

began to serve his sentence; and his first petition put his case very clearly. An examination of the documents in Smith's case he said, would show that the circumstances of the two crimes were so much alike that they must have been committed by the same man, and he gave particulars of the similarity. He also stated that since he had been in Peru, when Smith was tried and sentenced, and also when the crimes of 1877 were committed, he could not be Smith, nor could he have committed these crimes. These facts never came before the court at Mr. Beck's trial. It is true that they were ruled out by the judge, but it was also plain, if they could be established, that an innocent man had been convicted. The obvious course, therefore, was to discover whether they were true. The documents on both cases were preserved at the Central Criminal Office, and it would have been easy for an official of the Home Office to obtain access to them and to compare them. Yet no attempt was ever made by any such official to do so, either after Mr. Beck's first petition or afterwards, when he discovery of a new fact made such an examination of obvious and vital importance. A minute on Mr. Beck's first petition, made by an official of the Home Office, merely states, after setting out the facts alleged in that petition, that even if Mr. Beck were not Smith the evidence against him was overwhelming when it was clear even at the time that if Mr. Beck's facts were true the evidence against him was demonstrably worthless.

Mr. Beck, in gaol, was assumed to be Mr. Smith, and was given the letters and number previously given to Smith, which implied that he had been previously convicted.

In 1898, however, after another petition from Mr. Beck's solicitor, the Home Office made inquiries of the prison authorities and discovered that Mr. Beck certainly was not Smith since Smith was a Jew and Mr. Beck was not. This fact the Home Office did not think fit to communicate either to the police or the Public Prosecutor; though if they had done so, as the report remarks, Mr. Beck could not have been

wrongly convicted a second time. They did, however, refer the matter to Sir Forrest Fulton. The whole question by this time obviously was whether the frauds of which Mr. Beck had been convicted had really been committed by Smith, and there were documents waiting at the Central Criminal Office to prove that they had. The Home Office made no mention of these documents to Sir Forrest Fulton, nor did they even convey to him the fact that Mr. Beck and Mr. Smith had been proved to be different persons, for Sir Forrest Fulton in a report unfavorable to the petition said that he had very little doubt that Mr. Beck was Mr. Smith. It should have been clear to a very moderate intelligence that a report based on an assumption so demonstrably false was not of much value.

It was not clear to the Home Office, and an official wrote a minute stating that Sir Forrest Fulton had not the slightest doubt that Mr. Beck was the man who committed the crime of 1896, adding the astounding remark, "Whether he is also the man who was convicted of a similar offence in 1877 is open to doubt, but this is really immaterial, as Beck is being punished only for the offence proved in 1896." This minute, of course, makes it clear that the man who wrote it was quite ignorant of the facts of the case on which he was reporting. The minute was read and initialed by Sir Kenelm Digby, the chief of the department. It is, therefore, also quite clear that he, too, must have been in a state of ignorance which made his reading of it perfectly useless. Thus, although facts which proved the innocence of the prisoner were actually obtruding themselves upon the Home Office, the only step they took was to recommend that he should be given a fresh prison number, "so that his identity with Smith should not be affirmed." The report of the committee naturally comments upon a system under which such things are possible. It is described in that report as a system of delegation. So many petitions from prisoners represented that they cannot possibly be dealt with by subordinate officials and the more difficult are passed upwards with explanatory minutes until they reach, if