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The INTERPRETATION of CRIMINAL STATISTICS.

By the REV. WILLIAM DOUGLAS MORRISON.

[Read before the Royal Statistical Society, 15th December, 1896.
The President, JOHN B. MARTIN, Esq., in the Chair.]

CRIMINAL statistics of an official character are a product of the present century. In France these statistics date from the year 1825, and the form and method of constructing them has remained practically unaltered up to the present time. Criminal statistics were introduced into the Austrian empire in the year 1850. In England criminal statistics date from the year 1857. The criminal statistics of Italy date from 1880, and those of Germany from 1882. Some of the smaller European States, such as Belgium, Holland and Scandinavia publish criminal statistics on a comprehensive scale. On the other hand the criminal statistics of the United States and Switzerland are only prison statistics. This is owing to the fact that these countries do not possess a uniform criminal code.

In consequence of representations made by me in articles in the "Nineteenth Century," in "Mind" and elsewhere, the criminal statistics of England and Wales have recently been revised and improved. I am glad to observe that the editor has been following out the lines laid down for him in these articles in his introduction and in the statistical tables.

For the purposes of the present address I will divide criminal statistics into three fundamental branches: the first branch consisting of police statistics, the second branch consisting of judicial statistics, and the third consisting of prison statistics. I am well aware that the subject matter of criminal statistics is sometimes divided up in a different manner, and I do not desire to claim exclusiveness or finality for the method which I now adopt. As a matter of fact the manner in which the contents of criminal statistics may be divided and differentiated depends to a considerable extent on the objects in view. If, for instance, we are anxious to know how the criminal law is operating and how it is

being administered, we shall analyse and classify the contents of criminal statistics from that point of view. If on the other hand we desire to know the movement of crime, the criminal condition of the community and the relative value of the several methods by which these matters are to be ascertained, we shall adopt a somewhat different method of classifying the contents of criminal statistics. I have ventured to classify criminal statistics into police statistics, judicial statistics and prison statistics because I desire, at least in the first place, to point out the amount of weight to be attached to each of these methods of recording the nature and the proportions of crime.

Police statistics from our point of view may be conveniently defined as a body of returns relating to the number of offences annually reported to the police, and to the number of apprehensions effected by the police as a result of those reports. Statistics of this character are the most comprehensive account to be obtained of the annual dimensions of crime. Neither prison statistics nor judicial statistics can lay the same claim to completeness as police statistics. Prison statistics only take cognisance of the offender if he happens to be imprisoned as a result of judicial proceedings. In a very considerable number of cases offenders are not sent to prison even when judicial proceedings terminate in a conviction.

Let us give an illustration of this fact. According to the official returns for the year 1892 (p. 17), the approximate number of convictions in England and Wales amounted to 589,532. But the number of prisoners of all kinds committed to local prisons, whether on conviction or remand or for trial during a closely corresponding period, only amounted to 172,225 (p. 25). Thus we see that less than a third of the convicted population is ultimately committed to prison. This fact conclusively shows that prison statistics are not nearly such a comprehensive return of the total annual amount of crime as the statistics of convictions.

But the statistics of convictions in their turn are not so comprehensive as the statistics of cases tried. Let us illustrate this point by a second reference to the returns for 1892. According to these returns the number summarily proceeded against amounted to a total of 711,243; but of this number 131,338 were not convicted. In a certain proportion of the cases discharged it is probable that no offence coming within the operation of the criminal law had been committed. But even after making allowance for these cases, a very large number would remain; and as far as regards the remainder, the failure to convict would arise because the wrong person was before the court or because the evidence as to guilt was insufficient.

From a consideration of all these facts I draw the conclusion in the first place that prison returns are not such a complete index of the annual amount of crime as the returns of convictions; and in the second place, that conviction returns are not such a complete index as trial returns. These conclusions bring me to the last point, namely, the relation between the returns relating to cases tried and the returns relating to apprehensions and offences reported to the police. It hardly requires to be stated that the number of apprehensions and the number of offences reported to the police are a more complete index of the annual volume of crime than either the statistics of trials, convictions or imprisonments. The statistics of offences reported to the police are the most complete of all. These statistics are more complete than the statistics of apprehensions, for the very simple and obvious reason that large numbers of crimes are being constantly reported for which no one is ever apprehended. I will take an illustration of this fact from the official statistics for 1894 (p. 49). According to the police returns the annual average of prosecutions for indictable offences in 1890-94 amounted to 56,070. But the number of indictable crimes reported or known to the police for the same period amounted to 83,777. It will be seen from these figures that a very high percentage of the cases of serious crime never get beyond the stage of being reported to the police. It will also be seen that the number of serious offences known to the police is vastly in excess of the apprehensions effected, and is therefore a fuller record of the annual amount of serious crime.

But it would be a mistake to suppose that the number of crimes known to the police is a complete index of the total yearly volume of crime. The actual number of offences annually committed is always largely in excess of the amount of officially recorded crime. This arises from a variety of causes. In the first place all official returns, however accurately and comprehensively they may be constructed, can only deal with cases which come to the ears of the authorities. But it is hardly necessary to observe that a considerable number of offences of almost every description are constantly being committed which do not reach the ears of the authorities at all. Mr. Chamberlain made a statement at Birmingham a few years ago in which he said that the Society for the Prevention of Cruelty to Children had dealt with no fewer than 8,810 cases of criminal cruelty in the course of ten years. Of all these cases only 1,497 were brought to the notice of the police. In a report to the Town Council of Manchester, the Chief Constable stated that in 1891 commercial houses were robbed by persons of good education of sums amounting in all to upwards of 90,000*l.*, and that in most cases the perpetrators of these offences

were not prosecuted at all. Instances of a similar character to those just mentioned might be multiplied a hundredfold, but these instances are sufficient to show that the amount of crime reported is a very inadequate index of the amount of crime committed. The silence, stealth and secrecy which play so essential a part in the operations of most criminal offenders must always have the effect of preventing the State from arriving at an exact estimate of the full extent of crime. On this grave subject, as well as in many other matters of the highest social importance, we must be contented with approximations.

I will now proceed to deal with the second branch of criminal statistics, namely, judicial statistics. Judicial statistics are concerned with the number and nature of offences for trial, and the result of the proceedings whether in the shape of acquittal or conviction. These statistics, as I have already stated, are not so comprehensive as the statistics of offences known and reported to the police. But compensation is, in many cases, a law of statistics as well as a law of life. What judicial statistics want in comprehensiveness they gain in accuracy and minuteness. Police statistics relating to the number of offences committed must contain a certain percentage of false and frivolous charges, and in so far as this is the case they are an incorrect and untrustworthy representation of the criminal condition of a community. To what extent police returns are rendered unreliable by recording false accusations, frivolous accusations, and imaginary offences it is of course impossible to say; but they must contain a considerable number of them, and this fact alone, to a certain extent, vitiates their value. It is partly on this account that the criminal statistics of the chief continental States do not contain a record of cases reported to the police. English, Scotch and Irish criminal statistics contain this record in so far as serious crime is concerned. I think, on the whole, the official returns of the United Kingdom are right in presenting a record of crimes committed.

The value of such a record can be amply justified on one ground alone. As I have already pointed out, the statistics of crimes committed is only an approximate index of the full extent of crime. These statistics omit many offences which do not come under the cognisance of the criminal authorities, and they include many charges which are afterwards found to be without foundation. These are serious and inevitable defects, and if the statistics of crimes reported to the police possessed no compensating advantages, it would not be worth while retaining them in the official returns of crime.

Happily these returns possess at least two great compensating advantages: they enable the community to ascertain the efficiency

of police administration, and in the second place they are in many ways a good test of the extent to which the population is in sympathy with criminal law. Let me proceed to illustrate the first of these two points. The efficiency of police administration in its capacity as an agency for the detection and apprehension of criminals is to be measured to a considerable extent by the relation which exists between the number of offences reported to the police and the number of persons prosecuted or convicted. According to a return in the English criminal statistics for 1894 (p. 49), it appears that there were prosecutions in 67 per cent. of the cases of crimes reported to the police, and convictions in 50 per cent. of the cases reported to the police in the years 1890-94. With certain reservations the efficiency of the police is to be measured by the percentage of prosecutions and convictions on the number of offences reported. As is truly pointed out in the official statistics for 1894, the real efficiency of the police is somewhat higher than the percentage of persons prosecuted and convicted would at first sight imply. But this circumstance does not affect the point with which I am at present concerned. That point is, that the returns of offences reported to the police are not so valueless as some continental statisticians seem to suppose. These returns when compared with the returns of prosecutions and convictions are on the whole a fairly satisfactory index of the efficiency of police administration. This general statement is, however, subject to one important reservation:—it is a statement which only holds good when a community is living under normal political, social and economic conditions. Whenever a community is seriously affected by any extraordinary conditions of the character just mentioned, then the percentage of trials and convictions to crimes committed ceases to be an index of police efficiency. The reason of this is that all unusual disturbances in the body politic affect the attitude of the population towards the criminal law. Whilst such disturbances are in existence considerable sections of the population are less in sympathy with the law. In such circumstances it is more difficult for the police to get evidence and information from the general public. The presence of this difficulty at once diminishes the efficiency of the police, and raises the percentage of cases which escape trial and conviction.

The effect of abnormal conditions in the community on the efficiency of the police will help to illustrate the second point to which I now wish to call attention, namely, the value of the statistics of crimes committed as an index of the general attitude of the population towards the criminal law. Where a country possesses an efficient police force, and the statistics of crimes com-

mitted, together with the statistics of offenders tried and convicted, exhibit a high percentage of unpunished crime, the reasonable inference is that the community in which this state of things exists is hostile to the criminal law, or at least to certain portions of the criminal law. This is always an ominous condition of affairs. It is calculated to arouse the earnest solicitude of statesmen and administrators wherever it exists. In the end law of all kinds, criminal as well as civil, is resting on public opinion. Its practical if not its ultimate sanction is public opinion, and its coercive power is dependent on the extent to which it is supported by public opinion. As soon as public opinion as a whole, or even a considerable section of public opinion, is hostile or indifferent towards the criminal law, the effect of this hostility or indifference is immediately seen in a diminution in the number of persons tried or convicted when compared with the number of offences committed. A concrete illustration of this principle is the low percentage of offenders apprehended and tried in Ireland for agrarian offences committed. Most of these agrarian offences consist of malicious offences against property. According to the Irish official statistics the number of malicious offences against property of an agrarian character committed in 1888 amounted to 776. The number of persons apprehended for these offences only amounted to 121, and of this number only 63 were ultimately bailed or committed for trial. The exceedingly small proportion of persons apprehended and tried when compared with the number of crimes committed, arises from the notorious fact that the Irish people are out of sympathy with the law relating to agrarian offences. Therefore those statistics are valuable as a warning to statesmen, administrators and the public, that a certain section of the population is for some reason out of sympathy with at least a portion of the criminal law. Inasmuch as penal law is resting on public opinion, such a condition of things can never be regarded as satisfactory.

It is the merit of police statistics to call attention to facts of this character. These facts do not come to light with the same fulness in the judicial statistics. The only manner in which judicial statistics shed light on the attitude of the population towards the criminal law is in the percentage of convictions to the number of cases tried. Where the percentage of convictions to the number of trials is low, this usually arises from the fact that it is exceedingly difficult to get evidence. When there is a difficulty in procuring evidence, this means that the population is unwilling to co-operate with the criminal authorities; it is a proof that the law is not supported by public opinion. But the full extent to which the law lacks this support is not brought out in judicial

statistics; police statistics alone provide us with this information. It is for this reason that their place cannot be properly filled by judicial statistics, as some continental statisticians are inclined to believe.

I trust I have now dealt in sufficient detail with the inadequacy of judicial statistics or, in other words, the statistics of trials and convictions as the most satisfactory test obtainable of all the features connected with the criminal condition of the community. I will now confine my remarks to the contents of judicial statistics. The first observation to be made upon the point is that judicial statistics, and in fact criminal statistics as a whole, increase in accuracy in proportion as judicial proceedings are developed. The fact has already been referred to that the statistics of offences committed and of offenders apprehended are less accurate than the statistics of cases tried. It has now to be remarked that the statistics of cases tried are in their turn less accurate than the statistics of convictions. The reason that convictions are more accurate than trials rests upon the following considerations. In the first place, until an offence has been submitted to the judgment of a properly constituted tribunal it is impossible to say in what the offence has actually consisted, or whether an offence of a criminal character has been committed at all. It is a matter of every day occurrence, especially in courts of summary jurisdiction, for a supposed offender to be discharged on the ground that no offence has been committed coming within the operation of the criminal law. The statistics of trials include all these cases, and in so far as they include these cases the statistics of trials are an incorrect representation of the criminal condition of the population.

The statistics of trials also include a number of cases in which the offender is convicted for a different offence from the one with which he is charged. In 1894, for instance (see "Criminal Statistics," p. 27), 97 persons were indicted for murder. Of these 97 persons, 31 were either acquitted or found insane, whilst 66 were convicted. But of the 66 convicted only 29 were convicted of murder, that is to say of the offence for which they were tried the remaining 37 were convicted either of manslaughter, or of concealment of birth, or of procuring abortion. The result of these criminal proceedings in trials for murder shows that the statistics of cases tried are not such an accurate representation of the actual offences as the statistics of convictions. When all the evidence connected with the case is gone into and is subjected to the minute and searching scrutiny of a court of justice, it is frequently found that the charge preferred against the offender is different from the offence for which he is ultimately convicted. It is possible of course that there are cases in which the charge

preferred at the trial is a correct statement of the actual offence, while the conviction only represents what has been legally proved ; but the broad distinction between the value of the two sets of statistics is that in the one case—the case of trials—we are dealing with probabilities which have not been legally established, while in the other case we are dealing with charges which have been substantiated by all the machinery of a court of law. It is therefore justifiable to conclude that the statistics of convictions are the nearest possible approximation to the actual facts.

I hope I have now succeeded in showing that the accuracy of criminal statistics increases with the development of judicial proceedings. My next step will be to show that the accuracy of criminal statistics increases with the gravity of the offences. Statistics relating to offences of a comparatively simple character, such as drunkenness, offences against the Education Acts, and many other offences of a somewhat similar description, are not on the whole so accurate as the statistics of grave offences against person and property. The reasons for this are obvious. Where offences are not of a serious character there is not the same disposition on the part of the public to report them to the police. A case of drunkenness, for instance, is not so likely to be reported to the police as a case of theft ; a case of theft is not so likely to be reported as a case of burglary, and a case of burglary is not so likely to be reported as a case of murder. In addition to these circumstances it is to be recollected that the activity of the police in hunting down offenders is also determined to a considerable extent by the nature of the offence ; when the offence is of a comparatively trifling character, it is not so much in the interests of social security that the offender should be apprehended as when the offence is of a serious character. It is not, for example, so much in the interest of social security that a petty thief should be arrested, as that a person charged with murder should be arrested. Again, in that large class of offences which are known on the continent as *contraventions*, and many of which can hardly be described as criminal, the annual numbers will depend to a very large extent on the orders given to the police. If it is at any time considered necessary that these contraventions should be strictly dealt with, the police will receive orders to this effect from the administrative authorities ; greater vigilance will immediately be exercised in relation to these offences ; the judicial statistics will record a greater number of such cases for trial. But in such circumstances it would be a mistake to suppose that there has been an actual increase of such cases in the community ; the increase may be entirely accounted for by the increased vigilance of the police.

On the other hand, cases may diminish in the official records of crime if the police are more forbearing in the exercise of their functions. Let us take drunkenness as a probable instance of this fact. During the last twenty years, the proportion of persons tried for drunkenness to every 100,000 of the population has on the whole steadily decreased.

Trials for Drunkenness per 100,000.

1874-78.	1879-83.	1884-88.	1889-93.	1893.	1894.
812	698	636	615	568	595

But it is very difficult to say whether this decrease in the official returns represents an actual decrease in the amount of drunkenness, or whether it merely represents a greater amount of leniency on the part of the police in dealing with the intemperate portion of the population. The report of the Registrar-General gives some colour to the latter view. In his fifty-third annual report the Registrar-General says that: "The deaths attributed to intemperance have increased year by year since 1884, and in 1890 were both absolutely and relatively to the population more numerous than in any previous year." In connection with this important statement of the Registrar-General it is to be recollected that there may now be somewhat greater accuracy in registering deaths due to excessive drinking. But even after making allowance for this probability, it is hard to reconcile the Registrar-General's returns with the criminal returns. The Registrar-General's returns point to an increase of intemperance. The criminal returns point to a decrease. Both returns are resting on statistical data, and both are pointing in opposite directions. It seems to me that the most obvious way of reconciling these conflicting returns is to suppose that the police are becoming more forbearing toward the intemperate classes. If this should turn out to be correct, we should have to infer that the decrease of intemperance as measured by the decrease of trials for this offence before the criminal courts must be accepted with considerable reservations. It may be a decrease produced entirely by the action of the authorities, and may not represent a real decrease in the proportions of intemperance. Other illustrations of the effect of the attitude of the authorities on the statistics of petty crime might easily be adduced, but enough I think has been said to show, first, that the officially recorded fluctuations of petty offences are not always to be accepted as an accurate index of the real movement of these offences; and,

secondly, that petty crime is not such a correct index of the criminal conditions of a community as serious crime.

The manner in which the trustworthiness of judicial statistics is determined by the nature of the crime will assist us in dealing with the exceedingly difficult and complicated question as to whether crime is increasing or decreasing among civilised communities. I will now address myself to this problem, and to the difficulties which surround a satisfactory solution of it.

It is as well to state at the outset that all competent statisticians are agreed that the movement of crime in a community cannot be determined by a reference to the movement of the prison population, or, in other words, by an appeal to prison statistics. Prison statistics relate to the movement of crime by tabulating the annual number of committals to prison, and by registering the average prison population throughout the year. I will endeavour in the first place to show the inadequacy of the number of committals and of the daily average prison population as a test of the fluctuations of crime. For this purpose I will select the English returns relating to the prison population. According to these returns (see Appendix J) the daily average prison population, both in local and convict prisons, has decreased almost continuously year by year during the last seventeen years. At first sight this continuous diminution of the prison population looks exceedingly like a corresponding decrease in the amount of crime. But a closer examination of the matter shows that a decreased prison population is not necessarily produced by a decrease of crime. The daily average prison population depends on the duration of sentences, and not on the amount of crime. If sentences are being made longer by the sentencing court, the prison population—other things being equal—will increase in numbers, even if there has been no corresponding increase in crime. If on the other hand sentences are being sufficiently shortened the prison population will diminish, even if there is an increase in the amount of crime. As far as the average prison population is concerned, twelve men sentenced to one month apiece do not count for more than one man sentenced to twelve months. If, as an act of clemency to celebrate the anniversary of the longest reign in English history, the sentences on every prisoner were to be commuted to one-half of their original term, the prison population would diminish one-half. Considerations of this character at once explain why the prison population cannot be accepted as a test of the movement of crime. I had occasion to press these considerations on public attention a few years ago when wild statements were flying about as to the decrease of crime based upon a decrease of the prison population. It is of

course to be admitted that if sentences were of the same length at the present day as they were about twenty years ago, then the prison population would be an approximate index of the movement of crime. But we know as a matter of certainty that sentences are not so long now as they were twenty years ago. Even within the last ten years there has been a marked tendency towards reducing the duration of sentences. I will take as a statistical instance of this notorious fact the figures relating to sentences of penal servitude passed at sessions and assizes in 1883 and 1893. Penal servitude, I need hardly remind you, is a form of imprisonment in which the sentence ranges from a minimum of three years to a maximum of detention for life. It will be seen (by consulting Appendix II) that in the year 1883 the number of persons sentenced to penal servitude at assizes and quarter sessions amounted in round numbers to 121 in every 1,000 convictions. Ten years afterwards, in 1893, the number of persons sentenced to penal servitude only amounted to 99 in every 1,000 convictions. These figures exhibit a very material decrease in proportion of sentences to penal servitude in the short space of ten years. If the figures are looked at in detail it will be seen that the length of sentences to penal servitude has diminished as well as the proportion of persons sentenced.

Exactly the same state of things is reproduced when we examine the sentences to imprisonment passed at sessions and assizes during the ten years already mentioned. The duration of imprisonment ranges from a single day to two years. The proportion per 1,000 sentenced on conviction to imprisonment dropped from 835·26 in 1883 to 802·20 in 1893. Side by side with the drop in the proportion of sentences to imprisonment there runs a corresponding drop in the length of these sentences. This may be illustrated by two instances. In 1883 the number per 1,000 sentenced to more than one year amounted to 116·15. In 1893 the number sentenced to more than one year only amounted to 81·41. In 1883 the number per 1,000 sentenced to more than six months amounted to 265·27. In 1893 the number sentenced to more than six months dropped to 119·44. It is obvious from these figures that the length of sentences, as well as the numbers sentenced to imprisonment, has considerably diminished within the last ten years. According to the criminal statistics for 1894, this process of reducing the length of sentences and of substituting other penalties in lieu of imprisonment is still going on. This process may be comprehensively described as a mitigation of the severities of the criminal law. The rigours of the criminal code are being relaxed, owing to the wholesome growth of more humane feelings

in the community and among the administrators of justice. The effect of this change in public sentiment is reflected in a diminution of the prison population. But we must beware of confounding this diminution in the number of offenders under detention with a corresponding decrease in the proportions of crime.

Before leaving the subject of the relation between prison statistics and the movement of crime, I will take note of one or two objections to the line of argument I have adopted in discussing the mitigation of sentences. In the first place it may be alleged that sentences are shorter now than they were some years ago, because the offences for which the criminal population is tried are not so serious as the offences committed ten years ago. This would be a sound objection if it were based upon facts, but unfortunately it is not. The two most serious classes of offences are crimes of violence against person and property.

If we take the annual average of these offences for the five years 1879-83, and compare them with the annual average of the five years 1889-93, it will be found that offences of the most serious description have increased in the latter period. In 1879-83 the number of persons tried for indictable offences against the person amounted to 2,332. In 1889-93 the number of similar cases tried amounted to 2,585. Again, in 1879-83 the number tried for crimes of violence against property amounted to 1,834; in 1889-93 the number of such cases amounted to 1,883. (Appendix III.)

Broadly speaking these returns show that there has been no decrease in the most serious kinds of crime within the last ten years. The contention that sentences have been shortened because the gravity of crime has decreased has no foundation in fact.

There is still another objection which requires to be met: that objection is that a larger proportion of offenders sentenced to-day are not so hardened in crime as was the case with offenders sentenced ten years ago. Unfortunately this objection must also be driven off the field. All criminal statistics both in this country and abroad tend to show that the percentage of habitual offenders coming before the criminal courts is steadily on the increase. A portion of this increase may be accounted for by the perfecting of our identifying machinery. But improvements in identifying machinery will not alone account for the statistical increase of recidivism. It is my firm conviction that recidivism is increasing not because sentences are being shortened but because penal law and penal administration usually aggravate the conditions which have originally made a man a criminal. If these adverse conditions are aggravated it follows as a matter of certainty that the casual offender degenerates into a habitual

criminal. He swells the proportion of recidivists who come before the criminal courts.

Without pursuing the subject any farther I think we may now safely come to the conclusion that the decrease of committals to prison and the shortening of sentences which have taken place during the last generation do not arise from the fact that crime has become less serious or because there are fewer habitual criminals, but from the fact that the penal law has become distinctly milder in its operation. In the case of juveniles this increased mildness exhibits itself in the practical abolition of imprisonment for all children under 16 years of age. For these children admonition, probation, recognisances, fining, educational institutions are more and more taking the place of the prison cell. In the case of adults, with the exception of educational institutions, exactly the same methods are at work, and when loss of liberty has to be resorted to as a punishment the duration of detention within a local prison or in penal servitude is being shortened year by year.

I shall now proceed to deal with judicial statistics, or the statistics of trials and convictions as a test of the movement of crime. The criminal statistics of the German Empire take the returns relating to convictions as the most accurate test of the movement of crime in Germany. I have already pointed out that convictions are more accurate than trials because it is impossible to say with exactitude what sort of crime has been perpetrated till the matter has been impartially examined by a court of justice. French, Italian and English criminal statistics found their comparisons of one period with another on the basis of cases tried. In analysing the English returns I will adopt the English method of comparison, although it is not quite so accurate. As I have already stated, the more serious the offence, the more accurate it is as an index of the movement of crime. The most serious class of offences in this country are indictable offences. What do the returns teach us as to the number of persons tried for these offences during the last twenty years, and how are these returns to be interpreted? According to the returns (Appendix III) the total number of indictable offenders tried has increased since 1874-78. But it is to be recollected that there has been a considerable increase in the population since 1874-78. In order to make an exact comparison between now and twenty years ago, we must ascertain whether this increase has kept pace with the growth of population. A reference to the figures in Appendix IV will show that the total number of indictable offenders tried has not increased with the increase of the general population. The only classes of indictable offences which have increased faster than the growth of

population are sexual offences and robbery with violence. In every other class the percentage of offences to the population has diminished.

Before proceeding to appreciate the value of these returns, I will venture upon one remark as to the manner in which the table exhibiting the proportion of indictable offences to the population is constructed. A reference to the contents of this table will show that in estimating the proportion of indictable offenders tried, the total population of England and Wales is taken as the basis of comparison. Where criminal statistics are concerned, I submit that it is a mistake to take the total population in making computations. A vast number of the population have not reached the age of penal responsibility, and are therefore legally incapable of committing an indictable offence. In England all children aged less than 7 are under the age of criminal responsibility; they do not come within the operations of the criminal law. According to the last census these children amount to almost five millions; and although they are criminally irresponsible, they are included in our present returns relating to the proportion of indictable offenders to the general population. In estimating the proportion of offenders tried to the population, only that portion of the community should be included which has attained the age of penal responsibility; to include babies in arms and others in similar circumstances in such a computation is a manifest absurdity.

We will, however, take these statistics as they stand as an approximate index of the proportion of indictable crime to the general population. These figures no doubt show that although the total volume of indictable crime has increased since 1874-78, it has not increased as rapidly as the growth of population. Are these figures to be accepted without any modification? I propose to show that they are not. In discussing the decrease of the prison population I have pointed out that it has almost entirely arisen owing to a decrease in the duration of sentences and the substitution of other penalties, such as fining, etc., in lieu of imprisonment. This process I attributed to the growth of humane feeling in dealing with the delinquent population. The adoption of a milder attitude towards criminal offenders is not confined to a mitigation of the penalties inflicted on them after trial and conviction; it exhibits itself in a variety of forms, and its concurrent effect is to diminish the proportion of indictable offenders tried before the courts. Quite recently a judge sitting in one of the London courts stated that there was a growing unwillingness on the part of the public to prosecute. It would be difficult to produce statistics to show the extent to which this feeling prevails,

or the extent to which it has grown within the last twenty years. But if this indisposition to prosecute has grown with as much rapidity as the growth of leniency to offenders who are tried and convicted, it would at once explain the diminution in the proportion of indictable offenders tried to the general population. In these circumstances we should have a statistical decrease in the number of indictable offenders which would not represent a real decrease in the proportions of indictable crime. Again, it is notorious that the functions of the minor criminal courts—the courts of summary jurisdiction—have been vastly enlarged in recent years, and the tendency to enlarge their functions still further is constantly going on. As a matter of fact, the number of indictable cases tried summarily vastly outnumber the indictable cases tried at sessions and assizes.

Annual Average, 1890-94.

Indictable offenders tried summarily.....	56,323
„ „ at Sessions and Assizes	11,989

The tendency to remove indictable charges from the jurisdiction of the higher courts and to dispose of them by summary proceedings is supplemented by the tendency to exclude many charges which are technically indictable from the indictable list altogether.

When these circumstances are taken into consideration in the interpretation of the figures relating to the fluctuations of crime, it would be rash to assume that these figures represent anything more than a nominal decrease in the proportions of crime to the population: changes in criminal law, changes in judicial procedure, changes in the attitude of the public and the authorities towards offenders and offences, all bear their part in affecting the statistics of crime and in making it exceedingly difficult to say whether there is a greater amount of crime at one period than at another.

I will now say a few words on international criminal statistics. From time to time the value of international criminal statistics has formed the subject of interesting and important papers in the bulletin of the International Statistical Institute. In some of these papers the practicability of instituting comparisons of an international character has been discussed. I am inclined to agree with the report of Dr. Starcke of the German Statistical Bureau, that the attempt to institute such comparisons is at present impracticable. This arises from the circumstance that no two nations classify crime in the same manner. No two nations have the same criminal law or the same methods of criminal administration. Until there is something approaching to similarity in these important respects, a mere confrontation of figures drawn from the criminal

statistics of civilised communities cannot have any satisfactory results in determining the position which each nation holds in the scale of criminality. Although international statistics are not as yet of much use for the purposes of comparative criminality, they are on the other hand of considerable value as an index of the general conditions which tend to produce crime amongst civilised peoples. On looking, for example, at the geographical distribution of crime as it is exhibited in international criminal statistics, we find a close relationship between the ratio of crime and the distribution of the population. In any community where the population is thinly distributed the ratio of crime is lower than where the population is dense. Whether we look at the criminal statistics of Germany or Italy, France or England, we always find that crime is high where population is dense, and comparatively low where population is sparse. International criminal statistics, by widening the basis of comparison, assist us in our attempts to understand the relation which exists between the distribution of population and the volume of crime. International statistics also assist us to understand the relations which exist between age and crime, sex and crime, occupation and crime. In short, the value of international statistics lies in the fact that they shed light on the general conditions which tend to produce the criminal. These statistics do not tell us whether one country is more criminal than another, but they do tell us something about the general causes of crime: and after all it is of vastly more importance to know what the causes of crime are than to know in what community crime is most rampant.

In fact the value not merely of international criminal statistics, but also of national criminal statistics, is to a great extent to be measured by the amount of light they throw on the conditions which produce the criminal population. We shall never be able to diminish crime until we know the conditions which are producing it. It is only by statistical methods that these conditions can be fully ascertained. In a general way these methods have already revealed the fact that criminal conduct is the direct result of the individual condition or the social conditions of the offender, or of both sets of conditions acting in combination. The most important individual condition in determining the nature and intensity of criminal tendencies is sex. International criminal statistics unanimously point to the conclusion that males are more addicted to crime than females. Among individual conditions age comes next in importance to sex in determining the character and amount of crime. On this point international statistics tell the same tale as national statistics. The remaining individual conditions may be summed up as the

physical and mental characteristics of the offender. In recent years a very great deal has been done in the direction of ascertaining what these physical and mental characteristics are. The results of statistical investigation tend to show that there is a much higher ratio of physical and mental degeneracy among the criminal population than among other sections of the community. The inquiries into the physical condition of the criminal population by such men as Lombroso, Marro and Ferri in Italy, by von Baer and others in Germany, by Laurent, Féré and Dallemagne in France and Belgium, all point to the conclusion that criminals exhibit a larger percentage of physical anomalies of a degenerative character than the general population. In England Dr. Warner has instituted inquiries of a somewhat similar character with reference to the industrial school population, and he reaches practically the same conclusions. That there is a relation between crime and physical degeneration may be accepted as an established fact. It remains for criminal statistics in the shape of prison statistics to show the closeness and the extent of this relation. The relation between mental degeneracy and crime is also beginning to be exhibited by statistical methods. Insanity is one of the acutest forms of mental degeneracy. The annual amount of insanity arising in the general population over the age of 15 amounted to 8 per 10,000 in the three years 1890-92, the annual ratio of insanity in local prisons for a similar period amounted to 226 per 10,000. These figures show that there is a close connection between mental infirmity and the tendency to crime.

One of the most pressing tasks of criminal statistics at the present moment is to exhibit the proportions of mental and physical degeneracy in the criminal population under detention. The satisfactory performance of such a task would lead to two important practical results: in the first place it would pave the way for the rational treatment of degenerates under detention in prisons. In the second place it would show the community to what extent individual degeneracy was responsible for crime. If crime is to be diminished it can only be diminished by mitigating the conditions which produce it, and there can be no doubt that individual degeneration is one of these conditions.

Criminal statistics show that crime is a product of social as well as individual conditions. We see a proof of this in the connection between occupation and crime. No doubt the existing materials for estimating the effect of occupation on the tendency to crime are very imperfect. But they help to bring one fact into view: there is a high percentage of unskilled workers in the prison population of England as compared with the percentage

of this class of workers in the general community. In 1893 the percentage of labourers in the prison population amounted to 64·9 per cent. The percentage of labourers in the general population amounts to only 16·6 per cent. These figures must be accepted as the merest approximations, but they offer a sufficient indication of the fact that the lower down we descend in the ranks of industry, the higher we ascend in the proportions of crime. The principal cause of this, no doubt, is that general labourers are recruited as a rule from the most backward, the most impoverished, the least self-respecting class of the community. Moreover the general labourer is also very irregularly employed, and irregularity of employment is a fruitful source of crime.

Another interesting fact in connection with social conditions and crime is that pauperism and crime are not so closely allied as would naturally be supposed. When we proceed to compare the local distribution of crime and pauperism in England and Wales we find as a rule that there is least crime where there is most pauperism. I will select a few examples of this condition of things from a book I am about to publish on Juvenile Offenders.

“On the 1st January, 1892, the number of paupers in England and Wales per 1,000 of the estimated population amounted to 26·2. Below this average for the whole country are the counties of Lancashire, Cheshire, Northumberland, Warwick, Middlesex, Durham, and several others. Now it is a remarkable circumstance that all the counties which have just been mentioned as showing a percentage of pauperism below the average, at the same time exhibit a percentage of juvenile crime, and of crime in general above the average. On the other hand, if we look at the counties which are most burdened with pauperism, we find that a very large proportion of them are counties with a very small percentage of either juvenile or adult crime. In the counties of Norfolk, Dorset, North Wales, which contain more than 40 paupers per 1,000 of the population, there is not half as much crime of any description as exists in counties containing less than 20 paupers per 1,000 of the population. The county which shows the lowest percentage of pauperism is Lancashire, but it is nevertheless one of the districts which has the highest ratio of juvenile crime. The county of Norfolk has the largest number of paupers per 1,000 of the population, but it has a comparatively small amount of juvenile and adult offenders.

“What are the most probable causes of this remarkable disparity between the ratio of pauperism and the ratio of crime? In addition to the causes already noted as producing a high rate of crime in large centres of population, the method of administering the poor law requires to be mentioned. In order to

RELATION BETWEEN OFFENCES (TRIALS) AND PAUPERISM (OUTDOOR AND INDOOR)

Figures from Census of England & Wales, 1891.

“ prevent wholesale imposture the guardians of the poor in our
 “ densely populated districts are obliged to administer the law to
 “ a greater or less extent on certain hard and fast principles. It
 “ is almost impossible for them to know the real antecedents
 “ of a large proportion of the applications for relief, and one
 “ of the inevitable results of this lack of accurate information
 “ respecting the cases which come before them is that applications
 “ for poor law relief are, as a rule, dealt with more rigidly in towns
 “ than in the country. It is therefore probable that the refusal of
 “ assistance, or the knowledge that assistance will be refused if
 “ applied for, while it has the effect of reducing the numbers on
 “ the poor rate in our large cities, has also the effect of swelling
 “ the proportions of crime in them. In the country districts, on
 “ the other hand, the poor law is administered by persons possess-
 “ ing an intimate knowledge of the real economic circumstances
 “ and antecedents of almost all applicants for assistance. These
 “ applicants, unlike the city poor, are not a floating population
 “ which are here to-day and somewhere else to-morrow; they
 “ are not composed of people for the most part without a
 “ history or a settled home. Almost all of them have resided from
 “ childhood upwards in the same village or the same neighbour-
 “ hood. It is easy to trace their previous history, and to acquire
 “ an accurate knowledge of their character, their habits and the
 “ most important vicissitudes in their humble career. It would
 “ appear that this intimate and minute acquaintance with all
 “ the details and circumstances of each case is of considerable
 “ importance in connection with poor-law administration—
 “ in fact, it is probably a partial explanation of the differ-
 “ ence in the ratio of pauperism in the agricultural districts
 “ as compared with commercial and industrial centres. Inasmuch
 “ as it leaves the greater poverty of the agricultural labourer out
 “ of account, as well as his immemorial attitude towards the poor
 “ law, this explanation is obviously of a partial character;
 “ nevertheless it counts for something; and, as far as crime is
 “ concerned, the more general distribution of poor-law relief in
 “ the country than in the towns is undoubtedly to be reckoned as
 “ one among the many reasons why the country population is less
 “ criminally disposed than the urban population.

“ It is not, however, to be supposed that a more rigid adminis-
 “ tration of the poor-law system in the country districts will have
 “ the effect of raising the rate of crime to the same high level as
 “ exists in towns. If crime were merely a product of poverty this
 “ would no doubt be the case, but it is a well ascertained fact that
 “ a multitude of offences against the criminal law are not the
 “ result of economic causes. Innate disposition, parental example,

“social surroundings, social habits, the presence of temptation and opportunity, all play a more or less prominent part in determining the extent and intensity of crime. Several of these causes operate much more powerfully in the towns than in the country. As far as the amount of crime is concerned there is accordingly every reason to believe that densely populated centres will always be at a disadvantage as compared with thinly peopled districts. Offences against the person, for instance, are very seldom the direct result of economic causes. Owing to the extensive opportunities for contact and conflict arising out of the existence of a highly concentrated population, offences of this character are more numerous in towns, in proportion to the inhabitants, than in the country. It is the same with drunkenness. The opportunities for becoming intoxicated are much greater in towns than in the country, inasmuch as the public house is almost always closer at hand. Offences against property stand upon a somewhat similar footing. The opportunity of committing such offences, and therefore the temptation to commit them, is always greater in towns; the consequence is that a larger number are committed by the town populations. These examples are sufficient to demonstrate that an equalisation of the economic conditions of existence as between town and country would not necessarily be followed by a corresponding equalisation of the ratio of crime.”

Whilst the relation between pauperism and crime is not so close as might naturally be supposed, it must on the other hand be recollected that there is an intimate relation between economic vicissitude and crimes against property. The ups and downs of trade are reflected in criminal statistics. Periods of economic prosperity are periods in which offences against the person have a tendency to increase. Periods of economic adversity are periods in which offences against property exhibit a tendency to rise. I will venture to state the relations between economic conditions and crime in the following terms: other things being equal, districts where the standard of life is low, but which are comparatively free from extreme economic vicissitudes, will be less criminal than districts where the standard of life is higher, but where the population is from time to time exposed to violent economic ups and downs. It would be impossible for me within the compass of this paper to enlarge upon the variety of social conditions which tend to produce crime. Among these conditions may be mentioned social habits, such as the habit of carrying arms, social convulsions, such as wars and political uprisings, social institutions, such as militarism. Enough however has been said to show that crime is the result of individual and social conditions, mostly of an adverse

character. These conditions sometimes act singly, but more often in combination. Penal law and penal administration, no matter how rigorous they may be made, do nothing to alter these adverse conditions. It is for this reason that merely punitive agencies are so helpless in the contest with crime. In that contest the only effective agencies are agencies of an ameliorative character. Crime will diminish in proportion to the progress of individual and social amelioration. Progress of this character removes the causes from which crime proceeds. *Cessante causa, cessat effectus.*

APPENDIX.

I.—*Statement showing the Number of Prisoners of Both Sexes in Local and Convict Prisons, during the Seventeen Years following.*

Year.	Population.	Remarks.
Year ending 31st March, 1880....	30,134	
" " " '81....	28,324	
" " " '82....	28,043	
" " " '83....	28,058	
" " " '84....	27,140	
" " " '85....	25,866	
" " " '86....	23,714	
" " " '87....	22,539	
" " " '88....	21,799	
" " " '89....	21,250	
" " " '90....	19,748	
" " " '91....	18,365	
" " " '92....	17,425	
" " " '93....	17,653	
" " " '94....	18,233	
" " " '95....	17,752	
" " " '96....	17,614	

II.—*Table of Sentences passed at Assizes and Quarter Sessions in 1883 and 1893.*

	Number.		Proportion per 1,000 Convictions.	
	1883.	1893.	1883.	1893.
Death	23	28	2'03	2'89
Penal servitude—				
Above 15 years.....	33	7	3'35	0'72
15 years and more than 10....	28	24	2'47	2'48
10 " " " 5....	427	161	37'63	16'61
5 " " under	885	768	77'99	79'24
Total penal servitude	1,378	960	121'45	99'05
Imprisonment—				
Above 1 year	1,318	789	116'15	81'41
1 year and above 6 months....	3,010	1,933	265'27	199'44
6 months and above 3 months	2,805	2,260	247'20	233'18
3 " " " 1 month	1,545	1,675	136'16	172'82
1 month and under.....	777	1,118	68'48	115'35
Total imprisonment	9,455	7,775	833'26	802'20
Detention in reformatory	160	61	14'10	6'29
Fine, whipping, and recog- nizances.....	331	868	29'17	89'57
Total	11,347	9,692	1,000'00	1,000'00

III.—*Number of Persons Tried for Indictable Offences, 1874 to 1894.**

Nature of Offences.	Annual Average for each Period of Five Years.				Total for 1891.
	1874-78.	1879-83.	1884-88.	1889-93.	
CLASS I.					
Crimes of violence	1,829	1,582	1,581	1,505	1,473
Sexual crimes	691	750	1,291	1,150	1,187
Total of Class I	2,520	2,332	2,732	2,585	2,660
CLASS II.					
Burglary, &c.	1,092	1,517	1,545	1,589	1,813
Robbery	328	317	342	294	333
Total of Class II	1,420	1,834	1,887	1,883	2,146
CLASS III.					
Larcenies, &c.	46,999	53,297	50,207	49,988	49,305
Frauds	901	1,128	1,060	972	1,158
Total of Class III	47,900	54,425	51,267	50,960	50,463
CLASS IV.					
Malicious injuries to property	202	254	277	270	209
CLASS V.					
Forgery.....	180	223	204	195	230
Coining	220	300	306	151	125
Total of Class V	400	523	510	346	355
CLASS VI.					
Miscellaneous offences	602	712	710	568	448
Grand total	53,044	60,080	57,383	56,612	56,281

* This table includes all persons for trial at assizes and quarter sessions as in Table A and Tables I to V, and all persons tried summarily for indictable offences as in section (a) of Tables B and XI. See "Criminal Statistics, 1893."

IV.—*Proportion of Indictable Offenders tried to Population.*

Nature of Offences.	Proportion per 100,000 Population.				
	1874-78.	1879-83.	1884-88.	1889-93.	1894.
CLASS I.					
Crimes of violence	7.50	6.07	5.74	5.17	4.90
Sexual crimes	2.84	2.88	4.69	3.96	3.95
Total of Class I	10.34	8.95	9.93	8.89	8.85
CLASS II.					
Burglary, &c.	4.48	5.82	5.62	5.47	6.03
Robbery	1.34	1.22	1.24	1.01	1.11
Total of Class II	5.82	7.04	6.86	6.48	7.14
CLASS III.					
Larcenies, &c.	192.85	204.63	182.42	171.88	164.02
Frauds	3.70	4.33	3.85	3.34	3.85
Total of Class III	196.55	208.96	186.27	175.22	167.87
CLASS IV.					
Malicious injuries to property..	0.83	0.98	1.01	0.93	0.69
CLASS V.					
Forgery	0.74	0.85	0.74	0.67	0.76
Coining	0.90	1.16	1.11	0.52	0.42
Total of Class V	1.64	2.01	1.85	1.19	1.18
CLASS VI.					
Miscellaneous offences.....	2.47	2.73	2.58	1.95	1.49
Grand Total.....	217.65	230.67	208.50	194.66	187.22

V.—*International relation between Sex and Crime.*

	England, 1893.	Germany, 1882-92.	Austria, 1891.	France, 1886-90.	Sweden, 1888-92.	Norway, 1861-85.	Denmark, 1881-90.	Spain, 1883-85.	Mexico, 1881-83.	Japan, 1886-91.
Males	82.0	81.9	84.8	85.0	84.6	79.1	73.6	89.0	85.8	91.3
Females	18.0	18.1	15.2	15.0	13.6	20.9	26.4	11.0	14.2	8.7

DISCUSSION *on the* REV. W. D. MORRISON'S PAPER.

THE PRESIDENT (Mr. John B. Martin) said that it had been announced that the chair would be taken by Mr. Macdonell, Vice-President, and he would now retire in his favour, as he was unable to remain during the discussion. But he should like to thank Mr. Morrison for his paper first, because of the wide view he had taken of the subject generally, and next because he had shown very clearly in dealing with this question how true it was that mere figures, whether official or otherwise, were not statistics. They were the raw material for statistics. Among other forces which had to be taken into consideration in dealing with statistics of crime, the author had instanced the question of the activity of the police and the view taken by them with regard to crime. On that point he was reminded of a statement made a year or two ago in a similar discussion, when it was suggested that if the population of Bournemouth were made equal to that of Glasgow, and the respective police forces interchanged, the result would be that on a Saturday night no cases of drunkenness would be reported in Bournemouth, whilst in Glasgow the whole population would be under lock and key.

MR. J. MACDONELL, LL.D., having taken the chair, expressed the great pleasure which, he was sure, was felt by all present in seeing the President again amongst them after his recent severe illness, and his regret that he (the President) was not yet strong enough to remain until the end of the discussion.

SIR FRANCIS S. POWELL, Bart., M.P., thought it was of very great importance that the necessarily dry statistics of great departments should be considered from time to time by those who examined figures from a different point of view, and who could dissect them in a manner which the department could not. Reference had been made to the diminution of sentences not being a proof of the diminution of crime; but it might be remarked that the diminution of sentences had arisen not only from a change of public feeling and increase of sympathy and consideration for the weaker brethren, but also from a feeling that crime had diminished, and that, therefore, there was not the same necessity for sharp punishment as a deterrent. There could be no doubt that judges and justices of the peace had diminished sentences, because they believed that there was now greater order in society than formerly, and that property was in greater security. The observation made with regard to the amount of crime which was not detected was especially interesting. If it escaped detection, and consequently conviction, that made an error on one side; but there were also counterbalancing errors on the other side. Perhaps in

the reference made to the police reports for Manchester, the writer had in his mind the suggestive remark made by the police of that city on one occasion, when they referred to the number of what he might describe as educated crimes which escaped detection—cases where one relation being a trustee robbed another, and where, to avoid disgrace, nothing was said. At the same time much of that crime ceased to be crime except in a technical sense, because the default of one year was often compensated for by the replacement of the money in a succeeding year. The remarks made as to the connection between crime and physique were, he believed, thoroughly accurate. He had had the misfortune and the honour of being visiting justice for some years, and nothing struck him so much when visiting the gaols of Yorkshire, as the physical degeneracy of many of the prisoners. There is no doubt great truth in what one chairman of quarter sessions once said to him, "You may depend upon it, very few persons live by crime who can live by anything else." First there was the want of mental power, which prevented a man from obtaining a livelihood in the usual manner, and in the next place a want of physical strength which rendered it difficult for him, even if willing, to pursue an honest avocation.

Mr. JOHN GLOVER, J.P., said that the main usefulness of the paper was in directing attention, as stated in the title, to the interpretation of statistics and the methods to be followed in dealing with statistical materials. The business of the statistician was strictly to deduce proper lessons from statistics of any kind. Mr. Morrison had marshalled the various qualifications which affected the statistics admirably, and showed with force how many factors there were. But he (Mr. Glover) was struck at the same time with the consideration that these disturbing forces alluded to in the paper were nearly always present and tended to counter-balance each other. For this reason their presence ought not to be taken too much into account. He would refer to one statement on p. 12, that "Broadly speaking, these returns showed that there had been no decrease in the most serious kinds of crime within the last ten years." He read that with great regret, though he was inclined to think that Mr. Morrison was right. It was very sad to think that with the innumerable ameliorating agencies of every description which were at work, especially those of education, up to the present we had not succeeded in diminishing the more serious forms of crime. Then the paper went on to state, "The contention that sentences had been shortened because the gravity of crime had decreased, had no foundation in fact." He would like to ask whether the sentences had really been shortened to quite the degree mentioned? So far as his observation had gone, there were two tendencies now at work: sentences for the lighter class of offences were certainly milder, and there was greater reluctance to send young persons to prison. But he was also under the impression that when the courts of justice dealt with offenders who had been repeatedly convicted, there was a growing tendency to give longer sentences, sometimes thought

to be out of proportion to the actual offence. The other statement that habitual offenders were increasing, and that the same men kept constantly coming back to prison was, he feared, also true. The governor of a convict prison had once told him that there was little of a remedial character in the prison discipline, or at all events it had not that effect, for he found that so many of the men came back again. The lesson Mr. Morrison had read, that they could only hope to diminish crime by mitigating the conditions which produced it, seemed to be the true moral of all the figures. Not until they got a larger proportion of the people well employed and into better social conditions, as well as better educated, could they hope to amend this sad state of affairs.

Mr. NOEL HUMPHREYS regretted the very pessimistic tone which pervaded this useful and interesting paper, and almost ventured to believe that the author had rather exaggerated the tendency of some of the figures to which he referred. All were agreed that it would be preposterous to assume that the recent marked decline in the prison population indicated an equivalent reduction in crime, but he believed that on the appearance of the last Census Report, Mr. Morrison had even taken exception to the very moderate expression of opinion that the judicial statistics did not afford the means for determining whether the reduction of sentences was a full and sufficient explanation of the decrease of prison population. In connection with this decrease of prison population, it had been pointed out that it was the deliberate opinion of the police authorities throughout the country that the criminal classes had decreased within the last ten years. If this opinion was founded on a sound basis, it would appear to show that the reduction of the prison population was, at any rate partly, due to a decrease of crime. The author showed throughout the paper a marked disinclination to accept any statistics suggestive of social improvement, and in referring to the very large recent reduction in the convictions for drunkenness, he pointed out quite truly that the Registrar-General had called attention to an increase of deaths attributed directly to intemperance in recent years. He could not himself attach very much importance to this fact as a set-off against the remarkable decline in the number of convictions for drunkenness. There was much hesitancy on the part of medical practitioners to attribute deaths directly to intemperance, and therefore the number of cases so returned bore no relation to the actual facts, and any slight recent increase was probably due to more accurate returns, more especially as there had been in most years a really remarkable decline in the deaths referred to those diseases of the liver which resulted from the excessive use of alcohol. He could not see from the tables at the end of the paper that the statement that serious crimes had increased in recent years was really borne out. In Table IV, Class I included crimes of violence and sexual crimes, and Class II included burglary and robbery, which might safely be put down as serious, but the proportion to population in 1874-78 of these two classes was 16·16 per 100,000, and declined

to 15·37 in 1889-93. How then did Mr. Morrison arrive at his unfortunate conclusion? Again, it is stated that the only class of indictable offences which had increased faster than the growth of population were sexual offences and robberies with violence. In the same table these headings (Class I) showed a decline from 10·34 in 1889 to 8·89 in 1889-93. He doubted, moreover, whether Mr. Morrison's paper contained any conclusive evidence in support of his depressing conclusion that habitual criminals were increasing.

Mr. C. DE BROË said there were one or two points in the paper which appeared to him to be in contradiction to one another. In the first place, the author said that in proportion to the increase of population in recent years there had been an actual increase in crime, or at any rate in crime of a serious character. At the same time he admitted that more humane sentiments had prevailed of late, and that a less rigorous application of the penal code had been in force, while they all knew that many ameliorative agencies had been at work. These favourable circumstances however, according to Mr. Morrison, had not led to a diminution of crime. Yet at the conclusion of the paper he said that merely punitive agencies were helpless in the contest with crime, and that reliance could only be placed on ameliorative agencies. There would seem to be a *non-sequitur* here; for if Mr. Morrison's contention were correct that crime had increased under the admitted circumstances, then it would surely follow that the relaxations in the penal law and the more tender treatment of the criminal population were far from having led in the past to the beneficial results claimed for their future extension.

Mr. E. W. BRABROOK supported the conclusion drawn by the author with regard to the close connection there was between physique and the criminal instinct. The provisions for the identification of criminals under Dr. Garson would undoubtedly result in the collection of a vast amount of information with regard to their physical characteristics. He welcomed any disposition to shorten sentences, as showing a growing tendency to look upon crime more as a disease to be cured than an offence to be punished. If it was a fact that robberies with violence had increased of late years, that was a strong point in favour of the reduction of severity of punishment, because in connection with this offence flogging was still maintained, though it did not act as a deterrent. He was much struck by the statement that out of 589,000 convictions, only 172,000 were committed to prison, and presumed that the meaning of that was that the other sentences were fines or some penalty other than imprisonment, and therefore included a vast number of cases which were not strictly criminal at all, but which were referred to elsewhere as cases of mere contravention. Mr. Morrison would doubtless find that the number of offences of this nature had immensely increased by the legislation of the last few years, and that ought to be taken into consideration in measuring the increase or decrease of crime.

MR. A. E. BATEMAN, C.M.G., was struck by the statement that the percentage of *labourers* in the prison population was 64·9, whilst in the general population it was only 16·6. He should like to know whether that percentage of the general population was taken on the corrected population, or whether the 16·6 per cent. was based on a total population which included all the babes and sucklings they had heard of, who certainly could not yet be classed as possible labourers. The author had rightly called attention to the fallacy of deducing any facts from population figures which took in the very earliest ages; and this certainly was a case in which they would get a wrong figure if the earlier ages were not rejected. He wished to compliment the author upon the excellent literary style of the paper.

THE CHAIRMAN (MR. J. MACDONELL) said it was very difficult to compile statistics, more difficult to arrange them, and still more difficult to interpret them; and he thought Mr. Morrison had done good service by putting people, whose duty it was to compile criminal statistics, on their guard against certain common fallacies in construing their meaning. Grave doubts had, however, risen in his mind with regard to some of the conclusions arrived at in the paper. Mr. Morrison laid great stress on the large number of indictable offences, but they formed only a portion of the vast region of crime. There was a still larger proportion of smaller offences, statutory misdemeanours, police offences, &c., and unfortunately the divisions between the two great regions was drawn in a most arbitrary way. The only proper mode of looking at crime was to regard it as a whole; and it would then be discovered that there were difficulties to which Mr. Morrison had not referred, or only very faintly, and that the entire figures, when examined, pointed to conclusions somewhat different from those at which Mr. Morrison had arrived. On p. 2 of the paper he gave figures as to the approximate number of convictions in England and Wales for 1892. He (Mr. Macdonell) had jotted down the corresponding figures for 1894, and they amounted to 553,442. Of that total he found that no fewer than 6,000 were offences under the Education Act, more than 19,000 obstructions to the highway, &c.; the violation of police regulations amounted to 64,000, begging to more than 10,000, and drunkenness to nearly 160,000. These slight offences amounted altogether to over 323,000, or more than 60 per cent. of the whole number; and he believed he was not straining facts when he said that a large proportion of them were, in any but a technical sense, not really crimes. Under some systems of law they were not so treated; under our own law until recently they were not so designated. It was an accident whether or not in a few years hence some of the so-called offences would be classified as matters to be dealt with by the civil or the criminal law. To answer properly the question described in the paper, the vague entity, "crime" must be broken up into its component parts, and when this was done some of the figures would be found to relate to offences, if they could be justly called such, implying no moral depravity on the part of those

who committed them. A second qualification, already referred to in the discussion, ought to be pressed still more strongly than it had been. Every year the number of statutory offences was increased; and over against the figures on which Mr. Morrison had laid stress, must be put the fact that the possibility of committing offences had been very greatly increased. A third qualification referred to briefly by Mr. Morrison, and also by Mr. Glover, was that in the case of the most serious crimes really indicative of more or less wickedness—crimes of violence, larceny, and malicious injury to property—there had been a remarkable diminution. Mr. Morrison had referred to the fact—and no doubt it was a fact—that prison statistics afforded no accurate indication of the increase or decrease of crime. But he had not referred to another aspect of the matter, viz., that the habitual criminal, who in former years was kept in durance for long periods, and thus prevented from committing fresh crimes, was under the present system let out of prison, and probably came back after having committed two or three crimes, all duly noted by the police, inserted in the returns, and contributing to the totals mentioned in Mr. Morrison's paper. Mr. Morrison had passed over too lightly some facts which pointed to a more favourable conclusion with regard to the progress of society than that stated in the paper; and he (Mr. Macdonell) ventured to say that the more hopeful conclusion was in accordance with the impressions formed by the great majority of those who had to administer the criminal law. Two deplorable facts, however, had been clearly established by this paper: the first was that there was a marked increase in crime of all kinds by persons between the ages of 16 and 21, and any doubts that might be felt as to this point might be removed by the circumstance that the same phenomenon appeared with equal clearness in the criminal statistics of almost every European country. A second point had also been established—the undoubted increase of habitual offenders. The interesting questions mentioned at the end of the paper could only be solved by figures, which at present did not exist, and it seemed to him that the time had come for a great extension of criminal statistics beyond the old boundary lines. There were, and always had been, two schools on this subject—one represented by Lombroso, who insisted strongly on the fact that the true criminal was born such, with certain marked physical characteristics; the other school dwelt on the fact, as he thought rightly, that to a large extent crime and the criminal were the products of circumstances, which could often be modified by a trifling expenditure of forethought. How much crime was due to external influence was illustrated by facts verified by all European statistics, that most suicides took place at certain seasons of the year, increasing in the height of summer and decreasing in the depth of winter. He ventured to suggest to Mr. Morrison, as an interesting subject for further investigation, this external of weather as an agent in the production of crime.

Rev. W. D. MORRISON in reply said he had to thank his critics for their interesting remarks, but it was quite impossible to go over all the points raised. Mr. Humphreys said that the police reports all pointed to the fact that the criminal classes were diminishing, but if he would look at the criminal statistics, the revised issue, he would find in the introduction that those police reports as to the number of criminals at large were stated to be practically useless; the police officials who were before the committee admitted that they were mere guesses of no real value. Again, he would find that the committee were of opinion that it might have been as well to miss out the police statistics altogether. In 1874 the proportion of sexual crimes to the population was 2·84 per 100,000; in 1884 the same offences had risen to 3·95 per 100,000. Again, taking Class II, burglary, the amount was 4·48 in 1874-78, and 6·3 in 1894. He had expressly called attention to the fact that although the total amount of crime had risen from 53,000 in 1874-78 to 58,000 in 1894, yet the rise had not been quite equivalent to the growth of population; but he also pointed out that there was an increased reluctance on the part of the public to prosecute, which, to a certain extent, explained why the increase in the number of offenders had not quite kept pace with the growth in the population. With regard to the increase of ameliorative agencies and the concurrent increase of crime, he contended that there were certain adverse conditions continually cropping up which neutralised the effect of the ameliorative agencies. Take, for example, the amount of degeneracy and homelessness which resulted from the growth of large cities alone. Take the number of boys who were cast adrift in London at 14 to 16 years of age because the fathers and mothers had no house room for them. Over and over again he saw children coming to prison, and when he asked why, they said they had been turned out of their homes because of the growth of the family, not because the father was not able to pay a considerable rent for his lodging, but because of the condition of house accommodation in London. The step from the pavement to the prison cell in the case of such children was easily taken. He cordially agreed with Sir Francis Powell's remarks as to the physical and mental condition of the criminal population, a considerable proportion of which were certainly not adapted to earn a living in society as it existed at present. It was most important, as Sir Francis Powell had pointed out, that the conditions under which children and young people had to live should be so ameliorated that they would be able, both from a physical and mental point of view, to earn their living under normal industrial conditions. If they could only alter the social conditions under which vast masses of the population had to live, they would at the same time succeed in ultimately raising their physical condition. His own opinion was that there was an intimate correlation between individual and social conditions. The proper way was to ameliorate the individual and social conditions of the population concurrently, and thus remove the causes which tended to produce crime. In one of the tables it would be seen that the relation between pauperism and crime was a relation

which, so far as it existed, did not lie on the surface. An examination of this table would show that as a rule there was least pauperism where there was most crime, and least crime where there was most pauperism. Counties where poor-law relief was highest had, as a rule, the smallest proportion of criminals to the population. Counties, on the other hand, where poor-law relief was lowest had, as a rule, the highest proportion of criminals to the population. This was an interesting fact which so far had not been accounted for. Could it be accounted for on the ground that a high ratio of poor-law relief to the population diminished the temptation to crime by supplying the elementary wants of existence to the potential criminal? Or could it be accounted for on the ground that the ratio of crime was mainly governed by the distribution of population? In other words, had we a high rate of crime where population was dense as in the towns, and a low rate where it was sparse as in the country? Both explanations were partly true, and supplemented each other. In short, a too rigid system of poor law administration would increase crime, and the growing tendency to herd in towns would also increase it, unless great ameliorations took place in the physical and economic conditions of existence.