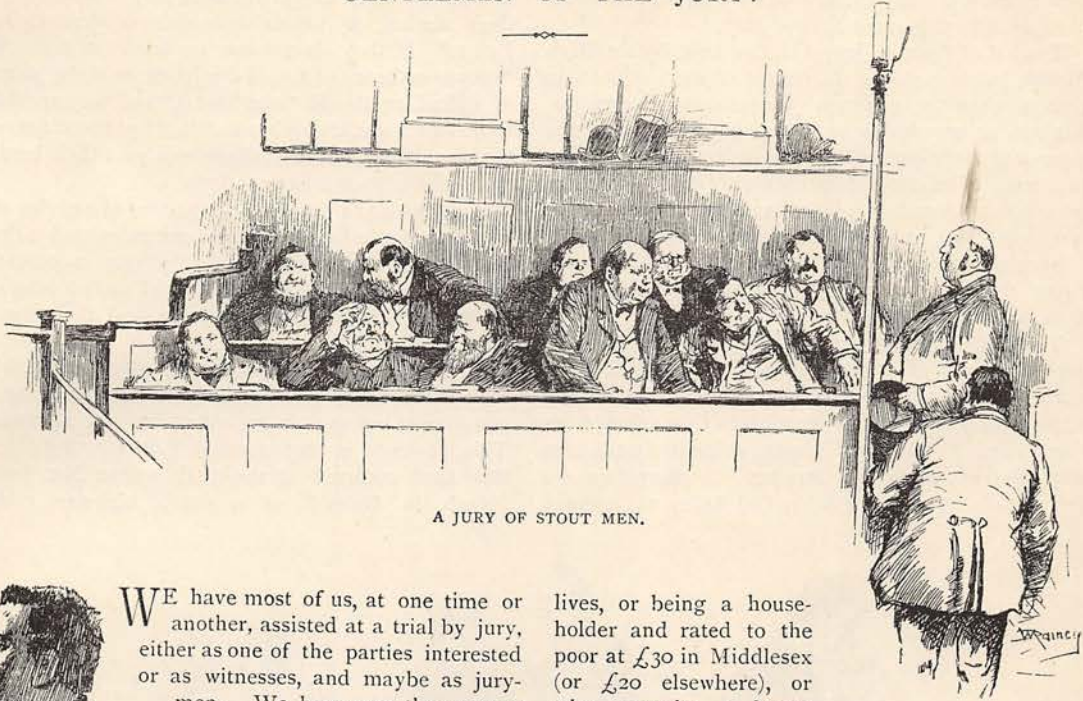


"GENTLEMEN OF THE JURY!"



A JURY OF STOUT MEN.



MUTE, OF MALICE.

WE have most of us, at one time or another, assisted at a trial by jury, either as one of the parties interested or as witnesses, and maybe as jurymen. We have seen the process of "empanelling" the twelve good men and true; have listened patiently to the examination and cross-examination of the various witnesses; and have most probably detected a large amount of cross-swearing (commonly called *perjury*), of which there is usually plenty in every doubtful cause. The evidence on both sides being finished, Mr. Silkworthy, Q.C., rises with "My Lud, and Gentlemen of the Jury," and does his best to convince the Court in general, and the jurors in particular, that his view of the case is the right one, and that of his opponent is utterly wrong. Having concluded his address, Mr. Speechly, Q.C., on the other side, endeavours to demolish whatever effect his learned brother's address may have had on the jury, and to put quite another complexion on the case. The two learned gentlemen having exhausted their forensic resources, the Judge proceeds to "sum up" the evidence, directing the jury as to the law of the case, and what *facts* they have to decide: for it must be remembered that the jury have to deal with questions of fact *alone*. The jury then consider their verdict, and deliver it, sometimes involving the life or death of one of their fellow-beings.

It is my present object to explain to such of my readers as have not served on a jury the law relating thereto in as simple a manner as possible.

Every natural-born subject, between the ages of twenty-one and sixty, having an income of £10 from lands or tenements of freehold or copyhold, or £20 from leaseholds for twenty-one years, or for life or

lives, or being a householder and rated to the poor at £30 in Middlesex (or £20 elsewhere), or who occupies a house with fifteen or more windows, possesses the privilege of being summoned as a juror. The High Sheriff of the county keeps a book called the *Jurors' Book*, containing the names of all persons eligible to serve as jurymen. From this book the *panel*, or list, is selected, which the High Sheriff sends to the Sittings or Assizes; and he summons those persons named therein to attend, under various pains and penalties, amounting to *not less* than forty shillings. By this means we arrive at a *Common Jury*.



CLAIMS EXEMPTION ON THE SCORE OF DELICATE HEALTH.

Should, however, either the plaintiff or defendant desire his rights adjudicated on by a jury of a higher class, he may demand a *Special Jury*.

The list of Special Jurors is also kept by the High Sheriff, but it contains the names of more well-to-do persons than the common jurors, such as esquires, bankers, or merchants, or those who are rated to the poor or the inhabited house duty at not less than £100 in a town of 20,000 inhabitants, or £50 elsewhere, or who occupy premises, other than a farm, rated at not less than £100, or a farm rated at not less than £300.

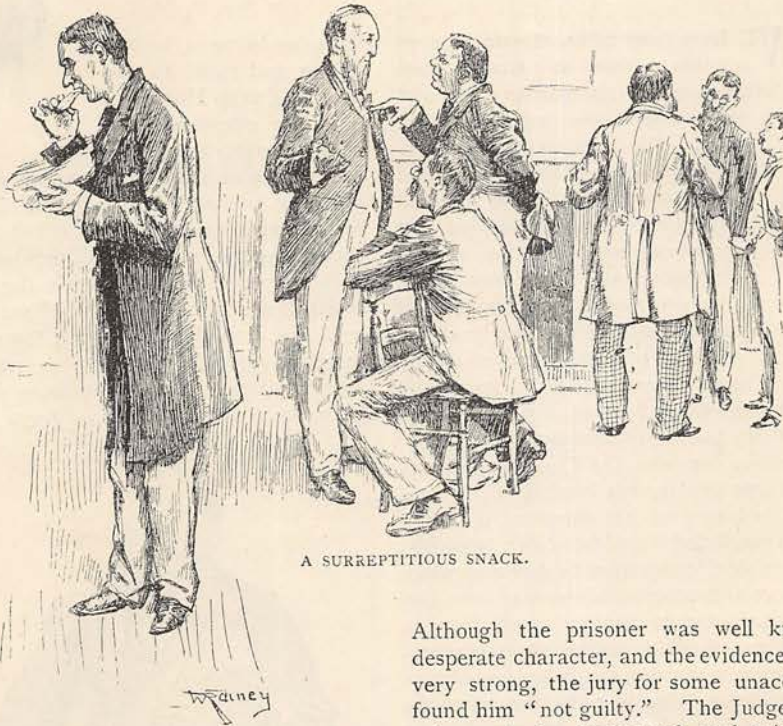
Special jurors used to be paid £1 1s. for each case; they now receive £1 1s. per day, and common jurors half-a-guinea per day.

The name of each juror summoned is written on a separate piece of paper and placed in a box. The officer of the Court then selects twelve at random, and these form the jury. The gentlemen thus selected are then called by name and sworn, unless they can urge any valid excuse for not serving. A short time ago the attendance of a juror at the Old Bailey was excused

together, without meat, drink, or fire (the cheering rays of a *candle* only excepted), until they have delivered their verdict, or unless otherwise ordered by the Judge.\* If they should eat or drink at their own expense without the fiat of the Judge, or if the plaintiff or defendant should "stand treat," the jury are liable to be fined; and if they have a "feed" at the expense of the party for whom they afterwards give their verdict, this nullifies the verdict so given.

Sometimes the jurymen, despairing of arriving at a unanimous solution of the questions submitted to them, resort to the old-fashioned but simple expedient of "tossing up" for their decision; but in this case also the verdict is liable to be set aside, and the offenders fined.

Should the jury find a verdict manifestly against the evidence, the Court may send them back to reconsider it before it is recorded, but not afterwards. This, however, is very unusual. An amusing case of this kind occurred at the trial before Mr. Justice Keogh, in Ireland, of a noted highway robber.



A SURREPTITIOUS SNACK.

on the ground that he had got married, and was going on his honeymoon. The Lord Mayor held this to be a very valid excuse. The Clerk of the Arraignment asked the happy bridegroom when he would return—would a week do for him? "Oh, no!" interposed the Lord Mayor, "give him longer than that!"

The witnesses having been examined and cross-examined, counsels' speeches delivered, and the Judge having *summed up*, the jury proceeded to deliberate on their verdict. They are then (should they retire) kept

Although the prisoner was well known as a most desperate character, and the evidence against him was very strong, the jury for some unaccountable reason found him "not guilty." The Judge in directing the prisoner to be discharged, and evidently being impressed by the details of the gentleman's antecedents as elicited at the trial, remarked to the High Sheriff: "The prisoner must be acquitted; but as I am leaving here to-day for — at 1 o'clock, I shall feel obliged if you will detain him till three, so that I may get two hours' good start of him."

The Court or Judge cannot punish a jury for their

\* By 33 and 34 Vict. c. 77, s. 23, jurors after having been sworn may, in the discretion of the Judge, be allowed, at any time before giving their verdict, the use of a fire when out of Court, and be allowed reasonable refreshment, such refreshment to be procured at their own expense.



AN AIRING FOR THE TWELVE.

verdict, however erroneous. If they cannot agree, they may be discharged; and if one of their number is suddenly taken ill, so as to be unable to remain until the verdict is agreed on, the Court may discharge that jury, and charge another with the case.

Should a juror be sworn as "John Brown," when his right name is "John Jones," there must be a new trial; but not if he be sworn by a wrong *Christian* name.

The jury sometimes take it into their heads to give a *perverse* verdict, and in such a case a new trial will be directed, but generally without costs.

A good story of what may be called a *perverse* verdict is told of the trial of a certain prisoner, who, on being asked the usual question, pleaded "Guilty." The foreman of the jury thereupon immediately jumped up, and addressing the Judge, said: "We have found a verdict of *not guilty*, my lord!" The Judge remarked that this was at least singular, considering that no evidence had been heard either way; but the foreman replied: "Ah, yes, my lord, but we all of us know the prisoner well, and he was never known to speak a word of truth in his life!"

The verdict must be the unanimous decision of the jury; and it is either *general*, for the plaintiff or defendant, or *special*, stating all the facts of the case, and leaving it to the Court to pronounce the proper judgment.

If neither party feels sufficiently confident to perse-

vere till verdict, the Judge frequently recommends the parties to *withdraw a juror*. If this is agreed to, a juror steps out of the box (generally with undisguised satisfaction), and the rest are discharged, thus putting an end to the case.

In Criminal causes, the prisoner occasionally thinks he will nonplus the Court by refusing to plead. A jury is then summoned to try whether he stands "mute of malice," or "by the visitation of God." If the former, a plea of "not guilty" is entered *for* him, so accommodating is the law in this respect. After the Indictment is read to the prisoner, the officer of the Court calls twelve jurors from the *panel* by their names and addresses in the same way as in Civil causes. They then stand up in the box and are sworn; but before the oath is administered the prisoner has a right to *challenge*, or object to, any particular jurymen. *Challenges* are either (1) *to the array*, when exception is taken to the whole jury; or (2) *to the polls*, when individual jurymen are objected to. It is not often, however, that a jury is challenged nowadays.

On a Coroner's Inquest the verdict must be with the concurrence of at least twelve jurors; and the inquisition must be had *super visum corporis*—that is to say, the jury must "view the body." If the body cannot be found, the coroner cannot sit, except by virtue of a Special Commission for that purpose. The sights which coroners' juries have to inspect are generally extremely gruesome, and often hideous, and the

smell of the place where the body is lying is *always* uninviting, so that sometimes the unfortunate jurors may be seen coming away after this portion of their duties "spitting for dear life," as a juror graphically expressed himself not long since in a letter to the *Times*.

Occasionally the High Sheriff is a bit of a wag in his way. This was shown in the case of a gentleman whom we will call Mr. G. At the October Court, one year, he summoned twelve of the fattest men he could find in his borough, and when they came to be sworn, only nine of them could sit comfortably in the box; but after considerable squeezing they all got in somehow. This was literally a "packed jury."

In the January term this same Mr. G. (in consequence of a hint from the Recorder that no more fat juries were required) went to the opposite extreme, and summoned twelve of the leanest and tallest men obtainable. When they were seated there appeared to be room in the box for twelve more of the same calibre.

Mr. G's crowning joke, however, was at the Summer Session, when he summoned twelve jurors, each of whom had a most decided squint. The sight was so ludicrous that the Recorder could not preserve his gravity, and even the prisoners were forced to smile. When our waggish High Sheriff was reproved for getting such a jury together, he at once replied, "All good and lawful men, my lord," and nobody could gainsay it.

The following are totally exempt from serving on juries. In those professions printed in *italics*, the gentlemen must be in actual practice: Peers, Members of Parliament, Judges, Clergymen, Roman Catholic Priests, Ministers of Protestant Dissenters, and of Jews

whose place of meeting is duly registered; *Serjeants and Barristers, Certificated Conveyancers and Special Pleaders, Doctors of Law, Advocates of Civil Law, Solicitors and Proctors and their Managing Clerks, Notaries Public, Officers of the Law Courts and of the Admiralty and Ecclesiastical Courts, Probate Courts, &c.; Clerks of the Peace or their Deputies, Coroners, Gaolers, Keepers of Houses of Correction and their subordinate officers, Keepers in private Lunatic Asylums, Members and Licentiates of the Royal College of Physicians, Members of the Royal College of Surgeons in London, Edinburgh, and Dublin, Certificated Apothecaries, Registered Medical Practitioners and Registered Pharmaceutical Chemists; Officers of the Army, Navy, Militia, and Yeomanry, while on full pay, Licensed Pilots, Household Servants of Her Majesty, Officers of the Post Office, Commissioners of Customs and of Inland Revenue and their representative officers, Sheriffs' Officers, Officers of the Rural and Metropolitan Police, Police Magistrates and their officers, Members of the Council of any Borough and every Justice of the Peace therein, and the Town Clerk and Treasurer, as far as relates to any jury summoned to serve in any Court of General or Quarter Sessions in the County in which such borough is situate; and Officers of the Houses of Lords and Commons.*

In concluding this short sketch, I trust that my readers will have acquired some little knowledge of the law relating to juries; and that in the event of their being called upon to serve their country in the capacity of jurymen their verdicts will be truly and impartially given, without fear or favour, no matter how great or how small the issue.

HERBERT E. BOYLE.

## THE TEMPTATION OF DULCE CARRUTHERS.

By C. E. C. WEIGALL.

### CHAPTER THE FIRST.

#### THE CARRUTHERS FAMILY.



O-re-mi-fa-sol-la-si-do!" rang out the delicious voice of a young girl, breaking at times into trills and roulades, like a moonstruck nightingale singing out his heart on a summer's evening in the woods. She ran up the scale brilliantly, and ended with a triumphant bra-

vura of fifths which displayed the marvellous powers of her voice.

"There, will that satisfy you—you exacting little mother?" she said, swinging herself round on the music-stool, and facing her audience.

"Oh, Dulce, Dulce!—gently, dearest. Remember how much depends on that precious organ of yours," said Mrs. Carruthers, with a half-sigh.

"Dulce, if I had a voice like yours, I should spend

the whole day at the piano!" cried her younger sister, clasping her hands ecstatically.

"And ruin your voice completely, Marjorie mine? Ah, you see, the mantle of fortune was cast upon quite the wrong person when my fairy godmother bestowed my voice upon me, instead of giving it to you!"

"No; but a truce to jesting. Do be serious for once, and sing us something soothing, Dulce," laughed her mother.

"Well, I will sing you a quaint little melody that Signor Marios gave me the other day, before he went back to London." And Dulce turned to the piano once more, and let her fingers stray for a few moments aimlessly over the keys, then, gradually breaking into a low, minor melody, she began to sing—

"Did you think that the world was gay, sweet,  
When the sun shone yesterday?  
And the flowers that strewn your path, sweet,  
Were rich with the life of May?"