FINGERPRINTS:
Fifty Years of Injustice

by

SHERIFF WILTON, Q.C.

(A Reminiscent Monograph)

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FINGERPRINTS:
Fifty Years of Injustice

by

GEORGE WILTON WILTON

B.L. Edinr.: Q.C., Scots Bar: of The Middle Temple, Barrister-at-Law: Sheriff-Substitute of Lanarkshire; Glasgow and Lanark, 1927-1939:


Ex umbra in solem

A. WALKER & SON LTD., GALASHIELS
In memory of

JOHN RITCHIE, M.A.

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

Admitted Hilary Term, 1886:
Died 31st August, 1954.
Aet. 91.

NOTE.—John Ritchie is mentioned in the Preface to "1938" as one of my friends advising over its preparation. We were pupils in the same class at the Royal High School, Edinburgh.
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Excerpts from Faulds’s 1880 Letter.

FAULDS
1843—1930

“IN looking over some specimens of ‘pre-historic’ pottery found in Japan, I was led, about a year ago, to give some attention to the character of certain finger-marks which had been made on them while the clay was still soft.

I can imagine that the careful study of these patterns may be useful in several ways . . . When bloody finger-marks or impressions on clay, glass, etc., exist, they may lead to the scientific identification of criminals. Already I have had experience in two such cases. In one case greasy finger-marks revealed who had been drinking some rectified spirit . . . In another case sooty finger-marks of a person climbing a white wall were of great use as negative evidence. Other cases might occur in medico-legal investigations, as when the hands only of some mutilated victim were found . . .

There can be no doubt as to the advantage of having, besides photographs, a nature-copy of the forever-unchangeable finger-furrows of important criminals.”

"I ENCLOSE a paper which looks unusual, but which I hope has some value. It exhibits a method of identification of persons, which, with ordinary care in execution, and with judicial care in the scrutiny is, I can now say, for all practical purposes far more infallible than photography."

(See his "Hooghly Letter" of 15th August, 1877, quoted on p. 11 of "Fingerprints: History, Law and Romance"). It was not published anywhere until 1894 and then only in Nature.

* * *

"I have been taking sign-manuals by means of finger-marks for now more than twenty years, and have introduced them for practical purposes in several ways in India with marked benefit. I next introduced them into the jail, where they were not unneeded. On commitment to jail each prisoner had to sign with his finger. Any official visitor to the jail after that could instantly satisfy himself of the identity of the man whom the jailor produced by requiring him to make a signature on the spot and comparing it with that which the books showed.

I may add that by comparison of the signatures of persons now living with their signatures made twenty years ago, I have proved that that much time at least makes no such material change as to affect the utility of the plan."

(See his Letter to Nature of 25th November, 1880, quoted on p. 21 of "Fingerprints: History, Law and Romance").

* * *

"His (Fauld's) Letter of 1880 announced that in the previous year his attention was directed to the peculiarities of finger impressions on pottery, and that he had come to the conclusion, by original and patient experiment, that fingerprints were
sufficiently personal in pattern to supply a long-wanted method of scientific identification, which should enable us to fix his crime upon any offender who left finger-marks behind him, and equally well to disprove the suspected identity of an innocent person.” To which was added in parenthesis:—“For all which I gave him and still do so, the credit due for a conception so different from mine.”

WITH the publication in 1953 of "Fingerprint Facts," recounting efforts made, with the help of the Herschel family and other friends, for Government aid to the daughters of Faulds, the leading pioneer in scientific fingerprint identification, all my writing on fingerprints seemed finished. I have, however, been compelled to write this monograph for reasons soon appearing.

THE POSITION OF HERSCHEL.

In "Fingerprints: History, Law and Romance," Herschel was held as the pioneer first to discover, as he did between 1859 and 1877, the use of fingerprints for personal identification with its application confined to the registration of fingerprints of convicted criminals against identification for fresh offences. Such passages as these occur in "1938":

Page 9. "The initiation of police fingerprint registers is rightly ascribed to Herschel":

Page 72. "Unfortunately for Faulds's doubt, Herschel was able to produce his 'Hooghly Letter.' Unquestionably, it proves Herschel's claim to have discerned, as he put it, the more or less permanent nature of fingermarks and to have originated the limited use of fingermarks for identification purposes in prisons and otherwise:"

THE POSITION OF FAULDS.

While Faulds had by 1880 publicly proposed that method, he had discovered another method, highly important, by which criminals could be traced, arrested, tried and convicted through leaving impressions of their fingers on crime scenes. In all my writings, this method of identification is described as his major conception. The Yard has applied it since 1901 in obtaining

1 Later, this 1938 book is for brevity mentioned as "1938." Similarly, this applies to Supplements 1951 and 1953.
many “spectacular successes” in Crown prosecutions. *In his conceptions Faulds showed greater grasp than Herschel of the potentialities of fingerprints.* In this lies the crux of my controversy with The Yard. It is on that account, solely, that in “1938” Faulds was held as the leading pioneer.

That submission, justified by examination of Faulds’s 1880 Letter to *Nature* and supported by tributes from experts in police science and others, was confirmed by Herschel’s acknowledgment in favour of Faulds in “Remarks” sent to *Nature* in 1917.¹ “1938” explains how that acknowledgment had escaped the notice of writers on fingerprints.

**HERSCHEL’S ACKNOWLEDGMENT.**

The precise words of Herschel’s acknowledgment are:—

“His (Faulds’s) Letter of 1880 announced that in the previous year his attention was directed to the peculiarities of finger impressions on pottery, and that he had come to the conclusion, by original and patient experiment, that fingerprints were sufficiently personal in pattern to supply a long wanted method of scientific identification, which should enable us to fix his crime upon any offender who left fingerprints behind him and equally well to disprove the suspected identity of an innocent person.” To which was added in parenthesis:—“*For all which I gave him and still do so, the credit for a conception so different from mine.*” (My italics).

That acknowledgment is an historical document of prime importance.

**HERSCHEL’S SON CONCURS IN MY SUBMISSION.**

“Fingerprints: Scotland Yard and Henry Faulds,” published in 1951, with the “full approval” of the Reverend Sir John C. W. Herschel, Bart., Herschel’s son, contained these passages:—

“Faulds shares the honour with Herschel of independently conceiving of the identification of criminals by registration of their fingerprints.

Faulds is the leading pioneer in the science (of fingerprint identification) and alone entitled to the honour, as Herschel

¹ See the extracts, prefixed to this Monograph, from writings of both pioneers.
in his disclaimer so freely conceded, of being the first to conceive of and publish the means by which criminals might be brought to justice through leaving finger impressions on scenes of their crimes and being also the first to foresee, as Herschel stressed in his disclaimer, that innocence might be proved through the use of fingerprints in the case of persons wrongly accused."

THE YARD'S ATTITUDE.

"Three men, above all others, are entitled to share the credit for the use of fingerprints as a means of identification: Sir William Herschel, Sir Francis Galton and Sir Edward Henry".¹ (My italics).

So matters stood in 1952.

IMPORT OF NEW PUBLICATIONS.

Since then three books on fingerprints have been published:—

(1). "Fingerprints: Fifty Years of Scientific Crime Detection" by Douglas G. Browne and Alan Brock, 1953;
(2). "The Fingerprint System at Scotland Yard," by Ex-Chief Superintendent F. R. Cherrill, 1954;

All three books support the attitude of The Yard for the past fifty years in ignoring Faulds.

Can it be just coincidence that three writers, professing wide knowledge of the history of fingerprint identification, should make no reference to Herschel's "acknowledgment"—an historical fact indispensable to faithful recording?

From the Foreword by Cherrill to Browne and Brock's book, these passages are quoted:—³

¹ This passage is quoted from page 186 of Kendal's "Gross: Criminal Investigation," published in 1934. In the Adaptation of this German work, published in 1950, of which Howe is Editor, no reference is made to the origin of fingerprint identification or to Kendal's publication. Howe is now Deputy Commissioner and was recently knighted. Pages 7 and 8 of "1951," bearing on the passage quoted, are of particular interest.
² These Memoirs do not mention Faulds by name and no further reference to Cherrill's book will be made.
³ Cherrill owns the copyright in his Foreword. Asked formally for permission to quote the passages here selected, no acknowledgment of the letter for that permission was received. Legally, no permission is required in view of the use made of these quotations.
"It is most refreshing to me to find that the Herschel-Faulds controversy has at last been placed in something like its true perspective. Until Sir William Herschel discovered the permanence of ridge-characteristic data on the finger, fingerprints were of little practical use to anyone.

Through the courtesy of Lady Herschel and the granddaughters of Sir William—Mrs Shorland and Miss Caroline Herschel—recently I was given access to a great number of papers, many of them letters written when Sir William was a magistrate and afterwards a judge in India. Among the documents was a book containing test fingerprints taken by Herschel when Faulds was but a mere lad—"suum cuique."1

In my opinion "Fingerprints: Fifty Years of Scientific Crime Detection" is by far the best work of its type that has yet appeared. . ." (My italics).

Cherrill's Foreword seems from the outset intended to bluff readers into concluding that, Faulds, being "but a mere lad" in 1859, could not possibly become the leading pioneer. Guilelessly he states that a book of Herschel's enabled him to conclude, as if for the first time, that Herschel was before Faulds.

"1938" alludes to Galton's "Fingerprints," 1892, in which "test fingerprints," taken by Herschel in 1859, were illustrated and to Herschel's "The Origin of Finger-Printing," published in 1916, where these were again reproduced.

What was gained by Cherrill's visit to Slough? What was new in his "incontrovertible proof?" Herschel's claim to priority for the introduction of fingerprint registers is admitted in "1938." Can the omission of Herschel's acknowledgment of the major conception of Faulds from both Foreword and text of this book be an unintentional overlook on Cherrill's part and that of his friends?

COMMENTS BY BROWNE AND BROCK.

Passing to the text, all that Browne and Brock concede, (p. 42), is that:—

"when in 1880 Faulds contributed his Letter to Nature, in which he says:— 'When bloody finger-marks or impressions

1 My meeting on 2nd November, 1953, with Lady Herschel and one of her husband's executors, is noted in "1953," p.14.
on clay, glass, etc., exist, they may lead to the scientific identification of criminals,' he was a pioneer only in the sense that that he was, apparently, the first to formulate the proposition in public print.”¹ (My italics).

This “proposition”—the major conception of Faulds—covers “the possibilities of fingerprint identification in the wider sphere of criminal detection” to which they allude on the same page and, in fact, assert that to these “possibilities” Herschel “was alive.”² Is this not perversion of the truth when they know, but do not disclose, that it was precisely for this “proposition” that Herschel gave Faulds the credit. Requoting Herschel:—“For all of which I gave him and still do so, the credit for a conception so different from mine.”

Herschel did give credit “where credit was due.” Do Browne and Brock?

Cherrill’s friends end, page 58, their Fourth Chapter in this way:—

“After the conviction of the Strattons, Faulds wrote letters to the Press, using the trial as a medium for the vendetta against those he considered his rivals and supplanters which he had been carrying on since his return to England from Japan. The echoes of this bitter and foolish controversy are scarcely dead yet, for until recently at least one of Faulds’s supporters has been continuing the campaign for recognition of services which, within their limits, have never been denied.” (My italics).

Faulds became embittered, and small wonder, precisely because his services were never recognised. Furthermore, it was on a report from The Yard by Henry that recognition was denied to him by the Home Secretary in Parliament in 1910. Browne and Brock make no reference to that fact. I know of no published admission by The Yard of its indebtedness to Faulds although that acknowledgment has been owing to him since 1900.

¹ This and other quotations from the text of “Fifty Years” are made with the permission of the authors and of the publishers, the owners of the copyright.
² Browne and Brock refer on this page (42), to the Tichborne case as falling under “the wider sphere,” but in this they are in error as the use of fingerprints in the Tichborne case would have been a logical sequence of the “fingerprint registration” idea.
It may be added by way of further comment on this passage that it is discourteous on the part of Browne and Brock to insinuate that my application to the Government on behalf of the daughters of Faulds was foolish. The Government did not hold it so.

**THE GARSON EPISODE.**

Dealing now with what few persons would have expected to find in such a book, Browne and Brock refer in Chapter Four to a statement alleged to have been made by Dr Garson, a witness for the defence in the trial of the Stratton brothers in 1905. Regarding it as an “episode” intentionally withheld from “1938,” they make these defamatory statements:—

1. **Against Garson.** “To the defence he (Dr Garson) asserted that he could bring the existing fingerprint system (at The Yard) into disrepute”: p. 56.

(and since Faulds and Dr Garson, as they mention, were acquainted with each other)—

2. **Against Both.** “there is at least a presumption that he and Faulds were working together in an attempt, to use Garson’s own words, to bring the existing fingerprint system into disrepute.” p. 58. (My italics).

The evidence of Dr Garson, as found on page 1009 of the official report of the trial, proves that he made no such assertion. In his letter to the defence solicitor put to him in cross-examination, Dr Garson stated:—

“that it was a splendid means of identification when properly used, but that it required careful use, that he had no hesitation in saying that the way in which it was being used by the police was just that which would bring it into disrepute.” (My italics).

There is thus no justification for statement (1): there never was any for the “presumption” in statement (2).

In his 1905 “Guide to Fingerprint Identification,” published soon after the trial of the Stratton brothers, Faulds commends

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1 The discovery of the blurred fingerprint of one of the accused found on the murdered man’s tin cashbox was entirely due to the major conception of Faulds. No police files disclosed the accused as previously convicted. Henry referred to the case as one of the “successes” of The Yard. The Judge was told that Herschel had all the credit.
Superintendent Charles S. Collins, mentioned in “1938” as the leading witness on fingerprint evidence for the Crown and records that The Yard’s fingerprint system is “the best in the world.”

It seems an extraordinary oversight on the part of Cherrill, that, with all The Yard’s facilities for investigation, no steps were taken by him to check the accuracy of the allegation he passed to Browne and Brock.

THE YARD’S ESTIMATE OF FAULDS.


For the first time in fifty years The Yard comes into the open with its estimation of Faulds.

With the permission of The Director of Publications, the following passage is quoted from the Introduction:—

“The value of Henry Faulds’s (1843-1930) contribution to fingerprint science has been much discussed, but it is beyond question that Herschel was in the field many years before Faulds; in fact there is incontrovertible proof that Herschel was experimenting with finger, palm and sole prints when Faulds was but 16 years old. Faulds, in his letter to Nature on 28th October, 1880, entitled ‘On the Skin Furrows of the Hand,’ did, however, anticipate any public declaration on the part of Herschel. Faulds made reference in his letter to the use of ‘nature prints’ for the purpose of tracing criminals, but such prints were confined to visible marks made in blood, etc., and he did not suggest the development of latent sweat deposit from the fingers, which now plays such an important part in modern criminal investigation.”

1 This is the first announcement—such as it is—made by The Yard in any of its publications of its knowledge of the major conception of Faulds. In the passage here quoted, Cherrill does not assert or suggest that Herschel had any idea of the major conception of Faulds. In face of Herschel’s disclaimer, The Yard could not and, it is assumed, would not, authorise Cherrill to make such an assertion or suggestion. Browne and Brock, in my submission, with the blessing of Herschel’s disclaimer, The Yard could not and, it is assumed, would not, authorise Cherrill to make such an assertion or suggestion. Browne and Brock, in my submission, with the blessing of Herschel’s disclaimer, The Yard could not and, it is assumed, would not, authorise Cherrill to make such an assertion or suggestion. Browne and Brock, in my submission, with the blessing of Herschel’s disclaimer, The Yard could not and, it is assumed, would not, authorise Cherrill to make such an assertion or suggestion. Browne and Brock, in my submission, with the blessing of Herschel’s disclaimer, The Yard could not and, it is assumed, would not, authorise Cherrill to make such an assertion or suggestion.
By "nature prints" Faulds meant, what Cherrill does not explain, finger marks or impressions—now known as "accidental" or "chance" prints, that are left by criminals on crime scenes.\(^1\) It was the suggestion of Faulds that, by the use of these prints, criminals might be traced and brought to justice—his major conception—for which Herschel gave Faulds full credit. Cherrill, on the contrary, disparages the value of this conception by asserting that Faulds did not suggest the use of "latent sweat" marks. If, however, Faulds did not suggest the use of "latent sweat" marks (which is open to doubt), their use, "which now plays such an important part in modern criminal investigation" is a development from his major conception.

**HENRY'S POSITION.**

According to all three writers, Henry is the genius without whom even the work of Herschel would have been of no avail. In their view, Henry's classification of registered criminals is the *sine qua non* for all fingerprint identification. This is an overstatement. It also leaves out of view that Faulds made The Yard aware as far back as 1886 of his own classification schemes for single and ten fingerprints respectively. In the majority of capital and other grave charges, where the major conception of Faulds comes into play, no system of fingerprint card filing secures identification of criminals previously unconvicted.

Cherrill suggests that a man of Henry's status needed "no promptings" from Faulds; that, for instance, Henry's instructions to native police officers to search for finger impressions in the Kangali Charan Case of 1897 sprang from his own initiative. Every police official was then alive to the major conception of Faulds: it had been in the minds of the police for seventeen years.

Browne and Brock declare (page 34) Henry was magnanimous—"anxious to give credit where credit was due." Had this

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\(^1\) Although reference is made in all three publications to the method of identification introduced by Hammond in 1935 through the use in the Ruxton Case of "chance" or "nature" prints of the dead, no acknowledgment is made anywhere of its being an innovation due to Hammond. Henry and Battley had no knowledge of it. Cherrill acquired his knowledge of it through Hammond. See Leaf II in "1953." The publications of The Yard and of Browne and Brock confirm my vindication of Hammond.
been so, he would not have attributed Faulds's major conception to Herschel in his "Classification and Uses of Finger Prints" (1900).

THE YARD'S PORTRAIT GALLERY.

"The Fingerprint System at Scotland Yard" is graced with portraits of persons associated with fingerprints. Herschel is in this collection. Bewick is included. Purkinje is missing; probably his portrait is not now procurable. There is no portrait of Faulds: an ungracious and invidious gesture on the part of The Yard.

It is regrettable that, in efforts to support the attitude of The Yard, personal reflections should have been cast upon Faulds. Unfortunately, the law of the land permits defamation of the dead with impunity.

2nd April, 1955.  G. W. WILTON.