

THE SUTTON POSTCARD CASE (1910-1913)



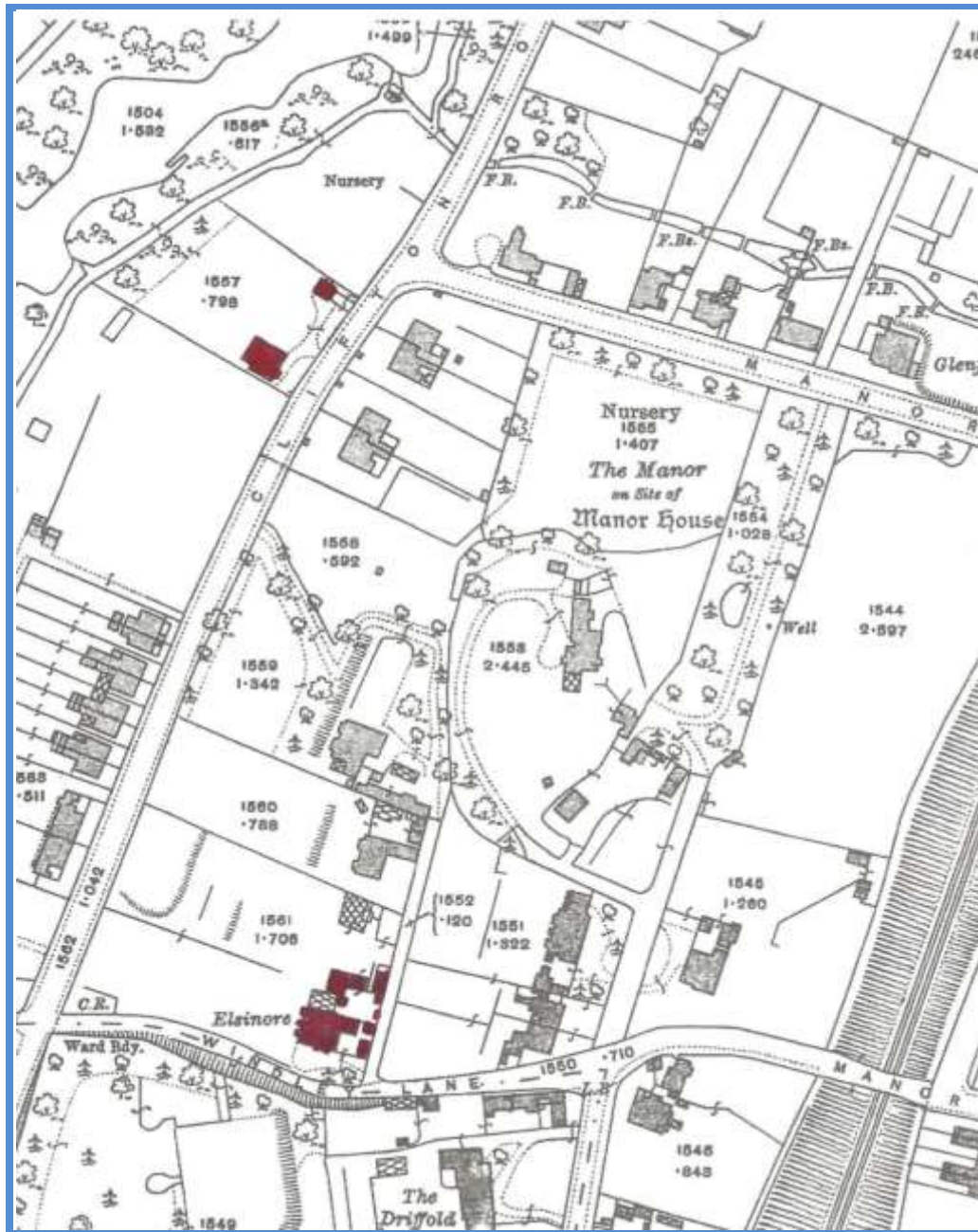
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Sutton Coldfield Local History Research Group
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What drove the "Spotter" to send hundreds of libellous postcards to a family in Manor Hill, Sutton Coldfield ? Did he bear them a grudge? Was his mind disturbed? Read the newspaper reports of the Court case which convicted a schoolmaster in Clifton Road of the crime and sent him to prison for two years.

But was he the guilty party?

This transcription was completed during the period of the Coronavirus Pandemic, without access to the local newspapers which would have been available in Sutton Coldfield Library Archives Department. However, one can assume that the following reports taken from the national newspapers would be similar. References and additions by the author are given in *italics*. Spellings are as per the original press reports, which have been transcribed from www.britishnewspaperarchive.co.uk.



OS Map of 1913 showing properties mentioned in the account, i.e. 'Elsinore' and 'Avondale', which are marked in red

THE SUTTON POSTCARD CASE (1910 - 1913)



This Court case concerns events that would have made the headlines, not only in the local Sutton Coldfield Newspaper but also in the national press, during the few years leading up to and including 1913. For those people living in the Clifton Road/Manor Hill area, it would have given much cause for gossip and concern and became known nationally as 'The Sutton Postcard Case,' ostensibly beginning in November 1910.

This was a time when another Court case was in session, which had a direct bearing on the one in question. The following newspaper reports will, necessarily, take you through this earlier Court case.

A respected local schoolmaster was accused of sending libellous postcards and letters to an Alderman of the town and his family. You will discover that, although the defendant was ultimately sentenced for the crime, a degree of uncertainty as to his guilt was later introduced whilst he was in a prison.

TRANSCRIPTION OF REPORTS

taken from

THE NATIONAL PRESS

(Portadown News 19 November 1910)

POSTCARD LIBEL CASE

Two brothers, Marcel and Wilfrid Martin (*who lived at Milford House, Park Gate, Sutton Coldfield*) again appeared before the Sutton Coalfield Bench, charged with libelling Miss Alice Evans, daughter of a Warwickshire alderman. Some eighty post-cards and other documents were put in, mostly under protest, by Mr. J. J. Parlitt, who appeared for the defence.

Alderman Evans was in the box all the morning swearing to anonymous letters and cards. Some parodied popular songs. Advice was given to sow grass seed on the napless parts of the billiard table, and to pay a bit more per dozen for whisky. The family was referred to as "rotten." One card said, "You think you are a darned clever old cuss, but you are a blithering idiot."

Complainant's brother told of seeing a postcard similar to those produced, in the defendant Wilfrid's pocket book, and postcards witness afterwards received were written in characters similar to those on the cards sent to complainant.

Detective-inspector Jackson said that when he served the summons on the defendant Wilfrid, the latter said, "I suppose it is Evans's job, but if he has no evidence he cannot prove it." Wilfrid further said he knew nothing about the watching of complainant's father's house, or the sending of filthy postcards to him, his daughter, and family. When witness afterwards served a summons on the defendant Marcel, he said, "I shall hand it to my solicitors." Mr. Paratt took exception to the admission of a number of the letters, and the case was adjourned for a week.

Strabane Chronicle 19 November 1910

TWO BROTHERS CHARGED WITH CRIMINAL LIBEL

Evidence of a remarkable character was tendered, when, at Sutton Coldfield, the charges against two brothers, Marcel and Wilfred M. Martin, of Sutton Coldfield, for unlawfully and

maliciously publishing certain defamatory libels concerned Alice May Evans, daughter of Alderman W.H. Evans, C.C., of Elsinore, Sutton, were heard.

Again going into the witness-box, Alderman Evan said both defendants had been in the billiard room at his house. One of the postcards complained of read:-

"So Near, and Yet So Far

Dear Sir,-I should be glad if you would have the steam roller run over your billiard table, as it is a bit fiery in parts. A little billiard grass seed would be advisable. If you cannot see your way to this, why not have table hockey?"

On May 8 he received another postcard headed:-

"Wait and See"

Why don't you clear out of Sutton and give the atmosphere a chance? I hear that your youngest son was kicked out of school, although the headmaster does not admit it.

Dear, dried-up old humbug, what a ----- rotten family yours is."

Another card said:

"Yip-i-addy-i-addy-i-ay, I have sent another to-day, You can't find its blooming whereabouts, Yip-i-addy-i-addy-i-ay."

The whole of the postcards, said Mr. Evans, were anonymous, and were written in printed characters. He received thirty-four communications between December and October.

Stanley Evans, son of the last witness, said he received a number of anonymous postcards similar to those his father received.

George Wilfred Evans, another son, said that in September he travelled in a railway compartment with Wilfred Martin. When Martin took some things out of his pocket witness noticed a postcard bearing printed matter in pencil, similar to the card his (witness's) family had received. He (witness) received one letter headed, "Edgbaston Botanical Gardens," which read:-

"Hearing you have left school and are looking out for a situation I have much pleasure in offering you a position in the monkey house as companion to a chimpanzee. Salary, 5s per annum and all the nuts you can eat. An early reply will oblige."

Detective-Inspector Jackson said he called upon Wilfred Martin, who said, "I suppose it is the Evans' job. But if he has no evidence he cannot prove it."

The Court adjourned.

Tamworth Herald Saturday 18 March 1911

SUTTON COLDFIELD POSTCARD LIBEL CASE

At Warwickshire Assizes, on Friday, before Mr. Justice Hamilton, Wilfrid Ernest Martin and his brother, Marcel James Martin, were indicted for unlawfully and maliciously publishing certain defamatory libels of and concerning Alice Mary Evans, daughter of Alderman Evans, J.P., of Elsinore, Sutton Coldfield.

Hugo Young, X.C, and Mr. Hurst prosecuted, and Mr. Parfitt, K.C., and Mr. Joy defended.

In opening the case Mr. Hugo Young said the prisoners were charged with publishing a number of grossly libellous and cruel postcards. There was no reason to suppose that any one had any animosity against the Evans family except the Martins. The postcards were all written in what was known as hand printing. In some of the postcards charges of immorality were made against the young lady and ridicule was cast upon her person and her dress. The prisoners belonged to what was known as the "Family Feud Brotherhood," a society formed by them for meting out some form of punishment to those who offended against a certain standard set up by its members. A daybook was kept which contained a record of the names of the offenders. It could not be denied that there was bad blood and ill-feeling between the two families. There was a marriage contemplated in 1908 between Rupert Evans and Hilda Martin, brother and sister respectively of the parties, but there was some objection, and the marriage did not take place. The postcards were not confined to the Evans family, but were sent to others associated with them. For an hour counsel was engaged in reading to the jury a batch of postcards numbering over 100.

Miss Evans said her family was opposed to the engagement between her brother Rupert and Miss Hilda Martin. Some time afterwards she began to receive scurrilous postcards, all anonymous, and in March of last year Wilfrid Martin ceased to recognise her. One Sunday evening when standing outside Sutton Catholic Church she was wearing a hat trimmed with roses. Wilfrid Martin stood close by, and a few days later she received a postcard which read:—"It's no use your swanking yourself with a hat with an excessive number of roses."

Edward Rawlings said his sister, who was now engaged to Rupert Evans, received objectionable postcards.

Alderman Evans said that many anonymous postcards had been received by his family and himself since the police court proceedings began. The cards posted amounted to a total of nearly 300, of which 100 had been received since his daughter issued the summons against the prisoners. It was the witness who objected to the engagement of his son Rupert with Hilda Martin. He pointed out to the jury what he termed the similarity of certain letters on the postcards to specimens of the handwriting of Marcel Martin.

Archibald Brownhill, schoolmaster, deposed to receiving anonymous cards in which offensive references were made to Miss Evans.

George Evans said he had received postcards. He spoke of meeting Wilfrid Martin in the train. The latter took out a pocket book to give the witness an address, and he noticed in it a square card with pencilled printing on it. Martin covered the card up quickly. The next day his mother received a card which he thought was the same.

Marcel James Martin said the "Family Feud Brotherhood" was a mere joke and had "fizzled out" in 1907. He had not posted any postcards to Miss Evans or Miss Rawlings. The hearing was resumed on Saturday, when the cross-examination of Marcel Martin was continued. He admitted that some years ago he was in the habit hand printing the "Family Feud Brotherhood" ledger, and at the request of the Judge and jury he did some hand printing in the witness box.

Wilfrid Ernest Martin swore that he had never had anything to do, directly or indirectly, with sending any of the cards. It was two years, he said, since he visited the Evans family.

The Judge pointed out that suspicion was not sufficient. There must be proof to justify the jury in finding that two respectable young men were guilty of this grave offence.

The jury found the prisoners not guilty, and they were discharged.

The verdict was received with loud applause, which his Lordship described as a most indecent exhibition. He ordered a police officer to bring down from the gallery a man who had been particularly demonstrative. He was severely cautioned, but after apologising was allowed to go.

Warwick and Warwickshire Advertiser - Saturday 17 February 1912

At the Sutton Coldfield Police Court, on Tuesday, Archibald Brownhill, schoolmaster, Avondale High School, Clifton Road, Sutton Coldfield, was summoned for publishing defamatory libels concerning Walter Henry Evans, alderman and justice of the peace, knowing the same to have been false. He was also summoned for libelling Sarah Ann Evans, Alice Mary Evans, and Walter Stanley Evans. The prosecution recalls what became known as the Sutton postcard case of a year ago, in which the defendant was witness for the prosecution. Defendant on Tuesday failed to answer the summons, and warrant for his arrest was issued.

Derby Daily Telegraph - Sat 13 July 1912

THE SUTTON COLDFIELD LIBEL CASE

An Ex-Schoolmaster Charged

The sensational Sutton Coldfield postcard libel case came up again to-day, when Archibald Brownhill, formerly master of Avondale High School, Sutton Coldfield, was brought before a magistrate there on a charge of having published libellous postcards concerning Alderman Walter Henry Evans and the members of his family. It will be remembered that two young men were recently tried at Warwick Assizes for sending the postcards, and were acquitted, and later a warrant was issued for the arrest of the prisoner, who gave evidence at the trial on behalf of the family. It was stated that when the warrant was read over to the prisoner he replied: "I know." The accused was remanded.

Lichfield Mercury - Friday 19 July 1912

SUTTON COLDFIELD LIBEL CHARGE

Accused Again Before the Magistrates

A FURTHER REMAND

The Sutton Coldfield Magistrates again had before them the ex-schoolmaster, Archibald Brownhill, formerly of Avondale High School, Clifton Road, Sutton Coldfield, and now of "Glenside," Marsden, near Huddersfield, for whose arrest a warrant was issued in February last as the outcome of his non-appearance in answer to four summonses charging him with publishing on November 28th, 1910, and divers dates thereafter, defamatory libels of and concerning (1) Walter Henry Evans, an alderman and justice of the peace for the County of Warwick, now residing at Stafford House, Vesey Road, Wylde Green, and at the time of the alleged offence at "Elsinore," Manor Road, Sutton; (2) Mrs. Sarah Anne Evans, his wife; Alice Evans, his daughter; and Walter Stanley Evans, his son. Mr. Fred Mason (of Messrs. Glaisyer, Porter, and Mason) appeared to prosecute on behalf of the Chief Constable for Warwickshire; and Mr. Harold Kimpton represented the prisoner. It was also announced by the Clerk (Mr. R. A. Reay Nadin) that he had had intimation from Messrs. Thomas Guest and Pearson that they held a watching brief on behalf of the Martin family, two members of which were the defendants in a similar case before the Courts in November, 1910, when the present prisoner, Brownhill, was a witness for the prosecution. That case occupied the Sutton Bench for six days, and was then committed to the Assizes, where it was dismissed.

Mr. Mason now applied for an adjournment until Tuesday next, July 23rd. He reminded the Bench that when the warrant was issued in February last it was agreed that in the event of the prisoner being brought up at any time there should be an adjournment to a date to suit Mr. J. G. Hurst, who had been briefed for the prosecution, and "had worked the case up to a point." The Birmingham Assizes were now on and Mr. Hurst was rather heavily engaged there. His suggestion was that there should be an adjournment until next Tuesday when Mr. Hurst would open the case, and perhaps call some evidence, and that there should then be a further adjournment until the following week, when the case would be continued from day to day.

The Clerk hoped there would be no application for adjournment from one week to another, the same as in the last case, and said the Bench hoped that if the case was taken next Tuesday it would go straight on. The prisoner's interests had to be considered. Mr. Kimpton hoped the adjournments would not become a habit, but raised no objection to the one now asked for, and the Bench accordingly granted it.

Lichfield Mercury - Friday 26 July 1912

SUTTON COLDFIELD LIBEL CHARGE

Serious Allegations Against a Schoolmaster

The Sutton Coldfield postcard case on Tuesday occupied the attention of the local magistrates. Archibald Brownhill, schoolmaster, formerly residing at Avondale High School, Clifton Road, Sutton Coldfield, and more recently at "Glenside," Marsden, near Huddersfield, being charged with publishing on November 28th, 1910, and divers dates thereafter, defamatory libels of and concerning (1) Walter Henry Evans, alderman and justice of the peace for the county of Warwick, now residing at Stafford House, Vesey Road, Wylde Green, and at the time of the alleged offence at "Elsinore," Manor Road. Sutton (2) Mrs. Sarah Anne Evans, his wife; Alice Evans, his daughter; and (4) Walter Stanley Evans, his son. Mr. J. G. Hurst, instructed by Mr. Fred Mason (Messrs. Glaisyer, Porter, and Mason) appeared for the prosecution on behalf of the Chief Constable of Warwickshire; Mr Harold Kimpton for the prisoner; and Mr Guest (of Messrs. Thomas Guest and Pearson) held a watching brief on behalf of Wilfred and Marcel Martin, two local residents who were acquitted at the Warwickshire Assizes in the spring of a similar charge. Mr. Joseph Ansell, chairman of the Bench, said since the hearing of the last proceedings he had received a post-card, signed "The Spotter," which read:

Once more I warn you Mr. Brownhill is an innocent man, and I will repay his enemies.

Counsel, in opening the case, said none of the postcards or letters which were the subject of the magisterial enquiry, from November 1st 1910, until January 17th, formed any part of the present charges. Almost the whole of the communications were posted in the Sutton Coldfield district. They revealed great local knowledge, special knowledge of what transpired in the course of the last prosecution, and peculiar knowledge of the movements of the Evans family. A police patrol was instituted in order to detect the sender of the postcards and letters, but nothing definite resulted. Then, to prevent further trouble and annoyance to the Evans family, an effort was made in May of last year to obtain the authority of the Post Office to detain any postcards printed in lead pencil characters. All the postcards up to that time had had those peculiar characteristics. It was a remarkable fact that after this postcards arrived with the characters printed in ink, and in June another authority requiring the prisoner's signature had to be given at the Post Office to detain that class of postcard. Brownhill's house was watched. Many of the communications revealed information which was only within the knowledge of Alderman Evans and members of his family and such a man as Brownhill, who was in the confidence of the alderman. So far as he knew no other person had access to the same secret information

THE ALLEGED MOTIVE

As to the motive of the alleged libels, Mr Hurst said there was in one of the early letters a suggestion of marriage between the prisoner and Alderman Evans's daughter, and some of the letters pointed to bitter hatred towards Miss Evans, and made most revolting suggestions against her, such as would be impossible to read in a police court. The garden of "Elsinore," where Alderman Evans resided at the time, sloped down to Clifton Road, opposite the prisoner's school, and from a shed erected at the foot of the garden the police were able to watch the prisoner's movements, and he was found to seek out remote post offices and wall

boxes, and wherever he was seen to post anything the box was found to contain one of the letters or cards complained of. Counsel went on to read some of the postcards, and said that on January 2nd, 1911, a letter addressed from Avondale High School, and signed "Archibald Brownhill," was received by Miss Evans. It read:

First let me express my deepest sympathy with you. My reason is to ask whether, if I wish to know you better, it would be distasteful to you. . . Of course, if your answer be in the affirmative, there would be nothing binding about it. Possibly this is an inopportune time for addressing you, but I have urgent reasons for so doing. In matters of this kind I think it would advisable to keep it entirely to ourselves, but you will find that I shall be perfectly honourable.

This letter, said counsel, Miss Evans handed to her father, who saw the prisoner, and the latter said it certainly had a strong resemblance to his writing. He did not actually say it was or was not his letter. Alderman Evans had expressed to the prisoner regret the trouble he had been put to in being called as a witness to the Evans v. Martin case, and said that if he cared to engage locum tenens he would pay. Prisoner declined the offer, and subsequent letters and cards continued to harp on money being no good.

ANONYMOUS POSTCARDS.

Private clothes policemen, said counsel, saw prisoner visit various pillar boxes, which, on clearance, were found to contain anonymous postcards of the same type and written in an offensive strain. One of the last communications to Alderman Evans—a sort of paean of triumph, counsel described it—read:

I think I will clear your rotten family out of Sutton. Everything I have tried has been successful.

After luncheon Mr. Mason, in the absence of Mr. Hurst, who had returned to the Birmingham Assizes, continued the opening statement. Evidence, he said, would be given by Detective-sergeant Baldock to the effect that he saw prisoner post a card bearing printed characters in the pillar-box near Wylde Green Railway Station. That card was addressed to Brownhill. On February 2nd four cards were posted at the Shortheath pillar-box to different people resident in the district. One addressed to Mr. Nadin (magistrates' clerk) read:

Alderman Evans says I can make Nadin do what I wish. He is only a servant, and if he showed any side he would get him the sack. He knows his place too well to go against him. (Signed) "The Spotter."

Evidence was then called, and Mr. Rose, surveyor, spoke as to the position of prisoner's house in relation to that of Elsinore, the residence until recently occupied by Alderman Evans. Alderman Evans stated that between November 28th, 1910, and February 5th, 1912, he and members of his family received over 400 anonymous postcards and letters. The majority bore printed characters written in lead pencil, and a large number of the communications were unstamped. There were four distinct disguised styles of hand printing and writing.

Alderman Evans then gave evidence to the receipt of the various postcards, and the magistrates decided, after this formal evidence was completed, to resume the hearing on Wednesday.

ALDERMAN EVANS IN THE BOX.

On Wednesday, with the Mayor (Mr. T. H. Cartwright), Aldermen Clover and Vale on the Bench, Alderman Evans continued his evidence. He identified a letter received by his daughter on January 2nd, 1911, which the witness said was a sort of formal proposal by the prisoner to Miss Evans. He went at once to Brownhill. showed him the letter, and asked what it meant. Brownhill neither admitted nor denied having written it. He merely said that the form of the letter "A" in his Christian name was not that which he employed in ordinary correspondence, but was like the "A" which he used in his signature on cheques. In a communication dated September 16th there was a reference to Mr. "B," and the following sentence:

It is curious that he should have had a liking for Miss Alice, who is not beautiful or rich, but these things are beyond human knowledge.

Other communications also associated the prisoner with witness's daughter. They contained the following:

He took a fancy to Miss Alice over two years ago, but did not think it honourable to go on with a girl when he was not in a position marry.

Now Alice has got the chuck, you think you can swank some other poor devil.

PRISONER AND THE PREVIOUS CASE.

Mr. Mason: I believe that the previous prosecution, which went to Assize, the prisoner was witness on your behalf?

Witness: He was. The alderman added that Brownhill delayed signing the evidence he had given at the Police Court, and by request he went to see Brownhill. He said he had been advised by "a friend who knew the law" that he need not sign; and then added that if were known that he had signed the depositions the interests of his school might be prejudiced. On the following day witness showed him "Justices' Manual" on the point. A few days later witness's daughter-in-law received a card, which read:

Evans's chief witness has backed out. He has found them out.

Brownhill subsequently signed his evidence, as given at the Police Court, and shortly afterwards an anonymous card, addressed to prisoner, passed through the post and was detained by the authorities. This read :

I told you you were a fool to support the Evans family. Now you have signed, they are saying all sorts of derogatory things.

The witness added that it was May, 1911, that Brownhill gave an authorisation to the Post Office to intercept all postcards written in lead pencil, with capital letters. Shortly afterwards a missive was received written in ink and an authority, covering this type of card, had to be obtained from prisoner. These arrangements were known only to the parties immediately concerned.

Prisoner was remanded until ten - o'clock this (Friday) morning.

Staffordshire Sentinel - Monday 29 July 1912

THE POSTCARD LIBEL CASE.

At Sutton Coldfield on Saturday there was a further hearing of the case, which Archibald Brownhill, schoolmaster, of Avondale School, Sutton Coldfield is charged with sending libellous postcards to Alderman Walter Henry Evans and to members of his family.

Witnesses gave evidence of watching the prisoner and seeing him go to various letter boxes and post something. When the prisoner left home on his bicycle he was followed by detectives, also on bicycles, and it was alleged he was sometimes followed a dozen miles along country lanes as well as through streets. Whenever the prisoner was seen to post anything the postman who came to clear the box was directed to place the contents in a separate bag and when the bag was opened at the post-office anonymous postcards and letters written in pencil, with the characters in capitals, were found. The witnesses admitted that they could not identify any of the letters as having been posted by the prisoner.

Detective-sergeant Baldock said that on one occasion he was so near the prisoner that he could have taken postcard out of his hand as he was about to post it but had no authority to do so.

The further hearing was adjourned until to-day.

Leamington Spa Courier - 2 August 1912

SUTTON POSTCARD LIBELS

Accused Gives Evidence

WHY HE WENT AWAY

The hearing of the Sutton Coldfield postcard case was resumed on Wednesday. The prisoner is Archibald Brownhill (41), schoolmaster, formerly of Avondale High School, Sutton Coldfield, and there are four charges against him of having libelled Alderman W. H. Evans, J.P., of Wylde Green, and members of his family, by means of anonymous postcards and letters. The case for the prosecution was concluded on Monday evening after a hearing lasting five days. The Court was crowded long before the magistrates took their seats. Prisoner was formally charged on four summonses, and pleaded not guilty to each.

Mr. Kimpton pointed out that only one card was sent to Stanley Evans, the son of Alderman Evans. He was described on that card as "a slimy worm." Was that libellous, the solicitor asked, "or only vulgar abuse?"

The Clerk: This is one of the charges. The card said, "He is a contemptible, slimy worm."

Mr. Kimpton: Surely that is not criminally libellous.

Mr. Ansell: That is for the magistrates to determine.

Prisoner, deciding to give evidence on his own behalf, entered the witness-box. He said he was a son of the late Alderman R. W. Brownhill, who, with his two brothers, had occupied the mayoral chair of Walsall. On the 5th February he was served with four summonses to appear at the police court on the 14th of that month.

I had every intention of appearing during the week until February 12th (said the prisoner) when message was brought to me that Mr. Evans had said that it had cost the Martins £800, and that it would cost Brownhill a great deal more. As I had not that money myself, and the only source of getting such money was by obtaining a loan on my mother's capital, I considered this was a wrong thing to do and I decided to go away for a time to see if anything cropped up to enable me to meet it another way. On Tuesday morning, the 13th, I went away.

PRISONER AND THE POSTCARDS

In reply to Mr. Kimpton, prisoner said that as regarded the libellous postcards, letters, and packets, none of them had been written or posted by him—"not one of them," he declared emphatically.

Mr. Kimpton: Having seen those exhibits, can you say of your own knowledge whether, in your opinion, they resemble most of the letters put in in the former trial?

Prisoner: They are practically the same. Proceeding, he denied having written any proposal of marriage to Miss Evans. When Alderman Evans showed him the letter which purported to have come from him he (prisoner) said, "I would not write a letter like that."

Mr. Kimpton proceeded to read an anonymous letter received by prisoner and addressed from "The Spotter," in which personal remarks were made about Miss Evans. Seeing how deeply she was affected, it was suggested that Mr. Kimpton should follow the practice adopted by the prosecution and hand copies of such correspondence to the Bench instead of reading them aloud. Among the letters which were read was one which said:

He (Mr. Evans) intended to eventually chill you off, but from what I can see he may get frozen first.

The prisoner said that on October 27th, 1911, he received a letter from Alderman W. H. Evans enclosing his fees, 12s. 6d., as witness in the previous case, and concluding: "I have kept away in order to save you from further inconvenience. Otherwise I should have handed it to you in person." September 30th, 1911, was the last occasion when the witness visited Alderman Evans's house, and he then went with the object of putting a stop to the anonymous correspondence by getting his permission to burn any letters received. He (prisoner) had given letters to him and suggested that he had better burn them they were so filthy, but Mr. Evans said he was used to them, adding in regard to the general correspondence, "Say you burned them publicly, but hand them to me privately."

Mr. Kimpton: With regard to signing the deposition in the last trial; had you any object in delaying signing?

Prisoner: No.

Mr. Kimpton: Did you think it necessary to sign?—I did not for a time.

AFTER THE ASSIZE TRIAL

Prisoner stated that after the Warwick Assizes in March, 1911, he personally went to Mr. Evans's house and said he considered that as the trial was over he thought it was his duty to apologise to him for not signing the depositions in the proper way. Prisoner also said that thought it would better if their acquaintance ceased, if he (Mr. Evans) wished, but Mr. Evans replied that he did not see why it should. Mr. Evans added: "I shall send you a cheque to cover any loss you have sustained"; and when prisoner said he did not require anything, Mr. Evans said: "I shall in any case send you a cheque." As matter fact, all he received was 12s.

6d. for his attendance at the trial at Sutton and his fees and expenses as a witness at Warwick. Prisoner also said that he received a postcard threatening in French to shoot him from behind a hedge on some dark night, and Mr. Evans went with him to seek police protection. He believed the card came from "The Spotter."

Prisoner stated that the letters in the former trial dated back to October, 1909. At that time one of Alderman Evans' sons was at his school.

Mr. Kimpton: In November, 1909, was a son of Mr. Evans guilty of an offence for which you could have publicly expelled him from the school? Prisoner: Yes.

And did Mr. Evans leave the punishment entirely to you?— Yes he did. Mrs. Evans agreed, and the boy was thrashed. I did not intend to expel him.

From September, 1910, prisoner said he had known that he was being watched by the police. In 1911 he recognised two of the men who followed him as policemen. He was aware, too, that the post letter-boxes were being watched. The reason he posted letters some distance from Clifton Road, Sutton Coldfield, was because the post boxes were cleared at a later time. For 17 years he had been in the habit of going for a walk or a cycle ride between eight and nine o'clock at night. He then frequently posted letters in boxes where there were late clearances. So far as he knew he had never posted unstamped missives. Prisoner said he had been the recipient of many anonymous communications, and a number of these he had retained after October 8th last year.

Mr. Kimpton put in an anonymous letter, signed " Spotter," received by prisoner October 19th, 1911, which commenced:

Dear Mr. Brownhill,—Don't be surprised if you hear that the rotters are going to leave Sutton. Swank still going on,
and contained the following couplet:

Drive the rotters out of Sutton,

As you would some blighted mutton.

(Laughter). Prisoner denied having written the letter.

THE CROSS-EXAMINATION

Mr. Mason (cross-examining): Do you swear on your oath that you stand there an innocent man?— Prisoner: I do.

And that you have had no part in the composition or writing or publishing any of the filthy libels?— None whatever.

Referring to the occasion when he thrashed a son of Alderman Evans, prisoner admitted that his report for the term described the boy's conduct as "very good." It was perfectly true report, because the incident occurred out of school altogether.

Mr. Mason: With whom?

Prisoner: I cannot give the other boy's name.

What right had you to thrash a boy outside the school?—I was requested to do so by his mother and father.

What right had you to expel him? —A boy of that character could be expelled.

The Clerk: Then your report could not have been honest. It is a very weak explanation. I bound to say that, in face of the report.

Mr. Kimpton: We did not ask for that Mr. Clerk.

Mr. Mason: Since you have been in Marsden have you grown a beard?

Prisoner: Yes. Why?— Because the first fortnight I was not fit to shave. My hands were not fit. It was a good disguise, so I left it on.

Was your family in the habit of writing to you under cover of your sister?—Yes.

What were you doing to keep yourself during your absence from Sutton?—Nothing.

Prisoner said he did not communicate with members of his family by means of a code. Certain names were used, however. He was called " Driver," his sister (Mrs. Edwards) "Nurk," and his brother "Blewitt."

Mr. Mason read from a letter found on the prisoner at the time of his arrest, and asked who are "Brown Bears?" —The Warwickshire Constabulary. (Laughter).

Mr. Mason, reading from the letter: "I think Brown Bears are rather dull dogs."

"Is that true?" asked Mr. Mason.— I can't say.

The Bench committed prisoner to take his trial at the next Warwick Assizes, bail being refused.

Warwick and Warwickshire Advertiser - Saturday 10 August 1912

SUTTON COLDFIELD POSTCARD CASE

Mr. Justice Banks heard an application in Chambers on Wednesday that Archibald Brownhills, who stands committed to the Warwick Assizes on a charge of libelling Alderman Evans, of Sutton, and members of his family, should be allowed bail. Mr. Patrick Hastings (instructed by Mr. W. Harold Kimpton) appeared for the applicant, and Mr. Travers Humphreys (instructed by Messrs. Glaisyer and Porter) opposed the application on behalf of the Chief Constable. After hearing legal arguments his lordship decided to grant bail, Brownhill in £200 and three approved sureties of £200 each.

The Warwick & Warwickshire Advertiser and Leamington Gazette - Saturday 16 November 1912

THE SUTTON COLDFIELD LIBEL CASE

Three Days Trial

BROWNHILL SENTENCED

Before Mr. Justice Scrutton, at Warwickshire Assizes on Monday, the trial began of Archibald Brownhill, of Sutton Coldfield, who is charged with criminally libelling Alderman, W. H. Evans and members of his family. The prisoner, who is 41 years of age and a

schoolmaster, was charged in the first instance that he "on the 28th November, 1910, and on divers dates since, at the parish of Sutton Coldfield did unlawfully and maliciously publish certain defamatory libels of and concerning Walter Henry Evans, knowing the same to be false." There were also three further counts relating to January 18, 1911, and various dates since, charging prisoner with libelling, respectively, Alice Mary Evans, Walter Stanley Evans and Sarah Ann Evans.

Mr T. Hollis Walker, K.C., and Mr J.G. Hurst prosecuted, and Mr. J. J. Parfitt, K.C., and Mr. H.H. Joy defended. - Prisoner pleaded not guilty.

Mr. Hollis Walker opened at some length what he described as "an investigation into that most wicked and subtle form of persecution of showering upon a man and his household communications of a libellous and, in many instances, most filthy description." Mr. Walter Henry Evans, whose life had been made miserable by these communications, was a county alderman and formerly lived at "Elsinore," Sutton Coldfield; and Brownhill, during the period with which they were dealing - from November, 1910, until February, 1912 - was a schoolmaster at "Avondale," a house about one hundred yards from "Elsinore" and commanding a good view of the latter residence and its tennis lawn. Mr Evans and prisoner were intimate, and the communications which were written, as he had said, between November, 1910, and February, 1912, were addressed, some to Mr Evans and some to Brownhill himself. Some were in pencil, some in printed characters, and some typewritten. There were also in court several letters which Brownhill admitted to be in his handwriting, and they served as a basis of comparison with the documents in question.

Council said that there were certain similar peculiarities in Brownhill's acknowledged handwriting and the writing of the libellous documents. Another peculiarity of the anonymous correspondence was that the letters frequently contained reference to matters known only to Mr. Evans and Brownhill. When the previous action at Warwick Assizes was coming on, and Brownhill was to be called as a witness for the prosecution, Evans offered to pay for a locum tenens to conduct the school during his absence, and yet that very private matter was referred to in no fewer than twenty-four of the anonymous communications, in which there were many offensive suggestions of meanness on the part of Mr Evans. A further series dealt with Brownhills' refusal for a time to sign the depositions of his evidence. When these letters had been reaching Brownhill for some time, many of them signed "Spotter," and containing offensive allusions both to Mr. Evans and members of his family. Mr. Evans got authority to stop at the post office all communications addressed to Brownhill in pencil. The result was that the next letter was in ink, and referred to the interception of letters. Then the restriction was made to apply to letters in ink, and the typewritten letters began to appear. As he had already stated, counsel reminded the jury these last documents were contained in old envelopes originally of a larger size, but cut down and stuck together by means of stamp edging. The first of the typewritten communications contained the declaration "There is a dark deed which I shall expose," with the addition "I have sent this typewritten as Walter has stopped your letters."

OTHER POINTS

Counsel referred again to the fact that Brownhill's house, "Avondale," commanded a view of "Elsinore" and its tennis court, quoting from a letter addressed to Mr. Evans the words, "I see you are allowing the kids to play tennis with baggy racquets and second-hand balls." As

a matter of fact, said Mr. Walker, Mr. Evans's children were playing at the time with tennis balls which had been previously in use, as could be seen from Brownhill's house. Just after this incident Mr Evans went to Poole, as was within Brownhill's knowledge, and soon after he got there a postcard of a similar character to previous ones, reached the house where he was staying, but addressed to "Mr Henry." Then one day, in August, 1911, Mrs Evans, who was naturally very much distressed by all these anonymous attacks, met Brownhill, and in conversation with him spoke of the misery she was feeling, and in particular her horror of the attacks on her daughter Alice, describing her as a "modest, lady-like girl." Those words were used by her to Brownhill and to no one else; and it was extraordinary that in the letter that followed these words were quoted - "She says Alice is such a modest lady-like girl." Another point counsel made was that in October, 1911, when the police began to watch with a view to tracing the author of the letters, they were in the habit of calling upon Mr. Evans late each night and reporting the result of their observations. Certain rooms in his house were, therefore, kept lighted until a late hour, and in due course a message reached Mr. Evans, "Don't waste too much gas and fire in the drawing room" a message that must obviously have emanated from someone in a position to know the usual time at which the lights were put out and to note any departure from the regular procedure. The police set a close watch upon Brownhill's movements, counsel went on, and on October 9th he was seen to leave his house about 7.45 p.m. He cycled to Somerville Road, about a quarter of a mile from his home, and posted something in a pillar-box. When the box was cleared one of the documents was found which was now in court. On another occasion he cycled to Lichfield Road, passing fifteen pillar boxes on his way, and then posted something. When that box was cleared three letters were found connected with the case. After detailing other incidents of a similar character, counsel emphasised the point that anonymous communications were found when prisoner had been seen posting something at a pillar-box. If such a thing had happened once, he said, it would be a curious accident; if it happened twice it would be a remarkable coincidence; but when it happened seventeen times it was either a miracle or a habit, and in this case, he submitted, it was a habit.

BROWNHILL ABSCONDS

These circumstances led to Brownhill being summoned to appear before the magistrates in connection with the charges, the summons being made returnable on February 13th, and from that time the persecution ceased. He did not appear in answer to the summons, however, and a warrant was issued, but it was not until July that he was found in the neighbourhood of Huddersfield. He had disguised his appearance and changed his name. When he was arrested he asked permission to go to his room and was accompanied by a policeman. He opened a drawer containing papers, took out some documents, and then locked the drawer again. The papers which he took possession of disclosed the fact that he was carrying on a correspondence with members of his family by means of a code, in which certain people were referred to under names and by initials other than their own. One of the persons referred to in these documents was indicated as "M.P." and prisoner himself had answered the question as to who "M.P." stood for. His answer was that those letters meant Walter Evans. It was, therefore, a very curious and very significant circumstance that some of the anonymous letters were addressed to or to the care of "Walter Evans, M.P." The police officer afterwards

returned to the room to examine the papers prisoner had left behind, but he found the drawer broken open and empty, and in the fireplace there was some charred paper.

ALDERMAN EVANS

Alderman Evans, who said he was now residing at Wylde Green, was examined at length as to receipt of the letters and postcards and of his conversations with the prisoner. On August 4th last year witness went to stay with his sister-in-law in Poole, and on the night prior to his departure gave prisoner his address. While he was away he received a letter addressed to "Mr. Henry." If any communication in printed character addressed to him had been posted at Sutton Coldfield it would have been stopped by detectives. Shortly after his return from Poole witness received the following letter: "Mr. A. Brownhill regrets his inability to hold any further communication with Mr. W. H. Evans." Soon after that letters received at "Elsinore" made reference to this. One, addressed to witness's daughter, began "Dear Cast-off," and contained the following: "I have circulated a letter that Brownhill has chucked your father's acquaintance." Another letter ran: "Brownhill, whom they have been trying to get for Alice for two years or more, has dropped their acquaintance." Enclosed in a letter received by witness at about this time was a drawing of prisoner's school, with the words, "No rotters admitted," on the front door. When witness's suspicions were aroused he had a shed erected in his garden, ostensibly for tools, but really for the use of the police who were engaged in watching prisoner's movements. The police were accustomed to go into the house and report to him at the end of their vigil. At about that time a letter addressed from "Watchem Castle" to his daughter contained the words: "Don't waste too much gas and fire in the drawing-room. Another letter ran, "Don't be a rotten fool any longer, wasting gas and fire in the drawing room." Other documents were addressed "Wallie Evans, M.P." and "A. Brownhill, Esq., M.R.S.F., c.o. (?) Alderman Evans, M.P." "Wait a bit, old cock, and see what I can do," was a message which was contained in a communication which witness received.

The hearing was then adjourned.

TUESDAY

On Tuesday Alderman Evans was cross-examined by Mr. Parfitt. He said that when the preparations were being made for the previous trial at Warwick Brownhill assisted him. Mr. Evans had heard that "Spotter" wrote letters to the parents of boys who attended Brownhill's school, asking that their boys should be taken away. He knew that forty persons in Sutton Coldfield received such anonymous comunicatos. During the last trial letters were still being sent.

Do you know that some postcards were being sent while Brownhill was in gaol? - I heard it.

Do you know that two were written to a Mr Parsons from Tipton? - I don't know.

Alderman Evans said he never offered any money to Brownhill after the former trial at Warwick.

Mr. Parfitt asked if certain of the communications did not suggest that Mr. Evans had acted shabbily to Brownhill. Alderman Evans admitted that they did. He paid Brownhill some money, partly in stamps. There were thirty of them, and these had been privately marked by the Post Office. He received a letter from Brownhill and to the envelope one of

these stamps was affixed. That, however, was a genuine letter. He never received a letter from the "Spotter" with such a stamp.

Walter Stanley Evans, cross-examined, said he had never heard Brownhill say anything detrimental to his father's family. He never used foul expressions.

Mrs. Evans, wife of Alderman Evans, said that in August last she had a conversation with Brownhill and her husband was present. She said she could not think how anybody could say such things about her daughter, who was a modest and ladylike girl. Almost immediately afterwards she received a postcard containing those words.

BROWNHILL TRACKED

Lengthy evidence was given during the afternoon by three police officers regarding the following of Brownhill to letter boxes in Birmingham and the district in which he posted documents. In many cases when the contents of the boxes were examined anonymous missives were found.

Detective Baldock described his following Brownhill to various pillar-boxes, and said that on one occasion he could have taken a postcard from out of his hand.

The judge: What a pity you didn't. (Laughter). You could then have told us all about it.

Detective Baldock: I did not think I was entitled to do that.

On another occasion, Detective Baldock said Brownhill appeared to be about to post something, but, seeing that there were two people behind him he went on. Later, however, he did post something, and when the box was cleared four postcards were found.

A number of post officials were called to give evidence regarding the collection and examination of the contents of the boxes in question, and the interception of certain letters.

Detective Inspector Jackson and a Huddersfield officer gave evidence regarding prisoner's arrest.

WEDNESDAY

BROWNHILL'S DEFENCE

Brownhill gave evidence when the trial was resumed on Wednesday morning. Brownhill said that he had resided in Sutton Coldfield for seventeen years, having carried on a boy's school. He had had no grievance or feeling against the Evans family. From October 1909, until the completion of the previous trial, he was constantly assisting Alderman Evans to ascertain the authorship of the libellous documents. He had neither written nor posted a single document. During the period in question a number of communications similar to those received by the Evans family were received by him. In some cases the documents were disparaging to himself and his school. Brownhill was examined in detail with regard to the various letter, all of which he denied sending. He also denied that after the last trial at Warwick he had had any differences with Mr. Evans over financial matters, as was suggested in some of the libellous documents. With regard to the signing of the depositions after the police court hearing, he said he was reluctant to do this because he wanted to get out of the business, as he was of opinion it would not do his school any good. Prisoner said he knew nothing about the "baggy racquets" and the "whitewashed balls" which had been mentioned in some of the letters as having been used at Alderman Evans's house. No member of the Evans family had ever spoken to him of Miss Evans as "a modest and ladylike girl," an expression which appeared in one of the libellous communications.

Questioned with regard to the posting of letters Brownhill said it was his custom to go out, either walking or cycling to post letters in the various boxes in the district. He had done this sort of thing for many years. He could not suggest how it was that libellous documents were found in the boxes he was in the habit of using after he had visited them. Mr. Joy questioned prisoner at length with reference to his disappearance. He went away, he said, because he had heard that Mr. Evans said the trial cost the Martins £800, and it would cost Brownhill a good deal more. That, he said, rather worried him, and he thought it would be a wrong thing to do to spend the money upon it. The only way he could have raised the money would have been by getting a loan on some of his mother's capital, so he thought he would go away to where no one knew him. Then, if the "Spotter" cards continued to arrive at the Evans's house, he thought it would be conclusive evidence that he did not send them.

Prisoner said that when he was in prison he received similar documents from Leeds, Liverpool, and Manchester.

Evidence was then given by Edward John Stamps, William Smith, and James Parsons, who said they received communications disparaging Brownhill and his school. The last-named paid a high tribute to the character of the prisoner.

There was a sensation in court when Captain the Hon. G. Anson, the Chief Constable of Staffordshire, was called to give evidence. He had for some time, he said, been receiving cards bearing the words "G. H. Darby, captain of the Wyrley Gang." They had been coming for the past nine years.

Mr. Joy: What do you say as to the handwriting of these letters which has been received lately? Do they correspond with those you have been receiving from the "Wyrley Gang"?

Witness: They are in exactly the same handwriting.

Further evidence, including that of character, was then called, following which counsel began his speech for the defence.

In his summing up his Lordship said there was a feature present in the case which was not usually present in cases in which anonymous letters were sent. It was not usual in such cases to have elaborate proof of posting as in this. Sometimes innocent people ran away from a charge; frequently guilty men did so. It was for the jury to consider whether the action of the prisoner, when the charge was made by summons, assisted the view they had formed in regard to the posting. When they looked at the letters he thought they would come to the conclusion that, although they were extraordinarily filthy, they were the work of an educated man. Whoever the writer was he knew his Dickens, and made allusions to his writings. He also knew French, and made puns both in French and English. Though the mind of the person who wrote the postcards was filthy, it was an educated mind.

VERDICT AND SENTENCE

The jury retired at half-past six and returned at twenty-five minutes to eight. They returned a verdict of "Guilty."

Asked if he had anything to say, the prisoner said: "I should like to say I am entirely innocent of this thing, and I have not written one of those cards at all. I would not state a thing if it were not the truth. I am quite man enough to admit guilt if I am guilty."

His Lordship said the jury had found prisoner guilty of the publication of some nineteen very wicked libels upon Mr. Evans. With that verdict he entirely concurred. "In my view," said the Judge, "you stand convicted of a series of acts which would be a disgrace to the

lowest class of man, and especially a disgrace to an educated man." He sentenced the accused to six months' imprisonment on the first indictment, and one month on each subsequent one, the sentences to run consecutively, making two years in all. He would also have to pay the costs of the prosecution.

Leamington Spa Courier Friday 20 December 1912

LIBELLOUS POSTCARD CASE

Brownhill's Appeal Dismissed

"AN UNBALANCED MIND"

In the Court of Criminal Appeal to-day— before Justices Ridley, Phillimore, and Banks—Archibald Brownhill (41), schoolmaster, Sutton Coldfield, who was sentenced at the Warwick Assizes to two years' imprisonment, and costs, for criminal libel, applied for leave to appeal from an order of Mr. Justice Bucknill refusing leave to appeal against the conviction. Leave to call further evidence was also asked for.

Mr. Parfitt, K.G., who appeared for the appellant, said Brownhill was last month convicted before Mr. Justice Scrutton for publishing certain defamatory libels on Alderman W. H. Evans, at Sutton Coldfield. He was sentenced to what was really the maximum punishment for the offence. The letters which Brownhill was alleged to have written and sent to certain members of the family began about November, 1910, and continued until the following January. It was a curious thing, said counsel, that just previously there had been two young men on trial for sending the same type of letter. The letters were signed "Spotter." After a three days' trial the two young men were acquitted. Brownhill was watched for a certain period in the months of October, November, December, and January by police officers in plain clothes on something like 17 occasions. It was stated that he went out at night on a bicycle which he deposited in a shop on the outskirts of Birmingham. He was seen to go to a pillar-box and post something, and immediately after the police officers found "Spotter" letters in the box. The grounds on which counsel asked leave to appeal were: "That the verdict was unreasonable and against the weight of evidence, and that certain material facts beneficial to the defence were withheld from the jury by the Judge." In this sense (said counsel) that in his summing-up the Judge did not say one word about the absence of motive for sending such letters, nor did he deal with the unimpeachable character of the prisoner. There had been a suggestion that Brownhill was engaged to the young lady, but, as a matter of fact, said counsel, there was never any suggestion of this at any time. There had never been any sort of contemplation of an engagement.

Mr. Justice Phillimore: The man who wrote those letters was a man of an unbalanced mind.

Counsel, proceeding, stated that Brownhill was the principal of a school at Sutton Coldfield. He had been told that prisoner's brother and an assistant had carried on the school since, and that none of the boys had left. Prisoner's alleged engagement to the young lady was referred to at the trial both of the applicant and the two young men previously charged, and, strangely enough, Brownhill himself was called at the young men's trial to disprove their statement of the engagement. Counsel said the prisoner bore an irreproachable character, and was highly respected in Sutton Coldfield. Could the Court believe that he had real motive and had been guilty of this extraordinary behaviour?

Mr. Justice Phillimore: You might say, with emphasis that it is not likely the prisoner wrote the letters if he was not of unbalanced mind.

Mr. Parfitt said it was rather curious fact that since Brownhill had been in prison several of the "Spotter" letters had been received by persons in the district. One letter especially, which was sent to a gentleman named Price, contained two sets of characteristics. First, it contained what were undoubtedly the characteristics of the "Spotter" letters, and secondly, characteristics which were similar to the handwriting which he thought the Judge at the trial referred to. One of the grounds of his application, said Counsel, was the similarity of these additional letters to the "Spotter" letters. The Court, after hearing Counsel's arguments, could not see any reason why leave for appeal should be given. The Judge's summing up was in accordance with the evidence, and the application would be refused.

Nottingham Journal - Friday 31 January 1913

POSTCARD LIBELS

Sensational Development in Sutton Coldfield Case

Mr Kempton, the solicitor who defended Archibald Brownhill, the schoolmaster, who is now serving a term of imprisonment for having libelled Alderman Evans and members of his family in connection with what was known as the Sutton Coldfield postcard case, states that he has received a postcard signed "Spotter," which is the name that was used on the libellous cards.

It bears the Manchester postmark, and, it is stated, has all the characteristics of the communications that figured so prominently in the courts.

It is intended to take expert opinion as to the handwriting with a view to an appeal to the Home Secretary on behalf of Brownhill.

Other letters and postcards similar to that received by Mr. Kempton are stated to be in circulation.

Birmingham Daily Gazette 6 March 1913

SUTTON LIBEL CASE

Handwriting Expert's View of "Spotter" Postcards

Mr W. Harold Kimpton, the solicitor who represented Archibald Brownhill, the Sutton Coldfield schoolmaster, now serving a sentence of two years' imprisonment in connection with what is known as "the Sutton Coldfield postcard libel case," received a report yesterday from a handwriting expert concerning a number of communications signed "The Spotter," which had been received since Brownhill was convicted.

The specimens submitted to the expert consisted of letters and postcards received in connection, not only with Brownhill's case, and subsequent to his conviction, but also those received in a former case. The report of the expert was a very lengthy document, and contained the statement that all the letters submitted for examination were written by the same hand. "The expert," observed Mr. Kimpton to a "Gazette" representative, "based his opinion on a large number of similarities, and the formation of various letters which were to be observed throughout the whole of the series. Of course the postmarks leave no room for doubt respecting the times of posting, while the communications received from "The Spotter" since Brownhill was convicted contain references to incidents which have happened since he was sentenced, showing that the cards could not have been written before he was sent to prison."

Mr Kimpton added that he was sending the handwriting expert's report, together with the specimens, to the Home Office that day asking that in the event of the Home Secretary not being satisfied with the correctness of his deductions that an independent opinion should be taken, and if that was satisfactory to order Brownhill's release, or a further inquiry to be made.

John Bull, Saturday 22nd March 1913

TWO YEARS FOR AN INNOCENT MAN

Another Edalji Case - "The Spotter" must be spotted

Our readers will readily recall the main facts of the notorious Sutton Postcard Case, which was heard at the Warwick Assizes in November last. Archibald Brownhill, a highly respected and cultured schoolmaster of Sutton Coldfield, was then sentenced to two years' imprisonment for writing a set of scurrilous and filthy libels on a certain Alderman Evans and his family. The libels were contained in a series of anonymous letters and postcards received by members of the Evans family during a period extending from November, 1910, to February, 1912, . The communications were in pencil printed characters and every one of them was signed " The Spotter."

GRAVE MISCARRIAGE OF JUSTICE.

The jury at the Assizes were satisfied that these filthy productions were the work of Brownhill. We are by no means sure of this. From evidence in our possession we have good reason to believe that there has been a grave miscarriage of justice, and that Brownhill is now suffering for the crime of some miscreant or maniac who is still at large and still at his devilish work. With reference to the trial of Brownhill—at the Warwick Assizes, before Mr. Justice Scrutton and a jury—we would emphasise these points : (i) Several important items of evidence telling in the prisoner's favour, though unchallenged by the prosecution, were entirely omitted from the Judge's summing-up. Alderman Evans was compelled to own in cross-examination that he had set a trap for Brownhill by means of marked postage stamps. Not one of the marked stamps was found on the libellous communications. He admitted, moreover, that a marked stamp was affixed to a bona-fide letter received by him from Brownhill. This important fact was entirely ignored by Mr. Justice Scrutton. (2) The Judge's summing-up revealed a strong bias against prisoner. It was more like the speech of an Old Bailey prosecutor than the balanced utterance of a High Court Judge. It was stated during the trial that while in prison Brownhill had received anonymous letters in printed characters and signed "The Spotter." These letters are to-day in the possession of Brownhill's solicitor. They have been submitted to the best hand-writing experts, who unanimously declare that they are the work of the man whose letters convicted Brownhill. Brownhill could not possibly have written these letters. They were an unmistakable indication that the real culprit was still at large. Mr. Justice Scrutton's only reference to this remarkable piece of evidence was a suggestion that it was part of a plot by some of the prisoner's friends, a theory for which there was not one tittle of evidence, and which has been amply disproved by subsequent events.

THE COURT OF APPEAL MISLED.

Now we come to the Court of Criminal Appeal. There was no proper consideration by this tribunal. Justices Ridley, Phillimore and Bankes refused leave to appeal, not on their own initiative, but because of a report received from Mr. Justice Scrutton. It was urged on behalf of the prisoner that the prosecution had failed to show any motive which could have induced Brownhill to make these scurrilous attacks on Alderman Evans and his family. In reply, prisoner's counsel was assured that Mr. Justice Scrutton had found that there were two adequate motives.

They were :-

- (1) That Brownhill wanted to marry Evans's daughter and that Evans objected to the match.
- (2) That Brownhill had given evidence for Evans at a previous trial when two young men were charged with perpetrating these same "Spotter " libels, and that Evans had failed to remunerate sufficiently him for his trouble.

With regard to these trumpery findings, it is sufficient to say that neither of them was proved at the trial; nor, apparently, did Mr. Justice Scrutton think either of them of sufficient importance to mention to the jury; indeed, both Mr. Evans and his daughter denied in their evidence that they believed anything of the kind. Nevertheless, they were accepted by the Court of Criminal Appeal, and Brownhill was denied an opportunity of clearing himself before that tribunal. Mr. Justice Scrutton's sentence of two years' imprisonment was

confirmed, and Brownhill, still protesting his innocence, was left in Warwick Gaol a broken and ruined man.

"THE SPOTTER" STILL ACTIVE

Now for the events which have transpired since Brownhill was committed to gaol. The anonymous "Spotter" is still as active as ever. Letters and postcards continue to rain in upon all sorts of people connected with the trial. The printed characters accord in the minutest features with those on the documents which convicted Brownhill. The communications correspond in sentiment, phraseology and style. Expert testimony and common-sense alike confirm the conviction that the creature who showered his foul insults upon Mr Evans, his wife and family is not the unhappy Brownhill, who languishes in Warwick Gaol, but the man who recently wrote to Mr. Harold Kimpton, the prisoner's solicitor, at Birmingham, in the following terms:

Dear Harold, . . . I've written to the Home Secretary and Brownhill's family.

The letter to Mr. Kimpton concludes:-

Here follows, in an almost perfect facsimile of the prisoner's handwriting:-

Do not waste any more time, but get to work.

The document is signed, in printed characters, "The Spotter." The characters again correspond in every detail with those in the letters and postcards which sent Brownhill to his fate.

"The Spotter" still pursues his madly mysterious designs. As recently as January 29th of this year another printed note was received by the prisoner's brother, from which the following is an extract:-

I never dreamt Evans would attack your brother or I should have been more careful. I am writing to Evans tonight.

"The Spotter"

IMPORTANT EVIDENCE IGNORED

There is one more startling fact. During Brownhill's trial at the Assizes, Captain Anson, the Chief Constable of Staffordshire, declared in evidence that he had received numerous postcards signed "G. H. Darby, Captain of the Wyrley Gang." He further swore that some of these postcards signed "The Spotter" were in exactly the same handwriting. Mr. Justice Scrutton made no reference to this evidence, and the jury doubtless concluded that G. H. Darby and Archibald Brownhill were one and the same man. But on February 10th of this year a further "Darby" postcard was received at Wolverhampton. At this time Brownhill was safely lodged in gaol. The inference is irresistible. Archibald Brownhill is not "The Spotter," who sometimes for purposes of his own masquerades as "G.H. Darby." "The Spotter" is still at large.

It is strange that Brownhill's case should thus be brought into touch with the notorious "Wyrley gang," whose operations are associated in the public mind with the case of George Edalji, who, through a mistake in identity, paid the heavy price of an unknown felon's guilt. Mr. Harold Kimpton, Brownhill's solicitor, who has all these amazing documents in his possession, has lodged a petition to the Home Secretary for a full enquiry into astounding facts to which we call attention. We are convinced that the public will not stand by and allow an innocent man to suffer the penalty of another's guilt.

Mr. McKenna must act quickly. There is not a moment to lose. There must be no repetition of the judicial tragedies associated with the names of Adolf Beck and George Edalji. "The Spotter" must change places with Archibald Brownhill in the fastness of Warwick Gaol.

Staffordshire Sentinel Monday 7th April 1913

THE SUTTON COLDFIELD POSTCARD LIBEL CASE

Action by the Home Secretary

The Sutton Coldfield postcard libel case is to be re-opened. The Home Secretary has referred it to the Court of Criminal Appeal. It may be recollected that Archibald Brownhill, schoolmaster of Sutton Coldfield, was sentenced to two years' imprisonment for sending libellous postcards to Alderman Walter Evans, a justice of the peace for Warwickshire and to various members of his family. Since then, it is stated, the prisoner's solicitor, Mr. Harold Kimpton, has received a number of postcards signed "The Spotter," and bearing all the characteristics of the original cards. In the opinion of handwriting experts, says Mr. Kimpton, they were written by the same hand that wrote the cards which proved the subject of the trial. Mr. Kimpton asked the Home Secretary not for a trial in a criminal court, but for a Home Office inquiry, such as was granted in the Edalji case, and on Saturday he received a reply stating that Mr. McKenna had referred the matter to the Court of Criminal Appeal for determination. The decision of the Home Secretary means that an appeal will be lodged by him in the Court of Appeal.

22 April 1913 Leeds Mercury

MISCARRIAGE OF JUSTICE ALLEGED

Anonymous Letters of Confession

POSTCARD LIBEL CASE

In the Court of Criminal Appeal yesterday, Archibald Brownhill appealed against conviction and sentence of two years' imprisonment at the Warwick Assizes for sending a number of libellous postcards to Mr. Evans, a justice of the peace, of Sutton Coldfield.

Mr. Joy said the application was made by the appellant himself to Mr. Justice Scrutton for leave to appeal, but this was refused. A similar application to Mr. Justice Phillimore, in

Chambers, was also refused, as was an application to the Court. Subsequently the case was submitted for reference to the Home Secretary. The main grounds of the present application was that there was the gravest reason to suppose that it was not only possible, but probable, if he might say so, that the wrong person was now suffering a term of imprisonment for these libels. Since the time Brownhill was in Warwick Gaol, not only the Home Secretary, but other persons had received postcards, letters, and communications which, counsel submitted, were in identically the same handwriting and signed in the same manner as the other letter from "The Spotter," which formed the subject matter of the trial and conviction.

"THE SOLE AUTHOR."

Counsel read the following two letters, signed "The Spotter," and received by the Home Secretary on the 10th December, 1912, and the 29th January last:

Dear Sir, —In justification to Mr. Brownhill, the schoolmaster, I wish to make the following statement: I am the sole author of all cards and letters, and since Mr. Brownhill's conviction I have sent upwards of 80 letters in my endeavours to show my guilt, and if others were not implicated I should have given myself up in Mr. Brownhill's place.

I have an old grievance against Mr. W. H. Evans, and he knows what it is. I shall continue sending until he owns himself in the wrong. Never was a man more wrongly convicted than this man Brownhill, and I hope you will see into it for his sake. All cards sent to the Evans family are true and not untrue. He is a bad man. I wish to state I impersonated Mr. Brownhill on many occasions, never thinking the police would be bribed by Mr. Evans, which I swear they have been, to say they saw Mr. Brownhill, well knowing it was not him on many occasions.

FURTHER CONFESSION.

The second letter contained the passage:

I am the author of all the hand-printed cards and letters. You can easily prove this by getting a handwriting expert to compare this letter with the exhibits used the trial. I followed the police on nearly every occasion they followed Brownhill. Sometimes I posted letters, and sometimes I didn't. I posted on many occasions when Brownhill did not leave the house. . . . The police say that letters, &c, posted while Brownhill was in prison were posted by his relatives. That is untrue. I posted out of the Birmingham district so that they should not be implicated.

I know anonymous letters are usually taken no notice of, but it is the only way you can help this most unfortunate man. If I could come forward I would, but I cannot without bringing trouble on several innocent persons, so please inquire into the case, and Brownhill's life, and I think you will find Brownhill has been treated horribly.

The hearing was adjourned.

The Belfast News-Letter, Wednesday, 23 April 1913

POSTCARD LIBEL CASE

Prisoner's Appeal Dismissed

The hearing was resumed in the Court of Criminal Appeal, London, yesterday of the appeal of Archibald Brownhill, a Sutton Coldfield schoolmaster, against his conviction and sentence of two years' imprisonment at Warwick Assizes for sending libellous postcards to Mr. Evans, J.P.

Dr. Walter De Gray Birch, hand-writing expert, stated that in his judgment the letters which formed the subject of the libel charge were in the same handwriting as the communication addressed to the Home Secretary during the time prisoner was in jail. Mr. W.H. Kempton, of Birmingham, who had acted as solicitor to appellant, stated that he had received a number of "The Spotter" letters since Brownhill had been in custody. Counsel for the Chief Constable of Warwickshire submitted that the evidence before the jury was overwhelming, and they had material before them upon which they could return a verdict against appellant. He relied strongly on the fact of Brownhill going away on the day he should have answered the summons. The appeal was dismissed.

Coventry Evening Telegraph 25 April 1913

COUNTY POLICE MATTERS

Echo of Sutton Coldfield Postcard Libel Case

QUESTION OF REMOVING WARWICK ASSIZES TO BIRMINGHAM

A meeting of the Warwickshire Standing Joint Committee was held at the Shire Hall to-day, at which Sir Michael Henry Lakin was re-elected Chairman, and presided. Ald. T. R. Vickers was re-appointed Vice-Chairman.

In the course of the proceedings it was stated by the Chairman that the Sutton Coldfield post card libel had cost the county probably more than £600. A sub-committee reported that they had given authority to instruct counsel for the prosecution in regard to the Rea v. Brownhill appeal (which was heard a few days ago in the Court of Criminal Appeal, and dismissed). The Chairman said he was glad to hear that the proceedings in regard to A. Brownhill's appeal only lasted two days, and he did not think it would be very expensive. The case had been an expensive one for the county, but the Committee would be glad to hear that. The Judge thought they had been economical with the county money.

Despite exhaustive searches, I have found no further reports in the newspapers which might suggest that Archibald Brownhill's sentence was repealed, leading me to believe that he was guilty as charged.

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