

Adolf Beck

ENGLAND

THE peculiar chain of circumstances and coincidences which led to the distressing misfortunes of Adolf Beck began in 1877 with the conviction of one John Smith on a charge of larceny.

Smith was found guilty of defrauding several women of jewelry by posing as an English nobleman to gain their confidence. His method of operation is described in the testimony of one of Smith's many victims, Evelyn Emily Miller, as follows:

. . . About 5 p.m. on 28th January, 1895, I was in Bond Street, when the prisoner said, "Did I not meet you at a ball last night?" I said he might have done so, but that I did not remember him. He said he was sure he had met me, and that he would be delighted if I would allow him to lunch with me at my house next day. I said he might. He said he was not quite sure whether it would be the next day or the day after, but that he would send me a telegram in the evening, signed "Wilton, Carlton Club." I gave him my address and we separated. The same evening I had a telegram signed "Wilton, Carlton Club," stating that he would be with me at two tomorrow. He came at two next day, and had lunch with me. He said he had a house in St. John's Wood, and the lady who had been acting as housekeeper had just left. I asked who he was and he said he was the Earl of Wilton. I said I would consider whether I would go to his house in St. John's Wood. He offered me the position; he said he would come a day or two after and arrange details; that after the sitting of Parliament he was going on a trip to Italy and would like me to go with him, and that I would want a new outfit. He asked for a piece of paper, in order to give me a list of dresses. I gave him the paper and he wrote out a list, which has been destroyed. . . . The tailor-made dresses I was to get from Redfern, and the other gowns from Russell & Allen. He said I should have to pay something on account, and he would give me a check. He took a checkbook, in which there were not many checks, from his pocket, and filled up this check for £30. . . .

He said also that he would give me some jewelry, and asked me to let him have one of my rings to get the size of my finger. I asked him to take the size in cardboard. He said he preferred having the ring. I was wearing some rings, but I did not care to part with them, so I borrowed a diamond horseshoe ring worth £7 or £10 which I gave him. He was with me about one and a quarter hours. Before he left he said he had a pensioned-off coachman who lived

near me, and he wanted to take him some money, and he had not any change. Could I lend him £2. I believed about the pensioned coachman, and I lent him £2. He said I could deduct it out of the £30 check. He said a commissionaire would bring the ring back that evening. The ring did not come. . . .

Smith, of course, never returned after such a visit. He went on to his next victim. The police began to receive more and more complaints about him from various women, but he could not be found. Finally, however, one of his victims recognized him on the street and succeeded in bringing about his arrest. He was indicted, tried, convicted, and sentenced to five years' penal servitude.

ADOLF BECK was what would be described today as a promoter, principally of questionable mining properties. Never with a large amount of money in his possession for any length of time, his creditors suffered, and his character, as painted by witnesses at his trials, was not entirely enviable. This circumstance in itself apparently carried considerable weight with the jury.

Beck was born in Norway in 1841. He was fifty-four when arrested by the London police December 16, 1895. This was fourteen years after Smith had been released from prison upon the expiration of his sentence. Smith had passed from the interest of the police and his whereabouts in 1895 were unknown to them.

On this mid-December afternoon Otilie Meissonier, a woman who had been defrauded of several rings and two watches, met Beck on the street and accused him of robbing her. He protested, but she was insistent and dogged his footsteps until she found a policeman to arrest him.

After the woman told her story at the police station, Beck was held in custody until a number of women—ten or eleven—called at the station house and identified Beck as the man who had robbed them after telling the same story about St. John's Wood, the housekeeper, the new clothes, and the jewelry.

A man who read about the case in the paper and recalled the Smith case nineteen years before, informed the police

that he believed Beck was the ex-convict Smith. An ex-police constable, Spurrell, who arrested Smith in 1877 was brought out of retirement and identified Beck as Smith, and this identification was confirmed by another officer who had worked on the Smith case.

Beck's indictment was the result. He was brought to trial at Old Bailey in March, 1896. He was tried for misdemeanor only, though there were also four felony indictments on file against him in which it was charged that he had been convicted in 1877 under the name of Smith. These indictments were postponed until next session and were subsequently dismissed when a *nolle prosequi* was entered after conviction on the misdemeanor charge.

The Crown's case rested on the testimony of ten women who claimed to have been victims of Beck's guile. Each told substantially the same story as that related by Evelyn Emily Miller, and each identified Beck as the criminal. The defense, of course, relied upon mistaken identity, but in the face of the confident and numerous witnesses called by the Crown the jury could hardly do otherwise than find Beck guilty. He was immediately sentenced to seven years' penal servitude.

THE special Parliamentary Committee of Inquiry which later examined the case in detail pointed out that Beck "was convicted on evidence from which everything that told, or might be thought to tell, in his favor was excluded. His case was never tried."

This forthright criticism related to the refusal of the court to admit as evidence any testimony which the defense wished to offer establishing (1) that documents offered in evidence as having been in Beck's handwriting were actually in the same hand as those attributed to Smith in 1877, and (2) that Beck was in South America in 1877 and for several years thereafter.

The defense expected to show upon cross-examination of the Crown's handwriting expert that the calligraphy was the same in both sets of documents. This would mean that Smith was the perpetrator of the latest frauds, thus proving

that the witnesses and police were wrong in identifying Beck.

This cross-examination was about to begin when its tenor was noted by the prosecution and an objection raised and upheld by the court. The Common Serjeant (judge) ruled that evidence on the question whether the defendant 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.

The Committee of Inquiry was inclined to admit that perhaps the court was right in asserting the principle but that

the statutory inhibition debarring the prosecution in certain cases from referring to a previous conviction does not debar the prisoner from introducing it, if it is in any way material to his defense. . . . But there is a broader principle underlying the whole question, namely, that evidence adduced by the prisoner relevant to his defense cannot be excluded, although it be relevant also to a collateral issue which is not under trial. . . . There can be no doubt whatever that 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 could not have committed the first. Therefore he did not commit the second.

The court, ignoring this principle, undermined the foundation of the defense in an instant, so that nothing was left except the bare assertion that Beck was not the criminal. His counsel was denied the opportunity to establish this as a fact.

Immediately after conviction, Beck petitioned the Home Office for relief, saying he had been identified by mistake. This petition and several subsequently presented were all denied until in May, 1898, his counsel demanded that the case be reopened. For the first time the Home Office responded somewhat favorably, and a most remarkable bit of hitherto undisclosed evidence was brought to light.

It was found that Smith was examined by a doctor at Portland prison in 1879, while serving his sentence, and that this physician in his written report on Smith's condition stated that Smith had undergone circumcision. Beck was

examined immediately and was found not to have been circumcised.

This seemed to the defense convincing evidence of Beck's innocence, but the Home Office refused to do more than allot Beck a new prison number. He had been given Smith's old number when he entered prison and it carried the sign of a second offender. The new number indicated a first offender. This technical maneuvering had no practical effect upon Beck's plight.

Beck completed his sentence and was released in July, 1901. Three years later, July, 1904, he was again arrested. Again he faced charges similar to those upon which he had been convicted in 1896, but this time he had been trapped by the police.

A woman named Pauline Scott had been swindled by a man of apparently aristocratic circumstances, and the old story was repeated—the house in St. John's Wood, the housekeeper, the new clothes, and the jewelry. After telling the police her story, which corresponded in detail with the complaints of other women recently victimized, she was taken to a spot on Store Street, Tottenham Court Road, near Beck's new lodgings.

She and the police who accompanied her waited. Presently Beck appeared. He wore a silk hat and was dressed accordingly, resplendent from tip to toe. Pauline Scott identified him at once. Once more came the procession of women, each confident that here was the man—the mannerly gentleman who stole from them with unabashed deceit. Indictment followed. Then the same kind of trial. Indeed, the two were practically identical in all respects save one. This time the court had certain misgivings as to the guilt of the defendant and sentence was reserved until further inquiry into the case could be made. And here, Beck's luck began to turn.

Early in July two actresses—Violet and Beulah Turner—had been swindled and there was much in the newspapers about the operations of the thief.

On the afternoon of July 7, a pawnbroker named Lawley sent a clerk to call a policeman. Said the clerk to the officer: "There's a man pawning some rings in my master's shop

and Mr. Lawley would like to have you come and look him over. There's been a lot in the newspapers about ladies' rings of late, you know."

The well-dressed man in the pawnshop failed to satisfy the policeman with his answers to various questions concerning the rings he sought to dispose of and he was taken to the police station for further questioning.

He said his name was William Thomas and that he was innocent of any wrongdoing. The suspicions of the officers were aroused, however, and several of the women who had lost their jewelry were called to view the prisoner. They not only identified him but the rings in his possession were likewise claimed. On the basis of this evidence he was indicted, tried, and found guilty.

Then he confessed. He admitted that he was John Smith and that he was responsible for the frauds for which Beck had been twice convicted.

Beck was pardoned of both convictions July 27, and later was granted by Parliament £5,000 for his wrongful imprisonment. This he soon spent, and in February, 1906, he was sued for £220 due his late solicitor's trustee in bankruptcy. He told the court, "I have no money, my lord." In December, 1909, he was in poverty and was admitted to Middlesex Hospital suffering from pleurisy and bronchitis. There he died December 7.

THE flagrant mistake made by the police, the court, and the Home Office in Beck's case had the important result of inducing Parliament to establish the Court of Criminal Appeal, which has power to review the facts as well as the law in cases of indictable offenses. This much-needed opportunity for review of the facts should be afforded in felony cases in all the states, but thus far only a few have established it, and then only in capital cases.

Parliament granted the indemnity, because the inquiry had established gross negligence in the administration of justice. The case aroused indignation, for closer attention to the factors indicating Beck's innocence would have dis-

closed the truth. Beck did resemble Smith somewhat and that doubtless led the victims of the swindler to identify him. But without the help of a complacent if not negligent police and a mistaken judge they could not have accomplished his conviction and imprisonment. At least Parliament did what it could to right the wrong by a substantial indemnity, which could not be compensatory of the injury done but at least restored Beck to good standing with a chance to start anew.

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