

[by R.A.F.] . [April 1940] - 548 1
Memorandum on Blood Group Tests in Legal Cases.

The Galton Laboratory Serum Unit would need the approval of the Medical Research Council for carrying out blood-test diagnoses in cases of disputed paternity.

Under an approved scheme Dr Taylor is willing to prepare sera and to perform the tests. Since more care and experience than is generally realized is needed in the case of M and N sera, he is not willing to supply these to others outside his own unit.

He is not willing to appear in Court as witness for one of the parties. Short of this he could either act for such a witness, who would include Taylor's findings in his evidence, or, and this would seem preferable, act for the Court.

I suggest therefore that the Medical Research Council should seek an interview with the Lord Chancellor and obtain his opinion on the desirability of their authorizing Taylor to act for the Court when so requested. It is important to know:—

(1) whether the courts have power to incur the expense of obtaining such a diagnosis.

(ii) If the M.R.C. make available such a diagnosis carried out by an impartial expert, how the Courts should be made aware that this facility is open to them.

As head of a whole time staff and laboratory, supported from other sources, Taylor could make the tests at a fee considerably lower than is ordinarily charged by an expert witness, and could increase the capacity of his Department for such business if and as need arose. If such an arrangement were agreeable to the Lord Chancellor ^{the latter} he should, I think, also be asked to appoint a member (perhaps Chairman) of a small Committee charged with supervising

the application of income derived from such fees.

Objects and Constitution of Committee

The objects of the Committee should be to

(a) receive and account to the M.R.C. and to the Lord Chancellor for all fees paid for legal work undertaken by the unit;

(b) to expend the funds under its control

1) in meeting immediate costs incurred;

ii) in providing laboratory and secretarial assistance, animals, laboratory space and equipment, as these may from time to time be required, in order that the work should be carried out with the utmost certainty and exactitude possible, and with expedition.

iii) beyond meeting requirements i and ii, funds should be available for

(α) Increments to salaries of the Research Staff of the Unit in consideration of increasing experience in the work required.

(β) Continued research in human genetics, devoted to the development of more stringent objective tests of paternity.

I suggest that the Committee should agree to a fixed fee, aimed at providing initially for half¹ its expenditure being available under heading (iii).

The Committee might, I think, properly have a permanent Chairman appointed by the Lord Chancellor to preserve the general aim that the evidence provided to the Courts shall be both relevant to the legal requirements, and as helpful as is possible to the decision of cases. He should be advised by one or two men of repute in Science, e.g. Fellows of the R.S., appointed by the M.R.C. Dr Taylor himself should, I think, be secretary, ex officio,

as head of the Serological unit.

It should be made clear to the Lord Chancellor that this plan is aimed at conserving the value of the Galton Laboratory Serum Unit for its other duties. For the duration of the war it is anticipated that these duties will be assigned by the M.R.C; at its termination it is anticipated that it will continue the researches for which it was instituted within the Galton Laboratory. In view of this, it would be proper for the Rockefeller Foundation to have the opportunity to give full consideration to any proposals which the Lord Chancellor suggests or approves.