

ADOLF BECK



Adolf Beck

THE case of Adolf Beck made history in English law. It led to the constitution of a court of Criminal Appeal. It is melancholy to think that the long-drawn-out agony of this unfortunate Norwegian should have been necessary to bring about a reform which logic and common sense demanded, and only legal conservatism and the unreasoning indifference of the public had so long postponed. The case is also a startling instance of that 'persistent, inexplicable, fundamental, pre-ordained, irreducible iniquity,' in which some existences are steeped; 'a thousand coincidences that might have been contrived in hell, blending and joining together to work the ruin of an innocent man; while truth, chained down by fate, dumbly shrinking, as we do when wrestling with nightmare, is unable to put forth a single gesture that shall rend the veil of night.' These words of Mæterlinck were inspired by the case of Lesurques; they apply with perhaps even greater force to that of Adolf Beck. There are many circumstances in the administration of justice in France, under the Directory, which make it easy to explain the error committed in the case of Lesurques. But that of Beck occurred in a country priding itself on its administration of justice, and the comparative rarity in its legal annals of judicial error, in the teeth of all those safeguards by which our system was supposed to protect an innocent man from wrongful conviction. Never did 'murderous fatality' hunt down more surely its pre-ordained victim.

Of the innocence of Beck there can be no question. 'There is no shadow of foundation,' said the Report

Last Studies in Criminology

of the Committee appointed to inquire into his case, 'for any of the charges made against Mr Beck, or any reason for supposing that he had any connection whatever with them.' No problem of guilt or innocence arises. The interest of the story of Adolf Beck's ill luck lies rather in marking the circumstances which one by one, through no fault of his own, struck the man down, and every time he tried to rise, flung him back into the clutches of a system which, it is evident, can in certain conditions become a terrible instrument of torture for helpless innocence. It is no part of this story to apportion blame. In Beck's case no one person was to blame in the sense of seeking deliberately to commit or, after it had been committed, stifle an act of injustice. All concerned in the tragedy seem the blind creatures of a relentless fate bent on compassing the ruin of Adolf Beck.

Beck may fairly be described as an unlucky man. Nothing in life had succeeded with him. Born in Norway in 1841, he had been educated as a chemist. He preferred, however, to go to sea, and in 1865 or 1866 arrived in England, where he obtained employment as clerk to a ship-broker. In 1868 he left England for South America and there for a short time appeared as a public singer. He was wounded in a revolutionary outbreak in Monte Video. After that he was employed variously in ship-broking, and buying and selling houses. In 1885 Beck returned to England. He made £8000 as commission on the sale of a Spanish railway concession, and with part of that sum bought a copper property in Norway. But the enterprise was not successful, and in 1893 Beck was obliged to borrow £900 from a hotel proprietor in Covent Garden. Mr G. R. Sims, who knew Beck for many years, describes him as a deeply religious man, soft hearted and impulsively generous, who had earned the friendship and esteem of many well-known

Adolf Beck

people at home and abroad. 'I have never known Adolf Beck,' wrote Mr Sims, 'do a mean or unkindly act. Amid all his persecutions and trouble I have known him do many kindly and generous ones.' Beck spoke and wrote English imperfectly.

In 1895 Beck was living in a flat in Victoria Street. On the evening of December 16th, in that year, he was standing at the street door looking for a newspaper boy, when a woman came up to him and said, 'What have you done with my watch?' Beck replied, 'Madam, I do not know you, you are mistaken.' The woman persisted in her accusation. Beck threatened to give her into custody. The woman still persisting, Beck said, 'Come with me,' and together they went up to a policeman. Beck said that the woman was annoying him by making a false accusation against him and asked the policeman to take her in charge. All three went to the nearest police station. There the woman repeated her statement, and Beck, from the accuser, found himself the accused. A little later two other women were brought into the station, both of whom identified Beck as a man who had robbed them. He was detained in custody.

It was a fatal impulse that prompted Adolf Beck to go down to his street door on December 16th, 1895, to look for a newspaper boy.

Some eighteen years before, on May 10th, 1877, while Beck was still in South America, a man of the name of John Smith, a circumcised Jew, twenty-seven years of age, had been convicted at the Central Criminal Court of 'bilking' women, and sentenced to five years' penal servitude. His practice at that time was to pass as a certain 'Lord Willoughby,' to make friends with a woman, hold himself out as a man of means and position, and give the woman a bogus cheque, on the strength of which he would borrow money from her and any poor articles of jewellery

Last Studies in Criminology

which she happened to possess. Lord Willoughby would then disappear with the money, jewellery, and any other little articles of value he could lay hands on, and never be heard of again, while the unfortunate woman presented the cheque at the bank and realised that she had been the victim of a swindler. The trial of Smith took place before the Common Serjeant, Sir Thomas Chambers, afterwards Recorder of London, and the prosecution was conducted by Mr Forrest Fulton, who, as Common Serjeant of London in 1896, was to preside at the first trial of Adolf Beck. Smith was defended by Montagu Williams.

Two years after Smith's conviction it had become known to the prison authorities that the convict was a circumcised Jew. A certificate by the Medical Officer to that effect was then attached to Smith's penal record. When Smith was released on licence in 1881, his photograph and description were sent to Scotland Yard. By an unfortunate omission the fact of Smith's circumcision was not stated in the copy of his description sent to the police, a very unlucky circumstance, as it turned out, for Adolf Beck.

For two years after his release from prison Smith remained in England. He then went to South Australia where he practised as a doctor. In 1894 he returned to England, but until two years later, when he was carrying on a jewellery business in Rosebery Avenue, his whereabouts were unknown.

The woman who, on the evening of December 16th, 1895, had accused Adolf Beck of robbing her was named Otilie Meissonier. According to her story she had met Beck in Victoria Street on November 26th. She was on her way to a flower show at the Drill Hall, Westminster. She said that Beck had stopped her, and asked if she were Lady Egerton. After apologising for his mistake, he got into conversation with her. It turned on the subject of flowers. He said that he had

Adolf Beck

an estate in Lincolnshire and kept ten gardeners. The woman said that she had a box of chrysanthemums at home. Beck asked if he might call at her house in Fulham and see them. She invited him to come on the following day. He did so, and was so struck apparently with the charms of Miss Meissonier that he invited her to go with him to the South of France. He was, he said, a cousin of Lord Salisbury and owned the greater part of Brompton. His income amounted to the pretty sum of £180,000. He gave Miss Meissonier a cheque for £40 to pay for her outfit for the Riviera. He was kind enough to say he would take a watch belonging to her to be mended, and a ring to be enlarged. After he had left, she missed another watch, and on presenting the cheque at the Union Bank in Trafalgar Square, learned that her wealthy friend had no account there.

This story which Otilie Meissonier told to the police was one of many. Since the latter part of the year 1894, a number of women of light character had made similar complaints of having been defrauded by a man passing himself off as 'Lord Wilton,' or 'Lord Winton de Willoughby,' by giving bogus cheques and stealing articles of value by precisely the same method as that followed by John Smith eighteen years before. The police had been unable to lay hands on the swindler, but the arrest of Beck gave them hope that they had at last succeeded in getting the right man. In all twenty-two women were brought to see Beck, ten of whom identified him positively as the man who had swindled them; others were uncertain; one only declared that he was not the man. When, on the day following his arrest, Beck was brought up before the magistrate at Westminster Police Court, another woman told a story against him similar to that of Otilie Meissonier. In her case the man had described himself as 'Earl Wilton,' and obtained from

Last Studies in Criminology

her two rings and a bracelet. He had promised to set her up in an establishment in St John's Wood and, in order that she might get things for the new house, had given her a bogus cheque for £35 on a non-existent branch of the Union Bank in St James's Street. When, the previous evening, this woman had seen Beck with six other men at the police station, she said that she believed him to be the man, but would know better if he took off his hat. When he did so, she said that he was the man. Beck was remanded.

Hitherto the police had not associated the offences charged against Beck with those committed by Smith in 1877. But, the day following Beck's first appearance at the police court, a gentleman, who had seen an account of the proceedings in the newspaper and recollected the crimes of Smith, wrote to the authorities at Scotland Yard and called their attention to the similarity of the two cases. Following up this hint, the police obtained two pieces of evidence which seemed to confirm the suggestion of their correspondent. A police officer named Spurrell, who had been present at the conviction of Smith at the Old Bailey in 1866, swore positively that Smith and Beck were the same man. Gurrin, the handwriting expert, having examined the documents in the cases of Smith and Beck, and compared them with the admitted handwriting of the latter, declared that undoubtedly all the documents were in the same handwriting, and that it was a Scandinavian type of handwriting, which in the cheques and documents given to the defrauded women had been disguised. There were, he said, two styles of writing, one natural, the other feigned; all the documents that had been submitted to him were in the handwriting of Adolf Beck. From this moment the police and the prosecution accepted the fact that Beck as John Smith had been convicted previously in

Adolf Beck

1877 of offences similar to those now alleged against him in 1895. It was of a piece with Beck's ill luck in general that Gurrin, the expert, eight years later, admitted that he had been wrong in his conclusion that the documents in the Smith case and Beck's case were written in the disguised handwriting of Adolf Beck. This mistake of his played no small part in the eight years of suffering that Beck was fated to endure. It was unfortunate, too, that before the trial Inglis, another expert, employed by the defence, had agreed with the erroneous opinion of Gurrin.

During the subsequent hearings at the police court, eight other women gave evidence of having been swindled in a fashion similar to that already described, and identified Beck as the swindler. Spurrell and Gurrin also gave evidence, and on February 6th, 1896, Beck was committed for trial to the Central Criminal Court on various charges of felony and misdemeanour.

At the final hearing at the police court Beck had been anxious to make a statement asserting his innocence and denying the fact that he was John Smith. But his solicitor, Mr Dutton, who had been recommended to him by the police after his arrest, dissuaded him. From the moment that the prosecution alleged the identity of Beck with Smith, Mr Dutton believed that he had a 'winning case'; he was confident that he would be able to disprove the alleged identity, and so secure Beck's acquittal. But, however confident a solicitor may be of his client's innocence, it has been held by the Court of Criminal Appeal that it is as a rule unwise, if he have a good defence, not to disclose it at the police court.¹

The position of Adolf Beck, an innocent man, is sufficiently tragic at the moment. Ten women have identified him as a swindler, charged with a peculiarly mean and dastardly form of theft. Some of the

¹ *Wills, Circumstantial Evidence*, 6th Edition, p. 102.

Last Studies in Criminology

women admitted that they had gone to the police court in a spirit of revenge, hoping to be the means of punishing the man who had cheated them. But even allowing for the feeling of resentment which made these witnesses only too ready to see in Beck a heartless swindler, their statements are a startling proof of the little reliance that, except under very special circumstances, can be placed on evidence to identity. Beyond the fact that both men had a gray moustache, there was little or no physical resemblance between Beck and Smith. Smith spoke English perfectly, Beck with a strong foreign accent. Yet, in spite of these circumstances, ten women are found ready to swear quite honestly that an innocent man is a thief and swindler.

Beck had one, and that a seemingly impregnable answer to the charge against him. He said, 'I am not, as the prosecution allege, John Smith convicted in 1877 and sentenced to five years' penal servitude. I am prepared to prove beyond doubt that during the whole period from the conviction of Smith in 1877 to his release from prison in 1881, I was in South America. If I can prove that for only one day of that period I was out of England, it is conclusive proof that I cannot be John Smith.' We have seen that when he found himself charged at the police court as John Smith, Beck had wished to make a statement to this effect but had been dissuaded from doing so. He could only hope now to bring forward this proof of his innocence at his approaching trial.

What steps had the prosecution taken to satisfy themselves that Smith and Beck were the same man? The identification marks of Smith were sent by the police to the Public Prosecutor, and on January 15th, 1896, those of Adolf Beck. Mr Sims of the Treasury, in whose hands had been placed the conduct of the case, received those of Smith but had no recollection of receiving those of Beck, nor did he make any further

Adolf Beck

application for hem. He explained his inaction in the matter by saying that the evidence of Constable Spurrell, who had seen Smith nineteen years before, and now identified Beck as the same man, had satisfied him that there was sufficient *prima facie* evidence of Beck's identity with Smith. A police officer who, having independently examined Beck and compared his marks with those of Smith, had failed to find in Beck the corresponding marks, said that he communicated the result of his examination to Mr Sims. Mr Sims was positive that he had not done so. In any case it is clear that the prosecution, though they knew from Mr Dutton at the police court the nature of Beck's defence, had not taken every possible means of satisfying themselves beyond all doubt that Beck was John Smith. It must be added that the description of Smith sent to the Treasury did not state the fact of his circumcision. This fact was at this time known only to the prison authorities at Portsmouth. Twice before the trial, Mr Dutton applied to the Commissioners of Police for permission, for the purpose of the defence, to see the penal record of John Smith. Both applications were refused.

The trial of Adolf Beck began at the Central Criminal Court on March 3rd, 1896, before the Common Serjeant, Sir Forrest Fulton, now Recorder of London. Mr (now Mr Justice) Avory led for the prosecution, and Mr C. F. Gill for the defence. There were five indictments against Beck, one for misdemeanour, and four for felony. In each of the indictments for felony there was a count charging the prisoner with having been previously convicted as John Smith, but there was no such count in that for misdemeanour. Mr Avory at the time believed that an indictment for misdemeanour could not legally contain any charge of a previous conviction; but, as he himself pointed out subsequently, the

Last Studies in Criminology

Prevention of Crimes Act (34 and 35 Vic.), would have justified its inclusion; in any case it was not, he said his practice to insert such a count in an indictment for misdemeanour. It was on this indictment for misdemeanour, which contained no count of a previous conviction, that the prosecution elected to try Beck. This we shall see, from the point of view of the innocent man, was a most unfortunate decision.

It was unfortunate, too, for an innocent man that nothing could have appeared stronger than the evidence of the ten women who all swore to the identity of Beck with the man who, as Lord Wilton, or Willoughby, had swindled them so heartlessly. 'I was quite sure of him and always have been,' said one. 'The prisoner is the living picture of the man I saw,' said another. 'I recognised the prisoner at once,' 'I have not a shadow of doubt he is the man,' said others. There was some divergence among them as to the accent with which the man had spoken. Some said that he might have had a slight foreign accent, some that he spoke as an Englishman; others had noticed that he was not an Englishman; one said that at her flat he spoke with a Yankee twang, but when she saw the man at the police court she thought he was a Swiss. As the Prisoners' Evidence Act had not been passed at the time of Beck's trial, he was unable to go into the box and give the women an opportunity of hearing him speak; they might then have been less positive as to his identity. Mr Gill could shake them but little in cross-examination. He got from some of them that the conditions, under which they had identified the prisoner, had not in all cases been satisfactory, and that their feelings against the man they believed to have swindled them were angry and revengeful. But, taking it altogether, on the evidence of the women the case against Beck was a very strong one.

Adolf Beck

To one of the women, the man who had swindled her had written on note-paper of the Grand Hotel, London, and had spoken of sending to her a one-armed commissioner, a favourite character in his various romances, from that hotel. A waiter from the Grand Hotel was called by the prosecution, who said that for the last six years he had known Beck as a visitor to the smoking room of the hotel.

The proprietor of a hotel in Covent Garden gave evidence with obvious reluctance of the fact that Beck owed him a sum of money amounting to £1300 or £1400.

The crucial moment in the decision of Beck's fate was the appearance in the witness box of Gurrin, the handwriting expert. As we know, he had already formed the opinion that the cheques and lists in the present case, as well as those in the Smith case in 1877, were all in the disguised handwriting of Adolf Beck. The prosecution asked him only as to the former, making no allusion to the documents in the Smith case. It was when Mr Gill, in cross-examination, referred to the case of Smith that the question arose the answer to which was to determine whether an innocent man was to suffer or not for the guilt of another. What occurred is given thus in the words of the Sessions Paper:—

‘Mr Gill was proceeding to cross-examine as to the handwriting of certain other documents, exhibits in the case of a man Smith, tried in 1877. Mr Avory objected to the witness being cross-examined with a view of raising the question whether the prisoner was the person convicted in 1877 of an offence similar to that charged in the indictment; that was a collateral issue, and should not be inquired into until after the jury had returned their verdict, lest it should afterwards be said that the prisoner

Last Studies in Criminology

had been improperly convicted. Mr Gill urged that the question was directly in issue, and that he was entitled to raise it, as his case on behalf of the prisoner was that the man who was convicted in 1877 was the man who had been committing these frauds, and that the prisoner had been mistaken for that man. He desired to show by cross-examination that the writing of the man convicted in 1877 was the same as that of the exhibits in the present case. Mr Gurrin stated that the exhibits in the case of Smith were examined by him some time after he had made his report; there was a reference in his report, produced at the police court, to the exhibits in that case. Mr Gill further contended that upon the question of the value of the witness's opinion he was entitled to have all the documents produced which had been submitted to him. Mr Avory objected to the witness being asked whether these exhibits were in the same writing as the lists in the present case. The Common Serjeant ruled that the question whether the prisoner was or was not the man convicted in 1877 was not admissible, on the ground that it related to another and distinct issue, and one calculated to mislead the jury. If witnesses were called to character, Mr Avory might cross-examine them as to the prisoner's previous character; or he might choose not to have the issue confused by the introduction of that matter.'

The situation was this: the prosecution had the positive testimony of the police constable, Spurrell, that Beck was Smith, and that of another retired constable, who had been in charge of the Smith case and was prepared to identify Beck as the man. They had Gurrin's report that the documents in both the Smith and Beck cases were all in the disguised handwriting of Adolf Beck. In the indictments for felony Beck was charged with previous conviction as Smith.

Adolf Beck

In part through a misapprehension on a technical point, Beck was not charged with previous conviction as Smith in the indictment for misdemeanour, on which the prosecution had elected to try him before the Common Serjeant. Mr Avory had positive instructions and himself no reasonable doubt that Beck was Smith. When Mr Gill commenced his cross-examination of Gurrin as to the documents in the Smith case, with the object of showing that the handwriting of those documents was not that of Beck, but that of a man named Smith, Mr Avory objected to the relevance of such evidence. The reason that prompted him to make this vital objection was that, if such evidence were admitted, he would then have to prove to the jury, as he believed he could, that Beck was Smith, and so prejudice the prisoner in the eyes of the jury by proving a previous conviction against him. It was also his feeling that the admission of this evidence might afterwards give ground for contending that the prisoner had been improperly convicted. Mr Gill, on his side, held the view, rightly or wrongly, that the only way, by which in the present trial he could raise the issue as to the identity of Beck with Smith, was by cross-examining the witnesses called for the prosecution, and then calling witnesses to prove an alibi in regard to the alleged previous conviction of Beck as Smith. To have pressed the matter further after the ruling of the judge he did not consider justifiable; to have turned and denounced the judge or Mr Avory would, in his opinion, have been an outrage. To have put forward an affirmative defence in opposition to the ruling of the judge would, he considered, have been rather a strong thing to do, and would have necessitated his calling Gurrin and Spurrell, hostile witnesses. These were the motives actuating the two leading counsel in the lines they took respectively in dealing with the question

Last Studies in Criminology

of the identity of Beck with Smith. If Mr Avory's contention that such a question was a collateral issue were upheld by the judge, and Mr Gill did not consider himself justified in pressing the matter further, then Beck was lost.

The judge decided against him. He held that the question of Beck's identity with Smith was a collateral issue, and therefore inadmissible to be raised in the present case. The Common Serjeant had formed in his own mind during the case the opinion that probably Beck was not Smith, and that the prosecution were very doubtful on this point. He thought that Mr Gill, perfectly legitimately, was trying to run the defence on the identity of doubtful documents, to the exclusion of the positive evidence as to Beck's identity given during the trial by the various women. He had not the faintest recollection of his own appearance as prosecuting counsel in the Smith case in 1877; he had had very little practice at the Old Bailey at that time, and had probably held the brief for a friend.

The Committee of Inquiry into Beck's case in 1904, consisting of the Master of the Kolls, an ex-Indian judge and a distinguished civil servant and historian, was of opinion that the decision of Sir Forrest Fulton was wrong, that a prisoner was not debarred from referring to a previous conviction if material to his defence, that evidence adduced by a prisoner, relevant to his defence, cannot be excluded, although it be relevant also to a collateral issue which is not under trial. In their opinion, the evidence tendered by Mr Gill could only have been excluded on the ground that it was irrelevant to the main issue, the guilt or innocence of the prisoner. But in this case it was relevant to the main issue: 'It was the first step in a train of reasoning leading to the conclusion that Mr Beck was not the man. Two crimes were committed by one and the same man. Mr Beck

Adolf Beck

could not have committed the first. Therefore he did not commit the second.' To the Committee it seemed that Sir Forrest Fulton had treated the sound rule as to evidence on collateral issues as applicable to the special circumstances of this case, which, with the greatest deference, they ventured to think, for the reasons given above, it was not.

The decision of the Common Serjeant on the second day of the trial was the last link in the chain of fatal circumstances that was to bring about the conviction and imprisonment of an innocent man. After the rejection of his plea, Mr Gill called some witnesses for the defence. When one of them was about to give evidence of his having met Beck in Peru in 1880, at a time when John Smith was serving his term of imprisonment in England, his evidence was objected to as irrelevant. On March 5th, after a few minutes' deliberation, the jury found Beck guilty. The Common Serjeant said that he considered the evidence as to identity had been overwhelming, not in one, but in every direction. He described the prisoner's crime as base, wicked, and entirely heartless, and sentenced him to seven years' penal servitude.

Mr Gill asked that the indictments for felony against Beck should now be tried, or a verdict of not guilty taken on them, but the judge decided that they must stand over till the next session of the court, when the Attorney-General entered a *nolle prosequi* in regard to them.

Beck was sent to serve the first part of his sentence at Wormwood Scrubs prison. There he was given the number allotted to John Smith in 1877, D.523, with an additional 'W' marking him as having been previously convicted. Beck was now legally, and all but in fact, John Smith.

Indeed, in the words of Sir Forrest Fulton at a later date, "an awful calamity" had fallen on Adolf

Last Studies in Criminology.

Beck. But this was as nothing to the 'grievous wrong' that was to be done him in the time to come. Calamity he had suffered through what might be held to have been a too narrow interpretation of the law of evidence, wrong he was to suffer through the unsympathetic attitude of the Home Office towards his frequent appeals for justice. No doubt such appeals are constant and for the most part worthless, and breed in the official mind a certain natural scepticism. But there is always the danger that this scepticism may become a habit of mind, a danger which only constant vigilance can prevent.

The first of fifteen petitions presented by Beck to the Home Office was dated June 9th, 1896, and was drawn up by Mr Dutton, his solicitor. It put forward the question, left untried, of the identity of Beck with Smith; it pointed out that from 1873 to 1884, during the period embracing the trial and imprisonment of John Smith, Beck had been in South America, and stated that four gentlemen had attended at the trial prepared to swear to having known Beck during that period in Peru. One of them, a Gentleman of the Chamber to the King of Denmark, recollected a visit paid him by Beck whilst he was in prison in Lima, during the war between Chili and Peru, which had lasted from 1879 to 1881. All these gentlemen had been called for the defence at the trial as witnesses to the good character of Beck, but that part of their evidence which would have negatived the suggestion that Beck was Smith, had been ruled out as irrelevant to the issue. Mr Dutton now asked that the Home Office should cause such inquiries to be made as would prevent a 'grave miscarriage of justice,' and procure a free pardon for the petitioner.

There are two Home Office minutes drawn up on the subject of this petition, and the substance of both is a refusal on the part of the Home Office authorities

Adolf Beck

to examine into the question, raised by Mr Gill at the trial, of Beck's identity with Smith. They accept the ruling of the Common Serjeant as to the irrelevance of Mr Gill's defence. In the first minute it is said : ' Even if the prisoner is not Smith, the evidence of his guilt in the present case is quite overwhelming. He was identified by ten women, whom he had defrauded, quite positively. There was also the evidence of Mr Gurrin as to the handwriting of the forged cheques and its identity with the previous writing.' This minute, as the Committee of Inquiry pointed out, ' suggests no inkling of any miscarriage. It assumes as conclusive beyond discussion the ruling itself which is the real ground of appeal, and assumes as conclusive, evidence which was only conclusive because all evidence to the contrary was excluded by the ruling impugned.' In the second minute Mr Gill's defence is described as a ' clever ruse.' How, it is asked, could the evidence of his witnesses as to Beck's presence in South America be disproved? This would almost seem to suggest, said the Committee, that an alibi is defective and a ruse, because it is difficult for the Crown to answer it. Beck's alibi was a good one; it had not the vice of alleging events to have happened at a particular place and time, which had really happened, but at a different place and time from that alleged; the presence of Beck in South America on any one day during Smith's crimes and imprisonment was sufficient to prove his case. But into the question of this alibi the Home Office refused to go, and the petition was marked ' Nil.'

Speaking many years after the event and with no distinct recollection of the case, except from re-reading it, Sir Kenelm Digby, Permanent Under-Secretary at the Home Office in 1896, would seem at the time to have been greatly influenced in his view of the value of Beck's defence by the fact that Mr Gill, having

Last Studies in Criminology

failed to put it forward by cross-examination, had not opened it as an affirmative defence. It led him to the conclusion that Mr Gill had not affirmative evidence strong enough to meet that of the prosecution, and that he had not pressed his case further because he could not really rely on the strength of it.

Whatever the reasons, no steps of any kind were taken by the Home Office at this time to make any inquiry into the facts of the case. They seem to have contented themselves with referring to the report of Beck's trial in the Central Criminal Court Sessions Paper and the *Times* newspaper, but made no examination into the case of Smith.

During the next two years of his imprisonment Adolf Beck addressed personally six petitions to the Home Office. They are written in imperfect English. The unfortunate man begins to believe himself the victim of a deliberate conspiracy, and accuses his solicitor, Mr Dutton, of acting in collusion with his enemies. He says that before his arrest he had been warned of a plot to ruin him. It is little to be wondered at that an innocent man, sent to seven years' penal servitude, with absolute proof of his innocence to be had for the asking, should fancy himself the victim of persecution. He protests his innocence emphatically. 'In whatsoever situation, misfortune or faults (sic) I may have had, I have never been guilty of obtaining anything by false pretences, nor have I ever stolen the value of a halfpenny from man or woman in my lifetime.' In spite of Beck's unjust suspicions, Mr Dutton was still active on his behalf. He had in vain endeavoured to obtain from the Commissioners of Police leave to inspect the official papers in the Smith case; he had in vain endeavoured to obtain an interview with the Home Secretary in order to lay before him the facts of the case. But at last, on May 25th, 1898, he makes a communication

to the Home Office, which, if it proved correct, must establish once and for all that Adolf Beck and John Smith were two different persons. He writes: 'I have been informed that it is believed the man, John Smith, alias John Weissenfels, was of the Jewish persuasion and would therefore have been circumcised in accordance with the custom of his race. I do not know whether this appears on the records of John Smith, but it can of course be easily proved that Beck has not been circumcised.' The Home Office made the necessary inquiries. The fact of Smith's circumcision, known to the prison authorities since 1879, came to light. There could now be no longer any question that Adolf Beck was not the John Smith whose prison number he had been wearing for the last two years.

Was this discovery to be the means of proving the innocence of Beck and procuring his pardon and release? Would it lead to an examination into all the facts of the Smith case and his own? Here is the minute of the official of the Home Office on receipt of the information:—

'I believe Mr Dutton is so far right that Beck and Smith are different persons, which is shown by the marks on them which I have compared, which differ widely and which curiously have never been referred to before; but this does not prove that Beck was not guilty of the many offences of the same kind of which he was convicted, he having been satisfactorily identified by numerous women whom he had defrauded, though it does prove that the police witness was mistaken and shows how invaluable in such a case would have been the measurement system.'

It does not seem to have occurred to the writer of this minute that if the police witnesses, Spurrell and

Last Studies in Criminology

another constable who had been in charge of Smith's case in 1877, had 'knowing what was at stake' sworn at Westminster police court in 1896 that they had 'no doubt whatever' that Beck was Smith, it was very possible that these ten women might have made a similar mistake in regard to Beck's identity. Every consideration should now have urged a close and searching inquiry into the facts of Smith's case, and an examination of the documents in that case which were admitted to be in the same handwriting as those in the case of Beck. If Beck and Smith were provedly different men, and the handwriting of the documents in the two cases the same, then clearly the writing in Smith's case could not be, as Gurrin had declared, the disguised writing of Adolf Beck. The Home Office took no steps to ascertain the truth as to this question of handwriting; the matter was left uninvestigated. What they did was to send the petition of Beck, the letters of Mr Dutton, the reports of the two trials, and a note of the distinctive marks of Smith and Beck to the Common Serjeant, Sir Forrest Fulton, and ask for his opinion on the case and the representations made on Beck's behalf.

Here, in the run of persistent ill luck, which seemed at every turn determined to defeat any attempt to bring about the rehabilitation of Beck, occurred a misunderstanding of most unhappy consequence. In his reply to the Home Office, Sir Forrest Fulton wrote: 'I do not understand if the paper sent to me, purporting to be a record of the marks of Smith and Beck respectively, is official or not. I observe that Mr Dutton, in one of his communications, says he is informed that Smith was a Jew and was circumcised. It is, of course, obvious that if at the time of his conviction, Smith was circumcised and Beck is not so, they cannot be one and the same person.' Seeing that Sir Forrest Fulton was clearly in doubt as to the official

Adolf Beck

character of the information in regard to Smith's circumcision, it would seem that he should have received a definite assurance of that fact. This was not given him, nor was this fact of the circumcision of Smith communicated by the Home Office to the Treasury or to the police. Mr Murdock of the Home Office, though he discussed the case of Beck with Superintendent Frœst of the police, and the evidence of the women in regard to a certain scar, never mentioned to him the discovery of Smith's circumcision.

The rest of Sir Forrest Fulton's reply was unfavourable to Beck: he reiterated the overwhelming character of the evidence of the women as to Beck's identity, and wrote that he should be inclined to regard the South American alibi with great suspicion, requiring, before it could be acted on, the most stringent and searching examination. He had, he wrote, regarded the crime as exceptionally cowardly, selfish and cruel, and fully deserving the very severe sentence he had passed upon it.

Stringent and searching examination into all the facts of Beck's appeal was the one thing the Home Office declined to give. Instead we find the minute dated July 15th, 1898,—

'The Common Serjeant has not the slightest doubt that the allegation that Beck is the man who was convicted of a similar offence in 1877 is open to doubt, but this is really immaterial, as Beck is punished only for the offence proved in 1896.

Nil: But let the convict be given a fresh prison number so that his identity with John Smith should not be affirmed.'

And in the following month, the convict Beck, who had now been removed to Portland prison, was

Last Studies in Criminology

ticketed with the number W. 78 instead of that of John Smith D. W. 523.

To say that it is 'open to doubt' whether a man circumcised in 1879 could be the same man as one uncircumcised in 1898, seems like flying in the face of nature. From this moment the fact that Beck was not, and could not be, Smith, could admit of no doubt whatever; it was an absolute certainty. It proved conclusively the second step in the defence put forward on Beck's behalf; it gave new weight to the evidence of the alibi and added significance to the point urged by Beck in the poor English of his petitions that in examining 'that man's trial of 77 there will be found the same story as told by these women against me the same cheques, the same handwriting and signature.'

On July 27th the Home Office informed Mr Dutton that the Secretary of State did not feel justified in recommending any interference with the sentence passed on Adolf Beck. Two extraneous circumstances had about this time helped to influence the Home Office in their unfavourable attitude towards Beck's petitions. After his sentence, the Swedish Minister had called at the Home Office and got permission for a solicitor, acting for the Legation, to see Beck and go into his case. Nothing more was heard of any action on the part of the Swedish Minister. 'If there had been anything in his case,' says an official minute of April 13th, 1897, 'the Home Office would have heard of it from the Legation ere this.' The other circumstance was a statement made to the Home Office by Superintendent Fröest to the effect that since Beck's conviction, the particular form of swindling loose women, of which he had been found guilty, had entirely ceased.

Still Beck continued to address to the Home Office passionate appeals for justice. 'It is only,' he writes,

Adolf Beck

'by the help and infinit mercy of God, that I am not by now a lunatic or a total wreck in healt, from what I have endured.' He urged yet another point as disproving his identity with the man who had 'winded the women. They had said that the man had a scar on the right side of his neck. The official description of Smith showed that he had such a scar, that of Beck that he had not. What occurred at the trial of Beck in relation to this alleged scar is not quite clear. According to the Sessions Report, one of the women said that the man had 'a little scar by the right side of his neck under the ear.' At Mr Gill's request she went up to the dock and pointed to the angle of the prisoner's jaw, at the place where she said the mark was, and then said. 'I do not see it now.' Another woman, Otilie Meissonier, said that the man had some mark just below the right jaw.' In cross-examination she said that she could see it now, and some of the jury stated that they saw the mark described. At the time that Beck petitioned the Home Office on this point, his petition was accompanied by a report from the medical officer of the prison, stating that he had carefully examined the prisoner's neck and could not find any scar there. In addition the Home Office had the official descriptions of the two men which corroborated this statement. But from an account given them by Superintendent Fröest of what took place at the trial, which differed in some respects from that in the Sessions Paper, they would seem to have satisfied themselves that there was nothing in Beck's plea.

To the end Beck persevered in his prayers for justice. He believed himself to be the victim of a 'monster complot'; he had been tricked and abused; he begged that he might be set free to attend to his business; in the name of God he besought His Majesty's Principal Secretary of State for the Home

Last Studies in Criminology

Department to give him that justice, by the law of God and man his due. At length on July 8th, 1901, after undergoing five years of his sentence, Beck was released on licence from Pentonville prison.

From the moment of leaving prison, Beck set himself by all the means in his power to vindicate his good name, to get at the bottom of the conspiracy which, as he thought, had worked his ruin and incidentally killed his mother. She had died of grief at the time of his arrest. A poor man, Beck spent nearly £1000 in his attempts to prove to the world that he was an honest man. One of his first visits after his release was to Mr G. R. Sims. Never from the very first had Mr Sims, himself a man of the world and one who in his time has rubbed shoulders with all manner of men, good, bad, and indifferent, doubted for a moment Beck's innocence and the fact that his conviction had resulted from some terrible mistake. 'I had known Adolf Beck,' he writes, 'since 1885, and all the juries in the world would never have convinced me that he was a petty thief, a cowardly swindler of foolish women.' Soon after his trial, Mr Sims had written an article in which he had pointed out the impossibility of Beck being John Smith. After his release, Beck brought him articles that had appeared in certain newspapers, extolling the police and pointing out the great credit due to them for 'laying by the heels the meanest and most contemptible scoundrel of modern times.' Mr Sims went to the editors of these newspapers and succeeded in convincing them of the injustice of these 'communications.' On condition of Beck guaranteeing that, in the event of his innocence being proved, he would not take any proceedings against them, these newspapers now wrote articles calling for a reconsideration of his case. The Investigation Committee of the Salvation Army lent their aid in Beck's cause.

Adolf Beck

It seemed possible that the unfortunate man would in a short time be in possession of money sufficient to enable him to prosecute his vindication with even greater vigour. But the time was not given to him.

In August of 1903, John Smith, whose movements had been lost sight of, is known to have been in London again.

On April 15th in the following year, Adolf Beck was re-arrested on a charge of swindling a woman named Pauline Scott.

Miss Scott had on March 22nd met a gentleman in Oxford Street, who was good enough to ask her for her address. He gave his as the Hyde Park Hotel. Next day he called on her. He gave his name as Lord Willoughby. He could not stay long, he said, as he had to go to the House of Lords. He wished to make Miss Scott a little present, and wrote out a cheque with which she was to buy some dresses. He expressed a further wish to make her a present of jewellery and, in order to get the measurement of her finger, borrowed one of her rings. He took also a watch of hers, which he was to have repaired and, as his valet had carelessly let him come out without his money, his lordship was good enough to borrow a pound from Miss Scott to pay for lunch. In the Edgware Road they parted. Needless to say, Miss Scott never saw Lord Willoughby or her jewellery again, and his lordship's cheque turned out to be bogus.

The same day Miss Scott made a complaint to the police. Detective-Inspector Ward came at once to the conclusion that Miss Scott was another victim of Adolf Beck, who had no doubt recommenced the swindling practices of which he had been convicted eight years before. On March 31st he took her to a restaurant in Oxford Street, which Beck was in the habit of frequenting. She stayed in the restaurant for nearly two hours, but failed to identify Beck,

Last Studies in Criminology.

though he was there for a short time. On April 15th Ward took her to the corner of Store Street, Tottenham Court Road, where Beck was then living. When, about half past nine in the morning, Beck came out of his house, Miss Scott went up and spoke to him.

After five minutes' conversation she told Ward that this was the man who had swindled her. Ward took Beck into custody. Beck said that it was all a mistake, a trumped up charge. His protests were unavailing; he was lodged in Paddington police station. Later, four other women identified Beck as a man who, about this time, had swindled them in exactly the same way as Lord Willoughby had employed with Miss Scott. One woman, who had been similarly defrauded, failed to identify Beck as the man.

On April 23rd, Beck was charged at the Marylebone Police Court with defrauding certain women, and on May 19th, committed to take his trial at the Central Criminal Court. Mr Sims, who had prosecuted for the Treasury in 1896, appeared against Beck at the police court, and Gurrin gave the same evidence as to the similarity of handwriting, which he admitted subsequently to have been incorrect. At the end of the magisterial hearing, Beck said: 'Before God my Maker I am absolutely innocent of every charge that has been brought against me. I have not spoken to, or seen any, of these women before they were set against me by the detectives. I can bring many witnesses to prove I have acted honestly in my business in the city from 10 a.m. to 6 p.m. I ask the Press to help me to get all evidence in my support from my solicitor.' The present writer was told by a barrister who had heard in court Beck's vehement protestations of his innocence, that for some reason or other, whether the foreign accent, the imperfect English, or something unfortunate in the manner of the man, they

Adolf Beck

were not convincing—another illustration of the well-known fact that, in their repudiation of guilt, the innocent are only too frequently less convincing than the guilty.

The Treasury in the brief, supplied to counsel for the prosecution at the approaching trial, commented in an unfriendly spirit on Beck's declaration of innocence. 'Though he called upon Heaven,' it said, 'to witness, and the Press to take note that he was an innocent man, he did not venture to go into the witness box.' Before the second arrest of Beck, the Prisoners' Evidence Act (1898) had been passed, giving to an accused person the right to go into the witness-box and be examined on oath. That Beck did not avail himself of this privilege at the police court was made a matter of unfavourable comment. There is no doubt that if a prisoner has a good answer to the charge against him, it is wise that he should make it at the earliest opportunity.

Beck had been committed for trial to the June sessions of the Central Criminal Court. The information in possession of the Home Office as to Beck and Smith being two distinct persons had not reached the Treasury. In the brief for the prosecution it was stated: 'This will be the third time upon which the prisoner has stood in the dock of the Central Criminal Court charged with offences of a like description.' Therefore, once again, though their identity had been conclusively disproved, Beck was to stand in the dock as John Smith. His trial would, in the ordinary course of events, have taken place before Sir Forrest Fulton, who had now been promoted from Common Serjeant to Recorder of London. But the Recorder disliked trying the same man twice, and it was arranged that Beck should be tried before Mr Justice Grantham, the High Court judge attending the sessions.

Last Studies in Criminology

The hearing took place on June 27th, 1904. Mr (now Sir) Charles Mathews and Mr (now Sir) Archibald Bodkin, led for the prosecution, and Mr Leycester defended. Beck, who had been obliged to change his solicitor a week before the trial, applied in vain for a postponement. Four women gave evidence identifying Beck as the man who had swindled them at various dates in August 1903 and March 1904, and the evidence of a fifth, who was ill, was read. Gurrin went into the box again, and swore that the cheques and other exhibits in the case were in the same handwriting as that of Beck, but 'studiously disguised.' Beck, in giving evidence on his own behalf, as he was now entitled to do under the Prisoners' Evidence Act, said that on three of the dates in March given by the women, he was in the City on business, but he called no evidence in support of his statements. His solicitor, who had known Beck for fifteen years, went into the box and said that he disagreed with the conclusions of Gurrin in regard to the likeness between Beck's handwriting and that of the documents in the case. The issue as to the identity of Beck and Smith was never raised by the defence. It was not until some time after the trial that Mr Leycester learned the fact that Smith was a circumcised Jew and Beck not.

Beck was found guilty by the jury; he was now, for the second time, convicted of offences of which he was absolutely innocent. But the judge postponed passing sentence. Mr Justice Grantham said afterwards that he found himself, without knowing exactly why, dissatisfied about the case. The prisoner's guilt seemed to him proved, and his 'implicit faith in the accuracy of Home Office inquiries' led him to believe in the prisoner's previous convictions. At the same time he felt that Beck was not an ordinary member of the criminal classes, but an unfortunate man affected with a mania for duping foolish women.

Adolf Beck

The judge sent for the counsel for the prosecution and defence, and expressed to them his doubts and his intention of passing a sentence of twelve months on the prisoner. But he could get from them nothing that seemed to justify the uncertainty in his mind. He sent a prison doctor to see Beck, who assured him that the man was perfectly right in his mind. Lastly, Sir William Grantham saw the detectives in the case, and they successfully 'closed the door' on the undefined doubt that was troubling him. He determined on the sentence which he should pass on Beck at the following July sessions at the Old Bailey.

To all appearances Peck's last hope of escape from serving a second term of imprisonment for crimes which he had not committed, had gone. For aught he knew, the unhappy man was to pass through another long period of undeserved shame and suffering. But on July 7th, only a few days before the opening of the sessions at the Old Bailey, at which Beck was to have received sentence, a police inspector of the name of Kane happened, about eleven o'clock at night, to visit the Tottenham Court Road police station. He had been present at both trials of Beck. He was told that there was a man detained in the station on charges similar to those of which Beck had been convicted. He saw the man and satisfied himself that he was the John Smith convicted in 1877. Events moved with rapidity. In ten days from Kane's visit to Tottenham Court Road police station, Beck was a free man.

Of the five women who had identified Beck at his second trial, three now identified Smith as the man who had defrauded them; the two other women had gone abroad. It was impossible to trace the women who had given evidence against Beck at his first trial in 1896. But one was found who at that time had refused to identify Beck, and had therefore not been called as a witness at the trial. She was now shown

Last Studies in Criminology.

by the police a number of photographs including one of Smith. This she immediately picked out from among them as that of the man who had swindled her. One of the women had described the swindler as carrying a gold watch with a number of Egyptian coins attached to it. No such watch had been traced to Beck, but such a watch was found on Smith. Some of the Grand Hotel note-paper, which Beck had been accused of using, was also found in the possession of Smith. Gurrin withdrew unreservedly his expert opinion on the identity of the handwriting of Smith with that of Beck. His excuse that, had he known of the fact of Smith's circumcision and the absence of such a mark on Beck, it would have modified considerably his judgment, does not give one much faith in graphology as a pure science.

On July 29th, the King granted Adolf Beck a free pardon in respect of his two convictions in 1896 and 1904.

On September 15th William Thomas, alias John Smith, describing himself as a journalist, aged sixty-five, stood in the dock at the Old Bailey and pleaded guilty to a charge of stealing some rings and an umbrella from three women and to a previous conviction of a similar kind at that court in 1877.

The early history of John Smith is wrapped in mystery. He said that his real name was William Augustus Wyatt, that he was born in Lancashire, and had later gone to Australia, where he had taken medical degrees. At another time he gave his name as Meyer, and said he was an English Jew. After his release from prison in 1881, he had gone to South Australia and set up as a physician. In 1894, two years before the first arrest of Beck, he had been charged with fraud at Bow Street, but discharged for want of evidence. His previous history and the proof of his presence in London at the time of the offences

Adolf Beck

alleged to have been committed by Beck 'made it possible,' in the words of Mr Mathews who appeared for the prosecution, 'that he could have been the author of the crimes of 1896, and likely that he was the author of the crimes of 1904.' He was sentenced to five years' penal servitude.

It was proposed at first by the authorities to give Beck a sum of £2000 'in full settlement of all demands' as compensation for his sufferings, and there the matter would have ended. But public opinion had been aroused. Mr G. R. Sims had enlisted the help of the *Daily Mail*, making known to the public at large the facts of Beck's case. It was realised that a gross and shocking miscarriage of justice had occurred, that our vaunted safeguards for the protection of the innocent man accused of crime had been powerless to prevent the prolonged torture of a helpless foreigner. The case was brought before Parliament, and the Home Secretary appointed a Committee of Inquiry to investigate the circumstances of the two convictions. The committee consisted of Sir Richard Henn Collins, then Master of the Rolls, Sir Spencer Walpole, a distinguished civil servant, and Sir John Edge, an ex-Indian Chief Justice. They sat for five days, during which the judges, counsel solicitors, Home Office and police officials concerned in the two cases were examined, as well as Beck himself. The findings of the committee may be summarised as follows:—

THAT the conduct of the police had been dictated by nothing but a sense of duty, and had been perfectly correct.

THAT the omission of the prison authorities to state the fact of Smith's circumcision in the records of 1877 and 1881, was the primary cause of the miscarriage of justice.

Last Studies in Criminology.

THAT the ruling of the Common Serjeant at the trial of Beck was wrong, and led as a consequence to a mis-trial.

THAT the action of the Home Office in dealing with the case in 1898 was defective.

THAT there was no shadow of foundation for any of the charges made against Beck, or any reason for supposing that he had any connection with them whatever.

The committee did not report in favour of the creation of a Court of Criminal Appeal, but three years later such a court was set up.

Adolf Beck received finally £5000 compensation. He died of pleurisy in the Middlesex Hospital in the December of 1909. For two years before his death he had been in poor circumstances.

Nothing prospered with Adolf Beck, but nature, according to his friends, had happily bestowed on him a temperament of undefeated optimism; no man ever had greater need of such a thing.

