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THE LONDON POLICE COURTS.

By GEORGE P. INGERSOLL, Esq.,
of the New Haven Bar.

The characteristics more noticeable than any others in the English courts are the solemnity and dignity with which the proceedings are conducted. And these characteristics are noticeable in all the courts, civil and criminal, from the Lord Chief Justice's Court down to the London Police Court. The buildings themselves in which the courts are held are massive and impressive, and well calculated to convey the impression that they are temples of justice. This is not merely true of the building known as the Royal Courts of Justice, where the Superior and Appellate Courts are held, a building which has a frontage of five hundred feet and which was erected at a cost of nearly four millions of dollars, but it is in a general way true of the buildings where the police or magistrates' courts are held, which have to do with dispensing justice to the poorest and lowest of the English people. The court rooms are for the most part handsomely finished. Though there is no gaudy display about them, there is a certain solid appearance which almost inspires one with awe on entering. The wood-work is usually dark oak, the seats, benches and tables are substantial and heavy, the Judge's bench stands on a high elevation, the background draped with curtains surmounted by the Royal coat of arms, and the chair itself in which he presides is handsomely carved and upholstered and usually on either side of it is a heavy book-case filled with standard English law books. The attendants about the court rooms are dressed in a neat uniform of dark blue. The judges in all the high courts wear the traditional wigs and gowns, but in the police courts the magistrates wear no distinctive dress.
There is no better place to see the English reverence for the majesty of the law than in a London police court, and this is the more remarkable for the lowest specimens of humanity that one can conceive of are daily brought there to be weighed in the scales of justice. There are more than a dozen of these police courts in London; Bow Street, the principal one, is a fair example of all, and perhaps the most interesting, for more criminals are brought there than to any of the others. The Bow street district takes in St. Giles and the Seven Dials—a region where crime and poverty abound. It is really necessary to go through a district of this sort to gain any idea of the low depth of degradation and poverty to which a large portion of the London people sink, and to gain even a fair idea of the class of people the London police have to deal with.

Coming from this district to Bow street itself, you enter the station house through a long hall lined on either side with policemen waiting their turns as witnesses in the trials. At one side is a corridor leading to the prison, which, by the way, is clean and well ventilated. On the other side is the jailer's office in which is a small rogues' gallery. The court room takes up the main portion of the first floor. It is usually packed with people and every seat taken. No persons are allowed to stand; this order is seemingly seldom transgressed in the English courts.

Mr. Justice Lushington, who presides at the Bow Street Court, is a good example of an English magistrate; a man of perhaps sixty-five, with strong but kindly face, piercing gray eyes and a manner most dignified and reserved. Like the typical judge he speaks slowly, as if measuring each word he utters. He has a quiet almost gentle way of questioning the prisoners which seems to invite confidence and in almost every case he seems to elicit the truth from them. He is an excellent lawyer, and a good judge of human nature. He is very strict as to proof, and is determined that the public shall see that he is. English magistrates generally seem to aim to conduct their trials not only to do justice, but also to convince those in attendance that justice is done.

There is no public prosecutor in the police courts. The clerk calls the name of the prisoner and reads the complaint or information against him. After his plea of "not guilty," the oath is administered to the first witness for the Crown, usually the policeman. And right here let me say the oath is not administered in a mumbling, almost inaudible and unmeaning manner as with us, but it is given slowly, distinctly and solemnly, as if each word were most important, and is assented to in the same impressive
way by the witness. After the policeman has given his version of
the affair the magistrate starts in on a sharp cross-examination,
seemingly trying to find some flaw or inconsistency in it. This
done, the magistrate in each case explains to the prisoner his right
to ask the government’s witness questions, telling him in a brief
general way the character of those admissible and those inad-
missible, and this is followed out with every witness. The pris-
oner is never hurried in making his statement, but is patiently and
intently listened to by the court. The Judge hesitates to take the
word of a policeman uncorroborated; he must have a witness to
his version of the affair, or some sort of circumstantial evidence, or
the court is apt to find the Crown has not made out a case. It is a
most creditable thing that the English police courts still revere that
elementary principle of criminal jurisprudence that every man is
presumed to be innocent until he is proved guilty beyond a reason-
able doubt; something that is often sadly forgotten in the admin-
istration of criminal law with us. So careful are they of the
rights of prisoners that a solicitor informed me that a short time
ago the magistrate in one of the police courts, after a lengthy
examination, had caught the Crown’s witness, a policeman, in a lie;
and then and there he discharged the prisoner, without reference
to the other proof and sentenced the offending officer to prison for
six months for perjury. The magistrate seems to take no chances.
The proof must be clear or there is no conviction.

A feature of a London police court trial that astonishes an Amer-
ican almost more than anything else is the length of time that is
given to each case. Even an ordinary “drunk and disorderly”
charge (they never arrest for simple drunkenness), which would
be disposed of in one of our police courts in from three to five min-
utes, takes often from fifteen minutes to half an hour to dispose of
there. The magistrate asks the prisoner every conceivable ques-
tion bearing on the case, seemingly loath to convict if he can
avoid it. I remember one apparently simple case in one of the
London police courts that seemed to puzzle the court sorely and
took up an unusually long time. With us the court would hardly
have thought the question of guilt worth considering a minute.
The man was charged with being drunk and disorderly; the dis-
order according to the policeman consisting in shouting on the
street and blocking the sidewalk. The prisoner admitted that
he was drunk but denied that he was disorderly. The magistrate
questioned the Crown’s witness on this simple question at great
length, then after silently pondering for a moment or two, said
almost apologetically to the prisoner, as if to assure him that he
had had a fair trial, "You see, Merton, you admit you were drunk, so that you are really unable to judge whether you created disorder or not; the Court finds you guilty." The prisoner evidently understood this simple logic, was convinced that he had had a fair hearing, and with a respectful nod to the court was led off to serve out a sentence.

In each case immediately after the court has reached the conclusion that the prisoner is guilty, a jailer standing at the other end of the court room reads the prisoner's record, if he has had any previous convictions, and then the court inflicts the sentence. And note well, the record is not in the possession of the court, I suppose for fear he might refer to it before arriving at the question of guilt of the prisoner, and is never read until the court has reached a conclusion as to the guilt of the prisoner of the offense for which he is on trial. In every case except one that I saw tried, the prisoner, when found guilty, received the sentence apparently satisfied that he had had a fair and impartial trial, in one or two cases even adding as he was led away to serve out a fine or sentence, "I thank your Worship." He seemed to regard the judge as his friend and adviser, and that "His Worship" had dealt as leniently as he could with him under the law. The accused in each case seemed to have implicit confidence in the impartiality of the magistrate; confidence which was well founded and never abused. There was no grumbling, no back talk; it was respectful submission to the majesty of the law. The one case referred to in which the prisoner was not satisfied, was in the case of an assault on an officer. The prisoner, an old offender, insisted that the assault was more imaginary than real, and by a cross-examination he did establish the fact that the officer was on duty all the rest of the day that he claimed he was injured. His defense was rather a denial of the severity of the assault than a denial that the assault had taken place. The Judge told him he had violated the law according to his own statement, and sentenced him to three months. The prisoner expressed his disapproval by uttering a threat against the policeman, but even in this case his wrath was against the policeman and not the magistrate.

But few prisoners are represented by counsel. A solicitor as well as a barrister is allowed to plead in a police or magistrate's court, but there seem to be few cases where the prisoners are represented by counsel; and indeed, it seems hardly necessary; their rights are apparently as well protected without counsel as with them. The class of lawyers who practice in the Lon-
London police courts, as may be imagined, is not of the highest grade. The fees they receive are usually small. A solicitor informed me that an ordinary case would be tried there for half a guinea. One or two lawyers seem to have the general run of the business for each of the police courts. While solicitors’ fees are small, the prices paid to the leading members of the English bar for appearing in the police courts are enormous. One solicitor told me that in a case in which he was interested he secured the services of a leading barrister, who is now on the bench, to make a motion in one of the police courts for the discharge of the prisoner. His services in the police court occupied but a few moments, and his motion was unsuccessful, yet he rendered a bill of eighty pounds.

The remuneration received by police court officials, apart from the judge, is not large. The average salary of a London magistrate is in the neighborhood of $7,000.00, and the position is deemed to be so high an honor that it is much sought after by members of the bar. Only certain ones are eligible as there is a property qualification. It is a most laborious office there; a conscientious regard for the responsibilities of the office make it so. The careful and patient attention given each individual case and the number of cases makes it necessary for the magistrate to preside daily (Sunday excepted) on an average from ten o’clock in the morning until five in the afternoon.

As to sentences, they would average more severe than with us. They impress an American as too severe. While the magistrates seem loath to convict and apparently give the prisoners the benefit of every reasonable doubt, when guilt is once clearly established the sentences are for comparatively long periods and the fines high. When an English magistrate has made up his mind that a prisoner is guilty the quality of mercy rarely enters into his mind. His mind is not broad enough to temper justice with mercy. It is usually a heavy penalty or nothing. A writer has said “the British are great on punishing the guilty.” That is indeed true. For even trivial offenses the punishment is astonishingly severe and the way of the transgressor is hard. There seems to be little or no distinction shown by the courts in dealing with men and women.

A study of trials in the London police courts convinces me that probably not more than three-quarters of the convictions obtained in our police courts would be deemed to be justified in England. They are seemingly more jealous of individual rights there than here. Whether this is mere surface protection I do not know.
Doubtless it is to some extent, but as a system the method of administering the criminal laws in London commends itself to us in many particulars. The substantial appearance of their court buildings and court rooms, the solemnity and dignity with which all legal proceedings are conducted, the length of time given to the trial of even the most trivial offenses, the searching cross-examinations, the amount of corroboration and proof required of the government to sustain a conviction, the explanation to each prisoner of his rights under the law, not allowing a prisoner's record to be read until after a conviction, and a plain logical statement of the reasons for finding guilt proven, are safeguards of justice and characteristics calculated to inspire even the lowest and most degraded of human society with a deep reverence for the majesty of law and the sacredness of individual liberty.