer than 73 cases of the same kind. The appellant, who was 29 years of age, began by stealing bicycles in 1930 and was fined small sums on several occasions. In 1936 he was sent to prison for a few weeks and again in 1937 for a few months.

In 1938 he began to steal from offertory boxes and when charged asked that other cases should be taken into account. In 1939 he received nine months' imprisonment for housebreaking, and almost as soon as he came out he began stealing from offertory boxes again, and when charged asked that 85 similar cases should be taken into account. He was sentenced to twelve months' imprisonment. On two later occasions he was convicted of the same offence, asking that 19 and 81 similar cases should be taken into consideration.

The Lord Chief Justice put it to him: "You have been consistently robbing offertory boxes for the last six years, to the tune of over 300 offences of this sort." So far from the sentence passed by the Recorder being excessive it seemed to the Court not to be enough. Having regard to the amount of trouble which the appellant had caused by his persistent robberies from offertory boxes, and to the fact that he had asked for 73 other cases to be taken into consideration, the Court felt justified in increasing the sentence to four years' penal servitude. "That would involve the appellant's being sent to a penal settlement where he would have an opportunity of learning a trade, which, if his professions were to be relied on, was what he desired."

LIABILITY OF PERSONS HAVING 'CONTROL OR MANAGEMENT.' APPEALS BY 'CERTIORARI'

R. v. Weston-super-Mare Justices

Although this case (60 *T.L.R.* 382) deals with the construction of article 13 (a) of the Food Rationing (General Provisions) Order, 1942, it is of general interest as a guide to the kinds of persons who can be said to have the control or management of establishments or premises. Criminal liability is often imposed on persons who are described in this or similar ways. Two managers of food canteens had been convicted under the article of permitting an excessive quantity of rationed foods to be used in two canteens, they being persons "having the control or management of an establishment." Further informations were then laid in respect of the same offences against the proprietors of the canteens, a firm of industrial caterers who conducted industrial canteens at a number of factories and premises throughout the country. The justices convicted the firm also, but the judges of the Divisional Court thought that they had been wrongly convicted as the article should be understood to refer only to those "having the *de facto* control or management, the man on the spot."

This opinion did not, however, decide the appeal in favour of the firm as they had chosen to appeal by an application for an order of *certiorari* to quash the convictions, instead of by the usual method of a case stated. This method is much wider in scope than that of

certiorari, which is appropriate for issues of magisterial jurisdiction. If the question whether the applicants were in control or management of an establishment were collateral to the main issue which the justices had to try, it might well be that it would be a matter of jurisdiction and that they could not give themselves jurisdiction by a wrong decision on that question. But it was held that the question was not collateral but was part of the very issue into which the justices had to inquire, and the mere fact that they had arrived at an erroneous conclusion did not make *certiorari* the proper remedy. The proper remedy was to have appealed to quarter sessions or to have obtained a case stated.

A STATEMENT NOT 'KNOWN' TO BE FALSE

London Computator Ltd. v. Seymour

In this case (1944, 2 *All E.R.* 11) an employee of a company made an application under the Emergency Powers (Control of Motor Fuel) Order, 1942, and in so doing, it was alleged, made two untrue statements. One consisted in giving a wrong address for that at which the car for which the petrol was wanted was ordinarily kept. The other consisted in saying that no petrol was received from any other source. The employee obtained a letter from his company, as required, certifying the accuracy of the information submitted. The company was charged under the Defence (General) Regulations, regulation 82 (2), with making a statement known to be false in a material particular.

At petty sessions it was held that the word 'known' in regulation 82 (2) should be interpreted as 'ought to have known,' and the company was convicted as it should have been aware of the false information given by its employee. But on appeal to the Divisional Court it was decided that on the true construction of the regulation the word 'known' bears its ordinary meaning. Another part of the regulation deals with making false statements 'recklessly,' but that charge was not made against the company. The conviction was therefore quashed.

PRISONER'S RIGHT TO HAVE COUNSEL PRESENT ON APPEAL

Galos Hirad v. R.

"The importance of persons accused of a serious crime having the advantage of counsel to assist them before the courts cannot be doubted by anybody who remembers the long struggle which took place in this country and which ultimately resulted in such persons having the right to be represented by counsel." The Judicial Committee of the Privy Council made this observation in *Galos Hirad v. R.* (1944, *A.C.* 149) on an appeal from the Somaliland Court of Appeal which had affirmed the convictions of two natives of murder. Counsel had been retained by the Government under the Poor Persons Defence

Ordinance, 1939, to conduct the defence at the trial and on appeal. Owing to wartime difficulties of transport from Aden, counsel was unavoidably prevented from appearing at the time fixed for the Somali-land appeal. Nevertheless the Court of Appeal did not adjourn the case but dismissed the appeals without counsel for the appellants having been heard.

The Privy Council held that the appeals had not been effectively heard and that steps must be taken to restore the appeals in Somali-land for hearing with counsel. The Ordinance gave the accused the right to be represented by counsel. Just as a conviction following a trial cannot stand if there has been a refusal to hear the counsel for the accused, so it was held that an appeal cannot stand where there has been a refusal to adjourn an appeal on which the appellant was entitled as of right to be heard by counsel who was unable, without any default on his part, to reach the court in time to conduct the appeal.

EMPLOYER NOT RESPONSIBLE FOR FAULT OF SERVANT

Twentyman v. John Hulbert Ltd.

There are many exceptions to the rule that an employer is not criminally responsible for the acts of his servant. The licensing laws and the legislation governing the sale of food and drugs provide familiar examples. It is therefore surprising to find from *Twentyman v. John Hulbert Ltd.* (108 J.P. 168) that the same treatment is not given to the employer who markets coal. In this case an inspector exercised his powers under section 29 of the Weights and Measures Act, 1889, of stopping a vehicle carrying coal for sale and weighing the sacks of coal. Finding that some of the sacks were of less than the stated weight, a charge was preferred under section 29 against the coal company of exposing such coal for sale. The defence was that after the vehicle had started on its journey and after delivery of part of the coal, some of the remaining sacks had fallen from the vehicle, that part of their contents had been spilled on the ground, and that the spilled coal had been shovelled back into the sacks which had been replaced on the vehicle without being weighed.

The Divisional Court upheld the action of the magistrates in dismissing the information. The Court admitted that if the proceedings had been brought against the carter of the coal, it might well have been that there would have been no defence at all. But it was held that in order to render liable the company which employed the carter it was necessary that there should have been some evidence to prove that they knew the representation as to weight was false, or that they could reasonably have found out that the coals were short weight.

In the absence of such evidence the Court refused to make the company responsible for the fault of its servant.

PRESUMPTION AGAINST SUICIDE. ORDER BY HIGH COURT OF FRESH INQUEST

R. v. Huntbach

It is an established rule that suicide is never to be presumed, a rule which was overlooked by the coroner in *R. v. Huntbach* (1944, K.B. 606). This was a rare instance of an application for *certiorari* to call up and quash an inquest on the ground that there was no evidence to support the coroner's finding of suicide while the deceased's mind was temporarily unbalanced. The deceased was a miner who was found dead in a disused heading in a colliery; the coroner found that he had committed suicide by deliberate exposure to fire damp. His mother applied to the Divisional Court for a *certiorari* under the Coroners Act, 1887, section 6 (1) (b). The Court was unable to find that the coroner's conclusions were anything more than the expression of a very attractive possible theory of the cause of death. "But, it is not probability which determines verdicts but proved facts, and, if the facts cannot be proved, there is no alternative but to return an open verdict." The Court declared that "suicide is not a verdict at which one can arrive by a process of exhaustion or ruling out the likelihood of other explanations. It is a crime, and the presumption is against it." The Court ordered another inquest to take place before another coroner.

Criminal Law and Practice in Scotland

LOITERING FOR PROSTITUTION

SECTION 116 (3) of the Edinburgh Corporation Order, 1933, penalises every person who "being a prostitute or street walker, loiters about or importunes passengers for the purpose of prostitution." These words follow closely, but with one immaterial variation, the words of the Burgh Police (Scotland) Act, 1892, section 381 (22). Their effect is to introduce two distinct elements into the constitution of the offence: (1) that the woman charged comes within the category of prostitute, and (2) that, on the particular occasion libelled, she was in fact plying her trade on the street.

In a case recently heard in the Burgh Court of Edinburgh, the prosecutor led evidence in support of his complaint. In order to bring the accused within the category of prostitute, he proved a number of recent police cautions administered to her by plain-clothes officers

who had, at late hours, found her loitering about and speaking to men, and of a final occasion (before that now charged) on which, following upon a completed observation of her movements over a period of some twenty minutes, she had been arrested, taken to a police station and finally cautioned by the officer in charge. In support of the second part of his complaint, he led evidence that, on the date libelled, the accused loitered about in one of the main thoroughfares at a late hour and repeatedly accosted male pedestrians in such a manner as to leave the officers in no doubt as to her purpose.

The magistrate, as appeared from the terms of the interlocutor pronounced, was perfectly satisfied that the accused had been shown to be "on the streets"; her general character had been brought home to him by conclusive evidence. On the other hand, he was not completely satisfied that, on the particular occasion charged, she was plying her trade. He therefore found it proved that she was a prostitute, but not proven that, on the date libelled, she had either loitered about or importuned passengers for the purpose of prostitution.

The propriety of this finding has been questioned. In the opinion of the present writer, it was unassailable. It expressed with precision the impression left on the mind of the court by the evidence. Merely to have found the whole charge not proven would have had the unfortunate result that, should the woman again be found in compromising circumstances, the prosecutor would have had to reconstitute her general character—and, indeed, would have been met with the strong argument that one must be doubly careful in branding as a prostitute a woman whose character had already been attacked without success. As it is, should she again come under police notice, he will be able to prove the finding of the court on this occasion and so constitute her general character, and may then confine himself to the facts of the police observation resulting in her next court appearance.

It should, however, be noted that if this woman contrives to evade police observation (or keeps off the streets) for a prolonged period—say, three years—it will be necessary to have resort to a second series of police cautions; for the law does not accept the doctrine of "once a prostitute, always a prostitute." This was made clear by the High Court of Justiciary in the case of *Middlemass v. Mill*, October 19th, 1938, of which a report appeared in this JOURNAL, Vol. 12, p. 21.

THE VERDICT OF NOT PROVEN

In a Scottish criminal court (whether summary or solemn), one or other of three verdicts may be returned—guilty, not guilty, not proven. A not-proven verdict is an acquittal. In law, it has precisely the same result as a verdict of not guilty. The popular impression

that if fresh circumstances come to light the case may be reopened is quite unfounded.

In a recent prosecution in a court of summary jurisdiction, the magistrate, after careful consideration of the evidence, found the charge not proven. To the astonishment of the court, the accused's agent promptly asked for a stated case, with the avowed intention of arguing, at the hearing on appeal before the High Court of Justiciary, that the magistrate had erred in returning such a verdict and that his client was, in view of the evidence, entitled to a finding of not guilty. Later, he repented his rashness and abandoned the appeal.

Had the appeal been persisted in, a number of difficult and interesting questions would have arisen. Is such an appeal competent? Could the High Court, on consideration of the stated case, have reached the conclusion that the magistrate's duty was to convict and remitted to him to find the charge proved and to pronounce sentence? What would the prosecutor's position be at the hearing of the appeal? He would have no interest to uphold a verdict of not proven; yet he might appear to be acting oppressively if he took advantage of an appeal by an accused to argue for conviction.

Section 60 of the Summary Jurisdiction (Scotland) Act, 1908, enacts that "on the final determination of any cause, either party to the cause may make application to the court to state a case for the opinion of the High Court." As a case is finally determined by a verdict of not proven, an appeal by either the prosecutor or the accused may competently follow. Yet we have a feeling that the High Court judges might take the view that the time of the court was not to be wasted by an appeal taken by an accused in such circumstances. Even were the appellant successful, he would, in the eyes of the law, be in no better position; he would merely secure one form of acquittal in place of another.

THE LETTER OF THE LAW

Shaw v. Adair

It is not often, in these days, that an accused contrives to escape justice on a technicality. In the case now reported, a conviction secured in Glasgow Sheriff Court was quashed because of the failure of the Police—who, on any reasonable view, did all that was required of them—to honour the strict letter of the law. The moral of the case is that the only safe course, in carrying out the directions of an Act of Parliament, is to do just what one is directed to do—no more and no less. Especially is this a wise precaution in dealing with offenders who have already evinced an intention to defy the particular provision which the Police are seeking to enforce.

Shaw, the appellant, had already been twice convicted of failing to submit to medical examination and the procedure set out in section 4 of the National Service Act, 1941, was invoked by the court concerned. That is to say, the court ordered him to submit to medical examination "at such time and place as may be fixed by a notice served upon you by the Minister," and took advantage of its power to order his detention in custody until that time and that he should then be taken to the nominated place by a constable. There followed an order by the Minister upon Shaw directing him to submit to medical examination at the Medical Board Centre in Dumbarton Road, Glasgow, at 2.30 p.m. on June 21st.

In compliance with the statutory direction, Shaw was, on the afternoon of June 21st, taken by police van to the Medical Board Centre named in the order. He arrived there about 2.20 p.m., was presented by the Police to a clerk in the waiting room, who asked him if he was prepared to submit to examination and refused to do so. He was, immediately thereafter, taken before the medical officer who had attended for the express purpose of examining him and again refused point-blank to submit to examination; whereupon the Police (without waiting until the nominated hour of 2.30 p.m.) took him out of the premises and drove him, in a police van, to the Marine police office. He arrived at the police office before 2.30 p.m.

On proof of these facts, in a subsequent prosecution, the sheriff convicted and imposed a sentence of imprisonment; but Shaw successfully appealed to the High Court of Justiciary.

The view of the High Court judges, in which they were unanimous, was that the clear duty of the Police and of the other responsible officials handling the case was to follow, in every detail, the directions contained in the Act. The time fixed for Shaw's appearance before the board was 2.30 p.m. Until that hour arrived, he could not commit the offence of refusing to submit to medical examination as directed by the order served upon him by the Minister; for one cannot commit an offence in anticipation. No doubt, the point taken against conviction was of a purely technical nature; for it could scarcely be doubted that, had the appellant been kept at the Centre until the stroke of 2.30 and then faced with a demand that he should submit to examination, he would still have refused; but the court did not feel justified in upholding a conviction for failing to do an act at a specified time and place when, in point of fact, the appellant was, on the stroke of the hour, some distance away in police custody. The court, however, in course of the discussion, expressed the opinion that it would have been immaterial had Shaw been presented to the medical officer some time after 2.30 p.m.—because, say, of delay in bringing him there, or the

late arrival of the medical officer or the fact that the board was running behind scheduled time.

SUNDAY DRINKING

The justices at Fort William recently penalised a local hotel-keeper for breach of his certificate in circumstances which serve to draw attention to a provision of the licensing law which is apt to be overlooked.

As is well known, the sale of exciseable liquors is permissible in Scotland on Sunday (1) in registered clubs during the permitted hours fixed by the club rules; (2) in hotels holding a six-day certificate, but only to residents; (3) in hotels with a seven-day certificate, so far as may be necessary "for the accommodation of lodgers and travellers"; and (4) in case of emergency under a signed order.

The licensee of Roy Bridge Hotel, on the Sunday in question, supplied intoxicating liquor to A.B., a woodcutter, who lived in a camp about five minutes' walk from the hotel. Earlier in the day, A.B. had borrowed a bicycle on which he cycled to Spean Bridge, three miles away, and back. On his return, he made for the hotel and enjoyed a well-earned pint of beer. The outcome was a summons served on the hotel-keeper, charging him with breach of certificate and an appearance in court. After hearing evidence, the court convicted.

Was conviction justified? We assume that the journey was made in good faith and not merely to obtain liquor (*Miller v. Donald*, 1927 J.C. 12). The distance covered was much longer than that held to be sufficient—e.g., in *Morrice v. Lyall*, 1924 J.C. 9, in which less than a mile was accepted in particular circumstances. None the less, A.B. was properly held not to be (although undoubtedly he had been) a traveller within the meaning of the Licensing Acts, for the reason that his journey had come to an end and his character of traveller had "flown off." In a word, he had reached home and, having done so, was not entitled to a drink. The decision would appear to be covered by the rulings of the High Court in *Cairns* (6 Adam. 198) and *Galloway* (2 White 171)—"the moment a person reaches the place where he resides, he ceases to be a traveller."

WIFE STEALING FROM HUSBAND

Harper v. Adair

In Scotland, can a wife competently be convicted of stealing articles belonging to her husband? In such a prosecution, is the husband a competent and compellable witness against his wife? In the case now reported, both these questions were answered affirmatively.

Admittedly, the circumstances were unusual and extreme. Until

the summer of 1943, Mr. and Mrs. Harper, who married in 1926, lived together at various addresses—latterly at West Regent Street, Glasgow, where they took in boarders. Their married life was unhappy, and eventually they agreed to separate. The separation was effected under a voluntary agreement, without the court's intervention. Mrs. Harper, taking with her certain furnishings (and making no claim to ownership of anything left behind) took up residence in another part of the city, leaving her husband at West Regent Street in possession of the bulk of the furniture. The house was in Mr. Harper's name; he had been all along responsible for the rent; and he had purchased most, if not all, of the furniture.

On a date in November 1943, at a time when she knew her husband to be in attendance at a local court, Mrs. Harper—who had previously made an arrangement with a local firm of furniture removers to be in attendance—had practically all the furniture removed from the house at West Regent Street without her husband's knowledge or consent. As she had no key, entrance was forced (by whom is not clear) on her instructions. The furniture, being removed from the house, was first stored in a local repository and later in two private houses, where it was recovered.

These facts being reported to the authorities, a prosecution followed. Mrs. Harper was charged, in the Glasgow Sheriff Court, that, on November 9th, 1943, she (acting in concert with her son) did break into the house at West Regent Street, Glasgow, occupied by her husband, and there did steal a number of articles of furniture detailed in the complaint. The value of the articles was about £1,000. She pled not guilty, but was convicted on evidence and sentenced to imprisonment for a period of six weeks.

An appeal, taken to the High Court of Justiciary against both conviction and sentence, failed. Remarking on the lack of modern authority and on the vagueness of the opinions found in the works of the institutional writers, Lord Normand, who delivered the judgment of the court, said that he had little difficulty in reaching the conclusion that (since the passing of the Married Women's Property Act, 1881) a woman could competently be found guilty of stealing her husband's property. Further, on the authority of the case of *Foster* (1932 J.C. 35) it was clear that a husband was both a competent and compellable witness in a charge against his wife of stealing his property. Equally, it would be competent, in appropriate circumstances, to prefer a charge against a husband of stealing his wife's property, and, in such event, the wife would be a competent and compellable witness against her husband. On the facts of the present case, the court had no difficulty. The goods had been purchased by the husband and were in his house

and they had been surreptitiously removed—that was sufficient to justify a conclusion of theft. It had been suggested that there was a presumption that goods bought by a husband were intended for joint use and became joint property. The law knew no such presumption. Where a husband with his own funds bought articles, the inference was that he intended these to be his own property. It was for his wife, if she could, to contradict this. The court must refuse the appeal and saw no reason to interfere with the sentence.

A comment may be added. It is clearly undesirable that, on the authority of this decision, the criminal courts should be flooded with charges of theft by a wife from a husband or by a husband from a wife. Except where the circumstances were flagrant, such prosecutions would, it is thought, meet with little sympathy. Normally, the case would be met by referring parties to their civil remedy. It may further be added that, in the case reported above, the court did not specifically found upon the fact that husband and wife were separated. In suitable circumstances, a charge of theft would be competent even where parties were (up to the date of the theft and even thereafter) living together; but obviously a charge of theft made in such circumstances should be closely scrutinised and accepted by the Police only if the appropriation of the property was clearly in bad faith (Felonious) and with intent to deprive the owner permanently of his goods.

" ASSAULT " BY LEADING SEAMAN

Crouden v. Mackenzie

The attitude of the law towards a member of the Armed Forces of the Crown who finds himself in such a position that the exercise of his duty, as reasonably interpreted by him in circumstances which have suddenly arisen, demands the use of force against an individual was made clear by Lord Robertson in his charge to the jury in *H.M. Advocate v. Sheppard* (1941 S.L.T. 404). The accused in that case, a private in the Military Pioneer Corps, had shot and killed a deserter whom he had arrested on instructions and who was attempting to escape. Lord Robertson directed the jury that they were entitled to acquit if the shooting was, "in a proper sense, in the line of the accused's duty as reasonably understood by him." In the case now reported, this doctrine was applied to a charge of common assault.

Crouden, a leading seaman on board a naval vessel, was charged in the sheriff court at Stornoway that he did assault able seaman John Rimmer by striking him a blow on the jaw with his fist, with the result that Rimmer fell, striking his head on the quay and fracturing his skull, was rendered unconscious and died next day in a naval hospital. He pled not guilty and evidence was led.

It appeared that, shortly before 10 p.m. on a June evening, a number of naval personnel were on No. 1 quay, Stornoway, awaiting transport to their vessel. Among these was John Rimmer, who was "under the influence of drink to a very great extent." He and another rating, who had also had drink, started sparring in a friendly way; but Rimmer shortly afterwards became aggressive. The accused, Crouden, who was sober and who had been standing nearby, then intervened in the fight which was developing. He remonstrated with Rimmer, but apparently without effect, for Rimmer "continued his aggressive attitude and swung his arms in the direction of" Crouden. Crouden thereupon struck Rimmer a blow on the jaw with his fist. Rimmer fell backwards, struck his head on the quayside, and was fatally injured. Crouden is a leading seaman, and covered by Regulation 514a (4) of the King's Regulations and Admiralty Instructions, which is in the following terms: "It is the duty of leading ratings to preserve order and regularity wherever the crew or any part of it may be employed and this responsibility rests upon them whenever they are with the men, whether on duty or not."

The sheriff convicted, holding that he had "no concern with naval law or regulations," and ignoring the evidence of a Lt.-Commander who (having heard the evidence) expressed the opinion that accused had, in the circumstances, acted properly in the execution of his duty. The accused, who held the D.C.M., was a leading rating of acknowledged efficiency. The sheriff was referred to the case of *H.M. Advocate v. Sheppard*, but took the view that it had no bearing on a case of common assault.

Crouden appealed to the High Court of Justiciary, which quashed the conviction. The Court expressed itself as at a loss to understand how the sheriff came to regard himself as having no concern with the naval law bearing on the situation which had arisen. That law imposed upon the appellant a clear duty to intervene and restore order. In exercise of that duty, he had (as did a police officer in similar circumstances) a right to use force. He had either to overpower the offender or to allow the disorder to continue. In the court's opinion, Crouden acted with temperateness—not as an aggressor, but in self-defence and in the execution of his duty.

WAS RESET PROVED?

When police officers have knowledge that stolen goods have been passed by the thief to a third party, they may be faced with a dilemma. If they fail to act at once (by securing a search warrant and going with it to the premises indicated by their informant), the goods may disappear and vital evidence be lost. If, on the other hand, they arrive

at the premises within a few minutes of the handing over of the property, they may be met with an assertion, by the person in whose hands the goods are located, that he was on the point of ringing up the Police. It is difficult to lay down any rule of action to cover all possibilities; but generally the opinion may be hazarded that (1) where the information given to the Police points to the handing over of the stolen property to the occupier of the premises personally—and not to his wife or a servant in his absence—action should at once be taken, but (2) where a contrary indication is given, it may be wiser to hold back for an hour or two—keeping, meantime, if that be possible, watch on the premises.

The dilemma referred to is manifestly present in the facts of a case recently heard on appeal to the High Court of Justiciary against conviction of reset in Paisley Sheriff Court. The main facts upon which conviction was secured were that in April the accused, a motor engineer with garage premises in Paisley, rendered a service to the lorryman of a firm of jam manufacturers, whose vehicle had broken down; that, in course of conversation, the lorryman asked, "Could you do with a pot of jam?" to which accused replied "Who couldn't?" About four weeks later, the lorryman, having stolen 68 pots of jam from his employer's premises, drove his lorry to the accused's garage. As it happened, the accused was not then present; but the lorryman, with the assistance of a third party, unloaded the jam and put it in a store-room. The accused did not appear until 7.45, when he was told by the third party referred to that some "stuff" had arrived. It was not clear when he examined the "stuff" and discovered it to be a large quantity of jam (a rationed commodity); but he must have done so before 8.15, when detective officers came on the scene; for, when asked if he had any jam on the premises he replied, after momentary hesitation, that he had, took the officers to the store, unlocked it and disclosed the jam lying openly inside. When charged with resetting the jam, accused replied "I wasn't here when it was brought in."

From these facts, the sheriff drew an inference that the jam had been delivered at accused's premises in accordance with an arrangement between him and the lorryman and that accused knew that the jam was stolen. He convicted and imposed a fine of £10.

The appeal succeeded. In the opinion of the High Court, the Crown had failed to discharge the onus of proving beyond doubt that the appellant had retained the goods in the knowledge that they were stolen. The sheriff's conclusion that the goods were deposited by arrangement was based on suspicion and surmise only and was not warranted by the facts. The conviction, therefore, could not stand.

One does not know precisely on what information the Police

proceeded. If they had been given a full statement by the thief, it might have been wiser to wait until the following morning before executing a search warrant. By that time, accused would not be in a position to claim that the goods had been unexpectedly unloaded on him and that his intention was, at the first opportunity, to disclose their presence to the authorities. But it is easy to be wise after the event!

WHAT IS A "PUBLIC SHOW"?

Benzie v. Mickel

In this appeal, two distinct questions were argued and decided.

- (1) Is a concert of the type described below a "public show" within the meaning of section 397 of the Burgh Police (Scotland) Act, 1892?
- (2) If so, is the permission of the magistrates required by the promoter of such a concert when the concert is to be held in premises already licensed, as a place of public amusement, under section 395 of the same Act? Both questions were answered in the negative.

On Sunday, May 14th last, a concert was held in the Corn Exchange, Bathgate, under the auspices of a local Old Age Pensioners Treat Club, of which the appellant was president—and for the holding of which he accepted full responsibility. The concert was advertised in the press and by the posting of bills. The Corn Exchange was licensed under section 395 of the Burgh Police (Scotland) Act, 1892. The licence, issued to the proprietor of the building, did not prohibit the use of the premises on Sundays. The appellant had neither sought nor obtained the magistrates' permission for the holding of the concert; indeed, he had ignored repeated suggestions by the local Police that he should apply for permission.

On the proof of these facts, on a complaint of contravening section 397 of the Act of 1892, the magistrate in Bathgate police court convicted. On appeal, the conviction was quashed. Lord Moncrieff, who gave the leading judgment at the hearing of the appeal, founded strongly on the opinion of Lord Clyde in *Bremner v. Morrison* (1930, J.C. 42)—in which it was held that dog-racing handicaps, conducted in a ground specially adapted for dog racing, to which the public were admitted as spectators, were not a public show—in which he drew a distinction between the licensing of premises under section 395 and the permission granted for the opening of a show under section 397. In Lord Moncrieff's opinion, once premises were licensed under the earlier section, the rights of parties must be exclusively regulated by that section and no further permission could be insisted upon. A reference to the concluding words of section 402 showed that the Act contemplated as alternatives either (1) the licensing of the building

or (2) the sanctioning of the show. These were to be regarded, in the event of challenge, as equal and alternative defences. In any case, Lord Moncrieff went on, the giving of such a concert as was indicated by the evidence before the magistrate could not be aptly described as the opening or setting up of a public show. A reference to section 397 and to the illustrations there given (swings, hobby-horses, shooting gallery, singing or dancing saloon, etc.) invoked the rule of *ejusdem generis* and excluded the application of the phrase "public show of any description whatever" to such a concert as that held in Bathgate Corn Exchange. The section dealt only with a particular class of public entertainments of the nature of travelling shows or incidental fairs.

In course of the debate, reference was made to the case of *Patrick v. Wood* (1905, 4 *Adam*. 648), in which the performance of a concert party on a low portable platform on the foreshore at Largs was held to come within the description of "public show" in section 397 and to the case of *Allan v. Neilson* (1908, 5 *Adam*. 573), in which it was held that the term "public show" covered an entertainment called an Automatic Vaudeville, in which were automatic peep-shows, moving figures, phonographs, fortune-telling machines and the like, to which admission was free but enjoyment of particular apparatus depended upon the insertion of a penny in the slot.

The Significance of Fracture of the Hyoid Bone

By GILBERT FORBES, B.Sc., M.D., F.R.F.P.S., F.R.C.S.(Ed.)

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Police Surgeon to the City of Sheffield

FRACTURE of the hyoid bone is an uncommon injury in life, and is of interest almost exclusively to the medico-legal expert and indirectly to the Police Officer. This bone is situated immediately above the 'voice box' or larynx, to which it is attached by a membrane and muscles, and above it gives origin to the muscles which form the floor of the mouth. It is not articulated to any other bone, is suspended in the neck by soft tissues only, and, consequently, is capable of considerable mobility. This bone is formed of five parts for descriptive purposes—a body, two greater and two lesser horns, which are roughly pyramidal structures attached to the rectangular body. From the medico-legal point of view, the body and the greater horns are the important parts. These are jointed to the body, and this gives the bone considerable elasticity. At middle age, these small joints disappear, the greater horns becoming firmly fused to the body

of the bone. When this has occurred, considerable elasticity is lost and, therefore, the hyoid bone is more readily fractured.

To fracture this small, mobile, fragile, but somewhat elastic bone requires the application of pressure and counter-pressure. A direct blow on the hyoid is unlikely to break it because of its mobility, the violence nearly always being of a sustained crushing type, and the pressure and counter-pressure as a rule applied somewhere on the greater horns, *i.e.*, on the legs of this "U"-shaped bone.

Fracture of the hyoid bone is an important medico-legal injury. It is an accepted fact that throttling may be responsible for such a fracture and, according to Smith,⁸ "It is very difficult to fracture the hyoid bone in any way other than by strangulation, and the condition may be found on exhumation after all other evidence disappears by putrefaction." In Glaister's opinion,⁴ finding a fractured hyoid indicates the application of considerable violence to the neck and "negatives suicide." This authority states that "When fracture of this bone is present, it provides a strong indication that it has been produced homicidally." According to the editors of Taylor's *Principles and Practice of Medical Jurisprudence*,⁹ "Fracture of the hyoid bone is extremely rare except in cases of manual strangulation, in which it is relatively common." Gonzales³ has reported a series of twenty-four cases of manual strangulation where "with one exception the distinctive cervical scratch marks and contusions were uniformly present. In the exception, a hæmorrhage in the deep cervical fascia and muscles and a fracture of the hyoid bone served to establish the manner of death." In this series, the hyoid bone alone, or in combination with damage to the laryngeal cartilages, was found to be fractured in four cases. The general trend of authoritative opinion seems to be that throttling is a common cause of fracture of the hyoid bone, and, in the absence of other evidence to indicate an alternative cause of death, can be regarded as characteristic of death by this means.

In strangulation by ligature "fractures of the cartilages of the larynx and the rings of the trachea are comparatively common" (Smith⁸), and the same author, from a very wide experience, states that the hyoid bone is sometimes fractured in these cases. Glaister⁴ holds a similar view. Gonzales, Vance and Helpers³ report injuries to the thyroid and cricoid cartilages in strangulation by ligature, but make no mention of fracture of the hyoid bone.

It seems to be rare to find the hyoid broken in cases of hanging. Glaister⁴ makes no mention of its occurrence, while, according to Smith,⁸ "the hyoid bone is practically never injured" in this form of death, though in rare cases of suicide, in his experience, when there

has been a certain degree of drop, severe injuries may be found in the tissues of the neck. Lesser's experience⁶ was that fractures of the cricoid cartilage and the alæ of the thyroid cartilage are rare in hanging, while fractures of the superior horns of the thyroid cartilage and of the hyoid bone are more frequent. Reuter⁷ was also of the opinion that injuries to the cornua of the thyroid cartilage and the hyoid bone are frequent. On the other hand, von Faber¹ found no injury to these structures in a series of thirty-four suicides. It appears, therefore, that there is a divergence of opinion as to the frequency with which fracture of the hyoid bone occurs in hanging, most modern observers being of the opinion that it is an extreme rarity.

This bone may also occasionally be broken in industrial and road accidents where the neck is crushed. Even disordered muscular action may be responsible for this lesion. Kleinberg⁵ has reported the only case of this on record, where a powerfully built man fractured his hyoid bone while recovering from an anæsthetic administered for the removal of the internal semi-lunar cartilage of the left knee-joint. The author was satisfied that powerful muscular contraction during unconsciousness or semi-consciousness was the only possible explanation of this occurrence, direct violence being out of the question.

The present position seems to be that a fractured hyoid bone at once suggests homicide by throttling, that it may occur rarely in strangulation, and that it is practically never seen in suicidal hanging unless a drop is provided for, when the tissues of the neck may be seriously damaged. The effect of this is that the finding of a fractured hyoid bone at once places the medico-legal examiner on his guard, and he views the case in question as one of homicide until it has been proved otherwise. This is a healthy state of affairs, and it accounts for the fact that medical students are taught to associate this fracture exclusively with strangulation by hand or ligature. If a badly putrefied body is found and post-mortem change has eliminated the possibility of drawing conclusions from the condition of the soft tissues, the finding of a fracture of the hyoid bone might tempt the examiner to express the opinion that homicidal violence, in the form of strangulation by hand or ligature, was the only possible explanation of the fracture. It is very unlikely, however, that a mistake would be made when all the circumstances of the case are taken into account. Nevertheless, the following two cases are, I think, worth recording just as a reminder that fracture of the hyoid is not confined to homicidal throttling and strangulation. The first case, because of the history, presented no difficulty, while the second, as the details given below will indicate, was rather more puzzling.

CASE 1

A tractor driver was at work on an open-cast site, employed in moving soil from one part of the site to another. The machine was a caterpillar tractor, with a power-driven winch, pulling a scraper. The scraper, attached to the tractor, was controlled by a wire rope half an inch in diameter, which was activated by the winch, thus raising and lowering the blade of the scraper. Two levers on the tractor controlled the winch and cable. On the day in question, three men were operating machines of this character. The deceased man had just stopped his machine when one of his colleagues noticed that he had been caught in the wire rope, a loop of which was round his neck. He had been pulled up to the winch, his head was resting against it, and his body was hanging from the cable with his knees on the ground. He was released and found to be dead.

Significant Post-Mortem Findings.—At the level of the larynx, there was a bruised ligature mark running horizontally round the neck. This mark was of irregular width and was single except below the right ear, where it was duplicated. On the point of the chin, there was a lacerated wound two and one-quarter inches long, and several irregular abrasions extending from this wound round the line of the lower jaw to below the right ear. There was a second irregular laceration involving the entire width of the right ear. The superficial neck muscles in the region of the ligature mark were undamaged. Blood had accumulated on either side of, and behind, the pharynx and there was a laceration half an inch long in the posterior pharyngeal wall. The muscles, ligaments and mucous membrane of the pharynx, between the hyoid bone and the upper border of the thyroid cartilage, were torn across and the loose ends had fallen into the larynx. The left greater cornu of the hyoid bone was fractured and the upper part of the thyroid cartilage was comminuted. The findings in the head, chest and abdomen were typical of death from asphyxia.

Comment.—The circumstances of this case were such that the question of criminal responsibility did not arise. The force being considerable, more serious injuries than would be expected in an ordinary case of strangulation were anticipated. The finding of a fracture of the hyoid bone tends to show that, given sufficient violence in the right place, it could be expected to occur in any case of strangulation. In homicidal strangulation the ligature is usually applied at a slightly lower level, hence the greater frequency with which damage to the laryngeal cartilages is found as compared with fracture of the hyoid bone in these cases.

CASE 2

A widow of sixty-three years, who lived with a daughter over their

small shop, had been receiving medical treatment for many weeks for "nervous debility and blood-pressure." She left her daughter in the shop at 3.5 p.m., and at 3.15 p.m. was found suspended by a dog-lead from a hook at the back of the bedroom door, with her feet in contact with the floor. The daughter cut the lead, but her mother appeared to be dead. The initial enquiries all pointed to suicidal hanging as the cause of death.

Significant Post-Mortem Findings.—Surrounding the neck, there was a depression in the skin an eighth of an inch wide, which crossed the mid-line in front at the level of the hyoid bone. One inch below this mark, on the left side of the neck, there was a crescentic scratch one-quarter of an inch long. On the left side of the neck, three-quarters of an inch below the centre of the upper depression and running roughly parallel with it, there was another depression one-eighth of an inch wide. These two marks diverged at the back of the neck and, on the right side, were one and one-quarter inches apart. Anteriorly, both marks were represented by four detached impressions one-quarter of an inch across where the skin was abraded. The two depressions described were caused by the ridged edges of the dog-lead, and the variation in distance between them can be accounted for by the fact that the woman was hanging with her face against the door and her head thrown backwards and to the right. The composite ligature mark reached its highest point under the left angle of the jaw, and pursued an irregular course round the back of the head to the hair margin, which it followed. Just below the angle of the jaw on the right side, there was a rectangular impression on the skin in the line of the ligature mark. Under the ligature mark the soft tissues of the neck were undamaged. The right greater cornu of the hyoid bone was fractured, and the fractured tip bent forward. There was no injury to the tissues of the larynx, pharynx or tongue. The scalp was bruised extensively—one bruise near the vertex, and others in the temporal, frontal and occipital regions—the bruises varying in size up to two inches in diameter. The bruising did not extend below the aponeurotic layer of the scalp, and the skull, membranes and brain were undamaged.

Comment.—The finding of the fractured hyoid bone and the bruises on the scalp put a rather different complexion on the case. The bruises were such that they must have been produced ante-mortem. The possibility of a homicidal attack on the old woman had to be excluded, but exhaustive Police enquiries failed to indicate this as a possibility. The alternative explanation is that the woman was not dead, but in a state of suspended animation, with the heart still beating, when she was cut down. Because of the shock of her discovery, the

daughter had no clear recollection of what actually took place, and it is quite conceivable that, in the cramped space of a small bedroom, the deceased's head may have been repeatedly bumped, and the congestion of the head produced by the constriction of the neck would lead to an effusion of blood greater in size in relation to the injury than one would normally expect. For lack of a better explanation, this was finally adopted.

The finding of the fractured hyoid added further to the confusion. As will be gathered from the foregoing review, fracture of the hyoid bone is extremely rare except in cases of homicidal strangulation or throttling. The absence of damage to the soft tissues of the neck underlying the skin and of tell-tale marks on the surface of the body made these possibilities unlikely. The dog-lead in question was fitted with a spring device enclosed in a rectangular metal frame to which the usual spring clip was joined by a short length of chain. This fitting had left an impression on the skin of the right side of the neck just over the hyoid bone, and it seems reasonable to suggest that the pressure of this rigid piece of metal was responsible for the fracture, the counter-pressure being supplied by the leather part of the lead on the opposite side of the neck.

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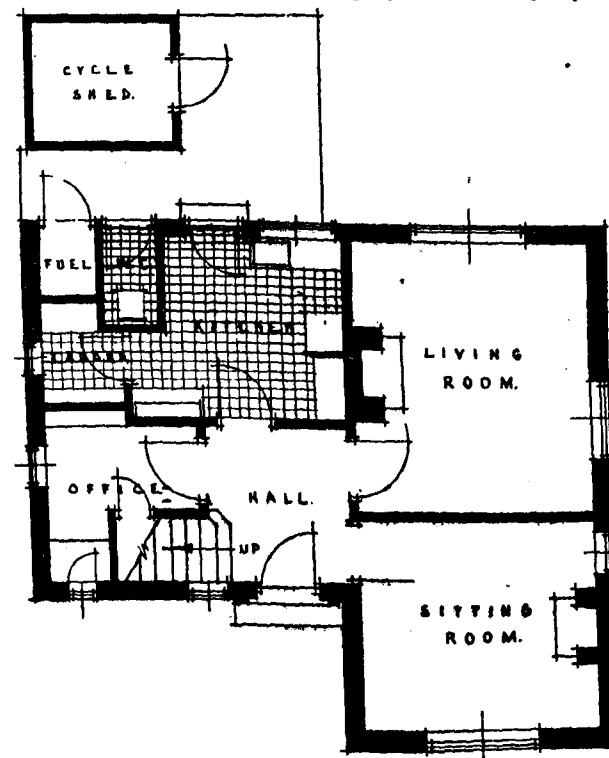
Police Houses

By R. P. WILSON

Assistant Chief Constable, Sussex

THE provision of good living quarters for the Police is of the first importance, not only because it is a duty for those responsible to see that their men are properly housed, but because their comfort and contentment has a direct influence on the efficiency of the force to which they belong. When peace-time conditions return Chief Constables and their Police Authorities will again be directing their attention to this subject, so this is an appropriate time to review what has been done in the past and consider what plans can best be adopted for post-war building programmes.

Some eight years ago a building programme was introduced in West Sussex and an annual allocation of funds was made for the construction of new police buildings. Several police stations were built and the County Headquarters was improved and enlarged; but the primary object of the scheme was to provide good homes of a standard type. The County Architect, Mr. C. G. Stillman, designed the buildings and they are regarded as thoroughly satisfactory by those who



GROUND FLOOR PLAN.
Fig. 1

occupy them. Other Forces have, no doubt, similar schemes; but the only contribution to THE POLICE JOURNAL on this important subject which can be recalled is one written by the Chief Constable of Cumberland in 1940, and it may, therefore, be of general interest to study the plans and photographs reproduced here. The material used for the West Sussex buildings is local brick and tiles of as soft and mellow a tone as possible, so that they may not be out of keeping with the architecture of the village or locality where they are sited.

Figure 1 shows a standard cottage, and the following points are of particular interest.

The little office is quite essential if the constable is to keep his papers in order and be able to write his reports free from disturbance. It is not intended to be used as a police station in the sense that the public are received there, but rather as a work-room for the constable, and though it is small, it is big enough for one caller to be interviewed

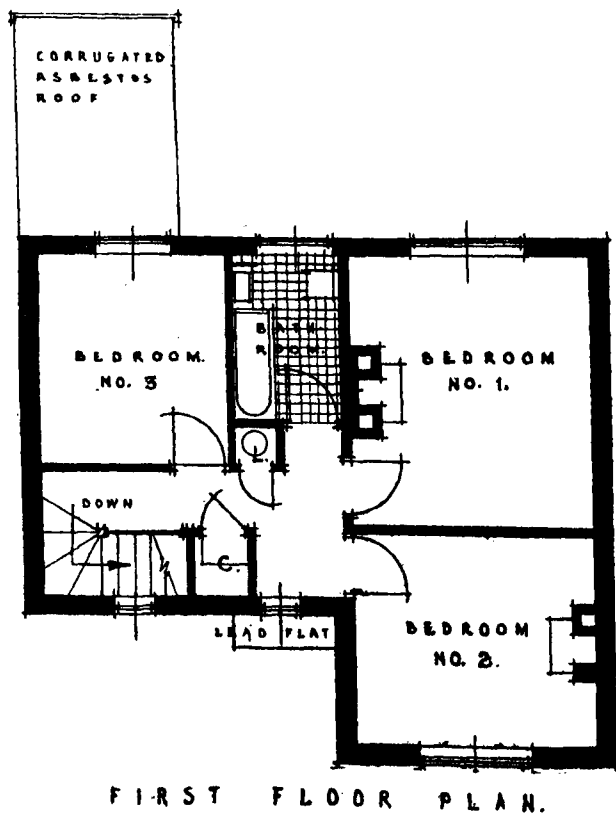


Fig. 1

or for an inspecting officer to examine the constable on his work in privacy. Where more callers are to be expected a sub-station with a bigger office is built (see Figure 3). A desk, with drawers and cabinet, is fitted under the window, while the telephone, which can be switched up to the officer's bedroom, is placed in a window recess to which the public have access from outside in the constable's absence; incidentally, very few people take advantage of this provision.



FIG. 1



FIG. 2



FIG. 3

(face p. 34)



FIG. 4



FIG. 5

The kitchenette is fitted with a gas or electric copper for washing clothes where supply services are available, and a range which also heats the water. Some wives prefer to cook on electric ranges; but it is not the policy to substitute these for the coal range, as, apart from the need of providing a means of heating water, it was found to be bad policy to leave it to the occupant of the moment to install whatever type of cooking appliance he or his wife might prefer, as no two men—or rather, their wives—appeared to have the same ideas on the subject. The cook-and-heat range was, therefore, made a fixture and any addition is regarded as a luxury which the occupant may provide, and

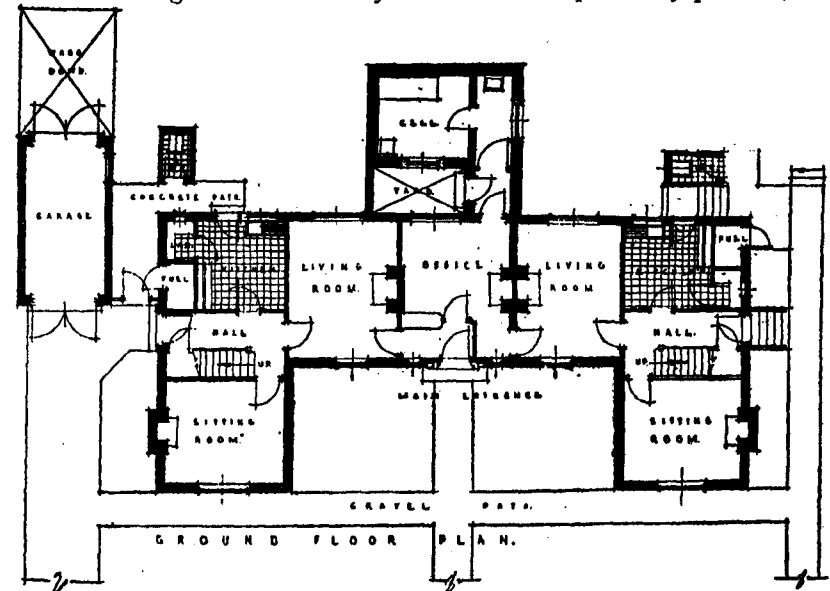


Fig. 2

space is allowed for an electric or gas cooker which can be connected to the existing supply. When electricity is available a power point for an electric iron is also fitted.

It will be noticed that there are two water closets, one of which is accessible from outside. This in the first place seemed to the writer to be a real extravagance and an undue regard for propriety, especially as in his own house the rush of waters in the corresponding apartment is quite evident; but local Police opinion on the point stood firm and gained the day.

When the first cottage was built it was overlooked that prams and bicycles take up a lot of room and should not be kept in the entrance hall; while the former practice of allowing the occupant to provide his

own shed led to difficulties when he moved. It was, therefore, decided to treat this as an essential part of the project, and sheds of the same material as the cottage are now built and include a copper for washing clothes where electricity is not available. A garage would probably fill all these needs, but it was not thought likely that all detachment officers would be supplied with transport. The post-war period may, of course, lead to the further mechanisation of the Police but, in the writer's opinion, if this is carried to excess the country policeman will lose touch with the people, as well as the use of his legs, and spend his time flying about the highways to little purpose and at the expense

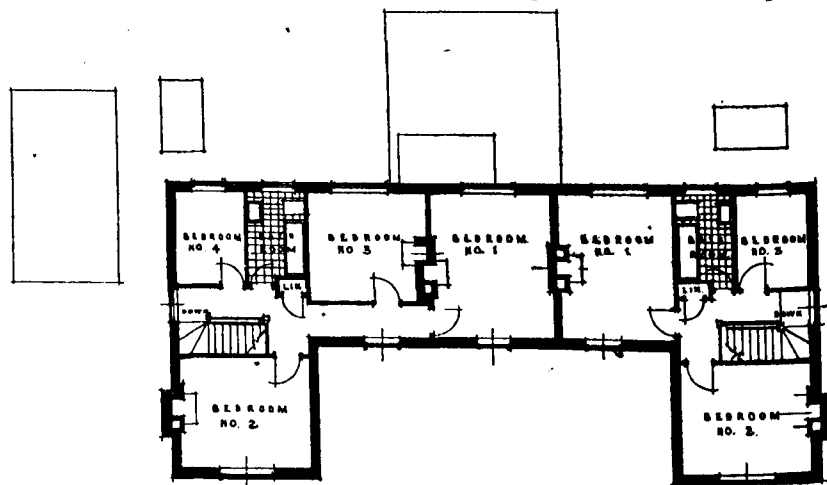


Fig. 2

of Police efficiency; nor was it felt that it was the duty of the Police Authority to provide accommodation for privately owned cars.

The living-rooms and the two principal bedrooms measure 12 ft. by 13 ft. and 10 ft. by 12 ft., and the total floor area of the cottage (1,102 sq. ft.) compares favourably with other plans which the County Architect has inspected. The cost of the building, before the war, varied between £700 and £800.

It sometimes happens that a country beat is policed by two men, and Figure 2 illustrates the double cottage which is provided for them. Internally the accommodation is identical with that of the single cottage, but the offices are brought into the centre to form one enlarged room common to the two houses. Upstairs, one house is given an additional room over the office, which is useful for a man with more than the usual two or three children. It is perhaps fortunate that large families are

no longer the fashion, as if they were the standard plan would require revision!

Figure 3 shows a sub-station, which is similar to the double cottage as regards the size and number of the rooms, but the office is bigger and has a separate door for the public. There is a counter under which drawers and shelves are fitted, while a cell is usually added, though not unless the area served by the station is at a considerable distance from a major police-station. The two houses are intended for the Section Sergeant and one of his constables, and as the Sergeant is a person who should be provided with transport, a garage is provided.

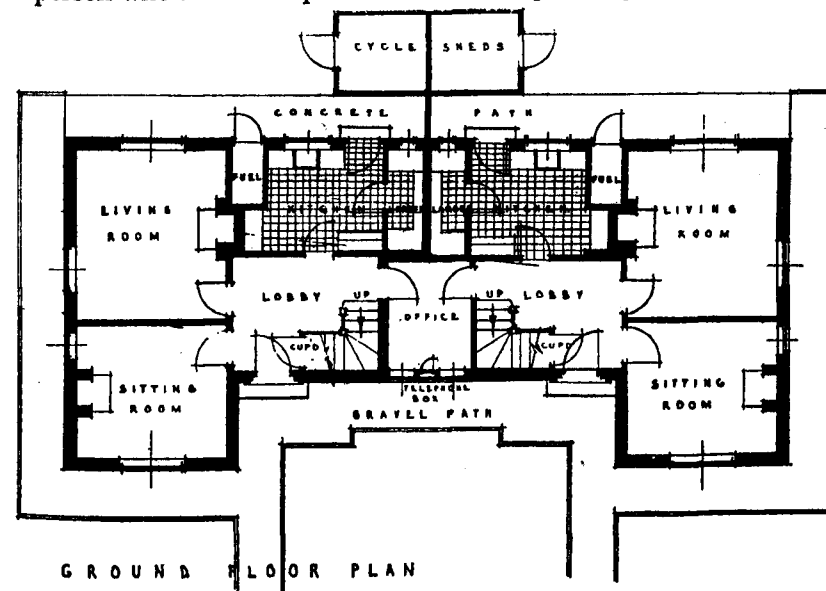
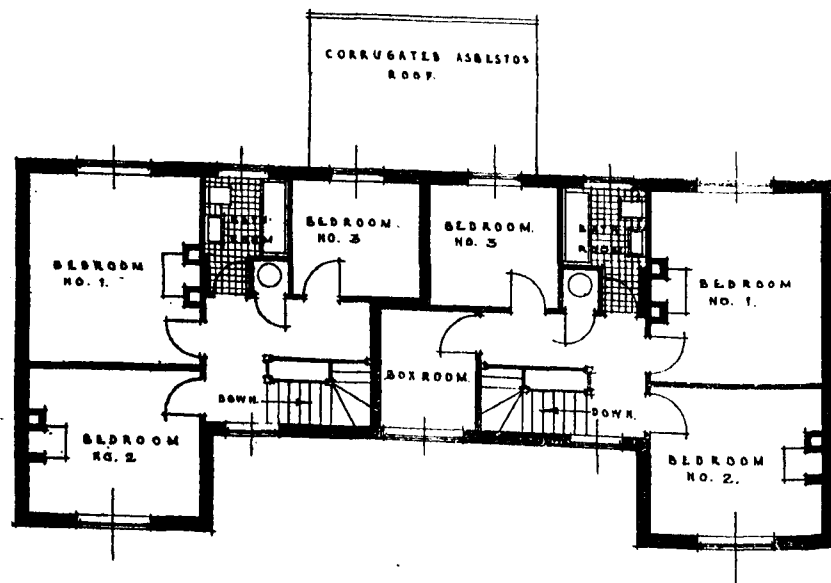


Fig. 3

The houses described above are intended for police in rural areas, but though urban conditions may often call for something different, these types can be used in at least the smaller towns. An example of this is shown in Figure 4, which illustrates how a double cottage can be fitted into a site on a typical suburban street, while Figure 5 shows a sub-divisional police station in a town of some 20,000 inhabitants with a series of double cottages attached. The police station building includes two houses, one for the Inspector in charge and the other for a Sergeant. Garage accommodation is included but does not appear in the picture. In many towns sites for Police houses of the cottage type should be obtainable though not necessarily near the police station, but failing these the alternative would be to provide blocks

of flats which are not nearly so attractive. A project of this sort was contemplated in West Sussex before the war, but could not be completed. The problem is inevitably much more difficult in closely built-up areas, but as in County forces the men are liable to be moved from town to country or vice versa, it is only fair that an effort should be made to extend the provision of the standard house into the towns.

Something should be said about gardens. Most policemen take a pride in the neatness of their gardens, but it is possible to give them too much land, so that most of their spare time has to be devoted to



FIRST FLOOR PLAN Fig. 3

gardening or some of the land is left uncultivated and untidy. Like his uniform, the country policeman's garden must always be neat and tidy, and some advice and assistance from his superiors regarding the layout may help him to avoid unnecessary work, so that his garden will be a profit and a pleasure to him rather than a burden. The Police Authority could reasonably be asked to bear the cost of planting such trees, shrubs and hedges as can be considered part of the layout.

In conclusion the writer would draw attention to the Police sign which is provided at all police cottages and sub-stations. One of these can be seen in Figure 4. This sign is carried on a tubular support

painted blue, while the letters, placed on a blue background, are formed with reflecting glass studs. The signs are distinctive and pick up the beam of motor-car headlights, so that even on unlit country roads the policeman's house can be found by the stranger to the locality without avoidable inconvenience.

One disappointing thing about a building programme is that there is an inevitable time lag, and the less fortunate men have to put up with indifferent houses until their turn comes round. This time lag has assumed serious proportions during the war, but maybe the day is not far distant when building can again be resumed so that standard houses will be available everywhere.

I am indebted to Detective Constables Brown and W. A. Browning for the photographs here reproduced.

Handwriting Classification

A DESCRIPTION OF THE SYSTEM EMPLOYED BY THE NOTTINGHAM CITY POLICE

FOREWORD

THIS system is the result of some ten years' work of the Nottingham City Police in the classification of handwriting. It should be said at once that it has no pretensions to being the last word on the subject, but it is hoped that such information as it contains may be of some service to other policemen equally interested in the subject. To this end only this article makes its appearance.

Consideration has been given for many years to the subject of the classification of fingerprints, with the result that it has now assumed the proportions of an exact science. There would seem to be no reason why handwriting could not also be classified with equal certainty. In 1932 a start was made to this end in Nottingham, and a search instituted for any literature that might exist on the subject, but we were unable to find any. If, therefore, such a system of classification of handwriting was to be embarked upon we would have to devise one for ourselves.

Soon after we had made a start in this direction, the writer of this Foreword heard that there was a system of classifying handwriting in operation in a German city, and he went there to examine it, to find, however, that it was not suitable for our needs in Nottingham. This German system was so elaborate that it could only be operated by the particular individual responsible for so doing. In the view of the writer it attempted to take note of too many points in the handwriting

under examination that in the opinion of its examiner were characteristic of it. The system in fact set out to be too meticulous and suffered in consequence.

The classification of the handwriting of some thousands of persons in Nottingham by the means herein described has led us to the following conclusions:

- (1) It is possible to classify handwriting reliably.
- (2) Any system of classification of handwriting to be of any real value must depend as little as possible upon the *opinion* of the person classifying it, but rather upon its unmistakable characteristics.
- (3) Ambiguity can only be avoided by making the system as simple, and the characteristics in writing it takes note of as wide, as possible.
- (4) It is preferable to note fewer but unmistakable characteristics, rather than to attempt to note peculiarities which may be variously described.
- (5) The mathematical computation of the relatively few and certain characteristics here described is sufficient to classify reliably many thousands of specimens of handwriting.

In the ten years that handwriting has been classified in Nottingham the material has proved most helpful in securing a conviction on numerous occasions. The practice of filing handwriting here described has also proved useful in furnishing information in other directions, such as whether certain applicants have given their correct names and particulars when making application to join organisations for which preliminary enquiry is necessary as to bona fides, viz. whether individuals have previous criminal records which make them unsuitable for the employment in question.

Among instances of the former may be mentioned that in which a number of houses in Nottingham were broken into, at one of which a note was found thanking the householder for the food to which the thief had helped himself. Search of the handwriting records revealed the fact that the writer of the note was a man convicted in Nottingham of an offence in 1939. A few days after the finding of the note mentioned, an intimation was received from the Carlisle Police that a house there had been similarly broken into, in which an Army Paybook, an Identity Card bearing the name and address of a Nottingham man, also some Clothing Coupons were found. The Clothing Coupons were subsequently found to have been stolen from the house in Nottingham

A handwritten note on a piece of paper, enclosed in a rectangular border. The text is written in cursive and includes several words and phrases. Arrows are drawn pointing to specific words: 'Dear' points to 'Dear', 'Thanks' points to 'Thanks', 'the' points to 'the', 'dinner' points to 'dinner', 'and' points to 'and', 'of' points to 'of', 'unit' points to 'unit', 'But' points to 'But', 'hardly' points to 'hardly', 'Nations' points to 'Nations', 'in' points to 'in', 'war' points to 'war', 'Time' points to 'Time', 'is' points to 'is', 'a' points to 'a', 'James' points to 'James', 'officer' points to 'officer', 'Signed' points to 'Signed', 'You know' points to 'You know', 'it' points to 'it', 'for' points to 'for', 'P.S.' points to 'P.S.', 'but' points to 'but', 'me' points to 'me', 'next' points to 'next', 'any' points to 'any', 'you' points to 'you', 'buddy' points to 'buddy'. The note is signed 'P.S. but me next any you buddy'.

FIG. 1

Note left in a Nottingham house by housebreaker

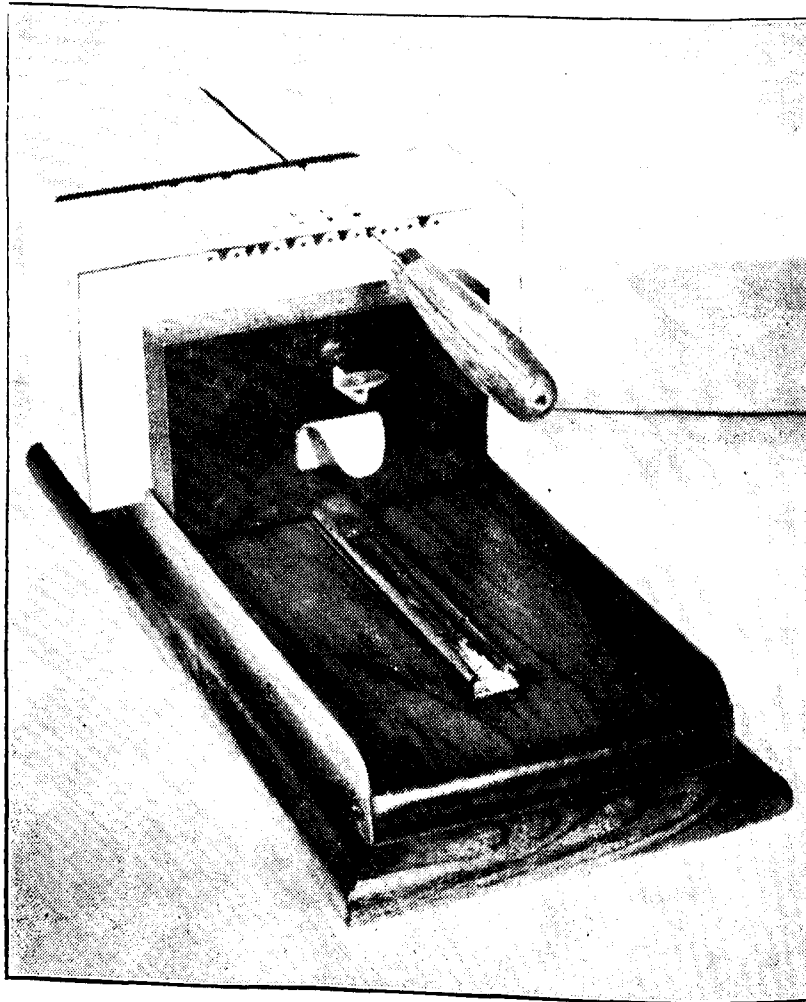


Illustration of Special Holder

TO BE FILLED IN BY ACCUSED.

Date of Birth 2.6.1919

Where Born (and full address if possible)..... *Nation*

Occupation $\rightarrow$ Farm $\downarrow$ Labourer $\downarrow$

Last Employer *B* *Yunston*

Married or Single..... *Single* [↓] If married, number of Children and ages.....

Present address 344 Notre

Signature (in full).....

If married, number of
.....Children and ages.....

Motto

FIG. 2

FIG. 2
Handwriting card completed by housebreaker for the files of Nottingham City Police

Date of birth 17. 4. 05
 Where born (and full address if possible) 35 [redacted] St. Bees
 Occupation Labour
 Last employer General Engineering Co.
 Married or single married If married, number of children and ages 3 12 11 3
 Present address 12 [redacted] Cottage Nottingham
 Signature James Clark R. [redacted]

FINE NIB

Date of birth 17/4/05
 Where born (and full address if possible) 35 [redacted] St. Bees
 Occupation Labour
 Last employer General Engineering Co.
 Married or single married If married, number of children and ages 3 12 11 3
 Present address 12 [redacted] Cottage Nottingham
 Signature James Clark R. [redacted]

MEDIUM NIB

Date of birth 17/4/05
 Where born (and full address if possible) 35 [redacted] St. Bees
 Occupation Labour
 Last employer General Engineering Co.
 Married or single married If married, number of children and ages 3 12 11 3
 Present address 12 [redacted] Cottage Nottingham
 Signature James Clark R. [redacted]

BROAD NIB

FIG. 3

Three cards filled in by the same man with fine, medium and broad pens

Name B [redacted] CYRIL WILLIAMS
 Date of birth 18. 9. 1901
 Where born (and full address if possible) [redacted] in - as!
 Occupation Travelling salesman
 Last employer R [redacted] & R [redacted] suit
 Married or single married If married, number of children and ages
 Present address [redacted] Lane Suite
 Signature Cyril Williams B. [redacted]

AMBIDEXTROUS (LEFT)

Name B [redacted] CYRIL WILLIAMS
 Date of birth 18. 9. 1901
 Where born (and full address if possible) [redacted] in - as!
 Occupation Travelling salesman
 Last employer R [redacted] & R [redacted] suit
 Married or single married If married, number of children and ages
 Present address [redacted] Lane Suite
 Signature Cyril Williams B. [redacted]

AMBIDEXTROUS (RIGHT)

FIG. 4

Two cards filled in by an ambidextrous person

at which the note had been left. The Army Paybook bore the name of the man whose writing was found to be the same as that of the writer of the note left in the house in Nottingham. The Identity Card was found to have been stolen from another house in Nottingham. The housebreaker had broken into no fewer than 56 houses in a period of six weeks, amongst which offences he admitted the one in which the note was found. Figure 1 illustrates the note the housebreaker left behind in the Nottingham house on the night of August 28th-29th, 1942, and Figure 2 the card of the handwriting he was required to complete by the Nottingham City Police on January 11th, 1939. He was sentenced at Assize to four years' penal servitude for this series of offences.

In another series of housebreakings in a residential district of Nottingham, suspicion was attached to two window cleaners described subsequently to the Police as being 20 years of age. In this instance a note was left behind at one of the houses broken into which read briefly "Thanks. The Two Aces." Search was made in the handwriting records at Police Headquarters, but without success. Some days later, however, two boys aged 14 and 15 were detained by the Metropolitan Police in London and handed over to the Nottingham City Police, as they admitted a case of larceny from a house in Nottingham. As it was suspected that they may have committed other offences in Nottingham, though they would not at that time admit to any, they were finger-printed and specimens of their handwriting taken. It was then found that the handwriting of one of them was identical with that of the note signed "The Two Aces." On being confronted with this evidence they admitted both the offence to which the note referred as well as a large number of other offences.

It has been suggested that the characteristics of individual handwriting may be largely affected by whether the writer has used a broad or a fine pen. An interesting fact disclosed by experiments over a number of years in Nottingham, however, in which persons were required to fill in three handwriting cards with broad, medium, and fine pens respectively was that unconsciously the writer held the pen in such a way as to write with almost equal thickness in each case. Three cards written by the same man in this way are illustrated in Fig. 3. The similarity of the handwriting would appear to indicate that a writer is impelled by some subconscious force to execute the writing in lines of a certain thickness to which he is accustomed and to manipulate his pen to this end.

Fig. 4 illustrates the writing of a person who was found to be ambidextrous, and specimens executed with each hand are shown. It

will be noted that the writing with either hand is identical save for the slope.

A. POPKESS, *Captain,*
Chief Constable.

City Police Headquarters,
Nottingham.

HANDWRITING CLASSIFICATION

The handwriting of no two persons is identical. The characteristics of any two specimens of handwriting may agree in some respects, but are likely to differ in others. It may therefore be assumed that every individual specimen of handwriting has a character of its own.

As fingerprints differ in their patterns of loops, whorls, arches, etc., so in handwriting various styles may be easily identified. For example, handwriting may be roundly formed in all its curved parts, the letters o, c, u, etc., and rounded parts of the letters b, d, etc., and their loops may be written without apparent angle. On the other hand such letters may be written in such an angular form as to have little or no roundness in their construction. Obviously, then, a more important characteristic of handwriting is its roundness or angularity. In this connection it has been found that a person who normally writes in rounded characters and attempts to hide the fact by later forming the letters in a more angular way, will find it difficult to do so for any length of time, and will relapse into his or her normal style of writing. An examination of the purposely disguised hand would disclose individual rounded letters or joins identical with such letters in his or her normal writing (Figs. 1 and 2).

and its time it was stopped. I
a menace to young women on l

FIG. 1

all the stuff has been stolen from
factory and is sold the woman

FIG. 2

Handwriting may be executed with consistent evenness of line, i.e., no difference in thickness between any of its strokes. On the other

hand the thickness of its up and down strokes may differ widely (Figs. 3 and 4).

so that casual customers
drink. I am not vindict

FIG. 3

if you want a good case of
keep your eyes on a man

FIG. 4

The forming of the letter "r" is sometimes varied by a letter to suit the construction of the word in which it occurs. (Fig. 5.)

center

retainer

FIG. 5

Variation of consistency may occur in the setting down of many letters, often different forms of the same letter being used in one word. (Figs. 6 and 7.)

parallel determination

FIG. 6

FIG. 7

Loop letters may habitually be written with abnormally long loops (Fig. 8). Or they may be written without being fully completed (Fig. 9). Or even indicated by a straight line (Fig. 10).

You thought you could get away with it
Unless you let me have five quid.

FIG. 8

wish husband will

FIG. 9

and don't bring the police
you do I shall have my own

FIG. 10

The tails of letters p, q, etc., may be written variously as loop letters (Figs. 11, 12 and 13). The letter "t" may be crossed in a number of ways. It may not be crossed at all (Figs. 14, 15 and 16).

contrary contrary contrary

FIG. 11

FIG. 12

FIG. 13

Protect Protect. Protect

FIG. 14

FIG. 15

FIG. 16

The general characteristics of handwriting may be spaced out, the space between the letters being abnormally wide and that between words noticeably so. This is normally characteristic of writing executed at great speed (Fig. 17).

... you ...
with it. If you do
fro at that shop (

FIG. 17

On the other hand it may be set down compactly, the letters sometimes being even telescoped into each other (Fig. 18).

a little chemist shop in Market St. They are
 that simple. You can see the Companion at it
 I shall want them about a little bit - the

FIG. 18

Handwriting may slope either to the right or the left (Figs. 19 and 20).

Some of the furs that we
 sell were knocked off for
 in London last -

FIG. 19

That man you are looking for for
 a while last week is staying with
 in London last -

FIG. 20

In words containing several long letters (l, b, d, etc.) relative slope of letters to each other tends to persist characteristically. This may be demonstrated, for example, by writing out the word "parallel" several times, disguising the general slope of the writing each time, then drawing a straight and continuous line through the staffs of the loop letters, when it will be usually found that although the slant of the writing as a whole may be altered, the ratio between the slope of the letters will be fairly constant (Fig. 21).

The handwriting of everybody possesses certain peculiarities that are characteristic of it, in spite of the efforts of the writer to disguise them. Locard has described a method by which these peculiarities may be measured (graphometry), to indicate important information to the expert. By this means it is possible to compare measurements of the

parallel parallel parallel

FIG. 21

different letters and their proportion to each other. For a given letter, the normal average height is constant relative to that of the other letters, even if the general scale of the writing is deliberately changed. For instance, a writer tends to maintain the same proportions with such letters as "s" and "i." Great accuracy requires to be observed in making such calculations, measurements must be to at least the nearest fiftieth of an inch. Fig. 22 shows a table of measurements of two handwritings. The comparative figures give a strong indication that the writings are by the same person.

	QUESTIONED.	STANDARD.
General average of single space letters	7	8
Average of "a"	8 (or 1 above)	7 (or 1 below)
Average of "e"	6 (or 1 below)	8 (no diverg.)
General average of double space letters	9	10
Average of "h"	11 (or 2 above)	13 (or 2 above)
Average of "l"	9 (no diverg.)	10 (no diverg.)

FIG. 22

There are other characteristics peculiar to particular specimens of handwriting, which will be called to mind, but which are not mentioned here, such minutæ for instance as the way letters are joined to each other; how tails of certain letters are written, i.e. whether they have an upward, horizontal or downward trend; but as they do not form part of the Nottingham system of classification described in this article they are not commented upon in greater detail.

Of what assistance is a system of classifying handwriting to the Police? We suggest that (a) it enables us to maintain properly documented handwriting files; (b) it adds greatly to our ability to determine whether two specimens of handwriting were executed by the same hand;

(c) a considerable amount of questioned handwriting comes into the possession of the Police every year. The identification of the writers of some of these documents is known to the Police, but the identity of others is not. When an important case, such as murder, or a series of frauds, is engaging the attention of the Court, numbers of anonymous communications are often received by the Police and others. Many of the writers of these communications have nothing to do with the case under investigation. Others have been written by persons not in their right minds. Some of these communications may contain useful information, the identity of the writers of which would be of considerable assistance to those investigating the case. Anonymous communications are often executed in a disguised hand, but the handwriting expert can give important information about them if he has specimens of the normal writing of a suspect before him. (d) An important use to which a system of classification of handwriting may be put is in the identification of forgeries. There are two kinds of forgery: (1) writing that is imitated by another person, and (2) original writing that has been altered. When comparing specimens of writing, one of which may be forgery, it should be remembered that differences in the characteristics of the writing are more important than similarities, also that no two specimens of one person's handwriting are exactly the same in every detail. Particular note should be taken of the paper, pen and ink used. There may be certain characteristics in the handwriting that a would-be forger has failed to observe, such as the relative slopes of tall letters and the relative height of the letters in general. Even if the forger has become aware of such characteristics in the writing, he is likely to find it difficult to familiarise himself with them sufficiently to copy them consistently. The compilers of this article are unaware of any single handwriting test by which it is safe to assume that a particular specimen of writing is a forgery, other than such comparison of the relative heights of letters, which at best should only be considered as highly conclusive.

METHOD OF CLASSIFICATION

To ensure as much as possible against ambiguity, and in the interest of simplicity, only 18 characteristics are taken note of in the Nottingham System of handwriting classification. These are arranged in nine pairs as follows:—

Figs. 1 and 2. Style of Writing—Round or Angular

The writing is classified as to its general appearance, from the point of rotundity or angularity of its loops and loop letters. The formation of the letters a, c, i, m, n, u, v, w, x and their connections are taken note of.

Name	<i>John Archibald Wilson</i>	N.C.R. No.	<i>436/42</i>
Date of birth	<i>21st October 1905</i>		
Where born (and full address if possible)	<i>416, Mansfield Road, Nottingham</i>		
Occupation	<i>Plate layer</i>		
Last Employer	<i>Herbert Scarling, Welford Road</i>		
Married or single	<i>Single</i>	If married, number of children and ages	—
Present address	<i>Denuwood Crescent, Broxtowe Lane</i>		
Signature	<i>J. A. Wilson</i>		

FIG. 1

Characteristic noted: Round.

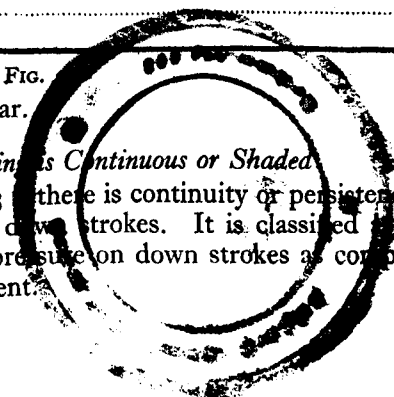
Name	<i>Samuel R. Brane</i>	N.C.R. No.	
Date of birth	<i>24.5.1911</i>		
Where born (and full address if possible)	<i>1, Meadow Lane, Nottingham</i>		
Occupation	<i>Labourer</i>		
Last Employer	<i>John Wright Ltd, Rother St., Nottingham</i>		
Married or single	<i>Single</i>	If married, number of children and ages	
Present address	<i>5, R. Glynor Rd., Nottm</i>		
Signature	<i>S. R. Brane</i>		

FIG. 2

Characteristic noted: Angular.

Figs 3 and 4. Whether the Writing is Continuous or Shaded

The writing is classified as 3 if there is continuity or persistence in evenness of pressure in up and down strokes. It is classified as 4 if there is intensity, or increased pressure on down strokes as compared with up strokes to a marked extent.



Name *Karela Clarke* N.C.R. No. *267/40*

Date of birth *14. 1. 27*

Where born (and full address if possible) *1 Meadow St, London EC.*

Occupation *Labourer*

Last employer *London, Midland & Northern Railway Co*

Married or single *Single* If married, number of children and ages *—*

Present address *46 Grafton St, Long Ashton*

Signature *K. J. Clarke*

FIG. 3

Characteristic noted: Continuous.

Name *J. David Drayton* N.C.R. No. *352/35*

Date of birth *11th August 1912*

Where born (and full address if possible) *Ashby Road, Rugby, Wals*

Occupation *Labourer*

Last Employer *Nottingham Corporation*

Married or single *Married* If married, number of children and ages *Three 6. 8. 12*

Present address *St. Vincent's House*

Signature *J. Drayton*

FIG. 4

Characteristic noted: Shaded.

Figs. 5 and 6. Whether Small Letters are Connected or Disconnected

The writing is classified as 5 if connections between letters are unbroken to a degree of consistency. It is classified as 6 if its connecting lines are habitually broken.

Name *Charles P. Smith* N.C.R. No. *243/40*

Date of birth *12. 1. 03*

Where born (and full address if possible) *The Wells Road, Nottingham*

Occupation *Painter*

Last Employer *Wells & Co, Mansfield*

Married or single *Married* If married, number of children and ages *Two 5, 6*

Present address *123 Byles Avenue, Dorking Road*

Signature *C. P. Smith*

FIG. 5

Characteristic noted: Connected.

Name *Horace P. Goulding* N.C.R. No. *2416/40*

Date of birth *29. 6. 1919*

Where born (and full address if possible) *Pimlico, London*

Occupation *Chor.*

Last Employer *Armour & Co, Meat Packers*

Married or single *Married* If married, number of children and ages *None*

Present address *261 George St Central, Nottingham*

Signature *Horace Perry Goulding*

FIG. 6

Characteristic noted: Disconnected.

Figs. 7 and 8. Relation of Loop Letters to others, whether Normal or Abnormal

The writing is classified as 7 if the highest of its small letters does not exceed $2\frac{1}{2}$ times the height of the shortest letters, otherwise it should be classified as 8.

Name Charles H Daniels N.C.R. No. 11/42

Date of birth 20th March 1900

Where born (and full address if possible) Yaulgreave Moss Farm, Yaulgreave

Occupation Farmer

Last Employer Mr. Crossland New Farm, Stanton, Derby

Married or single Married If married, number of children and ages One son 16 years

Present address Moss Farm, Stanton, Derby

Signature Charles H Daniels

FIG. 7

Characteristic noted: Normal.

Name PHILIP JONES N.C.R. No. 2764/39

Date of birth 30.12.20

Where born (and full address if possible) Nottingham Carrington Street

Occupation Cigarette worker

Last Employer Imperial Tobacco Company

Married or single Married If married, number of children and ages Three 6-9-12

Present address 24 Delph Terrace Nottingham

Signature Philip Jones

FIG. 8

Characteristic noted: Abnormal.

Figs. 9 and 10. Inter-letter Spacing, whether Normal or Abnormal

The writing is classified as 9 if the inter-letter spacing is normal in comparison to the size of the letters. If the spacing between letters is abnormal it is classified as 10.

Name William James Mason N.C.R. No. 29/37

Date of birth 19th August 1905

Where born (and full address if possible) Old Basford, Nottingham

Occupation Sulphate worker

Last employer Imperial Chemical Ltd. (now closed)

Married or single married If married, number of children and ages none

Present address Goslock Avenue, Nottingham

Signature William James Mason

FIG. 9

Characteristic noted: Spacing normal.

Name JOHN LOUIS BROWN N.C.R. No. 1844/39

Date of birth August 2nd 1907

Where born (and full address if possible) Newton Park, Sheffield

Occupation W. R. M. & Son Ltd

Last employer Brown & Son, London

Married or single Married If married, number of children and ages 5 - 10 - 7 - 5 - 3 - 2

Present address Ryeford Road, Sherwood

Signature John Louis Brown

FIG. 10

Characteristic noted: Spacing abnormal.

Figs. 11 and 12. Alignment, whether Horizontal or Deviating from Horizontal

If the writing is horizontal (using an imaginary base line in the absence of a line already ruled on the paper) it is classified as 11,

Name James Edgar Robinson N.C.R. No. 2916/40

Date of birth 1st January 1914

Where born (and full address if possible) 7th Peel Lane, Manchester

Occupation Labourer

Last Employer Dorman Long & Co.

Married or single Single If married, number of children and ages

Present address 23 Leithwaite Road, Manchester

Signature J. E. Robinson

FIG. 11

Characteristic noted: Horizontal.

Name HAROLD JAMES BALFOUR N.C.R. No. 287/42

Date of birth 24-5-06

Where born (and full address if possible) 61 Mill St. Old Trafford

Occupation Printer

Last Employer L.M.S. Railway

Married or single Married If married, number of children and ages 3 18 19 9

Present address 198 Holgate Road

Signature Harold James Balfour

FIG. 13

Characteristic noted: Sloping to the Right.

Name Walter Avery N.C.R. No. 262/43

Date of birth 23/11/03

Where born (and full address if possible) Mutall Road, Nottingham

Occupation Labourer

Last Employer J. Burns & Co., Bridderhill

Married or single Married If married, number of children and ages

Present address 11, Prebost Buildings, Lincanton

Signature Walter Avery

FIG. 12

Characteristic noted: Deviating from horizontal.

Figs. 13 and 14. Sloping, whether to the Right or to the Left

Writing is classified as 13 if it slopes to the Right at more than 90 degrees, and 14 if it slopes similarly to the Left.

Name Albert Anne Crookes N.C.R. No. 49/43

Date of birth 27.10.13

Where born (and full address if possible) 26 Cripps Yd., 10, Warrington

Occupation Long dress maker

Last Employer Henry & Son, West Warrington

Married or single Single If married, number of children and ages

Present address 27 Stoneham Ave., West Warrington

Signature Albert Anne Crookes

FIG. 14

Characteristic noted: Sloping to the Left.

Figs. 15 and 16. Upright or Mixed Slope

The writing is classified as 15 if it is upright. If the slope is mixed, that is, if certain letters slope to the right and others slope to the left, it is classified as 16. The middle third portion of any sample of handwriting should be used for classification purposes, as this represents the more natural style of the writer.

Name: Galene Kuple N.C.R. No. 282-43
 Date of birth: 15-6-1917
 Where born (and full address if possible): Nottingham
 Occupation: Chick
 Last Employer: Messrs Holland & Sons, Hants, Porters Place
 Married or single: Single If married, number of children and ages: _____
 Present address: 473, Colne Avenue, Nottingham
 Signature: Galene Kuple

FIG. 15

Characteristic noted: Upright.

Name: Helaine Bayly N.C.R. No. 191/43
 Date of birth: 10 July 1916
 Where born (and full address if possible): Edenbridge, Long Lane, Barnet by Ramat
 Occupation: House
 Last Employer: St. Stephen Hospital, Leicester
 Married or single: Single If married, number of children and ages: _____
 Present address: Daniel Road, West Bridgford, Nottingham
 Signature: H. Bayly

FIG. 17

Characteristic noted: Small.

Name: Frank Colvorne N.C.R. No. 644/40
 Date of birth: 16-2-07
 Where born (and full address if possible): London, Highbury
 Occupation: Foreman Melwright
 Last employer: Metropolitan. Vickers Ltd. Birmingham
 Married or single: Married If married, number of children and ages: Four - 6-2-4-1
 Present address: 276 Annington Road, Nottingham
 Signature: Frank Colvorne

FIG. 16

Characteristic noted: Mixed slope.

Figs. 17 and 18. Size, Small or Large

The writing is classified as 17 if the letters (other than loop letters) are under 2.5 millimetres in height. It is classified as 18 if the letters are 2.5 millimetres or over in height. The letters taken note of are a, c, e, i, m, n, o, r, s, u, v, w, x.

Name: George C. Stenson N.C.R. No. 2844/40
 Date of birth: 19.6.89
 Where born (and full address if possible): London
 Occupation: Packer
 Last Employer: George & Co, Spun Lane, London
 Married or single: Single If married, number of children and ages: _____
 Present address: 467 Abney Lane, Coventry
 Signature: George C. Stenson

FIG. 18

Characteristic noted: Large.

Examples of Handwriting Completely Classified by the Nottingham System

Name *Benjamin Wright* N.C.R. No. *4641/43*
 Date of birth *July 14th 1901*
 Where born (and full address if possible) *The Ferns Hall St. Nottingham*
 Occupation *Railway Clerk*
 Last Employer *London and North Eastern Railway*
 Married or single *Married* If married, number of children and ages *none*
 Present address *102 Kirkstall Road, Keenley, Leeds*
 Signature *Benjamin Wright*

FIG. 19

Classification: 1, 3, 5, 7, 9, 11, 13, 17.

Name *George Henry Thompson* N.C.R. No. *1816/21*
 Date of birth *21st February 1905*
 Where born (and full address if possible) *14, Litchfield Road, Nottingham*
 Occupation *Electrician's mate*
 Last Employer *T.H. Harborough & Son, Harborough, Le. Lines*
 Married or single *Single* If married, number of children and ages *—*
 Present address *Fratton Street, Nottingham*
 Signature *G. H. Thompson*

FIG. 20

Classification: 2, 4, 6, 7, 9, 11, 13, 17.

APPLICATION OF THE SYSTEM

All persons charged with offences for which their finger impressions are taken, are requested to complete a handwriting card which provides for a sufficient amount of writing for classification purposes. The necessary holes are then punched along the top of the card in a straight line. The holes representing characteristics of the writing are then clipped out in a V at the top of the card.

The holes are punched in the cards in their correct position by

placing them between two metal slabs held in place by lugs, into which the holes have been drilled. After the cards (not more than six at a time) have been inserted between the slabs, 18 holes are hammered through them with a small punch. By this means it is ensured that all the holes in the cards are in exactly the right place.

The cards, after classification, are filed in cabinets. When it is desired to make a search they are taken out in requisite numbers, and put in a special holder, which has two guiding rails that fit into niches at the bottom of the cards and ensure their being held evenly together, the holes at the top of the cards fitting exactly behind each other (see illustration facing page 41).

Search is made by inserting a needle through the holes of the classification sought, shaking the cards on the needle so that those which have been cut out for classification will not be held by the needle and will fall out. Those cards that remain on the needle are then eliminated from the search, and the search continued with the cards that have become disengaged, by inserting the needle in the next characteristic being sought for. Those remaining cards which become disengaged from insertion in the last hole of the classification are then available for inspection and comparison by the handwriting expert.

J. MOORE,

Detective Officer,
Nottingham City Police.

N.B.—This article has been reprinted in brochure form, copies of which may be obtained from the Chief Constable of Nottingham, City Police Headquarters, North Church Street, Nottingham, post free for One Shilling each.

Training of Police Candidates: The Instructor's Objective

By SUPERINTENDENT F. H. ARCHER,
Metropolitan Police

TO determine what an Instructor of a police candidate has to achieve it is first necessary to consider those qualities which are essential to an efficient police officer. Police duty in its performance requires in one person nearly all the virtues in human nature applied severally or independently, as circumstances require. It is peculiar, for no other walk of life can be compared to it. The policeman is indeed a servant, not only to individuals but also to the principles of the ideology of democracy which govern the community in general. In dealing

with individuals he meets the whole range of human personality and the several strata of social standing ; and while all expect from life all that which is considered their right, the policeman serves them all, preserving at the same time a decorum in accordance with the conception of Constabulary Service. At times an individual's desire or action conflicts with the formulæ laid down for correct and decent communal living, and the police officer in serving the communal cause thereupon exercises a power of restraint granted him by the community. He alone makes the decision and, having made it, must justify his action according to the legal code.

He is personally responsible for his actions. The constable suffers equally with the non-official citizen for any illegal act he may commit. The law protects him only in the performance of acts authorised by law ; nor can he divest himself of responsibility by pleading the orders of his superior officer if those orders chance to be illegal. This personal responsibility is not only a curb to excessive zeal, it is also a spur to legitimate activity. The question of self-reliance in each police officer is therefore important. The success of a Force is measured by the amount of self-reliance imbued in each individual. This feature incidentally explains why a police system must not too closely follow the military model in organisation and discipline ; police officers do nine-tenths of their work as individuals. The main object of discipline in the Army is to secure obedience to orders from a force of habit on occasions when instinct naturally impels the thought of personal safety, advantage, or honours. The principal end to be attained in the education of the police officer is that he should know his duty, do it with circumspection and self-control generally on his own initiative, and frequently in opposition to the sympathies of the crowd. His mistakes not only become known to his superiors, but, through the medium of the Press, the public also soon become aware of an excess of duty. While this freedom of the Press may react against the individual officer (the Press having the power, not so much by voicing public opinion but rather leading it), it assists to preserve for the citizen the liberties enjoyed under our Constitution, thus keeping the Force as a whole within its proper limits.

As far back as 1871, when the community was troubled with the general waywardness of life as then led, *Punch's Almanac* of that year published a drawing depicting a gentleman being bludgeoned by a footpad, whilst nearby were the figures of three policemen, each drawn individually to represent brains, brawn, and speed. The caption observed that as it was not possible to expect all the necessary qualities for policemen in one individual, police duty should be performed

by picked teams of three men. If that was the point of view then, what of 1945 ?

When the Instructor first takes over his class of new entrants, he is aware that they are of a standard of physique, physical fitness, and character above the normal, and that their academic attainments have been tested. Here at this point standardisation ceases, for each has a view of life fashioned according to his upbringing and social status. This individual outlook, commendable as it may be, is of little assistance to an Instructor. In fact it conflicts with his purpose. The first step, therefore, is to school the mind in the principles of Constabulary Service. When a person dons the uniform of a constable he automatically cloaks himself with the personality and characteristics of a police officer, and it is this quality that the Instructor is primarily responsible for producing in the candidate. The qualities briefly summarised as a slogan for the candidate can be " I maintain the law, I serve the public." The police force was originally formed for crime prevention and detection, but now a multitude of other duties and responsibilities exist. It is true that in maintaining the law, the policeman is serving the community, but the public has come to expect so much from its Police Force that " Service " and " Maintenance of Law " have equal status. The efficiency of a Police Force is not measured by the number of criminals caught, but rather by the absence of crime, and this by itself indicates a service properly fulfilled.

This country is a democratic one. Freedom of speech, liberty, and the rights of man, mean, so far as police duty is concerned, that the policeman only holds his position as such by the consent of the community. While he governs and controls the community he only does so as their servant, and the constable must therefore remember that in all his functioning he must keep the goodwill of the community, for that is the life-blood of the Police Service. A candidate can be brought to understand the position better by the history of the Force being explained to him ; the reason why the Force was necessary ; its functions, powers, and limitations as first laid down ; how it commenced to evolve an *esprit de corps* of its own in face of public hostility ; how it showed the public it intended to defend their liberties, so eventually winning their respect and goodwill ; the consequent growth of the Force and the responsibility placed on it. The value of this education cannot be stressed too much, for until the candidate fully appreciates his position in relation to the public he will not get very far as a police officer. Since the commencement of the nineteenth century the Constitution of the country has made great strides in the cause of democracy, and in view of the principles upon which the present war is being fought, one can assume that further progress

towards democratic ideals will be made. Hence the need for a public servant, the policeman, in daily contact with the public, to be fully aware of his position. He must be non-political whilst on duty, and even when off duty he should observe a reticence in such matters as would not harm his position or that of the Force to which he belongs. The British Constabulary serve all alike, irrespective of race, creed, or religion.

Service to the public being a responsibility, the manner in which he is able to discharge this is of paramount importance. He cannot accomplish much without knowledge, for confidence in his job is necessary, and confidence is bred from knowledge. As the public depend upon him in all their varied requirements, he must discharge his duties in such a manner as to satisfy them to the extent of earning their appreciation and nullifying any aftermath or recrimination. Consider the many duties he is called upon to perform; to name only a few:—protection of life and property; the caring of the injured, ill, poor, and distressed; of children, persons of unsound mind, and missing, etc.; everything that is concerned with the maintenance of public order and security; the supervision of certain trades and callings; licensing and certification in its various forms; acting as a helpmate in all emergencies whether in the street or the home.

Complementary to knowing what to do, and how to do it, the candidate should be led to understand how much more his purpose can be served by preserving a faultless appearance and correct deportment. A clean and tidy appearance indicates an orderly mind, from which evolves efficiency. The eye and ear are quick to register, and providing it is pleasant to the extent of being impressive, the public are helped towards accepting the service rendered, thus obviating dissatisfaction or criticism. A policeman must always be courteous. The common decencies of life demand it, a public servant should manifest it, and what is more the public expect it. While they may at times be found wanting, not so must the policeman. Much harm results from the non-observance of courtesy by a constable. He must without exception exercise sympathy, understanding, and discretion, and, at the correct times, firmness. "Honesty is the best policy" is an old maxim. The *esprit de corps* engendered during the candidate's training should do much towards importing into his mind the necessity of this virtue. He should, however, be informed that the Police Authority does not entirely rely on *esprit de corps* to effect their purpose. Strict supervision is maintained, with serious results to the policeman defaulting. Happily but few are found wanting. Nevertheless, it cannot be too strongly impressed on the candidate that a strict adherence to Service procedure is necessary when dealing with the public and their

property. Hence the candidate should also observe the moral—honesty to himself.

Police do not make laws, they only enforce them, and in this enforcement it is not for them to take upon themselves the office of a magistrate. One of the most troublesome problems previously to the inauguration of the Police Service was the manner in which the Executive could act independently of the Judiciary. Each has its particular function, and it was not until the new Police system began its career in 1829 that people became aware of the two distinct offices. Some of the hostility shown towards the Force in its early days was primarily due to its being regarded as an extension of the Judiciary. Police are only concerned with bringing the law-breakers before a Court and producing credible evidence in support of their action. Whether punishment follows or not is no concern of the Law Enforcement Officer. He has completed his responsibility in bringing the offender before the Judiciary, and with that he has fully discharged the obligations of his office. The recent alteration in the title of Police Court to that of Magistrates' Court is an extension of the original principle that the two departments, Police and Judiciary, are distinct and separate.

The rights of the citizen are a jealously guarded privilege in this country, and consequently the technical knowledge to be acquired for Law Enforcement is of vital importance. It has been said that knowledge is "not what has to be learnt, but what has to be remembered," and this particularly applies to Law Enforcement. Throughout the whole range of Law—Common, Statute, and Case—the constable has to rely on his memory, aided possibly on occasions by a small booklet which he carries with him. He may have to deal with offences against the State, against the person and property; powers in regard to civil commotion from riots to disorderly meetings; gaming, betting, intoxicating liquor and traffic laws; motor vehicles, animals, aliens, care and protection of juveniles, trespass, and personal behaviour in public.

The major and primary concern in Law Enforcement is the prevention of crime, detection and arrest of offenders. At least for those purposes the Constabulary system was originally instituted. Serious as crime prevention and detection must be regarded to-day, other subjects are looming large, *i.e.*, road casualties, which result in the Instructor insisting that all his subjects are learnt and understood.

It should be remembered, however, that during the period of instruction only the elementary principles can be taught. Time does not permit a fullness of Police Law and Practice being mastered, and, what is more, experience as a policeman is a dominating factor which only practice can provide. Instructors and those responsible for the preparation of curriculums need to take cognisance of this. While the

candidate, once through the Training School, commences to perform police duty and is expected by the public to be a fully competent man, it is impossible by a limited pre-acceptance training scheme to attain this. Whether there should be a "primary training" before acceptance with a subsequent "post-graduate course," or only the one pre-acceptance scheme, is a matter for further discussion. In the view of the writer, an initial pre-acceptance primary training, together with regular refresher courses for constables and even including all junior ranks, is the ideal to aim at; but loss of man-power by such training, and the usual financial questions, would no doubt militate against the adoption of such a suggestion. The ever-increasing accumulation of legislation as has been experienced between the two wars certainly calls for some additional training; for up to the present educating the personnel on matters of moment has not been a strong point in the Constabulary system.

To enable the candidate to grasp the essentials, a mastery of the Definitions is important, for it is upon this accomplishment that the candidate can determine his line of action when confronted with various problems. Practically all law on the varying subjects is based on formulæ, and these, together with common sense and reasoning, invariably guide the policeman along the correct course. The candidate should clearly understand that dealing with matters brought to his notice is only part fulfilment of his office. However correctly he discharges this phase of his responsibilities, he has much more to achieve. Criminals and wrongdoers do not offend in such a way as to draw attention upon themselves. Their actions are usually subtle and secretive, and the constable is therefore expected to seek them. "You have eyes to see with, and the ratepayers pay you to use them," says the Instructor. Powers of observation, an intelligent interpretation of what is seen, and the courage to act, are qualities for development in the candidate which call for the best from the Instructor. The basis of this development can mean only a thorough grounding of elementary Police Law and Practice, and providing the fundamental principles are faithfully learnt the candidate can start his career as a policeman with confidence.

In the furtherance of law and public tranquillity, a resort to force at times becomes necessary. Such use has legal authority, but only to the extent of effecting the purpose in view, and no more. That which is in excess has to be answered for by the constable. An arrest is merely an exercise of force, demonstrated in such a manner as to indicate that a person's freedom of movement is restricted. A soldier in his profession is trained to use the maximum of force, a policeman the minimum, and yet both have to govern their respective exigencies. The force used by a constable in a conflict of any description is to

further the preservation of the peace, hence the need to keep within the confines of the law. For this reason the candidate's education should include knowledge of the physical methods of restraining refractory persons and those for self-preservation, embodying the proper use of the truncheon.

As in the game of football all the moves are made with the object of getting the ball into the opponents' goal, so in Law Enforcement all the moves—things seen, said, and done by a police officer—lead to his appearance in the witness-box. Giving evidence in a Court of Law is an experience for a young police officer that requires courage, and the Instructor needs so to school his man as to cultivate this courage. The system of English justice, based on fair play, allows full use to be made of legal argument, and the police officer, regardless of his period of service, is always liable to be faced with the best legal brains in the country defending a person; consequently, whilst knowledge, truthfulness, correct deportment, and appearance are essential in the witness-box, proper use of the note-book, clarity of speech, the worth of matters of fact in contrast with assumption, also need full emphasis by the Instructor. Full use should be made of "practical" court scenes, staged as realistically as possible, extending the candidate beyond the normal; for it is imperative that correct "witness-box behaviour" be learnt in the initial stages of his career, thus obviating adverse comment or criticism later in life. British justice is the admiration of the world, and a police officer who fails in the witness-box under the glare of the Judiciary and the Press not only lets himself down, but the whole Constabulary system as well.

As previously mentioned, the end to be attained in the education of a police officer is that he should know his duty and have the probities of Constabulary Service so ingrained in him that recourse to the use of disciplinary measures is unnecessary. The position cannot be left at that, however. The Police Authority needs to protect itself against the human weaknesses on the part of its personnel, and consequently the candidate should be made aware of Service Regulations. The Police Force is a disciplined body, its rules of conduct being such as to assure the public that the precepts of Constabulary Service are not only enforced but protected as well. The standard of conduct aimed at is intended to cover the periods Off-duty as well as those On. Guardian of the Law and a public servant whilst On-duty, when Off-duty he should so conduct himself as to be an example to the community in general. The faithful discharge of Constabulary principles throughout one's life sets a very high standard of comportment; but this has its rewards. The offer of a career, free medical service and a pension are compensations that do not obtain everywhere.

The Instructor, therefore, carries a heavy responsibility in producing the ideal from raw material ; and raw material in this instance includes all types, whether from the university or fresh from the plough. Academic qualification is an advantage to the candidate commencing his career, but by itself it is not sufficient. It follows that there is no logic in an Instructor being qualified in what he instructs if he does not know *how* to instruct. The mere possession of technical knowledge is of no avail unless it can be suitably imparted. This calls for powers of a special order, such as psychology, tolerance, sympathy, and understanding, a sense of fitness, an appreciation of the vagaries of human nature, and even a right sense of humour.

If one can estimate all the qualities needed in the ideal constable, what measure can be used to assess the qualities required in an Instructor? He is the key man in the Constabulary system, for it is by him alone that the raw material is fashioned to the finished article, an article which functions as a true symbol of democracy—the British policeman.

Post-War Reconstruction for Police: Recruiting

By SUPERINTENDENT T. RAYBOULD

D.C.C., Walsall Borough Police

MANY people are at present either talking or thinking quite a lot of post-war reconstruction, and the longer the war lasts the greater becomes the tendency to discuss publicly matters of post-war importance. There are signs, at long last, that some attention is being given to the problem of Police post-war reconstruction. Policemen themselves are naturally very much concerned about such matters as pay, conditions of service, promotion, housing and the provision of buildings suitable for Police Headquarters and Stations. All these things are vitally important to the serving police officer and deserve all the attention which it is hoped will be bestowed upon them. Much has been said, and continues to be said, about Police Training Colleges for the education of officers for the higher ranks. If something has been said, very little has been done, up to the moment, in the important matter of selecting and training the recruits who will, it is hoped, become the officers of the future. The Joint Central Committee have recommended that a candidate should have passed the examination for promotion to Sergeant and have completed five years' service before

he is allowed to enter a Police Training College. If any consideration is to be given to this recommendation obviously some attention should be paid to the type of post-war entrant to the Police Service.

All Forces, City, Borough and County, are at present very much below strength. On the cessation of hostilities there will be a rush to fill up vacancies. Chief Constables will be competing against each other for suitable men for their Forces. When it is borne in mind that a man recruited to the strength of a Police Force may be there for 30 years and that during that period the Authority which he serves is entitled to good and conscientious service, surely the greatest attention should be paid to the selection and training of recruits.

In the smaller Forces training of recruits has always been a major problem. In the larger Forces it has scarcely been adequate and probably unsatisfactory. Recruits have frequently been sent from the smaller Forces to Police Training Schools in the larger ones. This always occurs some time after (the period varies) the recruit has commenced his probationary period. In the past a recruit's education has often consisted of what he has picked up from men with whom he has been posted to 'learn' beats. The result of this education has often been disastrous. Police Training Schools (where they exist) are an obvious advance on this kind of training but do not go far enough, and training starts too late. The School Authorities are forced to accept, in some cases, a type of man entirely unsuited for the Police Service, who after training very often returns to his Force and suddenly finds out that the Service is not what he thought it was. Sooner or later he resigns, or is dismissed. Money and precious time are lost, and the quest begins again for the 'suitable' recruit who in his turn will be subjected to this process of trial and error.

In an article published in *The Police Journal* in 1942, Mr. H. J. Vann, then Chief Constable of Maidstone Borough Police, writing about the organisation of a police force, had the following to say about 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 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 significance, 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."

It is probably true to say that the above has been said in other words many, many times. It is true to say that at the present time there is no organisation in existence with the necessary facilities for the production of the 100 per cent. envisaged in the foregoing paragraph. It is not suggested that no attempt has been made anywhere to deal with training. But courses in Police Duties for men with police experience are one thing and training for the new entrant is another. There is no merit in labouring this point further. What can be done about it? What is said below by way of answer to that question can only be in the nature of suggestions. The mightiest river in the world starts somewhere in the remoteness of the hills as a tiny trickle.

ORGANISATION

There should be set up in the country centres suitably staffed to deal with applications for entry to the Police Service, recruiting and subsequent training of men who will later be sent out to the Police Forces. The Metropolitan and City of London Police can be excluded from the scheme, as the wastage in those Forces is probably high enough to justify a separate organisation. Peel House gives the Metropolitan Police a distinct advantage over the provinces. They can, therefore, be left alone to pursue their present procedure and adapt it to meet the needs of post-war requirements. It is suggested that two centres, one North and one South, would meet the needs of the rest of the country. In this connection, while no official announcement has been made, there are reports that in England and Wales recruits for all Forces will be trained at four training schools to be set up in different parts of the country.

TRAINING

Assuming the foregoing suggestion is acceptable, the training can well be standardised. It is not easy to say what shall be taught or for how long the training shall last. Regarding the latter no period less than three months seems to be of any practical value. When it is considered what multifarious duties fall to the lot of the police the elementary syllabus of training should contain the organisation of police forces and the working of the several departments, loyalty to duty, goodwill to the public, law and procedure, police duties, including the many miscellaneous duties that fall to the police, report writing, taking of statements, evidence, Summary Jurisdiction, Quarter Sessions and Assize Courts procedure, educational subjects up to the standard

outlined in Police Regulations, with special stress on English. The training, in short, should cover those duties with which a recruit is likely to be confronted on his first day on a beat, and that is saying a lot. However, the task of compiling a syllabus will present no difficulty once the necessity for training is accepted. Training should end with an examination. Instructors for all subjects relating to police duties should be carefully chosen from the Police Forces of the country. No man who has not had a considerable and varied experience of the duties of a policeman can possibly hope to teach others police duties. Theory not backed by experience is of little avail and these two qualifications can only be found in the right type of police officer; the man who knows and has the ability to impart his knowledge.

STANDARD INSTRUCTION BOOK

In Chapter XII of the Report of the Royal Commission on Police Powers and Procedure, it is recommended, *inter alia*, that (a) There should be one standard Instruction Book for all Police Forces, which should incorporate the best features of existing instruction books; (b) It should aim primarily at indicating the general principles which should guide a constable in his work, rather than at laying down precise instructions with regard to every detail of his duties. That long-awaited instruction book has never arrived. Chief Constables have had to decide which of the existing instruction books were best suited to the needs of their Forces. Standard training will require a standard instruction book and will be a *sine qua non* for every recruit trained under these conditions. In this connection probably the best book of its kind procurable to-day is *Police Law* by Mr. C. C. H. Moriarty, late Chief Constable of Birmingham.

THE RECRUIT

Facilities should be provided for the recruit to live, sleep and work on the Training School premises. Recreational facilities should be provided. The question of pay will need consideration. A suggestion is that pay should be given at a slightly lower level than the authorised scale during training. In case the last sentence should be misunderstood the Authorities are not being invited to lower the scales for new entrants. On the contrary there should be one standard scale of pay sufficiently attractive to induce young men to make the Police Service a profession rather than a means of earning a livelihood.

If a recruit satisfies his examiners his service should commence from the date he enters the Training School, and he should be entitled to the difference between the training and authorised scales of pay when posted to a force.

POSTING TO FORCES

Our recruit has now made his application for admission to the Police Service, has successfully passed his examination, and is now ready to be posted to a Police Force. The School Authorities will be in possession of a list of requirements of Chief Constables, and the recruits will be sent out to fill those vacancies. A recruit should have some voice in selecting the Force in which he wishes to serve, but as it might not always be convenient to meet his wishes this should not be regarded as a right. Two things should be avoided like the plague. No recruit should be sent to serve in his home town or locality and no recruit should be sent to serve in a Force where any relative of his is serving. This will preclude pressure being brought to bear by influential persons desirous of getting their nominees into some particular force. In any case the Training School will tend to eliminate this type of person, often enough a misfit in other occupations, from the Police Forces. No young man with the necessary qualifications and a desire to make good in the Police Service will have any difficulty in succeeding.

ADVANTAGES

One criticism which may be levelled at these suggestions is that a Chief Constable will have no opportunity of seeing first the recruit to his Force. This disadvantage, if so it may be called, will be completely outweighed by the advantage of having a recruit who knows something about the work he will be called upon to perform. After all, no obligation would be enforced upon any Chief Constable. The recruit still has to go through his probationary period and can be dismissed at any time within two years if found unsuitable. The routine tasks of advertising for recruits, perusing applications, interviews, setting preliminary examination papers, making arrangements for visits to local training schools, etc., could be dispensed with. The saving of time and expense would be great in the Forces requiring recruits, and it is possible that the cost of maintaining Training Schools would not greatly exceed the collective expenses incurred under the present system. The recruit could settle down in his Force without having to be uprooted to go to some other Force for training. There would be a greater likelihood of the recruit who had survived the test in the Training School 'staying put,' and there would be some guarantee that he would tend to become an efficient police officer. There would be a better chance of getting the type of man who later would probably be suitable for training elsewhere for the higher ranks. Other advantages may suggest themselves to the critical mind, and probably other disadvantages.

TWO SIDES TO THE QUESTION

Since the above observations were penned there has appeared in *The Police Journal* a well-reasoned article by Sergeant Ralph Davison of the Liverpool City Police, under the title *Basic Training for Police Recruits*. The weaknesses of the existing system are apparent to the writer of that article. He senses that something should be done to end the situation which "in the past, largely owing to our unsatisfactory methods of instruction," plunged recruits from "ordinary civilian life into the Police Service without any proper preparation." In his desire to see these unsatisfactory methods abolished he advances a plea for instruction being given by such experts as individual Forces possess, e.g., members of the C.I.D., Motor Patrol Department, and experienced patrol officers. Liverpool City Police has an authorised strength of 2,197, or thereabouts. A Borough Force in the same County has an authorised strength of 15. There should be little difficulty in providing the experts in Liverpool or even in setting up a Recruiting and Training Department. But what of the small Forces? Contrary to some opinions the small Forces need as good a class of recruit and as well trained as those of the larger Forces. In most cases the duties are more exacting and onerous in the small Force; the same things happen; the same procedure has to be observed; the only difference being that of degree. The men in the small Forces are probably as expert as their opposite numbers in the large Forces, but they simply have not the personnel to spare to give the kind of training to which the new entrant has a right.

Criticisms of the scheme outlined by Sergeant Davison are that it is based on initial training within the recruit's own Force, and that the syllabus is far too ambitious for a six weeks' course of training. A recruit's training must, of necessity, be elementary in character, as is admitted; "Surely it is better at the outset to give a recruit a simple course of instruction, so that he can go on the streets prepared with the most essential knowledge." Further, it is said, and with some truth, that it takes ten years to make a policeman, so that it would seem that three months is not too long to spend on pre-service training at a recognised school. No fault can be found with the suggestion that the recruit should be given an opportunity for further study in his first two years of service. But that is another story.

CONCLUSION

It has been said that "Organisation, equipment and training are all essential conditions of Police efficiency, but what matters most is the quality of the men who make up the Force. If that is allowed to deteriorate, nothing else will avail." Vision and enterprise should

be shown in the training of the new entrants to the Police Service in order to secure that quality and before it is too late.

The war may soon be over and its termination will not reduce the duties of the Police. To avoid future headaches it is essential that the right type of man shall be selected now. Experience has shown that in the haste to complete strengths after the Great War of 1914-18 the realisation of 100 per cent. efficient selection fell far below that percentage.

No originality is claimed for the foregoing suggestions. It is conceded that most of what has been said has been expressed before. Everybody is conversant with the Biblical exhortation to train up a child in the way he should go so that when he is old he will not depart from it. Train the Police recruit in the way he should go and when he has a few years' service he will be more likely to be ready to take advantage of the more advanced training the Police Colleges may offer. The Police Service desires to train its own officers. Let it commence by training its recruits. A good start is half the battle.

The Disqualification and Endorsement of Driving Licences

BY STATION SERGEANT WILLIAM GUTTRIDGE

Metropolitan Police

WITH the eagerly awaited and longed-for coming of peace, it is only to be expected that the influx of motor vehicles on the highways of this country will be enormous. To cope with this influx will naturally be the duty of the Police, who in readiness for this time to come should brush up their knowledge of the Road Traffic Acts and subsequent Regulations, which have become partially obscured by the mass of war-time legislation, soon (we hope) to be repealed for ever.

One of the most important, complicated, and essentially interesting aspects of Road Traffic Law is the law relating to the disqualification of motor drivers and endorsement of their driving licences. This aspect of the law should be thoroughly understood by all police officers, in order that work in the courts may be more speedily done.

The law as it stands is more easily understood if the two items (disqualification and endorsement) are taken separately.

(A) DISQUALIFICATION

The provisions respecting disqualification may be summarised as follows:—

DISQUALIFICATION & ENDORSEMENT OF LICENCES 75

There is no instance in which a driver on conviction for any offence is automatically disqualified for driving a motor vehicle, but subject to the important proviso that *unless the Court for special reasons orders otherwise*, a driver *must* be disqualified for holding or obtaining a driving licence on conviction for the following three offences:—

- (1) Promoting or taking part in a race or trial of speed between motor vehicles on a public highway (section 13, Road Traffic Act, 1930).
- (2) Driving, attempting to drive, or being in charge of, a motor vehicle on a road or other public place while under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle (section 15, Road Traffic Act, 1930).
- (3) Using or causing or permitting the use of a motor vehicle on a road unless there is in force in relation to the user of the vehicle, by that person or that other person as the case may be, such a policy of insurance or such a security in respect of third party risks as complies with the requirements of Part II of the Road Traffic Act, 1930 (section 35, Road Traffic Act, 1930).

In the above three cases, twelve months is the statutory period of disqualification; but this may be extended for any period, or disqualification imposed for lesser periods. The *period* of disqualification, however, must be defined. Disqualification for life is disqualification for an indefinite period and should not be imposed (*R. v. Fowler*, 1937).

On a second or subsequent conviction for driving a motor vehicle recklessly, or at a speed or in a manner which is dangerous to the public, contrary to section 11 of the Road Traffic Act, 1930, the driver of a motor vehicle *shall* be disqualified for *any* given period (unless the court decides that owing to the lapse of time since the previous or last conviction or for other special reasons it is desirable to order otherwise).

This exhausts the list where disqualification *must* or *shall* take place, but it should be noted that in all the cases quoted the convicting Court has a discretionary power of whether to disqualify or not.

A "special reason" is not defined in the Act; but some guidance is afforded by the Scottish cases *Adair v. Munn* and *Adair v. Brash* (1940, *Justiciary Cases, Scotland*, 69), *Murray v. Macmillan* (1942, *J.C.*, 10), *Henderson v. Brodie* (1944, *J.C.L.*, vol. 8, at p. 138). These cases are discussed in *The Journal of Criminal Law*, vol. 4 (1940), p. 412; vol. 6 (1942), p. 30; and vol. 8 (1944), pp. 137-140. In *Adair v. Munn* and *Adair v. Brash* a court of seven judges held that con-

siderations of hardship and similar mitigating circumstances *personal to the convicted person* were not "special reasons," but that any considerations tending to show that the safety of the public on the road would not be prejudiced by an order of reduction or remission of the statutory disqualification were "special reasons."

On the question whether some public interest other than the safety of the public (*e.g.*, national war work) might also be a "special reason" six of the seven judges reserved opinion, while the remaining judge took a stronger line, asserting that "the single consideration of public well-being, which is within the outlook of the statute, is the safeguarding of the public," and he regarded as irrelevant all other considerations, "even so momentous a matter as the prosecution of the war." In the recent (1944) case of *Henderson v. Brodie* (J.C.L., vol. 8 at p. 138), however, the High Court judges decided that an appellant was entitled to have taken into consideration the fact that he was engaged on work of national importance.

In Northern Ireland it has been held that a "special reason" is one which is special to the facts of the particular case, that is to say, special to the facts which constitute the offence. See *R. v. Crossan* (K.B.D. (Ir.), 1939).

We now come to those offences for which optional disqualification may ensue, *i.e.*, those for which a driver *may* be disqualified for holding or obtaining a licence. By section 11 of the Road Traffic Act, 1930, if a driver of a motor vehicle is convicted for driving a motor vehicle recklessly or at a speed or in a manner which is dangerous to the public, the court *may* disqualify him for any given period. (Under this section a person aiding and abetting the driver (*if present in the vehicle*) may also be similarly disqualified.)

On a conviction for driving a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road, a driver *may* be disqualified for not more than one month on first conviction, and not more than three months on second conviction. Provided that a previous conviction for dangerous driving under section 11, Road Traffic Act, 1930, within the preceding three years will count as a previous conviction for careless driving (section 12, Road Traffic Act, 1930, as amended by section 5 (2), Road Traffic Act, 1934).

With respect to offences of exceeding a speed limit, optional disqualification may only be imposed for a third or subsequent conviction for that offence, but the disqualification may be for any such period as the court thinks fit (section 10, Road Traffic Act, 1930, as amended by section 2 (3), Road Traffic Act, 1934).

The final statutory requirement for disqualification is laid down

in section 6 of the Road Traffic Act, 1930, which states that on conviction for any criminal offence "in connection with the driving of a motor vehicle," a driver *may* be disqualified for any such period as the court thinks fit. The words "in connection with the driving of a motor vehicle" have been held to include the offence of driving a motor vehicle upon a public road during the hours of darkness and failing to have the rear identification plate illuminated (*Brown v. Crossley*, 1911); but the offence of allowing a motor vehicle to stand on a highway so as to cause unnecessary obstruction is not included (*R. v. Yorkshire (West Riding) Justices*, 1910); neither is the offence of obstruction of the highway under the Highway Act, 1835 (*R. v. Lynden*, 1908). Any "criminal offence" would include cases of manslaughter caused by the driving of a motor-car (*R. v. Chatterton*, 1933), and cases of causing bodily harm by furious driving, contrary to section 35, Offences Against the Person Act, 1861; also offences of aiding and abetting reckless, dangerous, or careless driving if the offender is present in the vehicle at the time.

Disqualification cannot be imposed for any offence under Part IV (sections 61-100) of the Road Traffic Act, 1930, which relates to Public Service Vehicles.

Disqualification may be limited to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed (section 6 (1), Road Traffic Act, 1930).

By section 6 of the Road Traffic Act, 1934, a driver convicted of reckless, dangerous, or careless driving may be disqualified by a court until such period as he passes a driving test as laid down in the Motor Vehicles (Driving Licences) Regulations, 1937, whether or not he has previously passed the authorised test. On the return of the licence to the holder or on the issue of a fresh licence to him after he has passed the test, an addition to the endorsed particulars of the disqualification is made by the Licensing Authority to the effect that he has passed the prescribed test.

A driver dissatisfied with an order of disqualification may appeal to Quarter Sessions against the order (section 6 (2), Road Traffic Act, 1930), and the court which imposed the disqualification may (*if it thinks fit*) suspend the order of disqualification pending the hearing of the appeal. If the order is not suspended it remains in force (*Kidner v. Daniels*, 1910). This right of appeal does not apparently extend to disqualification without a conviction or order, *e.g.*, in cases of a driver being under requisite age (section 9 (5), Road Traffic Act, 1930), or of a driver obtaining a licence whilst another licence granted to him is in force (section 4 (6) of the same Act).

If a person whilst disqualified applies for or obtains a driving

licence, he commits an offence, and such licence shall be of "no effect" (section 7 (4), Road Traffic Act, 1930).

The offence of driving a motor vehicle whilst disqualified for holding or obtaining a licence is a serious one. The offender is liable on summary conviction (subject to right of trial by jury) to a fine of £50 and/or imprisonment for a term not exceeding six months. An important point for Police to remember in connection with this offence is that *there is no power of arrest*. For this offence, and also for the offence of applying for or obtaining a licence whilst disqualified, proceedings may be brought before a Court of Summary Jurisdiction either within six months of the offence or within a period which exceeds neither three months from when the offence becomes known to the prosecutor nor one year of the offence, whichever period is the longer. The limitation of time applies to aiding and abetting the offence (*Homolka v. Osmond*, 1939).

Disqualification may be removed by applying to the court which imposed such disqualification (*i.e.*, any court sitting for the same place), at any time after the expiration of six months from the date of the conviction or order. The procedure (No. 8, Summary Jurisdiction Rules, 1932) is for a summons to be served on the Superintendent of Police of the district or on the Chief Constable of a Borough Police Force, to show cause why an order removing the disqualification should not be made. If the application is refused a further application shall not be made until three months have elapsed. The procedure shall not apply to a person disqualified until such time as he has passed a driving test. Notice of removal of disqualification shall be endorsed on the applicant's licence.

Notification of any period of disqualification ordered by a court shall be forwarded to the Council by whom the defendant's licence was granted and to the Council of the area in which the offender resides, and similar notice should be sent on the removal of an order of disqualification. The offender's licence (after necessary endorsement) shall be forwarded to the Council by whom it was issued for retention until the disqualification has expired or been removed, and the holder has applied *in writing* for its return to him.

If the disqualification is limited to the driving of a motor vehicle of a particular class or description, the Council shall issue to the disqualified person a new licence clearly showing the class or description of vehicles which the holder is *not* entitled to drive.

In the case of an allowed appeal both authorities (the Council holding the licence and the Council in whose area the appellant resides) must be notified by the court.

(B) ENDORSEMENT

As opposed to the disqualification of a driver there are two cases where endorsement of a driving licence is compulsory (without any saving provision).

A driving licence *must* be endorsed with particulars of the conviction (even a first conviction) of a driver in the following cases:—

- (1) Driving a motor vehicle recklessly, or at a speed or in a manner which is dangerous to the public (section 11 (1), Road Traffic Act, 1930).
- (2) In any case where a person is disqualified by virtue of a conviction or by an order of a court (section 6 (1) (b), Road Traffic Act, 1930).

Subject to the proviso that unless the court for special reasons orders otherwise, endorsement *must* also take place on conviction for exceeding a speed limit (section 10, Road Traffic Act, 1930, or any other enactment); or for careless driving (section 12, Road Traffic Act, 1930). (section 5 (1), Road Traffic Act, 1934).

Endorsement *may* be ordered on conviction for any criminal offence in connection with the driving of a motor vehicle (section 6, Road Traffic Act, 1930). This discretionary power of endorsement being given in the case of any criminal offence includes cases of careless driving, and also cases of (a) speed trials, (b) driving under the influence of drink or a drug, and (c) using uninsured vehicle, *even if disqualification is not ordered*.

Like disqualification endorsement cannot be ordered for any offence under Part IV of the Road Traffic Act, 1930, which relates to Public Service Vehicles.

An order of endorsement operates as an order that any driving licence held at the time or subsequently obtained shall be so endorsed until the holder becomes entitled to have a licence issued to him free from endorsement. This provision provides for carrying forward endorsements made on a driving licence to any new licence obtained by the holder.

The production of a licence for endorsement is fully dealt with in the Road Traffic Acts. If an order for endorsement is made the offender (i) if he holds a licence shall if so required by the court produce it within five days or such longer time as the court may direct; and (ii) if he does not hold a licence but subsequently obtains one shall produce it within five days of so obtaining it. If the licence is not so produced the holder commits an offence (£20 fine on first conviction and £50 fine or three months' imprisonment on second or subsequent

conviction), and the licence is suspended until such time as it is produced.

In cases of prosecutions for (a) exceeding a speed limit, (b) reckless or dangerous driving, (c) careless driving, and (d) driving when under the influence of drink or drugs ; a driver shall, if he appears, bring his licence to court, *and if convicted* the court may require production of the licence. If he does not appear he must either cause the licence to be delivered or send it by registered post to the Clerk of the Court to reach him not later than the day before the hearing. If the licence is not so produced or sent, it is suspended until so produced. Whilst the licence is so suspended any offence of driving should be dealt with as driving without a licence under section 4 (1), Road Traffic Act, 1930.

On the issue of a new licence any endorsements on the previous licence shall be copied on to the new licence unless the holder is entitled to have a new licence free from endorsements.

If any person whose licence has been ordered to be endorsed applies for or obtains a licence without giving particulars of the order, he is liable on summary conviction to three months' imprisonment or £50 fine, or to six months' imprisonment or a fine, on conviction on indictment. A licence so issued shall be of no effect.

A person is entitled to have a licence issued to him free from endorsement when no such order of endorsement has been made against him for a continuous period of three years. An endorsement of a speed conviction will only count against him for one year. (Any period during which he was disqualified must be excluded from the above periods).

Notification of any endorsement ordered by a court shall be forwarded to the Council issuing the offender's licence, and also to the Council of the area in which he resides. Similar notification shall be sent by the court in the case of an allowed appeal.

Any endorsement ordered by a court is to be entered on the licence, and particulars of the conviction (including the amount of the fine imposed and details of any disqualification) are always to be shown. Particulars of a conviction so endorsed may be produced as *prima facie* evidence of the conviction (section 33 (2), Road Traffic Act, 1934).

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War Commentary

EXHIBITION AT THE BODLEIAN

THE Police Exhibition held during the past winter at the Bodleian Library serves to draw attention to the rich and historical possessions of the Police in documents, records and equipment. In its Report issued in 1938 the Committee on Detective Work and Procedure made a strong plea for a central place of reference, including not only a library of scientific publications, but also a museum of exhibits and specimens of various kinds. The existence of these specimens should be known to and available for reference by all engaged in this branch of police work. They should include not only exhibits prepared for and used in actual cases, but sets of microscope slides and other preparations systematically built up and retained for purposes of comparison.

The exhibition at Oxford includes many of the tipstuffs, batons, and other badges of the office of constables and peace officers. Many of the exhibits are loaned for the purpose from Sir Arthur Dixon's private collection, together with an historical arrangement of documents beginning with the *Assize of Clarendon* (1166), the *Hue and Cry* and *The Statute of Winchester* (1285). A number of Hogarth's famous prints and engravings serve to remind us that penal reform has made considerable strides since Queen Victoria's accession. Not least among these interesting exhibits are the books written by Patrick Colquhoun, the learned Magistrate, who, with the brothers Fielding, did so much to educate contemporary opinion and to convince Pitt and Wellington, and subsequently and successfully Peel, of the vital need to introduce the New Police.

If and when a new Police College takes shape in the post-war plans for the Police Service, it is to be hoped that it will be associated closely also with plans for a Central Police Library and a National Police Museum. No place of higher learning ever succeeded without its library, included as a central feature in the structure and life of its existence. In a service like the Police the lack of a central library is a serious handicap to every effort made to promote research and further

education. Equally necessary is the National Police Museum, organised in the obvious branches of police science, administration, training and organisation.

REMAND HOMES

The public is ever watchful of the treatment and welfare of children placed under official care, and in relation to remand homes and places to which children are committed from Juvenile Courts, there has for some time been a growing uneasiness. Individual cases which have recently come to light through the Courts have stimulated the disquiet, and the Home Secretary's intimation to a Parliamentary deputation that the whole subject of the law and practice in the care of children is to be examined, is an indication of the Government's concern.

It is interesting to recall that under the Children Act, 1908, the responsibility for the maintenance and supervision of Remand Homes rested with police authorities. In 1933 the Children and Young Persons Act, which repealed the Act of 1908, transferred this responsibility from the police authority to the local Education Authority.

The Committee which examined the complaints recently made by London Magistrates of the conditions of a Remand Home maintained by the London County Council states that at the present time a boy or girl may be in the remand home for anything up to six months, and that the average stay might be lowered further "if Juvenile Courts were discouraged from pursuing what seems to us a somewhat alarming policy, that is, repeated remands of children for enquiry." The Committee express the view that "it should be a fundamental principle that no child or young person should be detained in custody for a moment longer than is strictly necessary, and it seems to us shocking that they should be liable to be sent back for detention for another week, as they seem to be, to think things over, or merely because particular medical or psychological reports cannot conveniently be furnished on a particular day or are more difficult to obtain if the boy or girl is released on bail."

THE BLACK MARKET

Of the many problems accompanying the liberation of Europe the Black Market will continue to be one of the most baffling. The economic and social conditions in every area, as it is freed from German domination, is seen to be in a state of acute distress, with an absence of organisation and an abundance of viciousness and strife born of the frustration and iron discipline of years of occupation. In each case history repeats itself. The immediate relief and gratitude of oppressed peoples for deliverance are followed by the inevitable lull in which opportunities

are seized by corrupt and avaricious persons to exploit and corner the commodities which are in short supply and in great demand. The planning and organisation of the Civil Affairs branch of the British Liberation Armies, which succeeded the former "Amgot" of the allies in the Mediterranean theatre, was well-timed. There is abundant evidence that much has been achieved in this hitherto untried sphere of military duty, and commanders-in-chief in the field have paid tributes to the work of its staff, including the large number of its officers who were seconded to Civil Affairs from British police forces.

As communications and civil transport are re-established between British and Continental Ports it must be expected that Black Market problems will expand rather than diminish. They will best be dealt with if close contact and mutual confidence are maintained between all concerned with the enforcement of the law and practice of rationing and controls.

However distasteful and unpopular controls may be, war-time experience has shown that they serve the interests of the community if there is a reasonable prospect of general compliance with and enforcement of the law on the subject and that corruption and "under the counter" practices are rigorously suppressed. Increased facilities for civil communication and transport will aggravate rather than reduce the difficulties of the problem and will call for increasing measures for co-operation in enforcement and supervision.

"KEEPING IN TOUCH"

"The Admiralty have recently instituted correspondence courses to assist men in their training for a post-war occupation. They deal mainly with industrial training and none would be of much assistance in studying police work. I am rather keen to do something about it. May I suggest that you consider the possibility of running from our own training school a correspondence course in general Police subjects." This extract from a policeman's letter, now serving on one of His Majesty's minesweepers, is typical of others received from men who wish to keep in touch with their force, and are anxious to return to the Beat as soon as practicable. It draws attention to a gap in the organisation of police training which waits in vain to be filled. The police service is behind other vocations in its lack of organised instructional facilities for the candidate who aspires to a career as a policeman and who wishes to begin his technical education before he is eligible for appointment.

In the case of men now in the Armed Forces, every encouragement should officially be given, and advice on the proper course of study should not be left to be exclusively offered by commercial coaches,

however admirable some of these may be. The policeman whose letter is quoted above wishes to use such leisure time as is at his disposal to keep in touch with his profession, a laudable but perfectly natural aim. It is well known that long hours of boredom and inactivity are inevitable to many categories of war service, and these can usefully be employed, as the service departments recognise, in sharing in educational facilities organised by the service departments in consultation with the educational and training bodies connected with the professions. The British Red Cross and St. John War Organisation which provides the life blood for the thousands of British soldiers, sailors and airmen in the German Prisoners-of-war camps, has published a list of the many professional organisations and educational bodies under the auspices of which prisoners-of-war may study for and qualify in various subjects, from law and medicine to horticulture and forestry. Diplomas, degrees and certificates thus gained will be an invaluable aid to the candidate and to the service to which he aspires to enter when peace returns, and the fact that the needs of potential policemen are not covered is a pity both for the man and the police service.

The service departments can conduct vocational courses only by the active co-operation of the educational departments of the service, trade or industry concerned.

The war has proved that police resources can successfully be pooled and that arrangements for training and similar needs can be shared for the common good. A case is made out for the organisation of a similar combination of action, centrally directed, to provide educational facilities, both general and technical, for policemen on service and for the guidance of the considerable number of soldiers, sailors and airmen whose ambition it is to begin a career in the police force as soon as the time for their demobilisation arrives.

The Police and the Law

IDENTIFICATION PARADES

THE problem of identity and the care with which identification parades should be held are matters which must be remembered by all police officers. From time to time, the judges have expressed their views on what they consider to be satisfactory evidence concerning identification parades, and in all cases it is very necessary that the procedure laid down for the holding of such parades should be strictly adhered to. Otherwise police officers may find that they lose a case because a defendant is able to cast considerable doubt upon the methods which have been adopted to identify him.

Perhaps one of the easiest mistakes which a police officer may make is the class of case in which he has already arrested an accused person, and subsequent to the arrest there are complaints made by a number of other witnesses. It has been held by the courts time after time that evidence of identity in a court, where an accused is standing in the dock, is completely valueless, because it is obvious that a witness seeing the accused in the dock for the first time since the alleged offence is much more likely to make an identification particularly where his recollection is hazy, and in that class of case even although the accused has already been charged, every witness should be asked to attend an identity parade before other charges are made. If this course is adopted there can never be any complaint by the accused of lack of identity, and any suggestions of unfair treatment can be negated.

In a recent case which came before a petty sessional court in Cheshire an accused was charged with importuning under the Criminal Law Amendment Act, 1885. There were three separate and distinct charges, the evidence for the prosecution being only the complainant in each case. The accused was already in custody on the first charge when the complainants on the second and third charges were asked to identify him whilst standing in court before the justices. It was successfully argued on his behalf that such identification was useless and contrary to the natural principles of justice. The justices refused to commit the accused for trial and he was discharged.

The following cases are a useful guide as to methods of identification of accused persons—*R. v. Smith and Evans* (1909, 1 C.A.R. 203), *R. v. Dickman* (1910, 74 J.P. 449), and it was laid down in *R. v. Ferguson* (25, 2 K.B. 799) that it was always the duty of the Police in regard to identification parades to behave with exemplary fairness. Accordingly, photographs of persons about to be put up for identification ought not to be shown previously to those who are being invited to identify such persons.

THE ESSENCE OF THE OFFENCE

Great care should always be taken that the facts are accurately stated when information is laid on the issue of either a summons or a warrant. It is a well settled principle of Law that the summons must state the essence of the offence with which the accused is charged, and the Divisional Court recently decided in *Atterton v. Browne* (61 T.L.R. 70) that where a summons charged an offence under section 24 (1) of the Food and Drugs Act 1938, but in fact the proceedings were taken by virtue of S. 83 (3), the summons is defective and void.

Recent Judicial Decisions

FRAUD ON A BOOKMAKER: PROSECUTION PARTLY SUCCESSFUL

R. v. Leon

THIS decision has been too hastily accepted as being of assistance to bookmakers in checking fraud in the form of non-payment of betting losses and in other forms, but the effect of the Court of Criminal Appeal's rulings will probably be to leave the dishonest backer in the same position that he was in before. The appellant was convicted at the Central Criminal Court on five counts charging him with fraud within the meaning of section 13 (1) of the Debtors Act, 1869, and of section 17 of the Gaming Act, 1845. The first two counts charged the appellant with incurring a debt or liability under section 13 (1) of the Debtors Act, 1869, on the ground that having lost certain bets, he did not pay his losses, and consequently was guilty of a fraud within the meaning of the section. The section provides that a person shall be guilty of a misdemeanour "if in incurring any debt or liability he has obtained credit under false pretences or by means of any other fraud." The trial judge had directed the jury that, although a betting contract was not enforceable at law, a man who lost money to a book-maker did incur a debt to him, although it was not enforceable.

This direction was held not to be an accurate one on this admittedly somewhat difficult branch of the law. There was authority for holding that 'debt' in the sub-section meant an actionable debt. The Court of Criminal Appeal found it difficult to believe that Parliament was contemplating betting transactions as being within the framework of the Debtors Act, particularly in view of the fact that in section 18 of the Gaming Act, passed twenty-four years before, Parliament had said that betting contracts should be null and void. The convictions on the counts charging offences under the Debtors Act were therefore quashed.

The other three counts were in respect of sums of money paid to the appellant as the result of winning bets. These counts rested on section 17 of the Gaming Act, 1845, by which "every person who shall, by any fraud or unlawful device or ill-practice in . . . wagering, on the event of any game, sport, pastime, or exercise, win from any other person to himself . . . any sum of money or valuable thing, shall be deemed guilty of obtaining such money or valuable thing from such other person by false pretences with intent to cheat or defraud." In *R. v. Leon* it was necessary to show that there had been "fraud in wagering," but the difficulty was to say what that phrase meant. For the purpose of the appeal, the Court took it that the

jury were satisfied that the appellant had been fraudulent throughout. That finding necessarily seemed to the Court to mean that each time the appellant made each bet he intended to cheat. There was evidence on which the jury could find that the offences had been proved and the appeal against the convictions on the last three counts failed.

But the Court uttered a word of warning against a too optimistic view by prosecutors of the effect of their decision. Mr. Justice Singleton, in delivering the judgment of the Court, said that they thought it "right to point out that a set of circumstances resembling that in the present case, enabling evidence to be called which satisfies the jury that the appellant was fraudulent throughout, would seldom occur again." It is often difficult to prove the ordinary offence of obtaining by false pretences but it is far more difficult to prove a fraudulent intent, at the time of making a bet, not to pay it in the event of a loss. Mere non-payment of a lost bet is, of course, not sufficient proof in itself of such an intent.

As the appellant had been partially successful the Court reduced his sentence from nine months' imprisonment to three months.

IGNORANCE OF ILLEGALITY NO DEFENCE TO CHARGE OF CONSPIRACY

R. v. Sorsky

A criminal conspiracy consists in the agreement to do an unlawful act without reference to the knowledge on the part of the accused of its illegality. This rule was made clear in *R. v. Jacobs* (1944, 1 K.B. 417) and has now been reaffirmed in *R. v. Sorsky* (1944, 2 All E.R. 333). In this case the appellant, *S*, sold to a company controlled goods and then sold, as agent of the company, the same goods to the unregistered customers of *S*. In this way controlled goods were supplied in excess of the company's quota and in breach of the Limitation of Supplies (Miscellaneous) Order, 1940. On a charge of conspiracy between *S* and the company it was contended for *S* that the charge involved a knowledge by him that the amount of the quota had been or would be exceeded and that there was no proof of *mens rea* on his part. But the Court of Criminal Appeal held that the words of the Order made it abundantly plain that the supply of controlled goods contrary to the Order is an offence irrespective of any knowledge or state of mind of the supplier. Hence on a charge of conspiracy no further knowledge was required and no such knowledge on the part of the accused as is indicated by the expression *mens rea*.

An attempt was made to support the appellant's argument by a reference to the well-known statement to be found in many textbooks to the effect that it is a good answer to a charge of having committed a misdemeanour at common law (which conspiracy is) to show

that the accused acted under the belief in the existence of a state of facts which, if true, would have exonerated him. "We are in no way contravening that general proposition," declared the Court in *R. v. Sorsky*. If it were to be applied to a charge of conspiracy and to the facts of the present case, the judgment continued, it might be applicable if the agreement entered into by *S* was an agreement to deal only in goods covered by the company's quota since such an agreement would not have been an agreement to do an unlawful act. But this was not the defence put forward by *S*, whose view was that the amount of the company's quota was a matter for the company and the Board of Trade and did not concern him, as the selling agent. "It follows that, if *S* did act under any mistake at all, it was a mistake of law and not of fact, and ignorance of law affords no excuse." The appeal was dismissed.

JOINT OFFENDERS CALLED AS WITNESSES BY THE PROSECUTION : INDICTMENT QUASHED

R. v. Grant

It is a fundamental principle of the common law that a person charged with an offence cannot be called as a witness for the prosecution. In *R. v. Grant* (1944, 2 *All E.R.* 311) at the preliminary hearing before the magistrates the prosecution called as witnesses persons who were themselves concerned in the charges and who were proceeded against on the same indictments. The defendants applied to Mr. Justice Birkett at the Warwick Assizes to quash the indictments on the ground that they were based on unlawful committals and were void.

In the first indictment five persons were charged jointly and severally on many counts with such offences as conspiracy to steal, larceny, and receiving. Three or four of the defendants were called to give evidence for the prosecution on the charge in which they themselves were concerned as joint offenders. Mr. Justice Birkett ruled that it was not competent for the prosecution to call them as witnesses. His lordship took the view, further, that the procedure adopted was "quite contrary to the spirit in which the criminal law of this country is administered." When it is desired to obtain the testimony of a defendant as against his co-defendants there are several recognised and proper ways of obtaining it. An end must be put to the proceedings against him, either by his pleading Guilty on arraignment, or by the prosecution entering a *nolle prosequi*, or by an application for a verdict of acquittal being made before the case is opened. The first indictment was accordingly quashed.

The second indictment suffered the same fate but for rather different reasons. In this indictment there were six counts but none

constituted a joint charge. Three men were charged and committed for trial for larceny and were then called by the prosecution to give evidence of the theft to support a charge of receiving brought against a fourth defendant in another count. Mr. Justice Birkett thought that possibly no technical objection could be taken to the committals for stealing, but he had the gravest doubts on the validity of the committal on the receiving count. A solution of the difficulty might have been to sever the indictment and to conduct separate trials, but his lordship preferred to quash the indictment in respect of all four defendants. He thought that taking all the circumstances into consideration this was the proper course and was "in accordance with the practice of the criminal law that there shall be no suggestion of unfairness or prejudice."

FURTHERING AN ILLEGAL STRIKE

R. v. Tearse

The Court of Criminal Appeal in *R. v. Tearse* (61 *T.L.R.* 7) had to interpret a provision of the Trade Disputes and Trade Unions Act, 1927, on which were based several charges arising out of an illegal strike by Tyneside apprentices. The appellants had been acquitted by the jury on various conspiracy and incitement counts but were convicted of acting "in furtherance of a strike" contrary to section 1 (2) of the Act and of aiding others so to act. The bulk of the evidence dealt with the acts and behaviour of the appellants before the strike broke out and consisted of the preparation of plans for the setting up of various committees for the efficient conduct of the strike and of similar activities.

The Court found that the word 'furtherance' in English literature is equally applied to mean the advancement of things before they come into existence and after they have been begun. But the expression had to be construed in the light of previous legislation; it had a history. The Trade Disputes Act of 1906, which is to be construed as one with the Act of 1927, talks of acts done "in contemplation or furtherance of a trade dispute." And two members of the House of Lords in a civil appeal had expressed the view that an act done in contemplation meant an act before the dispute arose, and an act done in furtherance meant an act done when the dispute had come into existence. The Court in *R. v. Tearse* thought that there was no doubt that this was the right construction. The trial judge who had refused to accept this restricted meaning of 'furtherance' had therefore misdirected the jury on a point of law. The convictions were accordingly quashed.

The judgment concluded with a ruling on a point of practice. It was observed that no particulars were either included in the indict-

ment or demanded by the defence of the counts alleging acts in furtherance of an illegal strike. The reason for this was perhaps that both the prosecution and the defence concentrated their attention on the more important counts, such as the conspiracy counts and the counts relating to incitement. The Court thought that from every point of view, but particularly from the point of view of the accused, it was desirable that, where counts are included alleging acts of furtherance, particulars of such acts should be included in the indictment.

NO APPEAL TO QUARTER SESSIONS FROM FORFEITURE ORDER ON BREACH OF RECOGNIZANCE

R. v. Durham Justices

A recognizance to be of good behaviour is one of the commonest kinds of process in courts of summary jurisdiction, yet until this case (61 *T.L.R.* 73) the question of the defendant's right of appeal was an open one. The applicant to the High Court had been summoned to appear before a petty sessional court to answer the complaint that he unlawfully and maliciously published an abusive and defamatory libel on the chairman of the justices of the division in his capacity as a justice of the peace. The applicant entered into a recognizance in the sum of £100, with two sureties of £50 each, with the condition that he should be of good behaviour, especially towards the man libelled. Some eighteen months later the applicant was charged at the same court with using abusive language towards a police officer and he entered into a recognizance in the sum of £10 to be of good behaviour. He was afterwards summoned to show cause why the first recognizance should not be forfeited and it was judged that it should be forfeited and the sum of £100 paid, as he had been found guilty of a breach of a condition of the recognizance in that he was guilty of misbehaviour towards the police officer. From this order he appealed to quarter sessions, and that court, without hearing any evidence, decided that they had no jurisdiction to hear the appeal. The applicant then applied to the High Court for an order of *mandamus* directing quarter sessions to hear his appeal.

The procedure on breach of a condition of a recognizance to keep the peace or to be of good behaviour is dealt with by the Summary Jurisdiction Act, 1879. Under section 9 (2) of this Act a court of summary jurisdiction "may by conviction adjudge such recognizance to be forfeited." It was said by the Lord Chief Justice in *R. v. Durham Justices* that, ordinarily speaking, one would not describe the order which is made for the forfeiture of a recognizance as a conviction, but, having regard to the place in which the words appear in section 9 (2), the proper meaning of the word 'conviction' was that it covered

anything which is in the nature of a formal order. Could the applicant appeal against his 'conviction' to quarter sessions? There is no appeal to quarter sessions unless such appeal is given in plain terms by statute. The question therefore depends on the meaning to be given to the Criminal Justice Act, 1914, section 37 (1): "Any person aggrieved by any conviction in respect of any offence . . . may appeal . . . to a court of quarter sessions."

The applicant maintained that the word 'offence' in this section is satisfied by showing that there has been a conviction for conduct which, although not capable of being the subject of a criminal charge, is an offence and that it was sufficient for him to show that he had been convicted in respect of conduct which was a breach of his recognizance to be of good behaviour. The Lord Chief Justice conceded that this argument had some attractions as it was not easy to see why, in the case of a conviction for a criminal offence, a person should have a right of appeal notwithstanding the fact that his fine might be only a few pounds, but that in the present case, in which it was adjudged that the applicant should forfeit his recognizance and pay £100, there should be no right of appeal. Despite the resulting anomaly the High Court held that the word 'offence' in section 37 of the Act of 1914 meant a conviction in respect of an ordinary criminal offence. As the applicant had not, in this sense, been convicted of an offence he had no right of appeal to quarter sessions. His application was accordingly dismissed.

THE DIFFERENCE BETWEEN A RIGHT TO A NEW TRIAL AND AN APPEAL

R. v. Cutter

In *R. v. Cutter* (1944, 2 *All E.R.* 337) the accused had good ground for complaining of a mistake which was made at his trial, but because his counsel did not choose the right remedy his appeal against conviction to the Court of Criminal Appeal was dismissed. At the trial, when the jury retired to consider their verdict they were provided, by an oversight, with a copy of the indictment which contained a reference to a previous conviction. On returning with a verdict of guilty the chairman of quarter sessions noticed this irregularity and gave counsel for the defence an opportunity of applying to have the jury discharged and a fresh trial before another jury. He deliberately elected not to take that course, with the intention of appealing against the conviction instead.

In principle it is not fatal to an appeal founded on the admission of improper evidence relating to the accused's character or record that counsel failed at the time to raise the matter. On the other hand, it has been laid down that it is not a proper use of counsel's

discretion to raise no objection at the time in order to preserve a ground of objection for a possible appeal. In *R. v. Cutter* counsel was informed of the irregularity but did not demand a fresh trial. The Court of Criminal Appeal sympathised with the position of counsel in a matter of this kind which arises very suddenly and unexpectedly but held that in this case counsel was doing the precise thing which has been judicially condemned. The result was that the conviction was upheld.

CONVICTION BASED ON THE ACT OF ACCUSED'S AGENT UPHELD *Brentnall & Cleland Ltd. v. L.C.C.*

"While *prima facie* a principal is not to be made criminally responsible for the acts of his servants, yet the legislature may prohibit an act or enforce a duty in such words as to make the prohibition or the duty absolute, in which case the principal is liable if the act is in fact done by his servants. To ascertain whether a particular Act of Parliament has that effect or not regard must be had to the object of the statute, the words used, the nature of the duty laid down, the person upon whom it is imposed, the persons by whom it would in ordinary circumstances be performed, and the person upon whom the penalty is imposed." These words from the judgment of Atkin, J., in *Mousell Bros. v. L.N.W. Railway* (1917, 2 *K.B.* 845) well express the legal position of a person who seeks to shelter behind the back of his agent and were quoted with approval by the Divisional Court in *Brentnall & Cleland Ltd. v. L.C.C.* (1944, *W.N.* 228). In this case coal merchants appealed against their conviction for selling false weight of coal, their argument being that their agents, another company, had sole charge of the loading of the coal and of its delivery.

The relevant statute, the Weights and Measures Act, 1899, clearly states that if the weight is "less than that represented by the seller, the person selling" shall be liable to a fine. Hence to the Divisional Court "it seemed almost beside the point to inquire whether the company had a guilty mind, in other words, whether *mens rea* had been shown. All that need be shown was that there was a representation as to weight and a deficiency in weight." Some protection against being made responsible for the acts of others is given by the Sale of Food (Weights and Measures) Act, 1926, section 12 (2) but only when the deficiency is due to the action of some person over whom the defendant has no control. The Court held, however, that the appellants "ought not to be in a position to shelter under" this provision as, having appointed their agents, they had in them somebody who was under their control. Their conviction at the Marylebone court was upheld.

Criminal Law and Practice in Scotland

IDENTIFICATION BY PALMPRINTS

ELEVEN years ago, in the case of *Hamilton v. H.M. Advocate* (1934 *J.C.* 1), the High Court of Justiciary sustained a conviction of theft by housebreaking although the only evidence to connect the accused with the crime was that of two fingerprint experts who deponed that they had examined the accused's fingerprints and had compared them with impressions found, after the housebreaking, on a bottle in the premises which had been unwrapped and opened by the intruder and that they were identical in sixteen specified characteristics. Upon that authority, many convictions have since been obtained in Scotland in cases where the prosecutor relied solely upon fingerprint evidence to provide the link between the accused and the crime.

The novelty of the case now reported—*H.M. Advocate v. Rolley*, decided in December last—was that the Crown relied, not upon evidence of fingerprints but upon evidence of an impression, found at the locus after the commission of the crime, of a small part of the human palm about one inch square. Briefly, the Crown evidence showed that, during a period of about a week, a particular house in Edinburgh was broken into and property stolen therefrom; that, on a sideboard in the house, on its examination after the discovery of the housebreaking, there was found an impression of part of the human palm corresponding roughly to that usually exposed by the vent of a glove; and that the impression so found was identical, as regards a sequence of no fewer than twenty-five ridge characteristics, with an impression made later by the palm of the accused. Apart from this, there was nothing to connect the accused either with the locus of the crime or with the stolen property. The accused, who gave evidence, stated that he had never been in the house in question and that he had no knowledge of the circumstances.

In all, four fingerprint experts of long experience gave evidence. Two of these, members of the Edinburgh City Police, spoke only to identity in a sequence of sixteen characteristics; the others (a superintendent and a chief inspector from the fingerprint bureau at New Scotland Yard), who had carried their examination further, spoke to twenty-five points of identity in sequence. All four stated that they had no doubt whatever that the impression found on the sideboard was made by the accused's palm. When confronted by a suggestion from counsel that the two impressions appeared to differ in detail (especially at one corner of the areas of which photographs were pro-

duced in court) these witnesses explained that any dissimilarity was immaterial and due to difference in pressure and surface. But, urged counsel, if the impression of the whole palm had been available for comparison, might there not have been discrepancies? To which the witnesses retorted that experience had shown that where there was complete identity, with no material divergence, over a small area, it was safe to infer complete identity over the whole. In England, one of the witnesses pointed out, action had successfully been taken on a much smaller impression than that under discussion.

In his address to the jury, the presiding judge (Lord Cooper, Lord Justice-Clerk) directed them that the evidence relied upon by the Crown to link the accused with the crime was both competent and admissible. Except where eye-witnesses were available, the most common means of connecting an accused with the locus of the crime was to prove his connection with some article found there—a garment, a footprint or the like. It mattered not what was relied upon provided that the evidence was of such a nature as to carry conviction to the minds of the jury. The basis of the competency of the evidence was not the complete infallibility of the fingerprint system but its “practical infallibility” as now demonstrated by long experience. In this imperfect world, absolute certainty was completely unattainable by any method known to the law or to science; but that comment applied not only to fingerprint evidence but to all evidence. Even an eye-witness, Lord Cooper pointed out, was by no means infallible.

The jury convicted and the accused, who had a long record of convictions both in Scotland and in England, was sentenced to imprisonment for two years.

WHAT IS “DISORDERLY” CONDUCT?

Section 135(5) of the Glasgow Police Act, 1866, penalises “every person who is, within the city, riotous, disorderly or indecent in his behaviour.” The sub-section is rather differently phrased, and possibly wider, than the corresponding provision in the Burgh Police (Scotland) Act, 1892, section 380(9) and in the Edinburgh Corporation Order, 1933, section 116(8)—in both of which the persons penalised are those who behave “in a riotous, violent or indecent manner.”

In a recent prosecution in Glasgow sheriff court, the accused, a local tramway inspector, was charged with a contravention of section 135(5) of the act of 1866 referred to. The complaint narrated that, having been summoned, in his official capacity, to a public service vehicle in which a woman passenger was in a state of distress caused by the circumstances in which she had earlier entered the vehicle, he was disorderly in his behaviour and did loudly upbraid the passenger,

who was pregnant, about the manner in which she had entered the vehicle and did shout at and adopt an offensive and bullying attitude towards her. On evidence, the charge was found proved and a fine imposed.

The incident investigated at the hearing followed upon the occurrence of an accident at a corporation 'bus stop in Gorbals Street, occasioned by the moving on of the 'bus at a moment when the woman concerned had one foot on the step. She was thrown to the ground, picked herself up and boarded the 'bus, which had stopped a few yards further on. At this stage, there was trouble between the driver of the 'bus and the injured woman, and a police officer was called in to take particulars. This was done on the driver's initiative and on his allegation that the passenger had attempted to board the 'bus while it was in motion. Ultimately, the vehicle moved on; but, on its arrival at Eglinton Toll, the driver (whose attitude towards the injured passenger had been distinctly aggressive) summoned the accused and narrated to him his version of the accident. The accused boarded the 'bus and adopted “a highhanded attitude” towards the woman concerned, who was still in a nervous condition. He bullied her, accused her of contravening a regulation dealing with persons who board vehicles in motion, accepted without enquiry the driver's version of the occurrence, and by his conduct aggravated the woman's distressed condition. One of the passengers was so disgusted at the accused's conduct that he left the 'bus before reaching his destination.

The appeal against conviction failed. “The question,” said Lord Moncrieff, in a judgment in which his colleagues concurred, “must depend on what interpretation is put upon the word ‘disorderly’ in the statutory enactment. It is a word of very wide comprehension. It is, I think, a word which indicates less aggressive conduct than would be required to constitute a breach of the peace.” The fact that one passenger was so affected by the accused's conduct that he left the 'bus prematurely was highly relevant and it was beside the point that other passengers had remained in the vehicle. People varied in their sensitiveness and in their reaction to such events. On the whole, matter, the court was of opinion that the sheriff had before him material justifying his conclusion of guilt.

INTERROGATION BY THE POLICE

Among the primary and paramount duties of the police is that of investigating circumstances which suggest that a crime has been committed in order to discover the culprit. In carrying out this duty, they may have to invoke a varied technique—to circulate information,

to examine the locus, to search premises, to call in the expert and so on, as the facts known to them may require. There are no limits to detective ingenuity. In the normal case, however, the most hopeful line of action is the most obvious—to ask questions of all persons likely to be able to throw light on the occurrence.

In prosecuting such an enquiry, a police officer is supported and protected by the law of the land, so long as he respects the ordinary rules of fairness and does not use means disproportionate to the end in view. True, the person questioned may, apart from a few important statutory circumstances (e.g. the Official Secrets Act 1920, section 6), refuse to answer; but even then, in Scotland, the law is not powerless, for the criminal authorities may then take advantage of their power to insist on an answer by means of the Scottish procedure of "pre-cognition."

"If policemen are not entitled to make inquiries when they believe that a crime has been committed," said the Lord Justice-Clerk in *Costello v. Macpherson* (1922 J.C. 9), "the due discharge of their duties would be seriously hampered." Moreover, as the case just cited makes clear, a police officer embarked on an investigation has no absolute duty to administer a caution before putting his questions—even where there is some likelihood that the person interrogated may turn out to be the responsible party. The duty to caution emerges only when the investigating officer reaches the point of deciding to charge the suspect with the crime which is the subject of inquiry.

It ought, however, to be carefully noted that this right of free interrogation may be asserted only in the preliminary stages of an investigation. Once an arrest has been effected, different considerations rule. As soon as may be, a suspect should be presented to the officer in charge of the police station to which he is taken. That officer, having satisfied himself by independent inquiry that detention of the suspect is justified, must caution him, charge him in formal terms and note verbatim any reply made. Except to clear up an ambiguity in the reply, there should be no questioning. Once this has been done, the prisoner should at once be removed to custody independent of the investigating officers (*Lieser*, 1926 J.C. 88) and should in no circumstances be subjected to further interrogation with reference to the charge on which he has been "locked down." "When a man has been arrested on a charge of crime and has been incarcerated, it is elementary that all interrogation by the police must cease" (*Stark*, 1938 J.C. 175).

While the law affords to the investigating officer wide scope in the technique of investigation and in the putting of questions to persons likely to be able to assist the enquiry, it is a question of circumstances whether, at the trial of a suspect, evidence of the answers given by

him may be led. Questions of this sort have frequently been matter of judicial determination—see, as illustrative, such cases as *Waddell v. Kinnaird* (1922 J.C. 40); *H.M. Advocate v. Aitken* (1926 J.C. 83) and *Mills v. H.M. Advocate* (1935 J.C. 77). A perusal of these and other relevant decisions makes it clear (1) that a statement made in the preliminary stages will more readily receive admission than one made later but not in response to the formal charge and (2) that, especially in the later stages, the decisive consideration will be whether the statement was voluntary (indeed, volunteered) and not the result of undue pressure by the police or other persons in authority. The latest of the three cases cited is authority for the proposition that "if a person in the custody of the police freely and of his own will makes a statement and does so without any interrogation or invitation, express or implied, and without the stimulus of any inducement to speak or threat or any form of pressure, it is in the interests of public justice to admit such a statement in evidence; but it is a sound rule of practice that a caution should be given."

This survey of the police right to ask questions is prompted by the recent High Court decision in *Campbell and Bell v. H.M. Advocate*, in which the action taken by the police to discover the identity of two men involved in a criminal assault upon a girl was the subject of careful consideration by the court. Briefly, the investigation was undertaken by officers of the local police following upon information pointing to the commission of a serious crime by two members of the crew of a boat which, on the crucial date, was lying at a pier in the west of Scotland. In order to identify, if possible, those involved, the victim and certain other witnesses were taken by the police to the pier, so that they might watch those embarking. In this way, Campbell was identified. Thereafter, two police officers began a systematic enquiry among the other members of the crew, who were asked to account for their movements on the evening of the crime. This enquiry brought the officers, in due course, to Bell, the ship's cook, who, in response to questions put by the police, made a statement which directly connected him with the occurrence under investigation. Both men were ultimately convicted and both appealed. At the hearing on appeal, one of the questions raised was the admissibility in evidence of the statement made by Bell in response to the police questioning. The appeal was refused and the High Court judges unanimously reached the conclusion that, as the police questioning had been conducted with fairness and the statement was voluntary—indeed, "blurted out"—evidence of the statement had been properly admitted at the trial. It would be "detrimental to the process of justice" if a statement made in such circumstances could not be proved.

A GREYHOUND BETTING SWINDLE

The facts of the recently decided case of *Baytch and Zederbaum v. Adair*, in which the appellants were held to have been rightly convicted of fraud, are too elaborate to be effectively summarised. For the purpose of this report, it is sufficient to indicate that the sting of the charge (which was amply borne out by the evidence led at the hearing) lay in the assertion that the appellants, acting in concert with a man in Leeds, contrived to enter for a race at a stadium in Lanarkshire a greyhound which was given, for the occasion, the name of "The Grange," but which was, in fact, a greyhound well known in the racing world under the name of "Merry Two Star"; that the greyhound in question was disguised by being painted or otherwise treated so as to make it appear black; that, being entered as an unknown dog without reputation, it might be expected to run at long odds; and that, the race having been won by the greyhound in question, the prize money was paid over to the Leeds man, who purported to be its owner, those who had betted against it lost their money and, in short, everyone concerned (apart from the appellants and their accomplice) was deceived by the fraudulent scheme. In part, the scheme miscarried through a "tip" in a local paper, which expressed the opinion that a dog sent all the way from Leeds to a race in Lanarkshire must be a good animal. As a result, the harvest gleaned by the appellants was less than anticipated; but this did not materially affect the fraudulent nature of the scheme.

In support of the appeal against conviction, it was urged that the criminal law of Scotland refuses to take cognizance of a fraud relating to gambling. Counsel for the appellants founded upon certain dicta of Lord Young in *H.M. Advocate v. Hodgkinson* (1903, 4 *Adam* 219), which afforded strong support to the view urged. This argument failed, the High Court judges holding that Lord Young's observations were *obiter*, i.e. incidental and not essential for the determination of the question before him. While it might be that it was not every form of swindling incidental to a gaming transaction that would found a criminal charge, the law was by no means impotent to deal with such a fraudulent scheme as was evinced by the present case. The cases of *Wood v. H.M. Advocate* (1899, 3 *Adam* 64) and *Claytons v. H.M. Advocate* (1906, 5 *Adam* 12) were illustrative of the type of fraud, in relation to betting, in which the criminal authorities could effectively take action.

In dealing with the merits of the case before them, the High Court judges emphasised the wide scope of the Scottish common law of fraud and approved of the ruling in *Adcock* (1925, *J.C.* 58), in which

it was held that "any definite practical result achieved by the fraud is enough," the essence of the crime being the inducing of some person to do what he would otherwise not have done.

The court further declined to interfere with the sentences pronounced. A sentence of sixty days' imprisonment imposed on the main accused and a fine of £25 imposed on his colleague was in no sense oppressive or even excessive. In the view of the court, there had been a "calculated and contemptible swindle" meriting severe penalties.

THE SCOPE OF THE TRESPASS ACT

The Trespass (Scotland) Act, 1865, is one of the answers (though by no means the only one) to the widely-held impression that "there is no law of trespass in Scotland." It is a most useful enactment, of which frequent advantage is taken by the police in dealing with vagrants and undesirables who choose to quarter themselves overnight as the uninvited guests of the owners or occupiers of premises. The recent case of *Paterson v. Robertson*, reported in this JOURNAL, Vol. 17, p. 267, serves to show how, in appropriate circumstances, it may be stretched to deal with persons whose occupation of premises begins in good faith but has continued after the termination of their right of occupancy.

The purpose of the present comment is to emphasise that, in applying the main provisions of this statute, careful attention must be given to the definition of "premises." By section 3, a penalty is imposed upon "every person who lodges in any premises, being private property, without the consent or permission of the owner or legal occupier." By section 2, "premises" are defined to mean and include "any house, barn, stable, shed, loft, granary, outhouse, garden, stackyard, court, close, or inclosed place." So long as persons are found lodging (i.e. overnight) in any one of the type of buildings or places specifically enumerated, no difficulty arises. The difficult question is—what other places are covered by the general phrase at the end—"or inclosed place"?

In the opinion of the present writer, this general phrase must be read in its context, so as to cover only enclosed places of a nature similar to those specially enumerated. It would not cover, for instance, a railway coach parked in a siding; nor a business warehouse. In practice, it is often applied, by the police, to a limekiln. There is something to be said for such practice, in view of the danger involved to those seeking such shelter; although, if the police action were challenged, it might be difficult to justify it to a court's satisfaction.

The Murder at Holme Pierrepont

BY DETECTIVE-INSPECTOR A. SHAND

Nottingham Constabulary

THIS may appear to be rather an unusual case of murder inasmuch as it was necessary to conduct the investigation "in reverse." This state of affairs arose owing to the fact that a man in custody had declared he had, some nine years earlier, murdered a woman at Holme Pierrepont, Notts.

The Police had no knowledge of the murder, they were not in possession of the body, there was no evidence as to the identity of the deceased, and it ultimately proved to be a plain story of a crime of which a man had carried guilty knowledge over a considerable number of years and, having had it so long on his conscience, felt he would rather the world should know, and accordingly confessed.

On September 11th, 1941, the Buckinghamshire Police interviewed a farm labourer by the name of George Hewitt, aged 54 years, in connection with offences of housebreaking and false pretences which had recently been committed in that county. Hewitt agreed he had been responsible for the false pretences only, and in view of the fact that he had been resident in that district for a number of years he was not taken into custody at that time. However, on September 12th, 1941, Hewitt, after shooting his collie dog, went to the Officer in charge of the local Police Station and said: "Now I will tell you something I have held for years. I murdered a woman in 1932."

In consequence of this declaration Hewitt was cautioned. He volunteered a statement in which he disclosed that early in 1932 he had spent the night with a prostitute in a barn, on a farm at which he was then employed at Holme Pierrepont. He alleged that the following morning he discovered the sum of £2 had been stolen from his wallet. He accused the woman of the theft but she refused to surrender the money. Hewitt added that after he had murdered the woman he extracted the sum of £2 from her handbag and buried her body in the ground under a large manure heap.

Hewitt continued in employment as a farm labourer in this district until May 1935. He kept his secret to himself; therefore the question of a murder having been committed in that locality did not arise.

The field in which the remains were buried is situate in low-lying country near the River Trent, and is only suitable for grazing land. The body had not, therefore, been disturbed.

Particulars of the statement made by Hewitt were communicated



Remains recovered at Holme Pierrepont, Notts, on Sept. 14th, 1941

(face p. 100)



Skull showing denture fitted to upper jaw



Human hair found near skull



Cord removed from deceased's neck

to the Chief Constable of Nottinghamshire, who instructed the writer to go to Buckinghamshire and take over the case.

The prisoner was then closely questioned as to the accuracy of his statement and warned of the consequences of "Causing a Public Mischief"; but he persisted in his original statement and was subsequently taken to Nottinghamshire. Upon arrival at Holme Pierrepont Hewitt indicated what he estimated to be the approximate position of the body. Excavation operations were immediately put in hand, and the following morning (September 14th, 1941) the remains of a human body were recovered at a point eleven feet from the spot originally indicated by Hewitt. The remains lay at a depth of two feet and consisted of a mass of hard-packed earth in which there were visible certain bones, including the skull and lower limb bones.

The door of an outhouse was procured and the remains, complete with the surrounding soil, were placed on the door and removed to the mortuary at West Bridgford, Notts.

The services of Professors H. S. Holden, of Nottingham, and J. M. Webster, of Birmingham, were solicited and, on the same date, the latter conducted a post-mortem examination. It was then established that the remains had been placed in a jute sack. The skull and lower jaw were loose and detached from the remainder of the skeleton. The legs had been hyperflexed at the thighs and the feet projected above the head.

There was very little flesh remaining on the skeleton, but a small quantity of fairly long dark brown hair was found near the top of the skull. Most of the teeth had dropped out of the jaws, but a tooth remaining in the upper jaw displayed the mark of a dental ring, and in the earth near the neck was found an upper dental plate which carried a gold tooth and a ring. It was possible to fit this plate accurately to the upper jaw.

It was discovered that a cord had been twice wound round the neck and tied at the front. The cord was cut and it was found it had caused a furrow in the remaining flesh of the neck, the same bearing the imprint of the cord.

The tongue and internal organs of the neck had disappeared and the remaining internal organs of the body were unrecognisable. There was, therefore, no evidence to show the cause of death; but in view of the fact that a double ligature of cord had been tied round the woman's neck, it was felt that this would, in all probability, have caused her death.

From the available evidence it was established that the remains were those of a female aged approximately 40 years, 5 ft. 0½ in. in height, of medium build and dark brown hair.

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Two small clear glass beads were found in the region of the neck, suggesting that deceased had been wearing a string of beads of that type.

Scientific examination of the partly decayed articles of clothing considerably assisted the investigation, since it furnished the Police with a fairly comprehensive description of the clothing which had been worn by the deceased. It was established the woman had been wearing black patent leather court shoes, a black cloth coat fitted with a fur collar and fur edging to the sleeves, and a belt, complete with buckle; also a black satin frock, and certain articles of underwear.

From this evidence it will be noted that the Police were armed with a description of the woman and the clothing she was wearing, together with the fact she had a denture bearing a gold tooth fitted to the right of her upper jaw, and had been wearing a string of small clear glass beads of a cheap variety.

Local Police records of "Missing Persons" were examined and it was discovered that on January 18th, 1932, a report had been received regarding a woman who had been missing since 6.15 p.m. on January 8th, 1932. It will be noted a period of ten days had elapsed before a report was made to the Police, but it was known this woman had frequently absented herself from her home. Records disclosed that the woman was 40 years of age and had a gold tooth fitted to the right of the upper denture, together with the fact that she was a known prostitute who frequented local public-houses.

On the same date (September 14th, 1941) the "Missing" woman's daughter was traced and interviewed. This witness was in a position to furnish details of the clothing worn by her mother when she left home on January 8th, 1932, and the scientific evidence completely supported her statement in this connection. Several other witnesses were available who gave evidence regarding deceased's clothing, together with the fact that the false teeth recovered were identical with those belonging to the deceased, with the result that the Defence did not challenge the evidence of identification.

Hewitt appeared before Nottinghamshire Assizes on November 22nd, 1941, and pleaded "Not Guilty" to the indictment. The Defence attempted to show that Hewitt had heard of the murder and had made the confession with a view to gaining notoriety; but the Judge in his summing-up said it was an unusual case because practically the whole of the evidence of the crime consisted of the prisoner's statements to the Police, and the fact that when the statements came to be checked and the alleged scene visited, the body was discovered in the actual place and manner indicated by the prisoner.

The jury returned a verdict of "Guilty" and added a recom-

mendation for mercy. Hewitt was sentenced to death, but in view of the recommendation his sentence was subsequently commuted to that of penal servitude for life.

Post-war Police Administration

BY SUPERINTENDENT W. R. JONES

Birkenhead Borough Police

POLICE officers, in common with all others, hope and believe that the glorious and troubled days of peace are not far distant. In this sixth year of war, peace, in Europe at all events, seems to be in sight. Senior police officers, excessively busy since 1939 with numerous and complex matters inseparable from war conditions, are now giving thought, not without some anxiety, to the problems with which they will be confronted from the very moment peace is declared.

History has shown that if there is one time more than another when the police are called upon, and indeed are confidently expected to give faithful and specially efficient service to the country, it is during the period of transition from war conditions to those of peace. War-torn Europe has already furnished us with examples of what can happen, and the full reaction has not yet been felt. It may be forecast without undue apprehension or pessimism that even sensible Britain will not escape altogether the troubles of war's aftermath. No government, however far-sighted and wise, can hope to plan for, and provide against, every contingency. It is, in fact, impossible to foresee the full consequences of the great change over, or to assess the mass psychological influence of war's convulsion. Certain it is that, even at the best, social and economic conditions will be very far from normal, and there will be an inevitable repercussion in public behaviour.

When trouble looms ahead, every responsible police officer is first concerned with STRENGTH. Let us examine, then, the strength position first of all.

STRENGTH

Recruiting has been suspended for the very long period of 5½ years. This is a tremendous handicap in itself, but superimposed upon that, many policemen have been drafted into the armed forces. A not inconsiderable proportion of these men have already been killed or maimed. A middle-aged police force has been growing old. Some men were already old by police standards at the outbreak of war, and many have already been pensioned on the grounds of ill-health. Black-out, bombing, and war strain have taken such serious toll of the remainder that many more are merely waiting for the repeal of the

Police and Firemen (War Service) Acts to claim a pension, even if it be below the maximum rate. The present serious gap in numbers is only partly and precariously filled for the time being by war reserve police, who quite naturally ardently desire to be released to civilian employment as soon as possible. In the meantime, let it be faced, their usefulness is limited, and if their discharge from the Police Service is long deferred after the armistice it will be a grave mistake to regard their aggregate number as being anything like so effective as a similar number of regular police. Incidentally, they too are growing old. With an eye to post-war troubles we see, in fact, that the strength position is steadily becoming alarming. When peace comes, it seems quite likely, to quote an example, that the great industrial area of Merseyside will be reduced to little more than one-third of its regular authorised police strength, and what remains will be quite largely departmental staffs and officers.

As the *full* authorised strength is based on normal requirements, it is little wonder that some anxiety is felt regarding a fairly near future which will most certainly involve considerable movements of labour, greatly reduced incomes, changed economic conditions, and political meetings and demonstrations of all kinds.

The police are aware, of course, that the nation's position has been desperate, and that a risk had, of necessity, to be taken in depleting the ranks of the police force. The present position could hardly have been avoided. The result does, however, point to an urgent need for energetic and effective measures to be taken forthwith to remedy that position now that the security of the Empire is no longer threatened.

The return of surviving policemen from the armed forces, even if they all wish to return, will make only a slight difference. What is needed, it is urged, is recruitment on a grand scale *at the earliest possible moment*.

The normal system of recruitment is necessarily slow. Enquiries as to character, an educational test, and a medical examination, all of which must be meticulously conducted, not to mention interviews with the object of assessing a candidate's psychological fitness for the police, take time. After final selection and appointment, a period of at least three and probably four months for training must elapse before a man can be detailed for police duty.

Is it too much to hope that some preliminary steps can be taken *now*, before the cessation of hostilities, so that the newly-established training schools could begin work immediately after peace is declared?

Obviously recruiting must be almost wholly from members of the armed forces. More obviously still, there must be no interference

with the fighting effectiveness of those forces. It is suggested, however, that the importance of post-war police effectiveness at home does justify an arrangement being made forthwith between the Home Office and the Service Departments for senior police officers to visit service units as may be found convenient and practicable, for the purpose of making a provisional selection of suitable candidates, and recording their particulars for essential enquiries which could proceed without delay. The selecting officers could be entrusted to ensure that no advantage would be taken by individuals to secure early demobilisation.

Again, is it too much to hope that the *initial* period of training could be shortened to one month so that the numerical intake into the Force could be greatly accelerated? The second and third month's training could, having regard to the very pressing need for man-power, be deferred until later, possibly in the second year's probationary period.

The time lag between armistice and turning out even a partially trained post-war policeman will be too long unless something is done by way of speeding up. Undue delay might well be dangerous to internal security and order.

PAY AND PENSIONS

In police efficiency, next in importance after strength comes contentment. With the best leadership and discipline in the world, personnel will not be 100 per cent. effective and reliable unless there is contentment, and contentment is based mainly on pay, pension rights, and prospects of promotion.

Many serving policemen would declare with every sincerity that the pensions scheme was to them one of the principal attractions of the Police Service. It is well known, too, that the pensions scheme has been a supremely important factor in keeping men in the service.

Very soon this special attraction seems likely to disappear. Everyone will apparently benefit from a fairly good pensions scheme, and recruiting for the Police Force will undoubtedly suffer accordingly. This is a matter of considerable importance. If there is no compensating attraction in pay, the quality and therefore the efficiency and dependability of personnel will, it is believed, deteriorate. If the quality of the recruit is lowered, it will be virtually impossible to train him in the vast and complex range of duties which he will be expected to perform. Unless there is improved financial reward, serving policemen will assuredly be less likely to endure stoically and faithfully the sacrifices, the exposure, the risks, the discipline and the responsibilities involved in police work in order to qualify for a pension which

will be no longer exceptional. It is not irrelevant to remember that "sacrifices" include preclusion from earning money in any other capacity, and what is also important, working during week-ends and bank holidays when most other people are free.

Apart altogether from pension schemes and conditions of service, regular policemen have not been surprised that war reserve policemen have been staggered at the extent of the ramifications of police work. Many of the latter declare that the job is sadly underpaid, and they themselves would not stay in the Police Force for double the present standard pay and allowances. The regulars, in their turn, feel some sympathy with the feeling of resentment amongst war reserves that they have been classed for pay purposes with the civil defence services. The war reserve policeman has much greater responsibility, harder work, more risk, and needs much longer training and far better mental and physical qualities than any of the rest of the civil defence personnel.

During the war the policeman has watched the wages of other workers soar to levels which have made him feel impoverished by comparison. Many so-called manual workers having no responsibility, no apparent education, no training, and incurring no special risk, have for years been drawing higher pay than many senior police officers. All this has had an effect on the mind of the policeman, who hopes that some day soon this very unfair state of affairs will be rectified, and he will receive a recompense commensurate with the services he renders and the sacrifices he willingly makes.

With regard to the prospect of promotion, this is not only important to serving men, but also in the attraction of the right type of man to the service.

PROMOTION

Police work has developed into a science, and ten years of varied experience, steady application, and unremitting and patient study, are hardly enough to qualify even an able man for a senior position. It is now more apparent than ever that unless chief officers of police are to be almost completely in the hands of their subordinates, they must be selected from within the service itself. In police work there is no substitute for wide and varied practical experience, however much it may later be supplemented by special training. If, therefore, such officers are to reach the exceptionally high standard which is manifestly essential, the right type of man must be attracted at the start by a much improved prospect of promotion. It is important, too, that there should be reasonable prospects of promotion to the ranks of sergeant and inspector, if discontent and even despair are to be avoided in the lower ranks.

The only remedy is, of course, shorter service for maximum pension and compulsory retirement at an earlier age. Sixty years of age should be the maximum for even the highest rank without any exceptions whatever, and the age should be somewhat lower for ranks below that of chief constable. The loss of the experience of retiring officers is not mourned in the navy and the army. The Admiralty and the War Office are only too well aware that succession in promotion is as important for efficiency as it is for morale. The same consideration applies to the Police, who, it may be added, are on incessant active service.

CONTROL

Next in importance after strength and contentment is the system of control and direction. Let us first consider control.

It would probably be universally agreed that the broad principle of joint local and central control of Police* is sound, and is perhaps the main basis upon which the undoubted popularity of the British Police has been built up.

Modern developments have made it clear, however, that local control is now dispersed into far too many separate units, some of which are absurdly small. This has, indeed, become increasingly apparent for some time past.

Government Committees of Enquiry and His Majesty's Inspectors of Constabulary have from time to time commented strongly on this matter, and have advocated the amalgamation of some of the smaller Forces into the surrounding larger ones. Local authorities and chief constables have equally strongly opposed such proposals, and it is a tribute to the skill and strength of their opposition that in the great majority of cases their resistance has succeeded. Big brothers, both of the local authorities and the chief constables directly concerned, helped in making the voices of objection loud and indignant. Possibly they came to the aid of their little brothers out of a sense of loyalty. It is difficult to believe that they objected because of a sincere faith and belief in the soundness of their case or in the larger interests of police efficiency. Nevertheless, the findings of famous Committees after most exhaustive enquiry, and the opinions of the most eminent police experts in the land, were somehow by-passed, and little has been done to implement their recommendations.

The county of Kent, bordering on the Metropolitan Police District for several miles and situated between London and the Continent,

* The subject is too wide to be dealt with fully in the space permitted for this article, but it is discussed by the writer at some length in an essay entitled "The Scope and Functions of Local and Central Control in Police Administration," published in *The Police Journal*, Vol. V. No. 4.

was a striking example of the undesirable multiplication of separate police forces. It took a war, perilous to the very existence of the Empire, to induce Parliament to sweep aside all objections and to amalgamate with the county force no fewer than nine independent borough forces varying in strength between 35 and 65, distributed throughout the county. Proof of the wisdom of that reform, unconscionably delayed as it was, lies in the vastly improved cohesion and co-ordination of the policing of the county.

It is hoped that the chorus of voices of big brothers and little brothers, with their personal and parochial considerations, will not deter similar reforms in other areas at no far distant date. The broad question of national police efficiency should be the determining factor. Personal considerations of chief constables should count only in so far as they should be offset by fair and even generous treatment, whilst quite commendable parochial pride could be met by arrangements whereby the area proposed to be absorbed could be represented, in proportion to strength, on the police committee of the absorbing area.

It is not improbable that the changed and ever changing conditions of life will soon point to amalgamation of adjoining Forces, without relation to mere numerical strength. Local police administration is unlike any other branch of municipal government. Boundaries through populous and closely built-up urban areas can be obstructions to continuous and consistent police action, and it is a question meriting serious consideration as to whether any unbroken urban area should be policed by two, three, or even more police forces under separate command. Police boundaries in such cases can only cause undue and perhaps sometimes fatal delay in police action. The defining of the area which should be under a single police command should, it is maintained, be decided upon, after thorough enquiry, by the Central Government. In such cases also the essential principles of local control need not be invalidated.

DIRECTION

We have so far dealt very briefly only with control. Control involves the responsibility of direction. The manner of this direction has not changed materially during the past 100 years. Each individual provincial police force is directed as to executive arrangements by its local police authority and its chief constable. The Home Office, whilst exercising a strong supervisory influence through its inspectorate, has no authority to assume responsibility for the actions of the provincial police. It is perfectly true, of course, that by wise and timely counsel and in many other ways the Home Office does secure a very appreciable homogeneity in the management and direction of all

Forces, and it is also true that the annual visit of His Majesty's Inspector is an important event, on the result of which depends the exchequer grant of half the cost of the force. Nevertheless, the existing position is that the considerable number of chief constables in the country are completely independent of one another, and they have absolute discretion as to the action they take, the methods they employ, the adoption or otherwise of any new idea, and the extent of their co-operation and co-ordination with all other forces in the country.

It is a tribute to chief constables that working in a maze of police boundaries, and without authoritative supervision, they have succeeded in establishing such a fair degree of unification from the point of view of national police efficiency. It is, however, only to be expected that local considerations and personal predilections will sometimes override questions of national efficiency.

The development of police wireless communication provides the most recent example of self-interest. Obviously wave lengths must be allocated sparingly, and Forces must share in the advantages of a scheme. In some districts a number of Forces participate in a scheme of transmission and reception, and share the cost in proportion to strength. The transmitting station is operated usually from the largest centre, and receivers in very numerous police stations in a number of different Forces are permanently tuned in to receive messages on the allotted wave length. The inevitable happens, and we find the precious air all too frequently used for the transmission of messages of inordinate length respecting relatively minor crime in one town of the group. Receivers in a whole district are blazing away with an hourly spate of messages which choke the scheme, robbing it of priceless value, and wasting the time of innumerable policemen. In another thickly populated area we find a great city monopolising an invaluable wave length for purely local ends—no doubt admirable in themselves—to the total exclusion of surrounding Forces.

In matters of internal management, too, individual chief constables make their own decisions as to the adoption or rejection of the police box system, or a combination of pillars, boxes and sub-stations, the centralisation or decentralisation of their own systems, the training of recruits, training for higher ranks, examinations for promotion, communications, voluntary bicycle registration, road traffic patrol, and liaison with adjoining Forces.

In the given circumstances, it is only to be expected that the wholly admirable efforts made by the Home Office, His Majesty's Inspectors, and district conferences of chief constables, to establish that intimate cohesion which is so vitally necessary, can only be partially successful. It is suggested that the introduction of a co-

ordinating and energising controlling influence is the only means by which the desired end could be achieved. This could be done without disturbing unduly the balance of local and central control which has proved to be so suited to the British character.

There would need to be a much closer supervision than that afforded by the annual visits of His Majesty's Inspectors of Constabulary, the extent of whose districts and the onerous nature of whose duties make it impossible for them to do more than the admirable work which they are doing.

What is needed is, it is believed, a grouping of police districts into a number of defined areas each under the supervision of a police official who might be designated the District Director of Organisation (or the D.D.O.) who should be responsible for organised co-operation within his own area, and satisfactory liaison between his own and all other areas. The D.D.O. might well also be regarded as the liaison officer between the Home Office and local authorities in all matters involving capital expenditure or the introduction of new ideas. Complete local control in all other matters could be retained, but if authority were vested in the D.D.O. to report to the Home Office as to the efficiency or otherwise of all Forces in his area, his position would be strong and authoritative.

The number and boundaries of the new areas would be a matter for careful consideration, but it is suggested that there should be not less than six nor more than nine. The D.D.O.s could be under the direct control of an Inspector General of Provincial Police, whose central position at the Home Office would enable him to ensure the co-operation which is so vitally necessary between the provincial Police and the Police of the Metropolis. All the links in the chain of co-ordination would thus be complete.

Finally, with some trepidation may it be suggested that the appointment of experienced and suitable police officers to the staff at the Home Office might prove to be a beneficial if revolutionary step. The Admiralty has sailors, the War Office soldiers, and the Air Ministry airmen, as well as civil servants of the same high standing and ability as those with whom we are glad to say we are blessed at the Home Office.

The writer has been privileged to comment upon only a few matters which, in his humble opinion, merit thoughtful consideration by the authorities concerned. He recognises that there are many other matters which call for early planning and preparation, such as housing for Police, suitable official accommodation and equipment, training, the circulation of information, and the scope of conferences. These are matters—already being considered in some cases—which

deserve treatment which would of necessity be too lengthy to include in a single article, and the writer has therefore confined his remarks to what he regards as basic priorities. He hopes he may have contributed in some small measure to healthy discussion on matters which are not only of concern to the Police, but also to all those interested in the good government of the country.

Riot and its Kindred Offences

BY SUPERINTENDENT WILLIAM C. MAY
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ACCORDING to our constitutional law the territory of England is liable to two Divisions: the one ecclesiastical, the other civil. The ancient civil division is into counties, and of counties into hundreds and of hundreds into tithings or townships. As to the tithings, they were so called, from the Saxon, because ten freeholders with their families composed one. These families all dwelt together and were sureties to the king for the good behaviour of each other; and if any offence was committed in their district, they were bound to bring the offender to justice.

As ten families of freeholders made up a township or tithing, so ten tithings composed a superior division, called a hundred, as consisting of ten times ten families. The hundred was governed by a high constable or bailiff; and formerly there was regularly held in it the hundred court for the trial of causes, though that court has now fallen into disuse. The hundred was answerable for the riotous demolition of churches, buildings, machinery and for plunder of wreck. Now under the Riot (Damages) Act, 1886, the compensation for damage to buildings or other property occasioned by riots is payable out of the police rate, and by the Local Government Act, 1888, the county council is made the local authority for the execution of the Act. An injured party must make a claim in due form, and within fourteen clear days, to the police authority of the district. If the claim is disallowed, the police authority may be sued in the County Court if the claim is less than £100, otherwise in the High Court. In order to succeed it must be proved that all the essential constituents of a Common Law riot were present.

It may be relevant to refer here to the decision in *Glasbrook Bros. v. Glamorgan County Council* (1925), A.C. 270 wherein it was laid down that police authorities are under a duty to provide sufficient protection to life and property, and they are not entitled to any payment for services necessary to this end. But, if they provide some special

form of protection outside the scope of their ordinary duty, the police authorities may demand payment for it. This case arose out of a labour dispute which past experience in Glamorgan has shown is the more general source of an outbreak of rioting and its kindred offences.

The term riot includes two distinct offences. A Common Law riot and a Statutory Law riot. The requirements to prove a common law offence are specified in *Field v. Receiver of Metropolitan Police* (1907, 2 K.B. 853) and an illustration of their application is afforded by the case of *Ford v. Receiver of Metropolitan Police* (1921, 2 K.B. 344). This latter case was heard by the late Mr. Justice Shearman, wherein the plaintiff successfully claimed compensation from the Receiver of Metropolitan Police because a considerable part of the woodwork of a derelict and dilapidated house was used as fuel for bonfires in the Peace Night festivities of June 28th, 1919, and on the evidence the Judge came to the conclusion that there had been a riot in the legal sense of the term. Owners of property, however, should by no means draw from this finding the conclusion that any and every merry-making in which damage may be done will entitle them to compensation under the Riot (Damages) Act, 1886.

To constitute a Common Law Riot, which was the offence proved in the case referred to, there are five necessary elements :—

- (1) A number of persons, three at least.
- (2) Common purpose.
- (3) Execution or conception of the common purpose.
- (4) An intent to help one another, by force, if necessary against any person who may oppose them in the execution of their common purpose.
- (5) Force or violence not merely used in demolishing, but displayed in such a manner as to alarm at least one person of reasonable firmness and courage (*Field v. Receiver of Metropolitan Police*).

If any one of these five elements is absent it is not a riot. If they are present it is a riot. Whether the common purpose in itself be lawful or unlawful, unless the case is one where the law authorises the use of force, as, for example, if a number of persons collect for the purpose of suppressing a riot actually in progress. It may further be observed that the common purpose must be of a private character, such as forcing a particular employer to give better conditions to his workpeople, or the removal of obstructions to an alleged right of way. If the common purpose be of a public character, such as to compel the Government to change its policy, or to destroy all rights of private property, the offence is not riot, but high treason by levying war.

It is on the question of violence causing alarm that claims for

damages for riot may break down; for on occasions of public rejoicing a crowd may become noisy and even destructive and yet remain perfectly good-tempered, so that no reasonable person would be alarmed at their demonstrations.

Riot at Common Law is a misdemeanor, punishable by fine and/or imprisonment.

Under Section 1 of the Act of 1714 riot in certain circumstances is made a felony. This felonious rioting was originally a capital offence, but is now punishable by penal servitude for life or any less term.

To constitute the statutory offence there must be :—

- (1) At least twelve persons.
- (2) Riotously and tumultuously assembled together to the disturbance of the public peace.
- (3) They must continue riotously and tumultuously together for one hour after the proclamation in the King's name (reading of the Riot Act) ordering them to disperse has been read by a Justice of the Peace, or other authorised person.

Demolition of houses or other buildings by rioters is also a statutory felony punishable with penal servitude for life, whether the riot be at common law or under the Riot Act, and for damage not amounting to demolition with seven years' imprisonment.

Such in its broad outlines is the law as to riot. But persons contemplating the execution of a common purpose may be guilty of two lesser offences. The mere assembling together of a number of persons in circumstances calculated to endanger the public peace is an unlawful assembly punishable as a common law misdemeanor with fine and/or imprisonment. Intermediate between unlawful assembly and riot is the offence of rout. An unlawful assembly becomes a rout when a motion is made towards the execution of the common purpose.

The four stages of the rioters' progress may be illustrated in this way :—At 6 a.m. Tom, Dick and Harry are among a number of people attending a mass meeting of people armed with sticks and axes. Tom, Dick and Harry in addressing the meeting say :—"We will all go to Bill Jones' house, and if he goes to work to-day we will knock his block off and smash up his house." This is an unlawful assembly. It remains an unlawful assembly whilst they are forming up to march. When at 6.30 a.m. and on completion of placing themselves in marching order they start to march to Bill Jones' house a half a mile away to carry out their design it becomes a rout and continues a rout. On arrival at Bill's house at about 7 a.m. he refuses to abstain from working and is assaulted and the doors and windows of his house are smashed

by Tom, Dick and Harry. A policeman, who has arrived on the scene together with Bill Jones' brother, attempts to defend him and the house without avail, resulting in the neighbours becoming alarmed and summoning help: the rout has become a common law riot. Nine other men join Tom, Dick and Harry in the attack. A magistrate arrives on the scene at 8 a.m. and reads the Riot Act, and at 9 a.m. if the twelve rioters are still attacking the house they become statutory rioters and guilty of felony. If, however, by that time one has abandoned the twelve the other eleven cannot be charged with the felony.

On the occasion of labour disputes crowds sometimes gather round work premises or workmen's homes for the purpose of communicating information or exercising peaceful persuasion, which has sometimes resulted in something of the nature of intimidation culminating in unlawful assembly and then riot.

The Conspiracy and Protection of Property Act, 1875, confers certain advantages upon Trade Unions; but on the other hand it contains valuable provisions against intimidation or the like, and also against the breach in certain cases—chiefly cases where the public welfare are concerned—of a contract of service. By Section 3 an agreement or combination by two or more persons to do or procure to be done any act *in furtherance* of a trade dispute is not to be indictable as a conspiracy if such act committed by one person would not be punishable as a crime. But this provision does not affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any offence against the State or the Sovereign. Sections 4 and 5 contain important qualifications of Section 3. By Section 4 where a person employed by a gas or water authority wilfully and maliciously breaks a contract of service *having reasonable cause to believe* that the probable consequences of his so doing, either alone or in combination with others, will be to deprive inhabitants of gas or water, he is made liable to fine or imprisonment, and by Section 5 where a person *wilfully and maliciously* breaks any contract of service having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or to expose valuable property to destruction or serious injury, the punishment of fine or imprisonment may be imposed. Liability to fine or imprisonment is also imposed by Section 7 upon every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or to abstain from doing, *wrongfully and without legal authority* uses violence or intimidation, or watches or besets the house or other place where such other person resides, or works or

carries on business, or happens to be, or follows such other person with two or more other persons in a disorderly manner.

The proviso to Section 7 authorising peaceful picketing is replaced by a wider clause by Section 2 of the Trade Disputes Act, 1906, which expressly authorises one or more persons acting in certain circumstances to attend at or near a house or place if they so attend merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from working.

Taking advantage of this protection a custom had developed in the course of strikes to call mass meetings of those on strike and then to march to the vicinity of the home of a workman who had declined to strike. The crowd would halt some distance from the workman's house but within sight and hearing: a deputation of two or three was appointed by the crowd. The persons appointed would then proceed to the house to peacefully persuade or communicate information to the workman or some member of his family to the accompaniment of a brass band alternating with singing and cat-calls, or it would sometimes happen that a crowd of men and women would gather and block the route taken by the person who desired to exercise his right to do something lawful in a lawful way. In this case two or three would detach themselves, purporting their object to be one of peaceful persuasion by engaging the workman at some distance from the crowd. If the workman evinced the courage of his convictions in desiring to exercise his lawful right and was not prepared to sink his personal individuality to the blandishments of the "peaceful persuaders," then threatening language by reference to the threatening attitude of the crowd would be used. If this did not avail the crowd took up with booing and shouting which often had the desired result through fear.

It is submitted that, in such a case, if a crowd is gathered together for the common purpose of carrying out an unlawful act, then the crowd is in law an unlawful assembly, and any members of it, or the whole combination of members of it *upon identification and on proof of their being parties* of the crowd, are liable to prosecution. In the instances illustrated it cannot be reasonably contended that the crowds were there by accident.

Such was the position in December 1926 when Mr. Justice Wright (now Lord Wright) in dealing with a case of riot, unlawful assembly and intimidation at Swansea Assizes, said in the course of passing sentence on the accused:—

"I want to say a very few words on the subject of what is called mass picketing, because reliance has been placed on a section of the Trade Disputes Act, 1906, which regularises the

attendance of persons in connection with a trade dispute for the purpose of peacefully persuading other men to abstain from work, or to abstain from doing something which they have a legal right to do. In my judgment, peaceful picketing, to use the common term, is limited precisely by the terms of the Act, and all that the Act regularises is conduct which can be described as peacefully persuading or peacefully obtaining or communicating information. In my judgment, if the persons concerned in an industrial dispute go beyond the narrow limits of these words, if what they do cannot be described as peaceful and if it takes the form of language of intimidation and menace—I do not mean by that idle words or mere abuse, but intimidation such as to cause apprehension in the minds of reasonable persons against whom it is directed—it is not peaceful within the meaning of the Act.

“I think further that if the attempt to persuade or influence or restrain takes the form of a large number of persons assembled together, even though only one or two act as spokesmen in addressing the persons whom it is intended to affect, then I think the element of peacefulness is absent, or is almost universally absent; because for the purpose of peaceful persuasion, that is to say, for the purpose of an appeal from one man to another man, an appeal addressed to the reason or the feelings or the conscience, the presence of a crowd is entirely irrelevant, unnecessary and improper, because the mere presence of a crowd supporting the spokesmen by their manner or by the general understanding of everyone present, has this effect, that it removes the element of peacefulness and replaces that element by an element of menace and intimidation. It substitutes for the individual appeal of one man to another the coercive, restraining and terrorising effect of numbers; and the jury must have had that in mind when they came to the verdict which they did.

“To intimidate in that was, and not to persuade individuals is, to restrict and interfere with the freedom which the law of this country says is the birthright of every man in this country. Every man in this country, whatever his views, is entitled to work or not to work, *so long as he keeps within the limits of the law*, exactly as he thinks fit; and if a number of persons by intimidation, by covert threats, block his way and interfere with his proceeding to work, then I think that is a very gross interference with the liberty of the subject. It is quite immaterial that on the particular occasion there is no act of violence committed. The mere presence of the crowd and the mere presence of dominating and overpowering force is sufficient to check any attempt at resistance,

and the mere fact that people so checked and restrained turn quietly away and do not throw themselves against overwhelming force does not add to the proceedings the element of peacefulness.”

The declaratory provisions of the Trade Disputes and Trade Unions Act, 1927, appear to have disposed of any doubt which might have prevailed on the proper interpretation or definition of Section 7 of the Act of 1875 in its relation to the provisions of the Trade Disputes Act, 1906. It is not without interest to note the recent judgment of the Court of Criminal Appeal in *Rex v. Tearse and others* (61 T.L.R. 7) in which the appellants were charged in connection with a strike of apprentices in the shipbuilding and engineering industry as the result of the calling-up of an apprentice for work in the coal mines under the Pit Ballot Scheme. The acts took place some time before the strike occurred and consisted in helping the apprentices to prepare for a strike by taking part in the preparation of necessary documents and otherwise assisting in the organisation of a strike. Section 1 (2) of the Trades Disputes and Trade Unions Act, 1927, makes it an offence for any person “to act in furtherance of a strike” declared by the Act to be illegal, and on conviction on indictment imposes a penalty of imprisonment for a term not exceeding two years. It was contended for the appellants at the trial that the words “in furtherance of a strike” implied that there must be a strike in existence at the time when the acts complained of were done and that as that condition was not complied with the appellants could not be properly convicted. The trial judge ruled that it was not necessary that the act should be done during the actual existence of a strike and that it was sufficient if it was done in preparation for a strike.

On appeal it was held that the words “in furtherance of a strike” presuppose the actual existence of a strike at the time when the acts alleged to constitute the offence are committed and that where an indictment includes counts alleging acts in furtherance of an illegal strike particulars of such acts should be included in the indictment.

The Public Order Act, 1936, in its provision for the preservation of public order has some relation to the purpose of this brief article, and the decisions in *Duncan v. Jones* (1936, 1 K.B. 218) and *Thomas v. Sawkins* (1935, 2 K.B. 249), in which it was held that the Police had power to act, if they had reasonable grounds for believing that disorder might occur, to prevent such disorder which may well culminate in unlawful assembly or even riot, appear to be in point.

In order to appreciate better the principles which I have endeavoured to enunciate in this short article it would be well for every policeman to commit to memory the apt passage in a statement which appeared some time ago in *The Times* newspaper:—

"It is a doctrine that the interest of the Commonwealth is greater than that of any part or class, and yet that no part may be neglected in computation of the whole; that no man is too great to be subject to the law, and none too small to enjoy its protection; that all opinions are entitled to a hearing, but none may be imposed on the unwilling; that authority is the only safeguard of freedom, and the liberties of the subject the only abiding foundation on which authority can rest."

Specialisation in Police Work

BY INSPECTOR J. L. THOMAS
City of Bradford Police

TO-DAY is the age of the specialist. Men are now compelled to devote their mind and energies to more restricted fields in almost every type of work, if they are to do justice to it. This applies to police work in common with other forms of activity.

Probably the most notable example of specialisation so far as police work is concerned is to be found in forensic science. The inauguration of some half-dozen forensic laboratories on a regional basis, under the auspices of the Home Office, ensures that all police forces will have at their disposal the services of fully-qualified scientists. This step has brought us more into line with some of the Continental police forces, which have paid so much attention to the scientific aspect of crime detection. True, some fine pioneer work in establishing laboratories in this country was done by a few forces, notably the Metropolitan and Nottingham City, but the police laboratories of Paris, Lyons (directed by the eminent Dr. Edmond Locard), Berlin, Dresden, Vienna, Budapest, and Prague, have earned a world-wide reputation.

A feature of the working of the Regional Forensic Laboratories is the degree to which specialisation is carried. An arrangement exists whereby any of them can call on the services of an expert attached to another regional laboratory. For instance, the recognised authority on documents is Dr. Harrison, of the South Wales and Monmouthshire laboratory, situate at Cardiff, whilst at the regional laboratory in Nottingham is Dr. Holden, the biologist, whose services have been utilised in various parts of the country.

Whereas some Continental forces have long favoured the practice of employing their own full-time experts—in Berlin, for instance, the Police had, among others, their own expert on ballistics and their own

pathologist—in this country, prior to the advent of the regional laboratories, it was customary to summon outside assistance when the necessity arose. Thus, from time to time Home Office experts have helped in the elucidation of important crimes. Provincial experts, too, have rendered yeoman service, and one has only to recall their brilliant work in the remarkable case *Rex v. Ruxton* to appreciate this. Cases will still arise when the best course will be to obtain outside assistance, and it is therefore important that some degree of liaison should be maintained with local experts, such as professors and lecturers at university colleges and technical colleges.

Nevertheless, the employment by the Police of the personnel attached to the regional laboratories has everything to commend it. Not only will these experts be able to apply all known scientific methods to the solving of police problems, but, by confining their activities to this branch of work, they will be continually acquiring fresh experience which will no doubt lead to their devising new methods. In this way, in addition to being reservoirs of forensic science, the regional laboratories will also function as invaluable centres of research.

Coming to a lower plane, we find in most police forces a number of men who may be termed "quasi-experts." Some of them are employed in laboratory work and carry out routine tests (including the examination of materials by ultra-violet and infra-red radiation, and sometimes, where blood is concerned, even the precipitin test), as well as undertaking processes for developing latent finger marks and for procuring casts of footprints. Others are engaged in photography, automobile engineering, or certain types of administrative work. Nearly all such men have had experience in their particular work prior to becoming policemen, and their ability can often be accurately assessed from their professional qualifications. It is important that a readily-accessible record should be kept of the experience and attainments of all recruits, as there exists a danger, especially in big forces, of really well-qualified men being overlooked when vacancies occur in various branches.

The quasi-experts attached to big forces have an advantage over those in small forces, since they can be provided with sufficient work to keep them fully occupied in their particular sphere. It is natural, therefore, that the work turned out by them should be superior to that of a man who must, perforce, be a Jack-of-all-trades. If every reasonable facility, including time off for study, is afforded to quasi-experts, the forces to which they belong will be the ultimate gainers. Men engaged in scientific work could perhaps be given the opportunity of working for a time in a regional laboratory: this would increase their efficiency and stimulate their enthusiasm. Those employed in

automobile engineering would benefit by a term of duty in the traffic branch of one of the very big forces, or even in the depot of a big, municipally-owned transport undertaking. All should be encouraged to sit for suitable examinations and to acquire any other external qualifications: their ability would increase, and any success gained would enhance their prestige when they had to give evidence in court.

Incidentally, how many forces take advantage of Police Regulation 28, which contains a proviso that "where members of a police force are engaged wholly or mainly on specialised duties of a technical character the examination in police duties may, subject to the approval of the Secretary of State, be replaced in their case by an alternative technical examination?"

It cannot be claimed that this country has been prominent in the provision of training of a specialised nature for policemen. As long ago as 1930 there was submitted to the Police Council a scheme for the creation of a police college which "would provide, for instance, higher training for posts such as instructor, detective, chief clerk, and other administrative positions, and afford opportunities such as do not now exist for developing and bringing into more extended use, in many branches of police work, scientific aids and modern facilities in the way of communications, transport, etc., and for studying and profiting by the experience gained in police work of various kinds, not only in this country but in other countries where comparable problems are faced by the Police." One of the aims of the proposed college was to provide a course for the higher training of officers by means of advanced studies and intensive instruction in special directions. Such a college, however, did not materialise.

As far as the training of detectives is concerned, this need has been largely met by the courses of instruction held periodically at New Scotland Yard and at certain regional centres. Up to a short time ago nothing had been done by way of training instructors for recruits' classes, and it was only on account of the anticipated influx of recruits after the war that a scheme for training suitable instructors was inaugurated.

There is still an urgent need for training men who occupy administrative positions. A young man who is posted to this side of police work gets all his training by the hard road of experience. Whilst this sink-or-swim process has many merits, it would be of greater value if it were supplemented by a sound theoretical training. It possesses, among other defects, the inherent fault of conservatism, as opposed to progress. Even officers who occupy responsible administrative positions sometimes feel that they are in the toils of time-honoured, obsolete routine, and would welcome the opportunity of undergoing

a course of higher training, including a comparative study of systems operating in other forces. This would enable them to take a more objective view of the machine which they are helping to manipulate, and so enable them the better to recognise any flaws in it. According to the *Report of the Commissioner of Police of the Metropolis for the Year 1939*, "Preparations had been made to receive (into the Police College, Hendon) officers under 35 years of age from the County and Borough Forces of England and Wales, who were to undergo a course of instruction lasting twelve months. . . . But for the War these officers would have joined the College in September, 1939." Possibly this course would have supplied the desired higher training.

Certain parts of police work lend themselves readily to specialisation, and in big forces we get departments dealing solely with such matters as summonses and warrants, aliens, and hackney carriages. But the biggest specialised department is, of course, that which deals with the *detection* of crime, as opposed to its prevention. Whilst their work is very different from that of other members of the force, members of the C.I.D. are governed by the same rules and regulations, and it is suggested that if some of these were not applied so rigidly in the case of detectives an even higher standard of efficiency would be attained. Take the question of tours of duty, for example. When the occasion demands it, a detective will work for an inordinately long period of continuous duty, snatching only a few hours' sleep and perhaps missing his meals. After a particularly arduous spell of duty under these conditions, why not allow him to take a few days' holiday? His health would benefit and his efficiency be maintained, both of which factors would contribute to the effectiveness of the department.

Then there are the qualifying examinations for promotion. After dealing solely with criminal matters day after day, a detective who aspires to promotion needs must go back to his books to study such subjects as traffic law, local acts and bye-laws, etc. Usually he is handicapped by the small amount of time at his disposal. And even when he has learned all about motor-cars travelling backwards for an excessive distance, rules forbidding spitting in certain places, and the calling out for sale of newspapers on a Sunday, it can hardly be claimed that he has thereby become a better detective. Reform would seem to be indicated here, and it is suggested that subjects of more practical value—Scientific Aids to Detection, for example—should be substituted.

Unless a detective department is carefully organised, the biblical dictum "Unto every one that hath shall be given" tends to operate so far as work is concerned. Thus, when a detective has succeeded in

unravelling a crime and arresting the culprits, the detection often brings in its wake an avalanche of work. Extensive enquiries regarding antecedents and character have to be made, and elaborate forms completed. On the other hand, the detective who has not made any arrest escapes all this. Hence the necessity for abundant help, both clerical and otherwise, being provided, so that a man is not diverted from his primary task—the detection of crime.

With regard to specialisation within the C.I.D., the size of the department is often the determining factor, and in only a few big forces can a detective afford to concentrate on one particular type of crime. The usual practice in this country is for all crime, whatever its nature, to be dealt with by the detectives attached to the division in which it occurs. This system differs from that favoured on the Continent, where a high degree of centralisation and specialisation is to be found. In Berlin, for example, a positive fetish used to be made of specialisation, and crimes were divided into no fewer than thirty-one groups, each being dealt with by a different squad of detectives. The following four headings will serve to illustrate the lengths to which this system was carried :

Thefts of meat from markets.

Thefts of packages from delivery wagons and tricycles.

Thefts in large stores, storage rooms, offices, institutions, hospitals, etc.

Thefts in disorderly flats, in bathing places, and from children.

Each case of murder in Berlin was handled by a separate "murder commission," comprising about eight men. America, too, has its "homicide bureaux" and special "homicide squads." We have no comparable bodies in this country because the number of cases of homicide does not warrant them, and although any force is at liberty to invoke the assistance of Scotland Yard when a murder has been committed (or any other important crime, for that matter), very few such applications are made.

When we come to consider the uniform patrol branch of a force, the question of specialising becomes more contentious and involved. In recent years there have been many laments concerning the depletion of this branch through frequent withdrawals of men who were taking up special duties. In an article entitled "Municipal Police Administration," Bruce Smith, the American criminologist, gave this amusing sidelight anent one alleged leakage: "Temporarily disabled men," he writes, "are sometimes brought into headquarters and clerical work discovered for them. Before the disability has terminated, a clever fellow thus specially detailed can invent a perfectly amazing variety of paper work which may serve as a reason for not returning him to

the arduous duties of patrol. He secures a typewriter, then an assistant, then an office, and in time he has a 'bureau,' and he is its chief!"

Whilst it is extremely doubtful if such a manœuvre would meet with corresponding success in this country, the fact remains that men are being continually withdrawn from the uniform patrol branch. Just before the outbreak of war a number of constables, dubbed "courtesy cops," were transferred from the foot patrol in some forces to the traffic branch, and given a course of training calculated to enable them to effect an improvement in the behaviour of road-users. In other forces the traffic branch has been augmented at the expense of the foot patrol in order to relieve the latter of the task of taking statements and making traffic enquiries on behalf of outside forces. Again, in some forces, crime detection, when not dealt with by detectives, has become largely the province of plain-clothes men who formerly wore uniform.

All these innovations can be opposed on the grounds that, with one duty after another being taken away from him, the street patrolman is gradually ceasing to be a "general practitioner." If the process continues he will ultimately occupy a very minor role, and his relationship with the specialist may then recall that which formerly subsisted between the old watchman and the constable: the constable used to "lead" the watchman. What makes this matter so important is that the enviable reputation now enjoyed by the Police is due primarily to the success with which the individual policeman has filled the role of "general practitioner."

Although the merits of specialisation have been well-publicised in recent years, it has, too, inherent defects when applied to police work. Some of them, it is true, like the one mentioned above, are due to the fact that the Police Service is a unique institution.

A force which becomes increasingly departmentalised runs the risk of degenerating into an unco-ordinated and loosely-knit organisation. It tends to become a series of more or less "water-tight" compartments, each unaware of the activities of the other, so that duplication and some confusion ultimately ensue. To some extent, this can be offset by the employment of a liaison officer, functioning in a kind of clearing-house.

A high degree of specialisation implies a number of key-men. These have to undergo a period of intensive training, and so are not easy to replace. There is, too, a danger of a breakdown when any of them is absent from duty, just as an elaborate machine ceases to function when a vital cog is missing. Another inevitable concomitant of specialisation is immobility: in an emergency a specialist cannot be transferred from one department to another. There would conse-

quently have to be a substantial reserve, and the result would be much time wasted. In the past, the adaptability and interchangeability of policemen have been the main factors in keeping down the number of men required to police a district.

Furthermore, the dearth of good, all-round men would be keenly felt when the selection of men suitable for promotion was being made. In fact, the very idea of rank appears incongruous when applied to a whole-time specialist who has no men working under him. Some big forces partially overcome this difficulty by employing civilians, and at New Scotland Yard there are twice as many civilians (many of them women) as there are policemen.

Specialisation, whether we like it or not, has now become inextricably woven into police work, and there is every indication that, if the Police are to continue to serve contemporary needs efficiently, it will have to be extended even further in certain directions. One of the most obvious of these is the use of wireless communication, which, when it is more fully exploited, may well revolutionise policing.

Police Petrographic Method*

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THE proverb "Attack is the surest form of defence" is established as one of the greatest truths which has come out of the war, and having that in mind, I decided to take it for my maxim, and realising the very title of this paper would undoubtedly be greeted with a chorus of questions, I shall endeavour to answer them before dilating on the subject matter.

Postulating these questions and reducing them to fundamentals, we arrive at a very pertinent question which might be worded something like this: "What possible use can petrology be to the police?" To answer this satisfactorily can only be done by the recitation of a series of facts, or examples of such use, but as this is a novel field of enquiry, though not strictly a new one, the facts within our own knowledge are not many. We can, however, with perfect assurance deduce others from the experience of these facts, particularly as the salient features are in no way altered although the contributory circumstances may vary. Before dealing with the types of cases in which geology has played, or can play, a part, it is necessary to emphasise the fact that the value of such evidence is purely in relation to the particular circumstances of the case, and is usually merely circumstantial.

* Sedimentary petrography may be defined as the systematic description of sediments, i.e. the determination of the rock characteristics, mineralogy, and genesis.

Petrographic methods in general and the petrological microscope in particular have now taken their place in investigation of crime and in specialist hands have in more than one criminal case played an important part in building up evidence against the suspected person. For instance, it is sometimes desirable to ascertain and prove, if possible by comparison with known material of definite origin, the source of mud, sand, dust or other inorganic matter adhering to clothes, boots, skin, hair, etc., and in such cases the most intensive researches are prosecuted, often on minute quantities of material. Similarly, refuse, garbage, ashes from fire grates, boilers and the like are subject to exhaustive tests which may, and frequently do, include microscopical examination and optical determination of any mineral particles isolated therefrom.*

To the lay mind, mud, sand, soil, powder, dust, stains or other matter of that character, scraped off boots or clothing, even walking sticks, appears by its nature and usually meagre quantity to be most unpromising material on which indications, if not actual proof, of a person's movements may be based, but in the hands of an expert, this information, coupled with other evidence, can be fruitful with astonishing results. It is not always a question of heavy minerals,† which may or may not be recoverable, depending on the nature and quantity of material available. It is surprising in some cases how little sediment is necessary to yield readily identifiable mineral species, which not only betray geological source of origin, but, cautiously interpreted, help to narrow down a possible area from which it has been derived.‡

Apart from heavy minerals, the examination of the particles themselves for grain size, shape, authigenic coating, colour, peculiar surface features, etc., are all taken into account in an exhaustive microscopical examination for the purpose in view. When it is realised that such familiar domestic commodities as new bath sponges, certain abrasive soaps, scouring powders, washing soda, old-fashioned egg timers, carpets, rugs, mats and oil cloth, can often be made to yield identifiable heavy minerals, it is clear that even the most calculating criminal has to be doubly wary if he would avoid the consequences and implications of such dust detection.§

Before considering the adoption of Petrography to Police purposes it is necessary to understand the factors involved in the formation of sediments, otherwise it would be impossible to realise the significance of the innumerable characteristics found in them and impossible to assess their import as evidence.

* H. B. Milner, *Sedimentary Petrography*, 1940, page 564.

† W. J. Cannon, *Where were they stolen?* POLICE JOURNAL, Vol. XVII, page 296.

‡ H. B. Milner, *Sedimentary Petrography*, 1940, page 565.

§ H. B. Milner, *Sedimentary Petrography*, 1940, page 565.

What exactly is sand? It is the material derived from the breaking up or weathering of the rocks of the earth's surface. That is exactly a truth, but, like all facts, it does not tell the whole story, and fact or truth without cause or effect can easily lead to a false conception. The sun's heat, frost, rain, and gravity are among the agencies chiefly engaged in this work of disintegration and attrition. Fragments of rock, in their continued movement to lower levels, are reduced in size by wear and tear, and broken up into their constituent mineral grains. The more easily decomposed minerals are attacked chemically and rot away or are altered, and those attacked differ under different climatic conditions. Even where the climate is identical the attack may be at variance, as, for example, the rain in an industrial area contains acids taken from the atmosphere which are absent or weaker in the rain of the adjoining agricultural area. Plants often have a decomposing effect on the stones on which they grow and different types have different requirements, and consequently extract varying substances or chemicals and varying quantities from these stones. Much of the material of a weathered rock is carried away in solution, and according to its chemical composition and the composition of the other rocks with which it then comes in contact may effect changes upon them.

When once formed sediments may in rare cases simply remain on or near their place of formation. Generally, however, the disintegrated rock particles come under the influence of one or other of the agencies of transport, such as rivers, marine currents, glaciers, or, especially in a hot dry climate, the wind. A river carries in suspension a vast quantity of these rock particles, and as each successive tributary joins a main stream other and differing rock particles may be added, while a river bed is abraded and the varying rocks through which it passes, on its course to the sea, are attacked and eroded and add their varying quota. On reaching the sea the velocity of a river is checked, with the result that the coarser particles are immediately dropped. Finer material is carried further out to sea and finally the very fine clay material is deposited. When in flood the materials will be carried further, and in the course of time the mouth of a river may widen, the land may rise or fall, the river in its course to the sea may cut down into different types of rocks, and if any of these things occur it will be recorded in the deposits, and it frequently happens, therefore, that a vertical section reveals a striking assortment both in type and grain size. Again the deposits from a river take the shape of a fan, and when another river flows into the sea near at hand their deposits become intermingled more and more as they recede from the land. Near the shore we get other deposits caused by the breaking down and undercutting of the rocks by the waves of the sea and the admixing of the

products by the sea currents and tides. Again at least some of the rock particles thus deposited may have gone through a similar cycle of deposition and weathering many times through the ages, although the agents employed may have differed on each successive occasion, but each will have left its distinctive mark, and when studied in detail these characteristics can be deciphered. This meagre explanation of what happens in the case of river deposits must suffice for such an article as this, although it should be realised that this is merely a short summary and that as much and more can be learned from each of the other types of deposit. The purpose of this explanation will have been achieved if the individuality which can be attained has been made apparent.

Naturally, this kind of evidence presents certain difficulties when given in a court of law, owing to the fact that it is necessarily extremely technical, and highly specialised knowledge is required, not only in handling the data, but in adapting it to the circumstances of the case, and more particularly in making it understandable to the court. On the other hand, it is seldom that learned counsel, supported by acknowledged expert witnesses, fails to present such evidence in a manner which is both convincing and comprehensible.*

COURT CASES

Sand grains found adhering to the bristles of a clothes brush, the property of a suspect, were one of the chief factors in securing a conviction on a charge of murder at the Old Bailey in 1937. This was one of the first cases in which the police utilised this branch of science, and it was crowned with unqualified success. The body of Ruby Annie Keen, a twenty-three year old factory worker, was found in a lovers' lane near her home at Leighton Buzzard, Bedfordshire. Chief Inspectors Barker and Cherrill, of New Scotland Yard, handled the case brilliantly, and were complimented by the Lord Chief Justice on the conclusion of the trial. At the locus of the crime were found many indications of a struggle and impressed in the sandy soil at the side of the body were found shallow oval depressions which were thought to be the impressions made by a kneeling man. When the hue and cry was at its height, Leslie George Stone called at the local police station and made a statement. He wanted to clear himself, he said, as he had been with Ruby Keen on the night of her death, but had left her alive and well near her home. While Stone was being questioned at the police station, his home was searched and a suit was found which bore obvious signs of an attempt to clean some marks from the knees, and in his bedroom was found a clothes brush with sand adhering to the

* *Ibidem*, page 566.

bristles. Here was the first direct link with the murder. These productions were sent to the Home Office Analyst, together with samples of sand taken from the lane, and it was proved that the sand grains were identical.*

Factual examples of recent cases show that the foregoing was no isolated phenomenon, and that outstanding results can be achieved by this branch of Criminal Investigation. During the unloading of certain munitions of war in a port in this country, it was found that a crate had been opened, its contents stolen, and pieces of rock substituted. These rock fragments were identified as having come from a specific district in Canada, despite the fact that the ship had been loaded in a number of ports and that the stolen articles had been transported by road and rail for considerable distances before shipment. In this case two persons were arrested, tried and sentenced for the theft. Another recent case was the theft of two wireless sets from a cardboard carton while in transit between a warehouse in Glasgow and the consignee's premises in Fort-William.† A bag of sand was substituted for the wireless sets in this instance, and as the carton was cleverly resealed, the theft was not discovered for some time. The package was delivered by handcart to a Glasgow Dock and transported by steamer from there to Fort-William, the vessel making four calls *en route*. The sand was positively identified as having been obtained from a shed in the Glasgow Dock. In this case, although the probable culprits were traced, they were not dealt with, due to the fact that the wireless sets were of a popular make and could not be positively identified.‡ Evidence as to the similarity of sand particles found on the shoes of a suspected house-breaker, with sand from the wall of the house which he was accused of feloniously entering by rone climbing, was given at a recent High Court trial in Glasgow. All the evidence in this case was purely circumstantial, and the accused was found not guilty.§ Another case, with almost identical features, resulted in the conviction of a thief charged with house-breaking at the Sheriff Court in Glasgow. In this instance two small pieces of sandstone were found in the turn-up in the trousers of the accused, and these were found to be identical with the broken window ledge of the house from which the theft had been committed. A conviction on a charge of rape was obtained in a West Highland town, where the only evidence in support of the complainer's statement was the identity of soil taken from the clothing and boots of the suspects with the soil at the alleged locus of the crime. A works

* *News of the World*, July 1937.

† *The Scotsman*, August 23rd, 1944.

‡ W. J. Cannon, *Where were they stolen?* POLICE JOURNAL, Vol. XVII, page 296.

§ *Glasgow Evening Citizen*, February 24th, 1944.

in the Glasgow area was entered by a thief who obtained admittance through the floor from a lade which ran below the premises. It was demonstrated in this case that the deposits in the lade were identical to the minutest detail with alluvial mud taken from the boots of the accused.

The foregoing instances of the practical application of this line of investigation speaks for itself, and a catalogue of the various types of crimes or set of circumstances in which it might prove of assistance is superfluous. A word of caution is, however, necessary to those officers who have to take possession of clothing or other articles for petrological examination. It should be borne in mind that grains of sand or particles of soil may be of such minute size as to be almost invisible to the unaided eye, and the articles taken possession of for such examination must be handled with the greatest care, both in order to prevent the loss of this evidence, and also to guard against its contamination from other sources. It must be understood, too, that the identification of rock debris can only be made by a trained geologist, but a large part of the work of elimination can be done competently by an ordinarily observant police officer, and the work of the expert can thereby be greatly accelerated.

LIBRARY

The first requisite in the use of the identification of sands and soils is the formation of a library containing specimens of the sands and soils from all parts of the area within the sphere of influence of the particular police force. If the police area is a county or rural one, this is a tremendous undertaking, and it is obvious that this type of investigation cannot be done by every police force, and it should only be attempted by those forces which act as central clearing houses for large areas. Those forces which maintain fingerprint departments or police laboratories are ideal for this work, particularly as most of them have already built up a spirit of friendly collaboration with their neighbours and have staffs trained to think and act from the necessary scientific point of view. These departments are invariably maintained by large towns, and within their jurisdiction there may not be many areas where soils or sands are exposed at the surface and consequently one would not expect them to extend their activities to branches of investigation which would be of little use to themselves. In the post-war years, however, facilities for speedy and long distance travel will be greatly increased, and we can be sure the criminal classes will make the most of every advantage which this may offer them, and in consequence the artificial boundaries between town and country will be swept away.

This trend of affairs was already becoming obvious before the war in densely populated counties.

The value of a collection of books, fingerprints, or other matter, is in ratio to the ease and speed with which we can put our hand on any individual, and therefore a method of classification is necessary before we set up our library of sand or soil specimens.

The Finger Print Bureau in Glasgow has such a library, which is gradually being built up to embrace the whole of Scotland, and the classification there employed will be hereafter explained, although it must be understood that this classification is not considered to be the acme of perfection, but merely a beginning until such time as the lessons of experience are put into practice. The actual specimens are given a reference number, are kept in specimen tubes, and bear the classification on the cork. The tubes are filed in drawers under their particular classification as shown in the accompanying photograph (Photo No. 1), while the corresponding microscope slides and any hand specimens which are found necessary (as in the case of building stones) are filed in other drawers under their reference numbers. In addition a card is made out for each specimen (Fig. A), and this card contains the following particulars: Reference number, classification, drawer number, the description of the locality from which the specimen was taken (as precise as possible), and the macroscopic data, i.e. grain shape, organisms, rock fragments, etc. A space is reserved for remarks where any unusual features can be noted. On the reverse side of this card is the microscopic analyses which are sub-divided under the following headings (Fig. B): Fossiliferous, light residue, heavy residue non-magnetic, heavy residue magnetic, index minerals, and peculiar characteristics.

CLASS :	DRAWERS :	REFERENCE NO :
LOCALITY (EXACT)		
MACROSCOPIC DATA		
Grain Shape, etc.		
Organisms		
Inorganic		
Remarks		

FIG. A

MICROSCOPIC ANALYSES
Fossiliferous
Light Residue
H.R. Non-Mag.
H.R. Magnetic
Index Minerals
Peculiar Chars.

FIG. B

CLASSIFICATION

Before deciding on the type of classification to be employed, the object to be accomplished had to be considered in detail. A classification which could be utilised by an ordinary police officer, not a trained geologist, was what had to be aimed at. It had to be a classification which would allow the process of elimination to be done as expeditiously and accurately as possible, leaving the more detailed comparisons for the expert, and at the same time insuring that the expert would only be called upon to compare sediments with at least close affinities, thus saving his time. On the other hand, it had to be sufficiently precise to ensure that the necessity for such a comparison would be obvious. The classification detailed below is the result of these deliberations.

Primary Classification

Whatever the type of crime a police officer is called upon to investigate, and no matter what ramifications it may have, the whole case is built around the scene of the crime or the headquarters at, or from which, the nefarious operations are conducted. In fact, every case may be said, in spite of its many tortuous peregrinations, to start and finish at a locus, and it was considered therefore that this, the most natural and useful factor, should be used as the primary classification. Again, if a production was received, say, from Aberdeen, no good purpose could be served by comparing it with a specimen on file from, say, Wigtownshire, but if all the specimens from the Aberdeen area were filed independently, these, and only these, need be compared. Thus it was decided to utilise the county or natural boundaries as the primary classification, and in the interests of simplicity these are given code numbers ranging from one to forty, as indicated on the accompanying map (Photo No. 2).

Secondary Classification

Sedimentary deposits, in so far as we are concerned with them, consist of four types—soils, sands, clays and building stones, and as these considered in general are each quite distinctive from the other, they are taken for the secondary classification and are indicated respectively by the capital letters A, B, C and D. These can be easily remembered as A for alluvium-soil, B for beach-sand, C for clay, and D for dwellings—building stones. The sands and building stones can be further sub-divided by the agency responsible for their deposition and their particular type, but this should only be attempted by those officers who have a knowledge of geology.

The sands (B) have four sub-divisions: (a) river and lake deposits; (b) marine or sea deposits; (c) glacial or ice deposits; and (d) aeolian or wind deposits, and these sub-divisions are indicated by the addition of the small letters a, b, c and d, to the secondary classification.

The building stones (D) are of two types, i.e. limestone and sandstone, and these are indicated by the small letters a and b respectively.

Tertiary Classification

The primary and secondary classifications are perfectly straightforward and simple, and their chief object has been the speed thereby obtained, but these do not give the necessary detailed precision. If the exposed strata in a sandpit is examined it will be seen that it is usually of a fairly uniform colour, but here and there we find, inter-laminated with the sand, thin bands of gravel or coarser material. This is quite obvious to the unaided eye. If, however, we examine the sand grains in the beds with a lens we will find that these also vary in size, and this variation is a distinctive characteristic and is employed for the tertiary classification. This is achieved by measuring the average grain size, and is found by passing a given quantity of the grains through sieves of different sizes and calculating the average size. These sizes are known as grades and are given in the accompanying table (page 133), together with the code numbers utilised in the classification.

Quaternary Classification

Here again we can have a perfectly straightforward division by using the colour of the specimen. The simplicity of this does not mean, however, that the assessment of the colour can be done in a slipshod manner, because the colour tones in sediments are extremely delicate. It should be remembered too that the specimen must be dry when assessing the colour, because when wet or damp the shade is different. The colour is indicated in the classification by the use of the first and last letters of the colour word, the initial letter being given as a capital.

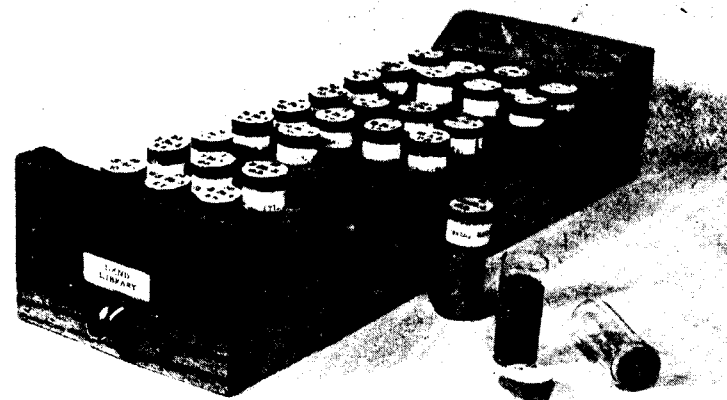


FIG. 1

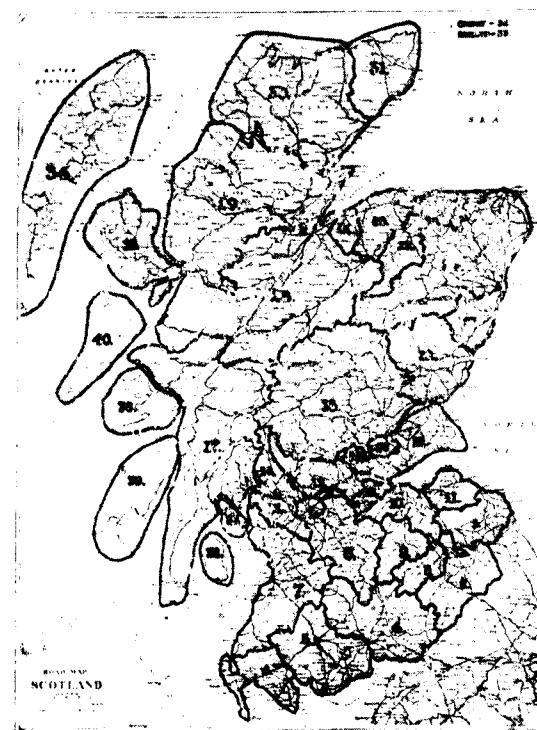
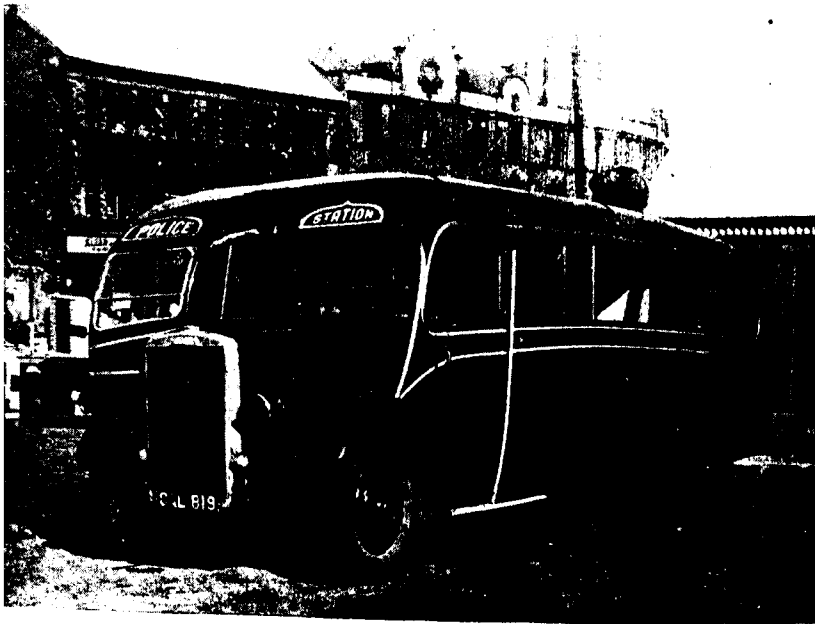


FIG. 2

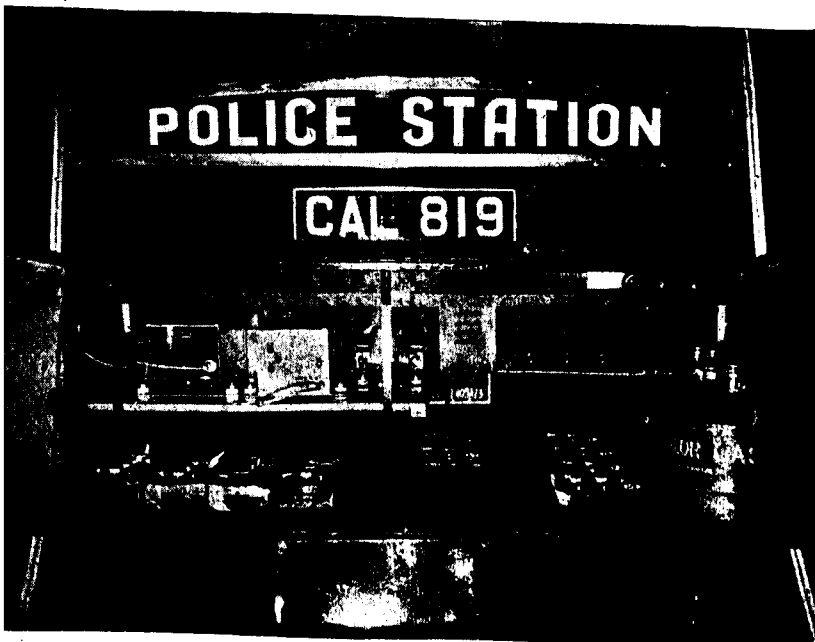
(face p. 132)



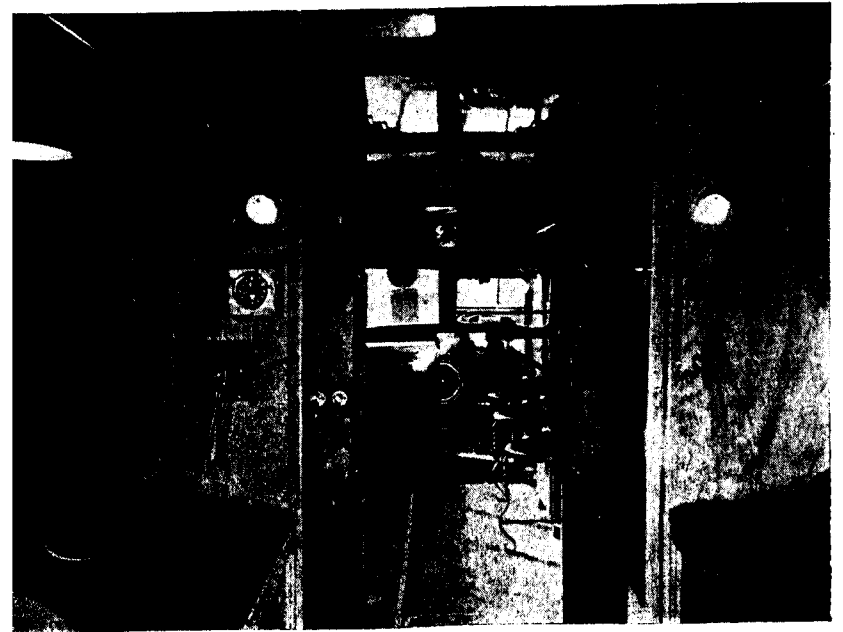
The Mobile Police Station



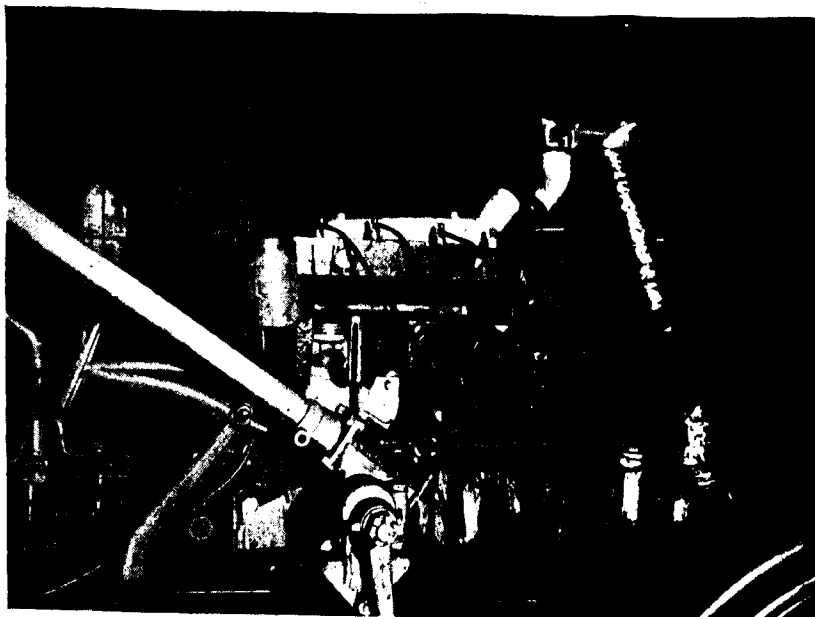
General Office



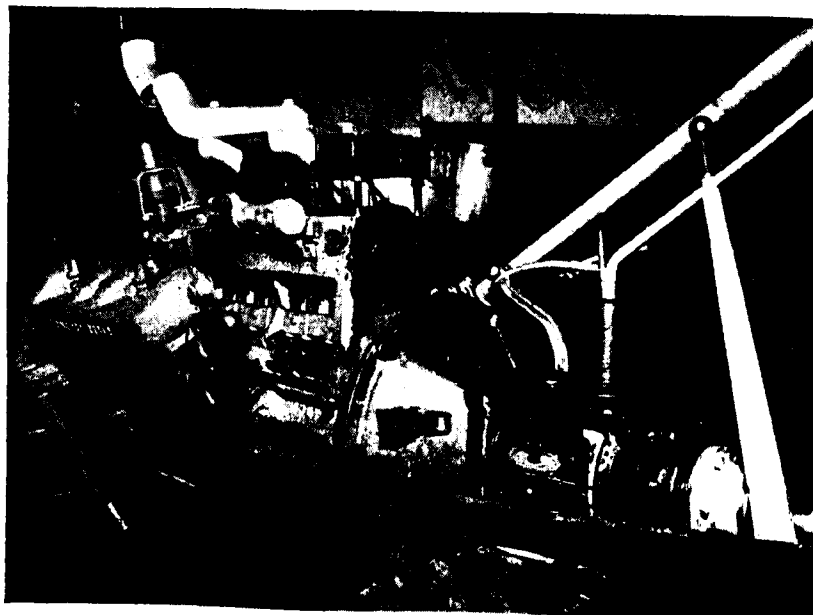
Near view of wireless and other equipment in boot



View to the front end from Senior Officer's and Wireless Operator's room



Demonstration Model



Demonstration Model

A MOBILE POLICE STATION

133

THE DETRITAL GRADES

CODE NO.	NAME	GRAIN SIZE	
		Between 5 mm. &	2 mm.
1	Gravel	" 2 "	" 1 "
2	Very coarse	" 1 "	" .5 "
3	Coarse	" .5 "	" .25 "
4	Medium	" .25 "	" .1 "
5	Fine	" .1 "	" .05 "
6	Coarse silt	Less than .05 mm.	
7	Silt		

Where the colour is of a two-word type, e.g. grey-green, the initial letters of both words only are used and given as capitals.

This completes the classification as used at present, and the following illustrates a practical example: 16.Bc.5.YB, which being interpreted means a fine yellow-brown glacial sand from the Glasgow area.

This paper has been written in the expectation that it will be of interest to police officers, and particularly in the hope that it might prove of use, though it but points the way to another branch in the growing tree of criminal investigation.

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A Mobile Police Station

By F. RUSSELL

Ex-Supt., Newcastle City Police

PAINTED in the traditional blue of the Police Service, with bold painted lettering "Police Station" where a destination board once displayed some journey's end in those nearby Derbyshire Hills, it left no doubt, even at first glance, for what purpose this old chariot of the road was now destined. I had the pleasure of examining what I think is the first construction of its kind, and what would appear to be a very essential adjunct to any Regional area in war or peace. I can think of many ways in which it might be used advantageously in any police war-planning affecting post-war organisation. In war-time it can take over, on the original site, the duties of a bombed-out police station; communication by telephone and radio is complete. At any

time it may be used as a main radio station around which mobile and static units can operate similar to the Depot Ship in the Submarine Service of the Royal Navy. On occasion when the vehicle has taken over the duties of the main radio station, the signals put out have proved to be almost equal to those of the 100-watt T.X.

The experience of blitzed towns during the Battle of Britain when police stations fell under enemy action, of which I am sure no other Chief Constable has had more experience than Mr. George S. Lowe, may have been responsible for the inspiration which caused the present Chief Constable of Sheffield to have constructed this very fine mobile police station, under the technical guidance of Chief Inspector Andrews and his staff of technicians. The entire work of adapting this one-time luxury coach to its present uses was carried out entirely by police staff, who, with what time they could find available from war-time duties, created a structure of police equipment which ranks with any innovation of progressive police policy of recent years. Through the courtesy of the Chief Constable I have been permitted to give the costs of purchase of this motor coach and of its adaptation as a Police Station.

The whole of the reconstruction of the vehicle has been carried out in the Mechanical Division of the Force at a cost of £154 18s. 11d. With the initial cost of £680 plus £4 for delivery charges, the total cost of the Mobile Station amounts to £838 18s. 11d. The internal measurements of the body are 21 ft. 6 ins. long, 6 ft. 3 ins. wide, and 6 ft. 6 ins. high. At the rear of the body is a very large luggage boot which has been converted into a veritable power station. An idea of the size of the boot may be gained from the following list of its contents:—

A 7-watt U.H.F. Radio transmitter receiver with two 12-volt accumulators for power supply.

A 14-watt Public Address amplifier with its accumulator supply.

Two Calor Gas containers which supply four gaslight points, a two-ring gas cooker, and a gas radiator for internal heating.

A bank of 12-volt accumulators which supply electric lighting points to all desks.

By this arrangement, no part of the inside of the Station is taken up by unsightly equipment.

The Station is divided into five compartments.

At the rear, directly over the boot, is the Senior Officer's and Radio Operator's room, which has a depth of five feet. It will probably be interesting to note that in this room the original back seat with cushion has been retained. Entrance to this room is by a door 2 ft. 3 ins. wide, on either side of which is a desk with drawer, built up to a bulkhead. On the operator's side is the usual mobile radio switch-gear, loud-speaker and microphone, also an eight-day clock.

Passing from this room we enter, on the offside, the ablution room. This is built over the arch of the offside rear wheel. A 50-gallon water-tank fitted between the luggage rack and the roof supplies water to a porcelain wash bowl. The tank has been galvanised inside so that the water is also fit for drinking purposes. A waste pipe led from the bowl, through the floor to a point under the offside mudguard, disposes of waste water.

Opposite the ablution room is the "kitchen." In here is fitted a two-ring Calor Gas cooker which, when not in use, is covered by a box and enables the room to be used as a cloak-room.

Next is the General Office, which is 9 ft. 2 ins. long; on the offside a 2 ft. desk is fitted which runs the whole length of the office. There is provision for three clerks to work here, each with his own nest of drawers. Portable stools comprise the seating. On the near side, fitted against the wall of the kitchen, is a map rack containing maps of each police division. Below the map rack is a cabinet containing plotting pins, etc., for marking Incidents; road blocks, and so on. Two first-aid cabinets and a fire extinguisher are fixed to the floor below the map rack.

The space below the windows on the near side of the General Office has been left clear, so that in the event of the vehicle having to take the place of a bombed-out police station, Record and Filing Cabinets recovered may be placed there. The windows of the General Office can be lowered at will. This enables several members of the public to be dealt with at the same time.

Across the front of the General Office and separating it from the public room, is a 1 ft. 6 in. counter, underneath which is a storage cupboard for stationery, etc.

The Public Room takes up floor space of a depth of 2 ft. 10 ins. Entrance to the vehicle is through a door on the near side of the public room, and on the offside of the room is the exit door. These are plainly marked and were the original entrance and emergency exit of the coach, which was of the front loading type.

Telephones. An arrangement has been made with the G.P.O. Authority for the installation of two telephones, one in the Senior Officer's and Radio Room and one in the General Office. This will be done within one hour and at any point within the City whenever necessary.

Public Address Equipment. The 14-watt amplifier has been supplied by Messrs. Arden and is controlled from the General Office. The amplified speech is passed through a large directional loud-speaker which is fitted on to a turntable on the roof of the vehicle.

Wireless Aerial. The aerial of the radio equipment is of the Standard Station type as supplied by the General Electric Co. Ltd.

The mast to which it is fitted was made in the police workshop and is 5 ft. 6 ins. in length. This mast is made to swivel at its base so that when the vehicle is on the move the aerial lies in an insulated clip fixed to the roof and acts as an ordinary mobile aerial. When stationary, the aerial can easily be raised by the driver operator. When raised, the aerial is guyed to the roof of the vehicle. It is interesting to note that with this aerial, "control" of the whole of the City's radio system can be maintained from this station and has been done on occasions when the main transmitter has developed faults.

Sheffield products have always had world-wide fame through its steel industry, and there is nothing in workmanship and design which does not stamp this Mobile Police Station as an example of that British thoroughness and reliability which one always associates with the stamp "Made in Sheffield."

Having viewed this police station on wheels I felt I must see the workshops and the staff who were responsible for this adaptation, of which any City and Police Force might be justly proud.

Sheffield is not too well blessed with police buildings suited to modern requirements, but in spite of this, accommodation for works with a complete staff of technicians has been found at West Bar Police Station. Here one found members of the Mechanical Division of the City Police doing all the expert work associated with motor engineering which one might only expect to find in some modern engineering works. Careful recruitment in Sheffield has provided for the ratepayers a staff of technicians who, while able to follow a police career, give also the fine craftsmanship of an artisan, which training has so often provided the background of a successful police officer.

Repairs, overhauls, adaptations and construction in a large Force, particularly in war-time, provide a multiplicity of jobs for a trained staff. With that thoroughness and ingenuity, founded on complete team-work, which seems to permeate the air in this building, it was no surprise to learn that classes of mechanical instruction are regularly carried out on these premises for which a Demonstration Chassis has been provided.

DEMONSTRATION CHASSIS

This chassis is a 12 h.p. four-cylinder, side valve, 1935 Morris. It was first seen lying on a local scrap heap covered with rust and corrosion, not a pleasant thing to look at, but forming the basis of what was required. It was handed over to the Mechanical Division as a gift, to put it to whatever use they could. It was removed to West Bar Police Station, where at odd times in between their normal duties the staff converted the chassis into a useful and instructive article.

The radiator has been diagonally sectioned to expose the honey-

comb. The engine unit was removed from the chassis, the two rear cylinders drilled and cut away for approximately one-third of their area to expose the water jackets, pistons (one gudgeon pin bosses), connecting rods, small ends, etc. The front timing-case cover was removed, leaving the valve timing exposed. The sump casing has been dropped and left off so that the crankshaft with big ends and main bearings may easily be seen. To give better vision here, parts of the lower half of the cylinders have been cut away.

The oil pump, which is not of the submerged type but fitting on to the side of the crank-case, has been cut away to expose the centrifugal gears and shows the oil being passed on to the oil galleries and main bearings. The cylinder head has been dealt with in rather an ingenious manner to show firing rotation and working stroke. Into each compression recess a 12-volt 3-watt single contact bulb is fitted. The centre contact is fed by a lead from the sparking plug electrode, which in turn is fed by H.T. cable from the distributor contacts. A spring rubbing contact is fitted to the rotor arm which in turn is in circuit with a 12-volt accumulator, hence the true firing rotation and the working stroke of each cylinder is shown by the light of these bulbs. The carburettor, which is of the S.U. type, has also been sectioned and exposes all the intricacies of this device.

The valve gear and cam shaft are fully exposed. Two of the valve seats, exhaust and inlet, have been cut away "V" shape to show the valve guides.

The steering box has been sectioned to expose all parts and the axle beam is permanently jacked up so that by simply moving the steering wheel, all parts can be seen doing their respective jobs.

The Bell housing over the clutch is cut away to show the pressure plate and clutch extraction. The Starter ring and Bendix drive are clearly visible.

The first and second gears in the gear box are of the crash type, with third and top syncromesh. These were exposed by cutting away the sides and inserting light bulbs, making the selector rods and striker assemblies fully visible.

The banjo casing of the rear axle is cut away to show the differential gear with axle shafts and bearings.

The braking system is Lockheed and the front of one brake drum is cut away to show the wheel cylinder and brake assemblies.

The petrol tank and expansion chamber are opened up, and in each of these a small light bulb is fitted.

All points, which are sectioned and cut away, are illuminated. Brilliantly coloured paints mark the courses of the transmission, water and braking systems.

Motive power is given to the engine and transmission units by using the starter motor. Varying speeds are obtained by tapping off the voltage supply.

Cost. Actual expenditure incurred in converting the chassis into a working model was 13s. 9d.

Splendid wall charts, which depict in detail the functions of the various parts of a motor car, were very generously supplied by the Nuffield Organisation at a very slight cost and by the Rootes Organisation free of charge.

Lectures. Lectures are based on the Military "16 Task" System, and the practical knowledge gained by non-technical personnel in seeing all parts in motion gives the pupil a far better understanding as to why the "Tasks" are very necessary for the upkeep and maintenance of Police vehicles.

Lectures have also been given to Police War Reserves and Women's Auxiliary Police Corps. By courtesy of the Chief Constable, these lectures were extended to the local Home Guard Mechanised Battalion and the Mechanised Transport Corps. The chassis is also used by the City of Sheffield Education Committee for Evening School instruction to motor mechanic students.

To conclude I will only add that to be able to fill leisure intelligently is the test of true civilisation.

Greyhound Racing Track Frauds

BY DETECTIVE-SERGEANT RUSSELL TRIBE

Southampton Borough Police

THE lucrative employment in war industries of persons who before the war were comparatively indigent, combined with the limited outlets for spending surplus income, has led many to seek the diversions offered at the greyhound racing tracks. At the "dogs" the war-worker, confident that to him alone belong the powers of Midas, alike with the Serviceman seeking a diversion from discipline, may "pick his fancy" and make his investments, either on the Totalisator or with one of the many bookmakers to be found at the various tracks.

Some indication of the increased popularity of "dog tracks" is to be seen in figures quoted at the Churches Committee on Gambling held in December 1944 and claimed to be factual. Totalisator receipts on 104 dog-racing tracks in 1943 are stated to have amounted to £59,668,800, as against £49,989,183 in 1942, and £36,412,779 in 1938. Bookmakers operating on these tracks, and on forty to fifty others where there are no Totalisators, may be assumed to have taken at least an equal amount. A grand total of £120,000,000 staked with

bookmakers and Totalisators is, according to the Churches Committee, a conservative estimate of the betting turnover on dog racing. The Committee conclude that "there is every indication of an even bigger boom when the war-time restrictions are lifted."

Fraud in diversified forms is an inevitable concomitant of these increased facilities for betting. The Totalisator is mainly involved, it being operose to deceive a bookmaker when betting with him during the progress of the meeting.

One of the most frequent types of chicanery used is the alteration of Totalisator tickets, generally on a "forecast" bet, when for a typical stake of 4s. the investor endeavours to anticipate the winning and the second dog in a race. For the enlightenment of those who are unfamiliar with this system of betting, a "forecast" can be thus described: When a person considers dog No. 1 will win and dog No. 3 will be second, he obtains a ticket from a special section of the Totalisator bearing the numbers "1 and 3." The words "one" and "three" are also printed by the side of the respective numbers. The ruse arises when at the conclusion of a race the dishonest wagerer varies one of the numerals on the ticket to agree with the result. For instance, if it bore the numbers "1 and 3" and in fact "4 and 3" was correct, the figure "1" and the word "one" beside it would be transformed to read "4." A common method is to erase the original number and word, and insert the fraudulent numbers in pencil or by means of a rubber stamp to make them correspond with the colour of the other printing.

Considerable skill has to be exercised in carrying out this operation as all tickets are carefully scrutinised by the Totalisator operators before payment is made. A number of such forgeries may, however, escape detection until after the winning dividend has been paid out. The profit gained by the fraudsman compensates him for the risk taken, an average dividend for a correct "forecast" being about £4 in return for a 4s. stake.

This form of deception is not solely confined to the "forecast" tickets, as obviously the number on a "win" or on a "place" bet could be similarly varied, but the former are usually selected on account of the higher amount paid for a correct result. At some tracks what is designated a "late pay" box is provided, whereby patrons who omit to collect their perquisites (Yes, it is surprising how many do!) can obtain them during the next meeting. Thus in such circumstances the misdemeanant has a week during which to concentrate on his task of transforming a losing ticket into a winning one.

Obviously such deceptions cannot continue indefinitely without being perceived by the "Tote" operators, as any amount paid in excess of the correct sum becomes apparent when cash is checked

at the termination of the day's racing. For this reason those engaged in this form of imposition move from track to track in an effort to escape being found out. Any tickets suspected of being vitiated should be subjected to examination under the ultra-violet or infra-red lamps, when defects will probably become visible. The criminal charges appropriate to be preferred against a person alleged to have perpetrated this type of fraud are under (1) Forgery Act, 1913, Section 4 (1), involving the alteration of the ticket; (2) *idem*, Section 6 (1)—the "uttering" at the Totalisator; and (3) *idem*, Section 7—the demanding or obtaining of the money by the forged instrument.

A new form of artifice with tickets has recently been operated. To be successful it must be applied to the first and second races only. The essence of the fraud is that whilst certain sections of the Totalisator are distributing dividends to successful backers after the first race, the others are selling betting units for the second. All tickets are stamped with the race number and the dog number. The trick is completed by the purchase, at the commencement of the meeting, of a ticket for every dog in the first race, thereby being assured that one winning ticket will be held. Immediately the result is announced the fraudsman purchases several tickets for the second event of the *same number* as the dog which won the first. He extracts from his tickets for the first race the one bearing the number of the winning dog, places it on top of the tickets of the same figure which he has for the second event, and presents them at the "Paying Out" box for the first.

The cashier does not suspect any such deception to be possible, only one race having been run, and he makes merely a cursory examination to satisfy himself that the tickets bear the *number* of the winning dog, which they do. Unless exceptionally astute, he does not check the *race* numbers on all the tickets, as only the first event has been terminated, and that on top will bear both the number of the winning dog and the correct race figure, which is "one." This is a facile and cunning trick, but must be effected on the first race, as with subsequent races the Totalisator clerks are likely to examine winning claims with greater vigilance, being aware that tickets for previous events bearing a losing numeral might be used fraudulently if that number won a later race. Persons detected in the perpetration of such offences may be charged alternatively with "larceny by trick" and "obtaining money by false pretences."

Totalisators are not always subjected to spurious claims from the outside, since a dishonest operator can use a method of obtaining illegitimate gains during the course of his work. A brief explanation of the mechanical part used for the fraud inside this intricate contrivance may assist those who have no previous knowledge of it. Each clerk

has an electrically operated machine inside which is a roll of blank tickets, and before one is issued a button is pressed bearing the dog number required. By means of electrical impulses a drum revolves inside and the requisite number is automatically printed, the ticket then being delivered through a slot to the purchaser. At the moment the dogs are placed in the traps for the commencement of the race a "master" switch is closed in the control room, depriving the machines of current and preventing the ticket drum revolving. It is still possible, however, by pressing one of the buttons to impress a dog number on the roll of tickets inside, although delivery cannot be completed through lack of power. The lid of the machine is kept locked, but when opened the drum can be revolved manually and the printed ticket obtained. Thus, if a dishonest clerk possesses a duplicate key he can wait until the result of the race is announced, and obtain tickets for the winning dog, which he can pass to a confederate outside. The tickets will then be cashed at the "Paying out" section of the Totalisator in the usual manner.

Most well-regulated tracks now have schemes in force whereby only one key is available, this being in the care of a responsible official for maintenance purposes, and such deceptions are avoided; but the possibilities should not be disregarded if complaint is made of irregularities inside Totalisators. The offences most likely to be disclosed in such circumstances are (1) conspiracy to defraud between the operator and his confederate; (2) both concerned in "larceny by trick" and alternatively "false pretences."

Serious though these criminal activities may be, a graver problem is the interference with dogs by the administration of noxious substances. There is evidence that this practice is extending. The usual method is for the fraudsman to contact a person having access to the dogs, or to place an accomplice in employment at the kennels, and to arrange for a sedative or stimulating drug to be given in food with the object of inducing the dog or dogs selected to run either faster or slower than normal. The paramount "stopper" is chlorbutol (its proprietary name being "Chloretone") which, when taken through the mouth in glycerine capsules, attacks the nerves of the dog's stomach and has a lethargic effect. An overdose causes the animal to stagger, cross its front legs, or attempt to bury its head in the ground. When used on humans, chlorbutol is an antidote for seasickness, and its purchase by the public is not restricted.

Another substance designed to slow the pace of the greyhound, but with a more severe effect, is nembutol, used by veterinary surgeons as a general anæsthetic. Its irregular administration to a dog in an excessive amount may induce unconsciousness, when the animal will

be unable to run at all! Two drugs having the opposite effect are ephedrine hydrochloride, which stimulates the heart, and a derivative of it—amphetamine sulphate—commonly known as "Benzedrine," causing a general feeling of well-being and a stimulant to the nervous system. These may be given through the mouth in capsules, or as nasal inhalants.

Nembutol, ephedrine hydrochloride and "Benzedrine," being included in the provisions of the Poisons Rules, 1935, are subjected to restricted sale, a point to be noted when investigating cases in which their irregular use is alleged. An immediate visit to all chemists, doctors, and veterinary surgeons in the vicinity of the kennels may produce important evidence. The interference with dogs by any of the methods described is an offence against the Protection of Animals Act, 1911, Section (1) (d). Usually more than one person is concerned and a charge of "conspiracy to defraud" may be considered. Increased vigilance by the staffs of tracks, where necessary in consultation with the police, and police contact with informants are the best deterrents to offences of this description.

A Scottish Angle on Refund of Income Tax

BY SERGEANT ARTHUR G. VANCE
City of Glasgow Police

IN recent years the problem of how best to deal with the taxation of police rent allowances has become more and more complicated, and the question of who should bear the burden is now an important issue with those most intimately concerned, *viz.*, Local Authorities and serving police officers.

It may be argued on behalf of Local Authorities that the obligations imposed on them by No. 64 of the Police (Scotland) Regulations have been fully met when the approved amount of rent allowance has been paid, and that the justice or otherwise of taxing the allowance is entirely a matter for adjustment between the taxpayer and the Inland Revenue Authorities. This has the appearance of a reasonable argument, but in view of the fact that under existing law the Income Tax Authorities have no power to make such an adjustment it simply amounts to support of the view that relief from tax should be disallowed.

If Regulation 64 is to be retained in its present form it is difficult to see how it can reasonably be interpreted to justify withdrawal of the refund.

Since the Regulations were first framed under the Police Act,

1919, there have been a number of alterations to No. 64, and of these the following are of particular significance in relation to the present issue.

By the 1920 Regulations the rent allowance was granted in respect of "rent, rates and taxes," and the expression "taxes" was defined as including "inhabited house duty but not property tax."

In 1922 a deduction from police rent allowances was one of the measures taken by the Government with a view to reducing police expenditure in accordance with the recommendations of the Geddes Committee. At the same time the definition of "taxes" was amended to read "shall include inhabited house duty but not property tax or income tax," with the proviso that the amendment would "cease to have effect as from April 30th, 1923, unless renewed by further Regulation." It remained in force until 1925, when it was not renewed.

It will be noted that in the past when it was found necessary to effect economies the Government released Police Authorities from any obligation with regard to the refund of tax by an amendment to the Regulation. It is the logical conclusion, therefore, that when that amendment ceased to have effect the obligation was reimposed. The Scottish Office in 1925 made it quite clear that this was also the officially held view of the position, and in the following year certain Local Authorities recognised the validity of the claim by authorising the refund.

Although the principle of refunding tax on the allowance has been generally accepted, there is a growing concern among members of Local Authorities at the steady increase from year to year in the expenditure involved. The more recent inflation of this expenditure is, of course, the inevitable result of higher rates of taxation and the temporary supplementing of police incomes, but these, being directly due to war-time conditions, will ultimately adjust themselves. The increase which occasions most concern, however, is neither of a temporary nature nor of recent origin, and is due to the cumulative effect inherent in the existing method of administering the refund. This "snowballing" can be eliminated only by the adoption of another system, and a brief outline of the procedure followed at present is essential to an appreciation of what an alternative method must avoid.

Prior to 1941 the refund due to a police officer was arrived at by ascertaining what proportion of the tax paid by him on police income was attributable to the rent allowance he received. The amount refunded was thus limited to the actual amount of tax paid or the amount of tax payable on the rent allowance received, whichever was the lesser.

On the introduction of Post-War Credit in 1941, it was realised

that some modification of this system would be necessary, in view of the fact that part of, and in many cases all, the tax paid would be included in the claimant's Post-War Credit. To have ignored this fact would have meant that many men would have received a refund of income tax from the Police Authority and later a refund of the same tax from the Government by way of Post-War Credit. This would have been an imposition on Local Authorities, and it was therefore agreed that subsequent refunds should not exceed the actual tax paid less the amount shown on the relevant Post-War Credit Certificate. The effect of this limitation was to suspend payment of part of the refund due, but it was recognised as being the most equitable arrangement in the circumstances.

While this system operates quite satisfactorily, in so far as it relieves the police officer from liability to income tax on his rent allowance, it has the "snowballing" defect at which the business man's mind instinctively rebels. As will be readily appreciated, the refund due in respect of rent allowance received during a particular year, say 1940-41, is paid some time within the following year, *i.e.*, 1941-42. It is therefore added to the rent allowance received during 1941-42 and the total must be regarded, for refund purposes, as the rent allowance for that year.

Thus the amount of income directly and indirectly attributable to rent allowance grows from year to year and expenditure on refunds increases in proportion.

The obvious and, it would appear, the only solution is to eliminate the "snowballing" by adding to rent allowances an amount sufficient to cover the income tax payable thereon, so that at the end of any fiscal year the police officer would be left, after tax deduction, with the net allowance to which he was entitled.

The additional payment necessary to achieve this object can be accurately calculated, and although in most cases it would mean a substantial increase in allowances it would actually reduce the ultimate expenditure. With taxation at its present high level, the increases required would be (in round figures) 37 per cent. and 71 per cent. at the 6s. 6d. and 10s. rates respectively, and this percentage would decrease in proportion to reduction in the rate of taxation. The calculation would, of course, be based only on the amount of allowance which was liable to tax, and there would not, therefore, be an all-round increase in rent allowances. It will be borne in mind also that the majority of refunds are made at the lower rate and that the higher rate will operate in still fewer cases when conditions return to normal.

The method of arriving at the appropriate addition in individual cases is rather complicated, but the administration of the scheme can

be made very simple by the use of tables showing the gross equivalents of any given amount at either the standard or the reduced rate of tax.

So far as accuracy is concerned, the "grossing up" method is mathematically sound, and since it is ultimately more economical than the present system and is free from the "snowballing" defect, it is worthy of the serious attention of all concerned.

The virtual exemption from taxation of their rent allowance is greatly appreciated by police officers and has the important effect of placing those of the same rank on an equal footing with regard to emoluments. This is obviously a most desirable state of affairs, and any action tending to renew the anomalies which previously existed should not be taken without the most serious consideration. The withdrawal of this exemption would have the effect, under the present burden of taxation, of reducing police rent allowances out of all relationship to the amount of rent and rates payable for suitable accommodation; entailing, in cases where the standard rate operated, a reduction to little more than half of what had been considered reasonable by the Police Authority.

It may be added that the present time is uniquely opportune for the introduction of a new system. Refunds for the year 1943-44 have been held in abeyance pending the delayed issue of Post-War Credit Certificates for that period, and since only five-twelfths of the tax due for that year was actually paid the amount involved by way of refund will be correspondingly reduced. Existing liabilities under the old system could therefore be met and the switch over accomplished at a much lower cost than would otherwise be possible.

The Police Cadet Service of New South Wales

By WILLIAM J. MACKAY

Commissioner of Police, New South Wales

A RECENT article in THE POLICE JOURNAL (January-March, 1944, page 2) suggested the examination and inauguration of a Police Cadet system. Readers may be interested to know something of the New South Wales Police Cadet System which was established on the 12th June, 1933, on the suggestion of the present Commissioner of the New South Wales Police Force, who was then the Metropolitan Superintendent.

Conditions of appointment to the Cadet Service are as follow :

Age 16 to 18 years, although it is hoped in the near future to make the minimum age 15 years. Education must be of a good standard,

and physical appearance to be such that the Police Surgeon can certify reasonably that the applicant will on attaining the age of 21 years be able to pass into the Police Force proper. Every applicant must, of course, be of excellent character.

The system had its beginning in a very small way, 12 youths being first appointed and this number was increased by an additional 18 in the same year. The number of appointments now made annually is between 60 and 70.

A cadet's career is watched carefully from the moment he enters the Service. Four specially selected non-commissioned officers are entrusted with the responsibility of guiding the cadets in their duties and seeing that they each receive instruction and experience in the many branches and sections of the Department. Whilst being trained in Departmental work the cadet's physical wellbeing is not forgotten. He must attend physical instruction classes. He is encouraged to engage in all kinds of healthy sport. Many cadets have acquitted themselves admirably in this respect and left their mark as swimmers, footballers, tennis players, etc.

Mr. J. Alston Wallace, a grazier with interests in this State as well as in Victoria, is keenly interested in the New South Wales Police Force. For years past he has offered a Silver Baton as a prize for the best cadet in his year. The competition for this is keen, the winner being decided by written examinations, consideration of his Police work and appraisal of the cadet's sporting attainments and his character generally. The cadet who wins this honour is a proud man indeed and his achievement is noted in official records. Apart from the winning of the prize he receives a substantial seniority by being appointed to the Police Service proper some months before he reaches the age of 21. It is common now in Police circles to refer to a constable who has won this distinction as being the "Silver Baton" man of his year which at once implies that he was outstanding as a cadet.

When apprenticeship as a cadet is finished the cadet goes into the Police Force proper as a constable, and it is then that he begins to feel the benefit of his training as a cadet and the Department also reaps the benefit of such training.

Cadets are expected to become proficient in shorthand and are encouraged also to take up some special subject. Special instructors are provided for shorthand work, with the result that the Department now has a band of young Police who are competent shorthand writers able to write at speeds from 150 to 200 words per minute. One constable, an ex-cadet, obtained the Australasian record by attaining a speed of 220 words per minute.

The system has been in vogue for nearly 11 years and during that

time some hundreds of cadets have passed into the ranks of the Police Force. A great number of these young men is now in the various active services fighting for the defence of their country, but principally with the Royal Australian Air Force. Their youth, general appearance and physical fitness make them specially suitable as members of air crews in the R.A.A.F. The system has proved its usefulness beyond all doubt as an auxiliary channel of recruitment to the Police Force. It is not of course the main avenue of recruitment and was never intended to be. The main channel of recruitment is from young men from 21 to 25 years of age who can bring to the Police Force some few years of experience and knowledge from the outside world. The proportion of cadets accepted in any one year is only a small percentage of the number of men recruited for the Police Service.

The Man in the Quaker Hat

A CENTENARY AND A RETROSPECT

MODERN facilities for rapid transport and the speedy transmission of information are taken for granted, and we are apt to forget that communications only became an important factor in the prevention and detection of crime, as well as in its development, at a period that is historically quite recent. Little more than a century ago, when the steam locomotive superseded the lumbering stage coach, criminals soon took up the new mode of travel—as a way of escape from the scene of their activities and as a means of access to new opportunities. In this way, for a time, they were able to outstrip the law even more easily than before, and could move from place to place, always ahead of the news of their misdeeds and out of the jurisdiction of an efficient police system into an area where none existed at all. Then, on January 1st, 1845, the creaking machinery of justice received a new impetus and was, in the true sense of the term, 'galvanised' into action.

Some months previously John Tawell, an elderly ex-Quaker, who had served a term at Botany Bay in his younger days, had made an unsuccessful attempt to poison his mistress, a former servant, living at Salt Hill, near Slough, in Buckinghamshire. On this New Year's Day he was more successful—this time with prussic acid introduced into a glass of stout. The woman had been pressing Tawell for money, and he had found it necessary to silence her, not only to relieve his financial embarrassment, but to prevent his wife, who thought him a wealthy, respectable, philanthropic City gentleman, from discovering his infidelity. The background of the crime was commonplace enough, but the sequel provided a sensation of the first order.

As Tawell left the cottage where the victim lay in agony, he was seen by a woman neighbour, who had been startled by a stifled scream. This woman noticed that he was wearing the characteristic dress of a Quaker, including, in particular, a broad-brimmed hat, and she gave this description to the police and other persons, among them a local clergyman, who came to render assistance after the discovery of the crime. The clergyman thought (it does not seem to have occurred to the police) that the suspect would make for the railway station at Slough, and he went there to intercept him. At the station he saw a man wearing a Quaker hat book a ticket for London. The London train came in soon afterwards, and Tawell stepped into a first-class compartment—and into history.

In 1843 a new 'Electro-Magnetic Telegraph,' devised by Cooke and Wheatstone, had been put in operation between Paddington and Slough on the Great Western Railway. In August the following year the instrument won considerable fame by the prompt despatch to London of the news of the birth at Windsor of Queen Victoria's second son. But the story of the arrest of the Queen's reprehensible subject caught the imagination of the public and became a topic of conversation for years.

When Tawell boarded the train the astute clergyman told the stationmaster of his suspicions, and a historic message was sent from 'Telegraph Cottage' at Slough to Paddington: 'A murder has just been committed at Salt Hill and the suspected murderer was seen to take a first-class ticket for London by the train which left Slough at 7.42 p.m. He is in the garb of a Quaker with a brown great coat on which reaches nearly down to his feet; he is in the last compartment of the second first-class carriage.'

The telegraph worked by a system in which the letters of the message were recorded by the swings of a needle.* The code did not include the letter Q, but the clerk, with a flash of inspiration, spelled the vital word, 'Kwaker.' His colleague at Paddington understood what was meant and passed the message immediately to Sergeant Williams of the Railway Police. The Sergeant 'put a plain coat over his police dress' and met the train in. A few minutes later a reply was sent to Slough: 'The Up train has arrived and a person answering in every respect the description given by telegraph came out of the compartment mentioned. The man got into a New-road omnibus and Sergeant Williams into the same.'

* A needle-telegraph was later adopted by the police and remained in use at police stations, particularly in the Metropolitan area, until the turn of the century. Some provincial forces adopted the more efficient telephone long before the London forces. The City of London Police installed the telephone in 1899, Scotland Yard in 1903. It was not in use throughout the M.P. area until 1906.

Tawell alighted from the omnibus at the corner of Princes Street. The Sergeant, who had made the journey in the conductor's seat, opened the door for him, collected the fare, and took the opportunity to have a good look at him. Followed at a discreet distance by the Sergeant, Tawell then went to a lodging-house in Scott's Yard, Cannon Street, by a circuitous route involving several calls at coffee houses (probably for the purpose of building up an alibi). The Sergeant, having seen the suspect 'safely stowed' for the night, then returned to Paddington. The next morning he went to the lodging-house with Inspector Wiggins of 'D' Division of the Metropolitan Police. Tawell had gone, but they traced him to the Jerusalem Coffee House. Inspector Wiggins said to him, 'I want you to go to Slough to the house of a woman found dead.' Tawell said, 'No, I wasn't at Slough yesterday. I know no one there.' Sergeant Williams said, 'Yes you were, Sir, you got out of the train, and got into an omnibus, and gave me sixpence.' Tawell replied, 'You are mistaken in my identity. My station in society is sufficient to rebut any suspicion against me.' He was arrested and later handed over to Superintendent Perkins of the Eton Police.

The evidence given at the inquest by the clergyman, the stationmaster, and Sergeant Williams, made the 'Electro-Magnetic Telegraph' a headline story, and people flocked to see the new marvel. A Mr. Home who operated the telegraph by arrangement with the Great Western Railway and under licence from the inventors, issued a handbill which informed the public that 'this interesting and most extraordinary Apparatus by which upwards of 50 Signals can be transmitted to a Distance of 280,000 MILES in ONE MINUTE may be seen in operation daily (Sundays excepted) from 9 till 8, at the Telegraph Office, Paddington, and Telegraph Cottage, Slough. Admission One Shilling.' The *Morning Post* declared the exhibition to be 'well worthy a visit from all who love to see the wonders of science.' Other papers commented upon the significance of the incident from the police point of view. 'It may be observed,' said *The Times* on January 4th, 'that had it not been for the efficient aid of the electric telegraph, both at Slough and Paddington, the greatest difficulty as well as delay would have occurred in the apprehension of the party now in custody.' While the public gazed in wonderment at the 'novel means of communication,' Tawell was tried at Aylesbury Assizes, found guilty, sentenced to death, and executed on March 28th, having made a full confession. His trial was chiefly memorable for the unsuccessful contention by defending counsel that the victim had not died as a result of the poison, that if prussic acid had in fact been found in the body it was derived from the pips of many apples pre-

viously consumed by the victim, and, finally, that she died 'from some of the many causes of sudden death.' Ever afterwards, counsel, Fitzroy Kelly, who became Attorney-General and eventually Lord Chief Baron of the Exchequer, was known as 'Apple-Pip Kelly.'

The publicity given to the telegraph did much to prove its usefulness and thereby to encourage its development; but those planning communications on a more ambitious scale continued to encounter prejudice and derision, the reward of all pioneers. In 1850, for instance, when a Mr. Brett gained a concession to lay a submarine cable across the Straits of Dover, the project was regarded by the Press as a gigantic swindle. It required a murder to demonstrate once more the value of good communications, for in 1864 a submarine cable was used for the first time to transmit information concerning Franz Muller, who was wanted for the murder of a bank clerk in a London suburban train. Curiously enough, as Tawell's distinctive Quaker hat (which he was not entitled to wear) contributed to his detection and arrest, so did Muller's black beaver hat with a curled-up brim bring about his downfall.* In the latter case Inspector Tanner's indefatigable enquiries in connection with the hat (found under the seat in the compartment where the murder took place) pointed to Muller as the murderer; but by that time Muller was on the high seas in a sailing vessel heading for New York. Inspector Tanner boarded a fast steamship which overhauled the other vessel, and he was waiting for Muller when the wanted man arrived. If wireless telegraphy had been available at that period Tanner's task would have been much easier, but nearly half a century passed before yet another murderer, Dr. Crippen, provided in 1910 the occasion for a dramatic demonstration of the utility of wireless. As is well known, Captain Kendall, of the S.S. *Montrose*, wirelessly the news to London that Crippen and his mistress were on board his ship, and Chief Inspector Dew, like Tanner before him, was able to make a faster crossing and arrest the fugitives when their ship docked. Wireless is now used extensively for police purposes, but it might be of interest to recall that the first 'police message' in connection with a crime broadcast for the information of the public was sent out from Savoy Hill in 1925.

In these days of 'scientific aids' and of radio-telephony, telephones, teleprinters, aeroplanes, and fast cars—all developed since the days of Tawell and Muller—some officers must often wonder how their predecessors did their job without such essential amenities. We can throw a girdle round the earth in a space of time that makes Puck's achievement seem very insignificant, but we have no monopoly of the human qualities that go to make a good police officer. Within their

* For an interesting account of this case see THE POLICE JOURNAL, Vol. IX, p. 369.

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limits the detectives of yesteryear were remarkably successful, and in moments of self-satisfaction it is well for us to remember that policemen have had patience, perseverance, courage, initiative, energy, and enterprise, ever since the formation of the first police force.

W. O. GAY.

Detection of Crime Three Hundred Years Ago

By S. P. SMITHSON

ONE of the books that have yet to be written is the history of the detection of crime in this country. The aim of the present article is merely to indicate some of the ways by which criminals were brought to justice three hundred years ago. The details are taken from popular tracts printed between the years 1620 and 1685. These were written for an uneducated public and sold for a few pence each. Although they have no literary merit, they nearly all profess to have a high moral purpose in emphasizing that the wages of sin is death. It must be borne in mind that the writers were not trained investigators, and that they obtained their information from any available source. Moreover, the constables of that time were not remarkable for intelligence; they could, however, generally be trusted to see the obvious. In one of the tracts, which records a case of robbery with murder in 1669, it is stated that a constable noticed, near the scene of the tragedy, a man peeping out of a ditch and then lying down again. When asked what he was doing the man replied, 'No harm.' The constable then used the traditional formula, 'You must come along with me.' The more ambitious flights of detection must perhaps be attributed to the higher officers of justice. The detective work gleaned from this early material is naturally rudimentary, but it ranges over a wide field: autopsy, faked alibis and cause of death, examination of the person of suspects, clues found on the bodies of victims, inquiry for missing persons, incriminatory statements, examination of human remains for clues of identification, the sale of lethal weapons and poison, tampering with objects to be submitted as evidence, and the expert witness. It is also instructive to note what appeared significant to the police of that time in the investigation of crime.

The earliest piece of detection is contained in *The Cry and Revenge of Blood. Expressing the Nature of Wilfull Murther committed at Halfworth*. By Thomas Cooper (London, 1620). The tract begins by relating how a man of the name of Norton 'of very foul and evil

favour,' attempted to get possession of land mortgaged to him by his neighbour Widow Leeson. By some legal process he succeeded in getting her eldest son committed to gaol, where he died. The second son, John, laying claim to the inheritance, 'had his mouth stopped with a good round sum of money.' Later he was waylaid by 'bloody and desperate villains,' knocked on the head, and thrown into a pond where his body was staked. About two years afterwards a third son, Thomas Leeson, renewed the suit for the land. Having obtained a subpœna he and his sister fastened it to Norton's door. They both shared the same fate as John. In course of time the three bodies were discovered, and the magistrate 'whose pains and wisdom in this business may with honour be remembered' caused each body to be laid out separately, 'as far as the bones would afford it,' taking special care to note, with the aid of a surgeon, fractures and defects which might lead to the identification of the victims. Inquiry was made of the inhabitants about missing persons. Widow Leeson then came forward and reported the disappearance of her three children. Some said that they had gone to Ireland, but one man, Worlich by name, volunteered the information that he had seen John Leeson in the Low Countries. It was proved that Worlich had never been out of England. By the magistrate's order the bodies were closely examined and measured. The mother, when asked about distinguishing marks, said that John was 'six foot long' and had two teeth broken in his upper jaw. One of the skeletons agreed with this measurement and the skull lacked two teeth. The other two bodies were assumed to be those of Thomas and his sister.

Suspicion fell on Worlich, as being the last man who had seen John alive, and he was arrested. Suspicion also fell on Land, a weaver, who had often been seen in the company of the Leesons, but it 'was not sufficient directly to challenge the party.' Land had heard that the skull had been identified as John's. In order to destroy an important piece of evidence he decided to work on the skull, which still remained in the open. He therefore took it to a barber to remove some more teeth. As the barber failed, or perhaps was unwilling, to do this gruesome job, Land persuaded a smith to remove the teeth. This very unwise action naturally provided ultimately two damning witnesses. He was betrayed into further error. Pretending to be a stranger in those parts he inquired of a woman about the finding of the bodies. She, however, recognised him. He had also made fishing inquiries of an acquaintance about Leeson. As the judge said, 'the murderer asks the other, the other does not first inquire of him, a manifest token of his guilty conscience, and apparent evidence accusing himself.' Twenty-eight witnesses were subpœna'd, but only eighteen

were called in Court 'because time (which there is precious) had been otherwise taken up.' Both men were found guilty and hanged. No evidence was offered against Norton. A woodcut on the title page of the tract shows a collective reconstruction of the crime and its discovery. On the left is shown the murder of John and the dead bodies of Thomas and his sister. On the right is seen the exhumation of the skeletons with the magistrate giving instructions respecting the disposition of the staked bodies for identification.

The next case is taken from *A Narration of the Horrid Murder committed on the Person of John Knight, apprentice* (1657). John Knight, on a certain Thursday, was found lying in bed with his throat cut. His feet were on the bolster and his head towards the lower part of the bed. In his right hand was a lock of hair, and in his left hand were 'some scattering hairs.' A youth who lived in the same house as Knight was examined. He said that on Wednesday he had seen Knight fishing in company with another man. The youth gave a full description of the man's appearance and dress, which led to an arrest. The man, however, had a good alibi and was released. It was afterwards ascertained that Knight had admitted a man of the name of Butler to the house while his master was away. Butler was arrested on suspicion, searched, and examined. Blood was found on his clothing and there were scratches on his face and hands. A lock of his hair was taken to be compared with that found in the murdered man's hand. Butler thereupon immediately confessed to the crime and was in due course executed.

The most detailed account of a murder and the detection of the murderer is contained in *The Unhappy Marksman. Or, A perfect and impartial Discovery of that Barbarous Murther committed by Mr. George Strangwayes on his Brother-in-law Mr. John Fussel*. (London, 1659.) Fussel lived on the first floor in a house near Temple Bar. On Friday, February 11th, 1659, he returned home between 9 and 10 in the evening, and at the time of the murder was writing at a desk facing a window which looked on the street. The curtains were drawn, but with a small opening which allowed the interior of the room to be seen. A clerk, who was sitting in the same room, noticed that his master had fallen forward and on going over to him saw that the desk was covered with blood. He rushed into the street and gave the alarm. An examination showed that Fussel had been killed by gun-shot: one bullet had passed through his forehead, another through his mouth. A third bullet was found in the lower part of the window-frame.

Fussel's son, knowing that his father and Strangwayes were on bad terms with each other, immediately suggested Strangwayes as a possible culprit. On this testimony Strangwayes was arrested in bed

at his house between 2 and 3 a.m. on Saturday, February 12th. He strongly denied complicity, and was invited to touch the murdered man's wounds. This was done in accordance with a popular belief that if a murderer touched his victim's wounds they would begin to bleed afresh. Nothing of the kind happened. A coroner's jury was summoned. Here it was suggested that all gunsmiths' shops in London and adjacent places should be examined in order to find out what guns had been sold or lent on the day of the murder. A member of the jury, who happened to be a gunsmith, asserted that the proposed investigation was far too extensive to be undertaken. He himself had lent a gun to a Major Thomson on that very day. The jury decided to act on this very vague piece of information and to question Thomson. When, however, he could not be found at his house orders were given that his wife should remain under arrest until he could be produced. Thomson, who was away on business, returned on Monday, February 21st, and said that he had borrowed a loaded carbine from Holloway, the juryman, for the use of Strangways who took possession of it between the hours of 7 and 8 p.m. The time between 8 p.m. and about 9.30 p.m. could not be accounted for, but it was assumed that Strangways was lurking near the house awaiting a suitable opportunity. Immediately opposite Fussell's lodgings was a public-house with a bench running along its front. Some said the murderer stood on it in order to get better aim. This was thought unlikely as the bench sloped and would not give a firm stance except at one end where it was level: from this point the shot would have entered the room at an angle. The most likely explanation seemed to be that he fired from the ground, the window not being so high as to impede his aim, nor the distance so great for the shot to lose its force. The carbine was returned to Thomson between 10 and 11 p.m.

The writer of the tract then proceeds to outline the steps which the alleged murderer took to establish an alibi. About 7 p.m. on the night of the murder he left the house secretly, taking every precaution not to be seen by the family which occupied it. During his absence he left a man in the house to impersonate him. Members of the family hearing noises in the room thought that Strangways was present and were thereby misled into making a false deposition about Strangways' movements. When he returned after the shooting he released his accomplice and returned to bed where he was arrested in the early hours of next morning. When Strangways was confronted with Thomson on February 21st, he confessed complicity, 'acknowledging the immediate hand of God to be in the wonderful detection.'

The prisoner was then committed to Newgate and brought to trial at the Old Bailey on February 24th. Here he refused to plead,

firstly because by so doing he would be free to dispose of his estate; secondly he would escape an ignominious death by hanging. His statement was that he did not fire the gun himself, but that it was fired by his direction; not to kill, only to warn and frighten. It was pointed out that if this had been the case he might have achieved the result by loading the gun with small shot whereas it was charged with three bullets. Strangways may or may not have been the actual murderer, but he showed great fortitude. By his refusing to plead the judge had no option but to condemn him to *la peine forte et dure*, that is, to be pressed to death. At the end of his narrative the anonymous writer directs attention to the 'continued miracles by which the All-discerning power of the eternal and everliving God pleases often to manifest itself in the discovery of black and secret murders, which though acted in the silent region of the night and plotted with all the deep obscurity that Hell and the black spirits of eternal darkness can lend to the assistance of such dismal and horrid designs, yet are disvelloped [unfolded] by wayes so unthought of, even by those which torture their wits for discovery.' No one would wish to modify this eloquent testimony to the heavenly Detective, but the last remark surely does less than justice to His earthly imitators. Perhaps the most remarkable feature of the case was the acceptance of the clerk's story which made no reference to the report of the gun and the breaking of the window by the bullets. It was quite impossible, if he was in the room at the time of the shooting, that he should have been in any doubt as to the cause of his master's falling forward over the desk. He may have been an accomplice.

This raises the point whether a murder can be committed in the presence of persons without their knowledge. In *A True Relation of the Murther committed by Thomas White upon his Wife* (1682) it is recorded that White was sitting with his wife in a room where others were present. He had a long knife which he 'secretly and by degrees got out of its scabbard and the point of it through the pocket-hole of his coat, and as he sat close to her he forced it in at her right breast and through her body; upon which she died immediately, only speaking these words: "Thomas, thou hast killed me."' The company that was in the room were amazed, not discerning anything before she fell down. A swift and secret stabbing at a party was one of the incidents in Agatha Christie's *Cards on the Table* published in 1936.

Some adequate detective work is also recorded in *A true and perfect Narrative of the Murther of Sir Edmondberry Godfrey* (1678). Sir Edmund left home on October 12th and was found on October 15th in a ditch with a sword run through his body. A constable was called,

who carefully noted the position of the body before it was moved, and searched it. Robbery was not the motive of the crime as money and jewellery had not been taken. Two surgeons were summoned. They reported that the face had a fresh colour, whereas in life it had been very pale; it was rather swollen; there was a green circle round the neck; and blood had settled about the neck, throat, and upper part of the breast. No blood was found in the ditch. The sword had blood at the end where it protruded, but that portion which remained in the body was black. The surgeons correctly conjectured that Sir Edmund had not died from the sword thrust, but from strangulation. It was also noticed that the soles of the victim's shoes were clean, proving that he had been carried to the place where his body was found. The perpetrators of this famous murder were never discovered. The full story has been told in *The Murder of Sir Edmund Godfrey* by John Dickson Carr, the well-known author of detective novels.

Another tract, *A True Relation of the Executions at Tyburn and Little-brittain* (London, 1679), is interesting as it records what was thought significant in a murder case. A Mr. Bailey, a merchant, lived in a house occupied by himself and his apprentice, aged about 21. On Saturday, January 11th, 1679, the apprentice was on duty with the town guard and was up all night. On Sunday Bailey suggested that he might like to go to bed early, at 6 p.m. He himself went out and returned about 8 p.m. In the early morning of January 13th the apprentice raised an alarm saying that he had found his master dead in the shop. On examination Bailey was found to have been shot in the back, below the shoulder bone. The wound was as large as a five shilling piece: part of the heart and liver was shot away and four ribs broken. The bullet (or more likely a slug) was not found. The writer then arrives at a conclusion which the facts do not seem to warrant. 'The key was within side of the door, fastened as the boy confessed, and the musket standing upright as carefully set up behind the door, so that considering how he was shot and these circumstances, 'twas plain he [Bailey] could neither do it himself, nor anybody that was run away, and therefore it must be by the boy.' Neighbours had heard the report of a gun at 8 p.m. and a fall of some heavy body in Bailey's house. Blood was on the gun, and the impress of a blood-stained hand was upon the barrel. It was stated that the apprentice had said to one of the first arrivals, 'Oh, do not speak anything of the gun, for if you do I am undone.' There were also spots of blood on his clothing. It was also remarked that on the very next morning following the murder he had gone round to his master's customers soliciting a continuance of their favours. He was found guilty and

hanged on Friday, January 22nd, but without making a confession. All that he would say was that he hoped 'the murder would be found out when he was dead.'

There is little to record about poisoners. Persons suspected of poisoning were liable to suffer the death penalty on very slender evidence. This is reflected in the trial of Elizabeth Ridgeway for the murder of her husband in February 1685. One Sunday morning, only three weeks after her marriage, she stayed at home while he was at church and prepared a dish of broth for his dinner. He left part as it seemed to contain something like grit or lime; just after midnight he died in great agony. The sixteen-year-old apprentice declared before a justice of the peace that he was sure his master had been poisoned, because there was some white stuff at the bottom of the dish, which his mistress afterwards threw away. A coroner's inquest was held and Elizabeth Ridgeway was there found guilty of murder solely on the boy's testimony. It is satisfactory to read that 'some tender persons' were uneasy about the verdict. Later, a neighbour claimed to have seen Elizabeth buying two pennyworth of arsenic. The Court confirmed the findings of the coroner's jury and the alleged poisoner was publicly burnt. In the seventeenth century there seem to have been no expert witnesses called in cases of poisoning. The action of poison on the human body was then little understood. It was not until two centuries later that the man of science was in a position to put adequate toxological knowledge at the disposal of the Police.

In the period under review the expert witness makes a solitary appearance. In cases of forgery, especially of bank-notes, it must be assumed that the investigation of paper and watermarks is all-important. The earliest record of such investigation is probably to be found in *The English Rogue* (by F. Kirkman and R. Head), London, 1671. The authors report a case which had come before the Courts to recover the sum of £400 on a bond. The defendant admitted liability for a small sum, but denied the debt of £400. Specimens of the handwriting of the defendant were produced and submitted to the jury. No difference could be detected. One of the jury then asked if he might be discharged as a jurymen and appear as a witness. He said he was engaged in the paper-trade and asserted that the paper on which the bond was written had only been introduced into England some months previously, certainly not as long ago as the date of the bond indicated. He explained to the Court that paper was distinguished by watermarks such as *pot*, *pillar*, *crown*, etc., and that the watermark of the paper under consideration was not in use when the deed was alleged to have been written. This evidence was accepted as true and 'the plaintiff with his swearers were forced to sneak out of the Court and could not

presently be heard of.' It is interesting to recall that the Bank of England was established in 1694, and that in 1695 the first counterfeit note appeared. The forger confessed that he was responsible for sixty notes of £100 each. Two years later a clause respecting forgery was included in the Bank Act.

The cases under review are chosen from seventeenth century tracts brought together for a Police Exhibition at the Bodleian Library, Oxford. Few of these tracts contain information about crime detection. Then, as now, murders had a news value, but their obscure historians were not primarily concerned with detection. What seemed to them most deserving of record was repentance and the dying confession which every decent-minded murderer was expected to make to the sympathetic crowd which attended his execution. Their writings profess to be deterrents of crime and to aim at the reformation of budding criminals. Therefore, as these accounts of trials are so much concerned with spiritual matters, we may perhaps be allowed to end this short account of early detective work with words used by Thomas Cooper in 1620, 'Bless we the Lord for good Magistrates [Detectives] that will sift out hidden wickedness : and pray we heartily for their lives and welfare by whose means we enjoy our lives and livelihoods.'

Correspondence

[It is no part of an Editor's task to blow his own trumpet or to allow his supporters to blow it for him, and modesty alone would have forbidden publication of the following all-too-generous letter from the distinguished head of the Criminal Investigation Department at New Scotland Yard. Great pressure from three directions has been brought to bear, however, and it would be ungracious indeed if we were to ignore the strongly expressed wishes of those who have had the wellbeing of THE POLICE JOURNAL at heart ever since its inception. We are deeply touched by this most generous tribute.—EDITOR.]

From the Supplement to THE LONDON GAZETTE, January 3rd, 1945 :

"To be Additional Members of the Civil Division of the Most Excellent Order of the British Empire.

Philip Bertram Murray Allan, Esq., Founder and Editor of
'THE POLICE JOURNAL.'"

To the Editor of THE POLICE JOURNAL.

Dear Sir,

I venture to hope that you will publish the above citation and this letter in the next issue of THE POLICE JOURNAL. I feel that, in strenuous times, many subscribers may have missed the announcement and that even those who noticed it will be pleased to read it again.

Sir Herbert Dowbiggin coupled your name with that of Lieut.-Col. Carter when paying his tribute to the latter's determined and successful efforts to get the journal started—and now official recognition follows.

I happen to know a good deal of the difficulties you surmounted at and soon after the time of the journal's birth and of the generosity, industry, ability and enthusiasm with which you 'nursed' it from the beginning right up to the present time. Without you I doubt whether there would have been a Journal at all. It is to you more than anyone else that the paper owes the dignity of its cover and the solid excellence, illuminated by flashes of brilliance, of its contents. Could qualities more suitable for and typical of police officers be found?

Lombroso maintained that it was possible to identify different types of criminals from their faces. Dr. Bell (the original of Sherlock Holmes) taught his pupils that from close observation and deduction it is possible to make a diagnosis that will be correct in any and every case. Nobody can fail to identify a first-class production on examination of THE POLICE JOURNAL.

I feel sure that your subscribers will wish to join me in sending their congratulations on your well-earned honour.

Yours faithfully,

NORMAN KENDAL.

P. B. M. Allan, Esq., M.B.E.

The Colonial Police

The following appointments are announced by the Colonial Office:

BALLANTINE, Captain R. W. H., Assistant Commissioner of Police, Gold Coast.	Commissioner of Police, Gold Coast.
BEAUMONT, R. H. W., Assistant Superintendent of Police, British Guiana.	District Superintendent of Police, British Guiana.
GUISE, C. P., Assistant Superintendent of Police, Nyasaland.	Superintendent of Police, Nyasaland.
ROBERTS, A. M., Assistant Superintendent of Police, British Guiana.	District Superintendent of Police, British Guiana.

SLATER, L. W., District Superintendent of Police, British Guiana. County Superintendent of Police, British Guiana.

WILSON, A. E., Superintendent of Police, Nyasaland. Assistant Commissioner of Police, Nyasaland.

Order of St. John

Among the recent Admissions to the Order of St. John, sanctioned by H.M. the King (Sovereign Head of the Order), were the following members of the Metropolitan Police :

As SERVING BROTHERS

Superintendent M. M. Miller, W Division.

Inspector C. Horsley, V Division.

Sergeant Prince Bishop, Z Division.

Police Constable W. W. Atkins, M Division.

Police Constable A. T. Bryson, J Division.

As SERVING SISTER

Superintendent Miss D. O. G. Peto, O.B.E., Women Police.

Reviews

MURRELL'S WHAT TO DO IN CASES OF POISONING.

By HAROLD G. BROADBRIDGE, M.B. 6½ by 4½. 190 pages. (H. K. Lewis & Co., Gower Street, London.) Price 8s. net.

This is the fifteenth edition of a book which Dr. Broadbridge describes as "a miniature classic ever since the first edition was published over sixty years ago." It is primarily—and is intended to be—a book for medical practitioners ; but senior police officers will find it a useful work of reference. Almost every chemical known to have caused death in this country, from moth balls to mercury, is dealt with under the sub-headings *How Taken*, *Symptoms*, *Fatal Dose*, and *Treatment*, the poisons being arranged in alphabetical order. The book is well produced, in a handy shape, and there is an adequate index.

TREATMENT AND REMEDIES FOR POISONING. Compiled by A. E. HAWKINS. (The Fountain Press, 46 Chancery Lane, London.) Price 9d.

This is a single sheet chart, 16½ by 11½, which folds to 5½ by 3½, and can therefore be carried conveniently in the wallet. Thirty of the more common poisons are dealt with, and Symptoms, Immediate Treatment, suitable Emetics, Stimulants, etc., are given for each. This is a most useful chart and should be in every policeman's pocket.

THE POLICE JOURNAL

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JULY-SEPTEMBER 1945

Victory Commentary

'CEASE FIRE !' IN EUROPE

GERMANY has surrendered unconditionally. On VE-day, May 8th, 1945, victory was formally proclaimed. After five years of active and incessant warfare, in which the civil population shared with the armed forces the constant menace and impact of German weapons, the Defence services, active and passive, have stood down. In recognition of the services rendered by his subjects, the King has included amongst his new distinctions for war service the Defence Medal, the recipients of which include members of the Police and civil defence services who have served for a minimum period of three years. The estimate that seven millions of these decorations are likely to be awarded is an indication of the contribution of the community generally to Home Defence.

Among many unprecedented, unimagined and unrehearsed events and phases through which the Nation passed between 1939 and 1945, there are two aspects on which the historian can be relied upon to be in accord. First, the inspiring leadership of the nation. The tribute of the Police to their Sovereign, spoken over the air by the anonymous policeman just before His Majesty's broadcast to the Empire on VE-day, aptly expressed the homage and fidelity of the Force :

"I speak for the men and women of the British Police : for those who've taken the ancient oath to serve your Majesty faithfully in the office of constable. The war brought us many new tasks : we've faced them not only as officers of the law, but as the friends and protectors of your Majesty's subjects."

"In protecting life and property, we've shared all the battles of the Home Front. Throughout the war we've been privileged to work in close collaboration with the Armed Forces of the Crown and with those of our Allies. On other fronts, many of our comrades are fighting in your Majesty's Forces."

"We have had the honour of being near your Majesty and the Queen on your journeys among your people, and we know

what comfort and encouragement you gave to them. We salute the King, whose peace we are proud to keep."

The verdict of history surely will also be that victory was due to the national unity. The bond of unity between the King and all his subjects, between Parliament and people; among admirals, generals and air marshals; between generals and soldiers, between sailors, soldiers and airmen, and between employers and workers in industry, war production and transport; and not least in the mutual helpfulness, the pain and suffering, grief and damage, shared between all sections of the civil population; this unity, inspired very largely by the genius, example and eloquence of one man, Winston Spencer Churchill, Prime Minister and Minister for Defence throughout the five critical years.

The standing down of the many services manned and operated with such unity during war should not be allowed to deter the community's resolve to fight those other enemies of the Nation—crime, unemployment, poverty and carelessness on the roads. It is to be hoped that, in the work of the Police, the volunteers with whom they shared their war duties will also be willing to share in the tasks of peace.

THANKS TO THE POLICE

The Home Secretary's message to the Police Forces of England and Wales, issued on VE-day, expressed the appreciation of His Majesty's Government for the fine work done by the men and women of the Police Service. Mr. Morrison added his own personal tribute to the men and women, regulars and auxiliaries, who "magnificently upheld the great traditions" of the service. "It is no exaggeration to say that the reputation of the British Police for service to the community stands higher than ever before." The service is reminded that "your tasks do not end with the termination of war in Europe, and I know I can confidently rely upon you to tackle in the same devoted spirit the no less important duties that will fall to you during the later phase of the war, and in the period of post-war reorganisation."

Mr. Herbert Morrison does not forget the contribution which the Police Service has made to the armed forces, and "to the relatives and friends of those who have fallen in their country's service I express my deep sympathy."

Up to the end of January 1945, the Police killed by enemy action in England, Wales and Scotland numbered 289 (of whom 122 were regulars and 163 auxiliaries). This excludes the number of policemen who lost their lives while serving in H.M. Forces.

Awards for bravery and distinguished service gained by members of Police Forces administered by the Home Office are as follows:

George Cross	...	...	...	...	1
George Medal	...	...	...	...	124
King's Police and Fire Services Medal	...	...	...	...	10
O.B.E.	...	...	...	...	2
M.B.E.	...	...	...	...	10
British Empire Medal	...	...	...	...	201
Bar to British Empire Medal	...	...	...	...	2
Commendation by H.M. The King	...	...	...	...	256

POLICE AUXILIARIES

The standing down of the Civil Defence Services having created the opportunity to assimilate the war reserve to the regular Police instead of to other war-time auxiliary services like wardens and firemen, the criticism may be made, in retrospect, and for guidance in planning for future national emergencies, that the forces responsible for law and order within the Realm should, from the outset of an emergency, be organised on a police basis, with appropriate conditions of service and duties applicable to the Police, and not assimilated to services set up for other purposes. In the initial stages the Police War Reserve was largely drawn from men who were above the immediate age-groups required for combatant service, but whose peace-time vocations became redundant or ceased to exist on the outbreak of hostilities. In the later stages, new enrolments were made from men of selected age-groups liable for combatant service but who expressed a preference for police duty. In retrospect these men, with limited training and not a large percentage of them with a flair for police duty, have rendered the nation valuable help. Young policemen were enabled to join the Armed Forces in which their energy, training and discipline have made them ideal 'junior leaders'; the War Reserve have shared with the regular Police the duties, as Mr. Morrison has said, which were "sometimes unspectacular, often dangerous, and always of the greatest importance, to the Home Front"; and they have met with injuries and death and loss and damage to their homes. Yet the whole of the 'operational' period of the war the War Reserve, while performing police duties and filling the 'office of constable,' were subject to conditions of service, compensation for injuries, etc., which applied to services distinct from the Police Service, and in which the duties, scope and status were quite different. Opportunities to qualify for promotion could not be given to the War Reserve as in the other services to which they were assimilated, although the Class I Reservist was introduced

later as a substitute. In this sphere, as doubtless in others, it will be wise to draw the plans and prepare for the next emergency while the lessons of the present one are clear and fresh. If that could be done effectively in every department of the war effort the need for applying it might the longer be postponed.

Like other war-time auxiliary services, the Women's Auxiliary Police Corps and the Police Auxiliary Messenger Service are likely to disappear as soon as police forces resume their normal strengths and duties. Although women have demonstrated that police work is not exclusively a man's job, those women who have served in the Women's Auxiliary Police Corps will readily agree that there are many police duties which cannot effectively be performed by women. There is no prospect of room being found in the Police for any large proportion of women. But it is to be hoped that many of the auxiliary police-women who have a career before them will be retained, not to the exclusion of disabled men, but for employment on those duties of a mechanical and office character for which women have special aptitude. If no corps or other nomenclature is to be designated, it is to be hoped that reasonably standard conditions of service, pay, etc., will be retained, presumably on a basis similar to that of women clerks in the local government service.

Similarly, there is much to justify continuance, under another name, of the Police Auxiliary Messenger Service. Some of the youths who, before being called to the armed forces, served as part-time or whole-time police messengers may not return to take up the Police Force as a career, though many will doubtless wish to do so. But all may be expected to retain an association with the force which will make them useful allies of the Police, particularly in the force in which their war service was given. This equally applies to the War Reserve, some of whom are proposing to retain an active link with the Police Force by becoming special constables. On this ground alone it is to be deplored that in some quarters strong opposition was voiced to the proposal, belated though it was, to assimilate the war reserves to the pay and conditions of the regular force. Now that the change has been made there is reason to hope that this opposition will be forgotten. As they leave the Police Force to resume their normal occupations, the War Reserve will have the good wishes and thanks both of Police and public. Their war-time duties should have served to widen their experience of life and of their knowledge of their fellow men, and many will go back to civil life with a strong bond of comradeship with and sympathy for the regular policeman in the difficult tasks he is called upon to perform.

With the cessation of hostilities in Europe the war-time arrange-

ment by which the local police authorities were relieved of a considerable financial burden has been brought to an end. In 1939, in order to place the police forces immediately on their war footing, available to cope with the immense tasks of internal security, the enforcement of emergency measures relating to controls and restrictions, and to effect the necessary liaison between the armed forces and the civil population, the responsibility for which the Police are particularly fitted, the Government agreed to refund to police authorities in full the cost of pay and certain of the allowances of the War Reserve and other auxiliaries. With the cessation of hostilities, Mr. Herbert Morrison intimated to police authorities that the time had come to return to the normal practice, whereby the cost of Police is shared equally between ratepayer and taxpayer. In the view of the Government, "it would be entirely wrong in principle that in normal times Police Forces which are essentially local in character should be financed and administered directly by the central Government, and this paramount consideration precludes the perpetuation after the European war of these special financial arrangements. . . . If the State were to undertake in normal times the financing at the sole cost of the Exchequer of a Police Force or of any special section of a Police Force, that would be a step in the direction of nationalisation or of a State Police, and the Government, as the Home Secretary has already stated in Parliament, does not favour any such policy for the police forces of this country." The statement serves to emphasise to police authorities that, although there are frequent indications that the Home Office favours the amalgamation of small with larger police forces, there is no intention to abolish local control of the Police in favour of nationalisation.

HOUSING PROBLEMS

With no new houses built over a period of nearly six years of war, and in many areas large numbers of houses destroyed or made uninhabitable through enemy action, it was inevitable that the most acute problem for the Government and local authorities on the cessation of hostilities should be the lack of homes for the people. Only when houses are no longer available does it become apparent how vital are houses to the health and happiness of the community. Yet in modern society the provision of homes takes time. Not everyone realises that the planner, the road engineer, the utility undertaker, the architect and the quantity surveyor must all get to work months ahead of the bricklayer, the carpenter and painter. The raw materials and plant must be collected, shipped and transported under conditions rendered acute by the fact that for over five years all the resources available have been concentrated on war production. Hence the decision to use

temporary expedients in the form of prefabricated dwellings, produced quickly and in large quantities, pending replanning and rebuilding of devastated areas, and laying out the new areas required.

The Police, no less than other sections of the community, are acutely affected by the housing shortage. Lack of homes for the people will increase social unrest and the stability of family life, with its facilities for parental control of the young and the adolescent, which are the bedrock of law and order; and this at a time when 'remobilisation'—the rehabilitation into civilian life of a large number of service men and women, and the transfer of thousands of war workers to new peace-time vocations—is throwing up its own problems. Leadership in national and local affairs of the same high quality which brought the Nation to Victory in war is vital.

The means available to police authorities for making up the serious deficiencies in houses for policemen are being worked out. In a number of recent circulars to police authorities the Home Office have pointed the way in which, with the substantial police grant from the Exchequer, sites can be selected and acquired, and giving advice on the planning and designing of standard types of police houses. Houses built for police purposes in the immediate post-war phase will have to conform to dimensions laid down by the Ministry of Health, and the three-bedroom type house will be limited to a maximum floor space of about 900 square feet. Plans of alternative types of houses, to which the necessary office accommodation is added, have been published for the guidance of police authorities, and each house is capable of being extended when the economic situation permits and restrictions are removed.

All these suggestions are of value in stimulating the local authorities to make housing provision for the Police, and in framing plans which, as soon as the initial shortage of skilled labour and materials is overcome, will enable work to be put in hand. Upon its urgent and adequate execution undoubtedly depends the domestic happiness and the efficiency of a large number of policemen throughout the service.

The Police and the Law

AN ACCUSED'S CONDUCT AND CORROBORATION

THE law and practice relating to corroboration are matters of perennial interest to those concerned in the administration of the criminal law, and in recent years there have been many decisions affecting that law. It is important, therefore, that the present position relating to corroboration should be thoroughly understood.

The kind of corroboration that is required is independent testimony affecting the accused by tending to connect him with the crime charged, that is, evidence which implicates the accused and confirms in some material particular not only the evidence given by a witness that a crime has been committed, but also the evidence that the prisoner committed it (*R. v. Baskerville*, 12 C.A.R. 81). It has long been a well-settled principle of law that the prisoner's own evidence may afford such corroboration, as may also his conduct in the circumstances of the particular case (*R. v. Medcraft*, 23 C.A.R. 116).

It is, of course, a general rule that the denial of an offence when formally charged is not corroboration (*R. v. Tate*, 1908, 2 K.B. 680); but in *R. v. Feigenbaum* (1919, 1 K.B. 431) it was suggested that there may be cases in which, where a specific charge is made and details are given, silence may amount to corroboration. In view of the recent authorities, however, it is felt that this decision is no longer the law.

In *R. v. Keeling* (1942, 1 All E.R. 507) the appellant had been convicted on a charge of having unlawful carnal knowledge of a girl aged 8. On account of her age the girl was not sworn as a witness, and under the Children and Young Persons Act, 1933, it was a matter of law that her evidence should be corroborated. The judge directed the jury that such corroboration could be found in the conduct of the appellant when the accusation in question was made against him. This conduct consisted of the appellant's answers during three stages in the proceedings preliminary to his trial. Firstly, when he was cautioned and told of the charge by the police on being arrested, he said: "I know what you mean; but not likely." After the warrant had been read over to him he said: "I have got nothing to say." When he had been cautioned before the magistrates he said: "I am not guilty. I am going to say nothing." It was further alleged that the fact that both before the magistrates and at the trial he elected to give no evidence could be taken into consideration by the jury in deciding whether these matters amounted to corroboration. There was not the slightest doubt from the medical evidence that someone

had committed an offence upon the child in question ; but, as will be appreciated, corroboration was required as a matter of law and not only of practice. The judge at the trial drew attention to the prisoner's conduct and, in particular, referred to the failure of the accused to make any statement before the magistrates, and again of his failing to give evidence at his trial.

In *R. v. Feigenbaum*, Avory, J., referred to *R. v. Christie* (1914, A.C. 545), a decision of the House of Lords where some observations of great authority were made as to the circumstances in which the conduct of an accused person in the face of an accusation may become admissible as evidence against him. In *Feigenbaum's* case the police officer had described to the accused certain allegations that were made against him, to which the accused had made no reply, and it was held in that case that the evidence of the constable, if accepted, might afford some corroboration of evidence already given against the accused ; but in *R. v. Whitehead* (1929, 1 K.B. 99) it was held that the fact that the accused made no denial when charged and cautioned did not constitute corroboration, and it became necessary to consider in the present case whether an insufficiently strenuous denial could afford any corroboration against the accused or even more corroboration than the absence of any denial whatever.

In *R. v. Naylor* (1933, 1 K.B. 685) Lord Hewart, L.C.J., said : "When one looks at the words of the caution in the Criminal Justice Act, 1925, section 12 (2), which must be taken to have been framed deliberately, it is quite obvious that they were intended to convey to the prisoner the belief that he is not obliged to say anything unless he desires to do so. We do not think that the words of the caution can properly be construed in the sense that after being cautioned the prisoner remains silent at his peril and may find his silence made a strong point against him at his trial."

In view of these decisions, it is difficult to understand how *Feigenbaum's* case can be reconciled, and it was clear that some at least of the accused's conduct to which the judge referred in his direction to the jury in the case under review in not making any denial of the charge made, saying that he was not guilty, cannot in law be regarded as affording corroborative material for the jury. Moreover, if one eliminates such a direction as being wrong in law, the question arises whether the jury would have inevitably convicted the accused. The result in *Keeling's* case was that the conviction was quashed.

The matter has been taken considerably farther even more recently in the case of *R. v. Leckey* (1943, 2 All E.R. 665), where the Court of Criminal Appeal have reviewed the authorities at some length. The appellant Leckey had been accused of murder. When cautioned

and charged in the usual way, he replied : "Well, I have nothing to say until I have seen someone, a solicitor." When the judge came to sum up he dealt with the matter on three occasions. He said : "On June 30th a police officer saw the accused and he said he found upon him a number of things. He said on that evening he charged him with this offence and cautioned the accused, to which the accused replied, 'Well, I have nothing to say until I have seen someone, a solicitor.' Again, members of the jury, I draw your attention to the fact, as was emphasised by the defence, that this man was apparently always cool and collected. If a man is charged with murder and is not responsible, if he did not commit murder or anything like murder, what do you expect him to say ? Would you expect him to deny it ? According to the police officer what the accused said was : 'Well, I have nothing to say until I have seen someone, a solicitor.' Of course, members of the jury, he is not bound to say anything ; but what would you expect ?" And a little later on the judge said : "Again, as I said before, it is not necessary for a man to say anything on such an occasion ; but is it not a little difficult to see why, if a man is asked to account for his movements and told that enquiries are being made, he should not say 'I did not murder the girl. When I left her she was all right,' if that be the fact." And, lastly, the judge, at the end of his summing-up, said : "It may well be that the coolest and most calculating man ordinarily would get into a panic if he thought he might be charged with murder or that he might be asked questions ; but can you understand how it comes about, if he be innocent of the charge made against him, that he never said 'I did not murder the girl. When I left her she was perfectly all right.'"

Lord Hewart, L.C.J., in *R. v. Whitehead*, and again in *R. v. Charavanmuttu* (1930, 22 C.A.R. 1), said that it would be unfortunate for any jury to think that mere silence of an accused might amount to corroboration and expressed his opinion in *R. v. Charavanmuttu* that since the decision in *R. v. Whitehead* this could not be the law. It has never been laid down, or even suggested as a general proposition, that a judge may not in a proper case comment on the fact that a certain line of defence has not been disclosed on an earlier occasion ; but it is one thing for a judge to be able in his discretion to make such comment of non-disclosure of defence and quite another to suggest that silence or denial shall be corroboration of evidence against the accused person. If the words of the caution in the Criminal Justice Act are to have any value or meaning whatever, they must mean what they say and must not be used as a trap. An innocent person might, either from excessive caution or some other reason, decline to say anything when charged and cautioned, and if it was possible to suggest that such silence was

corroboration, it is clear that many innocent persons might be in grave danger.

Lord Caldecote, giving judgment in *Leckey's* case, said: "So that three times over, once at the beginning, once a little later on, and a third time at the end of the summing-up, the judge seems to put to the jury the consideration that they might infer or find his guilt by considering the fact of his silence after being cautioned. We think that that amounted to a misdirection and it is a proper ground upon which this verdict should be quashed."

In the light of these decisions, *Feigenbaum's* case must now be clearly overruled, and the law as it exists to-day must be that, after proper caution, silence, denial, or a not very emphatic denial, cannot under any circumstances be regarded as conduct affording the necessary corroboration as required by *R. v. Medcraft*.

It is a matter for the most careful consideration before persons are accused of offences to consider whether there is sufficient evidence upon which a jury may be invited to find a verdict of guilty. It is, of course, even more important to consider questions of corroboration in those classes of cases where corroboration is required by law, and these decisions may be of great value in considering whether or not to charge an individual with a particular offence.

HOMICIDE AND WOUNDING : PROVOCATION

R. v. Lui Kau

The appellant was convicted at the Central Criminal Court on a charge of unlawful wounding. He was a ship's cook and had been originally charged with wounding with intent to do grievous bodily harm a fireman in the ship in which they were both serving. He was acquitted on that charge but convicted of the lesser offence of unlawful wounding.

At breakfast time an argument had taken place between the appellant and the injured man, and the injured man had punched the appellant, with the result that Lui Kau had used a chopper which he was holding in his hand and inflicted serious injury.

At the hearing of the appeal the Lord Chief Justice said that the jury must have taken the view that there was some sort of provocation and that the appellant had found it necessary to offer some resistance, and that having the chopper in his hand had used it to resist the assault or provocation which he had received. It was clear that the jury took the view that the using of the chopper was the use of a weapon which happened to be in the appellant's hand at the time and not one picked up or used with intent to do grievous bodily harm, and in the circum-

stances the court felt that the sentence of nine months' imprisonment did not give full effect to the distinction which the jury had made, and accordingly the sentence was reduced.

The recent decisions on provocation make it clear that there is a duty upon a judge to direct the jury's attention to matters which have not been raised by the accused and that it is essential that all the circumstances relating to the death or wounding should be placed before the court by the prosecution. Provocation, in order to reduce an offence to a lesser degree, must be such as temporarily deprives the person provoked of the power of self-control, and in its relation to a reduction from murder to manslaughter Stephen's *Digest of the Criminal Law* says: "In deciding the question whether this was or was not the case, regard must be had to the nature of the act by which the offender caused death, to the time which elapsed between the provocation and the act which caused death, and to the offender's conduct during that interval, and to all other circumstances tending to show the state of his mind." The test to be applied is that of the effect of the provocation upon a reasonable man (*R. v. Lesbini*, 11 C.A.R. 7), so that an unusually excitable individual is not entitled to rely on provocation which would not have led an ordinary person to act as he did. In applying the test it is of particular importance to consider whether a sufficient interval has elapsed since the provocation to allow a reasonable man the time to cool, and also to take into account the instrument with which the homicide was effected, for to retort in the heat of the moment induced by provocation, by an ordinary blow, is a very different matter from making use of a deadly weapon. In other words, to reduce the offence the resentment must bear a reasonable relationship to the provocation.

The authorities reviewed in *R. v. Prince* (1941, 3 All E.R. 37) and in *Mancini v. The D.P.P.* (1941, 3 All E.R. 272) indicate that the principles of law as laid down in *R. v. Abramovitch* (11 C.A.R. 45) were adopted. That case dealt with the onus of the prosecution which must be discharged before the jury can convict, and in *Woolmington v. The D.P.P.* (25 C.A.R. 72) Lord Sankey, having called attention to the fact that it is the duty of the prosecution to prove the prisoner's guilt, said: "When the evidence of death and malice has been given (this is a question for the jury) the accused is entitled to show by evidence or by examination of the circumstances that the act on his part which caused death was either unintentional or provoked. If the jury are either satisfied with his explanation or, upon a review of all the evidence, are left in reasonable doubt whether, even if his explanation be not accepted, that the act was unintentional or provoked, the prisoner is entitled to be acquitted. It is not the law to say if the

prosecution satisfy the jury that the deceased died at the prisoner's hands then he has to show there are circumstances to be found in the evidence which alleviate the crime."

Woolmington's case really only disposed of the view that any unlawful killing was necessarily murder; but in the case of *R. v. Prince* the Court of Criminal Appeal came to the conclusion that the judge's direction to the jury was insufficient, having regard to the absence of a direction that if, upon a review of the evidence, the jury were left in reasonable doubt as to whether, even if the explanation is not accepted, the act was unintentional or provoked, the accused was entitled to be acquitted of murder. It has never been suggested that in every case of murder the jury must consider the question of accident or manslaughter. It is entirely a question as to whether the evidence before the jury contains material upon which a reasonable man could find a verdict of manslaughter or facts amounting to an accident, and the general rule must always apply that if any doubt arises they must resolve in favour of the prisoner, and if there is any evidence upon which the jury can find provocation and there is a reasonable doubt as to whether such provocation was sufficient, the prisoner is, of course, entitled to the benefit of that doubt.

In view of the number of homicide cases that have come before the courts recently it is important that the law relating to provocation should be clearly understood, because the same principles apply whether the charge be one of homicide or wounding, and it may well be argued that where the prosecution have no evidence of the full offence of murder and the more serious charges of wounding, the accused should not be charged with the full offence, but the lesser offences only should be preferred. In any event, of course, it will be appreciated that it is the duty of the prosecution always to lay before the court all circumstances relating to the offence charged.

INTERPRETATION OF THE SUMMARY JURISDICTION RULES

Goldman v. Eade

The Divisional Court (Lord Caldecote, C.J., Humphreys and Birkett, J.J.) have once again stressed the importance of the strict interpretation of the Summary Jurisdiction Rules. The appellant had been convicted before a petty sessional court of certain offences under the Poultry (Control of Maximum Prices) Order, 1943, and had been sentenced to a term of imprisonment and the payment of a fine. Whilst still in court the appellant handed to the magistrates' clerk a written application for a special case to be stated. No other copies of the notice were served as required by the Summary Jurisdiction Rules, rule 52.

At the hearing of the appeal the point was taken that the statutory requirements of procedure had not been complied with. The Lord Chief Justice, giving judgment, said: "We are of the opinion that the preliminary objections must prevail. Counsel for the appellant has raised the point that, although the rules have not been complied with literally, something has been done which is sufficient to satisfy the substance of the intention of those rules. Cases have been cited to us which show that the court, including the Court of Appeal, have taken a stricter view than that of these provisions. We think that the objection taken by counsel for the respondent is one that stands good on the strength of those decisions and we have no power to hear this special case." The appeal was accordingly dismissed with costs.

Rule 52 of the Summary Jurisdiction Rules says quite plainly that all the adjudicating justices must be served with a copy of the notice requiring a case to be stated, and it was impossible in this case to suggest that the proper procedure had been carried out.

Recent Judicial Decisions

WILFUL NEGLECT OF CHILDREN

N.S.P.C.C. v. Whitby

THE Court of Criminal Appeal, in *R. v. Large* (1939, 1 *All E.R.* 753), gave a ruling under section 1 of the Children and Young Persons Act, 1933, that in order for an accused person to be guilty of an offence of wilful ill-treatment or neglect there must be a conscious act, in the sense that wilful ill-treatment means that the conscious mind goes with the act done. Recently, in a petty sessional court in Cheshire, Lilian Whitby was charged with, having the custody, charge and care of six children under the age of sixteen, she unlawfully and wilfully neglected them in a manner likely to cause them unnecessary suffering or injury to their health.

A considerable amount of evidence was given, both on behalf of the prosecution and the defence, but during the progress of the case it appeared that the real matter in issue was her absence from home for two nights in February, when she had gone to Birmingham and missed the train back and had been unable to travel until the night of the 19th, arriving home in the early hours of the 20th. The children's ages ranged from three to thirteen. It was admitted that the children were well nourished and apparently fond of their mother, although there was considerable evidence as to the filthy and verminous con-

dition of the house at the time when the police officers entered it. It was argued on the accused's behalf that the absence away from home did not in fact constitute a wilful neglect because there was no deliberate intention, and that which had happened was accidental or by mistake, so that the mind of the accused did not go with her act, and that the accident of being unable to reach home within a reasonable time of having left was not a wilful neglect within the meaning of the section and as reiterated in *R. v. Large*. It was further argued that, could it be said that where an accused person does an act entirely by mistake, and by reason of that act her children may be exposed to suffering, that was a wilful neglect, particularly having regard to the fact that the evidence in this case all tended to show that the children were well nourished and had been well cared for in the past?

In giving their decision, the justices informed the accused that in their opinion the offence was proved and that there would be a conviction; but they were satisfied that there were mitigating circumstances and she was, therefore, bound over for two years in her own recognizance to come up for judgment if called upon. This decision by the justices would make it appear that upon such facts as were before them in this particular case there was not an accident or mistake such as would take her action outside a conscious act within the meaning of *R. v. Large*, and one must assume that it was felt, although she had lost the train back, she should have taken some other steps by communicating with the Police in order to make provision for her young children who had been left at home.

SENTENCE IN PRESENCE OF ACCUSED

R. v. Grubb

The Court of Criminal Appeal have recently drawn attention once more to the necessity of the prisoner's presence in court on a sentence of felony and the necessity for an accurate shorthand note of the proceedings.

The appellant had pleaded guilty to an indictment of three counts, and as the appellant's appeal was dismissed, the situation was not affected; he had been sentenced to three years' penal servitude on the first two counts and, at a later date, sentenced to two years' imprisonment concurrently on the third count; but no record had appeared on the shorthand note of this later sentence. The Court held that it was proper that any sentence passed must be pronounced in open court and suggested that it would have been better if the judge at the trial, having had the prisoner brought before him again, had said: "I also

pass sentence upon you of two years' imprisonment to run concurrently with the other sentence."

There might quite easily be cases arising in which the Court of Criminal Appeal might have to quash the sentence on a count which appeared on a shorthand note, and the prisoner would then be entitled to be discharged because there was no record of any other sentence, and from this decision it is obvious how important it is that accurate notes should be taken at the trial.

PROPERTY TAKEN FROM A PERSON ACCUSED OR CHARGED

Arnell v. Harris

Section 44 of the Summary Jurisdiction Act, 1879, provides: "Where any property has been taken from a person charged before a court of summary jurisdiction with any offence punishable either on indictment or on summary conviction, a report shall be made by the Police to such court of summary jurisdiction of the fact of such property having been taken from the person charged and of the particulars of such property, and the court shall, if of opinion that the property or any portion thereof can be returned consistently with the interests of justice and with the safe custody of the person charged, direct such property, or any portion thereof, to be returned to the person charged or to such other person as he may direct."

Recently, in *Arnell v. Harris*, the Divisional Court have had the matter of the construction of section 44 before them once again. The respondent, Harris, was charged with the offence of stealing the property of his employer, the Postmaster-General, the property being lost in the course of transmission by post, although it was not suggested that any sums of money had been taken by the accused, the postal packets (the subject of the charge) having contained various other articles.

During the investigation before the magistrates, evidence was given that before any accusation or charge was made against Harris an officer of the Post Office had taken from him the sum of £110. There was, in fact, evidence that this sum had been taken some fortnight before any charge was made against Harris. Counsel for the accused made an application to the magistrates under section 44 for an order for the return of the £110, and it will be appreciated that the section does give power to the magistrates to order the return to an accused of property taken from him. Objection was taken to the making of the order for the handing over of the money, but the magistrates in their discretion made such an order that the whole of the money be returned to the respondent.

In the Divisional Court it was argued that there was no power to make such an order because section 44 is confined to cases where property has been taken from a person who has already been charged before a court of summary jurisdiction, and Humphreys, J., in giving the judgment of the Court, was of the opinion that when the £110 was taken from the respondent no charge had been made against him of any sort and, therefore, it would not be right to say that in this case there was property taken from a person who could rightly be described as at the time charged with any offence at all. For that reason he was of the opinion that the magistrates had come to the wrong conclusion and that they were wrong in thinking that they had the power to deal with the matter at all.

This is an interesting decision and it is a matter which should receive the most careful consideration where there is property, particularly substantial property, found upon the prisoner when he is charged or when it is known that a prisoner is in possession of sums of money before any charge is made against him.

STOLEN PROPERTY IN POSSESSION OF POLICE

Marsh v. The Commissioner of Police

In this case (1944, 2 *All E.R.* 392) the Court of Appeal have recently decided a point of practical interest to police officers. The matter arose out of a decision of the Divisional Court concerning the law relating to an innkeeper's lien. A guest at an hotel had deposited with the innkeeper a ring as security for the payment of his bill. The ring had been stolen by the guest and as it had come into the possession of the Police during their enquiries, an action was brought by the innkeeper, who maintained that he could exercise his lien on the ring despite the fact that it had been stolen. The Police held the ring pending a decision as to its disposal. The Court of Appeal held that the lien attaches to a guest's property from the moment that property is brought into the hotel, even though it may have been stolen. Of course, the necessity for exercising such a lien does not usually arise, but from this decision it is important to remember that the lien exists from the commencement, even though the necessity for exercising such a lien does not arise until the guest fails to pay his bill. Where police officers are in possession of property under similar circumstances, this case will be of assistance to them in coming to a decision as to its disposal.

PLEA OF GUILTY AND APPEAL

R. v. Naughton

Under the Criminal Justice Act, 1925, section 25, there is no appeal

against conviction where an accused has pleaded guilty to a charge before the magistrates. But in *R. v. Gollan* (11 *C.A.R.* 79), *R. v. Emery* (1943, 29 *C.A.R.* 47) and *R. v. Field* (1943, 29 *C.A.R.* 151) it has been clearly laid down that where there has been a plea of guilty, that plea must be unambiguous, so that where an appellant has pleaded guilty under a misapprehension or misunderstanding, the proper course to be adopted is for a plea of not guilty to be entered and for the accused to be tried.

Naughton had pleaded guilty in January 1945 to a charge of larceny at a petty sessional court in Cheshire, and after hearing his previous convictions he had been sentenced to six months' hard labour. In his notice of appeal the appellant stated that since his trial he had received information that the property mentioned in the charge had been purchased by his wife from the prosecutor's husband. He also stated that the purchase of the articles had not been notified to him by his wife and that he had pleaded guilty before the magistrates thinking that he was shielding his wife, whom he suspected at the time of stealing them. The Police, as respondents to the appeal, took the preliminary point before the Cheshire Quarter Sessions Appeal Committee that as the appellant had pleaded guilty in the court below, the Committee had no jurisdiction to hear the appeal. The court were of the opinion that they could not give any decision as to whether there had been a mistake or a misapprehension until they had heard the evidence. The appeal thereupon proceeded, but at the close of the evidence for the appellant the court announced that they were of the opinion that the plea before the magistrates was unambiguous and not made under a misapprehension, and under the circumstances they could not entertain the appeal, which was accordingly dismissed.

This case is another example of the care that must always be taken when accused are not represented and sometimes, while pleading guilty, make statements which in effect negative such plea. It is not only very necessary that justice should be done but that justice should appear to be done, and if there is any doubt a plea of not guilty should always be entered.

UNLICENSED DEALING IN STOCKS AND SHARES

R. v. Saville and Others

From time to time legislation has been passed with a view to the prevention of fraud in its particular relation to the investment in stocks and shares, and a recent case under the Prevention of Fraud (Investments) Act, 1943, is an instance of how important it is that persons who deal in stocks and shares should comply strictly with the law and how

equally important it may be for investigation about such people concerning whom there may be suspicious circumstances. Arthur Saville, a stock and share dealer, was charged at Bow Street magistrates' court with carrying on a business of dealing in investments without a licence, and Sidney Saville was charged with aiding and abetting him. Arthur Saville was further charged with a contravention of the Registration of Business Names Act and Harold Rogers was charged with aiding and abetting him in that offence. Rogers was registered as the owner of the business, but in fact took very little part in its management.

In December 1943, as the result of a meeting addressed by Sidney Saville, a number of persons had invested large sums of money in shares through the firm. In a statement to the Police, Arthur Saville had agreed that the deals were in the nature of gambling investments, but that he had taken legal opinion on the position. The prosecution suggested that the real reason for Arthur Saville not being registered as the owner of the business was that from 1922-40 he had carried on a similar business under a different name, which had defaulted for £70,000, and that Sidney Saville had been adjudicated bankrupt twice, first in 1921 and later in 1930. For the defendants it was stated that no charge of fraud had ever been made against any of them and that all the dealings had been commenced before the Act came into operation.

All the defendants were convicted and fined.

MURDER AND MANSLAUGHTER

R. v. Lee

The investigations of murder charges are seldom easy, and it has often been argued that where there is insufficient evidence to justify a conviction for the full offence the prosecution should only charge the lesser offence of manslaughter, and the case of *R. v. Lee* was an instance in which there was practically no evidence against the accused except his own statement.

Ronald Lee, aged 18, was charged with the murder of a girl aged 14. The charred torso of the girl, from which the head, legs and arms were missing, was found amongst the debris after a fire in a factory in which the accused had worked. Lee had been seen talking to the girl in the evening of the day on which she had disappeared, and the only other evidence was contained in his statement in which he admitted taking the girl for a walk and that, after an argument, she kicked him and he hit her on the jaw and she fell. He further said that when he found she was dead he took the body to the factory, poured petrol on the floor and set fire to it. The legs, arms and head were never

recovered. The medical evidence suggested that the limbs might have been burnt off and not removed by other means, and there was no evidence to contradict the accused's statement that the girl was dead when he set fire to the body.

It is clear in this class of case that very careful consideration must be given before the full offence of murder is charged, and it was a strange coincidence at least that none of the limbs had been found. The prosecution felt that, having regard to all the circumstances and particularly the medical evidence, they would not be justified in asking for a verdict of murder, and they therefore asked the court for leave not to proceed with the full offence. This course was agreed upon, although the court did comment on the absence of the limbs. The accused then pleaded guilty to manslaughter and was sentenced to three years' penal servitude.

There have been cases previously in which an accused has been charged with murder and in which there is no other evidence except the accused's alleged confession, but they have usually been the type of case in which an accused has admitted killing somebody in circumstances amounting to murder. In the case referred to here, however, the statements of the accused tended to the offence of manslaughter, and in cases of a similar nature the safest course is to charge only the lesser offence.

Criminal Law and Practice in Scotland

WHAT IS A MEAL?

Miller v. Macknight

AN hotelkeeper in Bo'ness, West Lothian, was charged in the local sheriff court that being the keeper of the Station Hotel, Bo'ness, which was situated in an area to which Regulation 42D of the Defence (General) Regulations, 1939, had been applied, he did, on a Sunday, sell and give out exciseable liquor to travellers "not for consumption at a meal supplied to them at the same time." He pleaded not guilty, was convicted on evidence, but successfully appealed to the High Court of Justiciary, which quashed the conviction.

From the evidence led at the hearing before the sheriff, it appeared that, on the Sunday in question, two travellers entered the hotel about 3 p.m., signed the visitors' book and went into the dining room. There one of them ordered two meals and two beers. In response, the waitress brought two pints of beer and two sandwiches, for which a charge of 3s. 8d. was made. One of the sandwiches contained meat and the other

sliced tomato. No knife or fork was provided. Shortly afterwards a third traveller arrived. He also signed the book and entered the dining room, where he ordered sandwiches. When the sandwiches were brought, he asked if he could have a pint of beer to take along with them. This was supplied, a charge of eightpence being made for each sandwich and a charge of 1s. 2d. for the beer.

The leading judgment of the appeal court was delivered by the Lord Justice-General (Lord Normand), who said that the court had no doubt that a sandwich might constitute a meal. The sheriff appeared to be under the impression that a meal must be one or other of the recognised meals (breakfast, lunch, tea, dinner) served at prescribed hours, such as one might find posted in hotel bedrooms; but a hungry traveller coming into an hotel might wish a meal at an 'irregular' hour or might ask for, or be offered and accept, such a snack as a sandwich. If so, he would be taking a 'meal' within the meaning of the Regulation and would be entitled to have a drink with it. It might be different if the sandwich was of meagre dimensions or if it was ordered in such a way as to make it clear to the hotelkeeper or his servant that it was merely asked for as a pretext to get a drink. In the case before the court, there was no finding that the request for sandwiches was a mere subterfuge and, in the absence of such a finding, the conviction could not stand.

Our readers will find it instructive to contrast the present case with that decided by Sheriff Maclean at Dunfermline in October 1941, of which a report appeared in this JOURNAL, vol. 15, at p. 31. No appeal was taken; but the probability is that the conviction would have been upheld, for, in that case, the sheriff had come to the view that the persons served went to the hotel to obtain drink and that the supply of sandwiches was an attempt to evade the order. Moreover, in that case, the supply was made in a room not usually set apart for the service of meals.

It may be of interest to add that the High Court judges, in quashing the conviction in the case now reported, held that the absence of knife and fork (and, in another case dealt with at the same sitting, of a tablecloth) was immaterial, and should not have affected (as it appeared to have done) the sheriff's mind.

"ALL WITNESSES, LEAVE THE COURT!"

In a Scottish criminal court, all witnesses (except the witness immediately to be examined) must leave the court-room before the start of the evidence. In most courts of summary jurisdiction, this result is arrived at by an intimation made by the court inspector—

"All witnesses in this case, leave the court." At an adjourned diet, when the evidence has been partly led, the formula is varied—"All witnesses who have not been heard, leave the court." In addition, it is good practice to ask the accused, or his agent, whether he has witnesses in attendance and whether any of them are still in court.

At common law, the rule of exclusion of unexamined witnesses during the hearing of evidence was absolute. Hume put the matter in this way—"Before proceeding to proof all the witnesses on either part are shut up in an apartment by themselves, whence they are successively called into court to be examined; so that it is a good objection to any one that he has been left at large and has heard the testimony of another, or part of it even, by which he may shape his own." This absolute rule was, to some extent, modified by the Evidence Act, 1840, which gave a court discretion to hear the evidence of a witness who had been sitting in court and had heard the evidence of others if satisfied that this was not the result of culpable negligence or criminal intent and that the witness had not been "unduly instructed or influenced" and that injustice would not be done by allowing his examination to proceed. This relaxation, however, applies only to a case heard in the High Court of Justiciary and in the sheriff court. In the lesser courts of summary jurisdiction (*i.e.* police, burgh and J.P. courts) the rule is still absolute. In practice, a concession is made where the prosecutor waives his right to object; in the case of medical men, who may hear the 'lay' evidence but not other expert evidence; in the case of the defence agent, who may enter the witness-box although he has been present in court throughout the hearing; and in the case of witnesses who are speaking merely to some incidental matters, such as character, and not to the merits.

At a recent sitting of the High Court of Justiciary, the judges unanimously set aside a conviction secured in the police court at Invergordon in proceedings which they characterised as "in the highest degree scandalous and discreditable" and "ill calculated to do justice in a criminal prosecution." Among the reasons for setting aside the conviction was the conduct of a local police officer, who, having sat beside the prosecutor during the whole proceedings, intimated at the close of the case for the prosecution that he proposed to give evidence and did so. So far as appears from the bill of suspension (which was uncontradicted), the officer acted entirely on his own initiative. The intervention of the officer was rendered more flagrant from the fact that (according to the bill) he had been taking notes of the evidence and assisting the prosecutor. One has difficulty in understanding how such a clear breach of the rule was permitted by those in charge of the proceedings.

WHO STRUCK THE FATAL BLOW?

Docherty v. H.M. Advocate

If, at the end of the day, the effect of the evidence led in a criminal prosecution in which more than one person is charged is (1) that there is no sufficient proof of concert between the accused and (2) although it is perfectly clear that the crime charged was committed either by *A* or by *B* (i.e. by one or other of the accused), the criminal act has not been brought home beyond doubt either to *A* or to *B*, both must be acquitted. Perhaps the best illustrations, in Scotland, of this doctrine are the cases of *Peterson* (2 *Couper* 577) and *H.M. Advocate v. Robertson* (2 *Adam* 92). In the former, Lord Deas directed the jury to return a verdict of not proven, pointing out that "in the dark, the knife might have been used by one of the prisoners—it was impossible to say which of them—without the knowledge of the other." In the latter case, where a husband and wife were charged with murdering their infant son, the Lord Justice-Clerk (Macdonald) charged the jury in the following terms—"The prosecution is not entitled to content itself with bringing proof that there is a likelihood that the crime was committed by one of the accused. The rule of our law is that if a crime has been committed by one or other of two persons, and must have been the act of one of them, but the prosecutor is unable to prove which did it, then neither can be found to have been proved guilty. . . . If you were to convict at all in such circumstances, you would have to convict both and if you convict both you would necessarily convict one innocent party. I cannot say to you that I see any evidence that the two prisoners concurred in an act of criminal violence and, *there being no evidence of such concurrence*, you cannot convict both of what was the act of one only."

Because of the failure of the trial judge to instruct the jury in similar terms, John Docherty, convicted of murder in Glasgow on February 27th, appealed with success. Although, in this case, there was only one accused, it was proved that an unknown man, who made good his escape, had also been involved in the incident under enquiry. Docherty was charged that on December 23rd, 1944, in his house in Greenock, while acting in concert with a person whose name and address were to the prosecutor unknown, he did assault A.B. and did strike him on the head with his fists and with a hatchet and a loaded cane or other similar instruments knock him down, kick him on the head and rob him of a cigarette case, two finger rings and seven dollar notes, and did murder him. The fatal blow was struck with a hatchet but there was no proof before the jury to enable them to determine with certainty whether it was struck by the accused or the unknown man.

In charging the jury, Lord Jamieson carefully explained the implications of the doctrine of concert, but he omitted to give an explicit direction, such as would make the position perfectly clear to a jury of laymen, as to the duty of the jury in the event of their negating concert. The result was that, as there was a possibility that the jury took the view that accused and the unknown man were not concurring in an act of criminal violence, the conviction could not stand in the absence of positive identification of the assailant.

THE "COFFINS TRIAL"

Because of the wide publicity given in the Press to the recent trial of the chief official of Aberdeen crematorium, in which he was convicted of stealing 1,000 coffin lids and two coffins, it is unnecessary to say more about the facts of the case than that there was ample evidence before the jury to enable them to reach the conclusion that Dewar, the principal accused, had, over a period of several years, taken advantage of his position to retain a large number of coffin lids and to make use of them—by giving some away to persons known to him and by using others as the raw material of a variety of articles. There was no proof that Dewar received payment from those who benefited by his action.

Originally, the trial was fixed for hearing at a High Court circuit in Aberdeen; but, before the date of the circuit court came round, a petition was lodged with the High Court of Justiciary in Edinburgh craving transfer of the trial from Aberdeen to Edinburgh. In support of this unusual application, Mr. Blades, K.C., argued that, in view of certain scandalous rumours which had been circulating in Aberdeen and district, his client would be condemned beforehand in the minds of any jury selected locally. It was true that most of the witnesses lived in or near Aberdeen and that to bring them to Edinburgh would involve inconvenience and expense, but, even so, the interests of justice must prevail. In reply, the Lord Advocate pointed out that about fifty of the seventy witnesses to be examined for the Crown would require to be brought from Aberdeen and that an acute problem of accommodation was raised. The court granted the prayer of the petition, holding that its paramount duty was to secure a fair trial. A fresh indictment was served, naming Edinburgh as the place of trial, and, in due course, the trial proceeded before the Lord Justice-Clerk and an Edinburgh jury. Dewar was convicted and sentenced to three years' penal servitude.

In his charge to the jury, which will long be regarded as a model of fairness and clarity, Lord Cooper made the following points of general interest. (1) He directed the jury that, although Dewar was

charged with stealing exactly 1,000 coffin lids, they were to regard that as a "round figure." They would be entitled to convict if satisfied that a number of lids running into hundreds had been appropriated and need not worry whether the precise number was 1,000, 900 or 700. In a case such as that under trial, the Crown could not be expected to bring exact proof of the taking of each of 1,000 unidentified lids over a period of five years. (2) If all that Dewar had done had been to retain the lids, instead of having them burned in the furnace along with the coffins and bodies, that might not have amounted to theft. The significant evidence was that proving that he not merely kept the lids back but, in one way or another, made use of them. (3) Neither the coffins nor the lids had ever been the property of Dewar or of his company. Those on whose instructions they had been sent to the crematorium had committed them to the company's charge for a specific purpose, viz. that they and the contents should be burned. (4) Dewar appeared to assert that he regarded the lids as scrap or "junk." On that matter, the law of Scotland was that a person taking something which he honestly believed to be his own was not guilty of theft; but (according to a well-known authority) "his belief must be reasonable and he must prove it." It was not enough that he had a "blind prejudice in his own favour." It was significant that Dewar had never asked permission to retain the lids. Was that because he knew perfectly well what the answer would have been? (5) The absence of evidence of the passing of money was immaterial. Payment was not an essential ingredient in theft.

Dewar appealed against both conviction and sentence, but his appeal failed. The High Court judges were unanimous in their opinion that there had been ample evidence before the jury to warrant conviction and that a sentence of three years was by no means disproportionate to the crime proved.

THE DEFENCE OF ALIBI

In summary proceedings in Scotland, the only special defence of which notice must be given by an accused is the defence of alibi—"I wasn't there." Section 35 of the Summary Jurisdiction (Scotland) Act, 1908, enacts that "if the accused intends to found on a plea of alibi, he shall be bound to give notice thereof to the prosecutor, with particulars as to time and place and of the witnesses by whom it is proposed to prove it, prior to the examination of the first witness for the prosecution, and the prosecutor, on such notice being given, shall be entitled to an adjournment of the case." The only exception to this rule is where (the complaint having specified a day but no time of

day) the accused learns, for the first time, in cross-examination of the prosecution witnesses the precise hour of the alleged offence. If he then realises that he can prove that, at that hour, he was elsewhere (*i.e.* not at the locus of the crime), he may, notwithstanding his failure to give notice of alibi in good time, move the court for adjournment to enable him to lead evidence of his movements at the material time. Such a motion ought to be granted. (Trotter's *Summary Jurisdiction*, p. 246).

It will be noted that a notice of alibi must go beyond a bare assertion that the accused was not at the locus at the material time. It must state (1) where he was and (2) the names and addresses of the witnesses who can speak to his location. Without such information the notice would be of little avail; for the point of the insistence upon notice and upon the prosecutor's right to an adjournment is to allow the prosecutor, if so minded, either personally to precognosce the witnesses (*i.e.* to summon them to his office for questioning) or to instruct the police to interview them and submit to him a full report of their statements.

If the latter alternative be preferred, the police officers charged with the duty of seeing the witnesses should make a point of seeing each witness apart from any of the others and of taking a statement from all the witnesses on the list. It is a mistake to interview one or two only. The best approach is to ask each witness in succession precisely the same questions, to embody in these questions matters of detail—precise time at which accused was met; how he was dressed; route followed; topics of conversation; who left first and the like—and to be on the look-out for contradictions. The purpose of these statements is solely to supply the prosecutor with material for "cross." In no circumstances may evidence be led of the statements made by the witnesses to the police in such circumstances, nor may they be faced up, in the witness-box at the adjourned hearing, with discrepancy between what they are now saying on oath and what they said to the police. These are formal statements and in the nature of precognition and therefore not covered by the Evidence (Scotland) Act, 1852, sec. 3 (*McNeilie*; 1929 *J.C.* 50).

One often finds, in practice, that a defence of alibi breaks down under careful cross-examination where it is (falsely) supported by a long string of witnesses. The first two or three witnesses have been carefully "coached" to the last detail; but the "tail" reveals discrepancies in essentials. That is why it is so essential that all witnesses to the alibi—not just the first two or three on the list (who are likely to be close personal friends of the accused)—should be interviewed.

A final point. The most difficult of all defences to explode is the

"transferred" alibi. This false defence materialises when those speaking to it have conspired to substitute for the events of the day of the offence charged the events of another day. Instead of detailing what happened between 2 and 4 p.m. on, say, Saturday, March 20th, they speak of what happened between these hours on Saturday, March 13th. Naturally, the statements tally meticulously; but all are false. The moral for police officers is that, in interviewing witnesses appearing on a notice of alibi, they should be particular to discover to what date the witnesses are applying their minds. The writer recalls one case, a number of years ago, in which the accused had contrived to give his witnesses the impression that he was charged with committing an offence on the day of a particular football match, which he had attended along with a number of his friends; the truth being that his offence was committed a week later. By a lucky accident in cross-examination, the truth came to light, the alibi was blown sky-high and the accused was convicted.

The Nottingham System of Photographic Classification

By DETECTIVE SERGEANT L. DEXTER
Nottingham City Police

IN a Foreword to a brochure on this subject by the writer, Captain I.A. Popkess, Chief Constable of Nottingham, writes:

"In 1920, during the troublous times in Ireland, a subaltern officer and a party of troops together with a police sergeant, searching for a man wanted for a shooting offence, surrounded a church during Mass with a view to inspecting the congregation as it left the building. The presence of the police sergeant was due to the fact that he knew the wanted man well by sight and the soldiers did not.

"When the congregation came out they were required to pass before the sergeant and the officer. After they had nearly all filed by, the sergeant signalled to the last of them to pass, and turning to the officer he remarked: 'He is not here, sir, we are out of luck again.' Then, looking after the man who had just filed by, the sergeant emitted an ejaculation and darted off down the road and seized him, saying: 'This is Tim N——! This is him all right!'

"But sergeant," said the officer, 'I thought you knew N—— well by sight? A moment ago you said that he wasn't here, now you tell me that this is him; what makes you so sure that it is?'

"'It's like this, sir,' replied the sergeant, 'he always wears a cloth cap and a moustache; now he has on a hard hat and spectacles and he has shaved his moustache off. His own mother wouldn't know him.'

"'How did you manage to recognise him, then?' asked the officer.

"'I didn't identify him from the front, but from the back; I knew him from the shape of him, and from the way he turns in the toes of his right foot when he walks,' assured the sergeant.

"What the sergeant had in fact succeeded in doing was to recognise the man from his silhouette rather than from his facial characteristics.

"The subaltern of this episode was the writer of this Foreword who, when he left the Army to take up his present police appointment in Nottingham in 1930, recalled the incident and decided to institute a new kind of photograph for police identification purposes in the City, that would take note of as many physical characteristics of the subject as possible, in addition to those that were obvious in the usual half-length pictures that figured in the police files.

"In 1933 Messrs. Kodak, Ltd., of Middlesex, were accordingly communicated with, and invited to send a representative to Nottingham, to discuss the possibility of designing a camera that could take three views of the subject on a single plate or film, it being agreed to purchase the instrument if it fulfilled its function satisfactorily. After certain experiments Messrs. Kodak did succeed in producing a suitable camera, that was kept in use in the Nottingham City Police studios until 1938, when an improved version of the original was installed that is still in use and with which all the pictures illustrating this brochure were taken.

"In 1938, the Report to the Home Secretary of the Departmental Committee on Detective Work and Procedure recommended the adoption of three-position photographs and they are now in general use in the United Kingdom.

"If, as described in the foregoing incident in Ireland, a trained observer like a police sergeant could so easily be deceived when depending upon recognising a wanted man from a recollection of his facial characteristics only, how much more difficult is it, then, for an ordinary complainant to identify anybody with the same facilities?

"It would be no exaggeration to say that there can be few detective officers who do not now hold the opinion that full-length photographs are at least as valuable a means of identification as half-length ones. The senior police photographer in Nottingham reported as far back as ten years ago: 'I am of the opinion that three-position pictures are a

great improvement on the old two-position ones. Officers continually ask for the three-position photographs in preference to the two-position ones.' Also the officer in charge of the Identifications Department reported: 'Persons visiting this Department for the purpose of identification usually pay relatively little attention to the side and front-position pictures, but more often identify the offender from the full-length photographs. Head pictures do not in many instances portray the height or build of a person, nor do they show such abnormalities as a deformed leg or foot, bandy-legs, knock-knees, or hand deformities, to say nothing of the general shape of the individual.'

"Previous to the recommendation of the Departmental Committee set up by the Home Office, the opinion was held in some influential police quarters that full-length pictures were in practice not only not worth while, but were worse than useless because they were misleading, in that attitudes which seemed distinctive in the subject were in fact unnatural. If the objection were a sound one that the subject photographed was likely to assume an attitude in a full-length picture that was misleading, it certainly would constitute a most serious objection to such pictures. But it has been found in actual practice in Nottingham that about 80 per cent. of the subjects stand in quite a natural attitude, of which number a majority have some identifiable characteristic; that about 15 per cent. assume an unnatural attitude or, in other words, pose for the photograph; whilst 5 per cent. only purposely try to evade having a true likeness of themselves taken.

"The principal tendency of a male subject in a full-length picture has been found from experience to be an inclination to pose for the picture by drawing himself up in an attitude of 'attention,' especially so should he have had any previous military service. The responsibility for this lies largely with the photographer, who should make it his business to see that the subject stands naturally to be photographed. Another reason for the subject's unnatural pose has been found to be the presence beside him of a measurement post or indicator, which often has the effect of making him draw himself up unnaturally to his full height.

"To overcome this difficulty of pose in Nottingham, the photographer's work is inspected periodically and pictures in which such faults are obvious are remarked upon. To eliminate as far as possible the tendency of the subject to stand unnaturally, too, the measurement bar has been replaced by the two dots seen in the pictures reproduced here, the top dot ('Tall') being placed at 5 ft. 10 in., and the bottom one ('Short') at 5 ft. 4 in., the intervening space indicating that the subject is of 'Medium' height. Not knowing what the dots are meant to represent, their position will have little or no significance for the

subject photographed. As regards the necessity for indicating the *exact* height of the person whose likeness is being inspected, it has been our experience in Nottingham that a complainant is more likely to describe the height of anybody as being 'Tall,' 'Short' or 'Medium,' than more precisely as '6 ft.' or '5 ft. 2 in.' For this reason, though the exact height of an individual is taken and set down on his or her Descriptive Card, for the purposes of this system of photographic classification it is indicated only by dots, as shown.

"In conclusion, Sergeant Dexter has set out the details of the Nottingham system of classifying photographs so fully that there is little that the writer of this Foreword can add to them, other than to mention that he hasn't commented in his description of it on the important aspect of the problem that it is based broadly speaking on (a) the physical characteristics of the subject; and (b) his or her characteristic attitudes, such as habit of standing, holding lapel of coat, hands in pockets, speech, etc.

"What we have attempted to do in Nottingham is to devise a system of photographic classification that is as unambiguous as possible. Though the number of characteristics taken note of in it is comparatively small, the computation possible therefrom is very considerable indeed."

Bertillon devised a highly complex and detailed system of identification, based on anthropometric measurement and taking note of facial characteristics and anatomical structures, both normal and abnormal, of each subject. These details were carefully catalogued and, if enough data were obtained, the resulting formula, it was anticipated, would furnish a reliable identification of that individual. For example, in the Bertillon system of identification the forehead might be described as 'Receding, Bulging, Prominent' or 'Vertical,' and the height between the eyebrows as 'Low, Medium' or 'High.' The width between the temples might also be noted, as might any other outstanding peculiarities such as deep wrinkles, etc. The nose might be noted as 'Concave, Straight, Jewish, Roman, Long, Medium' or 'Short,' or peculiarities noticed about it like 'Turn up, Pointed, Dilated nostrils, Downward slope, Crushed' or 'Twisted.'

The ear being an important factor in identification was made much of by Bertillon, for that organ suffers less change than any other part of the body with the lapse of time, and it is difficult to find two persons with identically shaped ears. Ears are more easily described than classified, however, but Bertillon, with great industry, recorded these characteristics in categories according to size, shape, abnormalities, and

position in relation to the shape of the head. The mouth also came in for some attention and was classified according to its size, shape, thickness of lips, and the character and colour of the teeth. Distinctive impressions of the face and head as a whole were also tabulated by Bertillon, such as whether the shape of the head was 'Square, Round, Long' or 'Oval.' The hue of the complexion, colour and texture of the hair, nature of the cheek bones and cheeks, and the colour and depth of the eyes were also noted.

The Bertillon system achieved some success on the Continent when it was first introduced, and it has some vogue in France at the present time, but in England, where the rights of the individual are held in more jealous regard, the system has been regarded with some measure of mistrust and has never been adopted in its entirety. Some traces of it, however, still linger in our personal description data, as when, for instance, we take note of 'Fresh Complexion, Blue Eyes, Square Jaw, Lobeless Ears' and so on. But anthropometric measurements as such, upon the compilation of which the Bertillon system of identification really lays its claim to infallibility, have never been generally accepted here.

The introduction of the fingerprint system of identification, with its greater speed and closer approach to infallibility, rendered redundant at one stroke all existing systems, including that of Bertillon. Moreover, since the adoption of fingerprint classification by the police, identification by photography has been generally adopted as an additional means of recognition, which last despite its limitations has proved itself to be a powerful ally in criminal investigation.

The most serious of the limitations experienced in employing photographic likenesses as a means of identification has been found to be the absence of a means of classifying such photographs. So far as the present writer is aware, there has never been a serious attempt made to classify photographs before the one described in this brochure.

In most Criminal Record Offices photographs are merely included as part of some other system of recording criminal activity, generally forming part of the *Modus Operandi* records only. This limitation has often resulted in the photograph of a man answering to a certain description being unable to be found from among many others, unless the M.O. of the man is also known. Even when the wanted man's M.O. is known there has hitherto been no guarantee that his photograph would be found in the group indicated. If he adheres strictly to a particular M.O., there is a reasonable chance of locating his photograph, but as most policemen know, crime activity has an increasing tendency to versatility; the housebreaker may not always confine his energies to housebreaking, nor the confidence man to trickery and false

pretences. Taking advantage of the opportunities presented by present-day conditions, individual criminals are likely to break the law in more ways than one, as a consequence of which the method of classification by *Modus Operandi*, although still of immeasurable importance in the prevention and detection of crime, cannot be expected to serve its purpose so well as it did when criminals observed a greater degree of consistency in the commission of their offences. It follows, then, that if a system of search is to be properly effective it must be aware of these changing methods of technique in crime, and it must be capable of being operated quite independently of the M.O. system of identification. If such a system of classifying photographic likenesses could be devised, it would greatly increase the effectiveness of photography as a means of identification, considerable as that had been hitherto. It is all the more surprising, then, that an attempt has not been made by the police to do so before this, instead of being merely satisfied to exhibit photographs casually, and often injudiciously, to a bewildered complainant.

The objection to such elaboration of photographic likenesses by classification is twofold. It is said that complainants are of two kinds, those who can furnish a good description of a suspect, and those who cannot; those who can pick out their man, and those who will pick out anybody. No arrangement or elaboration, it has been argued, is likely to offset this poorness of memory. It has been suggested that the more elaborate the system, and the greater the number of photographs exhibited to a complainant, the more likely is he or she to be confused and distracted thereby. It has been asserted, too, that a complainant who comes to identify a man who is bald, hatless, has a large nose, and who has relieved him of his wallet, for instance, would have to be shown not only the pictures of all the bald, hatless and large-nosed men that could be got together for his inspection, but also all the marginal approximations on either side of this group, with consequent confusing effect on the complainant's memory and concentration. The contents of this publication, the results of some years of study and attention given to the subject by the Chief Constable of Nottingham, may go some way towards indicating whether or not these objections are well founded.

The effort towards photographic classification embarked upon in Nottingham attempts to meet the foregoing objections as follows: it has been found that indifferent description can be counteracted by radical classification of the criminals in the system, to do which the usual descriptions in classification for M.O., such as Age, Height, Build and so on, would have to be largely abandoned, or infused with a new method of description that would approximate more to the language

of the man in the street, and less to that of the police official. For instance, the colour of the eyes would not be noted, for such a detail is seldom noticed, indeed, it is not unusual for a man to be married for years and still not know the colour of his wife's eyes. Again, 70 per cent. of North-West Europeans could be described as having 'Fresh' complexions; nor is the term 'Fresh' often to be found in the vocabulary of the man in the street. Instead of such vague descriptions, emphasis would be laid in the projected new classification on more noticeable and less debatable characteristics, such as facial lines or blemishes and other especially noticeable characteristics. With regard to the objection that the more elaborate the system of identification the more likely is the complainant to become confused, this would be dealt with by the introduction of a good process of elimination, resulting in fewer and not more photographs having to be produced for the inspection of the viewer; moreover, this smaller group would be more relevant, the viewer having before him a lesser number of probables, instead of a larger number of possibles, with consequent diminished risk of confusion.

In practice it has been found that however reliable a method of radical classification might be in other respects, it is largely dependent for its efficiency upon the method of elimination with which it is operated. Several good punched-card systems of recording, whose primary function is selection by elimination, have been tried out in Nottingham, such as those used from time to time in police offices for accident returns and similar records. These cards have numbered holes round their peripheries, each hole indicating certain information according to a prearranged notation, and being clipped as applicable. So that, if it is required to ascertain the number of fatal accidents over a certain period, for instance, a steel rod can be inserted in the hole marked 'Fatal,' resulting in those cards being so clipped failing to be engaged by the rod and falling out.

In the main this has been found to be a suitable method of elimination for our purpose, though not without certain disabilities. Experiments have demonstrated that many of the difficulties were due to the peculiar texture and shape of the cards used in the photographic identification file, such cards by virtue of their function being soft and fibrous and easily burred when having holes punched in them, so that they had a tendency to stick together and could not be eliminated properly. This was eventually overcome by using thin, rigid and tough cardboard that was less likely to become burred when punched. The cards now in use in Nottingham are also highly glazed on one side (the active side), which has the effect of making them pneumatic and so readily eliminated. The matter of punching the holes in the cards has

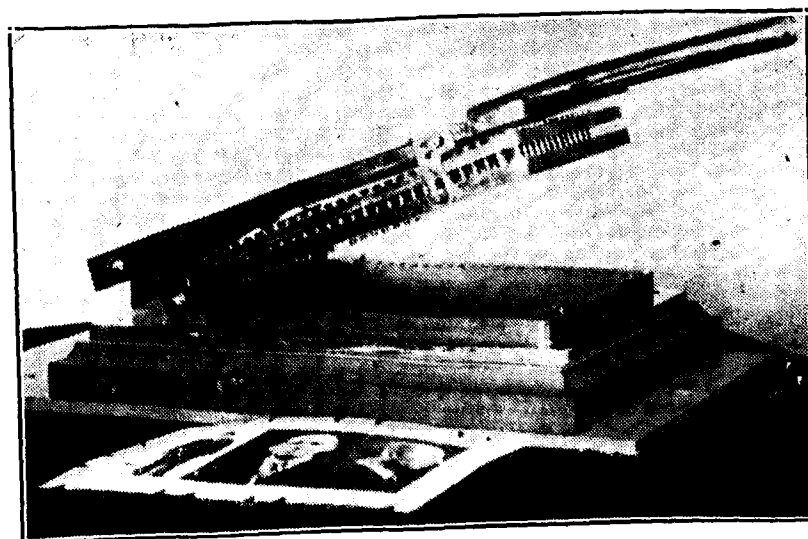


FIG. 1

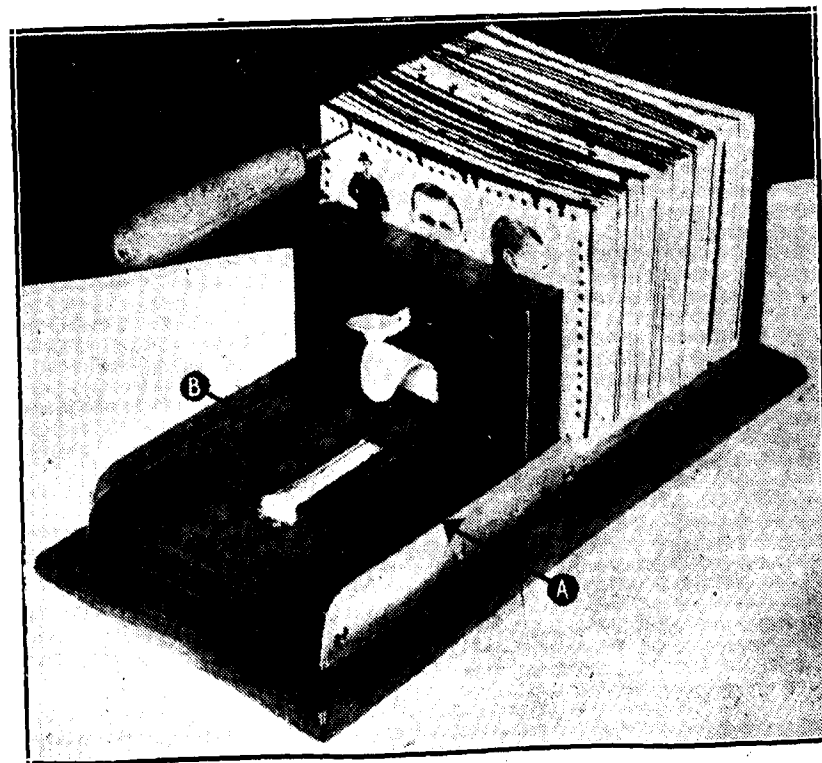


FIG. 2

(face p. 192)



FIG. 3



FIG. 4

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been arranged by the design of a special apparatus for the purpose (Fig. 1) by Messrs. John Jardine Ltd. of Deering Street, Nottingham, which cuts rather than punches the 74 holes round the periphery.

The difficulty of aligning so many holes in a large number of cards with sufficient accuracy to enable the steel rod to be passed easily through them, was overcome by the construction of a card selector rack (Fig. 2). The main features of this apparatus are that the cards are held by it in proper alignment for the insertion of the selecting rod by two rigid rails on its base, on which the cards suitably clipped ride (a), the cards being held securely in place by means of a friction slide (b).

In the course of the initial experiments in Nottingham approximately 10,000 photographs of criminals were examined, and some 1,200 persistent offenders selected. Each of these selected photographs was

FIGURE 3 (see opposite)

Subject classified as follows :

- | | |
|-----------------------|----------------------|
| 2 (Middle aged). | 31 (Abnormal mouth). |
| 4 (Tall). | 43 (Tattoo marks). |
| 8 (Normal build). | 44 (Deep voice). |
| 12 (Dark complexion). | 52 (Stooping gait). |
| 17 (Dark hair). | 63 (Frowning mien). |

FIGURE 4 (see opposite)

Subject classified as follows :

- | | |
|------------------------|---------------------------------|
| 3 (Young). | 28 (Spectacles). |
| 4 (Tall). | 44 (Deep voice). |
| 7 (Thin). | 50 (Brisk manner). |
| 12 (Dark complexion). | 62 (Pleasant regular features). |
| 15 (Facial blemishes). | |

perforated, numbered 1 to 72, and then clipped according to the description of its subject. At once it was evident that the system could be made to function satisfactorily, and provision was made to install it in the Identifications Room of the Criminal Investigation Department.

It should be emphasised that, although the system has been in operation in Nottingham for some years, modifications of it will doubtless be found to be necessary from time to time as the result of further experience in operating it. There is nothing to prevent the system being operated once a reasonably sound code has been decided upon ; modification of it can only mean the inclusion of additional characteristics, or the deletion of old ones, and such changes can be made at any stage of the growth of the system without in any way impairing its efficiency.

CLASSIFICATION

The photographic classification code at present in use in Nottingham is as follows :

AGE.	FEET.
1 Old.	37 Any deformity.
2 Middle.	ARMS.
3 Young.	38 Any deformity.
HEIGHT.	HANDS.
4 Tall.	39 Any deformity.
5 Medium.	40 Bites nails.
6 Short.	MOUSTACHE.
BUILD.	41
7 Thin.	BEARD.
8 Normal.	42
9 Fat.	TATTOO MARKS.
10 Stiff.	43
COMPLEXION.	VOICE.
11 Pale or Sallow.	44 Deep.
12 Dark.	45 Thin, high-pitched.
13 Ruddy.	46 Well spoken.
14 Smooth, babyish.	47 Local accent.
15 Blemishes (to include birth-marks and scars).	48 Impediment.
16 Heavily lined.	HATLESS.
HAIR.	49
17 Dark.	GAIT.
18 Fair or Grey.	50 Brisk, decisive.
19 Red or Sandy.	51 Erect.
20 Bald.	52 Stooping.
21 Wavy or Curly.	CONFEDERATE.
EYES.	53
22 Squint or Cast.	TALE.
23 Heavy lids.	54
24 Deep set.	TRANSPORT.
25 Close set.	55
26 Circles under.	GENERAL CHARACTERISTICS.
27 Missing or glass.	56 Round or full face.
28 Spectacles.	57 Sharp or pinched features.
NOSE.	58 Hair thin, sparse at temples or inclined bald.
29 Broken or abnormal in any way.	59 Hair flat, smooth, well-brushed.
EARS.	60 Hair parted centre.
30 Abnormal in any way.	61 Hair bushy, untidy.
MOUTH.	62 Pleasant regular features.
31 Abnormal in any way (to include noticeably bad teeth).	63 Heavy, sulking, frowning mien.
32 Thick lips.	64 High cheek bones (triangular shaped face).
EYEBROWS.	65 Heavy full jowl.
33 Bushy, Thick, Heavy.	
LEGS.	
34 Missing or artificial.	
35 Bandy.	
36 Knock-kneed.	

OPERATION OF SYSTEM

An advantage of the system of selection over many other filing systems is that the cards which have been removed do not have to be replaced in their original order in the file when finished with, a process which often takes up as much time as the selection itself. Instead, the cards can be returned to the file in any order, providing of course that they are replaced in an upright position and all facing one way.

For obvious reasons, the system cannot be illustrated for the purpose of this article with subjects who are criminals, the photographs used are therefore of police officers who have kindly volunteered their services. Consequently the scope and choice of subjects for the purposes of illustration have been much restricted.

The system operates as follows. A complainant having provided the description that a suspect is "Tall, youngish looking, dark, smooth complexion, large nose, scar on forehead, sullen in speech and manner and from his walk appears to have a foot deformity," the operator places the cards on the selector rack and inserts the rod in hole number 4, when all the "Tall" subjects in the file (that is, all the cards with the number 4 hole clipped out of them) will fall away. He then gathers up these selected cards and places them on the rack, now inserting the rod through hole number 3, by which all the "Young" men are selected. His next operation will be to place the rod in number 12 hole, which will select all the "Dark" men. The operator will continue thus until the complainant's description is exhausted, when the cards remaining in the file after selection will all be of subjects amounting to complainant's description.

In building up the classification code, recourse must be had to the conventional groups, i.e. "Age, Height, Build," etc. A "Tall" man may be one of a group of five hundred tall men to start with, but should he also have a moustache he is automatically reduced to one of forty or fifty; if he has as well such an abnormality as a broken nose, he becomes one of a still smaller group. The essential value of the system is in the fact that, no matter how conventional the description of the offender may be, he is likely to have some peculiarity which will ensure his being singled out from a generalised group to a particularised one.

Fig. 4 illustrates a man whose common attributes are his 'tallness' and 'thinness.' Were these the only two characteristics known about him then the chances of his identification would be remote, but he also wears glasses, which fact immediately places him in a much smaller category and renders his identification to that extent more possible; add to this a 'Deep' voice and a brisk manner, and his identification becomes highly probable.

During the analysis of the 1,200 photographs referred to, some interesting facts were disclosed, and are set down here for what they are worth. Of the persons concerned only 5 were found to be mentally deficient or unbalanced, though an appreciable number were backward intellectually; 90 had a squint; 50 were bald; 210 had wavy or curly hair (and consequently went hatless); 34 were bandy-legged; 160 had abnormal or broken noses; 110 had thick lips; 135 had large ears; 22 were knock-kneed; 93 had deep set eyes, and only 19 close set eyes; 63 wore spectacles; 60 had moustaches; 120 bit their nails noticeably. Persons with round faces about equalled those with elongated faces. A remarkable fact was the incidence of thick lips and large ears in the same subject. Although 20 graced themselves with sideboards down the face, and one wore a monocle, not one of the subjects grew a beard.

It is advisable that all subjects on conviction should be carefully compared with existing portraits of them in the police files, and if necessary be re-photographed and re-classified. This is necessary because conditions of life may materially alter the appearance of an individual in a comparatively short space of time, especially in relation to his or her apparent age. In regard to this last, it may be necessary where a complainant describes a person as 'Middle-aged,' for instance, to also examine the subjects with similar characteristics in one or both of the other two age groups. This procedure is not likely to take up much additional time and in Nottingham has often been followed with satisfactory results.

N.B.—This article has been extracted and reprinted from a brochure on the subject issued by the Nottingham City Police. Copies of the brochure may be obtained from the Chief Constable, City Police Headquarters, North Church Street, Nottingham, post free for 1s. 6d. each.

Motor Vehicle Braking Systems

BY CONSTABLE LESLIE J. OLDRIDGE*

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WITH the termination of hostilities and the removal of the restrictions on motor fuel, many motor-cars will return to the roads after being laid up for several years, and the enforcement of Section 68, Motor Vehicles (Construction and Use) Regulations, 1941, especially that part dealing with the maintenance of brakes, will become increasingly important. The average age of cars will be

* Const. L. J. Oldridge was recently awarded the Bronze Medal of the City and Guilds of London Institute in connection with the Motor Vehicle Mechanics' Course. He secured first place in the examination open to students in England.—[Ed.]

higher than ever before, and many will be at an age when their owners, in normal times, would be disposing of them to the car breakers.

It is difficult to estimate the mechanical condition of the cars which have been laid up, but it is certain that the parts constructed of ferrous metals have been attacked by rust. Unless they have been very well cared for, rust will be present on the brake-operating mechanism, making the brakes hard to apply and in extreme cases causing the mechanism to seize. Machinery of any kind rapidly deteriorates when not in use.

As it is usually with the older cars that offences against this regulation are committed, its rigid enforcement will be essential if many accidents, arising from mechanical defects, are to be avoided.

In March 1936, Mr. F. J. Field, M.I.A.E., Director and Chief Engineer, Messrs. Ferodo Ltd., an expert on braking, in a paper read to the Institute of Motor Trade at Maidstone, said:—

“Neglect in the upkeep of brakes also bulks large in the ‘toll of the road,’ more so in the case of certain more or less antiquated machines. In this connection the words of the Minister of Transport are worth repeating, he said: ‘It is incredible that in the course of a year (1934-1935) the Police—whose attention is drawn to only a fraction of cases—should be called upon to take action in 22,000 offences connected with the maintenance of brakes’; but the number of prosecutions, large as it is, would be greatly increased if there was any systematic attempt to ensure that the stopping power of the brakes of every type of motor vehicle was commensurate with their weight and speed.”

It will be seen, therefore, in 1936 the danger caused by the ‘more or less antiquated machines’ was appreciated by experts. With the return of cars of pre-war manufacture, fitted with excellent braking systems when new, but deteriorated with the years, the problem will be even greater.

The ideal method of ensuring that the brakes of cars are road-worthy would be legislation requiring all vehicles to be examined periodically and certified as mechanically sound, or removed from the highway, in a manner similar to that in which commercial vehicles are examined by the Traffic Commissioner's Examiners under the powers of Section 17, Road and Rail Traffic Act, 1933. These periodic compulsory tests, which have already been proposed by a Committee presided over by Mr. Noel Baker, Parliamentary Secretary to the Ministry of War Transport, would increase the chance of defects being discovered before an accident occurs. With the present system, however vigilant the Police may be, it is unlikely that the brakes will

be tested until after an accident has occurred. A system which relies upon accidents to provide an occasion for expert examination of such vital machinery as the brakes of fast-moving vehicles is wholly unsatisfactory.

Whether such legislation is introduced or not, it will remain the duty of the Police to detect offences, and it may be well for those charged with this important task to look at the various types of braking systems in use on pre-war vehicles, and to consider what faults may be likely to arise when the cars, now laid up, are brought into use.

Most of the braking equipment fitted to light motor vehicles was of proprietary make, manufactured by specialist firms who sold their products to the motor manufacturers. The manufacturers of the more expensive makes, such as Rolls-Royce, designed and manufactured their own braking systems.

The three systems in general use were 'Bendix,' 'Girling' and 'Lockheed,' and although the systems differ considerably, in each case frictional resistance between fixed and rotating members of the vehicle is the ultimate means of retarding the progress of the vehicle.

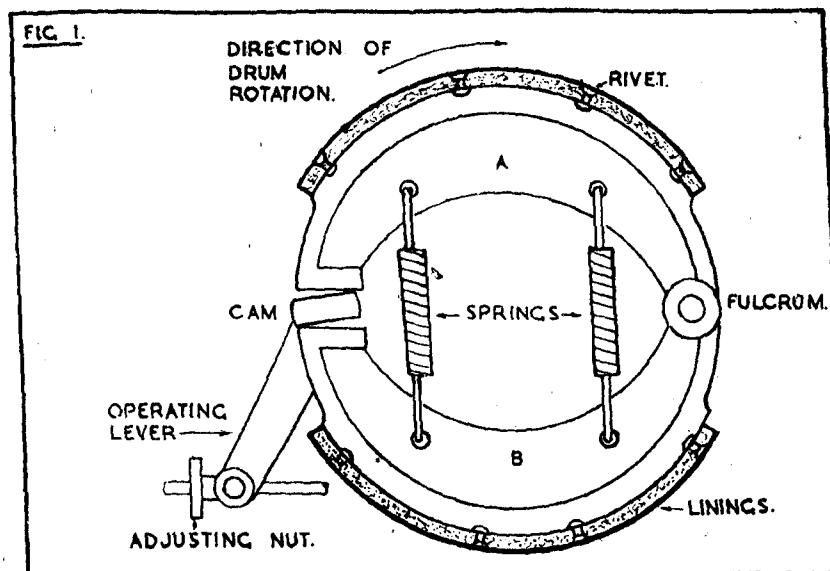
At this stage a description of an old-type braking system on which all the later developments are based may serve to make the modern systems more readily understood.

The rotating parts are cylindrical drums of pressed or cast steel secured to the road wheels. Inside these drums are two 'shoes' segmental in shape. These shoes cannot revolve, being mounted on the axle-casing. They are hinged at one end and at the other end is a 'cam' connected to the brake pedal by a series of levers and rods. The shoes are held in the 'off' position by two strong coil springs. On pressure being applied to the brake-pedal the cam revolves and forces the shoes open. In the 'off' position there is only a little clearance between the brake-shoe and the drum, and on the shoes being expanded by the cam they rub against the inner circumference of the drum. The resulting friction retards the rotation of the drum, and as the drum is attached to the road wheel this also is retarded. The coefficient of friction between the tyres and the road is the final factor on which the rate of retardation depends. The curved surface of the shoes is lined with a friction material, which has an asbestos base, and which will provide a good 'grip' on the drum, but at the same time will withstand the intense heat generated. Fig. 1 gives details of this elementary brake-assembly.

All modern systems are developments of this assembly, the chief difference being in the design of the hinge or fulcrum, in the cam, and the method of operating the shoes. In some modern designs the fulcrum of the shoes is not fixed but is allowed to float, the primary

shoe (A) in Fig. 1 then tends to revolve and in doing so increases the pressure on the secondary shoe (B). This augments the pressure applied by the driver to the brake-pedal and increases the efficiency of the brakes.

The method of operating the shoes in the old-type brake, as illustrated, is by a series of rods, shafts and levers. In many modern systems this has been superseded by cables working in conduits or by fluid pressure. The Bendix system, which incidentally makes use of



the floating shoe, is operated by cables working in conduits. The Lockheed hydraulic system uses fluid pressure. In the latter system a master cylinder, resembling a pump, is connected to the brake-pedal by a rod and to smaller cylinders at each brake by copper pipes and flexible rubber and canvas hose. The small cylinders contain two pistons which are connected to the shoe-tips. On the driver pressing the brake-pedal a special oil is forced from the master cylinder through the pipes to each and all the wheel-cylinders. The pistons of the wheel-cylinders are forced apart and force the tips of the shoes apart in much the same manner as the cams open the shoes in the old-type brake. The outstanding feature of the Girling system is again the method of operating the shoes, a cone-shaped wedge being pulled by rods at right angles to the brake-assembly, transmitting pressure

between two rollers to two plungers which operate on the tips of the shoes and expand them.

On all vehicles the handbrake is mechanically operated, usually utilising the same shoes as the footbrake, and in most cases operating the rear brakes only. The handbrake is provided with a ratchet and pawl for keeping the brake in the 'on' position when the vehicle is stationary and unattended. It is primarily intended for parking and emergency use. With constant use the teeth of the ratchet and the point of the pawl become worn; in these circumstances the handbrake will jump off at the slightest vibration, and when badly worn the lever will not remain in the 'on' position unless held by hand.

Whatever type of brake is fitted, on each occasion it is applied a little of the linings are worn away and to a lesser degree a little of the drum. After a considerable mileage the wear on the linings becomes so great that the clearance between the lining and the drum is excessive and the brake-pedal has to be pressed far down before the linings make contact with the drum. Ultimately, if the brakes are not adjusted, the clearance will be so large that the brake-pedal will reach the floorboard, this rendering the brake inoperative. There are many different types of adjustments, but they all achieve the same end, that is bringing the brake-shoes nearer to the drum to remedy the excessive clearance brought about by lining wear. Here, then, is the first fault that we, as policemen, are likely to find, excessive brake-pedal travel caused by wear of the linings and failure to make the necessary adjustment.

When the vehicle has covered a very large mileage the brake-linings wear very thin and it becomes necessary to reline the shoes with new friction material. Provision is made for this, as the linings are fastened to the shoes by copper, brass or aluminium rivets, which are easily cut off and new linings riveted into position. The second fault that may be found, therefore, is that the brakes require relining. This defect usually gives rise to the same sign as fault number one, excessive brake-pedal travel. The amount of adjustment which has been taken up will, if visible, give some indication as to the condition of the linings, although the only satisfactory way of accurately determining their condition is to remove the brake-drum and examine them.

If the vehicle is to pull up squarely on application of the brakes, the brakes on each side of the vehicle must do an equal amount of work. If, for example, the off-side front brake is so adjusted that it comes on before the near-side front one, the vehicle will pull violently to the off-side on application of the brakes, a very dangerous condition. This fault is known as "brakes out of compensation." It must be remembered in this connection that as the weight is transferred to the

front of the car on application of the brake, the front brakes are usually designed to do more work than the rear ones, in some cases as much as 60 per cent. against 40 per cent.

In the hydraulic type the brakes are always compensated whatever the adjustment, and if a vehicle of this type is found to pull to one side on application of the brakes it may be due to there being oil on the brake-linings on one side, rendering that side less effective. This oil may leak from the hubs, or, in the case of the rear brakes, from the axle. Special washers are incorporated in the design to prevent the oil leaking, and it may be that the washer is defective or alternatively the axle or hubs are overfull of lubricant. In these cases oil may sometimes be seen on the affected wheel, but care must be taken not to jump to the conclusion that, because there is oil on the wheel, it follows that there is oil on the brake-linings. It is possible for oil to leak outwards on to the wheel and for the brake-linings to be perfectly dry. Here, again, the only safe method of determining the condition of the linings is to remove the drum.

If a leak develops in pipe-lines of a hydraulic system or if the cylinders or pistons become defective—rare occurrences—the brakes are rendered useless. In these circumstances the pedal travels down to the board without operating the brakes, and this possibility should be borne in mind by the constable called to an accident in which the driver alleges that his brakes failed suddenly, as this defect, when it does arise, usually comes in this way and without warning. To provide for this remote event some cars are fitted with a master cylinder, which will operate the rear brakes should a leak develop in the front brakes and vice versa.

A fault which may arise in the hydraulic brake is for air, in the form of a bubble or bubbles, to be present in the operating fluid. On application of the brakes this air has to be compressed before the fluid will operate the shoes, and in consequence there is much increase of movement of the brake-pedal and the pedal may feel 'spongy.' It may even be necessary to work the pedal up and down a few times, like a pump, before the brake becomes effective. This is a fault easily cured, at no expense, by what is termed 'bleeding' the system, which simply means opening a valve at each wheel cylinder while the pedal is depressed. This results in some fluid and the air being expelled from the system. The system is then topped up with more fluid and the brake will then operate satisfactorily. When hydraulic brakes require adjusting, pumping of the pedal will temporarily restore their efficiency. After pumping, the pedal will not travel to the floorboard but will assume its correct 'on' position, *i.e.* about midway between the 'off' position and the floorboard. On subsequent appli-

cations of the brake it will be found necessary again to pump the pedal.

In the mechanically operated brake, especially after a car has been laid up for some time, as was mentioned in the opening paragraph, a common fault is for some of the operating gear to become seized through rust and want of lubrication, the cable-conduit type of brake being particularly susceptible to this trouble. It will be found, in this case, that the pedal is extremely hard to operate and on occasions the brakes will stick on after the pedal is released, the springs not being powerful enough to return the brakes to the 'off' position.

The faults therefore which are likely to be met by the policeman in his duty of enforcing Section 68, in its application to brakes, and the signs by which they may be recognised are :—

DEFECT	CONDITION BY WHICH DEFECT IS RECOGNISED
Wear of linings and failure to make the necessary adjustment.	Brake-pedal travels to floor-board. In hydraulic type, pumping of pedal will temporarily restore brake.
New brake-linings required.	Brake-pedal may travel to floorboard. All the adjustment may have been taken up. Removal of drum and examination of linings the only satisfactory way of determining their condition.
Brakes out of compensation.	This cannot be diagnosed without the car being driven or jacked up. In the latter method the force required to revolve each wheel by hand with the brake slightly applied will indicate which brake is doing most work. The car will pull to the side on which the brake is most effective.
Oil on linings.	Oil may be seen on wheel affected or leaking from the drum concerned. The removal of drum only sure method of determining condition of the linings.
Brake operating gear seized through rust or want of lubrication.	Brake-pedal hard to apply. In extreme cases brake will not come off after being applied.

Handbrake not remaining in 'on' position or jumps to 'off' position on slight vibration. Teeth of ratchet or point of pawl worn.

Leak in pipe-line, defect in cylinders or pistons. (In Hydraulic type only.) Brake-pedal travels to floor-board. Operating fluid may be seen leaking from pipe lines. (Operating fluid may be distinguished from lubricating oil by its distinctive sweet smell.) Pumping of pedal will not restore brake.

Air in system. (In Hydraulic type only.) Brake-pedal feels 'spongy.' Pumping of pedal will restore brake temporarily.

The observant police officer, especially if he is mechanically minded, will notice many incidents during the course of his patrol which will lead him to suspect offences of this nature. For example, the driver who is seen using his handbrake to assist the footbrake for a normal stop is usually doing so because the footbrake is defective. A car with a defective handbrake ratchet is often seen parked on a slight incline with the wheels locked against the kerb or scotched. Sometimes defective brakes are the reason for drivers failing to observe Traffic Signals, Halt Signs and Pedestrian Crossings, and careful consideration of the circumstances may lead the policeman to decide to test the brakes and a second charge will result out of the one incident.

The primary function of the Police is the protection of life and property, and therefore it is their bounden duty to do everything in their power to increase road safety. To use a motor vehicle with defective brakes on crowded roads should be an offence recognised by Police and Courts as at least equal in seriousness to driving whilst under the influence of drink or driving in a manner dangerous to the public.

Road Fund Licences

By INSPECTOR A. RAWSON
Scarborough Borough Police

THE difficulty in detecting certain offences in connection with motor vehicle taxation is created solely by the lack of information contained in the Road Fund Licence. The difficulties that beset the officer on street duty are numerous and should, wherever possible, be reduced to a minimum. A reduction of these difficulties can commence by amending the particulars given on the Road Fund Licence of hackney carriages and goods vehicles.

A vehicle licensed as a hackney carriage displays a Road Fund Licence showing the number of seats for which it is licensed, but the horse power of the vehicle is not given. If such a vehicle is used, say, for private purposes, it is essential to know its horse power before one can decide whether or not an offence is being committed. This information is not always given in the registration book, which in any event may be miles from the place where the vehicle is being used ; by merely adding the horse power of the vehicle to the existing particulars on the Road Fund Licence further enquiry is obviated and one can then see at a glance when a *prima facie* case is disclosed.

In the case of a vehicle licensed at the ' Goods ' rate, an example of the necessity for showing on the Road Fund Licence the horse power, in addition to the unladen weight, is afforded when a goods vehicle is used for private purposes. It is essential here to know the horse power, but it is not given on the licence and in the majority of cases is not given in the registration book, which again may be miles from where the vehicle is being used.

In the case of hackney carriages the horse power of the vehicle should be given on the Road Fund Licence in addition to the number of seats for which it is licensed, and in the case of a goods vehicle the horse power, in addition to the unladen weight, should be included. This small addition would, in its inception, create a certain amount of extra work in the taxation offices but it would be well worth the toil to the officer on patrol.

A new system of taxation has already been mooted and it may be a good opportunity to introduce the additional particulars on the Road Fund Licence when the new taxation comes into force. Should the new taxation be based on c.c. this could be substituted for horse power on the Road Fund Licence.

Top Licence (Hackney Carriage):

H.P.	15	£	s	d
Seating Capacity	4	10	-	-
Registration Number		EXH 724		
Unladen Weight		0,394,048		
31st. DECEMBER 1945				
Vehicle Type		DATE STAMP		
HACKNEY				
WOLSELEY				
BLUE				

Bottom Licence (Goods Vehicle):

H.P.	15	£	s	d
Seating capacity	10	20	-	-
Registration Number		BAJ 739		
Unladen Weight		0,291,048		
31st. DECEMBER 1945				
Vehicle Type		DATE STAMP		
GOODS				
BEDFORD				
BLUE				

Law and the Police Officer

BY INSPECTOR H. K. SMALLWOOD, LL.B.(Hons.) (Lond.)

Northern Rhodesia Police

TO what extent should a police officer be versed in the law? This question is continually asked and yet receives such a divergency of replies that it is worthy of examination in an attempt to reconcile the various theories and to evolve a system which will be of advantage to the Police Service.

Whether the police officer be employed on administrative, investigation, or patrol duties, or, as very often occurs, on a combination of two or more of these, the fact remains that his paramount duties are the prevention and detection of crime. For our present purposes we may look upon a crime as a breach of the law for which the State may exact punishment, though it may be admitted here that this definition is itself open to dispute—but that is a matter for an essay on legal theory. The police officer's duty is, then, to prevent and detect breaches of the law for which the State may exact punishment, and it necessarily follows that in order to do this the officer must know that law.

The criminal law may be regarded as embracing :

- (i) those facts which *prima facie* constitute an offence;
- (ii) those facts which rebut such a *prima facie* case;
- (iii) those rules which govern the production of evidence relative to the facts of (i) and (ii);

and these will be found in

- (a) the common law;
- (b) codifying statutes;
- (c) ordinary statute law and bye-laws;
- (d) the law of evidence, part of which is to be found in statutes.

Though the police officer may know his criminal law it is obvious that he must also know how to protect himself against the possibility of actions for torts committed in the course of his duty. This, of course, applies to citizens in general; but it is of the utmost importance to police officers, who have not only to consider their own finances and careers but must also jealously guard the name of the Police Service in a democratic country which protects its citizens to the full against any unjustified interference by officials.

These facts are generally acknowledged basically; it is when we seek to take the matter further and to lay down standards of knowledge that the various opinions diverge. How often one hears "I'm a police-

man, not a lawyer" given as an excuse for lack of knowledge on some point of law which has cropped up, but how often is such an excuse justified? In the vast majority of cases it is given, not because the officer has not learned *something* about the point in question, but because he has not learned *enough*. The saying "a little learning is a dangerous thing" is trite, but yet is true when applied to a person who is endeavouring to maintain the majesty of a law of which he knows little. Particularly is the argument about "not being a lawyer" cogent when spoken by an officer who is really efficient in his own special sphere, as, for example, when a very clever investigator gives it as an excuse. But to accept such an excuse, even from such an officer, is to miss the whole point, for in the great majority of cases that officer would be even more efficient were he to have a better knowledge of the law.

It continually happens that in an enquiry points are missed which are necessary for the true weighing of a case, and others, purely superfluous from any point of view, are included and tend to clog the docket with verbiage. This is obvious to anyone who has received a report such as "come quickly, there's been a murder," for the experienced officer does not accept the report as necessarily correct but goes to the scene with an open mind, and, if he knows the law, is greatly assisted in his questioning and is able more readily to appreciate small facts which will influence the framing of a charge and thereby should influence his line of enquiry. It follows, also, that the officer who has a good working knowledge of the law of evidence will save himself much time when, the purely "investigation" statements having been obtained, he is seeking further evidence to substantiate his case. The standard to be reached is, therefore, the standard of understanding the law.

This standard of 'understanding' is itself wide. The necessary minimum is that the officer should know not only the definitions of various offences and a few broad rules of evidence, but that he should have a good knowledge of all the points which go to make up and explain the definitions or the rules, and in this connection particular attention must be paid to exceptions to the general rules; for experience shows that it is the failure to understand these which leads to many mistakes. At the other end of the scale the knowledge of technicalities so necessary to the professional lawyer is not to be the general goal, for the energies of the police officer are called upon in many other ways; but as full an understanding as can be acquired without neglect of these other calls should and can be achieved.

A step in this direction has been in force for some years in the Northern Rhodesia Police. In the protectorate of Northern Rhodesia European members of the Police are required to pass, at one of the stages

of promotion, a Government examination in law. This examination is in three papers, namely, (1) Criminal Law, (2) Local and Applied Laws, and (3) Law of Evidence. The paper on criminal law is confined to felonies and misdemeanours such as offences against the State, the administration of justice, the person, property, morality, and domestic relations, and also includes criminal procedure; local laws are ordinances and regulations made within the territory, whereas applied laws are those English statutes which have been applied to Northern Rhodesia, under this head are also included Orders-in-Council; the paper on the law of evidence embraces rules of evidence of both criminal and civil law. These three papers are those set for Administrative Officers, who are magistrates with very wide powers and who sit alone without the assistance of professional clerks. In addition, however, the Administrative Officer must pass an examination in civil law, and many police officers also write this paper. It will be seen, then, that the knowledge of the police officer must be on the same standard, as regards the criminal law, as that of a magistrate.

In addition to these many lay magistrates, there are several Resident Magistrates who have professional qualifications. Further knowledge is acquired by many police officers in the course of their duties, which include the prosecution of offences in all cases save those before the High Court, and the Subordinate Courts have the power to, and do regularly, try all types of cases from minor bye-laws to most serious felonies. In Northern Rhodesia it has not been possible to give instruction officially to European police officers as to the law, but the necessary textbooks are placed at their disposal, and guidance in the reading of them is always available from the more senior officers. By this means a most healthy interest has sprung up, and though it occasionally happens that an officer will do his reading merely for the purpose of passing his examinations, it is rare indeed to find one whose interest does not continue to the benefit of both himself and of the Force in which he serves. This interest is evident in the many legal arguments which may be heard at the police stations and which result in the reference to text-books and, failing solution, appeal to other officers who may have a better knowledge of the subject.

What can be done in a scattered, and, as regards the number of European officers, a small Force, can obviously be done in larger Forces, particularly those of boroughs. The necessities are (i) instructors who know their business, and (ii) interest on the part of the police officers. In most towns it will be found possible to obtain the services of a well-qualified professional lawyer, who is capable of drawing up a scheme of instruction, of recommending the reading of the necessary parts of inexpensive but efficient textbooks such as are published for

the use of students, and of explaining points and difficulties. The more difficult question is the awakening and keeping of the interest of the officers. No doubt senior officers could devise incentives in the form of emoluments or otherwise, but what we are here concerned with is that interest which comes to the ordinary, thinking policeman.

It is suggested that the undermentioned scheme would, if adopted, give the necessary impetus and so prevent the acquisition of this extra knowledge from being looked upon as an imposition on an already overworked officer. In the initial stages the men's civic interest should be stimulated by talks on Constitutional Law; it is emphasised that these should be talks and not the usual formal lectures. Our constitution is one of the most interesting of subjects, and it will be found to be particularly so if law is not emphasised but is made the background of a good understanding of the working of the constitution.

From this naturally follows the theory of law. This is a frightening title, yet, nevertheless, the subject will have the undivided attention of the audience if it is properly treated and only the parts most interesting to a police officer, such as sovereignty, reasons for punishment, quantum of punishment, real and fictitious persons, codification, etc., are touched upon. It must be remembered that the reason for the talks is to stimulate interest and not to deaden it with half-intelligible discourses on the more metaphysical theories of some jurists; these are very worthy of the deepest reading and attention in the more advanced stages of legal learning, but would be totally out of place in the instruction under discussion.

The next stage, it is suggested, should be the learning of the rules, and here the officer's own reading, properly guided and encouraged, with verbal instruction to smooth out knotty points, would be the best method of approach. These talks keep interest from flagging and encourage the officers to debate with their associates the various points which crop up or occur to them. A subject should be, on the whole, well known before it is left, but the greatest of care should be taken not to dwell on a subject too long, as that is the surest way to cause boredom. It follows that each man should be regarded separately in the basic instruction; he should be encouraged to learn at the pace best suited to him, and the talks should be chatty and topical with legal points in cases interestingly explained. It must be remembered both in the specific talks and in the general explanations that it is most necessary for the student fully to understand that each branch of the law, for example, crime, tort and evidence, is not a separate entity, but that each has grown up with the others and has been influenced accordingly; no person can properly understand the law of crime who does not understand the rules of evidence which go with it.

Periodic tests may be given according to the stage the officer has reached, and, in marking the papers submitted, care should be taken to give credit for argument in preference to the mere memorising of definitions, except in those cases where the memorising is essential. These tests give the writer experience and ability not only in the writing of examinations but also in the compilation of reports. "The force and discipline of legal reasoning have not only been an attraction to commanding minds, but have made the lawyer a model of that dispassionate thinking, clear vision, and nice appreciation of evidence, without which it is impossible to progress far in the orderly conduct of mundane affairs."* It is most essential that the police officer should be such a model.

To many these submissions may appear ambitious—they are not so. The present-day police officer is a man of intelligence, with a fair amount of education. Let him appreciate that the subject is not difficult or beyond his powers, eradicate any inferiority complexes which he may have regarding his education, encourage him to assimilate what he is taught, and it is certain that the police service will benefit immeasurably.

* Allen, *Law in the Making*, 3rd Edition at page 110.

Ultra-Summary Jurisdiction

BY CONSTABLE LEONARD C. MARRIOTT

Cambridge Borough Police

IT is obvious that, when peace-time motoring is resumed, the number of owners and drivers will greatly exceed the pre-war number. In addition to the resuscitation of laid-up vehicles and the appearance of new ones, many "ex-Service" cars will, presumably, pass into the hands of persons who have not hitherto owned a motor-car.

It is reasonable to suppose that, as a logical consequence, the number of traffic offences committed will rise in proportion. If so, some easy method of punishing the offenders will be essential to prevent the Courts from being flooded with trivial cases.

At various times in the past the idea of inflicting "on-the-spot" fines by police officers has appeared and disappeared. It will probably arise again if post-war conditions come up to expectations, and I therefore venture to express my own variation of the idea, which is as follows:—

A schedule of minor offences against the Road Traffic Acts, etc., touching all types of vehicles and drivers, and including set penalties

for such offences, should be prepared. Police officers should be empowered to issue, in respect of any such offences committed within their view, a form of account setting out the offence and the appropriate penalty. Where there are independent witnesses they should also sign the form. The account should be payable at a certain office (probably that of the Clerk to the Justices) within a set time unless the recipient wishes to defend the case. In the latter event he must so notify the same office within the same period, and information would then be laid, and the case proceeded with, in the normal manner.

I am well aware of the objections to the idea as a whole, but it is certain that something will have to be done to ease the extra pressure which will otherwise fall upon the courts, and therefore I think the scheme which I have outlined has its commendable points. The working details would not present much difficulty.

I have confined my remarks to Road Traffic offences, but the practice could easily be adopted or adapted in respect of other minor offences.

Indecent Assaults

A Summary of the Legal Aspect

BY SERGEANT R. H. ASHWORTH

West Riding Constabulary

WHAT IS AN INDECENT ASSAULT?

THERE is no statutory definition!

Perhaps the persons responsible for the drafting of the Offences against the Person Act, 1861, thought it was unnecessary!

However, a definition is always useful as it embodies the points of proof. We cannot examine the definition in this case, but we read in "Archbold" that the necessary evidence is—"Prove an assault accompanied with circumstances of indecency on the part of the defendant."

An assault is, "An attempt or offer by force or violence to do bodily injury to another." The person charged must, of course, be physically capable of carrying out the intention. It would therefore be impossible to charge such a person as a paralytic with an assault.

What of the indecency? A dictionary defines the word "Indecent" as "Something which is offensive to modesty and delicacy." The degree of indecency in these cases is not something which can be

assessed by a consensus of public opinion, but only by the individual concerned, that is, the complainant.

It is the practice of some courts to say that no assault is indecent unless there is an actual touching of the bare flesh, and occasionally alleged acts of indecency are punished as common assaults on these grounds.

The Justices' Clerk may give some thought to the fact that while a common assault is triable summarily, an indecent assault is indictable—except where the complainant is under 16 years of age—and depositions are necessary.

Justices usually take what appears to them to be the best course in the interests of both the complainant and of justice. If they decide to deal with the offence as a common assault they eliminate any possibility of the offender taking exception to the verdict and considering an appeal. In any event, the offender is punished.

AN INDECENT ASSAULT UPON A FEMALE

By virtue of Section 52 of the Offences against the Person Act, 1861, "Whosoever shall be convicted of any indecent assault upon any female . . . shall be liable . . ."

Although it sometimes happens that a person charged with a grave offence, *e.g.*, rape, is acquitted of that charge but convicted of indecent assault, it does not necessarily follow that the offence of indecent assault is only the part commission of a serious offence. The offence can be committed when the offender has the intention of doing no act other than that of indecent assault.

The age of the female assaulted is immaterial to the offence.

Either a male or female may be found guilty of an indecent assault upon a female.

A person under the age of 14 years can be convicted of this offence.

AN INDECENT ASSAULT UPON A MALE

Section 62 of the Offences against the Person Act, 1861, states: "Whosoever shall . . . be guilty . . . of any indecent assault upon any male person, shall be guilty of a misdemeanour and being convicted thereof shall be liable . . ."

Here again it is possible for a person to be found guilty of an indecent assault as the result of the part commission of a grave offence, *e.g.*, an attempt to commit the unnatural crime, and a conviction can also take place when no act was intended other than that of indecent assault.

The case of *Rex v. Hare*, which was decided in 1933, established the rule that the word "Whosoever" in Section 62 embraces male or female offenders.

The age of the male assaulted is immaterial to the offence. Therefore, either a male or female may be found guilty of an indecent assault upon a male or female.

A person under the age of 14 years can be convicted of this offence.

POWERS OF ARREST

The statutory powers of the Police in the case of an indecent assault committed upon either a male or female are unfortunately very restricted. The Offences against the Person Act, 1861, which provides the penalties, contains *only one* provision as to arrest! Section 66 states that a constable may arrest anyone "Whom he shall find lying or loitering in any highway, yard or other place *during the night*, and whom he shall have good cause to suspect of having committed or being about to commit any *felony* in this Act mentioned."

As this offence is a misdemeanour it falls outside the scope of the powers given above.

Therefore, there is no power of arrest without warrant unless (1) a Breach of the Peace is involved; or (2) some local Police Act gives the power (this is very rare); or (3) the offender is *found committing* the offence by night; or (4) the victim is a male or female under the age of 17 years. In (1) the power is derived from the Common Law; in (2) some degree of aggravation, such as violence, might bring it within the scope of a local Police Act; in (3) the provisions of Section 11 of the Prevention of Offences Act, 1851, will apply in view of this being an indictable offence; and in (4) Section 13 of the Children and Young Persons Act, 1933, is applicable.

In the latter case, the Section enacts that any constable may take into custody without warrant: (a) any person who within his view commits any of the offences mentioned in the First Schedule to this Act, if the constable does not know and cannot ascertain his name and residence; (b) any person who has committed, or whom he has reason to believe to have committed, any of the offences mentioned in the First Schedule to this Act, if the constable has reasonable ground for believing that that person will abscond or does not know and cannot ascertain his name and address.

Indecent assaults on children and young persons of either sex are included in the First Schedule to this Act.

In spite of these provisions, the powers of a constable (without warrant) in connection with this too prevalent offence are comparatively negligible.

The appropriate course of action is one for the Officer concerned to decide upon, but it must be remembered that during the delay attendant upon obtaining and executing a warrant, or obtaining and

effecting service of summons, the offender is at liberty to commit other offences. There is the possibility, too, that at the outset the circumstances might appear to amount to felony, *e.g.*, rape, and in this instance one might apply the common law power of arrest which exists on suspicion of a felony having been committed.

PROCEDURE ON RECEIPT OF COMPLAINT

Where immediate arrest is impracticable, a summons or warrant must be obtained. If the offender is unknown, obtain a full description and direct the complainant to apply for a warrant. The description of the assailant should be circulated by telephone, and in police publications in the usual manner. Obtain statements from all possible witnesses.

Examine the clothing of the aggrieved person, and if it is deemed necessary, on account of the presence of stains or other incriminating marks or damage, take possession of the garments with a view to submitting them for scientific examination.

ON THE ARREST OF THE OFFENDER

Careful search should be made of the prisoner's clothing for any likely signs of corroborative evidence. If any such evidence is found, the articles should also be submitted for scientific examination.

VENUE

If the *victim* is under 16 years of age, the charge may be dealt with by a Summary Court, with the consent of the accused. (Criminal Justice Act, 1925, Section 24, and Second Schedule.)

If the offender is a child (under 14 years of age) a Juvenile Court may, without consulting the parent or guardian of the child, deal with him summarily and *shall* so deal with him.

The exceptions to this rule are :—

- (1) When an adult (17 years or over) is jointly charged with the child. Such cases are dealt with in the ordinary Court. (Children and Young Persons Act, 1933, Section 46.)
- (2) When a young person or an adult is jointly charged with the child, and elects to go for trial by jury. The Justices of the Juvenile Court (in the case of the joint offender being a young person), or of the ordinary Court (in the case of the joint offender being an adult), may, if in the interests of Justice they think it necessary to do so, also commit the child for trial. (Summary Jurisdiction Act, 1879, Section 10, as amended by Children and Young Persons Act, 1933, Section 60 and Third Schedule.)

Where the *offender* is a young person (14 years of age but not yet 17) a Juvenile Court *may*, if they think it expedient so to do, having regard to the character and antecedents of the person charged, and all the circumstances of the case, and if the young person charged with the offence, when informed by the Court of his right to be tried by a Jury, consents to be dealt with summarily, deal summarily with the offence. (Summary Jurisdiction Act, 1879, Section 11.)

If charged jointly with a person who has attained the age of 17 years, both offenders will be dealt with at the ordinary Court. (Children and Young Persons Act, 1933, Section 46.)

PRESENCE OF JUVENILE COMPLAINANT AT COURT MAY BE DISPENSED WITH

Where in any proceedings with relation to any offence of indecent assault upon a child or young person the Court is satisfied that the attendance before the Court of any child or young person in respect of whom the offence is alleged to have been committed is not essential to the hearing of the case, the case may be proceeded with and determined in the absence of the child or young person. (Children and Young Persons Act, 1933, Section 41.)

If the attendance of the aggrieved juvenile would involve serious danger to his life or health, and a doctor gives evidence to that effect, a Justice may take the juvenile's deposition and send it to Court. (Children and Young Persons Act, 1933, Section 42.)

Such a deposition is admissible in evidence, on medical evidence of the juvenile's condition, provided that notice of the intention to take it has been served on the accused and that he or his lawyer had (or might have had if he had chosen to be present) an opportunity of cross-examining the juvenile on his deposition. (Children and Young Persons Act, 1933, Section 43.)

THE UNSWORN EVIDENCE OF A CHILD OF TENDER YEARS

If the person assaulted is a child of tender years the Court may take unsworn evidence from him or her or any other child witness. Such evidence must be corroborated by some other material evidence in support thereof implicating the accused. (Children and Young Persons Act, 1933, Section 38.)

Whatever the age of the person assaulted may be, corroboration is not essential in law when his or her evidence is on oath, but is required in practice. (*Rex v. Rudge*, 1922.)

THE ADMISSIBILITY OF COMPLAINTS

Statements made after the transaction are generally irrelevant and inadmissible in favour of the person making them, but *Rex v.*

Lillyman, 1896, established the ruling that in cases of rape and other sexual offences against *women and girls*, including indecent assaults, such statements are admissible in certain circumstances.

The complaint must be shown to have been made at the first opportunity which reasonably offered itself after the commission of the offence. The fact that the complaint had been made in answer to a question does not of itself render it inadmissible, but it must not have been elicited by questions of a leading and inducing or intimidating character. The complaint is not evidence of the truth of the matters stated, but only (a) of the consistency of the complainant's conduct with the story she has told in the witness box, and (b) negating consent where consent is in issue.

This rule was also held to apply where the charge was one of indecent assault upon a *boy* of 15 years. (*Rex v. Camelleri*, 1922.)

THE COMPETENCY OF HUSBAND OR WIFE TO GIVE EVIDENCE

The wife or husband of the person charged is always a competent witness for the defence, and in the case of an indecent assault on *any* female, is a competent but not compellable witness for the prosecution at every stage of such charge and may be called without the consent of the person charged. (Criminal Evidence Act, 1898, Sections 1 and 4, and Schedule.)

The wife or husband of the person charged is also a competent but not compellable witness for the prosecution in the case of an indecent assault on a male person *under* the age of 17 years. (Criminal Evidence Act, 1898, Section 4 and Schedule, and Children and Young Persons Act, 1933, Section 15.)

VALID DEFENCES

Consent is a complete defence (*Rex v. Wollaston*, 1872) except in cases where the complainant is a child or young person under the age of 16 years. (Criminal Law Amendment Act, 1922, Section 1.)

Consent is no defence in any proceedings for an indecent assault upon a mental defective if the accused knew or had reason to suspect that such person was defective. (Mental Deficiency Act, 1913, Section 56.)

Mere submission to the act through ignorance of its nature is not consent, nor is consent a defence when procured by fraud, *e.g.*, under the pretence of a medical operation.

In any proceedings against a person charged with indecent assault, it shall be a sufficient defence to prove that at the time when the offence is alleged to have been committed he had reasonable cause to believe that the girl in respect of whom it is alleged to have been committed is his wife. A marriage between persons either of whom is under

the age of 16 years shall be void. (Age of Marriage Act, 1929, Section 1.)

PUNISHMENT

If the offender is a child, the Court may impose a fine not exceeding forty shillings, and when the child is a male, may adjudge the child to be, as soon as practicable, privately whipped with not more than six strokes of a birch rod by a constable in the presence of an Inspector or other officer of police of higher rank than a constable, and also in the presence, if he desires to be present, of the parent or guardian of the child. (Summary Jurisdiction Act, 1879, Section 10, as amended by Children and Young Persons Act, 1933, Section 60 and Third Schedule.)

If the person charged is a young person the Court may in their discretion adjudge such person, if found guilty of the offence, either to pay a fine not exceeding ten pounds, or to be imprisoned with or without hard labour, for any term not exceeding three months. (Summary Jurisdiction Act, 1879, Section 11.) However, imprisonment may not be ordered unless the Court certifies that the defendant is of so unruly a character that he cannot be detained in a Remand Home. (Children and Young Persons Act, 1933, Section 52 (3).)

In the case of an indecent assault on a female, if the offender is an adult, *i.e.*, 17 years of age or over, he shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour. (Offences against the Person Act, 1861, Section 52.)

If the offence is committed on a male, an adult offender shall be liable to be kept in penal servitude for any term not exceeding ten years. (Offences against the Person Act, 1861, Section 62.)

The Formation and Running of a Police Library

BY CONSTABLE THOMAS FAWCETT

Sheffield City Police

ZEAL without knowledge is a runaway horse." The origin of that proverb is lost in the mists of antiquity, but it expresses a truism particularly applicable to modern police work. For, apart from the obvious fact that imperfect knowledge is prejudicial to efficiency in any calling, we have had too many salutary reminders that excessive zeal untempered by experience or knowledge can be both dangerous and costly to the Police.

It is therefore essential, both in the interests of the Service and of the individual, that every police officer should have ready access to a properly equipped library. If we cannot all become as knowledgeable as we would wish, we can at least obtain some degree of financial protection and consolation to professional pride by knowing how and where to secure information.

Many forces, of course, have had splendidly furnished libraries for many years, but there are others which for a variety of reasons still lack these facilities. Even in the case of the former, however, air raid damage, the difficulty of obtaining new publications, increased costs, limited time and other maintenance problems created by the war have combined to reduce the scope and functions of the library. Now, with some reasonable hope of a return to near-normality in the not too distant future, it seems appropriate to suggest that the question of forming or re-equipping police libraries should be considered.

Admittedly, there are still obstacles in the way, and there is still something of a book famine. But the fact that books are difficult to obtain and the purchase price more than most of us can comfortably afford, is surely the soundest reason which could possibly be advanced for the running of a library.

Another and possibly more potent reason is that while the average policeman has had his time and opportunities for study severely curtailed in the past five years, many thousands of other people have become far more aware of the legal extent of his powers and responsibilities than ever before. And this naturally means that any display of ignorance, either of legal or general matters, will be far more readily seized upon in the future. Access to a good library can do more than anything else to mitigate this possibility, and it is therefore suggested

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that the formation of police libraries is a substantial contribution to the solving of post-war difficulties.

Let me add, however, that it is not such a simple undertaking as it seems to the uninitiated, and the original formation can be a perplexing and troublesome business. The chief difficulty of course, as in so many other police activities, lies in the fact that much of the work must be done voluntarily and that men on different duties should have ready access at all times.

Another is the difficulty of finding suitable accommodation on police premises which in most cases have very little to spare. Obviously, the best arrangement is to have a single large room available suitably equipped with tables, chairs, cabinets, book cases, etc.; but I fear that this in many cases is a counsel of perfection which is unlikely to be realised. Much, however, can be achieved by adapting existent recreation rooms, passages, etc., and the installation of conveniently sized book-cases which can be moved, if necessary.

FORMATION

Naturally, the first question to be considered in the formation of a library is that of finance, and several forces have been fortunate in obtaining substantial grants from the National Police Fund for this purpose. Others have been able to secure substantial grants from local authorities, funds administered by the Chief Constable or their own recreations societies; but even when these facilities are unavailable, the nucleus of a surprisingly comprehensive library may be formed by prospective members themselves contributing to the common cause books for which they have no immediate personal use.

The local librarian is also usually willing to assist both with advice on administration, choice of literature, catalogues and information regarding the best methods of purchase and filing. It is naturally difficult to offer figures on expenditure and income owing to the widely differing strength of membership in various forces, but it is suggested that an annual or quarterly subscription is preferable to payment weekly or when books are issued, since the knowledge of a definite income enables the library committee to plan purchases far more efficiently. To take a hypothetical membership of one hundred, for instance, a quarterly subscription of 1s. 3d. or 5s. a year will ensure a fixed income of £20, which is enough to enable an efficient committee to purchase a surprisingly substantial amount of literature each year.

Another potential source which might profitably be tapped is that of official publications supplied to Divisional Offices by the

authorities, as and when they become due for replacement. As every police officer knows, such publications as *Stone*, Paterson's *Licensing Laws*, Mahaffy and Dodson's *Road Traffic*, Harris's *Criminal Law*, and Archbold's *Criminal Pleading*, and many other rather expensive publications are still extremely valuable sources of information, even if they are a year or so out of date. A few old copies of this type of work are a substantial asset to any library, and it is regrettable that they are not always utilised in some such manner.

ADMINISTRATION

The administration must be adjusted to suit local conditions, but it is obvious that it should be governed by a representative Management Committee comprising members of all ranks, and that they should be appreciative of local needs. Quarterly meetings will probably be the most convenient method of supervision, and it is suggested that continuity of policy and efficiency would be better served by election for two or three years rather than annually.

This would enable the particular needs of the police to be studied and a long-term policy of steady improvement to be followed, whereas continual changes in the personnel of the committee and the natural tendency to spend available income immediately are more likely to result in the accumulation of unwanted and out-dated literature.

The Librarian's duties call for both enthusiasm and efficiency, and it should be remembered that the handing-out of books is, in contrast to popular opinion, one of his least important jobs. Apart from general supervision and ability to give information to members, he must also have the following general duties :

1. Filing and stacking of new books.
2. Purchasing of new books according to the instructions of the committee;
3. Supervise the issue and return of books;
4. Attend to catalogue system;
5. Attend to correspondence;
6. Procure new books, trade catalogues, publishers' lists, etc., by way of gifts;
7. Bring suggestions of members to notice of committee;
8. Where a properly equipped library room is available, attend to cleanliness of same, see that pens, ink, notepaper, periodicals, daily papers, magazines, etc., are available;
9. Check condition of books with view to withdrawal or re-binding.

RULES

The following rules, formulated by a committee of which the writer was secretary, are suggested as being suitable for a police library:

1. Books to be issued for a period of eight days. A book may be reissued immediately, provided that no other member has given notice that he requires it.
2. Any member requiring a book which is already out on loan shall hand his name to the Librarian, who will place it on the waiting list for that particular book.
3. Subscriptions shall be payable in advance on the Friday on which boot allowance is paid in each quarter.
4. Any member being in arrears shall be notified in writing by the Secretary and, if he does not pay his subscription within 14 days, he shall be debarred from further membership.
5. Any member debarred under the preceding rule or having voluntarily relinquished his membership shall be allowed to re-join on payment of the full subscription for the current quarter.
6. Membership shall be confined to members of — Division, and any members of other departments employed at — Division Headquarters.
7. A member transferred to another Division or Department shall automatically forfeit his membership.
8. The Clerks on duty at Divisional Headquarters shall act as Librarians in the absence of the Secretary.

CONTENTS

It is, of course, quite impossible to offer more than a broad outline of the desirable contents of a library, even when the range of subjects is comparatively limited, as in the case of a purely police library. Even as long ago as 1914, the *Bibliography of Crime and Criminal Matters*, published by Sir John Cumming, contained over 2,500 items and revealed that individual publishing firms have each published many hundreds of books on legal, medico-legal and criminal subjects. The time-worn, but still eminently sensible dictum of Seneca, that "It does not matter how many books you have, but how good they are," should be the guiding principle of the purchasing committee, and the tendency to attach too much importance to advertisers' descriptions and so-called second-hand bargains should be avoided, unless sound practical advice is available.

It will probably be found convenient to divide the library into three sections to begin with—Police Subjects, General Subjects, and

Reference. Other additional classifications and a fiction section can be added as and when funds and members' requirements dictate, but a too ambitious lay-out may prove unworkable and unnecessarily expensive until some experience and a substantial stock has been built up.

The purpose of the Reference Section speaks for itself, and I cannot do better than refer readers to the article by Mr. W. O. Gay, published in the October 1944 issue of THE POLICE JOURNAL. The list of publications mentioned therein would form a useful nucleus for any library. For my own part, I would also suggest the following:

1. Current issues of THE POLICE JOURNAL, *The Journal of Criminal Law*, *The Police Chronicle*, and *Police Review* (and that suitable arrangements be made for binding into half-yearly or yearly volumes);
2. Copies of one or two of the Digest type of publication;
3. Local Year Book and any books of purely local interest;
4. Copies of Government Reports as and when issued. The Penguin copies of *Hansard*—although these are rather difficult to obtain at the moment; *Daily Mail Year Book*; *Pears' Cyclopædia*;
5. Copies of Saville's *Police Regulations*; Moriarty's *Police Law*; Kirchner's *Police Index*; *The Police and Constabulary Almanack*; current time-tables and local transport publications; *The University Atlas* (Phillip and Darby).

POLICE

Most of the publishers already known to readers by their advertisements in the Police Press are willing to supply comprehensive catalogues, and it is therefore unnecessary to trespass further on the Editor's already very limited space by offering a list of useful books. I would, however, suggest that particular consideration be given to the following: Clarke's *Outlines of Local Government*; Hutchinson's *Road Traffic*; Constable's *Guide to the Laws of Evidence*; 200 *Points on Police Law*; *Practical Points for Policemen*; Moriarty's *Police Procedure and Administration*; *Evidence—What to Procure and how to Prepare it*; *Identification of Firearms and Forensic Ballistics*; *Arrest without Warrant*; *Automatic Machines and the Law*; 500 *Points on Club Law and Procedure*; Gross's *Criminal Investigation*; Smith's *Forensic Medicine*; *Poachers and Preserves*; *The Detection of Crime*; *Criminal Law for Examinees*; *Police Officer's Assistant*; *Daly's Club Law*; *Inspection of Licensed Houses*; *Law Relating to Children and Young Persons*; *Law Relating to Theatres, etc.*; *Plan Drawing for the*

Police; *The English Police, its Origin and Development*; *A History of Police in England*; *Justice and Police in England*. Details of prices, authors and publishers will be found in current catalogues.

Incidentally, booksellers who deal in second-hand books on a large scale can offer some amazing bargains and enable many pounds to be saved. At the same time, however, some discernment on the part of the purchasing committee is required, since many books which are still interesting and instructive to the layman are too out of date to offer much practical service to the Police.

GENERAL SUBJECTS

This will undoubtedly be the most varied and the most controversial section of the library, and its contents may include fiction, travel, history, geography, biography, science, natural history, finance, commerce, art, music, wireless, memoirs, diaries, as well as scores of other specialised subjects.

The most practical advice which can be offered, therefore, is to consult the full lists of publishers and their particular types of publications, which may be found in the *Writers' and Artists' Year Book* (Black & Co., annual publication), and to study the various literary reviews. *The Times*, *The Observer*, *Time and Tide*, *The New Statesman*, and *John o' London's Weekly*, are among those notable for fair and balanced opinion.

Speaking from personal choice, I would also urge that the work of the following authors be included:—

ESSAYS

Robert Lynd
J. B. Priestley
G. K. Chesterton
André Maurois
Charles Morgan
Howard Spring
Arnold Bennett
Hilaire Belloc
H. W. Nevinston
Augustine Birrell
Alice Meynell
Samuel Butler
E. M. Forster
Gilbert Norwood
J. Middleton Murry
Maurice H. Hewlett

TRAVEL

Negley Farson
H. V. Morton
C. M. Doughty
Capt. Scott
H. W. Bates
W. H. Hudson
George Borrow
R. L. Stevenson
J. Gibbons

FICTION

J. B. Priestley
A. J. Cronin
Philip Gibbs
H. Walpole
Charles Morgan
Howard Spring
Thomas Mann
Francis Brett Young
Margaret Irwin
Mary Webb
Halliwell Sutcliffe
A. G. Street
Mark Twain
Jerome K. Jerome
Adrian Bell
John Buchan

POLITICS (MODERN)	BIOGRAPHY	NATURE
Gilbert Murray, Prof.	Van Loon	Maurice Maeterlinck
Ramsay Muir, „	Philip Guedalla	Grant Watson
Harold Laski, „	Axel Munthe	W. H. Hudson
Winston Churchill	André Maurois	A. G. Street
The Dean of Canterbury	Margaret Irwin	Frances Pitt
Douglas Reed	John Buchan	Adrian Bell
A. J. Spender	Lytton Strachey	S. L. Bensusan

POLITICS	BIOGRAPHY
Alexander Werth	Boswell (<i>Life of Johnson</i>)
J. L. Hodson	Maisie Ward (<i>G. K. Chesterton</i>)
Alan Moorehead	De Quincey
Sir Courtenay Ilbert	
(“Parliament, History, etc.”)	
Agnes Mure Mackenzie	

COMMERCIAL PRACTICE

The most comprehensive catalogue of modern publications dealing with every sphere of business practice, as well as languages, crafts, engineering, photography, economics, shorthand, building, shipping, municipal government and miscellaneous trades, which I have come across is issued by Sir Isaac Pitman & Sons, Ltd., Kingsway, London, W.C.2.

ART

Van Loon: *The Arts of Mankind*; *Van Loon's Lives*; *The Story of Mankind*; *The Liberation of Mankind*; *Ancient Man*; *The Home of Mankind*, etc.

CATALOGUING AND INDEXING

Most police officers are sufficiently familiar with various indexing systems, so that it is unnecessary to offer advice on this point, except to urge that a comprehensive catalogue should be prepared and placed available for the use of borrowers. Ample cross-indexing is essential, if time and trouble are to be saved, and it is desirable therefore that the Librarian should be selected with these requirements in mind.

Conditions vary so much at individual police offices that it is difficult to suggest a system of issuing books which will be satisfactory in every case. One of the major difficulties, of course, is that it is impossible for the librarian to be always available, and that the various duty shifts worked by members will necessitate the library being more or less continually open day and night.

It is therefore suggested that a card index file should be prepared, with one card corresponding to each book. Members visiting the library at inconvenient hours can then enter their numbers or names on the appropriate card themselves when they borrow a volume. Another suitable system is to have a register with a page allotted to each book, so that members can sign names or numbers when returning or borrowing books.

Finally, a word on the selection of books may be useful to borrowers. Even when the range of subjects is comparatively limited, it is surprising how one can be led adrift by relying too implicitly upon the title and author's name, particularly when, as often happens with policemen, they have neither the time nor inclination to indulge in browsing about in search of suitable books. The art of "skipping" and quickly assessing the merit and category of a book is therefore a great advantage—however much it may be deplored by the literary purist and more leisurely readers. If a book has been selected with proper care as worthy of inclusion in the library, it should not be necessary to read it to discover whether it meets the need of the borrower.

The contents page should contain the list of chapters, and in many cases, particularly those books dealing with technical subjects, the heading is expanded and briefly analysed. This should enable the reader to assess whether a volume is likely to interest him almost immediately. He should then turn to the index, which is, in fact, the key to the whole work, for the particular item required. The habit of searching vaguely through the text of a book in search of particular information is sheer waste of time and energy, and should be totally unnecessary if the indexer has done his work properly. Fortunately, most of the legal and semi-legal works used by the Police are excellently indexed, and a little practice should enable any particular item to be found within a matter of minutes.

Incidentally, it is amazing how much useful information on specific subjects may be contained in a volume which, judging by the title page, is apparently unconnected with them. For instance, *Scotland in Modern Times* (Agnes Mure Mackenzie) contains a wealth of information on European history and politics, while Gross's *Criminal Investigation* contains all kinds of information on such widely differing subjects as chemistry, psychology, engineering, gipsies, tattooing, hypnotism, etc.

Appreciation of this fact will enable the discerning reader to obtain much information on specific subjects, even when he is unable to consult the actual textbooks. Another source of information which is not fully utilised by the majority of readers is the bibliography often

printed at the end of a volume. This contains books, official papers and other publications consulted by the author, and is invaluable when further information is required about the subject-matter of the book. Most modern scientific, travel, historical and biographical works contain an extensive bibliography and the practice, happily, is extending. From this it should be clear that a proper valuation of the index and bibliography is not just a concession to pedantry, but sound commonsense which will be well repaid in pleasure and knowledge.

Chicago's Crime Problem*

By V. W. PETERSON

(From time to time one sees in the popular Press our laws relating to betting and other forms of gambling described as "out of date," "anachronisms," and so on. The following article, which we print by courtesy of the Editor of *The Journal of Criminal Law and Criminology*, Chicago, shows how, in a large city, uncontrolled gambling can enable the least desirable elements of a democracy to gain the upper hand over the local government, the judiciary, and the Police.—ED.)

Any alliance among city fathers, police, and the lowest dregs of society constitutes a grave menace to democracy. If there was ever a doubt that such a blot upon our social system exists, this report by the Operating Director of the Chicago Crime Commission should dispel it. The facts compiled by Mr. Peterson are worthy of study by anyone interested in the problem of making democracy work in his community.—Editor *J. C. L. & C.*

A FORMER assistant to the attorney general of the United States, Joseph B. Keenan, once made the cogent observation that "so long as the problems of crime and its repression are left to those small groups that come most closely in touch with it—the social workers, policemen, prosecutors, judges, and prison wardens—and so long as the great body of citizens remains indifferent, hostile, or ignorant, we can look for little improvement."

Much of our indifference, hostility, and ignorance are traceable to confused thinking, or to the absence of thinking at all, about problems that vitally affect our welfare as citizens of this city or of this nation. No small part of our apathy toward matters affecting, not only our crime problem, but decent government itself, is due to misdirected leadership. When, for example, public officials brush aside conditions that breed the crime and corruption that have written such black pages of Chicago's history with statements completely avoiding real issues,

* This paper, in essentially the same form, constituted the Annual Report of the Operating Director of the Chicago Crime Commission, delivered February 17th, 1944.

apathy, confusion, and moral bankruptcy are natural products. For years, whenever inquiries have been made concerning the widespread gambling operations in Chicago and Cook County, we have been told in effect that this is of small importance, that our citizens do not want a city that is too strait-laced, that everyone likes to gamble, and that gambling cannot be effectively suppressed. Such replies completely evade the real issues and are not consistent with the true facts.

The truth is that practically every corrupt political machine has been built on its alliance with the underworld in control of the lucrative gambling racket. The first real political machine of Chicago was created by Michael Cassius McDonald, who controlled gambling and was referred to as the dispenser of cheating privileges in Chicago from the time of the great fire in 1871 until the middle 1890's. In his gambling activities he was in partnership with notorious thieves and he associated with forgers, confidence men, and criminals of all sorts. McDonald was the boss of Chicago. When Joseph Medill, as mayor, met with success in suppressing gambling, McDonald placed Harvey D. Colvin in the city hall as mayor. The gamblers returned, and Chicago again became the swindlers' paradise. About 1885, McDonald formed a book-making syndicate which controlled gambling at the Chicago and Indiana race tracks, and in one season alone the syndicate made \$800,000. For years, McDonald's illegal gambling establishment at Clark and Monroe was, to all intents and purposes, the city hall. From his office on the second floor Mike McDonald ran the city. He named the heads of the police department. He had police officers severely disciplined who failed to take his orders. McDonald even bribed the Board of Aldermen and the Board of County Commissioners to make a contract to paint the court house with a fluid that was nothing but chalk and water. McDonald presented a bill to the county for \$128,250. When the fraud was exposed, several of the booblers were sent to prison, but McDonald was so powerful he was not even prosecuted. When his wife shot a police officer, although she was arrested, she was promptly discharged, and the saloon licence of Mike McDonald, although revoked, was restored within a week. It has been stated that McDonald ruled the city of Chicago with an iron hand for over two decades. This was not democracy. It was criminal despotism.

With the turn of the century came Mont Tennes, who established his gambling dictatorship accompanied to the tune of sluggings and bombings. Through Big Jim Colosimo, the vice lord and ruler of the underworld, who possessed morals of the gutter but who was fawned over by politicians, judges, and the Police, Chicago inherited Johnny Torrio, Al Capone, and, eventually, the Capone syndicate. The

Department. He is now 94th on the Civil Service list of eligible applicants.

The alliance between crime and politics has permeated the gambling picture in Chicago and Cook County. Prior to the closing down of gambling, following disclosures by the Chicago Crime Commission which resulted in vigorous grand jury action, gambling in the loop district of Chicago was wide open. In many cases where wide-open gambling establishments were operated in the loop district the proprietors were precinct captains. Some of these precinct captains have in the past been partners in gambling operations with known public enemies and close associates of the Capone mobsters recently convicted in Federal court in New York of the million-dollar extortion from movie magnates.

Investigation by the Crime Commission disclosed that an attaché assigned to the Racket Court, in which gambling cases are heard, was himself operating a gambling establishment for which he was the 'outside man' every day following his court duties. After he was called before the grand jury to testify, he was removed from the Racket Court. He is still a court attaché, however, assisting in the administration of justice and in the enforcement of the law.

Police officers told bookie operators when it was advisable to close down and when it was safe to reopen. Within a few blocks of the Central Police Station a brother of Jack Guzik, reputed business manager of the Capone syndicate in its heyday, has operated a bookmaker's business for the past fifteen years with a minimum of interference from the Police. He is well known to numerous police officers and other officials. Police officers observed in his establishment were likewise seen visiting other gambling establishments.

In our investigation we found in some of the so-called "respectable" gambling establishments employees who were convicted murderers. In others, men closely associated in former years with nationally known gangsters in bank robbery and murder were trusted employees. We learned that even dangerous gunmen who were fugitives from justice were immune to arrest by the Police, because of protection they were receiving from certain 'big shots' in the gambling underworld.

Conditions outside the city limits in Cook County have followed the same general pattern. During this past summer the Chicago Crime Commission reported to the Cook County Highway Police the presence of an elaborate gambling establishment known as The Dome. When the Cook County Highway Police failed to take proper action, we conducted an independent investigation. It was found to be a syndicate-controlled place that, notwithstanding the critical manpower

shortage, required a minimum of eighty men to operate it. In the early afternoon of September 8th, 1943, the first assistant State's Attorney was advised that if representatives of his office would call at the Chicago Crime Commission office we would instruct our representative to point out a place in the county which should be of interest to the State's Attorney. About 3 p.m., on that day, the Dome was raided. Sixteen persons were originally arrested, three of whom were later released. One hundred and fifty patrons were dispersed. The State's Attorney's Police seized the gambling equipment, including roulette wheels, crap tables, and black jack tables. The equipment, having a value of many thousands of dollars, was placed in the custody of a lieutenant of the Cook County Highway Police with instructions to hold it for evidence pending a court order as to its disposition.

On September 14th, 1943, thirteen defendants were convicted and fined, and an order was entered by the court for the destruction of the gambling equipment. Upon attempting to carry out this court order it was then discovered that all of the gambling equipment had disappeared. In view of such a wanton disregard of duty and utter lack of responsibility on the part of officers of the Cook County Highway Police, the Chicago Crime Commission requested that this matter be immediately presented to the grand jury for vigorous action. This was done, and the grand jury investigation of organized gambling which produced far-reaching effects in the interests of good government was thus initiated.

The investigation by the Chicago Crime Commission concerning the Dome disclosed definite connections with the syndicate. It was found that a night manager of the Dome was one of the proprietors of the Rock Garden Club in Cicero, Illinois. The Rock Garden Club, an elaborate gambling establishment, operated for many years in Cicero with virtual immunity. One of its proprietors was a brother of Charley Fischetti, who aided Al Capone in manning the polls of Cicero with blazing guns only twenty years ago.

On October 7th, 1943, representatives of the Crime Commission visited the Rock Garden Club in Cicero. The Cook County Highway Police Department was telephoned concerning this establishment. A few minutes later everyone was asked to leave the place temporarily. They were told the place would be going again soon. A fake raid was conducted. Within a few minutes the Rock Garden Club was in full operation again. The Chicago Crime Commission representatives observed complete gambling equipment in the Club before the fake raid and after the raid. The Cook County Highway Police reported that no gambling equipment, other than a handbook, was found in the place. Two hours later, following information furnished by the Chicago Crime Commission to the State's Attorney's office, a legitimate

raid was conducted. The place was still operating illegally. Gambling equipment, including roulette wheels, crap tables, black jack tables, and other gambling paraphernalia, was seized.

The outstanding October grand jury, composed of men and women who were fully aware of their civic responsibilities and possessed of a determination to fulfil those responsibilities, was then in session. It was given the facts. The most vigorous and sweeping gambling investigation ever conducted by a Cook County grand jury was launched. As a result of action by successive grand juries, beginning in September 1943, following the exposé of the Dome, numerous officers of the law were indicted and removed from the public payroll. Scores of important figures of the gambling underworld were indicted. Charges were also filed before the Civil Service Commission of Chicago against fourteen officers of the Chicago Police Department, of whom nine were captains. Hundreds of witnesses were called before the grand jury, including the Mayor, Cook County Clerk, Commissioner of Police, the members of the Civil Service Commission, judges, and political bosses. The parade of witnesses before the grand jury resulted in startling revelations.

The immediate results of grand jury action were amazing. Overnight, practically every gambling establishment in the city of Chicago and Cook County was closed down. Places that had been operating in a brazen fashion in the loop district of Chicago for years, with only occasional perfunctory arrests to mar their absolute immunity, shut down. In their stead, legitimate business enterprises sprang up. Old-time gamblers reported that never in the history of Chicago had the lid been clamped on so tightly. The same condition lasted for months, and gambling operations are still at a minimum. This gave the lie to those who say that organised gambling cannot be suppressed. It proved that, when our responsible officials give orders that the law shall be enforced and mean it, and when the subordinate law enforcement officers know that they mean it, suppression of gambling or any other type of organised crime is a relatively simple problem.

Unfortunately, most of the defendants indicted by the October grand jury succeeded in obtaining their discharge through legal technicalities without a hearing of the evidence in court. The Supreme Court has stated that the constitutional guarantees were intended primarily as a shield for the innocent and not as a refuge for the guilty; but in Chicago, it is primarily the gangster, hoodlum, and professional criminal who usually seeks refuge successfully behind his alleged constitutional rights. To our disgrace, criminals connected with organised crime are almost never convicted in Chicago and, to our further shame, almost never is a police officer who fails to suppress

organised crime discharged by the Civil Service Commission. Professional criminals continue to operate openly and brazenly with little interference from law enforcement agencies and with little fear of adverse rulings from the courts.

A few months ago, after the Police had made one of their grand jury inspired raids on an important syndicate gambling establishment, a motion to suppress the evidence came up before a Municipal Court Judge who, with justification, denied the motion. Then, by trickery and subterfuge, the defendants succeeded in obtaining a hearing before another judge of the same court. Although the motion to suppress had already been heard and denied by the first judge, it was again heard by the second judge, who not only granted the motion to suppress the evidence but ordered the gambling equipment to be returned to the operators of the gambling establishment.

It is sometimes alleged that it is the people who want gambling. Recently, in one of the very few gambling cases decided by a jury in the Municipal Court of Chicago, the jury not only convicted the defendants, but imposed jail sentences. The trial judge, however, disregarded the jail sentences and granted probation.

The vigorous fight waged by the Chicago Crime Commission against open gambling has not been based on moral or reform considerations. We are, however, vitally interested in all conditions that breed crime and corruption and that affect the integrity of our local government. We have no sympathy whatever with the viewpoint of some public officials or uninformed private citizens who engage in the wishful thinking that wide open gambling is no concern of theirs and express the opinion that no efforts should be made to suppress it. Over twenty years ago, the Chief Justice of the Cook County Criminal Court, who is still an eminent member of the Cook County bench, said, "Gambling—next to poverty, the principal crime cause—has grown gigantically as a business which produces nothing but grafters, embezzlers, forgers, confidence men, pickpockets, burglars, and bandits."

There are those who urge that the simple solution to this problem is to license gambling. It might be mentioned that in 1874 the same solution was suggested as a means of controlling the prostitution racket in Chicago, which then flourished in the heart of the city and made it one of the most sordid red light districts of the world. Without going into the merits or demerits of licensing gambling, the fact remains it is not licensed. And whether gambling is or is not ever licensed, licensing itself is not, has not been, and never will be, a substitute for the proper performance of duty on the part of our responsible public officials, nor will it ever be a substitute for honest law enforcement.

Public officials and other citizens sometimes express the opinion that public attention should not be called to conditions of crime and corruption because it blackens the name of Chicago. A different opinion was expressed by a former Chief Justice of the Cook County Criminal Court, who said: "The system of spoils politics, subsidised by professional crime, could never outlive its infancy were it not for these incubators of infamy in which we have been breeding the boy bandit, the baby burglar, the youthful embezzler, boodler, gunman, gangster, blackmailer and bawd. With it goes the damnable doctrine that the city must not be 'defamed' by crying out against the businesses that break hearts, minds and bodies and are the cradles of crimes against public health, morals and decency. . . . When we find that commercialised vice, open gambling and conditions contributing to juvenile delinquency have their public defenders as well as political protectors, a public official who could keep calmly quiet is a craven."

The conditions that prevail to-day in Chicago are similar to those referred to in the above statement made twenty years ago. They have been prevalent in Chicago from time immemorial. They are not due to any one man nor to any one political party. In the last analysis, the crime, corruption and gangsterism that have become identified with the name of Chicago are to be attributed in large part to the people who have tolerated those conditions that breed lawlessness. The time is short before we shall be confronted with a period of unparalleled social maladjustment. The crime problems that have followed every previous war will be dwarfed in comparison with the magnitude of those that will require our immediate attention following the present world-wide conflict.

Already the problems of to-morrow are before us. Clear thinking and wise action now are essential to our future well-being. The appalling increase in juvenile delinquency presents only one of the many complex problems that must be brought to a prompt solution. There are many factors that enter into the solution of the delinquency problem. Broken homes, a feeling of uncertainty for the future, improper home supervision due to the absence of one or more parents in the armed services or war work, and improper recreational facilities, are only a few of the causes to consider.

We have engaged in a considerable amount of loose thinking in connection with this entire subject matter. There has been too much shifting of responsibility. When our leaders stress the importance of the home in preventing delinquency, in moulding character, and in developing future good citizens, they are entirely right, but the picture is only half painted. Our youth is subjected not only to home environment, but to conditions existing in the community in which he resides

as well. The grave delinquency problem will never be solved as long as there are tolerated open and notorious violations of the law, operating with the sanction and protection of those whose duty it is to suppress them. This fact is well known to those who are most closely associated with the delinquency problem.

One authority upon the subject of juvenile delinquency expressed the following opinion: "After nearly fifteen years with maladjusted youth, I am convinced that the greatest single cause of juvenile delinquency may be found in the growing spirit of contempt for the apparent laxity of our law enforcement system."

Youth naturally looks to leaders in the community for standards of conduct and integrity. Too frequently the alleged delinquency of youth is merely a reflection of his adult surroundings. He has adjusted his conduct to conform to that which he has observed in his home or in public office. Sometimes men have achieved positions of wealth and political leadership by moral standards lower than those of the so-called delinquent.

In dealing with the delinquency problem it is imperative that we cease our confused thinking, which constantly stresses as of first importance the adjustment of youth to society. Our first concern must be to raise the moral standards and ethics of the parents in the home and the leaders in our community to such high levels that a youth can safely adjust himself to his surrounding society.

In considering our problems of delinquency and crime and in attempting to make democracy work, it is high time that we face facts honestly. We must insist that our public officials do likewise. Wide open, protected, syndicated crime of any nature is a direct attack against democracy. The organised syndicated gambling set-up in Chicago has always been synonymous with protected racketeering and murder. It is a means by which the law-abiding electorate is disfranchised through control of votes by the hoodlums and mobsters who are in control of gambling. It can exist only because our responsible officials permit it to thrive through corruption. Unfortunately, one of the first agencies to feel the destructive effects of this corruption is the Police. The police department is one of the most important agencies in any local government.

It is an old political maxim that he who controls the army is master of the State. Some political authorities have said that political mastery of the modern city often depends no less upon the control of the Police. The power of the police force over the multifarious activities of citizens makes it an ideal device for rewarding political friends and punishing enemies.

An authority on politics in a recent book pointed out that the

corrupt political machine of Boss Tom Pendergast in Kansas City could have survived the purging of the dishonest voting lists and even the penitentiary sentence of Pendergast, but the fatal blow was struck when the state legislature removed the political machine's control of the Kansas City Police Department. With the reorganisation of the police department, the gambling houses, so important to any corrupt political machine, were closed down. It was stated that Pendergast could not survive honest elections, a penitentiary sentence, and an honest police department. Corrupt political machines everywhere have appreciated the importance of controlling the Police. The hoodlum and gangster who are engaged in gambling or other illegal enterprise understand the importance of the Police because their existence depends upon police protection. Yet, the average law-abiding citizen fails to have any real understanding of the true place of the police department in his community. Through his apathy and lack of understanding he permits conditions to exist which make it impossible for the police department to function efficiently.

During this past year several innocent people have been unlawfully shot by various duly appointed officers of the Chicago Police Department. The public rightfully becomes indignant at such unlawful conduct on the part of officers of the law, who should be protecting the public rather than placing it in peril. While it is true that every officer of the law who is guilty of such lawlessness should be held even more strictly accountable than the average citizen who commits a similar offence, indignation directed at the individual officer is wasted effort. Public indignation should be and must be directed at the system that permits such officers to be appointed to the police department in the first place. For years appointments to the police department have been based primarily on political considerations. The influence of politicians, many times affiliated with racketeers and hoodlums in gambling, vice or other illicit enterprise, has been highly important in placing men in the police department. The same ugly influence has been too important in effecting assignments, transfers, and promotions. These facts were clearly demonstrated in the recent Cook County grand jury investigation, at which the Clerk of Cook County testified that Civil Service examinations for police promotions are largely 'eye-wash.' When asked about political interference with the police department, he testified to the effect that "Everybody knows how promotions are made in the police department. Most captains are appointed by the Mayor on recommendations of the ward committeemen. Every ward committeeman knows that Civil Service examinations for promotions are mostly a sham—it's all handled through the Mayor." It is a disgrace that such a system could be

tolerated in the administration of a department on which the integrity of the local government and the safety of all citizens chiefly depend.

This, then, is the system under which we require our principal law enforcement agency to function. To obtain a position in the police force, the applicant must have the backing of politicians, to whom he is thereafter under an obligation. It was disclosed this last year that new recruits in the police training school were required to give gratuities to the instructors of the schools. Certain police instructors were found guilty of accepting such gratuities by the Civil Service Commission. The Commission merely reprimanded them, and the offending officers were restored to duty.

At frequent intervals thousands of tickets for political or other functions are delivered to the captains of each district. The Police assigned to each district know full well that these tickets must be disposed of by them or they must suffer the consequences. Frequently the only possible outlet for the tickets delivered to the Police by politicians are illegal gambling clubs, taverns that keep open after closing time, and other places operating outside the pale of the law. The tickets may not be wanted, but the officer has no alternative but to pay for the number of tickets allotted to him. The mutual obligation between law violator and law enforcer is thus firmly cemented. When we permit the politicians to compel the Police to engage in such 'shakedown' activities, is it any wonder that there is sometimes corruption in the department that, above all others, should be free from suspicion? It would be a miracle if corruption were not commonplace under such a vicious system. This is particularly true when we consider that these conditions have existed from time immemorial. Over twenty years ago it was said by an eminent observer that "The trenches of protected privilege have been dug throughout a department in which the personnel is the most 'political' of any branch of public service." Since that time Civil Service has meant less and less in the police department; politics have meant more and more. To the disgrace of Chicago, rarely is any officer discharged from the department for failure to suppress organised, protected crime. Instead there have been occasions when officers who should have been discharged were rewarded with promotion.

There are defeatists who view these sad conditions hopelessly. They say that the evils have been present too long. The roots of politics and corruption are too deeply imbedded to make it possible to hold any hope for the future. To concede the truth of such defeatists' attitudes is to admit that our citizens cannot make democracy work.

The present system can be changed. The first requirement is for the citizens to realise the true place of our principal law enforcement

agency in a democratic society. In a democracy, laws passed by the people for the protection of their lives and property must be applied to all alike, the rich and the poor, the strong and the weak, the man holding office and the man in the street. This fundamental principle of democracy cannot exist where the principal law enforcement agency is within the clamped fist of political control and where the system of protected privilege is deeply entrenched. Political control of the police department has been removed elsewhere. In those communities crime problems are non-existent. Lives and property are secure, and clean government prevails.

The energy and ingenuity of our citizens that have made possible the leadership of Chicago in so many lines of endeavour can certainly bring us to the fore in that all-important field of good decent government. When the people are sufficiently interested to insist that political control be removed from our principal law enforcement agency; when we demand that qualified personnel of unimpeachable integrity be selected without regard to political consideration or influence; when we demand that such personnel be properly trained; when honesty, merit and ability are the sole considerations for promotion; and when any breach of trust by the guardians of law and order results in vigorous disciplinary action without political interference; then Chicago will rise to its proper place as a leader in clean government.

There is a common tendency to lay all the blame on our public officials for widespread crime and corruption. But, blaming them, without holding them strictly accountable, is futile. That is the people's responsibility. There is always a direct relationship between official conduct and the attitude of the people toward their moral, social and civic responsibilities.

Those interested in the present and future welfare of this city and nation must insist on a full measure of responsibility from all officials and public servants of our local government. We sometimes forget that it is the law of nature that for every right and privilege we enjoy there are attendant responsibilities. The right to be free carries with it the responsibility to defend ourselves when that freedom is threatened. The right to be secure in our homes, the right to earn a livelihood without paying tribute to racketeers and hoodlums, the right to have a decent place in which to rear our children, all carry with them the responsibility of all citizens to insist forcefully that all public officials serve the best interests of the community and provide clean, decent government.

We cannot overlook the fact that while the Capones, Nittis, Stantons, and Zuckermans are definitely the products of their alliances with corrupt officials, they are also by-products of the public apathy

and indifference existing in the community in which they have risen to power. The vast majority of citizens are law abiding and want good government. But lip service to the principles of democracy is not enough. There must be an awakening from the prevalent indifference or hostility toward the problem of crime and its repression. The public must fully realise that open and notorious lawlessness exists only because of the vicious system of protected privilege through political corruption. This realisation must be supplemented with a determination to do something about it. When it becomes more important for any person seeking public office or position to secure and maintain the support of the citizens who want decent government than it is to curry the backing of the now strongly organised minority representing criminal elements, then and then only will democracy truly work.

Review

THE SCOTTISH POLICE: AN OUTLINE OF THEIR POWERS AND DUTIES. By JAMES MILL, M.A., LL.B. 1944. 8½ by 5½. 208 pages. (Edinburgh: W. Green & Son Ltd.) Price 17s. 6d. net.

This admirable book by the City Prosecutor of Edinburgh will take its place on the senior police officer's desk as the standard work on the subject. We say 'senior officer's' only because its price will, unhappily, prevent it from coming into the hands of most of 'the rank and file.' But it is a book which it will profit every policeman—English no less than Scottish—to read; for Mr. Mill has interpreted his sub-title in a wide sense and deals fully yet succinctly with such important matters as the procedure following arrest of a suspect, the conduct of police enquiries, with shrewd (and most valuable) hints to police witnesses and to junior officers carrying out investigations of a delicate nature. There is, indeed, much in this book which has not been touched upon by previous writers.

Many of the quotations from judgments referring to police action show how admirably the Scottish Judges 'back up' the Police. "If police-men are not entitled to make enquiries when they believe that a crime has been committed, the discharge of their duties would be seriously hampered." . . . "The Police must be armed with all adequate and reasonable powers for the investigation and detection of crime." . . . "It is of the highest importance that public officers should not be hindered in their duty by fears of incurring liability for damages if their conduct is subsequently impugned as indiscreet or imprudent or going beyond what the immediate necessities required." Which prompts the

author to remark "The courts will *exert themselves* to protect police officers so long as (1) they are acting within their competence . . . and (2) they have not acted maliciously or without probable cause." We wonder if any English law writer would have ventured upon that statement . . . In England there have been cases in our history where Judges have not shown a like zeal on behalf of the Police. One cannot but be struck by the sound common sense of the Scottish Judiciary where police matters are concerned. In *Morris and Jones v. Langmuir* (1929, J.C. 103) : "The Glasgow police had procured a warrant under the provisions of a local police Act relating to betting houses. The warrant covered only No. 4 of a series of stables. On the occasion of the police raid, satisfactory observation was kept on No. 4 stable; but, as the police closed in, a warning was given to the persons under observation, who rushed out of No. 4 into No. 3 stable. The police followed them, took them back into No. 4 stable and there dealt with them in terms of the warrant. This course was approved by the High Court Judges, who described as extravagant the suggestion that, because of a temporary escape from just inside the place covered by the warrant to just outside it, the police should stand by and do nothing."

We commend particularly Chapter 6, the Conduct of Police Enquiries. Mr. Mill has brought his wide experience as City Prosecutor to bear upon this difficult matter and his words of wisdom should be 'read, marked, learnt, and inwardly digested' by all police officers. Chapter 8, the Arrest of Suspects, is also admirable, and the section "Arrest or Summons?" sums up the pros and cons with excellent judgment.

The classified index is very good and enables quick reference to be made to any 'point' mentioned in the text. Altogether this is an outstanding book and we commend it heartily to our readers.

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The following appointments are announced by the Colonial Office :

CONWAY, H., Assistant Superintendent of Police, Grenada.	Superintendent of Police, St. Lucia.
HARLEY, P. J., Superintendent of Police, St. Lucia.	Superintendent of Police, St. Vincent.
HARPER, A. B., Second Class Inspector of Police, Jamaica.	First Class Inspector of Police, Jamaica.
HENDERSON, R. G., Senior Assistant Superintendent of Police, Nigeria.	Superintendent of Police, Nigeria.
MORTON, G. J., Deputy Superintendent of Police, Palestine.	Superintendent of Police, Trinidad.

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