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TRIAL BY ONE'S PEERS.

THERE are many women who hold, and hold strongly, that the present system of trial by a jury composed of men only, more especially when the accused person is a woman, is a serious defect in the administration of our criminal laws, and one which requires amending. Some even are of opinion that the ancient statute law should be altered, and an equal number of men and women serve upon all juries. Women, as well as men, have undoubtedly the right to be tried by their Peers. Again, men are hopelessly at a disadvantage when a "beautiful woman" is the accused, and it is often very difficult for them to weigh evidence dispassionately under such circumstances. In this connection it is interesting to note the remarks of the *Birmingham Daily Gazette* upon the now notorious trial of "Nurse" Brandish:

"In the double trial of this unfortunate woman, a crushing chain of evidence has been formed to prove her guilty of a fearful crime. The weakest link in the chain was strong enough to hang anyone but a beautiful woman, for whose terrible position and fearful temptation intensest sympathy

had been aroused. She has been nobly defended by Mr. Hugo Young. We recognize fully that he relied upon a tissue of mutually destructive theories, and that the judges before whom the trials have taken place have brushed the sophistries aside by their ruthlessly logical analysis of the facts disclosed in evidence. The boldest plea of all—that the child died a natural death at a moment providentially convenient to its mother—bears the strain of criticism least successfully of all, for if it contained one grain of truth, it would have been her first and only explanation. But juries are not highly skilled in logical analysis. They are mere ordinary men, readier to trust their hearts than their heads where a pretty woman's life is at stake. We cannot blame them, for they did what every man, similarly placed, would have longed to do. They listened more carefully to the splendidly persuasive eloquence of the defending counsel than to the clear, invincible logic of a judge, who, though new to the Bench, has borne himself with rare dignity and firmness in this most trying case. Yet we feel that the verdict is an error, and that the jury have, perhaps unconsciously, betrayed the great and solemn duty they were called upon to discharge. Proof of guilt more perfectly reasoned out was never placed before a criminal court, but the prisoner escaped because she was beautiful and unfortunate, and had suffered the agonies of long suspense. It was the weak verdict of men who were slaves to mere feeling; and when feeling takes the reason prisoner, the sword of justice is blunted, and the arm that wields it becomes paralysed. Fervently do we hope that it may be long ere another British jury deals with such a case in a manner so calculated to shake confidence in the stern and impartial administration of the law."

We commend the remarks of our contemporary to the attention of our readers. We expressed the opinion before the end of the first trial that no jury would ever put the rope round the neck of a head which wore a nurse's bonnet. There is an old adage that "No man commits murder in a clean shirt," and, in spite of the disrepute which has of recent years been brought upon nurses' uniform by persons who have no right to wear it, the sentiment which it still inspires is so strong that it would be difficult indeed for a male jury to believe a woman who wore it, guilty of the terrible crime of murder. In such a case in future, we believe that the presence of women upon a jury would be of unqualified advantage, and we have no doubt that they would discharge their responsibilities courageously, even if their duty compelled them to declare a woman guilty of the capital charge.

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