

### POLICE CONTROL.

The Police Reforms of Sir Robert Peel not only instituted a domestic police force quite different from anything which had preceded it, but superseded a curiously primitive system which had continued with but slight modifications from the earliest times. The English at the beginning of the last century were still dependent for the preservation of law and order upon the idea that the conservation of the peace was a matter of local rather than national importance; that duty was discharged in urban centres primarily by the burgesses upon whom lay the duty of watch and ward; by officials such as beadles, who were the direct descendants of the bailiffs of the Saxon Hundred; by constables appointed by the justices of the peace; and by the watch which was a more or less permanent force instituted in the larger boroughs to substitute for those burgesses who refused to watch and ward and paid fines which provided a fund for the wages of the hired watch. Rural England depended for its security on the sheriffs and justices of the peace, and the latter appointed such constables as were from time to time required for the purpose of executing the justice's process, or meeting an emergency.

The only centralized control over the general administration of justice was through such influence as the central government might bring to bear upon the individual justices of the peace, by means of royal proclamations, of which the Jacobean exhortation for the promotion of godliness and suppression of vice—until quite recently read at the opening of every Assize—is a good example.

London as might be expected was a little better equipped than other places, but considering its greater need the machinery was completely inadequate; a small force appointed by the magistrate at Bow Street for the purpose of executing magisterial processes and investigating serious crime when instructed by the justice to do so were reasonably efficient; and the "Bow Street Runner" was regarded with terror by the malefactor; but this force did very little ordinary police duty, which was left to the watch; and that body discharged its duties just about as well as could be expected when it is remembered that they were untrained, ill paid, had limited powers and no discipline.

In many parts of Continental Europe police forces upon a military model had been long established; as for example in France in the reign of Louis XIV. The facilities such a body offered to the central government particularly if it was despotic usually resulted in its being used for the purpose of oppressing the people it was designed to protect; and consequently the Continental example did not commend itself to a people like the English who were then in the throes of an industrial revolution; who had not as yet completely won the battle of constitutional freedom: and still remembered the Stuart policy of maintaining unconstitutional government by means of a standing army.

The force established as a result of Sir Robert Peel's activities was constituted in a novel way; the idea of the local nature of the duty of law enforcement was retained by making it obligatory on each county and county borough to maintain and equip a police force; a central control was provided by making each force subject to inspection by officers of the Home Office, the latter body being invested with sufficient powers to establish a general standard of equipment, discipline and efficiency. In all other respects the control and management of each force was left to the popularly elected council of the county or borough.

The results proved that the apprehension quite generally felt that the new force might be used for political purposes was unjustified; the English policeman is regarded by the public first of all as a protector and secondly as the embodiment of the power of the law against malefactors; and in discharging the last mentioned function the public expect that he will be efficient and fair; and in case he is not the man on the street wants to know the reason and has the means of finding out.

Canada and the United States as well as the rest of the British Dominions have modelled their police forces to some extent upon the English example. In the United States various experiments have been tried in the nature of a centralized control; for instance New York started out with a force solely governed by the city authorities; a scandal occurred on account of undue political interference with the force resulting in the establishment of a police district under a commission appointed by the State to the exclusion of all Civic control: that system prevailed from 1857 to 1870 when the civic authorities were again given the sole control and management of the city police. Generally speaking the cities and towns of the United States are the uncontrolled masters of their police, and in the

few whose policing is done by a force under a State Commission the general tendency is towards complete civic autonomy.

In Canadian urban centres the system adopted is the English plan the less centralized control: it is of course true that any provincial officers may function within the corporate limits of a city or town either with or without the co-operation of the local authorities: and that the Provincial Government may require the appointment by municipalities of constables: but beyond that the province has no supervision over the way in which the local authority discharges its duty.

The State of New York entirely missed the idea of control underlying the English system; and when the State interfered it entirely eliminated the element of civic control and responsibility: other states such as Massachusetts and Wisconsin, imitated the State of New York; therefore it seems clear that in the United States the system of control in vogue in England has never been applied.

It cannot be seriously argued that a policeman should be otherwise than *Cæsar's wife*, if he is to discharge his duties both efficiently and to the general satisfaction of the public; and that any system which results in any general disposition on the part of the public to suspect of impropriety either the force or the controlling body needs overhauling. So far as police systems are concerned neither Canada as a whole nor any of its provinces has any direct control over the urban police, if provincial forces charged primarily with the duty of law enforcement in rural districts are excepted; the institution of a central control by the Provincial Government of all forces within the province would not necessarily entail much expense. That control might be given to a small commission appointed by the province; the object of the supervision would be to secure uniformity of equipment, organisation and discipline and to secure that the activities of the police shall be properly directed and shall not be subject to political interference of any kind: the supervision would be achieved by regular inspection of every force in the province; by investigating any complaints by the public as to police methods and by any person whether a member of the force affected or not as to any matter affecting the discharge of its duty by a force or its members or affecting the internal discipline of the force; any enquiries would be made in public: and full reports made covering every force would be annually presented to the legislature. If the commission found a state of affairs which required remedial measures it would be their duty to recommend to the local authority the steps which

should be taken: and if these recommendations should be ignored, the government should have the power to disband the force, and provide any necessary police facilities at the cost of the local authority.

Light is as much the enemy of official irregularities as it is of crime; and a control as above outlined would secure the fullest publicity for the conduct and management of every police force; just so long as the sentiment of the public discountenances the discreditable, so long will improper practices be non-existent; and in the result the public will have everywhere a police force with a healthy morale commanding general respect and confidence.

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YOUNG FOLKS AND JUDGES ON ADULTERY.—Not once, but many times of late, the prevailing boy and girl artists, playwrights, critics and authors have spoken slightly and disrespectfully of the antique moral philosophy of our Judges. They have been called old fogies; their views have been comprehensively condemned under the Victorian label; it has been said they are entirely untouched by modern thought and that they have no knowledge of the world.

It is only natural that the Judges who hear and determine divorce and matrimonial causes should come in for the brunt of this fresh young modern assault. The poor President, Hill, J., and the others may hardly utter a single word of reproach against the grossest adulterer but these critics discharge a volley of verbal missiles at their exalted heads. Giving ear to the outcry of these Enfranchised Young People, one might imagine that the Judges led a life secluded and sheltered, almost monastic; and that their absurd views on woman and marriage were discredited and cast out by the best people fully ten years ago.—*The Law Journal.*