

The Law's Tragic Blunders

AMAZING CASES OF MISTAKEN IDENTITY.

The methods of the police, combined with the high standard of the men of the force and the application of modern science, have, happily, reduced the possibility of error to a minute degree. Yet, the "very terrible mistake" as the Recorder at the Old Bailey called it, by which, on a recent occasion, an Army officer was wrongly identified as a man who had robbed a woman—and was arrested and charged—only goes to prove that where human judgment is called upon to lay its part, mistakes can still be made.

The history of our criminal courts shows that, in the past, more than one innocent person, trapped in a web of circumstances, has suffered the penalty for crimes committed by others, while there have been fre-

quent examples of innocent men sent to spend a term in prison for crimes they have never committed.

At Inspector's Error.

Many prominent lawyers have declared that no one should ever be convicted on purely circumstantial evidence, especially on a capital charge, and it is surprising how frequently reputable and honest witnesses have blundered. It is difficult enough for detectives, who have devoted their whole lives to the study of crime and the criminal, to be accurate. How ordinary witness? To say, as so many witnesses have done, "Yes, I am sure that is the man," after they have seen him for perhaps a fleeting moment, is distinctly unfair to the prisoner.

One of the most illuminating examples of a blunder in identification was told by the late Chief Inspector Littlechild—and it was against himself, too!

He held the warrant for the arrest of a man he knew quite well. He was

on an omnibus, travelling in the same direction as a tram, on which he was seated, as he thought, the man he wanted. He kept sight of the man until he alighted, and then lost sight of him near Blackfrairs Bridge.

Explanations And Apologies.

Three weeks later he saw, as he believed, the same man, and took him into custody in Queen Victoria Street, at almost exactly the same spot where he had last seen him. The man offered no explanation, and behaved just as though he were guilty, until he reached the police station, when explanations by the man and his father proved that the detective had made a mistake.

After the due apologies had been made, Detective Littlechild, in Islington one day, saw, as he believed, the man he knew and wanted, but fearing lest he should make a second mistake, he introduced himself with a "How d'ye do?"

Imagine his surprise when the stranger turned and exclaimed: "I want nothing more to do with you!" It was the same man that the detective had erroneously arrested only a short time before.

It is extraordinary how many times women, after swearing that the prisoner is the "wanted" man, have been proved to have been entirely wrong.

"That Is The Man!"

In 1824, for instance, a youth named Robinson was charged before Mr. Justice Burrough with larceny from a dwelling house to the value of £4 12s.—a capital felony—and one woman witness swore, "He is the person. I have no doubt or I would not swear it." Yet another woman declared, "I know the prisoner and I am positive on my oath that he is the person." But the youth, on evidence of character, and a alibi, was acquitted.

The amazing experiences of this youth Robinson provide an interesting chapter in the history of the courts. Shortly after his acquittal, he was arrested again, and charged with stealing ten shillings, when a witness said: "I have not the least doubt of this being the man." Unable to prove an alibi on this occasion, Robinson relied on character and a mistake in identity to get him off, but he was found guilty and then resented.

He was tried again, this time before Mr. Justice Gaselee, for larceny, when witnesses declared: "I am certain he is the man." Yet again an alibi was proved, and the youth was once more acquitted.

The frequency with which this youth was arrested only to be acquitted was extraordinary, and after a similar experience had befallen him he was arrested for the fifth and last time and charged with larceny when a woman swore, "I am positive he is the man. He has a peculiar twitch with his mouth. He wears a dark olive or puce coat, a light waistcoat, a small key to his watch ribbon, and light-colored trousers."

Fortunately for Robinson, this woman's minute particularity for dress came to his aid, for he was able to prove that he never possessed such clothes as he was supposed to have been wearing at the time the crime was committed.

Coincidences In Clothes.

He was recommended for a free pardon for the one occasion out of the five when he had been convicted, and strangely enough, shortly after this had been granted, the real culprit was caught.

This last example of mistaken identity bears a striking resemblance to the Beck case, perhaps the most notorious blunder the law has ever made. After Adolf Beck, a Norwegian, had been twice convicted of mean frauds on women he was granted two King's pardons and compensation to the amount of £5,000. He was first sentenced in 1896 to seven years' penal servitude and it was while he was awaiting sentence for the second time, in 1904, that the real culprit was caught.

Beck wore similar white vest suit and spats and similar patent boots and frock coat to "Smith," the other man, and it was this which undoubtedly influenced so many of the witnesses to declare that he was the man. This shows, then, what a great deal of importance clothes play in cases of this sort, and it is fairly safe to say that if the youth Robinson had, by some freak of fate, happened to have possessed an attire similar to that described by the witness, he would never have been acquitted and pardoned as he was.

A Dying Man's Confession.

A dying confession by a waiter in a London garret revealed a tragic blunder which the law had made.

Five years before this confession, the landlord of the King's Head, Barbury, had been hanged for the murder of one of his guests. This landlord was heavily in debt. One night a rich old gentleman stopped at his hotel and over drinks foolishly mentioned that he had the sum of £500 with him and hoped that it would be safe. In the middle of the night Bradford, the landlord, with a long knife in his hand, crept into the old man's room, intent on getting the money, even if he had to kill the man for it. When he flashed his lantern on the bed he was amazed and horror-stricken to find the man had his throat cut from ear to ear.

A Charles Peace Episode.

In his terror Bradford shouted for



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CITY OF ST. JOHN'S.



St. John's Municipal Council. PUBLIC NOTICE.

Alphabetical Lists of all Ratepayers who are qualified to vote under Sections 8 to 13 inclusive of the St. John's Municipal Act, 1921, will be open for inspection at the office of the City Clerk, City Hall, during office hours on every day from the 31st of October instant to the 15th of November next, in order that persons legally qualified to vote whose names have been omitted may have the same added to the said lists.

J. J. MAHONY,
City Clerk.

Dated at St. John's, the 29th day of October, 1925. oct30.21



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help. Attracted by his cries, guests and servants dashed into the room, and found the landlord lying across the victim's bed with the knife in his hand.

With such evidence, no jury would acquit, and Bradford was hanged. Then came the confession, five years later, which showed that a serious error had been made. The confessor was employed as a waiter at the King's Head. He had overheard the story the rich man told the landlord and had anticipated his master in the grim deed.

Notorious Charles Peace was responsible for many foul deeds, but he was the means of saving one man from perpetual shame and humiliation. This man, William Habron, had been sentenced to death for the murder of a police constable, and it was by the merest chance that he escaped the scaffold, for the sentence was afterwards commuted to penal servitude for life.

William was charged with his brother John, but the latter was acquitted. Yet in the court, when sentence of death was passed, was the actual murderer—Charles Peace—who confessed later that he was responsible for the constable's death. He drew a plan of the house where the crime was committed, marked on it where he encountered the constable, and also pointed out the method of escape.

As a result of this confession, William Habron was granted a free pardon and £5,000 compensation for the wrongs he had suffered.

Was He Innocent?

Another case over which the fierce fires of controversy have raged was that of Oscar Slater, who was convicted in 1909 of the murder of a Glasgow octogenarian, Miss Marion Gilchrist, by a majority verdict of nine against six.

Many prominent men, chief among them Sir Arthur Conan Doyle, have interested themselves in the case, and maintained that Slater was innocent. Here, again, conflicting evidence was given by various witnesses, and perhaps the most extraordinary thing about the whole case was that Slater would probably never have been arrested at all had he not pawned a brooch which the police believed to have been taken from Miss Gilchrist.

It transpired later that this brooch had nothing to do with the old lady, so that if he was guilty, it was a remarkable coincidence that the police were put on the right track by a false clue.

Sent Innocent To The Gallows.

One of the best known tragedies of the law, in which an innocent man was sent to the gallows, was the execution of William Shaw for the murder of his daughter, Catherine, at Edinburgh.

The girl's dying words and circumstantial evidence appeared to be conclusive (says a writer in "The Birmingham Weekly Post"), and the man was convicted and hanged for an apparently brutal and unnatural crime. It was shown that Shaw had for some time objected to the girl keeping company with a certain man, and attempted to influence her to marry one of his own friends, to whom the girl strongly objected.

She became sullen and morose when she learned that her father was determined that she should marry the man he chose, instead of the one to whom her heart was already given, and quarrels between the girl and her father were frequent.

A Terrible Revenge.

Then one night Catherine was found with her throat cut in her father's room, and by her side was her father's razor. With her dying breath she declared that her father had murdered her. In spite of his protestations of innocence, William Shaw was executed.

Shortly afterwards some letters, which proved conclusively that the father was innocent, were found. They had been written by the girl, and in them she declared her intention of committing suicide to escape marrying the man she did not love.

In order to get her revenge on her father for spoiling her romance, she arranged the suicide so that the blame should fall on him for her death—and then made certain of sending him to the gallows with her dying words.—Tit-Bits.

Lewis Stone and Conrad Nagel at the Nickel

MONDAY'S FILM "CHEAPER TO MARRY," SEASON'S BIGGEST ATTRACTION.

"Cheaper to Marry," a screen version of Samuel Shipman's drama of husbands and demi-husbands, will be at the Nickel Theatre Monday. It is a Robert Z. Leonard production for Metro-Goldwyn-Mayer, and is the first picture made by that director in several years in which his wife, Mae Murray, has not appeared.

The cast is headed by Lewis Stone, who has shown to such good advantage in "Scammonche," "The Prisoner of Zenda," "Why Men Leave Home," "Husbands and Lovers" and "Inex from Hollywood."

Paulette Goddard, a new face and form—from the Ziegfeld "Follies," has the leading feminine role, that of a "Broadway Butterfly." Previously she played Madame de Pompadour in Valentino's "Monsieur Beaucaire," and

the lady lion tamer in "He Who Gets Slapped."

Conrad Nagel and Marguerite de la Motte appear as the young married pair, and others in the cast include Louise Fazenda, as a cynical woman about town; Claude Gillingwater, as a wealthy old grouch, and Richard Wayne, as a young musician. The picture tells a smart, sophis-

ticated story of the manner in which two men manage their romance in life. Things are about to go to smash, and the partnership seems about to be dissolved, when the younger man discovers the state of his friend's domestic affairs. From this point the picture arrives at an exciting climax, which is said to offer many fine acting opportunities for the cast.

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