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**PRISONER
AT THE BAR**

PRISONER AT THE BAR

BY

ARTHUR R. L. GARDNER

PHILIP ALLAN

MCMXXXI

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To all my friends, straight, crooked and composite,
and especially to

D. C. S.

J. D.

L. H. G.

F. L. M.

FOREWORD

THE Author acknowledges with gratitude the kind permission of the Editors of *The Nineteenth Century and After*, *The Green Quarterly* and *The Howard Journal*, to make use of excerpts from articles contributed by him to those periodicals. He wishes also to acknowledge the debt he owes in the compilation of his first chapter to Mr. C. C. H. Moriarty, O.B.E., the author of *Police Law* (Butterworth & Co.). Full particulars of the authorities consulted appear at the end of the book.

A.R.L.G.

December, 1930.

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PRISONER AT THE BAR

I

It seems so easy—from what prisoners tell one of their experiences—to get arrested and imprisoned that one is surprised to find such a large number of persons at liberty. One is forced to the conclusion that criminal statistics are akin to the statistics of street accidents : a certain number of citizens annually get run over; a certain number annually get run in, and so far as one can see in either case, the fate of the few has little effect upon the behaviour of the many. People still go out and cross the road. People still go out and cross the legal frontier. The only difference between the fate of the two battalions is that those run over are examined by a man of science and sent to a hospital for an indeterminate period to be cared for, while those run in are examined by a man of law and may be sent to a prison for a fixed period to be punished.

Both forms of treatment are felt to be the administration of justice; only in one case it is scientific justice based on the observation of facts, while in the other it is traditional justice based on theological guesswork. The two treatments represent two ways of thinking which have nothing fundamentally in common. All that they imply to an observer of human affairs is that in the twentieth

century the body of man has been surrendered to the man of science, but that his soul is still in the keeping of its traditional mentors.

Thus a lawbreaker who gets "run in" is not regarded as a person who for reasons beyond his control caused or was in danger of causing a breach of the peace, but as a person who with deliberate intent behaved in the manner alleged, and must therefore be punished by the representatives of the community, partly in order to relieve the pent-up feelings of the injured parties, partly in order to warn other would-be lawbreakers of a like kind, lest a similar fate overtake each one of them, and partly in order that justice may be vindicated, a consideration based on the hereditary belief in the God of the Old Testament and His approval not merely of the Mosaic Law, but of the English Penal Code.

Thus it happens that every prisoner at the bar—no matter what be the crime with which he is charged—is regarded officially partly as a rebel, partly as a dangerous person, and partly as a bad person with whose behaviour it is necessary to deal as severely as may have been felt necessary by the framers of the law governing his offence, or as may seem right to the magistrate, recorder or judge who passes the sentence.

So much for the attitude of the Law towards the accused person. It must now be our duty to consider the various kinds of persons who appear in the dock charged with offences against it: it being clearly understood that in order to become officially recognised as a lawbreaker, it is necessary not merely to commit a crime, but to be formally charged with having done so before a magistrate who straightway enquires into the matter with a view either

to committing the defendant for trial at the Sessions or Assizes, if he considers that a case exists for submission to a jury, or to dealing with it himself if the offence, though indictable, admits of summary treatment and the defendant consents, or to dealing with it himself without the defendant's consent if such be unnecessary, and the charge be one not triable by a jury.

In considering the various forms of lawbreaking, we propose—for the purpose of these pages—to limit our survey for the most part to those for which a person on conviction is liable—if not bound over—to be committed to prison.

We shall first consider the cases of those whose charges come, with or without their consent, within the province of summary jurisdiction, afterwards turning to those crimes which occupy the more exalted attention of chairmen of Quarter Sessions, Recorders of Borough Sessions, and those presiding deities at the Assize Courts.

2

A great amount of a magistrate's time is occupied in hearing charges under the Vagrancy Acts, a few remarks concerning the general trend of which may be advisable, by way of preamble. In their present form they date (subject to their amendments) from the year 1824. They were framed to prevent wasters and sturdy beggars from wandering about the country and committing sundry questionable acts by which an easy livelihood might be gained : the great object of most puritan legislation being to make life more difficult than it already is—for the

majority of its experiencers. That the term "vagrancy" is used in these laws in a very elastic sense will be readily conceded by all. For the purposes of administration offenders under these laws are divided into three classes, each bearing a picturesque name, namely, (1) Idle and disorderly persons, (2) Rogues and vagabonds, and still better (3) Incurrible rogues.

A person convicted a second time of an offence which on the first occasion only entitled him to be styled an idle and disorderly person becomes *ipso facto* a rogue and vagabond, while to be convicted a second time as a rogue and vagabond makes a person eligible for that highest degree of roguery—the incurrible—with this one exception, that a vagabond person sentenced under these acts who escapes from prison becomes an incurrible rogue straight away.

The following appear before a magistrate as idle and disorderly persons on the occasion of their first presentation at court : A person charged with begging, that is to say "any person wandering abroad or placing himself or herself in any public place, street, highway, court or passage to beg or gather alms, or causing or procuring or encouraging any child or children so to do." Under this section of the law quite a number of interesting people step into the dock, of whom some go to prison. As a rule they have endeavoured very sensibly to get round the law by posing as vendors of matches or as street musicians, vocalists or instrumentalists, the accusation against them consisting in the allegations of two police officers that they were distinctly observed to take money on more than one occasion without selling any matches—or that they were seen to accept it at a moment when no song or tune

was heard, or had been heard for some time. Further, a pedlar who begs and is convicted of so doing must be deprived by the court of his pedlar's certificate, presumably in order to prevent him being a pedlar in the future and to ensure his becoming a beggar. Altogether, in England the beggar is in a parlous state. Nevertheless, like the once persecuted Jew, he contrives to survive and has been described by a professional crook of high standing as "the ears and eyes of the profession."

The next person entitled to appear in court under this section of the law is the common prostitute who is charged with wandering in the public streets or public highway or in any place of public resort and behaving in a riotous or indecent manner.

As a general rule these poor women, whom the gentle De Quincey described as "peripatetic philosophers," are charged under the Town Police Clauses Act and are subject to a fine of forty shillings or twenty-one days (or twenty-eight days according to Mr. Hay Halkett). Their lot is a hard one. They supply a popular demand. They are harried by the Law from pillar to post, and experience all the difficulties attendant upon those who, being what they are, are also British subjects. It is difficult to regard them otherwise than with a certain sympathy and respect.

Another idle and disorderly person is the able-bodied man who refuses or neglects to work, thereby becoming, or causing his family to become, chargeable to a parish: also the man who in receipt of poor relief absconds, commits wilful damage or disobeys regulations whilst in a workhouse, also anyone who gives a false name or makes a false statement in order to obtain relief, and finally any woman who neglects to maintain her bastard children.

All of these offenders are liable to imprisonment for one month or may be fined £5, a form of treatment likely, it is to be imagined, greatly to elucidate the problems of their several situations.

3

First among rogues and vagabonds stands the ever popular time-honoured fortune-teller, he or she, pretending or professing to tell fortunes, or using any subtle craft, means or device by palmistry or otherwise, to deceive or impose on any of His Majesty's subjects.

Unfortunately for the purposes of the framers of this protecting edict, vast numbers of His Majesty's subjects have at all times been willing to risk deception or imposition in return for a little encouragement and flattery for which they gladly pay the fee demanded for the administration of such solaces. Thus the number of wizards and witches who forgather in police courts is few. But every now and again they make their appearance. Usually they are witches, and their greatest humiliation would seem to consist in their frank confession that their art did not enable them to distinguish two of their clients who were in fact policewomen. It is apparently felt to be both honourable and legal that two policewomen should "deceive and impose upon one of His Majesty's subjects by pretending or professing" to be clients of a fortune-teller, in order to bring to justice the offender in question. But justice, like indecency, is hard to define, and the *agent provocateur* without doubt exists.

Perhaps less romantic and more pernicious are those

who go about gathering or collecting alms or endeavouring to procure charitable contributions of any nature or kind under any false or fraudulent pretence. Without doubt such persons should be strongly discouraged, but it is difficult to see how they can altogether fail to make somewhat of a living out of it in days when members of the general public have become habituated—for the sake of peace—to buying flags and flowers almost daily or submitting to the demands of any street vendor of favours for contributions to a charitable cause. The number of licensed vagrants of this sort seems yearly to increase and “visibly to annoy” many pedestrians by persistent solicitations in public places.

Another form of begging which in this country is held to be roguish and vagabondish is the continental habit of exposing any wounds one may possess and making thereby a living out of one’s deformities. Faced with this law, those who might otherwise profit by their physical defects very wisely restrict their efforts to holding a cap whilst prevailing on a partner—a man without blemish or spot—to play a concertina or some other cunning instrument. By this strategy the wounded man becomes transformed into a musician on a fifty-fifty basis of profit, and not a criminal.

We now come to the awful crime of “sleeping out.” Every person wandering abroad and lodging in any barn or outhouse or in any deserted or unoccupied dwelling or in the open air or under a tent or in any cart or wagon, not having any visible means of subsistence and not giving a good account of himself or herself, may be arrested without warrant and charged straightway as a rogue and vagabond, and if found guilty may be sent to

prison for three months, without in this case presumably the option of £25 fine. Or if the wretch be a child under fourteen it may be sent to an industrial school—a school, that is to say, from which it is a crime to escape—until it be sixteen, therein to meet and associate with many other interesting children.

On hot nights many derelicts have an astonishing preference for the open air to the casual ward, and many discover the Embankment to be on the whole quite an endurable habitation; though one liable to interruptions and inspections by the light of a bull's-eye lantern. Still, sleeping out has been perennially fashionable, and the vagabond psalmist's criminal lament, "In the wilderness build me a nest," has ever made its appeal to the human heart.

Many magistrates realise this, and taking advantage of the Probation Acts seem very loath indeed to behave otherwise than leniently to vagrants of this kind. Often, indeed, they seem rather sorry for persons who without any visible means of support find Mother Earth more attractive than the casual wards of a paternal State. The Court missionary is invoked and—as in the higher circles of diplomacy—conversations are exchanged. Meanwhile the wanderer sleeps at Brixton Prison, a place from all accounts preferable to any workhouse and patronised from time to time by quite distinguished members of Society.

The next rogue on the list turns out to be the pathetic person who is charged with insulting females in a somewhat indelicate manner. If charged under the Town Police Clauses Act he may escape with a fine, in addition, of course, to the awful humiliation of a public conviction

of this offence. But if—as is more usually the case—he be charged as a rogue and a vagabond, he is—as often as not—committed to prison for at least a portion of the three months to which he is liable on conviction. That such a treatment for such behaviour is cruelly ignorant, few persons with any knowledge of the psychology of human nature will be disposed to deny.

Next in order stands the person who exposes to public view obscene or indecent exhibitions. So far as the Vagrancy Acts are concerned “any person wilfully exposing to view in any street, highway or public place any indecent exhibition may be arrested without warrant and convicted as a rogue and a vagabond”; also “every person wilfully exposing to view in any street, highway or public place or in the window or other part of any shop or building situated in any street, highway or public place any obscene print, picture or other indecent exhibitions,” may be likewise arrested.

By the Indecent Advertisements Act of 1889 it is a summary offence to affix or inscribe any picture or printed or written matter of an obscene or indecent kind in any public place or to deliver or attempt to deliver the same to any person in a public place, or to affix any advertisement anywhere in public relative to venereal diseases (except when such an advertisement is published by any local or public authority). By the Venereal Disease Act of 1917, it is a misdemeanour for any person to advertise in any manner any treatment for venereal disease (with the exception of any local or public authority). By the Obscene Publications Act of 1857, a house believed to contain obscene books, papers, pictures, etc., for the purpose of sale, may be searched by the police, and the

occupier summoned by the magistrate who granted the warrant to enter and search, to show why they should not be destroyed. By the Criminal Justice Act of 1925 (s. 24—2nd Schedule) "The misdemeanour (being indictable as a public nuisance) of publishing, exhibiting, or selling any indecent or obscene book, writing, picture or model or any other indecent or obscene article or thing whatsoever, may be dealt with summarily."

Likewise by the Customs Consolidation Act of 1876 (s. 42), no indecent or obscene prints, paintings, photographs, books or articles may be imported into the country, and if discovered may be forfeited. Finally, by the Post Office Act of 1918, it is a misdemeanour to send through the post any indecent or obscene publication or article.

All things considered, therefore, England must be singularly conspicuous as a country free from everything indecent or obscene. That the Customs Officials at Folkestone are wide awake I am personally aware, for quite recently they examined carefully a book in my valise, thinking, I fancy, it was *The Well of Loneliness*. It was, however, merely the memoirs of Ex-Chief Inspector Carlin of Scotland Yard. Occasionally, in spite of all these regulations, a person stands in the dock charged with selling indecent postcards. He is usually fined, but is liable to imprisonment. Finally, as to what constitutes an obscene book one can only reply, "Ask a policeman."

In dealing with an array of legislation of this kind, which does not achieve its purpose very satisfactorily, one cannot avoid expressing the opinion that the tolerance of some other nations seems to be amply justified. In some

respects we seem as a country to remain, intellectually, a well of loneliness.

Leaving these matters contentedly behind, we now reach a point in the Vagrancy Acts where the *bona fide* crook begins to show his head.

A large number of rogues and vagabonds turn out to be persons (a) possessed of implements with intent to break into any building; (b) armed with an offensive weapon with intent to commit a felony; (c) found on enclosed premises for any unlawful purpose; or (d) who are suspected persons or reputed thieves found frequenting or loitering with intent to commit a felony.

The powers of the police in relation to the so-called "suspected person" or "reputed thief" are very considerable.

By the Vagrancy Act of 1824 (s. 4), amended by the Penal Servitude Act of 1891 (s. 7), a constable may arrest without warrant every suspected person or reputed thief frequenting or loitering about in any street, highway or any place adjacent to a street or highway with intent to commit a felony. It is not necessary for the constable to show that the arrested man was guilty of any particular act or acts tending to show his purpose or intent (Prevention of Crimes Act of 1871 [s. 15]). Further, "it was decided in *Hartley v. Ellnor* (81. J.P. 201) that evidence of previous conviction or previous bad character is not necessary to bring a person within the provision of this Vagrancy Act: his acts may be sufficient."¹ In effect, therefore, it rests entirely with the constable to decide who in his opinion should be arrested and charged as a suspected person or reputed thief, neither of these terms possessing any legal definition. And by this means many

¹ *Police Law*, pp. 218-19.

persons are sent to prison for a period not exceeding three months—who protest in season and out of season that they were arrested on an occasion when their intentions were altogether unfeligious, and when they were merely taking a stroll or hanging about waiting for someone. On the other hand, and in fairness to the police, it is certainly very difficult to believe that someone whom one knows is a convicted thief, and whom one sees loitering about in a suspicious manner, is not “on the game.” Meanwhile one hazards the opinion that anyone who is brought before a magistrate on this charge, and who has no previous conviction against him for larceny, should, *as a matter of course*, benefit by the provisions of the Probation of Offenders’ Act, and be dismissed with a caution. As to some ex-prisoners who loiter at night in company with other citizens who have seen the inside of the walls—there is this to be said in their everlasting defence. Like members of exclusive West-End clubs they prefer to mix with friends of a like way of thinking and with similar traditions.

Nothing can be more infelicitous in the eyes of the law than to be found in possession of any picklock, key, crow, jack, bit or other implement (by which one imagines a stick or a jemmy) with intent feloniously to break into any dwellinghouse, warehouse, coach-house, stable or out-building, or to be found armed with any gun, pistol, hanger, cutlass, bludgeon or other offensive weapon—with similar intent—or, still worse, to be found with a blackened or disguised face—one’s object being not nigger minstrels but felony.

Anyone found so caparisoned may be reasonably sure of a rest inside as an obvious rogue and vagabond, the

British Public having little sympathy, if any, with armed dominos.

Representatives of all these four types of suspicion figure from time to time in the dock of police courts, Society being duly protected from their intentions for the space of a fixed number of days, not exceeding three months, minus one-sixth of that time earned in remission for good conduct.

To their number is somewhat illogically added those who desert their wives and children, leaving them chargeable to the parish. By way of punishment the law encourages them to desert them for three months longer, for by this means, apparently, justice is vindicated.

Two kinds of rogues and vagabonds remain to be considered, namely, those charged under the Vagrancy Act of 1898 as amended by the Criminal Law Amendment Act of 1912. According to these Acts, "Every male person who (a) knowingly lives wholly or in part on the earnings of prostitution or (b) in any public place persistently solicits or importunes for immoral purposes may be sentenced to six months' imprisonment as a rogue and vagabond, or on indictment may be sentenced to two years' imprisonment and on a second or subsequent conviction on indictment may be sentenced to whipping."

It is quite obvious that in their original intention these acts had in view, first, the man who lives on the earnings of a prostitute, and secondly, the man who acts (as in some foreign cities) as the tout to passers-by for the women of whom he is the agent or controller. Whilst the first object is recognised and acted upon in this country, the second curiously enough seems to have been lost sight of and the clause in question to be used almost exclusively to

authorise the arrest of male persons who accost members of their own sex.

Under this section of the Act, any person whose behaviour in this respect attracts the notice of two plain clothes police officers detailed to watch for this offence may be arrested, charged and convicted on the uncorroborated testimony of those two police officers, and unless the police request the case to be tried on indictment, the defendant himself has no right himself to insist on a trial by jury, although liable on summary conviction to six months' imprisonment. From what I have heard from persons who have been imprisoned for this offence, I am personally convinced that it would be in the interests of justice if this were made an indictable offence, not triable summarily save at the accused person's request, and that the ruling already existing, I believe, at the London Sessions Court of Appeal—that there should be independent corroboration of the police evidence—should become a general ruling. Alternately I would suggest that the offence might be tried summarily, as it now is, but that the penalty on conviction should be a fine and not imprisonment. The charge is too serious in its effect upon a man's career to be dealt with in the manner it at present is, for the persons arrested are by no means always those who are endeavouring to make a living in this manner, but often persons whose careers are otherwise creditable to the State. With regard to persons who live on the immoral earnings of a prostitute, the scant number of the arrests would appear to be due to the reluctance of the women concerned to prosecute those for whom, in many cases, they have a genuine affection and for whom they are quite willing to work. That many

men take a mean advantage of this situation, there can be no possible doubt. At the best it is but an example of how very little effect laws can have, the avowed object of which is to regulate or suppress any manifestations of the sexual life of a community.

4

It does not fall within the province of a magistrate to pass sentence on incorrigible rogues. It is his duty to remand them in custody until the next Quarter Sessions where they are liable on conviction to twelve months' imprisonment. A person becomes an incorrigible rogue if he has a previous conviction as a rogue and vagabond, if he violently resists arrest as a rogue and vagabond or if he escapes from the prison to which he has been committed for any offence under the Vagrancy Acts.

So much for the administration of this portion of the law. It is of interest to recall that some twenty-five years ago a departmental committee sat to consider the whole question of vagrancy and the acts pertaining thereto. It presented a considered report and a large volume of tabulated evidence, the practical result of which has been that the report and evidence in question can still be obtained at H.M. Stationery Office.¹

Meanwhile, before we pass to other prisoners at the bar, it is our wish that the reader should envisage an English local prison in which the law has already placed

¹ It is interesting to observe that Chapter I of the Report of this Departmental Committee (1904-6) has been recently reprinted as Appendix I of the Report of the Departmental Committee (1929-30) on The Relief of the Casual Poor. One welcomes this "Silver" anniversary edition of so valuable an historical document.

representatives of the following modes of behaviour; and which thus may include : A beggar with or without wounds; an able-bodied person who has become chargeable to a parish through refusing to work; a badly behaved recipient of poor relief; a person making a false statement to procure the same; a bogus collector for charities; someone who "slept out" with insufficient money in his pocket; the poor chap who annoyed the women; a man found with a jemmy; another found with, say, a bludgeon; another found on enclosed premises (prior to his present ones); the suspected person who loitered; the man who ran away from his wife and children; the man who lived on a woman's immoral earnings; and probably a well-educated business man who looked meaningfully at another man and was promptly arrested by two plain clothes officers.

At the women's prisons have arrived at the same time several prostitutes, one or two fortune-tellers, a woman who neglected her illegitimate children, and such feminine equivalents of the male offences already mentioned as may be likely, including perhaps a woman who slept out.

The reader will at once perceive what an exceedingly interesting place the interior of a prison may be, as we are able slowly to add to its growing personnel.

5

Not everyone in the course of a lifetime can wholly refrain from the crime of the assault and battery of a neighbour. A person can complain of an assault, even

if he be not touched or hurt in any way, provided it can be shown that the intention and the means of its accomplishment were present. On the other hand, the merest touch is a battery, no matter whether it does or does not cause any bodily harm.

Under this expanding law of assaults, citizens become prisoners at the bar in a variety of ways. The assault may be merely a threat, or it may be a slap, or it may be a blow, or again it may be a beating, or still worse a wounding, and the results may likewise differ, varying from a black eye (once described in a court by a medical witness as an ecchymosis), a broken tooth or a broken jaw to a total retirement to the hospital ward. The penalties vary also. The assailant may be simply bound over to keep the peace, or on the other hand he may be fined or sent to prison for periods of two months and upwards, thereby establishing within the walls yet another type of prisoner in those houses of representative behaviour.

Or again the assault may be an indecent assault on a fellow-being of either sex, and if the person assaulted be under the age of sixteen, the fact that he or she may have consented to the deed is no defence whatever. Under this heading quite a number of persons find themselves face to face with a magistrate, especially in those areas where an overcrowded population creates conditions especially favourable to the offences in question.

Further, a reasonable number of persons are annually charged with assaulting, obstructing or resisting the police in the execution of their duty, which may simply mean that a person sometimes objects to being arrested and taken to the police station, or that one of his friends endeavours to rescue him from the arms of the law. As

in either case the person is liable to a £20 fine or six months' imprisonment, it would seem to be sound wisdom on such occasions to submit to the inevitable. The more serious forms of assault—such as wounding, poisoning, garroting and the habit of throwing vitriol—fall within the province of the higher courts, and need only be mentioned here in passing as a prophetic indication of the marvellous place an interior of a prison may be in its capacity as a museum of justice.

6

There now begin to appear in the dock persons charged with all manner of stealing and thieving, many of whose charges can be dealt with summarily with mutual consent of the magistrate and the accused persons themselves. It may be somewhat of a surprise to many a student of the police courts to observe in what a diversity of ways the property of other people may be wrongfully acquired, while to some the reflection that stealing by finding may be a crime, if the finder keeps the article he picked up and could have endeavoured to restore it to the owner, may be disquieting.

Into the dock, under the ægis of the Larceny Acts, step women charged with shoplifting, an offence which in some of the shops in Oxford Street would appear to be an almost daily occurrence; persons of both sexes charged with stealing from their employers; purloiners of rugs from waiting cars; clerks who embezzled money; agents who converted it to their own use; persons who stole from ships and docks, postmen who stole postal

packets, and those persons charged with obtaining money by false pretences.

With this assemblage of persons charged with theft, the magistrate has to decide in each case whether he can or whether he cannot accord the benefit of the Probation Acts, or whether instead it may be his duty to commit the offender in the dock to prison for a period not exceeding six months on any single charge.

By this means the prison population already mentioned receives a certain number of thieves to add to its collection of vagrants and those committed for common assault, thieves who—but a few days before—were apparently quite ordinary citizens, shoppers perhaps at Bourne and Hollingsworth, domestic servants engaged upon their duties, clerks in offices, municipal officials, postmen, or persons with the gift of inspiring confidence to an unusual degree, now—all of them—thieves in prison or persons under observation and liable to be called to account.

That persons charged with false pretences should be tried summarily and that this offence should be regarded as a misdemeanour only, is, one is inclined to believe, an underestimation of the gravity of the behaviour involved. Of all members of the community persons capable of fraud are the most dangerous, a fact better understood by the professional crook than by the law-abiding citizen. In the criminal world the “confidence” man, the man, that is, who relies upon his powers of personality and glibness of tongue to outwit and defraud his victims, is regarded as the superior of the burglar and the robber. Short sentences for those capable of fraud are wholly out of place.

7

To the police courts also come for the settlement of their affairs the lesser kinds of forgers, and coiners, and those who "utter" the results of their ingenuity. In this way come a small trail of youths who place metal discs in cigarette machines and reap the benefits thereof for a considerable period.

Persons who unsuccessfully attempt suicide likewise appear unless they be the surviving partner of a suicide pact, in which case they may be indicted for murder, for suicide in itself is a felony, being the murder of oneself in the capacity of a subject of the State. Thus to make a pact with another to achieve this purpose is to be the aider and abettor of a murder—at any rate in the eyes of the law.

Every now and again someone stands in the dock charged with malicious damage, an offence which in its origin in common law had reference only to the burning of a house. Since the Malicious Damage Act of 1861, however, it includes practically any form of damage which is at all likely to be committed. The most popular act of malicious damage is window-breaking. Many persons break windows each year in order to draw attention to their wants, sometimes simply in order to be committed to prison for a few weeks' rest. It is a curious habit and a form of behaviour which one would imagine would entitle its exemplifiers to pathological treatment. As it is, many magistrates nowadays remand persons whose behaviour is somewhat odd for a medical report, before deciding what is the best thing to do with them.

Another prisoner at the bar, on rare occasions, is the person who disturbs public worship by any riotous, violent, or indecent behaviour, and who enjoys thereby the unique privilege of being arrested by a churchwarden. Again the magistrate who is wise remands the accused person for a medical report, for all things considered such behaviour does not seem to be of a quality to add haphazard to those behaviours already collected within prison walls.

On one occasion I recollect a woman being charged for the most unusual offence of seeking to control the traffic in a crowded East-End thoroughfare and thereby causing much confusion. Her defence was that she could do it just as well as the police. The magistrate bound her over. He said he did not doubt her ability for one moment, but that it was a work of supererogation on her part and must be discontinued. Reluctantly she agreed.

A considerable number of persons are annually charged under the Street Betting Act of 1906. They are heavily fined, but seem always able to produce the money. At intervals also persons are charged with selling intoxicating liquor, either without licence or at forbidden hours. Sometimes, too, a lad is charged with gaming in the street. All these are *liable*, if they persist in their habits, to imprisonment, and some get it.

It is very difficult for many people to understand the official attitude of mind towards betting, gambling and alcohol, far less its methods of seeking to regulate these permanent assets of civilised life. One can quite easily understand, however, the preference of English people for holidays on the Continent, where public opinion seems to have maintained a level of common sense which like

the best *vin ordinaire* cannot be shipped to Great Britain.

We must now proceed to consider the more notable forms of crime which entitle their enactors to trial by jury, either at the Sessions or the Assizes. But before bidding farewell to the police courts it must be borne in mind that a very great deal of the hard work of a Metropolitan magistrate consists in hearing applications for advice and summonses, before the regular morning's list of charges opens, and in spending the best part of every afternoon in listening to an everlasting array of police summonses for motor offences and the like, not to mention the matrimonial cases, which alone might warrant the establishment of a separate court for their consideration. That Metropolitan magistrates perform their arduous duties in a manner worthy of praise cannot for one moment be doubted by any student of the courts. Within the limitations of the law they administer justice. Their sentences are technically unjust only when they refuse to give a first offender the benefit of the Probation Acts in cases where he is entitled to it.

8

Prisoners at the bar, whose cases cannot be or are not dealt with summarily, appear for trial in due course, either at the County or Borough Sessions or, if charged with offences too serious for decision at these courts, at the Assizes. It is the duty of the Grand Jury at any of these courts, after considering the bills of indictment presented to them and after hearing the witnesses for the prosecution in each case, to decide whether or not the accused persons shall stand their trial. After they have completed their

duties they are discharged. It is then the duty of the petty juries, summoned by the Sheriff, "to well and truly try" the cases brought before them, "and to give a true verdict according to the evidence."¹

That juries may make grave mistakes is indisputable, but almost without exception they are mistakes in which the defendants entirely concur. Very few innocent persons tried on indictment are found guilty, but quite a respectable number of guilty persons escape scot free, either because their juries sincerely believed in their innocence or because for reasons of which the law takes no account they declined to convict them. By such means juries frequently succeed in making the administration of the law harmonise with the administration of justice and bring both into line with contemporary common sense.

It is part of the business of Quarter Sessions to hear appeals from decisions of magistrates in police courts, just as it is the province of a special court, the Court of Criminal Appeal, to hear similar appeals from the Sessions and the Assizes.

Everything is done therefore to ensure so far as may be possible that no innocent person shall be wrongfully convicted, but here as elsewhere it is never an advantage to be a poor man.

9

It will be unnecessary for our purpose in these pages to take notice of the particular court in which the various kinds of offenders may stand their trial, it being borne in mind that the most serious offences are dealt with at the Assizes. Of all prisoners at the bar he who is charged

¹ *Police Law*, p. 21.

with murder attracts the greatest public interest. This is not perhaps because there are not worse crimes than murder, but simply because the death penalty is the sequence of this charge if the defendant be found guilty and *not* insane.

In order to murder any person according to English law one must be of sound memory and discretion, and over seven years of age; the killing must be without justification or excuse, that is to say, it must be done by direct act or wicked negligence, and the victim must have died as a result of the injuries received within one year and one day. If he dies in one year and two days, he has not been murdered but has died from other causes. It is possible to murder a person in several ways for various reasons, but the law does not take into account the ways or the reasons if the intent be proved. Thus a man who poisons his wife in order to marry another woman (*e.g.*, Crippen), a man who poisons his tenant in order to benefit by her death (*e.g.*, Seddon), a man who kills his lover's husband to pave the way for marriage (*e.g.*, Bywaters), a man who shoots a householder in the course of a burglary, or a man who kills in a fit of jealousy—all are equally murderers in the sight of the law and all equally liable to be hanged, or to be sentenced to penal servitude for life, if reprieved. The law takes no account of extenuating circumstances unless the murderer can show that his deed was justifiable or excusable within the meaning of the law.

In spite of the existence of the death penalty and its enactment, a small number of persons every year commit murders, some of whom are duly hanged. It is the belief of those who desire to see the death sentence maintained that the number would be far larger than it is were it not

for the existence of capital punishment. It is the contention of those opposed to the death penalty that this would not be the case, in that it has not been the case in countries where it has for long been in abeyance. Common sense would therefore suggest its experimental abolition for a period to see what happened.

Murder becomes manslaughter in the eyes of the law when it can be shown by the defendant that there was an absence of any malice in the deed, and that the death in question was caused, either by overwhelming provocation or by culpable neglect. It is interesting to observe that in the case of a criminal charge of culpable negligence, it is no defence to plead that the person killed contributed to his own death by his negligence, whereas in a civil case for damages arising, say, out of a motor-car collision in which one party was killed, the defendant, if sued by the surviving representative of the dead person, can plead contributory negligence on the deceased's part as a cause of the accident.

The penalty imposed for manslaughter may be anything from a fine to penal servitude for life, the severer sentences being given as a rule in those cases where an original charge of murder may have been reduced to manslaughter through lack of sufficient evidence to prove a malicious intent believed to have been present.

Nearly akin to murder and manslaughter are those more serious assaults in which a person inflicts upon another grievous bodily harm, either due to an attempt to murder, in which case the accused person is liable on conviction to fifteen years' penal servitude, or with the malicious intent of causing the bodily harm in question, as, for example, in vitriol throwing, garroting, wounding,

etc., for all of which the accused person is liable to heavy penalties; as he is also if convicted of robbery with violence, the full penalty for this felony being penal servitude for life and a flogging.

It must be borne in mind, however, that it has been in the power of judges for some time to substitute in place of a sentence of penal servitude any sentence of imprisonment upwards to two years that may appear to be an adequate penalty. Thus for all practical purposes nowadays a person convicted at the Assizes or at the Sessions (in cases where his alleged crime is triable there) may receive any sentence from a mere binding over to that amount of penal servitude or imprisonment fixed as a maximum by the statute creating the offence.

10

In the dock of the Assize court appear those sinister persons charged with blackmail: a felony punishable with penal servitude for life.

Blackmail consists (a) in the uttering "knowing the contents thereof any letter or writing accusing or threatening to accuse any other person (living or dead) of any crime punishable with death or seven years' or more penal servitude, or of any assault with intent to commit rape or of any attempt to induce any person to commit or permit any unnatural crime, with intent to extort or gain any property or valuable thing from any person"; (b) "in accusing or threatening to accuse any person (living or dead) of any such crime with intent to extort or gain any property or valuable thing from any person"; (c) "in

compelling or inducing any person to make, alter, or destroy any valuable security or to attach any signature or seal to any document so as to render it a valuable security, when done with intent to defraud or injure any person and by any unlawful violence or restraint to the person of another or by accusing or threatening to accuse any person (living or dead) of any such crime or of any felony " (as above).

It is likewise blackmail—though in these cases only a misdemeanour—" to extort any valuable thing from any person, or to induce any person to confer or procure any post of profit or trust for any person :—by threatening in case of non-compliance (a) to publish any libel upon any other person (living or dead) or (b) in case of compliance, promising to refrain from publishing the same.

As in England the blackmailers' trump card is the Criminal Law Amendment Act of 1885 (s. 11), it may be apposite to mention the misdemeanour with which this deals at this point. By this Act it is a misdemeanour for any male to commit or to be a party to, or to procure or attempt to procure the commission of any act of gross indecency with another male person whether in public or in private, it being no defence to the charge that the act was committed with the mutual consent of the parties concerned.

The difficulty concerning this law consists in the fact that it proscribes a form of behaviour which rightly or wrongly is regarded by numbers of the present generation with a marked tolerance, so much so indeed as even to raise the question whether it might not be advisable to delete from the wording of this act the words " in private " and to recognise an age of consent.

As it is, the existing law, whilst having little if any effect at all upon the conduct it proscribes, does assist the blackmailer in that it enables him to threaten his victim with the fear of two years' imprisonment for committing an offence which, owing to its prevalence, he may in fact have committed, yet which he must deny on oath if he is to prosecute the blackmailer.

The Act in question is likewise a curious example of the inequality of the sexes in the eyes of the law, the same behaviour between members of the female sex not being regarded as a crime at all. An attempt to make it such was vetoed by the House of Lords on the ground that its only result would be to increase the facilities of the blackmailer. Yet once again the people on the Continent in these matters seem to be wiser than we are. Meanwhile a few persons each year are imprisoned for the offence in question, their position in prison being a peculiarly pathetic one, in that their fellow-prisoners do not consider them as *bona fide* lawbreakers, while they themselves are unable to feel that they have committed any crime or that they differ in any way at all from vast numbers of their law-abiding fellow-citizens outside the walls in the range of their behaviour.

That persons are blackmailed for many other reasons than that on which stress has been laid goes without saying, but only in this case, and perhaps a few others (for example the charge of abortion), does the law aid the blackmailer to a similar extent. To demand money with menaces, or to steal in any dwelling-place by inspiring its occupant with bodily fear, is not blackmail, but is a felony. Having mentioned the felony of abortion it may be convenient to deal with it in this context, for a reliable number of

men and women see the inside of a prison annually in consequence of it. Here again the law is met with the difficulty that the practice which it condemns is widely tolerated with popular consent, which comes to mean that the persons who are punished and sent to prison for committing this crime have none of those feelings which, if the law is to be respected, it is proper they should have. On the contrary they are apt to compare their status with that of any surgeon, who may legally say, "The operation was successful, but the patient died."

In all legislation which seeks to define the legal limits of the sexual behaviour of a community it would seem to be essential for its success that it should adequately reflect contemporary public opinion on the matters with which it purports to deal. When it fails to do this it loses its authority altogether, or seeks to maintain it by spasmodic arrests of isolated individuals, who are punished not in response to any popular demand, but apparently in order to prevent the law becoming a dead letter, for by no stretch of the imagination can it be said that such prosecutions in any way deter others from pursuing the same lines of conduct, *if* the conduct in question be popularly tolerated.

Another prisoner at the bar of an assize court is the person charged with bigamy, a crime which is peculiar in the sense that its criminality consists in its being an offence not primarily against the person involved in the deception, but against the solemnity of the ceremony of marriage. It is punishable with seven years' penal servitude, though as a rule the sentence is very considerably less, and it would seem that the behaviour of the offending party weighs more heavily with a modern judge than does the consideration that he or she has profaned the sanctity of

wedlock. This may conceivably be due to the experience of the sanctity of wedlock which some judges obtain in divorce proceedings. The penalties against bigamy do not seem to produce a very marked effect on the tendency of human beings to exemplify the felony in question.

II

To the dock of the higher courts come also those artificers charged with counterfeiting the King's money, an offence which includes the making of any coin intended to pass for, or resemble, the genuine coin of the realm, just as "uttering" a misdemeanour includes the passing off or putting off such coins into circulation. It is similarly a felony to counterfeit any foreign coin or to forge any banknote.

Persons charged with the crimes of counterfeiting money or forging banknotes seem as a rule very seldom to be influenced by any experience of our penal methods to forgo the practice of their arts. Their ability is unquestionable, and it seems a pity that the State cannot find some means of turning it to profitable account in a way advantageous both to itself and the convicted artist. Perhaps one day it may be felt possible to turn a prisoner at the bar into a good citizen without sending him to prison at all, if his gifts be of an exceptional order, and thereby throwing fresh light on the advantages and latent possibilities of the Probation of Offenders Act.

Meanwhile a certain number of coiners and many forgers of documents join within the prison wall that collection of representative behaviour slowly accumulating therein.

12

To their number must be added those burglars and housebreakers whose nightly or daytime avocations bring them within the purview of the criminal code.

Housebreaking differs from burglary in that it extends to a wider range of buildings, including shops, offices, and stores, whereas burglary is confined to dwellinghouses. Also burglary must occur during the night time (9 p.m.—6 a.m.), while housebreaking, except for the one case of entering (without breaking) a dwellinghouse in the night with felonious intent, may take place at any time. The felony of sacrilege consists in breaking in and entering or breaking out of any place of Divine worship in order to commit or after committing any felony therein. Burglars abound and housebreakers flourish, with the result that all prisons contain examples of these tireless and by no means uncongenial cracksmen. In contradistinction to those convicted of false pretences they are sometimes called, and often rightly, “honest screwmen.”

Of other offenders who are tried on indictment it may be sufficient to name those charged with rape and with abduction, that is to say the unlawful taking away or detention of a female or child with some criminal intent, or the forcible taking away or detaining of a woman of any age against her will with intent that she should be married or carnally known, or to the fraudulent alluring away or detention of any woman under the age of twenty-one years on account of her fortune out of the possession of and against the will of her father or mother or other person having the lawful care and charge of her, or to the

taking or the causing to be taken of any unmarried girl under the age of eighteen out of the possession and against the will of her father or mother, etc., with intent that she should be unlawfully or carnally known unless the accused can prove he had reasonable cause to believe that the girl was of or above the age of eighteen years.¹

On rare occasions persons are charged under the Prevention of Corruption Act of 1906, which deals with the bribery of and the acceptance of bribes by agents or servants of the Crown, and on still rarer occasions under the Official Secrets Acts of 1911-1920, as was a late ex-governor of a London prison for disclosing to a newspaper in the form of an article things told him by a prisoner awaiting the death penalty. The penalty was, however, only a fine, though he was liable to imprisonment. Sufficient may now have been said to indicate to the reader the kind of persons who may at any given moment be undergoing terms of imprisonment of varying length.

13

A word may here be added concerning the present-day treatment, first of habitual criminals, and then of youthful offenders. By an habitual criminal the law seeks to describe a person to whom crime has become a profession and means of livelihood, and who practises a crime that is regarded as a serious one, and practises it in a manner that suggests mental competence and self-control.

Such a person may be charged on indictment with being an habitual criminal if (a) since attaining the age of sixteen he has at least three times been previously con-

¹ *Police Law*, pp. 71-72.

victed of a crime, and is leading persistently a dishonest or criminal life; or (b) on such a previous conviction he has been found to be an habitual criminal and sentenced to preventive detention and is still an habitual criminal; and (c) if the approval of the Director of Public Prosecutions has been given, whose consent is necessary before the indictment is commenced. In such a case—a sentence of preventive detention—not less than five and not more than ten years may be passed in addition to the sentence of penal servitude for the crime which has caused the person's trial, but not without such sentence.

That it should be necessary for a judge to sentence a person to penal servitude before he can sentence him to preventive detention strikes most people as being not merely unwarranted but unjust, and probably accounts for the reluctance to make a fuller use of this Act.

Youthful offenders are nowadays subject to the following regulations. A person under seven years of age cannot be punished by the law for any of his acts, it being assumed that he is not responsible for them. A person over seven years of age and under fourteen is responsible legally for all offences except rape, but he cannot be committed to prison, though he may be sent, if under twelve, to an industrial school, and if over twelve and under sixteen, to a reformatory school. He may likewise be birched with six strokes if convicted of an indictable offence. If under sixteen he must be tried at a juvenile court, unless charged jointly with an adult. He cannot be sentenced to death.¹

Between the ages of sixteen and twenty-one years of age a youthful offender when convicted before an Assize

¹ *Police Law*, pp. 88-89.

Court or Court of Quarter Session of an offence which can be punished by penal servitude or imprisonment, or if sent to Quarter Sessions by a magistrate for a breach of probation or of the rules of a reformatory school, can be committed to a Borstal Institution for a period of not less than two and not more than three years, provided he be of fairly good health and possessed of a character likely to benefit by such treatment.

On the other hand he may be sent to prison, and often is, in which case he goes to a special portion of the prison in question.

Sufficient has now been said to give the reader a fair indication of the kind of offenders whom he may expect to find undergoing sentences of imprisonment of widely differing length at any of H.M. Prisons or Institutions, it being understood that sentences not longer than two years (imprisonment) are served in what are called local prisons, and sentences of three years and upwards (penal servitude) in convict prisons, persons who are found guilty but insane, or who become insane in prison, being sent to Broadmoor Criminal Lunatic Asylum to be detained "during His Majesty's pleasure." A sentence of hard labour differs very little nowadays from a sentence of imprisonment in the second division. The hard labour to which it originally referred no longer exists, *i.e.*, the treadwheel, the crank and shot drill, and in actual practice it consists in the withholding of a mattress from the plank bed for the first fortnight and certain other privileges for a specified period.

ON OUR PENAL METHODS

I

WHEREAS public opinion has always hitherto agreed that the lawbreaker, on conviction, must be punished, it has changed its mind considerably as to how precisely the punishment should be carried into effect and as to what should be its object.

Thus our ancestors of the eighteenth century—to go back no farther than that—were of the opinion that on the whole the best way to punish a lawbreaker was to get rid of him.

This they did in one of two ways. Either they transported him to the New World *via* the Atlantic, or they transported him to the Next World *via* Tyburn. Our ancestors, therefore, had very little use for prisons as we now understand them. In their days prisons were chiefly used as official waiting-rooms for those awaiting trial or transportation by one of the two possible routes. The only persons who, as a rule, were sentenced to terms of imprisonment were petty offenders against the vagrancy laws, who then as now were shut up for short intervals in buildings called Bridewells—the precursors of our modern houses of correction and local prisons.

The lawbreaker (who was more than a vagrant or petty offender) was in their eyes rather a person to get rid of

than a person to be reformed. Their policy indeed was that of every modern householder who seeks to keep his house tidy by the aid of the dustman. They simply threw out the things that were not wanted, and in so doing helped to create the United States and Australia.

Then one fine day the most disturbing thing happened, and they found themselves in the position that a householder would occupy were he respectfully informed one morning that the dustman would no longer call, and that henceforth he must find room in his own household for all his unwanted belongings.

First America and then Australia politely declined any longer to figure as an Imperial dustbin.

Our ancestors had then to decide what was to be done with a lawbreaker who could not be transported and who, owing to the rise of humanitarian ideas, could no longer be hanged for most of the offences which had formerly merited that treatment. And the result of this *impasse* was the building of new prisons all over England which were intended to have the same relationship to Society as the box-rooms have to our households, with this disquieting difference, that when we place unwanted articles of furniture that decline to harmonise with our requirements or taste in the box-room, we place them there for an indefinite period, but in the case of the unwanted or distasteful lawbreaker, Society feels under a moral obligation to let him walk back into the household after a fixed period in the box-room, whether he be fit to return or not, or whether there be or be not any room for him.

Faced with this very perplexing situation, our ancestors attempted to solve the difficulty by thinking whether it might be possible to make its prisons so unattractive as

to scare lawbreakers into refraining from qualifying for admission into their inner mysteries, and yet at the same time to make them places of moral reformation for those who did so qualify; for the English ruling mind at that period had just come under the influence of the Evangelical movement, which had followed on the activities of John Wesley and was very anxious to convert anyone upon whom it could lay hands to its own interpretation of the Christian Faith. And since those whose desire it was primarily to punish the lawbreaker thought that nothing could be more shattering to a man of the world than to compel him to live a life of monastic discipline for a fixed period in a closed order, vowed to perpetual silence, hard labour and to a diet beyond the affectations of personal choice, and since those whose desire it was to reform him thought that nothing could be more beneficial to his soul's salvation than the self-same discipline carried out in the self-same surroundings, it is not surprising to learn that the two parties arrived at a consensus of opinion on the matter.

Thus cellular prisons arose all over the country on the model of Pentonville, which in its genesis in 1842 was built to suit the requirements of what was known as the "Separate System," its object being to provide against the possibility of one prisoner contaminating another prisoner; an object the better ensured by making the prisoners wear masks and occupy when at work or in chapel separate compartments—an arrangement, be it said, that may still be seen, in full swing, in some departmental prisons on the Continent.

It was hoped that by such means potential lawbreakers would either avoid prison by keeping the law or would

emerge at the end of their sentences with broken spirits and contrite hearts. A great many spirits certainly did break, so many indeed that public opinion became rather anxious and a little doubtful whether they were breaking quite in the right way. The rumour began to circulate that the effect of long hours of unremitted solitude produced on many who underwent it a condition of mind better adapted to the standards of Bedlam than to those of the apostles of regeneration. On the other hand a great many of the incarcerated spirits did not break, but seem to have inclined to the belief of Nietzsche, namely, "that which does not kill me, strengthens me."

Very reluctantly the authorities felt bound to confess that their penal and penitentiary methods did not seem to produce the expected results, and that the harvest of crime seemed to flourish much as it had always done.

Society then entered upon another of its periods of thought, with the result that just as formerly it had hit upon the notion of converting the prisoner into a monk, so it now hit upon the idea of converting him into something resembling a public schoolboy born out of due time. Why not turn the prisons into boarding schools for backward or too forward citizens? And once again, those who felt the lawbreaker ought to be punished and those who felt he ought to be reformed joined hands, for it was agreed that the boarding schools should, of course, be penal boarding schools. And so has come to pass our present prison system, the object of which is to combine punishment with a kind of public school education.

Now there is this to be said in favour of our modern penal methods. They represent a perfectly genuine

desire on the part of the authorities to treat the lawbreaker well during his imprisonment, and where possible to instil into his mind those conceptions of honour and trustworthiness that have always constituted gentlemanly behaviour in every walk in life. Nor do I think that anyone can visit an English prison to-day without being impressed with the earnestness of this twentieth century attempt to put new wine into old bottles and a new patch on an old garment and to believe that in so doing a constructive service is being performed.

Thus contemporary public opinion comforts itself with the thought that by sentencing its lawbreakers to fixed amounts of training in industrious habits, carried out for the sake of economy in buildings still called prisons (though in the case of those reserved for young persons between the ages of 16 and 21 they have been renamed "institutions"), it may have succeeded in solving the same problem that perplexed its ancestors in the "ampler days of Queen Victoria"; namely, how to punish and reform a lawbreaker simultaneously and thereby to serve the interests of both God and Mammon.

But despite these ameliorative conditions of our modern penal methods, the prisoner on his release—like the public schoolboy who has not got private means to fall back upon—is apt to find that his recent education has very little practical relation to the complexities of the workaday world which confront him when that education has terminated; while the ex-prisoner lacks that last solace of the public schoolboy, namely, the privilege of quoting his old school as a social reference. Rightly or wrongly an employer seems never to be suitably impressed by a man, who on seeking a job says, "I was educated at

Wormwood Scrubs and took a post-graduate course at Dartmoor."

And it may be the realisation of the delicacy of this situation that is causing many people nowadays to wonder whether, if it be our desire to help the lawbreaker, it might not be more economical and more sensible to refrain from sending him to prison at all, in that the problems raised by his misbehaviour are in no wise fundamentally altered by placing him therein; while the question "What is to be done with him next?" is merely postponed for a fixed number of days, weeks, months or years—except, of course, in cases where he is sentenced to death, and here, too, modern public opinion is not quite in agreement, for it is not sure whether the sanctity of human life is best emphasised by taking it.

However, leaving the subject of Capital punishment, which can hardly be said to be a major consideration in the subject we are discussing, we find public opinion to-day divided as it has never been before on the question as to what precisely should constitute a sensible treatment of the lawbreaker.

2

One result of this uneasiness of mind has been the coming into force of the Probation Acts, by which authority is given to magistrates and judges, even if they consider a charge has been proved, "to dismiss the charge altogether or to bind the offender over, with or without securities, to appear for conviction and sentence when called on at any time during a specified period, not exceeding three years, if it is of opinion that, having regard to the

character, antecedents, age, health or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment, or any other than a nominal punishment, or that it is expedient to release the offender on probation. . . .

“Such a recognisance may contain the condition that the offender be under the supervision of such person as be named in the order and also any other conditions with respect to residence, abstention from intoxicating liquor, and any other matters considered necessary for preventing further offences.”

This is the greatest advance in the treatment of the lawbreaker that can well be imagined, because it shows quite plainly that public opinion has accepted the standpoint that the administration of Justice *can* be achieved without punishing the lawbreaker any further than he punishes himself by his behaviour and its inevitable consequences in the arena of everyday life, while the chance of his being able to make some sort of restitution to the injured parties is rendered far more likely than can be the case if he be committed to prison.

Perhaps the greatest point in favour of the Probation Acts is this last fact—that it is recognised that the misbehaviour of any citizen, if it be capable of rectification, is far more likely to be rectified in the natural surroundings of everyday life than in the wholly artificial surroundings of a prison. In prison, the lawbreaker is free from all anxiety as to board and lodging and is removed from every condition with which his nature will have again to cope on his release. It is not surprising, then, if the

prisoner thinks in the absence of all temptations that his character on release will be stronger than he usually finds it to be when again faced with the world of realities, and with the obligation of having to account for his absence from it.

But what is to be done with the offender who breaks his recognisances or rebels against his probation order, or with the offender whose behaviour and record are of a kind to make him ineligible for the provisions of the Act in question, as at present administered ?

Before we proceed to consider whether there be any alternative to our present penal methods, it may be as well to present the reader with some pages on Crime as a profession, and the relation of the professional crook to his contemporary surroundings; and after that, some more pages on the lawbreaker who is not a crook by profession, but whose behaviour or portions of it bring him within the scope of the criminal law. We may then be in a better position to consider alternatives to our present penal methods.

BECOMING A CROOK

It is never devoid of interest to enquire why and how anyone came to follow the profession of their choice, or, at any rate, the profession in which they are discovered to be labouring. And the interest doubles in those cases where the profession followed turns out to be one prescribed by the law of the land.

It is only in recent years that professional crooks have added to their already heavy burdens the additional task of writing autobiographies for the benefit of the general public. But the habit has been acquired and the result has been that the criminal world, like all other once unexplored countries, is becoming a portion of a citizen's topographical knowledge.

To the citizen, who is a philosopher by nature and whose delight it may be at all times to re-explore the beaten track of human experience in all its ramifications, these crook-memoirs have all the abounding use attaching to official guide-books to countries about to be visited or already partially known. Their authors speak with authority, and not as the Fleet Street scribes. The fare they offer may be far less sensational in its flavour, but it has this supreme value belonging to it—it nourishes the mind of the serious reader with those ingredients which, if assimilated, open his eyes to the criminal world as it actually is, and not as the journalist feels impelled to por-

tray it. It is the difference between a photograph of a seaside resort and a railway poster of the same watering-place. The latter is the more attractive, and it is conceivable that many youths who embark upon crime as a profession do so because they have seen the posters of Crookdom before they have travelled to its various spas and hydros. One is tempted to think this must often be the case, for every crook biographer seems to arrive at the same unfortunate conclusion that all things considered it does not pay to be a criminal by profession.

Writes "George Ingram," ex-burglar of proficiency and fame: "I had a feeling of deep resentment at the discipline which is necessary to the normal person's life. I didn't want to be restricted: I wanted to do as I pleased, to be absolutely free. And the more I thought about the situation, as I lay there in my bed, in my rather dingy little room, the more I leaned towards the life of freedom, even though it involved a desertion of respectability."¹

And again, "I certainly knew that burglary was wrong, but I also knew that I might not get so much excitement in any other calling. Had England been at war with another country at that moment I undoubtedly should have gone to the Front. Had I been possessed of riches I probably should have journeyed into the wilds to shoot big game. I hankered after adventure. In the absence of legitimate opportunities I went in for robbery."²

In plain words the crook has an old-fashioned aristocratic dislike of commercial civilisation. He wishes to be a gentleman of leisure, but he lacks the requisite private means. His profession is to find them, and when found,

¹ *Hell's Kitchen*, p. 26.

² *Ibid.*, p. 34.

BECOMING A CROOK

temporarily to live upon them, in accordance with his individual desires.

Another biographer of fame was the recently deceased yet otherwise immortal May Churchill Sharpe, better known as "Chicago May," a veritable queen among female crooks.

Born near Dublin in the year 1876, she was the only girl in a family consisting of her father, her mother and six brothers. A general favourite with them all, she occupied the leisure hours of her childhood in riding horses bare-backed and astride, and in managing refractory animals on her father's stock farm. Her influence over animals was very marked, extending, so she tells us, from "the frisky young bull just initiated into the mysteries of the nose-ring, to the rutting boar who would not allow a man to go through the pigyard unchallenged."

There was nothing in her home environment to drive her into a life of criminal adventure. She had excellent parents and received a good education, first at a kindergarten school kept by Sisters of Mercy, and afterwards at a convent school in Dublin, where she remained on and off for five or six years. At the former establishment she fought with boys, inspiring terror in the hearts of those companions of her own sex. At the latter she found herself in disagreement with the Mother Superior but on terms of friendly understanding with the old parish priest, who told her that education was a necessary evil, and that the best thing she could do was to put up with it, until she could enjoy the freedom of life which would await her when schooldays were over.

Eventually she was expelled from the school, only to find on her return home to the farm that her parents were less inclined than they had formerly been to tolerate her

restless waywardness. It was, apparently, then that she remembered she had relatives in America, and privately made up her mind to visit them. Being morally certain that her father would not regard her projected visit with anything but disapproval, she decided to possess herself of the requisite funds for the journey by the simple process of robbing his money-box.

"I did it without compunction," she writes. "He could afford to lose it and I needed it. It wasn't my fault that I was born. In the spring of 1889 I flew the cop with sixty pounds in my clothes."¹

Not a bad start for a girl of thirteen, and it is conceivable that in no other profession on earth would the remarkable May have found more adequate scope for the expression of her talents than in that of crime, on which she speedily embarked on her arrival at the other end of her journey.

Her preliminary steps recall those of her spiritual prototype Jenny Diver (*née* Mary Young), who a century and a half before left Ireland for Liverpool, somewhat hurriedly, to enter upon the same profession. Jenny, however, went one better, persuading an admirer to raise the journey-money by robbing his master, and to accompany her on the security of a promise of marriage. He raised £80, and they reached Liverpool, where unfortunately he was seized, sent back to Erin and hanged: not, however, before Jenny had continued her journey to London with the remainder of the money. But Jenny was fifteen and May only thirteen. That May was a successful crook no one who reads her amazing career can for a moment dispute, and yet the depressing fact remains that she, too, came to the conclusion that it did not pay in the

¹ *Chicago May. Her Story*, pp. 7-11.

long run. With a becoming candour all her own she writes, "If I had never been caught by the law I would still think as I do now, that crime does not pay. I would want to settle down as I do now, to make an honest living. I have tasted luxury and high living until I am sated. The first returns of crime are large, out of all proportion to the work involved. But the largeness of the hauls begets extravagance. Crooked money disappears like lightning. There is no denying the fact that age and suffering have had considerable influence in bringing me to this way of thinking. Like other business people I did not want to get out of harness while I still thought I was fit and while my competitor was threatening me. Crime never occurred to me as sin. I only want to reform now from a business point of view."—"No one has persuaded me to go straight merely because it is right."¹

Coming from such lips these words have an immense weight, but the opinions of those in the autumn of life, however sage, have never yet prevented those in the springtide from testing for themselves the accuracy of their wisdom: so that the criminal profession has little to fear from the disparaging reports concerning it that circulate so freely in the contemporary Press. Crooks may come and crooks may go, but Crime goes on for ever.

Not every crook enters upon his career by paths of such comparative affluence as those already instanced. A far larger number, born and nurtured in surroundings less redolent of refinement and education, enter by the same gate as opened itself so invitingly to *Oliver Twist*.

"At the age of thirteen," writes George Gordon,² "I ran away from the workhouse. I was of course absolutely

¹ *Chicago May. Her Story*, pp. 1-5.

² *Crooks of the Underworld*, p. 55.

destitute and drifted naturally into crime. I did not meet quite such a delicious character as the 'Artful Dodger,' but I did make the acquaintance of a chum of about my own age who specialised in shop-lifting. He was really an expert, and he introduced me to his large and unwholesome family, all of them petty thieves. We used to forage out together and took up anything we could lay our hands on at chemists', stationers', and grocers' shops. These we took home to his people, and they disposed of the articles. In return we got our food and lodging."

Becoming a crook, in the case of most young persons of humble birth, means making friends with those of a similar social station who are already members of a local gang of "the boys," confraternities composed for the most part of roughly-bred lads to whom the careers of "Jack Sheppards" and their "Edgeworth Besses" make a permanent appeal, lads who, having little reputation to lose, and being full of the fire of youth, prefer a life of ease and adventure to one of disciplined drudgery. And what more adventurous career exists than that of a highwayman, who in his hours of leisure can also engage in "smash and grab" raids, bag-snatching, occasional burglaries, and the more elementary forms of demanding money by menace?

That such a life makes a greater appeal to many youths of school-leaving age than anything modern civilised life has to offer is a fact which, however inconvenient it be, has to be borne in mind by those whose desire it is to convert a high-spirited young crook into a sober-minded citizen.

That of all departments of the criminal profession it is most liable to interruptions by the police seems to have no effect whatever upon the optimism of its members. All seem to have the courage of their convictions, not to

mention of their previous convictions. If asked why they continue to ply so seemingly an unprofitable trade they will usually confess that it holds them in its grip. With all the imprisonments, all the poverty, all the anxieties, all the innumerable dangers and drawbacks, it is nevertheless in their minds better than honest toil at a small wage and with fixed hours. They would agree with Jack Black that "You can't win," but it may be that in their opinion it is better to play a losing game that one likes than to play a winning game which one loathes, a point of view, be it said, worthy of the most careful consideration.

Those who remain continuously or who return rapidly to this gang life of Lower Crookdom do so because it is the only atmosphere in which they can feel permanently at home. Nothing that Higher Crookdom has to offer—assuming they have the gifts to rise there—can compensate for the loss of the life of the little cafés, pudding shops and small taverns of the Lower Underworld, where crook meets crook for relaxation or business in a way better suited to the requirements of the police than to those of the profession. If the crook of the Lower Underworld could break away from it, descending into it only for the purposes of business, he would make a far greater success of his job than he does or can ever hope to do; a fact which demonstrates very plainly that in this profession, as in all others, it is not only ability which counts but character, and in the criminal world, as elsewhere, character means self-control.

And now that we have observed some of the ways in which human nature gravitates towards Crime, we can enter upon the far more entertaining task of delineating some of the methods it employs in the pursuit of its aims.

ART AND METHOD IN LOWER CROOKDOM

LIKE the theatrical profession the criminal world has its "stars," its "lesser stars" and its walking-on parts. It has also its "fallen stars." But no matter to what rank the artist may belong he has always a part to play to the best of his ability. And he need never be out of employment. Actually he creates his own part in accordance with his natural inclinations and talents. It may be a very humble rôle, but it requires practice and is capable at all times of improvement.

By Lower Crookdom I mean that portion of the world of criminal activity devoted to the arts of those whose labours are of a less cultured kind, even though they come at times within the purview of the more exalted legislation: for it is not only the great actors who occasionally attempt the rôles of Hamlet or Othello. There are back-street players of felonious deeds who, within the radius of their own company, win infinite praise and admiration, and the future artist often reveals himself at an early age. "I was ten years old," said one of my young friends to me, "when I tried to hold up the post office with a toy revolver. Everyone laughed and I was subsequently spanked by Mother." Yet despite this maternal discouragement he managed to secure twenty convictions by the age of twenty-one, as a youthful brigand of undaunted valour. He was not a false prophet.

Lower Crookdom is the home of those gangs of youths

and maidens who give local colour to many of the regions of great cities. In London there are several gangs of this description. Their methods may differ in degree, but they comprise at all times the arts of the highwayman, the burglar and the thief in their rougher settings; for the artists themselves, it will be understood, have not been educated at Eton and Oxford and have none of the ideas, manners and aspirations of those who have had their inmost natures disguised or fashioned by these or equivalent means. They are rough artists with rough ideas, rough desires and very rough ways of expressing them.

It was my privilege some two years ago to make the acquaintance of some members of a London gang in a highly interesting manner. It was the early dawn of a hot summer's day—to be precise, it was about a quarter to two a.m. It was still, of course, dark, but the darkness was made translucent by the yellow moon shining down upon the river where it flows placidly between the walls of St. Thomas' Hospital on the one side and those of the Palace of Westminster on the other.

I was on my way home, but I was at the moment loitering on the Embankment with no other intent than of admiring the grandeur and the beauty of the scene. I found myself repeating the lines of Wordsworth's famous soliloquy inspired by the same vision, and had just whispered the line, "Dear God—the very houses seem asleep," when I was rudely reminded that whatever might be the condition of the houses, a portion of human nature, at any rate, was very wideawake, and was addressing me personally. I turned round to discern two young men, one very much better dressed than the other, who wished to know whether I would "stand them a kip," a "kip"

being, as probably every reader knows, "a night's lodging," and a night's lodging being in its turn the equivalent of eightpence a head upwards. All that was actually demanded, therefore, was the modest sum of one shilling and fourpence as a minimum. But for reasons yet to be divulged I did not see my way to grant this request. In the first place I recognised one of the chaps as being one to whom I had given some tea and a kip on a previous occasion, and I objected to this being used as a lever for further requests; and, as I have intimated, there was another reason. Thus remarking that on such a hot night it would hurt neither of them to patronise the Park when it opened, I wished them good-bye. Presently they returned to repeat their request, and this time I reminded them that "No" in my vocabulary never meant "Yes." They again went off, and I commenced myself to walk towards Westminster Bridge. Then quite suddenly I was encircled by eight young men and I realised at length what was going to happen. The request was again repeated and again refused. I glanced up the Embankment to see if by any chance a guardian of the law might be about. There was none in sight. A few prostrated folk were half-asleep on the seats near-by, but they decided to be onlookers. My assailants next tried to provoke me to anger by reminding me of facts concerning my parentage which were quite untrue. This also produced no result. They then made some allusion to the river if I recollect aright. Finally they got to business and rifled all my pockets. And it was then they discovered the awful truth, and the second reason for my obstinacy. They retired with the loot, silver—one shilling, bronze—*nil*. Knowing the scrupulous honesty

with which the spoils of a raid are divided it has always been a consolation to me to feel that each received a penny-halfpenny—the price of a cup of tea at the coffee-stall near-by the scene of the débâcle, where I hope the health of an absent friend was loyally drunk at a later hour that summer's morning.

Very naturally I found myself filled with a desire to exact poetic justice for this act of pillage on their part, but how best to achieve my purpose in this respect puzzled me and defeated me for a great while.

Very soon after this event the chief assailant retired through no fault of mine to gaol for about eighteen months, nor is it probable that I should have come across him again had it not been that I made the acquaintance of another member of the gang with whom I struck up a friendship and thereby by slow degress was admitted to this very select *entente cordiale* on the basis of a friendly nation. Thus it came to pass that about a year and a half after the moonlight encounter on the Embankment I heard that my assailant-in-chief was temporarily at large, and to be found nightly in the bar of a favourite tavern.

Just about this time I was writing a series of articles for an evening newspaper on criminal topics, the last of which retailed a description of the hold-up in question. Armed with this newspaper, therefore, I sought out my friend in his favourite resort, and after recalling myself to his memory, asked him first to read the article in question and then to give me the pleasure of his company for a drink. I then remarked casually that I owed him a slight commission for supplying me with the material for a Press article, which I handed him; explaining to him at the same time that I had deducted a shilling from the

amount due to him, as he would recollect that he had received that sum in advance a year and a half before.

He was full of apologies. I explained to him that I bore him no ill will, that I had not objected to my pockets being rifled by his friends, but that it had hurt my feelings considerably that he should have imagined that I should wander on the Embankment by moonlight with more than a shilling in them.

Most of a gang's victims are better equipped and far more hot-tempered than was I. Thus another method of procedure is for one member of the gang to get into conversation with a likely "mug," to accept his invitation to have a drink, to make him have several drinks, to insult him in some way or other, to inveigle him into a fight and to take him to a back alley. Arrived there, another member of the gang—an apparent stranger—offers to hold the victim's coat during the fight, and if the offer be accepted, he rifles its pockets. Then, during the fight, a false alarm is given that the police are coming. The coat (now empty) is dropped and everyone flies off. If, however, the man will not take off his coat, he is then attacked by other members of the gang, waiting in readiness, and is forcibly robbed, and may be left unconscious. Such things have happened. Sometimes the original decoy may be one of the "girls" of the gang, whose invitation to the victim to return to her room is accepted. She then leads him to another back alley, where he is robbed by the gang. Or yet again he is accosted by one of the gang when he is talking to the "girl" and asked what he means by speaking to this man's "wife." Many methods are used by the artists, but the result will always be the same,

and be it said very seldom will the victim be at all anxious to invoke the aid of the police.

Another fruitful practice is for a member of the gang to accept the invitation of a gentleman who is so incredibly foolish as to ask him back to his house—or flat—even if the object of such an invitation be merely “philanthropy.” Actually the gentleman in question may be taking home the advance agent of a subsequent burglar whose business it will be to take very careful note of everything of value the house may contain, whilst assessing its possibilities as an undertaking. If these seem to be too difficult to make the job worth while, the agent may then and there act the part of the principal and depart with whatever he can successfully obtain. In any case he will want some money in return for the expenditure of his time and the advantages of his company, and should he deem it advisable he may employ methods of violence or the deadly lever of blackmail to secure his ends, knowing very well that few gentlemen will wish to inform the police that they invited a young man to accompany them home, and that he turned out to be a very unwelcome guest.

After what I have already said concerning the arts and especially the crafts of these young men, it may seem paradoxical to add that nevertheless within the bounds of their own circle of camaraderie they possess the same virtues and vices as the rest of mankind. One may disapprove entirely of their means of livelihood, one may disown wholeheartedly their philosophy of life, and yet recognise frankly that as individuals they may be as loyal in their friendships and as unselfish in their generosity as any other clique of God’s creatures on earth. Nor is it in the least necessary to be a crook oneself to participate in this

boundless goodwill. One need only be "down and out" to realise once and for all a lesson which escapes the notice of many a religion: namely that the Kingdom of Heaven on earth includes the criminal world, and that there, as elsewhere, may be seen flowing the sacred stream of the Holy Spirit with all its hope-restoring qualities. In plain words, kindness and cruelty grow side by side as easily and as naturally in criminal soil as in any other. Because a person's behaviour happens to fall within the purview of the criminal law is no indication whatever of the nature of his soul. One can be a Christian by disposition and also a thief by profession, as is suggested so beautifully in one of the narratives of the Crucifixion—just as one can be a law-abiding citizen and hard of heart. The good-natured crook has no more to fear from Eternity than the kind-hearted citizen. This is not to say that there are not cruel-minded crooks, but so have there been cruel-minded pietists. But to leave the realm of theology for more homely worlds.

When not engaged upon gang business, members are wont to pair off or enter into small partnerships for the carrying out of a "job."

The afternoon may be pleasantly spent in the gentle art of "drumming," or, as our American cousins call it, I believe, "parlour jumping." It consists in ringing bells of likely-looking houses and seeing whether they are occupied or ascertaining anything concerning them which may be of use in the immediate present or future. People who display such notices as "no more milk for a fortnight" naturally deserve to be visited—and often are. Or it may be a jeweller's shop in an outlying suburb will be selected for business by some members of a gang, and if

successfully pillaged the loot will be equally divided for apportionment among the principals, a share being handed perhaps to the gang as a goodwill offering, that is, after the loot in question has been taken to the "buyers" to be exchanged for such cash as they can be prevailed upon to disgorge. Every crook knows where to find "his buyer" or where to deposit the stuff during the progress of the transactions. Then, possessed of their money, if they be true inhabitants of Lower Crookdom, they cannot resist displaying their wealth by acts of flamboyant generosity within the circle of their intimate acquaintanceship. The time for an orgy is at hand. "Edgeworth Besses" appear upon the scene to claim the attentions of their "Jack Sheppards"—and to borrow an ancient and honourable phrase, "All is gas and gaiters." Within a very short space of time the "Jacks" are once again "on the ribs," or, as the law so thoughtfully puts it, "without any visible means of subsistence"; and if anyone can be said to have been the gainer, it is the publicans who supplied the drinks and the temporary brides who have won their trousseaux. Every now and again the police interfere and members of the gang rest awhile from their labours—usually at Wandsworth or Pentonville, for they have, as a rule, outmeasured considerably the standards of the "Scrubs," that imposing institution in the Ducane Road, Shepherd's Bush, reserved nowadays exclusively for first offenders who have come of age, juvenile adults, and Borstal revokees.

In Wandsworth, however, or in the homely "Ville," very few crooks can enter without being sure of a hearty welcome from within. And this is true also of Holloway, the feminine of the aforementioned.

But not everyone in Lower Crookdom exercises his abilities in the directions already noted. Here as elsewhere there is infinite scope for the display of all manner of talents. Some of its inhabitants prefer a more open-air life than that afforded by the streets of great cities.

Some few years ago there resided temporarily in Wormwood Scrubs, before it became so dreadfully exclusive, two charming young men of pleasant manners and wideawake minds, whose practice in life it was, when at large, to make a tour not of the stately homes of England but of its parsonages, their object being to call upon vicars and curates and to remind them that once they were members of their choirs and were now temporarily in financial need. Even they were surprised at the number of parsons who recalled their features and behaved like perfect gentlemen. It was a remunerative tour. One young curate left them in his study while he rushed out to buy some lunch, and had they been so minded they could easily have taken what was of value in the room and left before his return. They did nothing so discourteous. They collected all that was of value, it is true, but they awaited his return and gave him the pleasure of their company at lunch before they departed with it. By so doing they showed very plainly that crime is an art and never merely a business transaction.

Not long after this they had the misfortune to call upon a vicar whose appreciation of art was beneath contempt and whose behaviour was wholly deplorable. He insisted upon showing them over his church, and on reaching the vestry invited them to enter. He then locked them in and telephoned for the police. Even then they might have departed in peace had it not been that enquiry showed

that by their recent journeyings they had created a demand for their presence all over the country.

In the "Scrubs" they were meditating on the different ways by which their art might be raised to a higher proficiency. Meanwhile their case serves to illustrate the scope which exists even in Lower Crookdom for the talents of the "confidence man," he who relies, that is to say, more upon his glibness of tongue and powers of personality than upon his physical strength for the carrying into effect of his purposes.

To this category in the portion of the criminal world we are considering belongs the art of the mendicant, an art which, though it be hedged about with difficulties in this country, is nevertheless in all probability a very remunerative department of the profession.

It is the beggars' business to trade on the pity in the human heart and to make an income out of human sentiment. The most illustrious beggar I ever set eyes upon plied his trade at Brussels. His pitch was by the roadside of a famous boulevard where he reclined in an invalid chair at hours when the footways were crowded with pedestrians. I had frequently observed him, but it was not until I chanced one day to be lunching at a restaurant the open windows of which overlooked his pitch that I grasped the immensity of his powers. He never asked anyone for a coin. He never raised a finger to attract their attention. He just looked at them. If a passer-by stopped and contributed, then without any movement of his features he thanked them with his eyes. If a passer-by hardened his heart and proceeded on his way, the same eyes would say, "Is it nothing to you—all ye who pass by?" and as often as not the passer-by would surrender,

return, and humbly contribute, to be greeted with a look of mingled reproach and gratitude. In the quarter of an hour I watched him, sixteen persons were arrested by those eyes and compelled to contribute. Assuming they gave the smallest coin, which probably they did not, it left me with the impression that this post-perfect old man completely understood his business.

Match-selling may not in itself be a very profitable pursuit when practised by the roadway, but match-selling plus the personality of the vendor may produce widely different results. A young man charged with begging at a London Police Court not a great while ago and acquitted made a very able defence, in which he drew attention to the fact that he was no ordinary match-seller but an ex-Army officer, obliged to stoop thus low in order to earn a living. He did it, he alleged, in the hope that it might lead to some fellow-officer taking compassion on him and offering him a job. There being a slight discrepancy in the police evidence, which was to the effect that he was observed to take money but to give no matches in exchange, he was discharged. It was then that the court learnt that he made on an average seven pounds a week at his job.

It used to be a means of revenue to let out babies on hire to women who found that by carrying them their incomes increased. Failing this, it is quite a good investment to have a dog, for dogs excite immense pity in the female heart and pity is a gilt-edged security.

The street musician is never the fool he looks, and as often as not an artist worthy of the deepest respect. He may not be a first-class musician, and his voice may not be of a high calibre, but if he knows his business aright, he

will understand that there is an endless income to be derived from certain old-world ballads and modern melodies. At the sound of certain cadences, the human heart collapses. And to know the repertoire of this vocal and instrumental magic is the beginning and ending of the street musician's wisdom. Even magistrates go down like ninepins when the musician appears in court.

Before leaving the subject of beggars one may mention a letter recently left behind by a member of the fraternity who committed suicide, which was published in a Sunday newspaper.

"I am a professional beggar," wrote its author, "and have been for ten years. I am now a well-known character. From what I have learned and from my own experience I am fully convinced that begging as a profession cannot be beaten. Most of us congregate at a public-house which we call the 'Buskers' Arms.' One big brute with a few days' growth and safety-pins keeping his clothes together wears a card stating that he is a broken Mons hero. He can change a pound any day of the week, and would not work if a job was offered him. There is a one-armed man who boasts that fifty shillings is a poor wage begging from seven to ten in a public-house on a Saturday night."

The letter went on to mention a stout man, with a concertina and a black dog, who wears glasses and can earn sixteen shillings in half an hour any day. He pays a man half-a-crown to "watch for the copper coming back."

"There is also a blind man who can collect £1 any night in the music-hall queue. Then there is the man known as 'No Legs.' He owns property, can afford to go to Paris every year for his holidays. I know women

who borrow children for three or four shillings a day and go singing and nip the poor things just to let the passers-by think the child is hungry.”¹

Walking once along a crowded boulevard in Paris my ear was attracted by the sound of a drum beating. On glancing to see from where the sound proceeded I discovered sitting on the ground and propped against the wall a poor wretch without arms or legs beating this ghastly tattoo with a couple of sticks attached to the stumps at his shoulders. It was a piteous sight, and it struck me as being one of the greatest triumphs of the spirit over the body I had ever seen. How can one do otherwise than respect such heroism, even if in this country it exposes its exemplifier to the rigour of the Vagrancy Acts, should he cease to beat his drum whilst still accepting alms?

Rising again in the scale of human attainments, one reaches the level of the bogus collector, often a venerable man of patriarchal appearance.

Not a great while ago an elderly man conceived the happy idea of making money out of a derelict railway station. The station in question had in pre-war days served the needs of a crowded borough in South London, but had been closed by that department of the Southern Railway that has always been a little embarrassed by its superfluity of riches in this respect. Be this as it may the old man hit upon the idea of raising funds to re-open this station by a house-to-house collection for the purpose, to which it may surprise the reader to learn there was a considerable response. The station remained closed, but the old man, with a perseverance worthy of a better cause, went on collecting. Finally the police collected the

¹ *News of the World*, August 31st, 1930.

old man himself, and there the matter ended, partly because the magistrate formed the opinion that householders who contributed at the doorway for the opening of a railway station ought perhaps to offer their donations as a sacrifice on the altar of common sense. The old man was gently discouraged and advised to divert his art into some other channel of expression.

Endless are the methods by which members of Lower Crookdom augment and eke out their incomes by trading on the sentiment, cupidity or folly of householders. A small but probably reliable income is made by the young man who rings the front-door bell of suburban houses and informs a credulous maidservant that he has come to "disinfect the telephone." If permitted to carry out his sanitary intentions, he unscrews the mouthpiece of the instrument, anoints it with some highly scented preparation, replaces it in position and asks the modest sum of three and sixpence. In nine cases out of ten he receives it. It may be a humble form of the great art of inspiring confidence, but it pays, and he always gives a receipt for the money received.¹

To such activities there is naturally a time limit, but if the artist be blessed with a versatile mind he will discover new methods before Nemesis overtakes the foot-steps of the old.

It is the business of Lower Crookdom continually to carry out simple methods of engaging deceit. Most people have at some time or other encountered the pathetic woman who has lost her purse, or who has just been cruelly robbed of her handbag, and who naturally wants her fare home.

Such a tragic woman approached me once, late on a

¹ *Confidence Crooks and Blackmailers*, p. 84.

summer's evening in the direction of Belsize Park. She was in floods of tears, but between the intervals of her sobs she managed to explain to me the cause of such devastating sorrow : " A man " had snatched her bag. And how was she to get home ?

On the spur of the moment I was obliged to make the childish suggestion that she should go at once to a policeman whom I had passed only a few moments before, just round the bend of the road. She asked me then whether I would accompany her, but being a trifle uncertain what she might say to the policeman—there being no other man in sight to account for the lost handbag—I suggested to her as politely as I could that like Marguerite " she did not need an arm to lead her on the way." We parted, and I fear the disillusionment was mutual. Later I saw her in the distance, under the influence of a fresh onset of emotion, approach two other pedestrians, one of whom, I hope, made a suitable contribution to the upkeep of this wandering artist.

A woman of the above type once encountered a young friend of mine, an Anglican curate, but unfortunately let slip the fact at the commencement of the conversation that she was a Roman Catholic by persuasion. He very naturally advised her under these circumstances to approach the local headquarters of her own communion. It was then she played her trump card.

" If you'll give me half a crown," she said, " I'll join the Church of England." My friend felt obliged to inform her that the tolerance of the English Church was so great that there was not the faintest need for her—at her age—to make such a violent transit. Nevertheless, such was his appreciation of her art that he gave her " the

fare to Buckingham." Well may crooks agree with actors and declare, "There is no audience like a British audience."

The same "something" which prevents that audience from "hissing" mistakes upon the stage prevents it also from "bowling out" those artists by whom it is not completely deceived. Lower Crookdom knows this well and acts upon it; it relies upon receiving at all times "the benefit of the doubt."

But rising once again in the scale of achievement, to this region rightly belong the much advertised "smash and grab" raids on jewellers' shops and the window-displays of furriers, even though the artists who take part in these courageous feats may resent their inclusion among the personnel of Lower Crookdom.

Undoubtedly they represent its highest level, for the carrying out of a raid in a crowded thoroughfare is an achievement requiring much forethought and not a little careful rehearsal, while its demands upon the nerve resources of its participators is great.

A very good description of such a raid is given by Netley Lucas in his *Autobiography of a Crook*,¹ a paraphrase of which may be given here for the reader's benefit as the book itself is, I understand, out of print. Mr. Lucas in his by no means uneventful career had just run away from the probation home at Yiewsley and had arrived in London, "in rags." Hence his temporary appearance upon the stage of Lower Crookdom.

On his arrival in the metropolis he made his way to Commercial Road East, a district previously known to him, and one favoured for long by crooks of many kinds.

¹ *The Autobiography of a Crook.*

Here he rapidly made himself respected, and before very long had become a trusted member of a gang of "screws-men" who made their living by small raids on property at frequent intervals. The leader of this gang was one Nebby Marks, and the first "job" in which he was invited to take part was a "smash" in Oxford Street.

For some little time, Nebby Marks had kept his eye on a shop in this locality, watching the movements of the shop assistants and calculating the value of a tray of rings displayed to view in the window. Deciding that it was a businesslike proposition he determined to "do the gaff," and at once set about working out the details. The distances were carefully paced out and noted down, and by this means, in a distant alley in the East End a reconstruction of the scene was made possible, and the rehearsal of the necessary actions begun, each member of the undertaking practising his rôle in the forthcoming drama. An old shed represented the shop, and behind a pane of glass was placed a "dummy" tray of the requisite measurements. Nebby was the smasher and would entertain his confederates by rehearsing his part of the programme, which consisted in breaking the glass with a brick, and extracting through the jagged hole made in it the dummy tray with his gloved hand. The quickest time in which he could do the actions was nine and three-fifth seconds. He wore a special bag strapped round his waist under his coat to carry the swag. So much by way of rehearsal.

The actual "job" itself took place on a November evening in drizzling rain at a time when most pedestrians were hurrying by or taking shelter from the weather.

The shop was brilliantly lighted and the jewellery sparkled in its windows. To Netley Lucas "it all seemed like an exciting dream." His duty in the affair was to act the part of a "hazer," that is to say, when the "smash" had happened, he would do his best to misdirect the police by giving false descriptions of the principal actors and the direction in which they were supposed to have gone. The signal that the moment had arrived was a hasty cough. Immediately after came the crash. Nebby had hurled the flannel-covered brick while two other confederates rushed to the swing doors and by slipping a chain through their handles and snapping its padlock they prevented those in the shop from emerging. Netley then began to scream "Stop thief." The police arrived. Pedestrians gathered in a crowd. General confusion ensued, partly due to the usual excitement of the onlookers, but intensified by Netley's misdirections. The "gang" got safely away, the whole "job" occupying only ten seconds. Late the same evening they met in a café in the East End. Proceeds in estimated value £2,000. Not a bad evening's work !

The art of burglary in its humble forms of expression flourishes in Lower Crookdom partly because it is a branch of the profession in which anyone can engage who has a fair knowledge of carpentry and is familiar with the use of tools. Any window can be forced with a "stick" (jemmy), and "sticks" can be bought anywhere under the innocuous name of case-openers. Burglary technically can only be carried out at between 9 p.m. and 6 a.m. At all other times it is housebreaking. The advantages of late nightwork consist in the fact that one need not hurry, whereas in the day-time the exploit will probably

take the form of "dancing" in and out and departing with the proceeds of a very rapid "turnover."

As has been said, anyone with the requisite strength and courage can be a burglar or housebreaker so far as the actual invasion of a house is concerned. What differentiates the burglar of Higher Crookdom from his counterpart below is that he knows which houses to burgle and what to take—and above all what not to take—to which one may add also, the gift of knowing how to take it.

Lower Crookdom is also the home of the pickpocket, a brand of the profession which perhaps more than any other—except cardsharpping (a department of Upper Crookdom)—requires the most diligent practice and skill. To be a successful pickpocket one must possess the right kind of hands and fingers and be prepared to keep those fingers in a state of suppleness. One must be ready in addition, if a novice, to undergo the requisite training before venturing to work in public. The art consists in the ability to perform the twin operations of "fanning" and "reefing," to "fan" being the art of passing the hand carefully over a person's pockets to ascertain the locality of their possessions without their being aware of what is happening—to "reef" being the art of turning a pocket inside out with the first two fingers. As a rule, pickpockets work in gangs, and their favourite hunting grounds are bus halts or places where there are small crowds of people whose attentions are concentrated upon what is going forward at the moment other, of course, than what is happening to their pockets. Some of the gang act as "stalls" or "lookers out," some as "pushers," while others—perhaps only one—do the actual thieving.

Women find a natural outlet for talents of this kind when they are the companions of men who are alone with them in a taxi and who, it may be, are amorously inclined. I once knew a girl who was an expert in removing wallets at such moments—in examining their contents and replacing them, so that when the man suddenly put his hand to feel if his wallet were there, he always found that it was and his suspicions were lulled to rest, his companion making some excuse to disappear at the earliest opportunity with the notes she had already extracted. I was not the victim.

Women also find the art of “hoisting” or “shop-lifting” an attractive occupation, but one gravely doubts whether any of these last-named forms of larceny are worth the practice expended in their attainment and the risks run in their accomplishment. In the opinion of one successful crook, “pickpocketing is the least profitable branch of crime.” Equally dangerous and equally uncertain is the art of the luggage thief at the railway termini. He can never be sure what the portmanteau may contain.

Not very long ago a thief of this calibre had the misfortune to select a valise which had nothing in it but an archdeacon's robes of office. Such disappointments must be numerous and must often outweigh the gains. Moreover the railway companies are becoming very wideawake, so that it is no longer as easy as it was for a crook to array himself as a bogus porter in the holiday season when hand-baggage is at the height of its popularity. The genuine porters are known to the railway detectives by sight : thus the chances of travellers handing their portmanteaux straight into the keeping of Crookdom are less than they were.

But there is still scope for the "kindly stranger" who offers to guard a lady's luggage while she takes her ticket, or to carry it for her on her progress towards the platform, while there is always a chance for the alert artist who is ready to take up a valise immediately its owner places it upon the ground. To follow the movements of a departing thief in a crowded station hall is no easy matter, even though a mild sensation was caused a while ago by the capture of a very well-known crook engaged upon this very game. As we said at the commencement of this chapter, Lower Crookdom has its "fallen stars."

But it is time that we mounted to those altitudes wherein the "stars" are set and shine in their glory, a region wherein culture is more apparent and intellect more pronounced—Higher Crookdom.

ART AND METHOD IN HIGHER CROOKDOM

IN the year 1926, when still an unofficial visitor at Wormwood Scrubs prison, I thought I would indulge in the experiment of living alone in an out-of-the-way flat where I could entertain ex-prisoners as guests.

After a long search I at length discovered a small basement flat in a house possessed of a garden and situated in a secluded road on the boundaries of Hampstead and Brondesbury. I selected this flat with great care as being in my mind entirely suitable for the reception of released prisoners of all kinds. It was sufficiently small to be run without the help of any servants, while it was sufficiently large to provide any temporary guest with household duties to perform in return for his board and lodging—duties in which his host would take his share and thereby preserve the level of equal comradeship. By keeping no servants, not even a charwoman, I was able to feel tolerably sure that the domestic affairs of the household would never become a subject of conversation in quarters unknown to me, while their absence would, I felt certain, make some of my guests more at home than they would otherwise have been.

My first guest turned out to be a cat-burglar whose acquaintance I made in a somewhat circuitous fashion. I had been making a round of visits in the prison one evening and had duly reached the cell of a young man who was undergoing the maximum sentence served in a local

prison—namely two years for a sexual offence tolerated in other countries. Usually this prisoner was in very good spirits, but on this occasion I found him in the depth of despair. On my enquiring the cause of his grief he told me that in the prison he had made great friends with a young cat-burglar, one of those wonderful friendships that mean so much to those who are shut out from the world. This friend would be released the following morning, whereas he had another year and a half to serve. Thus he was very anxious as to what might happen to this friend, and implored me to do whatever I could to help him, as in a few days he knew he would be destitute, and should he under these circumstances recommence his professional activities, he feared he might be again caught and sent to another prison from which it would be impossible for him to write to him. Making no definite promises, I said I would bear the matter in mind and report any progress at a future date.

I did not know this cat-burglar personally, as he had not been one of the prisoners allotted to me to visit, but I had seen him only a few days before when he had appeared before the board of the Discharged Prisoners' Aid Society, attached to this prison. He was a tall, athletic young man in the early twenties, well spoken and independent in his manner. Whilst accepting the small monetary grant offered him by this Society, he had told the chairman that he would not need any help in obtaining work. Like many other prisoners, he seemed to wish on leaving the prison to be forgotten by all connected with it.

This being so I was rather surprised about a week after his release to see a letter from him to the secretary of the

Aid Society requesting a further grant of ten shillings to tide him over a difficult week-end, and asking that it might be sent to him at the Morning Post Embankment Home.

Thinking that this request might not meet with any response, and feeling that he must have been in great stress before he made it, I decided without saying anything to anyone to answer it myself.

It was a Friday morning in November—bitterly cold weather. I had an idea, which subsequently proved correct, that he had pawned his overcoat and that he was really in desperate need of that ten shillings. I went to the Morning Post Home, but only to find that he had left that morning. He had, however, expressed his intention of returning for any letter that might come for him. Thus I left a note for him containing the answer to his request and also an invitation to meet me on Sunday evening at 8.30 p.m., at the entrance to the restaurant at Paddington Station, for a talk and some supper.

Sunday evening arrived, I waited at the stated rendezvous, but he did not appear, so that after searching around for some little time I decided either that he had gone to some other restaurant in the locality by mistake, or that he had made up his mind once again to disappear. But the following evening on reaching the prison I found a letter awaiting me from him in which he said he had looked for me in vain at Paddington, but evidently in the wrong place. The letter bore the address of the Church Army Hostel in Great Peter Street. I at once rang up this hostel, only to find once more that he had left that morning.

On leaving the prison I made a round of all the hostels in the centre of London to see if I could discover him, but without success. I was just beginning to abandon any

further search as hopeless, when it suddenly occurred to me that it might be worth while to examine the crowd at Marble Arch that nightly listens to the speakers in Hyde Park, and it was here that I found him. He looked worn out. He knew me, of course, by sight, and at once joined me. I told him that I lived out at Brondesbury and that for the past three nights the spare room had been awaiting him. Without further ado we mounted a bus and went home.

It so happened that the day after the next day I had arranged to go to Lincoln for the night on business, and I must confess that I was a little apprehensive at the thought of leaving my cat-burglar all alone in the flat with every incentive a man could have in his position to profit by my absence. On the other hand, to ask him to go elsewhere for that night was out of the question, so I decided to hope for the best and leave him in charge of my possessions. After all, I argued to myself, what is the good of offering hospitality to released burglars if one be not prepared to take risks? So I packed my valise and left for Lincoln.

On my return the following evening I was greeted at the door by my guest. Supper was in readiness and the flat looked, I thought, unusually spick and span. It then transpired that he had occupied his leisure moments in scrubbing floors and washing paint. I expressed both my surprise and gratitude, and it was then he told me how uncomfortable he had felt when I had announced my departure to Lincoln, for he realised exactly the thought which had passed through my mind.

In such a way did we commence what proved to be, while it lasted, a very pleasant mode of living. He was a

delightful companion and possessed all of the character with which his friend in prison had credited him. This friend naturally rejoiced to hear of his whereabouts. Letters were exchanged through the usual official channels, considerably supplemented by the verbal messages I was able to carry to and fro.

In all, he stayed with me several weeks, during which time he would often recount to me stories of his life and adventures. He said that in his opinion there could be few things on earth more wonderful than the first few moments after creeping into a room in a house he had decided to explore: the dead silence of the darkened room, punctuated only by the ticking of the clock and the corresponding beats of one's own heart; every sense wide-awake; every nerve alert; the yet greater thrill did the room prove to be a bedroom, and the sounds to include the passive breathing of a sleeping person. Slowly to approach the bed with a cat-like tread, slowly to extend the hand to the pillow, slowly—very slowly—to withdraw the watch, slowly to retreat. Such a series of movements seemed to my friend to be an earthly anticipation of anything that the Christian's Paradise or the Buddhist's Nirvana can ever hold in store for the believer.

He always worked alone, he told me. It was safer, and one had not to divide the profits. I asked him whether he was ever bothered by the thought that the property he was annexing belonged to another person, to whose house he had not actually been invited on the night in question. He said he appreciated the situation completely; but that if in spite of the anxieties of the insurance companies, and the quite natural apprehensions of the householder himself, and if in spite of the existence of

the Metropolitan Police Force, he could, nevertheless, select a house in London, boldly enter it, bravely search it, magnificently rifle it, and divinely leave it, then—all things considered—he felt that, like other members of a professedly Christian community, he deserved his reward and should take it.

From time to time he found himself by such methods in the temporary possession of essentially private means. He would then retire to some hotel, where in the easy circumstances of a man of leisure he would take out an easel and palette and make pleasant little pictures of the country lanes. He would, in fact, lead the kind of life which appealed to him, and to which he might one day permanently retire, did fortune admit.

He had received a good education in the Colonies; nor had there been any pressure of material circumstances to determine his choice of artistic expression. Fate brought him to England, Fate introduced him on the journey to an international train-thief, and his first exploit was the abduction, not of an heiress, but of her handbag, on a P.L.M. express. He said he was astonished to discover how easy it was to take that handbag, while it occurred to him almost simultaneously how very easy it was to earn a living in an unconventional but quite agreeable way.

At times he found it convenient to engage in some ordinary occupation, working at a fixed wage like any other citizen; but when this occurred it was usually in order to have leisure and opportunity to study the ways of some business firm with a view to ascertaining the most convenient moment when the firm's wages could be safely deposited in the pocket of one of its members only.

That he succeeded in at least one of such enterprises I have no reason whatever to doubt, for it immediately preceded an extensive tour he much enjoyed in the Lake District.

He had a singular power over dogs, a gift which he discovered, so he told me, by accident in the midst of one of his nocturnal adventures. He had entered a house by what proved to be the study window, and, finding nothing of any negotiable value in the room, he was minded to proceed into the hall. On opening the study door he found himself, to his dismay, face to face with a large house-dog. He looked at the dog, and the dog looked at him. He patted the dog, and the dog surrendered. Become now the best of friends, they wandered about the house together, the dog taking an evident personal interest in all his activities. His task done, they bade each other an affectionate farewell.

It was some considerable time before he had his first encounter with the police. He had decided to visit two houses next door to each other, and while engaged upon his survey in the second house the unimaginative occupant of the first house awoke and, discovering her losses, saluted the whole neighbourhood with a lengthy solo on a police-whistle. This obliged him hastily to leave the house he was in and seek refuge in its garden, where he remained under the shadow of a tree until found there by two policemen.

He was committed for trial at the London Sessions, where he found favour in the sight of Sir Robert Wallace. And since Scotland Yard had as yet nothing to say to his artistic credit, he was placed on probation, and in gratitude made it perfectly plain that two days and not

two years was amply sufficient to enable him to try again. On his next encounter with the police he managed to part company with his escort, after which he enjoyed quite a reasonable space of liberty before he was again captured, and this time deemed worthy to be initiated into the mysteries of Wormwood Scrubs, where I found him. Here he abode nine months, finding solace in the carpenter's shop and useful practice in the gymnasium. Even here he managed to make some sketches and to write one or two very moving sonnets. After his release and during the time he was staying with me he told me that he felt his nerve had at least temporarily departed and that his right hand had lost its cunning. He was ready to take any job that offered itself at a reasonable wage, provided it was of a kind that he could accomplish.

The finding of this job, however, proved no easy matter, for owing to his previous career of illegitimate activity he had no references and very little experience. Thus it was not until Christmas that, thanks to a well-known and broadminded employer, who was also a prison visitor, I managed at length to fix him up as a packer in a large firm of confectioners, and for the moment he seemed to be in a position to get upon his own feet and start life as an ordinary citizen. He left the flat and set up for himself towards the end of January. Then came a note saying he had decided to change his job for another one. And from that day until the time of writing I have never set eyes on him again.

Nearly two years after, however, his prison-friend, himself by this time long released and satisfactorily re-established in Society, met him by chance in a teashop. It appeared he had returned to his former profession and

had successfully escaped the attentions of Scotland Yard ever since. He was well dressed but not too happy. He told his former friend that he would much like to retire into respectability, but that the terms of surrender offered him by a relative were unacceptable. In return for financial assistance he was asked to marry a wife and manage a tavern. He still felt he would sooner be a cat-burglar. His friend asked him to re-open the friendship and meet him again, but he replied that he thought it was better that they should part. Perhaps he was right.

During the time he stayed with me, we had lived very quietly. He seemed to be quite happy at home, though liable at times to fits of depression when he pondered on the disadvantages of his position. I could have trusted him with anything, indeed on one occasion I went to Paris for a fortnight, leaving him in sole possession with perfect confidence, entirely justified.

He was fond of music. We spent many pleasant hours with a gramophone and classical records. Our only luxury was Fonseca's vintage port, in which we pledged each other mutual goodwill and drank the health of absent friends, especially those "inside."

He remains in my mind as a well-behaved, well-educated cat-burglar, anxious on the whole to retire from his profession, but not as yet prepared to accept Society's terms of surrender.

Perhaps very few crooks in their "twenties" are so prepared. They have as a rule, to be forty or upwards before they confess "it does not pay," which encourages one to think that in the opinion of their juniors in experience it *does* pay, or at least is felt to be a career, which—

all things considered—is preferable to any other open for selection.

High-class burglars not “at the climb” usually work in partnership with a chosen pal unless engaged upon some job which calls for the ministry of more than two talents. The beginning and ending of this branch of the art consists in the knowledge of which strongholds to attack, when to attack them and what to take of the treasures presented for choice. In arriving at these decisions the burglars have to possess as intimate a knowledge as possible of what the stately homes of England contain and when their owners are likely to be in residence, for the more efficient the artist, the greater the hope does he entertain that his hosts and hostesses may be at home on the night on which he condescends to visit them—“for where the heart is, there is the treasure also.”

Burglars of distinction read the social columns in the leading newspapers so as to be quite sure when Lady A is taking her jewels to B—— Castle and the castle is being suitably bedecked for her arrival and that of her uninvited guests. It is not only Scotland Yard that is everlastingly indebted to the Press. “Every morning,” writes George Ingram, “the other Bird (his partner) and I read the society column of the London *Times*. There we found who were going to their country residences. If the names were strange to us we would look them up in *The Landed Gentry* to see if they were worth our consideration.

“Having picked our host and hostess, we would get busy with a map which would show us the exact routes, and would give us the lay of the surrounding territory—useful both for reaching our destination and for getting away, especially if pursued. We always carried maps on

our jobs so that we could refer to them and avoid waste of time in finding our way about.

"Having reached our job we would reconnoitre very carefully before starting in. Then we would open a window with our jemmies, or perhaps bore a hole through the window-sash and push up the catch. Sometimes we would be crude enough to smash a pane of glass in order to unlock the window inside: it saved time. Very rarely did we get in through a door."¹

Once inside, burglars of nerve and ability take their time and do not hurry unduly over their task. There is a large amount of careful research work to be carried through, a still more careful selection to be made, journeys perhaps "upstairs, downstairs," if not indeed "into my lady's chamber," the packing-up, and a slow departure. There is no room for any helter-skelter tactics in work of this kind.

"It takes a long time," my cat-burglar informed me, "to approach a sleeping person and remove a gold watch from under a pillow and then slowly to retire"—a statement with which it is to be imagined every reader will be disposed to agree.

Another means upon which high-class burglars can rely for the preparation of their plans is the information consciously or unconsciously vouchsafed by menservants and maidservants with regard to the movements of their employers, their possessions and their whereabouts. Such communication may very easily be intercepted and turned to practical account by any whose interest it may be to supply information to headquarters. It is not only detectives who rely for some of their triumphs upon

¹ *Hell's Kitchen*, p. 127.

"information received." There are crook narks as well as coppers' narks among the hereditary spiritual descendants of Judas Iscariot. As to how far there may be crook bureaux for supplying domestic servants it is impossible to say, but it is a well-known fact that in some branches of the profession the crook who poses as a domestic is a most necessary asset.

A very piquant, not to say diverting, account of the value of such services is supplied by "Chicago May" in her description of an abortive attack made by herself, Louis Lorenzano and Charlie Smith on a jeweller's shop in the Strand about the year 1907.

"Louis," she writes, "was the coachman and drove me in an open barouche bearing a temporary coat-of-arms to a jeweller's in the Strand, near Charing Cross Station. It was about noon, at which time, as we had noted, the help was usually out to lunch, leaving the shopman alone.

"Louis jumped down and told the proprietor 'her ladyship' would like to speak to him at the carriage, because she was an invalid. Charlie was set to dart in and grab a tray of diamonds which were on exhibition behind an iron grill, held in place merely by a reachable hasp and staple. This, also, had been noted in advance. Smith started to do his part of the game, but as luck would have it, the shopkeeper saw him enter the store. Excusing himself, he ran after Charlie. There was nothing to do but buy a solid gold collar button. It was a shame. We had to drive away; and Louis' make-up was so fine, too! He had a beautiful livery and a birthmark painted on his left cheek."¹

If the reader will compare this act of elegance with the vulgarity of the "smash and grab" raid narrated in the

¹ *Chicago May. Her Story*, p. 103.

previous chapter, he will at once perceive the unbridgable gulf which separates the art and methods of Higher Crookdom from its inferior counterpart. But we must temporarily forsake the peerless May and return for a moment longer to the art of the "screwsman" or, as he is sometimes called, the honest burglar, in contrast to his intellectual superior in crookery, "the fraud."

Should a burglar's objective be the treasure in a safe, he will, as a rule, endeavour to find the key of the safe and open it in an ordinary manner, but if this be impossible he will seek the services of a member of that branch of the profession which specialises in "safe-cracking"—an art of its own requiring special knowledge and special tools. Among the latter may be included a doctor's stethoscope "for use in listening to the fall of the wards of the locks in the combination of a safe." Explosives may be used to secure the desired result, as they were, for example, in the famous robbery of the American Express Agency's office in Paris, in which Eddie Guerin and Chicago May figured together as principals, prior to the former's retirement to Devil's Island and the latter's to the prisons of Saint Lazare, Clermont and Montpellier.

What may be called a special line in burglary is the pillaging of the warehouses of the clothiers and the furriers, who between them contribute handsomely to the artist's income. It is customary for those who practise this branch of the business to have one of their number posted outside during the progress of the operations, so that the workers inside may not emerge from the building at an inconvenient moment. Sometimes it may be the duty of the outside man to lock them in, the padlock which has been knocked off being replaced by another brought for

the purpose, so that should a policeman pass the building during the operations, he will find no outward and visible sign of the inner activities in progress. Then, when the coast is clear, the confederate will unlock the padlock and the burglars will return "bringing their sheaves with them." A car or lorry is in readiness for the proceeds of the night's labours.

Needless to say, in "jobs" of this kind there is always the possibility that the burglars were accepting the invitation of some "good man and true" who wished to reap the benefit of his insurance policy, for crooks are not always the originators of their own enterprises. "Put-up" jobs exist.

In so far as I can personally claim the honour of participating in burglaries it has only been in the capacity of the person robbed. Every now and again I lose my entire wardrobe and have to regain my watch, but one cannot expect to be on friendly terms with so many artists without receiving little testimonials of their appreciation from time to time. They are not, however, "put-up" jobs, but genuine work of original inspiration on the part of the artists themselves.

But the greatest artists of Higher Crookdom are not "honest burglars" but shop jewel thieves, hotel robbers, confidence crooks, cardsharps, forgers and—in a category all by themselves—the blackmailers.

Accurately speaking, all of these come under the general heading of "confidence crooks," for the success of their often amazing skill depends to a very large extent upon their hypnotic powers of charm and their ability to inspire trust. Human nature is very susceptible to outward appearances and is ready at all times to believe that

persons who appear to be gentlemen and ladies of distinction are in fact what they seem to be. This being so, it is the business of the swell mobman to look and behave—up to a certain point—as a gentleman; for, as “Chicago May” so candidly remarked, “I had always a certain refinement until driven into a corner. Then I was rough and coarse.” “Nevertheless,” she adds, speaking of her own lurid department of the art, “I caught them all: university professors, ministers, priests, gamblers, country yokels, sports, ‘gentlefolk’ and visiting grandees from foreign parts.”

We shall have cause to return to this valiant lady’s art presently, but in the meanwhile she has much of value to tell us concerning the skill of that department of jewel robbery called “pennyweighting,” an art practised to perfection by Annie Gleason, wife of Mickey Gleason, the safe-blower.

“Pennyweighting” is essentially a gift. It consists in the ability to carry in the mind the weight, colour, and size of gems, so as to be able to have artificial replicas of them made, with a view to exchanging the false for the real when opportunity occurs. Annie Gleason was an expert at both these difficult operations. In the crook circles of her day she was well known as the organiser of a scheme, the aim of which was the theft of the Duchess of Sutherland’s jewels. Everything had been prepared for the substitution of artificial ones, during a visit made by the Duchess to the Holy Land. She was followed by crooks throughout the journey, but no opportunity presented itself for the exchange to be effected. On her arrival home again, at Victoria Station, she put down her jewel case for a moment, and in a flash it was taken by Harry-

the-Valet Johnson. "Audacity won where skill and finesse had failed," the sad part of the business being that Annie had no share in the glory of the exploit she had planned and helped to finance.¹

The jewels were disposed of by the famous fence, "Kemmy" Goldberg, with the exception of a diamond ring which Harry the Valet very foolishly permitted his girl to wear at a Covent Garden Ball. The girl, being apparently of the breed of Delilah, told a detective of Scotland Yard the story of the robbery. The result was five years' penal servitude for Harry. His defence was that he bought the ring from a man in a public-house, a statement which was *corroborated* by a barman!

The same Annie Gleason gave a magnificent demonstration of her skill at Christie's in Bond Street, whence she successfully removed a £5,000 pearl necklace in broad daylight and under the very eyes of the assistants. Posing as the niece of General Grant, she had frequently visited the shop, arriving in a fine carriage with its coachman and footman. She inspected the pearls many times, but could not make up her mind to buy them. Meanwhile she purchased a pearl necklace for five pounds at the Parisian Diamond Company and restrung this and matched the imitation pearls until the necklace had become in her facile hands the replica of that at Christie's.

Soon after this she arrived in her carriage at Christie's, walked boldly into the shop, asked to see the necklace and in the twinkling of an eye had substituted the false necklace for the real. She handed the former back to the assistant saying her husband was returning to town the following day, and after consultation with him she would buy it.

¹ *Chicago May. Her Story*, pp. 215-218.

She left the shop and proceeded to the Bond Street Post Office, where she had arranged to meet Harry Bennett, one of her partners. He, however, had waited to see what would happen in the shop after her departure, and what he saw decided him to leave her in the lurch to fend for herself. By the merest chance there happened to be at that moment in the shop a jewellery merchant named Davis. He had observed the arrival and departure of Annie Gleason, and out of curiosity asked whether he might inspect the pearls at which she had been looking. At once he noticed that the tag attached to the pearls was white and not buff-coloured, and immediately told the assistant what had happened.

Pandemonium ensued. The assistant excitedly described the lady, and one of the pageboys heard the description and recognised to whom it applied. Not long after, by one of these strange chances in which Fate would seem to lend a hand, he was sent to the post office to despatch some parcels. There he saw Annie Gleason just about to get into a cab after awaiting in vain the arrival of Bennett. He gave the alarm. She tried to escape, and even succeeded in hiding the pearls in a doorway. But Fate was against her. She retired to Aylesbury Prison for three years.

From cases of this kind it is easy to see the amount of stage management which enters into crook enterprise at this level of achievement, and the amount of mental energy that is expended in preparation for the expected coup. The working expenses are also very heavy, but when all goes well the receipts are proportionately encouraging.

Annie Gleason was an artist of the first order of brilliance, but she was most unfortunate. Like most of

the nobility of Crookdom, she acquired an international reputation, for the more exalted the crook the more necessary does he find it to move from country to country in search of pastures new where temporarily he may be free from the protection of the police.

Of all types of confidence men the most seductive are, without doubt, those who derive an income merely from their charm of manner and bogus reputations. Their art consists in hypnotising their victims into a voluntary acceptance of their claims, their victims including, as a rule, society ladies and prominent tradesmen, who seem totally unable to resist their powers.

Take, for example, the case of "Count Alexis Stephanoff," an account of whose career appears in that remarkable book of memoirs contributed by the late ex-Chief Inspector Carlin of Scotland Yard, and of whom its author felt moved to write:

"Even to me, hardened as I am to adventurers who manage to live for months on nothing a week and entirely by the gross stupidity of over-trusting citizens, the achievements of this Russian rogue will always remain a source of astonishment."¹

It was in the year 1915 that this post-perfect artist dazzled a portion of London Society with his powers. Born in Russia of humble parentage, he had lived since the age of seven in Paris, where he had followed originally the honourable profession of a journalist. This did not, however, provide him with an income at all adequate to the demands of the standard of life to which he aspired. Thus while still in the twenties, "slim and well-proportioned, with regular features, a well-shaped head, a pale

¹ *Reminiscences of an Ex-Detective*, p. 122.

face, dark eyes and moustache and an air of good breeding," he decided he might venture to pose as a Balkan nobleman, which he did, and for a while quite successfully. By such relatively simple means he acquired a proficiency in the somewhat difficult art of obtaining considerable sums of money by false pretences. Unfortunately the Paris police became interested in his art, so that he was obliged about the time of the outbreak of the War to transfer his activities to London, where on his arrival he approached the Russian Embassy in the hope that it might have practical use for the talents of so knowledgeable a countryman. In this he was disappointed, but in no wise crushed. On the contrary, he at once blossomed forth as "Count Alexis Stephanoff," one of the heads of the Russian Secret Service, and—incredible as it may seem—managed to persuade the sartorial artists of the West End not merely to supply him with his wardrobe, which was on the ambitious scale, but to advance him sums of money when required. He gave as a security for these loans—simply a story, the burden of which was that his salary from the Russian Government, which amounted to £800 a month, had been delayed in arrival by ice in the Baltic, no ships being able to get through. The effect of this story seems to have been that the reasons of those who listened to it became likewise icebound, but their hearts continued to beat in the warmth of friendship, so that the income of Alexis visibly increased from day to day. He resided in a Mayfair flat, where he was waited upon by his English valet. He became most popular with the fairer sex in London Society. He entertained lavishly at the best hotels, and no social function was complete without his adorning presence. Ladies of distinction not only

visited him in his flat but wrote him letters, *which he kept*. One, at least, wrote him cheques also, and when at length she wearied of his demands, he threatened her with exposure. For like most artists of his calibre, he would not put up with any nonsense. Finally—for his career had reached its zenith and was actually, unknown to him, approaching its nadir—he proposed marriage to a celebrated revue star of the period, promising her—in case of her acceptance of his offer—to settle upon her £100,000 and to introduce her to his mother, the countess, who was shortly leaving Russia—presumably when the ice melted.

Meanwhile an hotel manager to whom he was indebted for a loan of £150 became uneasy over the protracted frost in the Baltic that year, and decided to let in a little sunshine from Scotland Yard, which at once burst forth radiantly in the person of Divisional Detective Carlin, then of Vine Street.

From that moment onwards the affairs of Alexis got into a parlous state, until at length he was obliged one morning after breakfast, when arrayed in a silk dressing-gown of dazzling beauty, to receive as a visitor Mr. Carlin himself, and—what was peculiarly painful—to be found in possession of precisely nine shillings.

After this, he moved for a while from Mayfair to Brixton, attended one more social function at the London Sessions, and then went out of town for three years. The reader will have observed in this last example of criminal artistry how very narrow is the borderland at times between those who obtain money by false pretences and those who obtain it by the levying of blackmail.

The relation of blackmail to the other branches of the profession might be compared with that of deadly nightshade to the rest of Nature's wayside products. It is

the best or the worst piece of work in which any crook can engage, in accordance whether it be regarded from the standpoint of the artist himself or that of his victim and quite a number of other persons as well.

The blackmailer is a profound student of human nature. It is his business to discover those persons of position and a sufficiency of money to make it worth his while to derive an income from their indiscretions, or it may be merely their misfortunes. And as, relatively speaking, there are very few persons who have not a reputation they value, and still fewer who have not something they wish to remain a secret, it follows logically enough that the blackmailer has a very wide scope for his talents. He can, indeed, include within his boundary of activity the criminal world itself, not to mention the ex-criminal community.

Of all forms of blackmail the most deadly is that in which the victim is unable to produce any evidence whatever of the crime. "There is such a thing," said the most sinister crook I have yet met, "as verbal blackmail." By this he meant that the hold he had upon his victims was not due to any threats on his part, far less to any letters demanding money with menace, but to the fear he knew they possessed of what he might say about them in the dock *if* they prosecuted him for any cause whatever. He succeeded in making them feel that, no matter what favour he asked of them, they *must* grant his request; in plain words he obtained a mental ascendancy over them and lived on the proceeds without the faintest fear of the law being exercised against him.

Blackmail can take many forms. Very frequently it is the result of the victims having written compromising

letters either to the blackmailer in person or to someone else from whom they have been stolen, or obtained. Great is the delight of the blackmailer if these letters contain an admission of some criminal offence, for in that case their writer is more terrified of the police authorities than he is of the blackmailer, believing that he may himself be placed in the dock for the offence in question, or, at any rate, placed under police supervision as a result of the *dénouement*, for it must be very seldom that a person is blackmailed for an offence or folly he has not committed. Hence the reluctance to prosecute, even if his name be suppressed. It means or may mean that the prosecutor has to tell the court on oath that he did not do something which everyone who hears him feels morally certain he must have done, or he would never have been blackmailed.

Another department of blackmail is the art so magnificently put into practice by the departed "Chicago May," whose chief occupation in life seems to have been to fascinate wealthy men of position, to take them home to her rooms, and once there, either to rob them or, if it seemed to her more profitable, to let them depart in peace in order subsequently to blackmail them.

She was an expert in what is called the "panel trick," that is to say, her room was arranged in such a manner that her clients were compelled to deposit their clothes in a place near the door or wall in which there was a moving panel. Then, whilst their attentions were otherwise engaged, her confederate slid the panel open and emptied the pockets of their clothing of any valuables they might contain, unless it seemed to her, as has been said, that it might be better to blackmail them instead. On one occasion, after her marriage with her second husband,

Jim Sharpe, in America, and whilst on a visit to London alone, she met a young man of good position, who, succumbing to her charms, invited her first to lunch and subsequently to a beautiful suite of rooms, where he ordered a magnum of champagne. A little later on, when the moment for departure had arrived, he seemed anxious to terminate an acquaintance so hastily formed, and with that purpose threw down upon the table a handful of sovereigns, in what appeared to the redoubtable May to be a somewhat supercilious manner. She at once made up her mind to develop the situation. Thus leaving the money for the moment upon the table she began to tell him about herself, saying that she was a chorus girl, and, in consequence, a young girl in a respectable profession. He, in his turn, acquainted her with the fact that he was a barrister, and since she seemed to doubt his word, he showed her his photograph in wig and gown. So much impressed was she by this photograph, that she asked him to give it her, signed with his autograph. This the young barrister did, and what is more presented her also with his visiting card, which informed her that he was the son of a peer and a member of one of the Inns of Court.

"What was a poor girl to do," she writes, "with such a sheep, baaing to be shorn?" a question which she answered spontaneously by saying to herself, "I won't rob this bird. I'll blackmail him."¹

So far as can be gathered from her narrative of this remunerative undertaking, the young man began immediately after this first interview, which she describes so charmingly as a "séance," to have qualms. His manner became a trifle chilly at their further meetings, and he

¹ *Chicago May. Her Story*, p. 114.

signally failed to turn up at a week-end to which he had been invited by his innamorata. As, however, he sent his luggage (a valise containing valuable toilet articles), together with twenty pounds, his neglected mistress in all probability overcame the desolation of a solitary sojourn out of town.

Unlike so many other deserted maidens, May never permitted her pride to lose her a lover. She waited awhile, and then commenced to write to him. "Would you believe it," she comments, "the boob wrote back!"

This encouraged her to begin a series of letters, asking for sums of money rising in scale from ten to fifty pounds. At first he complied with her requests, but at length began to show signs of a pardonable desire to escape. It became necessary to be a little bolder. She claimed his acquaintance in public one day, when he was talking to a lady in a fashionable thoroughfare.

He said nothing at the time, but later in the day he sent her a cheque for twenty-five pounds, by a messenger boy, begging her not to pursue him in public.

Her next step was to tell him she wished to go to America. Very naturally he strongly approved her decision, and in order to facilitate her departure he bought her a first-class ticket. The fact that he did this twice, and that on both occasions she sold it, as she says, regretfully, at a loss, to other would-be passengers, is at the lowest estimation a tribute to her genius. She remained in London, nor did she return to the States until it suited her own purpose to do so.

Before quitting London, she considered how best to retain her hold upon her victim during her absence, and after careful meditation she wrote to him, telling him

what must have been the somewhat alarming news that he was shortly destined to be the proud father of a child, of which she would be the mother.

Instead of sending a reliable physician to verify the truth of this statement, he wrote to her, telling her to consult a woman who lived near Paddington Station, to have an operation performed, adding that he would pay the bill. This letter he duly signed. Very naturally the expectant mother put this letter into a safe deposit and answered it by telling him that she was surprised at the advice offered, and so far from taking it, she had decided to go immediately to America, face her responsibilities as a mother, and rely upon him for the requisite maintenance, which, incidentally, he could send, care of the Post Office, Belleville, New Jersey. Meanwhile in order to preserve her respectability, she informed him she should take the name of Mrs. Sharpe, widow, a lady in posthumous distress.

Being a man of honour, he duly sent the remittances, and she lived comfortably with her husband and her mother-in-law for some little time to come.

Eventually she received a letter from the barrister, saying that he had met a friend of hers in Gatti's Restaurant, who recognised him from a photograph shown her by May. In the absence of her friend, this new character in the cast told this young nobleman much of interest concerning our queen of crooks, with the result that he wrote to her promptly, told her she was nothing but a thief and a streetwalker, and that her allowance would cease forthwith.

Mrs. Sharpe, widow, at once told her mother-in-law that her mother in the old country was seriously ill, and that she must return forthwith. Mrs. Sharpe, senior,

moved by her story and ignorant of the causes which called it into being, provided her with a first-class ticket to London. Yet once again "Chicago May" made the transit, and on reaching London, sent a messenger-boy to the barrister's office, requesting his immediate attendance. He responded, apologised, and handed over fifty pounds.

She then made the unwelcome discovery that the unfortunate young man had come to the end of his resources. Being a sensible woman, she dropped him like a live coal. He emigrated to Canada, and she closed this episode in her career with the remark, "I suppose everything happened for the best."

As to that, opinions may differ, but of this there can be no question whatever—May Churchill Sharpe belonged to the nobility of Crookdom. *Requiescat in pace.*

Mounting yet higher, one reaches those nebulous realms in which—if anywhere—dwell the master-crooks, those whose minds organise the great coups but whose bodies are seldom exposed to the clutches of the law. That such deities exist must with most persons remain an article of belief, strengthened by the assertions of so eminent a prophet as the late Mr. Carlin of Scotland Yard and one of the original "four great beasts with eyes without and within," better known as the "big four."

"The master-crook," he writes, "is the man behind the scenes, and he rarely if ever places himself within reach of the law. To him crime is a business, and he organises his work as the head of a great commercial undertaking does. To him a bank or a jewellery store is what a certain stock is to the financier. He determines that a raid shall be made on it. In order to do that he starts off with capital, and he never spoils the ship for a

ha'porth of tar. He thinks nothing of spending several hundred pounds if the haul will amount to thousands. I have known of cases where a master-crook wanted to 'get at' a bank employee and would spend a good deal of money getting men to shadow the various clerks in a branch to find out their mode of living; whether one of them had extravagant tastes or went in for betting. Having discovered one likely to be tempted by an offer of money, the master-crook has that clerk sounded, and if the deal goes through it may mean £100 to the employee for a copy or sight of a customer's signature or the amount of his credit balance. The ground is then laid for a big forgery."¹

Mr. Carlin then goes on to make the distressing admission that in his experience "those master-crooks who profit by crime are comparatively rare, and rarer still are the men who having started as criminals in a small way—sneak thieves, one might call them—become master-criminals. For the average wrongdoer crime as a business is one of the worst paying professions on earth."²

But the argument that crime as a profession does not pay is no inducement to any artist to abandon a career so replete with spiritual satisfactions. From the crook's point of view it does pay; he escapes by its means that life of disciplined toil to which he will not surrender save when obliged temporarily to do so by the workings of a law which most thoughtfully places a strict limit to the time of such obligation. His art consists in evading as much as possible the clutches of that law, the existence of which prompts him everlastingly to sharpen his wits and keep the armour of his reputation shining. Spare the rod and spoil the child. Alter the law and ruin the artist.

¹ *Reminiscences of an Ex-Detective*, p. 237.

² *Ibid.*, p. 238.

THE CROOK AS A POPULAR EDUCATOR

AMONG several criminals of my acquaintance the opinion prevails that he who permits himself to be outwitted deserves to pay the price. This may be highly immoral, but it is severely practical.

As a rule in the transaction of his affairs "the fox condemns the trap, not himself." Were he wiser than he is, he might apportion the blame into equal parts, or, faced with further opportunities of experience, he might in time come to regard the setter of the trap as an instructor in wisdom. I must confess to having arrived at the personal opinion that I have learnt more of value from my crook friends than from any of my spiritual pastors and masters concerning the ways of a world in which, after all, one has to live for a considerable period of time and in which self-defence is very necessary.

If, to borrow and adapt a scriptural quotation, "the devil like a roaring lion goeth about seeking whom he may devour," and if it be necessary to "beware of wolves in sheep's clothing," it seems to me that the children of this generation are very inadequately prepared for the battle of life by those who profess and call themselves their educators. Only on such an assumption can one account for the extraordinary ease with which the crook obtains that measure of success which he enjoys. As it is, he has to take upon his own shoulders the neglected task of teaching each generation the truth about human nature

and its ways. And if for so doing he demands a salary, this need not cause us to suffer from any amazement.

But lest the reader may feel these personal remarks to be of too high-spirited a nature, let me at once eat humble pie and inform him of some most useful lessons given to me by another of my visitors at the aforementioned basement-flat.

There emerged one bright morning from Wormwood Scrubs a tall, prepossessing young man with a physique appropriate to an ex-guardsman, who had attained at least physical uprightness. In the days when I still visited that prison he had greatly impressed me by his conversation and charm of manner; so much so, indeed, that I had invited him to consider my flat as his home for the first three weeks, if need be, on his return to the metropolis. Those three weeks turned out to be, for me, as momentous as any three weeks Mrs. Elinor Glyn could ever have provided for her readers in Lucerne. Fairly well seasoned by this time to the minds and ways of burglars, I had not as yet encountered a master of the art of fraud.

For some time prior to his release he had written me letters, in which he showed himself quite plainly to be a man of the highest ideals, a lover of good literature, and a philosopher of no mean order. His only complaint seemed to be that owing to a concatenation of adverse circumstances I was, in fact, the only friend he possessed in the world. This, in the long run, ceased to surprise me in the least, but at the moment it produced within me those feelings of sympathy the production of which is the first duty of any self-respecting artist in mendacity.

Like the late lamented Mr. Barnum, this young man must have thanked God in his cell that "every moment a

fool is born into the world." As may easily be imagined, we became fast friends; indeed, at one time I questioned whether I ever should succeed in breaking our friendship. He became so inordinately fond of me that my sympathies gradually transferred themselves from himself to Frankenstein. Let me endeavour to portray some of his habits.

As often as not a man's character reveals itself in some simple action of apparent unimportance. Looking back, I recognise now that he revealed himself to me the first day at lunch in a small Italian restaurant, the day of his release. In order not to embarrass him when we were in public, I had provided him with a week's pocket-money, so that no one might imagine that he was otherwise than a self-supporting, independent citizen. Thus at lunch we each ordered our own selection from the menu. We were most independent, but when the bills were presented he succeeded in making me feel that I ought to pay both.

The same evening, in the recesses of a comfortable little tavern, for which he said he had a sentimental affection, he introduced me to a most interesting *habitué* of Soho, whose knowledge of our penal methods considerably exceeded my own, in that he had twice retired into penal servitude, and had experienced the "cat" for that highly-specialised art of robbery with violence. In the company of this cheery gentleman, two confidence tricksters, and a young man of whom it was explained to me that he "played the part of husband for the sake of respectability," we made a merry little party in a corner of the saloon bar. Being a trifle uncertain of my own relation to the surroundings, I inquired tentatively of my friend as to what precisely I was supposed to be. He said his friends would take it for granted that I was a crook

solicitor, while everyone else would think I was a "bogey." This information and some port naturally restored my confidence completely.

Very soon after this my friend found favour in the sight of a young lady, who led a life of perfect respectability in Pimlico, but who, it turned out, adored weekends at Brighton in congenial company. This I did not immediately discover, but it necessitated my friend inventing some plausible excuse for absenting himself frequently from my flat, and for several days at a time whenever possible. He had apparently represented himself to the lady as a man of means, perhaps not very conventionally obtained, but that did not seem in the least to worry her. The pressing question, therefore, arose as how best to raise the requisite funds for entertaining her.

Faced with this difficulty, he turned very naturally to the only friend he possessed. He commenced by instalments to acquaint me with his life-history; his early childhood in a northern industrial city; his difficulties at home; his first attempts at earning his living; the death of his foster-mother; the kindness of a landlady; his popularity; his going to sea; his first *affaire de cœur*—all of which he described so vividly that by the time he had finished it was difficult not to believe that I had known him for all these years and had, therefore, good reason to perceive what a charming, trusty youth he was.

Very gradually he worked upon my feelings and helped me to grasp how the whole chances of his future depended upon his going back to the scenes of his childhood, making peace if he could with his old foster-father, who had never really got over his departure and who would help him as none other could to escape from the taint of his imprison-

ment and restart another life where he would win back, step by step, his lost prestige. So much was he moved by his own narrative that he purchased out of his pocket-money a time-table and marked the best trains to the city of his origin, and also the return trains in case his mission failed. Subsequently he explained to me that he performed this last action simply on the principle that "if you are going to do a thing at all, you may as well do it thoroughly." Suffice it to say that, improbable as the pretext sounds in print, so skilfully did he tell his story, so reasonable, so convincing did he make it seem, that before I knew where I was I made it possible for him to revisit his lost relatives in that northern city in such a way that he would not be any encumbrance to them. He departed for King's Cross.

A week later he returned from Brighton with a portmanteau containing, in addition to his own wardrobe, a highly decorative pair of lady's shoes.

As a matter of fact, by a strange and roundabout chance, I had been privately warned of his change of itinerary, but I decided not immediately to disclose this on his arrival back; and, as it turned out, my patience was rewarded, for he gave me a graphically touching account of his complete reconciliation with his old foster-parent on the Tyneside, and the prospects of a job in the near future. To this I listened with the respect due to a great artist. At length he paused.

"But actually," I remarked, "you left Brighton this morning."

He sat for a few moments in silence. Then he told me what a weight off his conscience this was; how glad he was that I had found him out, in that now our friendship,

so far from being ended, had only just begun. I was completely annihilated.

By every rule of common sense I ought to have shown him the front door; the fact that I did not do so is difficult to explain, and must be attributed, I suppose, to the influence of haunting memories of "seventy times seven" and to a fatal weakness for affording artists ample opportunities for self-expression. He survived this *dénouement*. He got his money by false pretences, and I gladly figured as his accessory before and after the fact. *Mea culpa*.

Brighton, it transpired, had permanently cured him of his infatuation. He returned the slippers to Cinderella and I paid the postage.

His next act of grace was an act of humanity to a young burglar, a former accomplice, about to return to the world from Wandsworth. Would I put him up for a few days?

So Billy arrived one October morning and proved to be one of the best cooks I have ever encountered. He was a burglar pure and simple, a most lovable fellow who never did anything fraudulent save out of loyalty to the benefactor who had imported him. They went out together of an evening, and the result before long was a supper-party at the flat to two Piccadilly ladies, one of whom had seen the inside of Holloway, and the other of whom had "her boy" in Pentonville. I insisted upon the observance of a certain minimum of behaviour. We played a rubber of whist and pledged our good companionship in port, and, save for the fact that one lady burst into tears and had to be assisted into a taxi, it was quite a mannerly entertainment.

Shortly after this, Billy left to take up house for a while

with the Holloway lady, and about the same time my friend likewise went to stay with another peripatetic philosopher of Shaftesbury Avenue, who consented willingly for a while to play the exacting rôle of the only friend he possessed on earth.

He still, however, visited me frequently, and always in order to tell me some new and moving tale of imminent distress that must be relieved, or of some pending good fortune that must be financed. I reduced my hospitality to occasional meals and intermittent half-crowns, and the only reason I have to suppose that he still thought much of me was the sudden disappearance one day of my entire wardrobe, coupled with the recollection that my suits fitted him like a glove.

The actual termination of our companionship came about in a manner worthy of a Drury Lane melodrama. He pitched such a magnificent story of his decision to go to sea once more, that my desire to picture him afloat led me to believe that for once he might be speaking the truth. Thus it was arranged that he should sail on a certain Tuesday afternoon at 4 p.m., for the purposes of which he had extracted a not unwilling £4. Thus I was genuinely sorry to see him arrive to tea that self-same afternoon at 5 p.m.

To explain his advent he produced a story that would have done credit to Scheherazade herself in the hour of her extremity. He said that the previous evening, in a fit of aberration, he had decided to pay one last farewell visit to the West End; that, as luck would have it, he had met the lady from Shaftesbury Avenue from whom he had (so he said) for some time parted; that he stopped to wish her good-bye, and that while so doing he had been inter-

rupted by her new gallant, who, stung with jealousy, had struck him. A fight had ensued, he had knocked his rival out, had left him on the pavement, and had then fled. He had since heard he had been taken to hospital and was not expected to recover. The police were on his track. News of his going to sea had been told them by the girl, to whom he had unfortunately named the ship. He dared not approach the docks; he was a hunted man. The noose was already round his neck. He must get out of London that night. He must have £10.

I told him I did not believe one single word of his story, and that he would not receive one farthing.

We were quite alone in the flat, which, as I have said, was in a fairly lonely road. He had the physique of a guardsman, and understood jiu-jitsu. I weighed just under ten stone, and was unarmed. Moreover, I have an inveterate dislike of brawls.

"Well," I said, "what are you going to do?"

He said: "Unless you write me a cheque for £10, I shall be obliged to take what I think is sufficient to raise that sum."

I replied: "It is in your power to do so, if you feel you can do so."

He seemed sad, asking me why I forced him to do so distasteful a deed. Then he said: "If I tied you up and cut the telephone wire, and you said you could not describe me, you would get the insurance money."

I replied that I thought the plan had its drawbacks, and that I did not want to be tied up. He then most reluctantly set to work, and I did my best to help him in the selection of the articles of jewellery and clothing he wanted. Halfway through he asked if he might have a

glass of sherry, which I at once poured out for him, for I was convinced that he needed it badly. There was little of worth in the flat, save my watch, my clothes, and a valuable gramophone. I asked him not to take the gramophone. He said he would leave it if I wrote a cheque for £5. I told him to take the gramophone. Heavily weighted, therefore, with a suitcase tightly packed, a case of records, the gramophone on one shoulder and my watch and rings in his pocket, he asked me, as he had so much to carry, whether I would be so good as to open the front door for him. I assured him that nothing would give me greater pleasure. *Toujours la politesse.* He passed out into the night.

I walked over to the telephone, took up the receiver, but on second thought replaced it. I decided to wait and see what happened. I did not have to wait long. Within a month, as I fully expected, he retired to Wandsworth for a short period, at the instigation of a man whose gas-meter-till he had deprived of its contents as a mark of regard for his hospitality.

This man knew of my existence and became suddenly unhappy about a small collection of pawn-tickets he had in his possession. He asked me to go and see them. And the next morning I took a taxi and collected my watch, my rings, my gramophone, and most of my other belongings from an area that extended from Lower Marsh to the upper reaches of the Tottenham Court Road.

I came in time to regard my friend with something approaching affection, and to feel that gratitude that is always felt by a pupil to the master who has taught him some valuable lessons in human experience. In this case I think the fees were rather high; but the fees of the

specialist are always far in excess of those of the general practitioner.

He has since undergone two further courses in citizenship at Wandsworth, but seems to possess very little ability for this kind of career.

Some of my readers may possibly think that it would have been rightful on my part to have telephoned for the police after the departure of my friend on the evening aforementioned. By way of apology I must respectfully point out that it has become my considered opinion that it is foolish to have arrested the person whose habits you are engaged upon studying, and thereby to curtail such an interesting pursuit, so long as the person under observation pays one the touching compliment of asking oneself to play the victim's part. Thus I make no complaint. He cured a weakness of long standing; namely, a tendency to assume that a person's spoken word has a value of its own, apart from that bestowed upon it by corroborative actions.

My friend once and for all made me very plainly see that it is better to assume in haste with the Psalmist that "all men are liars" than to believe even with the Clerk of Arraignment that there are twelve "good men and true." The crook teaches us, that is to say, the wisdom of believing that everyone is unreliable until he is proved to be otherwise by his actions—a far sounder hypothesis on which to build than its opposite, for its result is that one has many pleasant surprises instead of several rude shocks. Life indeed puts on an altogether different complexion when one discovers with joy that one possesses some friends who actually keep their appointments and who, when they say they are travelling by the Southern Belle, do not, as

one might have expected, travel by the Flying Scotsman. But it is by no means easy for the victim of crooked ingenuity to school himself into perceiving that the chief cause of his discomfort is his own mental shortsightedness, due in part to a wholly unwarranted belief in the reliability of persons who may have very little to lose by their unpleasant behaviour and much to gain.

One of the great advantages in becoming a prison visitor, or better still in cultivating the acquaintance of the crook at large, is that the knowledge thereby obtained acts as a valuable corrective to any opinions one may have previously held concerning the mentality of human beings, especially if one's range of acquaintanceship has been limited to those of a similar upbringing to oneself.

Those who have high conceptions of the meaning of the word "honour" are very apt to assume as a matter of course that their own standards are indigenous to human nature as a whole, and consequently are much surprised whenever they encounter an exception to their rule. And their surprise as often as not transforms itself into anger with and hatred of the person who, when all is said and done, has simply revealed to them the inaccuracy of their own perceptions and the danger inseparable from their philosophy of confidence.

As often as not this anger with and hatred of the individual whose mental outlook and its appropriate behaviour differ from their own, leads many excellent men and women to be filled with the desire to convert the exceptions in question to respect if not admiration for their own rule. Hence the ever-prevalent wish among the victims of crookery to persuade the crook to go straight or in plain words to change his nature, to become orthodox

and to cease being a nonconformist; for in the sphere of human behaviour the crook is simply a nonconformist. He has a different code of honour to the established code, and in cases where he has the courage of his convictions, he is prepared to suffer imprisonment or even death for the faith which is in him. Experience may cause him to change his mind and surrender. He may, that is to say, lapse from the faith. He may, perhaps, succumb to the hypnotic charm of some orthodox personality, but if he withstands all of these temptations and remains faithful until death, he is, I submit, worthy of that respect which casts its halo over every stalwart rebel, be he criminal or saint.

Meanwhile it cannot be denied that he does valuable service to mankind in a variety of ways, one of which is as an educator in wisdom to those respectable citizens and citizenesses who suffer from the weaknesses of mental shortsightedness, greed and those infirmities of the flesh which they may be anxious to have the credit of not possessing. To all such persons the crook teaches in season and out of season those facts concerning human nature which may be adequately described as gospel truth, as opposed to pharisaical established opinion. Very naturally the Pharisees do not like it, and try to persuade him to become even as themselves. For every time the crook commits a successful crime he draws attention to some weak point in Society's armour of defence. He lays his finger again and again on some act of careless folly committed by some one or several individuals who, to use the language of the opposite side, "ought to have known better than to have behaved in such a manner."

Not a great while ago it depended upon some crooks to

draw public attention to the fact that a certain railway company had actually permitted one of its clerks to travel with a large sum of money for distribution down the line as wages, unguarded. The unfortunate man was found unconscious in a first-class carriage. The wages had disappeared. So far, I believe, the crook or crooks have never been caught. But suppose they are, is it the vindication of Justice that the railway officials should go scot free and the crooks who drew attention to such carelessness should alone bear the brunt? If it be said, "Why did the crooks so behave?" surely the plain answer is that they discovered after careful inspection that a reward of at least £1,000 was to be had by anyone who would attack an undefended clerk and that they decided to be the first applicants and won it.

In the world of criminal affairs it is but a step from railway clerks to bank clerks.

An enterprising young robber of my acquaintance was once envisaging the prospects of the future so far as the raising of money was concerned. It appeared that in the days before he took up crime he had been a bank clerk in a large provincial town. One of his duties had been on certain mornings twice a week to travel by train to a neighbouring village with a supply of money for a small branch bank there. On arrival at the village station he had to walk some little distance along a road which at that hour of the morning was practically deserted.

His present idea, therefore, was to rob his successor at this spot, and his plan of campaign was briefly as follows :

He would first go to the provincial town where he would put up for a week or so long as might prove necessary at a good hotel. Whilst there he would hire a car for his

private use. He would then ascertain the precise mornings on which his present successor at the bank made the journey. Then when he had decided upon the day for the "job" he would motor down early to the village and leave his car in a place where he said he knew it could be left safely at no great distance from the station. He would then return by train to the provincial town and on arrival would take the train back to the village in which the clerk would travel. He would travel in the same carriage and by engaging him in friendly conversation he would win his confidence. On again reaching the village he would accompany the clerk on his way to the bank. At a convenient spot he would suddenly attack him, frighten him with a revolver, and then drug him with chloroform. Then possessed of the money he would leave the clerk by the roadside and return by car to the town. An hour later he would be on his way to London.

Very discreetly he omitted to mention to me the precise scene of these contemplated operations, which, as a matter of fact, he never put into practice. His plans, however, give a very fair indication of the way in which the general public may easily find itself instructed in the art of the bandit.

One is sometimes amazed at the amount which civilised human nature takes for granted—and how touching is its confidence in the powers of the police. Occasionally it has a rude awakening, as have the citizens of France when by no means infrequently in the present century they have received alarming demonstrations of what can be achieved by armed bandits working in gangs. One need but mention the Bonnot gang with its long catalogue of pillage and murder, or going further afield than France, the deeds

of the Mafia in Sicily, the Camorra in Naples and the Black Hand in America, against all of which the powers of the police, though heroically exercised, are found to be sadly limited in extent.

In England the behaviour of the bandit has for long been so subdued that it is apt to be taken for granted that this country is as free of wild robbers as it is of wolves. One is strongly of the opinion that before very long this may prove to be a popular delusion; nor can it be said that our long immunity from such outrages is due to our habit of hanging murderers, for it is unlikely that bandits of this calibre would be afraid of the gallows, when so many have faced with equanimity the guillotine, of all forms of modern death penalties the most revolting imaginable. Thus it seems likely that with the Americanisation of Europe we may expect the gunman in his modern well-equipped setting. Meanwhile other robbers do their level best to help the Post Office to protect the transit of their mails by drawing constant attention to any defects in their methods, while in the humble regions of crime quite a number of postal servants each year give the Recorder of London the evidence he requires for his remarks on the inadequacy of certain postal salaries.

Passing to the burglary branch of the profession, the lessons are at first glance brief and to the point. They consist for the most part in the reiteration of the fact that there exists no absolute defence against the burglar's art. Dogs have an insidious habit of falling for crooks. So-called "burglar-alarms" are apt to prove more ingenious than useful. Night-watchmen at times are of more use to the burglar than to the owner of the property, and in cases where they remain loyal, are apt to be found gagged or in

a crumpled condition, so that on the whole the best protection to a house are women, for unless they be rendered dumb with fear, they are capable of producing the most adequate screams—a form of feminine appeal that makes an immediate impression on burglars.

“George Ingram,” to whom we are already indebted for much sensible advice, may be further heard to advantage on this subject.

“We had got in all right,” he says, in reference to one of his jobs, “through a kitchen window. From the kitchen we passed through to the hall of the house, and here a Scotch terrier disputed our right to enter. This was one case where a dog proved fairly effective. The terrier growled and barked alarmingly, so I went back to the kitchen to get some buns I had seen there. I had tasted the buns and didn’t like them, but I thought perhaps they would interest the pup. I hurried back to the dog and presented him with the gift, which was rejected with loud protestations.

“Just as I was getting hot—not with worry, but with anger at this scurvy treatment—we heard footsteps hurrying down the stairs. This was something to cause real anxiety. There was no time to get out, so we made a dash into the nearest room, leaving on the lights in the hall. Our objective was the windows of this room. We had a shock when we got inside, however. There were bars outside the windows, so that our chances of escape were at zero. The situation, though desperate, was not without its humorous aspects. We were prisoners in a room which contained two huge safes. Just for luck we tried the doors, but found them locked.

“The footfalls belonged to a maid, a colossal woman

with a heavy step. She passed the room we were in and went into the kitchen. She shut the window left open and then came to our door, evidently puzzled by the lights we had left on. She opened the door and saw us.

"I shall never forget the soul-racking scream emitted by that female. She slammed the door of our room and fled screaming at the top of her voice. The other Bird and I decided that discretion was the better part of valour, and we lost no time in getting to the kitchen, where we again opened the window and made our exit."¹

While it is part of the burglar's business as a popular educator to give householders many useful hints, it would seem to be his chief duty to endorse the gloomy wisdom of the funeral maxim, "We brought nothing into this world and it is certain we can carry nothing out. The Lord gave, and the Lord hath taken away. Blessed be the Name of the Lord."

The householder who can echo these sentiments the morning after a burglary will be the first to appreciate the spiritual character of the burglar's calling. But chief among educators of the public is the "confidence man"—the crook, that is to say, who by one or other of a vast number of means succeeds in demonstrating to different individuals those weaknesses in their characters which lay them open to surprise attacks.

So far as I am aware, the only modern author who has made a descriptive inventory of the methods of confidence men is Mr. Basil Tozer, whose book, *Confidence Crooks and Blackmailers—Their Ways and Methods*, is an excellent guide for all who may desire to be put on their guard against the many dodges of these artists. In a previous

¹ *Hell's Kitchen*, pp. 147-148.

chapter we have already borrowed from this catalogue the case of the young man who calls to "disinfect the telephone," and whose mission it is to teach maidservants in a harmless and practical way the folly of admitting persons into the house who have not been sent for, to do jobs that require payment on the spot.

If "confidence men" can be said to teach in general one lesson more than another, then it is to be thought they urge the members of the general public to be on their guard at all times against strangers who express a desire to be of service to them, either by calling at the doors, writing to them through the post, or appealing to them through the advertisement columns of the newspapers. Human nature is three-quarters selfish at heart, so that it may reasonably be taken for granted that those who wish to do strangers a good turn in reality intend if possible to do themselves a better one. Thus in dealing with strangers it is best to assume the validity of the maxim "All love is cupboard love." Idealists will demur: but it is a large part of crook labour to teach the idealist the facts of life. Now among the facts of life are some very interesting personalities, some of the behaviours of which are outlined in Mr. Tozer's book. I propose to borrow two such personalities from his collection and to reproduce their charms in my own words for the benefit of the reader.

There exists an altogether delightful young man whose anxiety it is to teach those whom he selects as his pupils how very foolish it is to be oversensitive to the feelings of strangers. And in order to do this, he joins parties of sightseers who are engaged upon visiting some place of historic interest, for example, the Tower of London.

With one of this party—a man—he gets into con-

versation. He discusses the interests of the place they are visiting; he talks most intelligently about all that it contains, he ends by talking also a little about himself. Then, when the visit is at an end, he suggests how agreeable it would be if, before wishing each other farewell, he and his companion had a drink together. His invitation being accepted, they have perhaps more than one drink, for the young man has observed that the influence of alcohol is wholly beneficial as a stimulant to the emotions. Presently in taking his handkerchief out of his pocket, there falls upon the floor a folded telegram. This he picks up and re-reads wistfully. He tells his companion it is from his dear wife. He only received it that morning. She is undergoing a serious operation in a distant city. She begs him to come to her. How he wishes he could, but as his companion will understand, the railway fare is prohibitive to one who lives at so great a distance away and who is looking for work, and living in the meanwhile on very scanty savings.

Then he shows his companion the telegram, and its wording rends the heart in twain. The companion begins to feel very uncomfortable, for he has the fare to the distant city in his wallet and can easily spare it. So great is his agitation that he does not perhaps notice that the date of the telegram is not easy to decipher and that its crumpled condition suggests that this may not have been the first time it has fallen on the floor. He feels it would be brutal on his part to hurt this poor young man's feelings and to keep an anxious husband from an adoring wife. He recollects, too, with a stab of the heart, that the young man had mentioned "a kiddie." He gives him the fare and walks away. He consoles himself with the thought

that it is more blessed to give than to receive. The young man thinks the opposite. He wonders why there are so many sentimental asses in the world. Like most crooks he has a contempt for kindness that is only weakness in disguise. He pockets his fee for the lesson he has given—and goes in search of a new pupil.¹

Not infrequently, kind-hearted benefactors have to pay to the youths who instruct them a fee considerably higher than the fare to a distant city.

A gentleman returning to his flat in the West End late one evening, found a youth leaning against the railings near the entrance to the mansions. Apparently he was in great pain, for he was groaning aloud: he seemed, indeed, to the gentleman who discovered him to be severely ill. Anxious to help him as best he could, the gentleman invited him into his flat, gave him brandy and advised him to lie down on his bed.

Presently the youth began rapidly to recover. They began to talk, and to discover that they had many points of view in common. Time passed by. Suddenly the youth looked at his watch. Then, addressing the gentleman rather to the latter's surprise, by his name, he said, "Mr. ———, I have been alone with you in your flat for just on two hours. I have witnesses outside who saw me enter at your invitation and who will see me leave. You must give me £50 or I will bring a charge against you which will land you in prison for two years." Placed in such a situation a friend of Mr. Tozer's succeeded in outwitting the blackmailer by ringing up a friend whom he asked to bring him £50 for an urgent reason, and whom he introduced on his arrival to the youth as his doctor, asking

¹ *Confidence Crooks and Blackmailers*, pp. 81-84.

him to give the youth his visiting card so as to show he was not bluffing. The youth at once left the flat, realising that the game was up. But doctors are not always so obligingly forthcoming, and the result is that the blackmailer usually gets what he demands or such equivalent as he may condescend to accept in lieu thereof. And the lesson the blackmailer teaches is this : If anyone desires to play the part of a good Samaritan to a languishing youth, in a country where the criminal law in this respect aids the blackmailer, it is better to bear carefully in mind that the good Samaritan in the Gospel story took the injured party to *somebody else's* house and not his own. Under such circumstances one cannot do better than emulate his example, the most suitable houses of reception being the hospital or the police station, and the best guide to their whereabouts being the nearest policeman.¹

But there will be always those who delight in taking risks, and one gladly includes oneself among them, even though to do so be ever to lay oneself open to further tuition. But there is a difference between taking risks with one's eyes open and with one's eyes shut. The audacity of some confidence crooks can only be grasped by assuming the amazing willingness on the part of their victims to believe anything told them with sufficient swagger and authority.

A well-dressed, sporting-looking individual once came boldly up to me in the Strand and without any waste of ceremony, said, in a jaunty manner:

"Excuse me, sir, I am Captain So-and-so. I have most stupidly come up to town with insufficient pocket-money. Will you be so good as to lend me a couple of

¹ *Confidence Crooks and Blackmailers*, pp. 211-14.

quid ? I will give you my address and repay it immediately on my return."

I replied that I should do nothing of the kind—which appeared to cause him much amusement. He laughed heartily, and I left him looking for a more suitable pupil, whom I am convinced he had no difficulty in finding.

The readiness with which otherwise sensible persons respond to invitations from strangers to lend them money is probably due to the unconscious influence of such sacred maxims as "Give to him who asketh and from him who borroweth from thee, turn not thou away." It is apt, however, to be overlooked that such faultless advice was given by One Who never for one moment overlooked the facts of life. It may likewise be recalled that He did not advise the wise virgins to deplete their stock of oil in favour of the foolishness of their less provident sisters.

A form of tuition sometimes given by the crook may be described as final. To speak plainly, he murders his pupil. Lonely women in search of protection and romance occasionally meet their Landru. Such human monsters exist, but happily they seem to be very few in number. Murder as a profession in itself is a rare occurrence. It is difficult to cause the total disappearance of more than one person. Landru murdered eleven women, living on the proceeds of his deeds. But even he found it impossible to succeed. At length, he too met "La Belle Dame sans Merci" awaiting him in the boulevard by the prison of La Santé. Outwardly calm, and accompanied by "Monsieur de Paris,"¹ he surrendered to the charms of "La Guillotine."

* * * * *

¹ The nickname for the executioner in France.

We have now indicated a few of the ways in which the crook endeavours to put human nature upon its guard. In so doing he performs a valuable service, for he emphasises the facts of life, those inconvenient realities apt to be overlooked by the educators of youth and the framers of philosophies. He warns mankind of the perils attendant on disarmament. There is much to be said in his favour, but his methods themselves nothing can beautify.

THE CROOK AS A PUBLIC ENTERTAINER

IN his endeavour to make some adequate returns to Society for any inconvenience he may have caused it by his behaviour, the crook has always been singularly willing, if permitted to do so, to die in public, and thereby to give the crowd a form of entertainment for which it has always exhibited a marked appreciation.

In the eighteenth century and right up to the earlier days of Queen Victoria criminals were executed in public in England, though a tendency had arisen to limit the death penalty more and more to offences committed by murderers only, but from the year 1868 onwards these moving spectacles were abolished in favour of the less sensational practice of the private execution within prison walls.

As the avowed object of a public execution is to educate its spectators in good citizenship, it is difficult to see the advantage of these privately conducted ceremonies, and one gladly acknowledges the superior intelligence of the French people in refusing to abolish so edifying a spectacle.

One may, in all seriousness, be an advocate of the total abolition of the death penalty, and yet be in favour of public executions during its continuance, on the ground that Society should at all times have the courage of its convictions and that the condemned persons—

whether crooks by profession or criminals by extenuating circumstances—should have an opportunity to give a final display of courage and, if so minded, to make a dying speech. As it is, the crowd has to content itself with theatrical representations of death upon the scaffold, a sorry substitute though by no means at times devoid of realism. By these attenuated means I witnessed an alarmingly realistic reproduction of the beheading of a criminal in a music-hall at Liège, a few years ago. It was the culmination of a performance given by an artist whose chief claim it was that he was a hypnotist, and able for that reason to demonstrate the usual phenomena associated with this type of show. But it is doubtful whether the audience were so vastly interested in this part of the programme. They had assembled in great numbers—unless one be greatly mistaken—simply because the *pièce de résistance* of the evening was to be the decapitation of a prisoner in the Place de Grève, Paris.

At length the moment arrived. The curtain rose, and there, sure enough, was a scaffold of the traditional sort with scenery in the background redolent of the age of the drama. On comes the masked executioner with the axe, followed almost immediately by the pinioned prisoner. The prisoner sees the block, starts, and gives vent to screams of anguish. The executioner's assistants gather round him. He is dragged to the block. He is forced on his knees. His head is laid on the fatal socket. The axe is raised. The axe descends. His head is held up to the breathless audience. A bloodstained trunk reposes on the block. The head is placed on a support the other side of the stage—and then comes the great moment.

The audience is invited to come up on the stage and touch the head. With one awful rush the whole auditorium empties. Everyone touches the head. The eyes are closed, but the flesh is warm. It is a real head. By what stage trickery it is done, no one knows, but everyone has received the thrill they desired. They have seen it happen. The crook has entertained his public—even by proxy. So realistic was the production that I had an uncomfortable feeling that I had been the witness of an actual decapitation.

In France, however, there is no need for the populace to repair to a theatre in order to view the beheading of a criminal. Public executions in that country still take place at dawn outside the walls of the prisons in accordance with historic tradition. The instrument of death is the guillotine. It is kept at the La Santé prison in Paris, from which it is taken to wherever its presence may be required, there to be erected in a convenient spot.

That the crowd which gathers on such occasions enjoys the spectacle cannot be doubted, no matter whether its feeling towards the criminals executed be that of sympathy or hostility, for it is on record that when Moreux was guillotined on June 17th, 1872, the crowd "gave vent to strident whistling as his head fell into the bucket. When asked why they did this, the manifestors said they had protested because in their view the spectacle had not lasted long enough."

A more modern example of the way in which a notorious crook can entertain the public may be quoted from the *Républicain Orléanais* of June 27th, 1905:

"The scaffold has arrived. Henri Languille, the

bandit who has terrorised the Beauce and the Gatinais for several years, is to expiate his crime—perhaps we should say his crimes—at dawn this morning.

“The day has come, a pale day that makes the figures look more ghastly. From time to time cries and shouts resound behind the enclosures to the right and left of the Rue de Bel-Air, barriers almost broken down in spite of the triple rank of soldiers and the groups of *gendarmes* under the weight of the huge crowd pressing against them. In the tension and anxiety of the wait a movement is seen in the Rue Verte. It is the closed wagon, preceded by a troop of *gendarmes*, which is bringing Languille from the prison. It is half-past three. The sad procession comes quickly to the end of the Rue Verte, and emerges on the Place, the wagon drawing up on the left, by the side of the guillotine. The Chaplain of the prison, the Abbé Marçais, an old man, greatly moved, himself as pale as the condemned man, first alights from the vehicle. Then, behind him, comes Languille, whom the assistant executioners hold by the arms, which are tied behind his back, and help to alight.

“The murderer of Nibelle is as white as a shroud of a corpse-like whiteness. His half-clad shoulders shiver in the cold of the morning. But he has a grip on himself, and he sustains till the end the firm and resolute courage he has shown up till now. For a second he rolls big eyes enlarged by fear. Then seeing the crowd which is present, into the great silence of hovering death he throws an ironical insult, a defiance of all these curious people, an expression which has been peculiarly his own: ‘Muck-heap of peasants.’

“The assistant executioners seize Languille and push

him, throw him on to the *bascule*. It seems as if all the muscles of the condemned man make a supreme and distinctive effort to cast him backwards. But he is laid on the plank. His neck, which one sees is desperately tense, is encircled with the *lunette*. It is a minute of anguish, more tragic than solemn. A poignancy before this thing which is about to happen, this execution, tightens the breasts of all who are present. A few seconds only pass. The young Deibler (the chief executioner) has put the spring in motion. The knife, glittering with a fugitive brightness, falls with a dry sound. A thin stream of blood spurts up in the air as the head falls into the tray, and the decapitated corpse rolls to the right into the basket of sawdust.

"Justice has been done. Languille, to whom one cannot deny the merit of having died at least with courage, has paid his debt to Society. It is exactly 3.35 a.m. The basket containing the remains of the victim is put back into the wagon and it starts, preceded and followed by *gendarmes* on its way to the new cemetery."¹

The Paris *Matin* supplements the above by recording that immediately after the execution Dr. Beaurieux with the permission of the Public Prosecutor made a scientific experiment. Holding the severed head between his hands he cried, "Languille, Languille."

The eyelids opened and the two eyes, still full of life, gave a long stare into those of the doctor. Then the lids fell again. This was repeated a second time. The third time the doctor called "Languille, Languille," the lids remained closed. Those who witnessed this spectacle thereby understood that the decapitated head retained

¹ Quoted by Alfred Morain : *The Underworld of Paris*, p. 300.

consciousness for at least from ten to thirty seconds after the execution.

In such a way and by such means did the criminal Languille entertain and instruct the general public at that period of his career when in England the interest in a criminal is already beginning to flag and the newspapers are waiting for a new murder. Deprived of such means of expiating his crimes against Society, the murderer in England who is hanged in private has only open to him such gloomy consolations as may be afforded him by the thought that he has cheered a great number of depressed Sunday readers and helped to feed the three million souls that every Sabbath clamour to be fed at one of the great journalistic restaurants, and where of all dishes the favourite is one such as his own, plentifully garnished. Still, probably that is better than might be the case if he had committed the crime in a country which had nothing to offer him in return but penal servitude for life, for in that case he would be largely deprived of that halo of glamour that at all times encircles in the popular imagination those about to die. In plain words he would cease to be so entertaining as he is. He would share in those disqualifications that, thanks to the humanitarian, have helped to belittle the calling of the robber and the thief, until they have become mere shadows of their former glorious selves. Like them he would speedily discover that all the entertainment that he could hope to give to Society after his arrest would be such as is already afforded by trials at the police courts, the Sessions and the Assizes, and that this would depend entirely upon whether the features of his case happened to arouse the interest of the newspapers.

Without the shadow of a doubt the career of the great crooks has been whittled down by the restriction of the death penalty. One has but to compare the magnificent end of Jenny Diver with the pathetic close of the life of Chicago May, in every way her equal in splendour. In one case a public execution at Tyburn, in the other a placid retirement, a book of memoirs and a death in hospital. "How are the mighty fallen!" Human nature is conservative at heart, which is another way of saying that primal instincts and emotions outlive all attempts to rationalise their meaning in the interests of a conventional level of behaviour on earth. Both zoos and prisons are popular because the citizens outside the bars and walls like to feel the proximity of wild nature—at a safe distance. There exists no real desire to exterminate the wolf and the tiger. Otherwise our penal system would be indefensible. The utmost it is permitted to do is to protect Society for a fixed number of weeks, months and years from the depredations of individual wolf-like natures. They are then let loose; the only rule in this game being that they must not actually devour any citizen. They may rob him of his possessions, they may blackmail him to his grave and still be released at intervals, but if they devour him, then—the cage for life or the shed for a few moments. Such regulations work fairly well, and a sufficient number of murders occur in spite of them for that basis of fact necessary to give current value to the output of murder stories demanded by the readers and provided by the novelists. All that the criminal is asked to do by the public is to go on creating a reasonable amount of spectacular crimes.

But under the infinite restrictions of modern civilised

life, the criminal finds spectacular crime a very unprofitable concern. Usually it calls for gang organisation, and gangs mean a heavy division of spoils. Even the comparatively mild gang which had the misfortune to meet me that night on the Embankment had to divide a shilling into eight separate parts. Such crushing disappointments make the crook pause, even when operations are conducted on a far more ambitious scale. Perhaps as good an example of a modern spectacular crime which scarcely paid is that of the sensational hold-up of a first-class carriage on the Paris-Marseilles express on the night of July 25th, 1921. There were three men in this "job," Charrier, Thomas and Bertrand, the first-named having met the other two when all three were serving sentences in the prison at Grenoble.

At the invitation of Thomas, all three participators met in a café in Paris on Friday, July 23rd, where they agreed to attempt a hold-up on the Paris-Marseilles express the following evening. The actual arrangement of the details of the robbery was left to Thomas, who decided that the attack should take place between Dijon and Lyons and that the scene of action should be a first-class carriage. All three confederates then went separately to a Railway Agency in the Rue Sainte Anne, where they each engaged a first-class reservation on the train leaving the Gare de Lyon the next evening.

Late the following afternoon they met at the Taverne du Nègre in the Boulevard Saint Denis, where they partook of *apéritifs*, afterwards driving in a taxi to the station. Arrived there, Thomas and Bertrand took their reserved seats in a first-class carriage in the front of the train, Charrier occupying a seat in a

rear carriage. All three were armed with automatic pistols.

During the interval when the train stopped at Dijon, they met for a final consultation in the buffet at that station, where Charrier was told to return at once to his compartment, and on the train starting to come along the corridor and join the others. This he did, and on meeting them was provided by Bertrand with a velvet mask which hung down to his chest. His orders were to stand armed in the gangway leading to the carriage selected for their operations, and to shoot anyone who attempted to enter it.

Meanwhile, Bertrand and Thomas made a domiciliary search of each compartment, telling the passengers to hand over all their money and valuables, after which returning to where Charrier was keeping guard they told him to open the door of the carriage. Thomas then pulled the communication cord, the train slowed down, and all three, jumping down on to the railroad, made off into the night. Charrier was then informed by Bertrand that there had been no resistance on the part of the occupants of the compartments until they reached the last. Here a young lieutenant put up a fight, and disarmed Thomas, seizing him by the throat. Bertrand told him to desist, and as he did not do so, he shot him dead.

After walking some distance they stopped to divide their spoils. These amounted only to 4,000 francs (then about £80), a diamond ring, two other rings, and a gold watch. The money was divided and the jewellery left with Thomas for disposal. At the village of Nolay they destroyed the wallets containing the notes (as it turned out only partially), any papers that were in them, and their

masks. Then, after consulting the time-table, they caught the 5.30 a.m. train to Étang. From there they travelled to Nevers, finally reaching Charenton at 4.30 p.m. in the afternoon, from where they returned by taxi to Paris.

Charrier, like so many crooks of his calibre, was given to boasting of his deeds. Thus in conversation with a friend at one of the cafés he revealed the fact of his connection with the train robbery. His remarks were overheard by others, and in an incredibly short space of time, the police were on his track. On his arrest he at once betrayed his confederates, informing the police where Thomas and Bertrand might be found, naming a café in the Place des Ternes.

As is probably known, five detectives went to arrest them, and in the scuffle both bandits and one of the detectives, Inspector Curlier, were killed. The city of Paris gave the dead inspector a public funeral. Jacques Charrier was guillotined. On this occasion his courage forsook him. "It was a bit of human flotsam that was guillotined."¹

This daring *coup* offered the general public plenty of good reading in the Press, but one gravely doubts whether the actors who gave this magnificent entertainment considered that it was a paying concern. The fact of the matter is that the kind of criminal the public likes finds it more and more difficult to cope with the demands made upon him. In its insistence upon a well-lighted, well-policed, humane civilisation, modern Society destroys most of the conditions that hitherto have proved favourable to the historical brigand. Thus if he ceases to entertain them as he was wont, it is its own fault. To be

¹ *The Underworld of Paris*, p. 101.

effective he must go about armed, while to be so equipped is a great disadvantage if the chances of escape are reduced to a minimum. A third share in £80 and the sale of some rings and a watch is not sufficient remuneration for the entertainment so excellently staged and carried into effect as the attack on *Rapide* No. 5, especially if the results be the speedy choice between suicide and the services of "Monsieur de Paris." It is not surprising, therefore, to find that many crooks, and especially those criminals who are not crooks, prefer to give their public a little less for their money, and to keep their activities as far as possible within the bounds of the prosaic. Thus descending in the scale of greatness, a large amount of pleasure is involuntarily provided by the ordinary proceedings in police courts. Here it is that every week the representatives of the local Press find the bulk of the information for their week-end readers.

These readers like to have as complete a *résumé* as possible of the behaviour of those in their neighbourhood who have appeared before the magistrate, their names, ages and addresses, and the details of the charges brought against them. By this means all the subscribers can ponder at leisure on the various persons who got drunk and disorderly; all the young women who visibly annoyed men, all the men who visibly annoyed women; the various mendicants who took money but apparently gave nothing in return, not even a song in some cases, not even a scrape of the fiddle in others; the week's suspects, those interesting wanderers who loiter with intent to commit a felony, generally in the proximity of motor cars or down deep area steps, and seem always to get interrupted by two police officers whose subsequent observa-

tions suggest that, like the famous Zanzigs, their twin minds have but a single thought; and those more vigorous lawbreakers into whose behaviour the magistrate makes a preliminary examination, after which both they and their belongings are registered through to the Sessions or the Old Bailey, like so much luggage being sent to the Continent under seal.

All this is very entertaining to the local reader, for whom, with apologies to a rather redundant advertisement, Friday night is police-news night. Sometimes the neighbourhood produces a murder, but such are few and far between. For the most part the readers have to rest content with a repetition of the same fare, week in, week out, with once in a way some very special departure from the ordinary. Still, the paper survives and its readers are entertained right royally for the modest fee of two-pence.

In the police courts, too, the crook often finds an able assistant in the presiding magistrate, to whom he affords many opportunities for that kind of back-chat so much enjoyed by many readers of the evening papers. Some magistrates are not above giving little turns of their own in the form of unexpected speeches from the bench, to which the court listens with that respect due to the uninteruptable. One magistrate, realising both the allurements and the inconvenience of such impromptu oratory, kept a small card before him on his desk on which was written in his own handwriting the brief injunction "Don't Talk." His invention may be commended.

But apart from speeches, the general public rather like a magistrate to be a court jester. And to this extent the prisoner in the dock may be said greatly to assist in

the making of magisterial reputations, for without his help the magistrate might easily share the fate of every extinct volcano.

The crook also helps judges and learned K.C.s to entertain the public, and nowhere more so than at that theatre royal of the human heart, the Old Bailey. There, at least in one of its courts, the presiding authority by his extraordinary grasp of the spirit of the old melodrama almost persuades his audience that it is already in the presence of the Last Judgment and that the Deity has revealed Himself to all present in the guise of the Recording Angel. In this court, when the felon retires for the last time to the cells beneath, his audience would fain believe that he has sunk to flames as vermilion in hue as the judge's garments. The spirit of Gounod hovers in this court as one by one the several Fausts are dismissed to terms of perdition.

ON CATCHING LAWBREAKERS

CATCHING lawbreakers in England is more difficult than in some countries owing to our national habit of regarding the pursuit of a criminal as a kind of game in which the police and the authorities responsible for prosecution are bound by rules made in the interest of the lawbreaker himself.

In the year 1918 the Judges of the King's Bench Division gave their approval to certain rules drawn up for the guidance of the police in their treatment of a person suspected of being the author of a crime.

By these rules, every effort is made to prevent any person from being stampeded into making any damaging admissions before his trial. Thus it is urged that when a police officer has made up his mind to charge a person with a crime, he should first caution such person before asking questions or any further questions as the case may be, and that the caution to be administered should be in the following words : " Do you wish to say anything in answer to the charge ? You are not obliged to say anything unless you wish to do so, but whatever you do say will be taken down in writing and may be given in evidence."

It is further urged that any written statement made in accordance with these rules " should be signed by the person making it after it has been read to him and he has been invited to make any corrections he may wish." It

is assumed, that is to say, by English Law that every person charged with a criminal offence is innocent of that charge until it can be proved beyond reasonable doubt that he is guilty of it. Thus it falls to the prosecution, if an accused person pleads not guilty to the charge preferred against him, to produce evidence sufficient in strength to oblige the magistrates or the jury before whom the accused person appears to convict him. In the laying of this evidence before the Court, the accused person is further protected by the rules of evidence, which for all practical purposes limit the testimony of any witness to what he saw or heard said *in the presence and hearing of the defendant*; what he may have heard another say in the absence of the defendant not being admissible as evidence against the prisoner, except in certain specific cases, as, for example, dying declarations, and remarks made by the victim of an indecent assault to a third person soon after the event.

Thus three men appeared recently at a metropolitan police court jointly charged by another man with picking his pocket of a wallet containing three pounds, in a public-house. The behaviour of the three men—all old hands—strongly favoured the supposition that they did, in fact, perform the theft in question. The wallet was found thrown away and emptied of its alleged contents. The complaint of the prosecutor, a stranger to London, required some adequate explanation. The three accused persons pleaded not guilty and held their tongues. They were all three acquitted, not because anyone had a shred of doubt that they had robbed the prosecutor, but because no one, including the prosecutor, saw the wallet stolen; no one saw it thrown away; and when arrested nothing

was found on their persons to connect them definitely with the theft. Every effort, therefore, is made in this country to prevent an innocent person being wrongfully convicted of a crime, even if the result be the acquittal of many guilty persons, owing to the inability of the prosecuting authorities legally to establish their guilt.

Yet further precautions are taken at trials on indictment to prevent the minds of the jury being influenced by any knowledge concerning the prisoner which might prejudice them against him. If he has a list of previous convictions, it must be kept dark until after the verdict has been given, nor is the jury permitted to be shown such photographs of the scene of a crime which may be in possession of the prosecution, and which, if seen, might rouse such horror as to induce in it feelings of animosity against the accused.

In all, there is much to be said in favour of British justice from the point of view of the criminal himself.

For the purposes of the prevention and detection of crime England and Wales are protected by the Metropolitan Police Force whose district covers about 700 square miles, the City of London Police Force, the county forces, some sixty in number, and the borough forces, to which must be added a first reserve of police and army pensioners, and a second reserve of special constables.

"Each county police force is under the control of a chief constable, who appoints, promotes, and dismisses members of his force, and has the general government of them subject to the Standing Joint Committee. This committee is composed half of representatives of the Justices for the county, and half of representatives of the County Council. The Secretary of State makes rules for

the government, pay, uniform, etc., and any change in the strength of the force is subject to his approval."

"The city and borough forces are managed by a committee of the Council known as the Watch Committee, who appoint the chief constable and other members of the force, of which it can fix the strength uncontrolled by the Home Secretary.

"Both the county and borough police are supported partly by the rates and partly by exchequer contributions. All these forces are under State inspection, by inspectors of constabulary, who report to the Home Secretary. The Metropolitan Police is commanded by the Commissioner of Police of the Metropolis with four Assistant Commissioners. The Home Secretary is the 'police authority' corresponding to the Watch Committee, but the Commissioner can appoint and dismiss his men. He makes regulations for their government, which are, however, subject to the approval of the Secretary of State.

"The City of London Police is under a chief styled 'Commissioner.' The police authority is the Common Council of the City of London, acting through a police committee.

"There are small bodies of women police attached to some of the forces."¹

The present organisation and relation of the various police forces of the country bear a certain likeness to that of the prison system before it became centralised in the year 1878. One imagines that the day is not far ahead when a similar fate will overtake the city, county and borough forces.

¹ *Justice and Police in England*, pp. 83-84.

“ Every police force has a number of its members detailed for the work of criminal investigation, the largest and most elaborate organisation being naturally the Criminal Investigation Department of Scotland Yard. On the invitation of other forces, Scotland Yard men are readily lent to assist in enquiries into serious crime.”¹

The C.I.D., or the detective or plain-clothes branch of the Metropolitan Police, consists of three departments : the detective staff at headquarters, *i.e.*, “ Scotland Yard ”; the local detectives, attached to the twenty-three divisions of the force; and the Special Branch, whose duties are in relation to public safety and the special protection of notable persons.

The total strength of the detective force of the C.I.D. is nine hundred and sixty, of which about two hundred and fifty belong to headquarters. In charge of the whole department is Assistant Commissioner “ C ”. Two deputy Assistant Commissioners aid him in the performance of his duties, under whose authority rank the superintendents, chief inspectors, inspectors, sergeants and detective constables, there being 6 superintendents, 7 chief inspectors, 106 inspectors, 435 sergeants and 460 detectives.

In cases of serious crime, chiefly murders, a chief inspector from Scotland Yard may at the request of a county police force be attached temporarily to that force to take charge of a case. He cannot, however, be sent without a local invitation for his aid and experience. That this arrangement will continue for much longer seems improbable, for it is manifestly advisable that for the pur-

¹ *Justice and Police in England*, pp. 83-84.

poses of the rapid detection of crime there should be a national C.I.D., and that, as in France, our Flying Squad should be free to roam at will all over the country and not be, as at present, restricted to London.

"Crime, in the ordinary and C.I.D. sense, consists mostly of offences against property, that is to say, of theft, fraud or other forms of dishonesty. The criminal statistics of England and Wales for the last seventy years or so show that offences against property account for about 90% of the indictable offences known to the police."¹

"Of the 15,000 or 16,000 indictable offences committed annually in the Metropolitan Police district of late, petty thefts represent about one-third; other forms of larceny, embezzlement, obtaining goods by false pretences, etc., another third, and the bulk of the remainder are housebreaking and shopbreaking offences."²

In its efforts to cope with these forms of crime, the work for the most part of the professional crook, the C.I.D. depends more than upon anything else upon "information received." Unless crooks are caught red-handed at their jobs, they are as a rule "shopped" by their associates, or unintentionally betrayed by them. Thus it is part and parcel of a detective's business to know the *habitués* of Crookdom, to be on friendly terms with them, to keep his eyes and ears open and his mouth shut. He should then experience little difficulty in discovering who has done a job, for discretion is very rarely the better part of crook valour in those departments of Crookdom which chiefly contribute to the upkeep of H.M. Prison Service.

But in his search for the "wanted" crook the detective in charge of the case has at his disposal nowadays

¹ *Scotland Yard*, p. 175.

² *Ibid.*, p. 177.

two other auxiliary means of assistance, namely, the Finger-print Bureau and the Crime Index.

Should a criminal whose finger-prints are catalogued in the Bureau at Scotland Yard be so imprudent or so unfortunate as to leave further imprints at the scene of a "job," upon any article, piece of broken glass, etc., he may be reasonably sure that within a very short space of time his connection with the episode will have been recognised and broadcast by the authorities.

The science of finger-print identification has made rapid strides since its introduction into this country by Sir Edward Henry, a fact well instanced by the recent publication by H.M. Stationery Office of Chief Inspector Battley's valuable treatise on "Single Finger-Prints." Criminals may derive a melancholy thrill from the following excerpts from this book.

"At the scene of a shopbreaking a pickle bottle was discovered literally covered with impressions. The prints were examined in detail, and it was found that all the marks on it, with one exception, had been made by persons employed in the shop. This one exception subsequently proved to be *the only evidence* against the person who had committed the offence and resulted in his conviction."

And still worse—"A prisoner whose prints were taken by the Hertfordshire police remarked that it was the first occasion on which this had been done. This was true, but unfortunately for him, he had left his sign manual at the scene of (former) criminal exploits on nine previous occasions." These relics had been collected and added to the "Scenes of Crimes Collection" at the Yard, as the similar prints of an as yet unknown crook. Confronted with this disarming array of facts, he admitted the whole

lot, all of which were duly taken into consideration by the judge.

At Scotland Yard reposes also the Crime Index, a collection of facts concerning the methods employed by different criminals in carrying out their crimes, so that it becomes possible in many instances to recognise the artist in his work or at least to narrow down the search for its author to a limited number of possible competitors for recognition, whose customary whereabouts and boon companions may be known and whose movements upon a particular day or night then become a matter for careful enquiry.

At Scotland Yard may also be found a fine gallery of photographs, while there daily issues from it a Police Gazette sent gratis to all police forces in the country. This contains information of every description respecting criminals who are wanted or whose failure to report as licence-holders has aroused the paternal interest of their guardians-in-law. The system as a whole works very effectively within, as we have said, the limits of English jurisprudence.

Unlike those foreign countries which possess "police laboratories," it is the custom in England to rely for expert scientific knowledge upon persons who are not police officials but specialists in some one branch or other of research useful in the unravelment of crime. In such a way personages like Sir Bernard Spilsbury, Dr. Brontë and other fascinating characters, dear to the readers of newspapers, loom upon the scene to express opinions founded upon observations and experiments far beyond the ken of the lay mind.

Faced by the man of science, the modern criminal finds

himself obliged to overhaul completely his methods of deception. It is no good any longer to safeguard the locality of stolen jewels by saying one swallowed them, if the result be forthwith an X-ray examination, nor is it any good to go into elaborate explanations to prove that a bloodstain was that of an animal, when it can be definitely shown by science that it originated from a human being.

On all sides the criminal of to-day finds the progress of science a great hindrance to his methods except in so far as he may be able to reap its benefits in advance of his captors. On the whole the invention of the motor car has been of greatest service to the crook.

That society is as well protected against the burglar and housebreaker as it might be, few will agree. It is not always an easy matter for a citizen in distress to find a constable. But this is not necessarily the fault of the police. To the average onlooker they appear to be ridiculously small in numbers for the duties they are expected to perform.

Thus on the whole an English burglar or housebreaker, unless he be immensely unlucky, ought to be fairly confident of accomplishing a large number of "jobs" without any fear of detection if he takes precautions. And in the experience of the author, burglars concur in this opinion, and the results justify their faith. Certainly they get arrested, charged, convicted and imprisoned at intervals, but only for a very few of their adventures, nor can it be said that the recovery of stolen property is as easy a matter to-day as it was when Jonathan Wild conceived the happy idea of opening a crook lost property office for the benefit of patrons despoiled with his consent and anxious to repurchase.

THE UNPROFESSIONAL CRIMINAL

To say that a large number of the occupants of the cells of H.M. Prisons are not what are popularly understood as criminals is merely to emphasise what a poor mother of the slums once said to me, when she insisted that though her son was undergoing a sentence of three months' hard labour for scrounging lead, he was not and never had been a thief.

"He's a fool," she said, "not a thief." And she added with a half-smile, "You see, he was engaged to a girl and they were to be married at Easter, and he hadn't got the money for the ring, that's why he did it."

The house in which she let fall these remarks was wedged in on one side of a narrow, darkened alley, in a densely populated area, a miserable shanty in its way. The rent was only 6s. a week—that was its attraction—and the rats were included in the fixtures.

In this house she and her husband and their grown-up lads lived. Times had been better once, but that was a good while ago. How to make both ends meet was the everlasting problem. And in this atmosphere the young man at present "inside" had grown to manhood, full of life, full of strength, full of virility, but deplorably poor. Then came the great romance and the longing for a home of his own. The girl was in work and they began to collect a few sticks of furniture for Easter. All was bright, but the ring had to be purchased, and scrounging

was more or less a habit of the neighbourhood. So he scrounged for lead, and the result was Easter in Wandsworth. He had once before been bound over, so naturally the magistrate could say he had had his chance, but the question is, can one have one's chance, if the environment in which one is forced to live has remained the same? A binding over does not in itself relieve the pressure of circumstances. However, he survived his experience at Wandsworth, to which he always referred as "that awful place," which will be a comfort to those who call prison a "home from home," even if it be a libel on Wandsworth. The girl waited. He obtained work. They married. They presented the British Empire with a daughter and lived happily ever afterwards. His mother was quite right. He was not a criminal. He was a poor citizen.

Another criminal into whose cell I one day glanced when an unofficial visitor at Wormwood Scrubs was a young Scots guardsman. I wondered what he could possibly have done to land him in prison for six months, whilst noticing that he was occupying a cell a label outside of which warned any visitor that its occupant was suffering from venereal disease. On enquiry it turned out that his offence was that of causing grievous bodily harm to a fellow being, an offence, be it said, which is sometimes believed to be the aim and object of a soldier's training. In this case, however, he had most improperly knocked a woman over the railings of a footway in Hyde Park, on which he found her perched one evening, his intention being to punish her for having on a previous occasion lured him on to familiarities with her without warning him of the physical perils attendant thereon. The woman in falling

to the ground hurt herself and was obliged to attend hospital, but had sufficiently recovered to give evidence against him at the police court. It then transpired she had many previous convictions as a professional park-walker and gave as her age a figure which hurt her young aggressor's pride more than did even the sentence passed upon him.

"Of course I was drunk when I first met her," he said, "and the Park is dark; but she needn't have blurted out in public that she was 54."

So "Jock" was discharged from the Army because of his civil conviction, reluctantly discharged and with an excellent character. On leaving prison, where he was cured of his complaint, he would have liked to rejoin his regiment, but here he found himself faced with a problem which has puzzled many others besides himself. Although he had paid his penalty to the State and had served his sentence in a prison reserved for first offenders and designed to refit them for a life of citizenship on their release, he was debarred from serving His King and Country with the Colours *because of his conviction*. I became very interested in the case of this young soldier lad, for the more I pondered over its circumstances the more futile did the treatment he received from the magistrate appear to me. Assuredly he had caused the woman grievous bodily harm, but so had she caused him grievous bodily harm. It was, indeed, her behaviour that was the cause of the breach of the peace. Very sensibly no one imagined that the situation could be in any way altered for the better by shutting her up in prison for six months, yet a venerable magistrate came to the conclusion that the young soldier had much better be forcibly dis-

charged from the Guards and sent to prison, than put on probation and sent to a military hospital.

It is very difficult for a growing number of people to envisage the workings by which such an idiotic sentence was arrived at in days when a magistrate is empowered by the Probation Act to avert where possible the former necessity of permitting the law to bray aloud in public and proclaim its asinine outlook on the problems of human misbehaviour.

After his release from prison the young man was sent by the Discharged Prisoners' Aid Society to apply for a job at Tilbury, where, it was alleged, workmen were needed by a firm of contractors. On arrival there he discovered there was no longer a job to be had, so he returned to town, and since he had no friends, the battalion being at Aldershot, he very naturally arrived on my doorstep. I put him up for a couple of days and then sent him for a week to the Church Army Hostel. Here he won the goodwill of the authorities; so much so that after a time they gave him a post in one of their branches until something better turned up. Weeks passed, and then one morning he stepped into a job at an hotel and from that time onwards succeeded in fighting his own battles.

But it was his case, I think, which made me first clearly perceive what afterwards struck me as being so exceedingly obvious, namely, that it is better to talk about the administration of the law than of the administration of justice. Another young man of twenty-one whom I came across undergoing sentence had been convicted of embezzling the sum of over a hundred pounds from the Labour Exchange at which he had been employed as a clerk for some considerable time, and where he had given

complete satisfaction and was, in fact, due quite shortly for a considerable bonus. He was married to a nice young girl. They had one child and a little home of their own.

For reasons by no means unusual, he had got into the way of frequenting the society of young friends whose habits were more expensive than was justified by their incomes. He got into debt, and in a moment of folly decided to borrow and pay back according to the methods of every embezzling clerk since history began. Utterly dejected the moment after he had done it, he let it prey more and more on his mind until he was eventually found wandering about far from his home without any very clear idea of how he got there. The *dénouement* followed. He was able to hand over £89 to the police, and the magistrate, one of the City fathers, was urged to give him the benefit of the Probation Act, but decided that justice demanded the young man's imprisonment. In prison he quickly regained his health, now that the worst of the mental anxiety was over, and was encouraged to believe that the future still held bright prospects for him.

On his release I went to see one of the heads of a government department to discover whether there was any chance of reinstating him as a government clerk, but was informed that this was altogether out of the question, as indeed I had expected, but I had yet to learn that his imprisonment had not washed out his debt. When he got a job I was told the State would require him to refund the stolen money. On hearing that, I was unable to refrain from enquiring what had been the use of the imprisonment. That punished the crime, I was informed, but did not absolve the debt. I remarked that it seemed in my mind greatly to have intensified the difficulty in repaying it.

But I realised that I was wasting both my listener's and my own time. I rose to go, saying that on the whole it seemed to me that the State had come out of the matter very profitably. It had been released from the obligation to pay the man his bonus and it intended to recover his debt. It declined to re-employ its servant and yet through another of its departments it was solemnly asking employers to give the ex-prisoner a chance to regain his footing in society.

This young man on his release found it very difficult to restart. He had been in prison, and his only reference was the State department which would have nothing more to do with him. He worked on the roads. He did everything he could. At long length, he found a job suited to his nature and abilities. After that he did well.

Some readers may say that the shock of imprisonment in a case of this kind may be a good thing. It compels a man to realise the seriousness of his mistake. And there might be much to be said in favour of this view *if* the State that punished him reinstated him when the punishment was over. As it is, however, the paternal State resembles a father who, after sending his child into a dark room and feeding it on the bread and water of affliction, in punishment for an offence, says on its return downstairs:

"My child, you have expiated your crime. You are forgiven. God bless you. And now—behold the front door. Go forth, but do not forget you owe me restitution for your crime."

And then after the child's departure, the father looks out of an upper window and calls to his neighbours—not in his employ—thus:

“ Do each one of you, in the name of Christian charity, give this poor destitute child a chance to regain his lost footing in the sands of Time.”

And perhaps the child, when the paternal accents fall upon its ears, murmurs back :

“ Oh, for God’s sake, hold your tongue, you hypocrite! If you had wished to help me, you would have sent for me when I did wrong, you would have admonished me, you would have deducted the debt I owed you from my bonus, or from my pay, you would have told me to go back to my desk; and I should have gone in sackcloth and ashes, and I should have served you loyally for evermore. As it is I loathe you. I hate you. I despise you—just as the God you preach stinks in my nostrils, and the justice of which you boast makes me laugh. You hypocrite! ”

Doubtless there is a partial defence to such an outburst of sentiment. It may be argued and argued convincingly that the State has a perfect right to dismiss any employee who has falsified the trust reposed in him and likewise to demand the repayment of any debt incurred by his behaviour. This would appear to be a sensible and adequate punishment imposed in the interests of discipline, just as officers are cashiered. In this case there seems to be no need for imprisonment and the dismal proceedings of a public trial. The dismissal with all that it entails is sufficient punishment for any human being, without adding to it the stigma of imprisonment.

But to dismiss, to haul before a public tribunal, to imprison, to demand in addition the repayment of a debt; and then calmly to preach to the nation the need of helping the ex-prisoner who has expiated his crime—this—this is rank hypocrisy, unless the State first sets the example of

reinstating the ex-prisoner in cases where he has the knowledge and strength requisite for some form of government employment.

If the State be not prepared to do this, let it cease to speak of prison as a kind of reformatory education, and let it regard it as a punishment, pure and simple, inflicted on the few in the belief that it may scare the many into a respect for honest dealings and the majesty of the law.

Another two men whose acquaintance I made in prison were undergoing sentence at different times for the same offence, that of abducting maidens. At the Old Bailey it had sounded in each case as though a scoundrel had been rightly brought to book, but when one sat on the scoundrel's plank bed and listened patiently to the gradual unfolding of the story, somehow or other the scoundrel became an ordinary human being, possessed of ordinary human weaknesses played on by an array of special circumstances, the full nature of which did not emerge in the evidence before the Court; perhaps because of all places on earth an assize court must be the last to encourage the statement of the truth, the whole truth, and nothing but the truth.

I do not mean to suggest for a moment that prisoners necessarily reveal themselves to their visitors as persons possessed of pleasant characters; often the effect produced is quite otherwise, but in nearly all, if not in all, cases the prisoner in his cell makes his visitor perceive that he is not altogether the person he seemed to be in the dock, at his trial, or in the columns of those newspapers that may have sought to delineate his crime for the benefit of their readers. In every case he is a human being whose character, together with its formation, is bound up with

the history of the race. He is part of humanity whose collective share in producing the conditions favourable to crimes is apt to be overlooked or underestimated in the desire to lay the faults of the many on the backs of the few and to drive these into the wilderness after the manner of all scapegoats laden with communal sin offerings, each ticketed with the name of a crime.

The prison also contained at all times a small number of unfortunate youths who by some freak of nature had quite evidently been dowered at birth with female temperaments and their appropriate manifestations, and to whom the truth dawned as they grew up that under the law of England they had literally been born criminals and liable to perpetual imprisonment, simply for being what by nature they could not help being, in a land which never had tolerated nonconformity willingly.

Thus the prison was amused and brightened by the presence of prisoners called by their companions Ethel, Rosie, Mabel, Lucy and the like, gay, irresponsible creatures, one of whom I recollect gladdened the heart of a whole gallery by calling out to the warder in the morning, "Is that my hot water, Rachel?"—and another who, on my enquiring whether he had joined the gymnasium squad, replied, "No, dear, it's not ladylike." One wondered what precise advantage was being achieved by the imprisonment of these hapless hermaphrodites, in cases. I mean, where they were not charged with the crimes of blackmail or theft, but with the crime of being what they were. If I recollect aright, at the Street Offences Committee—that strange gathering that was appointed to consider the behaviour in the streets and, so far as one knows, called not one single prostitute to give evidence before it

—at that committee an enlightened policeman suggested that these unfortunate youths should all be flogged, one supposes on the same grounds that prompted ancient medicine men to flog those suffering from jaundice in the hope of thereby driving out the yellow devil.

Meanwhile they are sent to prison for periods of six months or two years for being what they are and behaving in accordance with their natures, it being the fine boast of the law that it takes no account of psychology, but “Sufficient unto the day is the evil thereof.”

In another cell I made friends with a young chap whose crime it had been to be found in enclosed premises in possession of a jemmy in company with two other pals. All had enjoyed the privilege of coming face to face with the presiding magistrate at the Middlesex Sessions, with the result that the two pals, the originators of the outing and old hands, received three months each, and my young friend who had not been to prison before received nine, presumably because he had the “jemmy.” The reason why he had it, he explained to me quite simply. He had been too scared to throw it away, and he was firmly convinced that he had got the wrong sentence allotted him. Even the gaoler thought so, he contended, for he said to him on the way from the dock to the cell, “The old boy’s mixed up the sentences.”

However, despite his appeal to the Home Secretary, the sentence remained unamended, and he spent his nine months at the Scrubs, improving in his leisure hours his knowledge of English composition by writing out exercises, after the manner of any schoolboy, in which the great maxims of the race were faithfully copied out by him in good English. Thus on one occasion I found him

copying that excellent remark, "To err is human, to forgive divine." Fortunately no class existed in the prison for the development of the sense of irony. And in his case the sense evidently lay dormant, for he did not seem in any way to be struck by the force of the maxim he had so carefully written.

His appeal to the Home Secretary buoyed him up, as it does many prisoners for a week or so. It is a capital idea, though I have never seen the statistics of the results of these appeals. One wonders what precisely happens the other end. One knows what happens eventually the prison end. Still it is a capital idea. It is like sending in answers in a newspaper competition. One knows perfectly well one will not win a prize, but it gives one joy for a whole week or fortnight to think what one would do if one did win it.

At the request of this young man, and with the permission of the Governor, I visited his wife and three children, two little boys and an adorable infant daughter, who occupied a small house in the north-east of London. She was a first-rate wife, and I could easily understand her sadness over her husband's present situation. He had been such a good husband and such a hard worker. She had no idea on the night in question what he had gone out for. The two other chaps had called and had asked him to go and see another friend who was ill. She had no notion that it was a "job" they wanted him to join in. They were rather hard up at the time and she expected he thought that if he got a share in the "job" he would be able to buy some clothes and boots that the kiddies wanted. He was that kind of chap and the children adored their father.

"They don't know where he is," she whispered. "They think he's in hospital with sore feet."

And that was why the children came to call me "the hospital man." One was able to do very little. Through the kindness of a friend I managed to guarantee the wife her rent for the nine months, so that she might be able to stay at home and look after the children, and it was possible from time to time to send mysterious parcels to the children, purporting to come from their father in hospital. And that was about all. Otherwise it is possible that in the shutting up of the breadwinner for nine months and taking him out of a regular job, justice might not have been vindicated.

Meanwhile I impressed upon my friend in season and out of season that never again in the whole course of his life, no matter what might be the state of his nerves, must he hold on to a "jemmy," and I explained to him that by a "jemmy" I meant "any picklock, key, crow, jack, bit or other implement used with intent feloniously to break into any dwellinghouse, warehouse, coach-house, stable, or outbuilding."

And I am quite sure he renounced them all.

Different in nature and slightly more advanced in years was a prisoner whom I will call "Theodore." Church worshipper, worshipper of music, and railway servant, he was a man of ambition. His desire was to win the grateful admiration of his co-religionists by the performing of a miracle. Attached to the church which he attended was a social club for men, whose habit it was on Sabbath afternoons to forgather for the purpose of listening to a programme of music. This programme was provided by artists of secondary fame, who in return for the small

fees the club was able to afford to pay them, gave weekly demonstrations of their vocal powers or of their ability to play upon cunning instruments. The club prospered, the concerts were a success, and the members were happy. Then there arrived a day when it became necessary to select a new secretary for the club, whose duty it would be to arrange for the continuance of these concerts and the provision of the artists. Theodore was chosen for the post and was duly elected. Then it was that it came into the fertile mind of this pillar of the Church to work a miracle, the actual results of which, as it turned out, considerably exceeded even his own anticipations of the powers of Providence.

He had not occupied the post of secretray for long before the members of his club were electrified by the changes that came over their Sabbath programmes. One by one the foremost artists of the day appeared before them in a dazzling rotation, nor was it long before the news circulated that this marvel owed its origin to the influence wielded in artistic circles by the magic of Theodore. No other explanation was forthcoming, for the club accounts bore witness to the fact that all of these distinguished exponents of their several arts had received not one farthing more than had their predecessors of a lower order of excellence. The miracle had worked, and gladly did his fellow-members acknowledge the prestige of Theodore.

Meanwhile a certain railway company for which he worked in the capacity of a cleaner of railway carriages, had also for long been seeking to account for a spectacle that had been revealed to its incredulous eyes, namely, the miraculous yet steady disappearance of large numbers of

footrugs. And like the members of the social club, the officials of the company came gradually to attribute the marvel to the influence of the astounding Theodore; with this difference, that, whereas the club members thanked Heaven and prayed that the miracle might never cease, the officials of the railway, perhaps less sensible of Providence, decided to have Theodore arrested and prosecuted.

The Metropolitan Police, with their customary zeal, set about "collecting the estate" which, when duly assembled together, was found to comprise a van-load of rugs. This was subsequently driven to the precincts of the court, where it became straightway transformed by legal magic into a van-load of exhibits, and was afterwards referred to by Theodore as "a very painful sight."

At first, and perhaps quite naturally, the magistrate found it as difficult to comprehend why Theodore took the rugs as his fellow-clubmen had found it hard to conceive why the *prima donnas* of London sang to them on Sundays. Indeed, neither party might have solved the problem completely had not Theodore himself, with much modesty, explained to his audience, now quite a large one, how the miracle, which by this time looked horribly like a conjurer's trick, was done. The explanation, as in the case of all such wonders, was childishly simple. With the money he obtained from the rugs he paid the fees of the artists, in so far as those fees were in excess of the funds at his disposal. In so doing he revealed to mankind what is, I am disposed to believe, an entirely novel way of robbing Peter to pay Paul.

He faced his retirement from the world with a becoming equanimity. He inclined to the belief that it was part of

the workings of Providence. He insisted that the difference between his behaviour and that of a thief was a difference not of degree but of kind. He returned to Society with a fixed determination to repay all his debts. Assuredly this was no ordinary man.

. In the general muddle of human affairs and relationships on earth it is not surprising that many men seek a loophole of escape by committing bigamy, or that some of their number illustrate the crime in Wormwood Scrubs and in our other museums of justice.

The reasons which impel a man to be a bigamist may be many. He may be prompted by the same *macabre* desires which led Landru so often to the altar, or he may have as his sole object the wish to give his relationship with the second woman a semblance of propriety for her sake and usually that of her child as yet unborn. Various may be the reasons, but the optimism is always the same. He always thinks he will not be found out.

"Surely," I said to one prisoner, "it must have occurred to you that someone sooner or later would tell your first wife."

"It was a pure accident," he replied.

And with that answer in my mind I became convinced for the first time that the originator of that tiresome remark "How small the world is!" was a bigamist.

As a rule in bigamy cases "No. 2," as we called her in the prison, proved to be an affectionate and tolerant creature, punctual in her visits and her letters and quite prepared to live out of wedlock now that she was deprived of the privilege of living in it. There was a good deal of the "I will never forsake Mr. Micawber" spirit about, both on the part of "No. 1" and "No. 2." Sometimes

I dimly suspected the man was not altogether sorry to be safe and sound in Wormwood Scrubs for a time. But here, as elsewhere, it was difficult to see in what way his imprisonment served any constructive purpose or to fathom why the State felt it worth while to maintain him at the public expense, unless like the Fellows of the Zoo they wanted to have some specimens of the bigamist in their collection of wild and exotic creatures.

That bigamists should be exposed, and the rights of marriage upheld, no one will deny so long as it may be the habit of persons on earth to be married and given in marriage, but one repeats it is difficult to see the advantage of shutting up the offending party for a fixed number of days, minus remission earned by good conduct, unless it be to afford a little group of bigamists an opportunity to compare notes on the vexed problem of why each one of them was not deterred by the example of the other.

Presumably the object of the State in maintaining the dignity of bigamy as a felony liable to seven years' penal servitude and in imprisoning those detected for portions of that allotted time is to impress upon all citizens the sacredness of the marriage bond. Such an attitude of mind is understandable and is one likely still to be upheld by great numbers of people, but it is idle to deny that other notions concerning the marriage bond are in existence and that it is thought by a growing number of persons that it should be a civil contract dissoluble at the notice and will of either party. If this point of view ever attains legal expression it may be that the bigamist will follow the dodo into extinction.

Meanwhile the bigamist in his cell, should he chance to open the Bible so thoughtfully provided for his perusal,

must often sigh for the freedom enjoyed by Lamech and his ability openly to proclaim the joint existence of Adah and Zillah without any fear of legal consequences.

As a prisoner once remarked to me when to my pardonable surprise I found him reading his Bible, "I never realised before what an admirable book the Bible is, if read intelligently."

He was absorbed in the history and adventures of David.

"Those were the days to live in," he said.

On another occasion I found myself in the presence of a hefty-looking workingman who was undergoing a short sentence for the very old-fashioned offence of "wife-beating." His opinion of his wife was far from flattering and was based on the certainty that it was she who had placed him in his present position. He had much to say about her, as he stitched away at a mailbag, only pausing at intervals to remark, "If I am not speaking the truth, then may the needle in my hand . . ." quite an impressive variation of a familiar oath, although it has been my experience that persons who talk in this manner are usually great liars.

Whether his wife deserved to be beaten I gravely doubt. His case set me thinking a good deal. I came to the conclusion that in some instances the English prison system performs a useful task in gratifying the revenge of the helpless, which I am inclined to think may be—all things considered—a correct translation of that vague term the vindication of justice. I believe his wife felt she had got her own back and that her spiritual as well as her physical wounds healed rapidly in consequence. Probably he did not find it difficult to restart his work on

his release, for persons imprisoned for common assault generally manage to regain their footing.

But wives who deserve to be beaten seldom are. One poor old man whom I visited turned out to be a sufferer from epileptic fits and had for that reason been placed in one of the medical cells. He was serenely happy.

"Wish the old beak had given me six months instead of three," he said. "I like this place," he continued. "It's so peaceful, and the meals is tasty and brought-to-you-like. That supper of cocoa just suits my stomach.

"Lived in a tenement I did," he said after a pause, "before I came in here. Whenever I came in, the wife—she says, 'Get your own supper,' and turns on the gramophone. . . . So peaceful here—you understand—fits less frequent." I cannot recollect what his offence was, but at his age, with epileptic fits, a wife, and a gramophone, I imagine it might have been anything calculated to prevail upon a kindly magistrate to commit him to prison.

Without doubt, Wormwood Scrubs has its eleemosynary uses. There arrived one day a blind man, to whom everyone was most kind, though his affliction caused a good deal of trouble, and a fine old fellow of eighty, whose ambition in life was to die comfortably in Brighton workhouse. I am almost sure the Discharged Prisoners Aid Society gave him the fare to that favourite watering-place. Poor old fellow! He sometimes drank his own health on Saturday nights.

Of all the prisoners whose acquaintance I made, only one, so far as I recollect, aspired to become a monk. It was the ambition of this young man to enter an enclosed order where he could live under discipline, meditate upon eternal issues, and perform useful labour. Very natur-

ally I pointed out to him that H.M. Prison Commissioners provided the very surroundings for which his soul craved and that nothing could be more appropriate to a monastic career than the period of probation he was at present undergoing in H.M. Monastery on Wormwood Scrubs, within the walls of which the brethren chanted and where human nature was more than usually truthful. I told him to forget all about its being a prison and to regard the Governor as an abbot, the deputy-governor as a prior, the warders as monitors, his fellow-prisoners as monks postulant. I told him to look even higher and to picture Lord Brentford (then Home Secretary and still Sir William Joynson Hicks) as the Pope, a vicar-general in whose hands were the keys, at any rate, of the prisons of England and Wales.

He was very happy at Wormwood Scrubs, and left it full of hope as to the monastic future. We had breakfast together on the morning of his release at Euston, with the unfortunate result that he was very sick in the train, but this did not surprise me, as it usually takes prisoners several days to readjust their digestive organs to the requirements of civilised life. He took some little time to realise his ambitions, but the last I heard of him was that he had succeeded in his quest. He had been accepted on probation by an Anglican order. *Requiescat in pace!*

One perfectly charming prisoner, for reasons difficult to calculate, had chartered a private aeroplane late one night and had gone to Paris in evening dress and with no luggage but a pearl necklace, which he brought back with him a few days later by the same route; after which he was arrested and eventually delivered at the Scrubs, where he remained for a considerable period of months.

I got to know him quite well, finding him to be an educated man of refined manners. At first we talked of very little else but literature, but gradually he began to tell me his story. It was a very long one, but it helped to clear up the mystery of his subsequent behaviour and to show how largely that had hinged on severe ill-health, itself caused by much unhappiness. Like so many prisoners' stories it could not have been told at the Old Bailey. If it could have been, I am perfectly sure there would have been no sentence of imprisonment. A detention in a hospital for nervous disorders under the Probation Act would have achieved, without the stigma, the cure which prison effected. As it was, however, I never saw a man more restored to health than was he during the months he reposed at Wormwood Scrubs. So far as I know, he had a good appointment awaiting him on his release.

At another time I came across a very pleasant flower-seller of the West End, a cheery fellow who used to give me little demonstrations in his cell on the art of selling roses to fashionable women. He seemed to be an adept at female psychology and knew from long experience exactly how to deal with a prospective buyer. He strenuously maintained his innocence of the offence for which he had been convicted, which had some connection with picking up a wallet on the floor of a public-house. But we spoke far more about roses and violets than about wallets. And some time after his release I had the pleasure of being an occasional customer when I lighted on him unexpectedly at his pitch.

Keepers of coffee-stalls likewise at times arrive "inside," from whom much interesting information is obtainable as

to the methods and prospects of that highly remunerative trade. Naturally it is the policy of a keeper of a coffee-stall to keep on good terms with all his customers, and one imagines that the only difficulties which may arise over such a diplomatic relationship may be due to the fact that both crooks and police-officers drink coffee. Thus it is most necessary to be careful that one sells and buys only one's stock-in-trade and that under no conceivable circumstances does one permit the stall to be mistaken for a cloakroom.

One keeper of such a coffee-stall, in the absence of his colleague one evening, was quite overwhelmed when on opening one of the coffee urns he found nothing inside but a valuable pearl necklace. The only thing to do was to put the lid on again. But it is shocks of this kind which probably give to coffee-stall keepers in time that non-committal look of mask-like calm.

Their knowledge of human nature is far-reaching and profound. Very little escapes their notice. And if occasionally, very occasionally, they are found "inside," it must be for the same reason that the best of people are sometimes run over. Accidents occur even in the best regulated coffee-stalls.

To the prison came also at times a wandering gipsy or two, wild, picturesque natures, vagrants by temperament. And in England to be a vagrant is to be one who by necessity wanders into prison at intervals as well as elsewhere, for whatever he may be doing he will always look as if he were about to do something else—and that is usually quite sufficient for any two self-respecting constables.

But as we have said in these pages, vagrancy is a very

elastic term and has come to include many forms of behaviour. Of these we have already mentioned that illustrated by those hapless youths with feminine ways who arrive in prison convicted of soliciting. It remains to mention those yet more unfortunate men of firmer character and conventional outward bearing who are nevertheless convicted of the selfsame offence, or one more serious, and to these imprisonment may well mean social ruin. Of all persons in prison these are the most pathetic, whether they have been sentenced to six months under the Vagrancy Act or to two years under the Act of 1885. The saddest case I ever encountered in prison was that of a young man in the early twenties undergoing the maximum sentence of two years for the latter offence; saddest, because he had done no one any harm, saddest, because one recollected that this could happen in England in A.D. 1925 not to mention A.D. 1931.

But to leave this subject—the Vagrancy laws provided the prison with plenty of youths who had in one way or other defrauded the State by drawing or attempting to draw two incomes simultaneously and to be out of—and in—work at the same moment. On the surface such behaviour is indefensible, but to visit their homes and mentally to absorb their conditions of life is always to find oneself regarding the offender rather as a naughty school-boy than as a criminal. There are forms of deceit which are difficult to class. To defraud the State is, without doubt, an abominable crime, but so are the conditions in which some of these criminals live. One is left in a state of suspended judgment. In so many walks of life to “play the game” seems inevitably to let others win it. However, to live amongst those who always have some

friend or other "inside" is certainly to take out much of the sting of imprisonment. Where "doing time" is part of daily life it is not to be expected that the code of morals will include an eighth commandment or, as a youth once said to me with awful candour, "I wish I could afford to behave like a gentleman, for then I would talk about ideals."

Another vagrant who is always "inside" is the husband who has wandered away, usually for a considerable time, from his wife and children and for whom the Poor Law authorities have been on the search in order, as we have said, to compel him, when found, to desert them for two or three months longer at the public expense, presumably as a prelude to a restitution of conjugal rights.

It was never devoid of interest as a visitor to listen to a man's explanation of why he left his wife and children in the lurch. It never in any way eased the problems of the situation, but it did make one realise the complexities of matrimonial life among those who are poor. That husbands weak in character and altogether unsuited to be fathers of a family run away from home is not very surprising, nor can one wonder that in the eyes of many a wife her husband comes to figure simply as an investment, the value of which may depreciate or rise according to circumstances. Thus, it is to be supposed, husband's stock rallies a little when a wife knows for certain that her lord is safe and sound in Wormwood Scrubs and that he can be met at the gate at a particular hour of a particular morning.

One of these deserters whose acquaintance I made turned out to be a man who had quite obviously run away from his wife through fear, and after many vicissitudes had

at length come to rest in the household of another woman, who straightway fell in love with him as he with her. Having experienced hell, he now experienced heaven, but always with the feeling of hell in the background. Eventually hell loomed large, and the gates of Wormwood Scrubs offered a temporary escape for three months. What puzzled me, however, about this man was his state of nervous prostration. He seemed to have something on his mind which he was afraid to tell me, and this continued for some little time. Then one day, when I had not seen him for a week or so, I was surprised on opening his cell door to find a peaceful and happy prisoner inside with a smile on his face.

"Have you looked at my ticket outside?" he queried, referring to the card on which a man's sentence is written with the date of its expiration.

"No," I answered.

"Take a glance," he said.

I stepped outside into the corridor, where I at once saw another sentence had been added to it, making a total of twelve months, if not more.

"Been to the Old Bailey since I last saw you," he smiled.

"Whatever for?" I enquired.

"Bigamy," he answered. "Knew it was all up; that was why I was all of a dither. Now it's all O.K. No. 2 has come out trumps. 'Never mind,' she says, 'we'll live together just the same.'"

"How about your wife?" I asked.

"She'll get her maintenance, so all's well that ends well."

I never saw a man so relieved.

Of all persons who are imprisoned for the first time, none present greater problems than members of the so-called "black-coated" parade, professional men of all kinds whose integrity is their stock-in-trade. To the prison came defaulting cashiers, dishonest clerks, men of law struck off the roll, and doctors struck off the register; technically speaking, criminals all, actually, very seldom anything of the sort.

The tragedy of the imprisoned clerk becomes the greater when one recollects very possibly a case where a man one knew who was guilty of the same offence had not been prosecuted and who made good, yet whose career would have been severely blighted, if not smashed, had the machinery of the law been put into full working.

Of all persons in the world the professional man with a small income is, one would imagine, the least likely to be benefited by a sentence of imprisonment on the occasion of his first lapse. If, when given a second chance, he repeats his offence, then and not until then should it become the business of the State to intervene in the interests of public safety, with a view to determining whether the offender in question has the intentions of a professional crook or the mentality of a weak-natured citizen. Simply to imprison him the first time he is found out does nobody any good and himself infinite harm, especially if for one second it be reflected in what mental surroundings he is going to be imprisoned for the period in question. It is almost akin to sending a person with weak lungs to live for nine months in a fever hospital, and then to say by way of defence that the fever hospital is run as efficiently as a hospital can be and with every attention to the require-

ments of the patients' healths, including the relaxation of concerts and lectures.

Perhaps the real difficulty consists in the fact that the authorities can never see a prison through the eyes of its occupants and hear it through their ears. Nor indeed can a visitor, though he may succeed in getting considerably nearer the truth than anyone else if he can inspire confidence. Meanwhile it would be interesting to read a plain unvarnished description of prison life written by a warder, a book, however, which one dimly suspects will never see the light of day.

Very occasionally there may arrive in a local prison a clergyman, convicted probably of a sexual offence, for it would appear to be seldom that the clergy are charged with financial dishonesty. For a clergyman to be imprisoned means the end of a career and, what is far worse, the end, it may be, of the only occupation for which by education and habit he has any marked aptitude.

It has only been my fate to come across one clergyman who had to face imprisonment. He was a highly educated man and one whom one could honour and respect for many reasons. He came to grief and, at a moderately advanced age, had to face the world afresh. That he managed to hold his own and start afresh in a lay capacity at a small salary greatly redounds to his credit.

As a rule, however, the only clergymen who appear in prison are the prison-chaplains whose duty it is to look after the spiritual welfare of the occupants. Of all tasks on earth, that of a prison chaplain must be the most exacting. He may not have to serve God and Mammon, but he has most distinctly to serve God and the Home Office, and somehow or other to reconcile the gospel

according to Christ with the gospel according to the criminal law. That many chaplains succeed in this difficult task must be a cause of national rejoicing, for otherwise it is difficult to see how there would not be a protest at every execution and a resignation after every hanging. As a prison doctor once remarked to me, "I have an open mind on executions, but what I cannot understand is the presence of a priest in an *official* capacity." But on the whole the Church of England surmounts these difficulties with comparative ease. In her relation to the State she has usually been able truthfully to say :

"We are not divided, all one body we.
One in hope and doctrine, one in charity."

As every prisoner recognises.

Whereas the great majority of the occupants of Wormwood Scrubs were not professional criminals or at all likely to become such, there were a certain number who had an undoubted list in that direction.

One young man I recollect told me quite plainly that he intended to be a crook. He had commenced life as a groom and had evidently found the chasing of "ponies" more profitable than that of horses. He was convicted of burglary. He had met a stranger—of all places in the world in the crypt of St. Martin's-in-the-Fields—and on the strength of this acquaintanceship had helped to pillage a house in Hertfordshire. The adventure had miscarried, with the result that he found himself at Wormwood Scrubs with, however, undiminished ardour.

"I have a feeling I shall be a crook," he said.

"But do you think it pays?" I asked.

"I don't know, but I've a feeling I shall try to see." He smiled and then added, "Funny it all starting in a church crypt!"

Once again the problem of the advantages of his imprisonment! It can easily be grasped by the reader that the self-imposed task of prison visiting never palled; one felt one could have gone on for ever opening prison cells and listening to prisoners' stories. It may be objected, What good did it do? I really do not know. All I can say is that one seemed to be very welcome, and to this day I regret that for reasons over which I had no control I was obliged to relinquish the work after two years of its practice.

But while it lasted it was a most wonderful experience. Never shall I cease to be grateful for those marvellous two years and the friendships they engendered.

Among unprofessional criminals must be recognised most murderers who prior to the deed that brought them to the gallows, penal servitude or Broadmoor Asylum, had been law-abiding citizens so far as Scotland Yard was concerned.

Fortunately it is a privilege of Wormwood Scrubs, as at present constituted, to receive no prisoners awaiting execution. In the London area these, if men, go to Wandsworth or Pentonville, and, if women, to Holloway.

Nothing can be more depressing to the governor, warders and inmates of a local prison than to have in residence a fellow human being waiting to be hanged, a fellow being who when removed from the distorting atmosphere of an assize court always turns out to be a widely different creature than what he had to be assumed to be, in order to redeem the logic of the law. That in a

moment of the rankest folly he killed someone else is bad enough; that it should be necessary in consequence to have to kill him as well is worse; yet the law is the law, so the unfortunate creature has to be watched day and night, talked to, and played draughts with, fed and made as happy as can be, while provision is made that the hangman may have an opportunity of observing his neck so that there may be no miscalculations. His weight is already known. Finally the morning arrives, the little procession forms, and good-bye for ever to a person whom some have begun to comprehend and perhaps to have an affection for.

Still we are assured as a nation that if these executions were not carried out burglars would immediately carry guns, and heaps of people would be killed in all directions. It really does seem as though it might be worth while to suspend capital punishment for a while and see if this be true or merely another bogey of the ultra-Tory mind, however politically disguised. "I really don't know what I think about the death penalty," said a prison governor to me once, as we stood together in the death chamber looking down the pit through the open doors of the floor of the gallows. "I really don't know what I think, but of this I am sure; it ought not to be done in this way. It is not fair on the warders," he added after a moment's thought. "The cutting down of the body, you understand—all that."

"How would you suggest it ought to be done?" I enquired.

"I have sometimes thought," he said, "a glass of poison would be better left for the man to take when he wished to take it, something that would not hurt."

"I see what you mean," I answered. "You would like him to die in his bed."

"Yes. Any way better than this."

We again looked down the yawning pit at our feet.

"What do you think about executions?" I asked a young friend who was thoroughly at home at Wandsworth.

"A life for a life," he replied.

He then proceeded to tell me that he had cleaned the condemned cell out after an execution on one occasion.

"He didn't eat his breakfast that time," he remarked. Opinions differ, but one observes the increase of the open mind, and to those who have an open mind experiments should never seem amiss. Perhaps it is our national pride that makes us believe that whatever has happened in other countries when the death penalty has been abolished, that would not happen here. In that case let us put pride to the test.

The feelings of the manslaughterer in prison must be rather odd when he first glances round at his companions : "Is Saul also among the prophets?"

It is always a little difficult mentally to envisage a culpable accident or to arrive at a distinct idea of the frame of mind in which a person must be when he causes a death which he did not intend to cause and yet which was not in the eyes of the law a chance happening. Traditional psychology is at all times a most difficult science to grasp, and as a rule can only be interpreted satisfactorily by judges to juries, and not always then.

However, manslaughterer arrive in prison, and sometimes it is a convict prison at which they eventually settle down. If the original charge against them was murder, it may be they are content, but if not, they must ponder at

times—and in a cell there is plenty of leisure in which to ponder—on what precisely Society feels it is gaining by their imprisonment. Are heaps of other people being much more careful than they were a few months ago? Will they remember to go on being more careful for several years to come? Will anyone else ever again be arrested for manslaughter? Why was he not stopped in time by the memory of all the cases he had ever read of manslaughter? Why was Society not protected from his painful exhibition of carelessness by the previous imprisonment of all the other manslaughterers? Apparently it was not. That is the sickening part of the whole affair, for it means there will be more cases shortly. In what sense is he a criminal? One cannot become a professional manslaughterer. At least it is very difficult to do so without becoming a murderer at the same time, a hired assassin. Why then is he in prison? It would seem there can be only one reason: he must be in some subtle racial way helping the relatives of the dead person to avenge the blood of the slain and thereby ward off the anger of a departed soul against its living representatives—the blood of Abel, as it were, crying aloud from the ground for vengeance.

If the manslaughterer in the year 1931 is able to accept this explanation of his imprisonment it may be he will straightway settle down contentedly to his daily task of working side by side with his fellow prisoners, while the vindication *motif* works itself slowly out. But if he cannot school himself to faith in this rather primitive animism, then it may be he will continue to wonder why he is shut up in prison and thereby prevented being of any use to anyone.

Cousin once removed from the manslaughterer is the unfortunate prisoner who was drunk when in charge of a car and who was not given the option of a fine, either at the police court or the sessions. He also may feel that he is oddly placed when he glances round the prison the first morning after his arrival and may wonder whether his present treatment is likely to influence many other drivers of cars at the critical moment.

He may wonder, also, whether it was really worth while engaging such an eminent counsel to prove he was not drunk, and whether the medical evidence by his own doctor was of very much avail, after all, against the assertions of the police officers and the police surgeon. If they had confiscated his car or forbidden him to drive one, that would have been an unpleasant yet practical punishment, but to shut him up for four months in the exclusive society of—well, of the most extraordinary collection of persons he has ever seen in his life before, under one roof, was simply preposterous. Damn it all, he is not a criminal. And yet he was asked only just now by a regular Bill Sikes of a fellow, "What are you in for?" And perhaps they may meet each other in the future, perhaps he may be blackmailed! "What are you in for?" Didn't the chaplain tell him not to answer that question? But then the fellow may think he is in for something dishonest. Surely the magistrate did not mean to subject him to a punishment like this—him, a perfectly honest business man!

To a local prison come also other business men whose claims to honesty may be less easily acclaimed, business men formerly of great repute, now on their way to penal servitude, financiers, managers of companies and the like,

men who have lived luxuriously and who within the domain of their private lives may have been trustworthy and lovable. Such persons appear from time to time like comets of a season, and never so far as can be seen take warning by the fate of their predecessors. For a brief period public confidence is shaken, after which the great name is forgotten and a new one employing the selfsame tactics is beginning to come into its ken.

The question is, Can these men be rightly called professional criminals? Have their intentions been those of persistent fraud, or have their dealings on a vast scale merely recapitulated those of the humblest bank clerk who borrows money not his own, always intending when possible to pay it back? But even if the latter be the case, the results are widely different, for while the bankruptcy of the bank clerk but little affects the bank, the bankruptcy of the gambling financier is the ruin of large numbers of investors. Popular indignation is aroused, and whenever this happens the only solace that the law can offer seems to be a long sentence of penal servitude for the apparent author of the disaster, the idea being, it would seem, that the thought of his discomfort over a period of years may be some sort of compensation to those who have been ruined by his genius. Yet one dares to think that more constructive results might be obtained if he remained at large and was permitted under due supervision to assist in the clearing up of the disaster.

I recollect on one occasion, when seeing over a convict prison, the figure of a well-known public man pacing slowly round a little garden patch, and the thought then rushed into my head, What earthly good is this wretched man's sentence doing anyone? Why cannot he be

released and put to useful work outside in which his exceptional talents might have legitimate play? What good is punishment if it be not constructive in its nature? But human nature clings to fixed ideas and fears experiments, and nowhere more so than within the realm of penal science.

By this time the reader who has had the patience to wade through these pages will have some idea of the general mental atmosphere of an English prison, in which representatives of all the types of character mentioned in this chapter may be found from time to time, supplemented to a large degree by those naïve and adventurous souls whose methods and achievements occupied a previous chapter. Thus it will be easily imagined what an interesting place a museum of British Justice may be and how great must of necessity be the interchange of thought during the hours of associated labour and relaxation.

I have said nothing whatever about the actual routine of prison life, for the subject is a well-worn one, and the memory of any person interested in its details can be refreshed from the memoirs of many ex-prisoners, or from the authoritative speeches of prison officials. Nor have I criticised in any way the conditions under which the prisoner serves his sentence. That prisons differ goes without saying, that all governors are not alike may be taken for granted, and that there exists no prison in which there are not complaints one may be reasonably sure. But it is not the object of these pages to criticise prisons or to advocate prison reform, but rather to suggest that something better than our present prison system may one day dawn upon the mind of a rising generation less habituated to traditional ideas and more inclined for experiments.

Yet, having said so much about Wormwood Scrubs in this chapter, I cannot refrain from remarking at its close that I very much doubt whether an English prison could be governed better than that has been during the years it has occupied its present status as a prison for first offenders. If it be necessary to send a man to prison for the first time, then undoubtedly let it be Wormwood Scrubs, with its flowery lawn, its small cathedral and porticoed archways, happier in their first welcome than, say, the greeting afforded by Pentonville, once a model prison and now "an abomination of desolation, standing where it ought not."

THE LAW AND THE LAWBREAKER

FROM what has already been said it will be at once realised that the inmates of any prison resolve themselves naturally into three distinctive types; those who have come to regard crime as a means of livelihood, those who have committed crime for essentially temporary purposes, and those whose crimes are the outcome of their sexual desires.

That the law should prescribe only one mode of treatment for all these three types of offenders seems very ridiculous until it be remembered that in the eyes of the framers of laws everyone is possessed of the capacity to behave in a manner agreeable to the law. In this case, therefore, everyone who does not so behave is a rebel and worthy of such punishment as the State may think from time to time should be merited by the different sorts of behaviour that it has decreed to be intolerable within the sphere of its jurisdiction. This point of view is based on certain psychological presuppositions, the chief of which is that the human excuse, "I could not help behaving as I did," is not a valid defence for an illegal action. It is assumed that every lawbreaker could have refrained from behaving as he did had he so chosen, and that the fact that he did not so choose is the sanction for his punishment as a malicious rebel, if not also as a wicked person. Or, to put the same argument in the terms of physical strength, the law does not permit anyone to say in his defence, "I

was born weak, or owing to circumstances I have become weak, and therefore I cannot lift the weight ; it is assumed by law that everyone ought to be able to lift with an effort." If anyone makes this plea, the law replies, " You are assumed to be in possession of perfect strength and health, unless you can get a doctor to prove to the satisfaction of a court that you have no notion whatever of the difference between standing upright and sprawling on all fours. If you can prove this you are entitled to be regarded as insane and treated accordingly. In the meanwhile it is no good your saying you are congenitally weak or suffering from any injury, because such a midway condition of affairs is not acknowledged. You are either mad or perfectly sane. You are either totally paralysed or in perfect health."

Nor is it any good whatever pleading that you were unacquainted with the law. It is assumed you know it. It may be quite true you were never taught it at school, but you are assumed to know it just the same. And in order the better to ensure such knowledge, the Press is encouraged to publish the proceedings in police courts and higher courts of criminal law in order that every reader may plainly understand what the law is and what happens to persons convicted of breaking it. Therefore there is no excuse in a land where everyone is taught to read these daily scriptures written for their learning.

And from this it follows that any efforts sanctioned by the State to reform the prisoner during his allotted period of punishment for rebellion must be considered as being of the nature of benevolent concessions rather than of rights, it being in the actual power of the State to put anyone to death, it may consider better so to dispose

of him, either in the interests of revenge or economy, after passing the necessary legislation.

Thus the modern prison discipline can only be regarded in one possible light, namely, a frank desire on the part of the State to bring the prisoner to his senses in a manner entirely to the advantage of himself, if he cares to reap the benefits thereof, by affording him during the period of his imprisonment such facilities as may seem to be conducive to his moral and physical rehabilitation, so that he may leave the prison on his release at least no worse than when he entered it. And in order to produce so desirable a result, arrangements are nowadays made whereby he may be the recipient of lectures on subjects likely to raise his level of intellectual appreciation, of concerts likely to attune his ear to the melodies of the greater composers, of unofficial visitors whose conversation and example may be of a kind to make him perceive the value of social security and possibly the value also of a reliable bank balance.

By such treatment, as against the acknowledged somewhat barbarous methods of the nineteenth-century penal discipline, it is hoped that criminals of all three kinds, habitual, occasional and sexual, may arrive at the happy conclusion that their imprisonment, so far from being a curse, has proved a blessing.

That it may also prove a deterrent to all would-be qualifiers for a similar course of instruction is fostered by a careful determination never to permit a prison to become a place of actual comfort for body and soul.

In the case of the very poor the last ambition and most necessary precaution present great difficulties in practical achievement, partly because a prison cell is to many of its occupants the most peaceful and salubrious bedchamber

they have ever possessed in their lives, and partly because regular food and shelter for a reasonable period of time produce a fitness of physical health seldom hitherto experienced. In some cases this creates a belief that there are worse places on earth on a wet, bitter night than an English prison, and that, on the whole, a winter "inside" is better than a winter "outside." This seems unavoidable, lamentable and demoralising though it may be. It acts also adversely on the prestige of the casual wards and other charitable attempts to provide a refuge from an open air under which it is an offence under the Vagrancy Acts to sleep without visible means of support.

Thus no one will for a moment deny that the State is faced with great problems when it falls to its lot in an enlightened age to devise a method of prison discipline which may be simultaneously punitive and reformatory, acceptable in the eyes of gods and men.

All sorts of ingenious suggestions have been made with a view to the better classification of prisoners. Among them must be noted that which evidently emanates from a contemplation of the efforts of the Fellows of the Zoological Gardens. It has been argued that the various prisons at the disposal of the Home Office might be apportioned to the requirements of the different offences recognised by the law, that there should be, for example, a bigamists' house, a thieves' house, an abductors' house, and presumably a house for those who tell fortunes, etc. The idea is not devoid of attraction, and one imagines the inmates of each prison would have much news to exchange. But up till the present, without criticising the value of the suggestion, the Home Office, we believe, has discouraged it on grounds of economy, advocating in its stead the

gradual setting aside of prisons reserved for the reception of those whose records seem to imply degrees of corrigibility. In accordance with this mode of classification, prisons for first offenders only have seen the light of day at one end of the scale, and a prison like Camp Hill for the preventive detention of those unlikely to exhibit any sudden change of behaviour at the other end of the scale. And, in addition to this, many other experiments in classification have been made within the prisons, in the hope of inculcating into the minds of prisoners a conception of life which has been for long associated with the British Public School system, an outlook which has much to recommend it in the history of our times, its only danger seeming to be that the Public School spirit is apt to be confused with the Holy Spirit, to the detriment of the Christian Faith.

In all these experiments in classification the main standpoint of the law is assumed, namely that everyone is by nature what the law assumes him to be and that therefore it is not necessary to invoke the aid of Science in deciding the appropriate treatment of the lawbreaker.

On the whole the attitude of the State to the lawbreaker of all kinds is that of the young and perhaps not too well educated curate who, finding himself faced with a bed-ridden woman, tempered the severity of the Prayer Book by remarking cheerfully, "What you must do is to buck up!" It might, however, be wiser in the twentieth century to seek to ascertain the causes underlying each recumbent attitude.

SCIENCE APPROACHES THE CRIMINAL

I

If it were to be asked what is the chief service done for humanity by men of science, it would, I think, be true to say in answer that Science slowly replaces wrong thinking by right thinking upon all matters that come under its survey; that it is thereby a saving power in that it gradually prevents the mind of man making fearful mistakes, due entirely to its ignorance of the true causes underlying the behaviour of much that affects it.

History shows us very plainly that everywhere man has commenced by inventing explanations for the behaviour of things he observed but did not understand, and that only very slowly and after great struggles does Science manage to replace these faulty explanations, based on guesses or assumptions, by tentative explanations founded on fact.

The progress of Science has been slow because in every case man has believed his faulty explanations and interpretations to be true, and has consequently regarded with hostility any prophets of a better way of thinking upon the same subjects who from time to time have made their appearance upon the scene.

Thus when, for example, Copernicus and Galileo made the discovery that the earth moved, at a time in history when the established way of thinking believed it to be,

like its own mind, stationary, very naturally the cardinals and everyone else said the prophets were wrong and began at once to discourage the spread of the new knowledge by punishing its discoverers. Needless to say, the prophets turned out in the long run to be right, and the common sense of the day to be pure ignorance masquerading as knowledge and claiming divine authority, a matter not calling for any great surprise. All that need be noticed in passing is that the mind of man got hold of the truth about the solar system the wrong way round, and that as a result of the observation, labour and sacrifice of men who thought scientifically, the necessary adjustment was at length made, and with it brought the dawning realisation of a universe of a less capricious nature than had been imagined hitherto.

Another of humanity's guesses was that animals and birds must be held morally responsible for their behaviour. Thus only about four and a half centuries ago, at Basel, a cock was solemnly tried in public, found guilty, sentenced to death, and burnt alive, for the revolting and unnatural crime of having laid an egg. Science subsequently discovered the existence of crowing hens and thereby in posthumous fashion salved the reputation of the unfortunate bird.¹ From this it will be observed how great may be the danger of talking about unnatural behaviour until one be quite sure one understands the nature of the creature which exemplifies it.

Once again the established opinion of the period was based on utter ignorance of the facts with which it sought to deal, and there is a tendency in human nature to desire

¹ *A History of Our Penal Methods*, p. 258. This book cannot be commended too highly as an introduction to the study of the criminal.

the brutal treatment of natures which it does not comprehend.

Another of humanity's guesses is the traditional psychology of individual human behaviour on the assumed truth of which our present penal system claims to be the administration of justice. We assume that the accused person in the dock could have behaved quite differently from what he is alleged to have done. On these grounds we hold it just and right, if he be convicted, to punish him as one who has defied the law with malice aforethought. We punish him, not so much for what he has done, but because he did it.

But Science has begun to remind us that these beliefs of ours concerning the lawbreaker's mentality are pure assumptions which may or may not be verified by enquiry into the causes underlying the behaviour in question, conducted on scientific lines. The question is, Do we understand the prisoner in the dock? or is it that we merely assume that he possesses the kind of mentality which the law holds he ought to possess for the purpose of its requirements?

There is a story told to the effect that a young girl, sentenced by an American judge to a term of imprisonment, turned to the judge before she was taken from the dock, saying half-defiantly, half-piteously, "You may send me to prison, but none of you understand me."

"Out of the mouths of babes and sucklings" truth frequently is revealed, and in this case Science endorses the lament of the prisoner. Under our present penal methods we make little attempt to understand the lawbreaker as an individual in whose mentality lies the clue to his behaviour.

"The question which we have to solve," writes Dr.

Hamblin Smith, the medical officer of Birmingham Prison, "is this: Why does this particular individual commit anti-social acts? And no answer can be given to this question unless an honest attempt has been made to investigate the individual's mental constitution."¹

Hitherto society has sought to solve the problem of crime by endeavouring to deal with the criminal as a person whose behaviour it completely understood. Always the criminal has been regarded as a naughty child whose habits are destructive, vexatious, or loathsome, and who for these reasons must be got rid of altogether, or must be whipped, shut up in a room, deprived of all delicacies and persuaded to be good, which has always meant to put up with something hateful. Such have been the fundamental principles of penal wisdom—transportation to Eternity or a distant quarter of the globe, flogging, imprisonment for a fixed period as a punishment, the infliction of a penal diet, and the preaching of the gospel according to the Home Office. And by the employment of such means it has been claimed that a large number of criminally naughty citizens turn into good citizens, whilst others, observing their fate, develop a respect for law and order all their own. Whence the need, then, of calling in the doctor?

The answer is that no one has in human history called in the doctor. He has just arrived upon the scene and has made his influence felt, as light shining in darkness; and upon those accustomed to the darkness which to them is the only light known, the new light has ever seemed to be a dangerous innovation in that no matter upon what series of facts it shines, it shows them very plainly to be quite

¹ *The Psychology of the Criminal*, p. 26.

different from what it had been taken for granted that they resembled.

And so when the light of Science begins to play around the figure of the prisoner at the bar, it is not surprising that judges feel impelled to remark to juries, "The law takes no account of the new psychology."

But—in the meanwhile the influence of the new psychology spreads.

2

The word psychology should strictly be taken to mean that branch of knowledge which concerns itself with the study of minds or souls and the behaviours associated with them. It is the object of the man of psychological science to understand the behaviour of individual souls or persons, so that he may be able to say, for example, "John Smith is a burglar by profession for the following reasons, which to him seem excellent reasons. If, therefore, it is to the interests of the majority of his neighbours that he should cease to be a burglar, his mind has got to be altered, or the conditions of life in which it at present functions have got to be altered, and if neither of these alternatives be possible, then the body of John Smith has got to be destroyed or segregated for the sake of peace. It is no good punishing John Smith unless one can be sure in advance that the punishment is going to change his mind, and of that one cannot be sure until one has first arrived at an understanding of the mind in question and the difficulties, real or imaginary, with which that mind has had to contend, up till the moment when its behaviour has reached that

point when it has become necessary, in the general interests of the community, to arrest its progress and enquire into its causes.

The work of the forensic psychologist, therefore, should rightly begin at that point when a court of law has decided that the accused person has committed the illegal behaviour with which he has been charged. In plain words, the work of the man of science ought not to interfere with those spheres of social enterprise in which the police and the lawyers flourish side by side. Against neither of these forces has he any complaint to make up till the time when the judge or magistrate is about to pass sentence. Before the sentence is passed, however, he insists that a pause should ensue in order that in an atmosphere free from threats or horrors a patient enquiry could be made into the real causes underlying the behaviour in question. Then, and not until then, in his eyes can the administration of the law become also the administration of justice.

To begin to enquire into the causes underlying any human being's behaviour is first to listen patiently to a life history presented from an individual's own point of view, and then to supplement this by such information as can be obtained from other sources respecting the same series of events. In addition, it is necessary to know the state of the subject's bodily and mental powers, and above all to seek to discover to what extent the behaviour may be influenced by hidden or submerged emotional experiences. Only then can it become possible to consider how best to treat the subject of such enquiry wisely and well. And in order to obtain such information, the desire to help and the ability to sympathise must be present in the character

of this new physician of souls. He who would undertake this most delicate and difficult of tasks must be capable of inspiring confidence and of imparting that sustaining strength upon which weakness can rely in its hour of extremity and in which misdirected strength can find something to command respect.

To be a successful psychologist one needs to be not merely possessed of accurate perception and sound knowledge of the mind and its behaviour, but to be capable of sympathising with and entering into the feelings and outlook of a fellow human being whose vision of life may be widely different from one's own.

3

In his search into the causes underlying any law-breaker's behaviour the man of science realises at the very start the necessity of a careful physical examination.

The influence of the body on the mind is only second in importance to the influence of the mind upon the body. Ill-health of any kind places its possessor at a disadvantage, and the effect of this upon the mind of its experiencer may be very pronounced. "It is not necessary to point out," writes Dr. Hamblin Smith,¹ "how certain physical defects may be very strong incentives to delinquency. Tuberculosis, heart disease, hernia, defects of vision, etc., may all be in a sense 'causes' of delinquency, inasmuch as they prevent or tend to prevent the sufferer from earning a living in the ordinary labour market. . . .

"Certain physical disabilities act in another way also.

¹ *The Psychology of the Criminal*, p. 27.

They tend to make their possessor anti-social because they induce him to regard himself as different to other men. Epilepsy and severe impediments in speech may be specially mentioned in this connection." Other physical defects may cause irritability of mind and may be the cause of much unsuspected hidden worry. Persons who suffer chronically from indigestion may find obstacles to their success unsurmountable which to persons in good health would present small difficulty. Their will power is weakened by the constant vexations of bodily discomfort, a condition entirely overlooked by the law which may govern their offence. In its eyes they are perfectly well and perfectly competent. In the eyes of the doctor they are severely handicapped and in need of sympathetic treatment. Physical defects involving an injury to good looks may occasion great disquietude of mind.

"In one prison," writes Dr. Mary Gordon, "a good-looking young woman who was an able factory-worker, but whose temper was said to be very bad, was perpetually coming to prison, and I was told that the prison visitors were almost tired of trying to help her. I noticed that she had a very pronounced dark beard on her chin. I took her into a room alone, and asked her to tell me the trouble. She said there was none. I said, 'Yes, there is, and it's those hairs on your chin.' She broke down and wept and said that it was the trouble, and that people were so unkind to her that she had become very quarrelsome and could not keep her work. I suggested the obvious thing, that she should shave it. Although she had been so miserable, she had never thought of it. I went to the Governor, who promised me that she should have a safety razor. She came once more to prison on

account of her temper (possibly her friends had congratulated her unduly) but after that never came again."¹

Of all the prisoners at the bar those who are obviously ill are the most tragic.

I recollect once hearing a prisoner sentenced to a long term of imprisonment who was suffering from cancer. The judge remarked that he would be treated appropriately by the prison doctor in the prison hospital, but one wondered why he was not sent to the ordinary hospital instead. Undoubtedly the time is ripe for the medical examination of the body of every prisoner, not in order to determine whether his proper location is the prison hospital or the ordinary cell, but in order to discover to what extent, if any, the behaviour which has caused his arrest may be due to the physical defects with which he is encumbered, and if so to decide how best to aid his recovery and thereby also the alteration of his mind and behaviour. And this will not be accomplished by the employment of penal methods, but by such treatment as may be dictated by the malady itself. Nor need the law be changed. The Probation Act exists, and it is in the power of magistrates to insist that the defendant subscribes to the conditions named in the Probation Order, which surely might include medical treatment either as an out- or in-patient of a hospital for a specified period, to be curtailed or lengthened at the will of the Court and in accordance with the circumstances of the case.

Another physical defect which must continually engage the attention of the prison doctor is the prevalence of bad teeth, and the effect this may have on the temperament. Nothing astonished me more when I was a prison visitor

¹ *Penal Discipline*, p. 70-71.

than the inadequate provision made by the State for the dental treatment of prisoners. So far as I am aware no English prison is fitted with a dentist's consulting-room. Nor has it a resident dental surgeon. Prisoners may at their own expense receive dental treatment from outside, including the use of anæsthetics, but all that the State grants them gratis is the attention of the medical officer of the prison, whose skill in this respect may or may not be up to the standard required. I recollect one man suffering a great deal of unnecessary pain as the consequence of a clumsy piece of work. That a man should be denied the ordinary facilities of dental treatment because he is a law-breaker seems altogether unjust. In large places of detention there should be a resident dentist, and in small ones a regular visiting dental surgeon paid by the State.

Under a *régime* of Science, therefore, the first care of the examining physician would be the rehabilitation, where possible, of all existing bodily defects, part of the sentence of every lawbreaker being his compulsory treatment by adequate means in the interests of the general health of the community.

After satisfying himself concerning an individual lawbreaker's physical condition, the man of science would proceed to examine the condition of his mind. And his first object would be to ascertain as nearly as possible the general standard of his intelligence by requiring him to perform a series of tests designed to exemplify it in cases where this seemed to be advisable. In the arrangement of any series of tests for the intelligence, care has to be taken that they are of a kind likely to be suitable for persons of widely differing ages. They must not be too easy and they must not come under the heading of tricks or riddles.

Their object is to elicit a reasonable display of ordinary intelligence in those who are invited to attempt them. Among the series of tests well known in this connection are those drawn up by Binet, Terman, Healy and Hamblin Smith. Varying in form they all have the same object in view, namely the calling into play of the reasoning faculties and powers of judgment and understanding, the standard of which it may be desirable to ascertain in any particular lawbreaker. Thus he may be invited to make simple arithmetical calculations, to recall from memory the details of a picture shown to him, or to relate in his own words an account of some incident previously given him to read, or which has been read to him. Or again he may be asked to suggest the meaning of a picture shown to him or to figure out a plan for performing some action that requires careful forethought. By such means it becomes easy to decide whether any given delinquent is so abnormally below the standards of average intelligence as to warrant his being regarded as mentally deficient.

If to quote a single one of the tests used by Dr. Hamblin Smith at Birmingham Prison, a prisoner when invited to write the sentence, "I saw the dog run after the cat" elects to write "I was the god run after the cat," one may be reasonably sure that such a delinquent is entitled to a special regard. General knowledge tests are less convincing, for the extent of any individual's knowledge is apt to be limited to the practical requirements of his station in life and his surroundings. Thus the fact that many prisoners are unable to name the existing Prime Minister should not be taken as a sign of any mental defect unless their intelligence in other respects merits the forming of such an estimate. Many of those educated at school find in

later life that knowledge according to the education authorities is one thing, and practical knowledge quite another. One may be a dunce at school and a brilliant success when free from its repressive influences.

Next to the test of intelligence, the physician of a remand institution can obtain much useful information concerning the mentality of his patients by observing how they re-act to their surroundings, whether they are quarrelsome, peaceful, or melancholic, whether they are inclined to read books, or play games, whether they are ready or unwilling to help in any work that has to be performed. By observing their behaviour in this fashion, supplementary knowledge of their dispositions may be easily acquired.¹

It is obvious enough that the period of remand should be as far as possible an interval of congenial treatment. If the confidence of a lawbreaker is to be obtained, it will only be obtained by tactful means. No one is going to reveal his life history to an enquirer if he has reason to believe that by so doing he may add to his discomfort. One has but to envisage the difficulties encountered by police officers in obtaining information from prisoners' friends, in cases where the friends believe rightly or wrongly that any evidence supplied will be used *against* and not in favour of the delinquent. Under the ægis of our present penal methods there is every incentive to tell lies both about oneself and one's friends, if by so doing one can possibly save anyone from being sent to prison. One may be reminded that it is one's public duty to hand over a lawbreaker to the police, but most persons have been brought up to believe that under no circumstances can it ever be right to betray a friend. Thus if the man of

¹ *The Psychology of the Criminal*, p. 57.

science is to obtain his knowledge of a delinquent's life history either from the standpoint of the individual himself or from others, such information will only be forthcoming if it appears to be to the advantage and not the disadvantage of the individual in question.

Writing of those who are remanded to Birmingham Prison for a medical report, Dr. Hamblin Smith remarks:

"The examiner must try to win the subjects' confidence and to demonstrate that the sole desire of all the officials is to be as helpful as possible. Much is to be learned by quiet talks with the subject and by the observations which can be made by experienced, sympathetic and tactful attendants. The quiet routine of the remand department in the hospital, with its attractive literature, pleasant surroundings, and simple games soon produces its effects and makes the subject realise that all possible endeavours are being made to understand and to help him. We have found at Birmingham that simple fancy needlework is of great value with female patients. Then, towards the close of the remand period, a suitable time for the formal examination can be selected, the case can be fully considered, and the report made. All these advantages are only to be had in an institution. During the examination, praise for his test performances (even if these are poor) should be freely given to the subject."¹

To weigh this paragraph carefully in the mind is to realise the vast gulf which exists between traditional and scientific thinking concerning the behaviour of the law-breaker and its causes. In the eyes of the former he is a wicked person whose behaviour cries aloud for revenge. In the eyes of the latter he is a person whose behaviour

¹ *The Psychology of the Criminal*, p. 59.

calls for understanding in order that he may be treated rightly and well. The two points of view would appear to be ultimately irreconcilable. And as we have seen, it is the prophets of light who always displace the curators of darkness.

4

Of all the discoveries of modern psychological science none can be ranked higher than the recognition that an individual is possessed not merely of a conscious mind, but also of an unconscious mind, and that this latter to a very large extent influences the behaviour. That nothing experienced by an individual is forgotten has been a tentative belief of many men of science since the days when the doctrine of the subliminal consciousness came into vogue. Most readers of the works of Myers will recall the classic instance of the illiterate servant maid who in delirium repeated long passages of Greek, it being discovered subsequently that she had been in the service of an old clergyman whose habit it had been to read aloud passages of the New Testament in the vernacular, as he paced his garden outside the kitchen window, and that these passages had been remembered by her *unconsciously*.

But it has been the special glory of Sigmund Freud and his followers to demonstrate the fact that it is not only the *memory* of experiences which lingers beneath the level of conscious memory, but the *emotions* to which those experiences gave rise and with which they remain connected. These emotions may have been pleasurable and in harmony with their subjects' environment, in which case their buried activities may likewise be of a peaceful and salub-

rious nature. But, on the other hand, they may have been painful and forced down out of consciousness because they conflicted with the conventional mental environment of their possessor. In this latter case they may continue to exist as energetic forces seeking an outlet of expression, an outlet which may be found in a form harmonious to the subject's environment or in a form out of harmony with it. In either instance, the individual will find himself behaving in a particular manner, of the true causes of which he may be unconscious. If his behaviour be of a kind to cause his arrest as an offender against the law, and if its nature suggests some hidden worry, it would seem to be only common sense to make the preliminary step in his treatment a psycho-analytical examination, so that, if possible, the true causes underlying his conduct may become apparent, and he may be able himself, by apprehending them, and by associating them with new and harmonious emotions, to rectify it.

In his endeavour to help an offender against the law to understand himself and readjust his behaviour to communal requirements, the psycho-analyst has first to win his patients' confidence, and then to be in a position to assure him that whatever he may be willing to tell him will be treated with that respect traditionally associated with the seal of the confessional. Unless this be the case it is idle to expect that any delinquent will avail himself of the benefits at his disposal. Actually the law recognises no such privileged communications, but it is in the power of any court to make its own rulings in the matter, and one gathers that in this respect the court at Birmingham has established a valuable precedent with regard to Dr. Hamblin Smith's own cases.

How then does the psycho-analyst approach his task ? His aim is to help the individual before him to find the connecting link between the behaviour which has caused his arrest and that forgotten emotional experience which lies at its root; if he can succeed in doing this, the result may very likely be that his patient will have a new emotional experience, the effect of which may be to neutralise the ill effects of the former one and to give him a new attitude towards life. In order to accomplish this end he will ask the patient to let his mind freely suggest any memories that associate themselves either with the symptoms of behaviour that have caused his arrest, or with certain words suggested by the psycho-analyst himself and designed to produce this result; his only insistence being that no matter what the memories may be they shall be mentioned, even if they seem to the patient himself trivial, irrelevant or unpleasant. By such means, into the details of which it is unnecessary here to enter, and always assuming that the patient be willing to submit to the treatment, emotional experiences long forgotten may be recalled, felt again, seen in their true perspective, and brought into conscious relationship with other thoughts which may in future harmonise them with feelings of mental contentment. The result may be a new orientation of mind and its appropriate behaviour. Perhaps the simplest way to illustrate the value of psycho-analytical treatment in relation to offenders against the law is by quoting a few cases from the works of Dr. Hamblin Smith and Dr. S. Healy.

“ A woman of sixty years of age got into trouble for an apparently senseless act of damage. An analysis, continued on four successive days, explained the cause of the

act. There had been a most distressing sexual experience more than forty years previously. The memory of this had been repressed, and this was the cause of the whole trouble. When the patient realised this, her whole attitude to life was changed. And the matter having been explained to the court, so far as could be done without divulging the facts which had been discovered, the case was dismissed. Since then, the author's information is that the woman has got on perfectly well."¹

"A patient had been separated from his wife for many years but had remained continent. Repression of sexual desire resulted in a complex which issued in the form of indecent assaults upon small girls, although he was fond of and generally kind to children."²

"A repressed complex in a man originated from his family looking down upon his wife on account of her having been immoral before marriage. The resulting delinquency took the form of larceny, the unconscious desire being to put himself on a level with his wife in the eyes of his family by the commission of an offence."³

"A man hears casually that his father had committed suicide when he (the patient) was a child. The mother had previously told him another story about the father's death. The result was an offence of indecent assault."⁴

"An astonishing situation was found to be underlying the six months or so of violent delinquency of a boy of sixteen whom we studied. He had suddenly discovered—mostly from her own unguarded hints in anger—that his supposed elder sister was really his mother. The boy's reactions as expressed in delinquency were most

¹ *The Psychology of the Criminal*, p. 84.

² *Ibid.*, p. 100.

³ *Ibid.*, p. 100.

⁴ *Ibid.*, p. 100.

remarkable and violent: his mother herself, fearing that this knowledge might be the force that was raging within him, came to us after his arrest and begged us to explain the facts to the boy. It was as she had suspected. He had said nothing, he had tried to drown his feelings of resentment, he had tried to avoid facing the facts. He had given way to an astonishing amount of vicious conduct which caused his arrest on several occasions. After this analysis with us and a short period of further unsettled behaviour, the young man was able to readjust himself and check the impulse to misconduct.”¹

From these five brief examples it can be readily grasped by the reader how great may be the value of mental analysis in cases of delinquency when the behaviour of the offender strongly suggests the existence of hidden causes to account for it. Such cases may include those offenders charged with attempted suicide, with indecent behaviour, with acts of senseless damage, with eccentric larceny, and with violence of behaviour indicative of an unbalanced mind.

It goes without saying, however, that the methods of the psycho-analyst may not suggest themselves as appropriate in every case that comes before a court of law. Much valuable information concerning the causes of a delinquent's behaviour could be ascertained by a prison chaplain who had himself been adequately trained as a physician of souls, and who was possessed of the requisite character for inspiring confidence. Such information would be obtained by the ordinary methods of any sympathetic enquirer whose object it was to understand and help. And that such prison chaplains exist there can be

¹ *Mental Conflicts and Misconduct*, pp. 215-216.

no doubt. One has, indeed, but to read the recent work of one of them, a Roman Catholic chaplain, Henry Geisert, to realise the immense scope there is for any priest with the requisite psychological knowledge and knowledge of the world to undertake the task. This author, in his book *The Criminal*, speaks thus on the duties of a prison chaplain:

"Once a chaplain has shown himself worthy of confidence, the trust placed in him becomes of incalculable value among the class of mortals who instinctively look confidence in their breasts. And when this reserve has once been broken through, the criminal usually pours out his heart with the violence and volume of a mountain torrent flooded by a cloudburst. It is the chaplain's privilege to see the moral infection of the soul in all its repulsiveness, and it is his duty to sooth and heal the bruised spirit. While undue sentimentality is uncalled for, a slashing harshness means utter failure. To attract the prisoner without permitting familiarity, to keep him in his place without giving offence, is the happy medium, the only true balance which the chaplain must learn to strike. He must show that he is human by using his head, and that he is humane by using his heart, the latter the servant of the sane judgment of the former, in all his dealings with his charges. Thus does he pave the way to the inner man where alone he can hope to discharge his double duty as a paid employee of the State and a servant of the Heavenly Father, giving to Society a cog which will revolve in its proper setting to a useful purpose, and returning to the fold a lamb that has gone astray."¹

It should be as easy to contemplate a priest of the future

¹ *The Criminal*, p. 303.

endowed with the outlook of a man of science as it has been and still is easy to envisage one endowed with the outlook of a moralising schoolmaster or a hectoring country squire. Science is unlikely to abolish religion, and so long as a spiritual interpretation of the universe exists there will be physicians of souls as there are physicians of bodies; and the physicians of souls will have their beliefs and recognised treatments for all who come to them or are sent to them to be healed.

That many patients will still be pronounced incurable seems a certainty, for human knowledge is of necessity limited, and some have no desire to be cured or to respond to any form of mental treatment as yet discovered. And for such one should have no contempt. One despises only that which one cannot comprehend. In the light of wider knowledge every opinion, even the most dogmatic, may have to be revised. Nothing on earth can be more than relatively true. But this has never been a hindrance to the trial of recuperative treatments founded on beliefs in standards of normality and ideals of perfection. Thus one imagines the man of science, like his predecessors in the field of psychological thought, will seek to convert the lawbreaker into what is felt by contemporary standards to represent a law-abiding citizen; and he will endeavour to achieve this end by the employment of varying methods, some few of which have been instanced in this chapter. And in so doing he will show himself to be a physician of souls.

5

But leaving particular methods and returning to general principles, that which distinguishes the man of science, in his attitude to the lawbreaker, from the traditional thinker is his recognition that every lawbreaker is an individual and no two individuals are wholly alike in mind and behaviour. Therefore, in his eyes, if an offender is to be treated justly and sensibly he must be first understood. It is the difference between the outlook of the physician and that of the schoolmaster with his birch rod, and if religion is to be taken into consideration it must be frankly acknowledged that at the root of each way of thinking lies a different conception of the mind of God and His relationship to mankind. The God of Science is a Divine Physician, the God of Traditional Thought is an Assize Judge. With the latter concept go our penal methods. With the former there can be logically no place for punishment except in so far as loss of liberty under any form may be felt by its experiencers to be a punishment in itself.

When confronted with a lawbreaker of any kind the first thought of the man of science will be, "Why does this human being behave thus?" followed by the thought, "By what means can he be best helped to behave differently?" And only after both these questions have received full consideration and treatments have been tried, will the further question be asked, "Is it necessary to certify this person as unfit to be at large (a) temporarily, (b) permanently?"

In a word, the prisoner at the bar would become a patient and the prison system a portion of the department

of Public Health. Prisoners at the bar would likewise be fewer in number, partly owing to the repeal of those paragraphs of the criminal code which reflect a misunderstanding of public opinion upon the subjects with which they profess to deal, but chiefly because under a *régime* of scientific thinking, there would be far less cause than there is at present to be reticent concerning the illegal behaviour of one's friends. The lawbreaker's mentality would come under the notice of the physician in cases where all who at present wish him well may conspire to prevent its attracting the notice of the police. The offender himself also would be more likely to confess a crime, one imagines, to a physician whose aim he would know would be to help him, than he is at present inclined to make a similar confession at a police station.

If everyone who confessed to smallpox was certain of receiving penal servitude, one imagines public reticence would be great and the spread of the fever phenomenal. But when parents can go to a physician to acquaint him with the fact that one of their children has commenced to steal, to behave oddly, or that it suffers from bursts of ungovernable rage, with the knowledge that the physician in question has been trained in the science of psychology and that he is backed by the approval of the State, then, and not until then, will the problems of crime begin to be solved in a sensible manner. At present the day is still far off and the consequences of its arrested dawn are noticeable on all sides.

"I shall not forgive my mother," said a young man to me the other day, "for giving me away to the police. Had it not been for her I might not have gone to Borstal and I might not now be a burglar."

Possibly the child of to-morrow may say, "I am above all grateful to my mother, who by taking me to the clinic paved the way to my success in life."

One may fittingly close this chapter with two quotations, each of which bears witness to the truth in prophetic fashion. Writing over seventy years ago, Darwin summed up the general attitude of the man of science towards the facts of life in these words: "When we no longer look at an organic being as a savage looks at a ship, as at something wholly beyond his comprehension; when we regard every production of nature as one which has had a history; when we contemplate every complex structure and instinct as the summing up of many contrivances, each useful to the possessor, nearly in the same way as when we look at any great mechanical invention as the summing up of the labour, the experience, the reason and even the blunders of numerous workmen; when we thus view each organic being, how far more interesting, I speak from experience, will the study of natural history become!"¹

Darwin had in his mind the world of nature, but a little farther on he prophetically added, "In the distant future I see open fields for far more important researches. Psychology will be based on a new foundation." By these words Darwin meant, of course, the extension of the scientific method or way of thinking to the study of human behaviour and its underlying causes, so that the character and actions of any individual, were he lawkeeper or law-breaker, might adequately be regarded as "the summing up of the labour, the experience, the reason, *and even the blunders* of numerous workmen."

Nearly sixty years afterwards, in an already forgotten

¹ *On the Origin of Species*, World's Classics, p. 437.

book, *War Religion and Science*, the late Archdeacon J. B. Hunt wrote thus in 1916 of the relation of society to the criminal:

"The man in the street and the man in the car regard the criminal as the unchallenged property of the policeman, whether it be the huge and costly policeman who wears a wig and is called 'Your Lordship,' or the policeman who is called 'Your Worship,' or the man in silver buttons and 'dainty footwear' ycleped 'Constable.' The religionist goes so far as to recognise in the delinquent a living symbol of the eternal struggle between good and evil. Thus the problem of crime stood for countless centuries, and thus it stands immutable in England to-day. We are all for punishment. We discourse sapiently about 'deterrents'; if one bottle does not act, try another, more bitter. We are out for blood. We propose to cure brutality by brutal treatment, murder by legalised murder, moral insanity by usage that would turn the healthily-minded insane. We take the crooked-minded, the narrow-chested, the mentally undeveloped, the sexually hypertrophied, the monomaniacal, and lock them up in stuffy atmospheres, and watch them day and night, and let them loose again for a brief riot, until they return to the prison. And then we call them by the grand word 'recidivist,' and it covers a multitude of sins—our sins. Really the *lex talionis* dictates our handling of the criminal from first to last, with the result that we store up masses of human poison in our midst.

"Now, what of the scientific view? The scientist goes for the first time, from outward appearances, to underlying causes. He lays aside all hatred, all horror, all 'shockedness.' He approaches the delinquent precisely as he would

a fever patient or a dangerous explosive. He examines with minute care the field from which the tares have sprung, and holds the soil responsible for its weeds no less than for its wheat. He classifies his specimens in distinct and definite categories, after sounding their bodies, and still more their minds, tabulating all his observations with tireless patience and accuracy. Then he goes on to suggest remedies, and his suggestions are an exact reversal of the popular idea.

"According to him, the more atrocious the criminal, the more futile and absurd is punishment; for how can a born monstrosity help being what he is? In fact, the idea of punishment has little place in the scientific philosophy, if any.

"Science aims (1) at the removal of conditions that engender criminality, (2) at the segregation of the hopelessly maladjusted, (3) at the total elimination of the morally diseased. Science looks forward to a time when the offices of the judge and the psychologist will overlap, when there will be little violence and brutality among men and when prisons will not be prisons. There is not the least taint of sentimentality in all this. It is the hardest common sense of Science. But which is the humane, the enlightened, the God-like way of thinking—the old or the new? One says, 'Love your enemies,' and here we almost seem to find the key."¹

¹ *War, Religion and Science.*

L'ENVOI

THAT public opinion in this country will gradually accept the idea that many of those lawbreakers at present sent to prison for fixed periods of punishment had better be dealt with by other means, seems to the author probable enough.

He looks forward to the day when prison visitors may be reasonably sure of finding no sexual offenders among the occupants of the cells, and no prisoners whose infringement of the law has been due merely to a youthful love of adventure, to poverty, to misfortune, or to mental defect or to worries, deepseated and perhaps forgotten, yet capable of being dissipated when treated with skill and tact.

He hopes to see some better solutions of the problems raised by youthful misconduct than those at present in vogue, and in accordance with which troublesome lads are sent to reformatory schools, boys' prisons and Borstal Institutions.

That these residential centres of detention are admirably conducted he has not the shadow of a doubt. He has met several ex-Borstal boys. He has found them well-behaved and strangely like ex-public schoolboys both in their mental outlook and in the extent and limits of their intelligence. He is quite sure that Borstal is a good school, yet he cannot but form the opinion that if it be the desire of the State to prevent a youthful lawbreaker from becoming an habitual crook, it would be wiser to send him to an ordinary boarding school where he would mix with

lads who had not been before magistrates, than to send him, as at present, to a school where every pupil is under sentence and which is associated in the public mind solely with delinquency. If the State be sincere in its wish to help the youthful offender it will send him to a school, the name of which he can quote on leaving it without any fear of its suggesting to the minds of his hearers that he was ever sentenced in a court of law. To do otherwise may be to give the youth in question a good education and a healthy body, but it will not produce the social results desired, for no matter how disguised the institution be, it remains, in fact, penal servitude for three years with greater facilities for release on licence than those enjoyed by the adult convict. If it be objected that parents of law-abiding children (by which one understands children who have had neither the wish nor the opportunity to be otherwise) would resent the presence in a school of other lads who had been before the magistrate, for fear lest the latter might contaminate the former, one can only express the opinion that so long as this feeling exists, it is idle and ridiculous to talk about reforming the youthful offender. If Society will not receive the offender into its fold and treat him as one of its own children, it is not surprising that he elects in the long run to play the rôle of the hungry wolf, and to prey upon the property of those whose notions of reform consist in a thinly disguised form of penal ostracism and that at a period in life when the mind is very sensitive to ill usage and slights of any kind. Thus it is the author's hope that the time may come when no law-breaker under the age of twenty-one will be treated otherwise than as a wise father would treat his own son at that period of his mental and physical treatment. And the

author has yet to meet the good father of a delinquent son who thought that son would be improved for life by being shut up in the exclusive society of other lawbreakers.

There remain, and probably there will always remain, those individuals, strong of will, sound in mind and body, who in adult life calmly and thoughtfully espouse crime as a means of livelihood agreeable to their tastes. That public opinion will surrender these for treatment to the man of science the author gravely doubts, for he cannot believe it genuinely desires the total elimination of the crooks it worships at a safe distance. The same instinct which prompts it to maintain alive in its midst samples of wild beasts at which to gaze with awe and wonder, prompts it also to reduce the range of capital punishment so as to preserve alive those human species which correspond in the world of man to the untamable beasts of prey in the world of nature. If one is to judge by contemporary literature, and the demand for its supply, then it must be allowed that every kind of professional crook is popular. Human nature likes to read of their masterly exploits in the evening papers; it dedicates Sunday to their special glory; it dotes on the Old Bailey and all courts of criminal procedure, its heart beats quicker at the sound of the judge's trumpeters, its eye rejoices at the spectacle of the white and vermilion robes, so much in harmony with its gospel of robes washed white in blood; its ear listens in fascination to the speeches of learned counsel, and to the summing up of him who, enthroned upon the bench in melodramatic splendour, seems for a brief space to be the incarnation of the Deity its heart acclaims, a righteous judge who is provoked every day, and in whose hands are the keys of death and hell. Inevitably (and granted the

premises), logically, the prisoner at the bar becomes the sinner before the throne of judgment about to pay the penalty of his misdeeds against God and the children of men. Without doubt, in such a setting the appropriate sentence is death. Death preceded by moral oratory from the judge; death in public with a dying speech to an enraptured crowd; anything less than this, artistically speaking, is an anti-climax.

But art languishes, and human nature in these latter days betrays its lack of faith and consequently its lack of courage. It permits its judges to substitute for the death penalty in all cases save a few, and those are in danger, any term of imprisonment which they may think fit; or none at all. In practice, this comes to mean the preservation of the crook's life and the propagation of his activities: though it be the diminution of his glory as one who snaps his fingers at the gallows. And one is led to believe this is precisely what current public opinion in its heart desires. It does not wish its criminal artists to retire permanently from the stage, save in small numbers, it does not wish too greatly to discourage their hopes. It wants them to go on playing till they die or through sheer weariness retire into private life, for they keep alive in a monotonously civilised age the spiritual dash and freedom of a more romantic era, and provide contrasts of behaviour to those weary of well-doing. They remain the bold, bad brigands of that rival Calendar of Saints, the Saints of Newgate.

Public opinion declines to surrender them to Science as monstrosities or madmen. It regards them as eminently sane and eminently desirable personages. Life would be duller without them, and if from the standpoint of their opponents they be parasites by nature, they are neverthe-

less the employers of Scotland Yard and the securities of many a rising barrister. They have their place in the traditional cast of civilised life. They are self-supporting and are immune from the perils of unemployment. They perform many useful tasks as popular educators in the neglected science of everyday common sense, and they provide many persons of leisure and means with the not unpleasant occupation of chatting with them in their cells and extolling the virtues of good citizenship, a pastime agreeable to the socially secure.

That Society must do something in return for their detected and proved activities they are always the first to acknowledge. It is a game of hide-and-seek from start to finish. Originally the penalty of being caught was a public execution admirably stage-managed, a noble termination of a distinguished career, and one calculated to attract the finest spirits to the profession. But to-day all is changed. The glory has departed from Israel. The penalty of being caught is a fixed number of days—often a great number—passed under conditions in which there is little scope for art or imagination, a treatment, however, which has this advantage in its favour, it preserves the life of the crook, and it affords him hopes of continued spells of activity. He has, moreover, adapted himself to its requirements most completely. And like many of his fellow-citizens he hates changes. He does not wish to be regarded as a patient in need of a physician. He believes himself to be perfectly well. He is a crook because it is his nature to be one, or because he has come to think that, all things considered, it is the life that suits him best. Certainly it has its drawbacks, but what calling on earth has not? All he asks his fellow-citizens to do is to go on

playing the game. Of all persons on earth he is the last to desire any change in our penal methods. They suit him admirably and make him feel that the game is well worth while for a number of years, at least. If caught he is ready to take his medicine, a concoction prescribed, as he knows, not in order to effect his cure, but because it is an unpleasant mixture administered in a spirit of quite natural revenge by the representatives of the injured parties. He has no complaints to make, if he be fairly caught and convicted; but it is his business, like every self-respecting wild creature faced with civilised man, not to permit himself to be caught, if possible, and if caught, to exercise in the period between his capture and his trial such intelligence and legal knowledge as he may possess; for he knows that the law of England, at any rate, is framed in a manner entirely suited to his requirements. Thus he is a contented being, conservative in mind, and a loyal upholder of tradition.

He does not greet the dawn of science with a smile of welcome. He knows perfectly well the fate which awaits him should public opinion ever sincerely accept the belief that a professional crook is an invalid. He hopes that day will never come, and his hope is shared by the author of these random pages.

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