

like elevations. The jury are not provided with comfortable chairs as in America, but sit on hard, wooden benches, in a "box" situated at one side of the judge, somewhat the same as here, with the witness-stand between.

Along the side of the room opposite the jury-box are several rows of seats, one above the other, for favored spectators, while the space in the rear of the "dock" is open to the general public in the form of "standing room only." Those favored with places on the benches at the side have a fairly full view of the prisoner, as she sits or stands on her high perch, a male warder on one side, a female warder on the other, and a uniformed officer immediately at the back, (in this instance the tallest policeman on the force, six feet two inches in height, was specially detailed), lest the terrible creature so hedged about fling herself contumaciously over the railing upon the periwigged heads beneath, and peradventure lay violent hands on their august persons. Unless certified to by the court or jail physician that she is physically incapacitated for the ordeal, as happened in my case, she must stand on her feet during the whole course of the trial.

How different all this in an American court! Here the accused sits well to the front, within easy hearing of the witness, surrounded by friends and counsel, protected against the stare of spectators, who are all well at the back. In the case under observation, the prisoner entered the court-room with her aged father by her side, and as far as an outsider could observe, without any official guard. She might be under suspicion; but she was not yet a felon—nay, rather, a woman presumed by the law to be innocent, because not yet proved guilty, and treated accordingly. Therefore her white-haired, natural protector was ever by her side to cheer and support her. While, during all the heart-crushing days of my trial, throughout what seemed a malignant conspiracy against my life, while the fates wove their inextricable web about me, not once did I feel the touch of a friendly hand nor hear a word of encouragement. No, not even was my mother permitted to be near me; and so entirely was I in the hands of the law, and so completely cut off from every means of support or self-defense, that I could communicate with my counsel only by writing, at the same time that I was the eye-target of all the occupants of the side benches, who, at least until the medical evidence cast doubt upon the whole theory of death by poisoning, missed no occasion to exhibit their belief in my guilt, and carried this so far as to greet my appearance in the dock with hisses.

Never before having been inside a court, this all seemed to me quite in order and approved undoubtedly by the great Jeffries himself, if not actually invented by him. How could it have appeared otherwise than proper, for was not this mode of judicial procedure hallowed by centuries of custom and usage? And who was I, merely a little woman, though innocent, that I should presume to question what had stood the approval of unnumbered ages?

The utter barbarity of it all never fully entered my consciousness, for lack of contrast, until a few short weeks ago I found myself in an American criminal court (surely held under the aegis of the transfigured spirit of "Liberty Enlightening the World!"), and beheld a little woman, like myself accused of murder, sit during the ordeal of her trial in the midst of tried and true friends, shielded against shafts of malice by the paternal breast, strengthened by a father's love, supported by his enfolding arms; while at all times she was surrounded by and ever in closest touch with counsel, with whom she might communicate unhindered at any moment, without attracting notice or in any way interrupting the course of proceedings. Whereas, the few times that I summoned courage to communicate with my counsel (or rather with my solicitors, for a barrister in theory is never supposed to come in contact with his client in a criminal



Mrs. Maybrick on Trial—From a Drawing in "The London Graphic"

case), it seemed to me that I brought the universe to a standstill. Obviously, anything that brings the whole machinery of an English criminal court to a dead pause, as every effort of mine to communicate with my legal representatives invariably did, may not be indulged in lightly—can spring only from an impulse of self-defending desperation.

Owing to the illness of a juror when the case in New-York was already well advanced, another jury was chosen, and in each instance several days were consumed in the selection—a state of things undoubtedly due to the fact that both sides exercised extreme care that the jury should be qualified to not only master a mass of involved details, but as nearly as possible should be an unprejudiced one as well. There appears to be some feeling in the public mind that the caution exercised here by legal permission is excessive and wasteful of both time and expense, if not actually devised to defeat the ends of justice.

In view of the now generally admitted fact that I was a helpless victim of unreasoning prejudice and mental incapacity, in the case of both judge and jury, my opinion, perhaps, should not be accepted as decisive on this point; nevertheless, as between the English method, as typified by my case, and the one generally in vogue in America, I should imagine that no fair-minded person would hesitate for a moment to cast his vote for the latter. In my case, although excitement ran to an extraordinary pitch, and public opinion, before any evidence had been heard, was intensely hostile to me, I do not believe that much more than half an hour (if even so much time) was consumed in filling the jury-box. And if the sole object of courts and juries is to convict, regardless of the facts, then my case stands indubitably in proof that the English way is a capital one to bring about the desired result.

Mine was known as a "common" jury, the means being wanting to give me the benefit of a "special" jury as might have been permitted, or a change of venue to London. And "common" it was to the verge of illiteracy, while some of its members were so incapacitated for duty by reason of physical or mental debilities that they could not keep off evident drowsiness during even the most exciting events; and at least one of its number has made public confession that he did not hear a considerable part of the testimony. That, perchance, made little difference, since the intelligence of the entire body was of so low a character as to be utterly unequal to the task of coping with the technical testimony on which their verdict as to my

verdict, and question after question was directed to that end. It may be that few women possess the necessary training, or are qualified by nature, to select wisely in their own interest. A woman's intuitions, however, should count for something; and aside from this consideration, be her choice for good or ill, there surely is something satisfying in the mere thought that you have not been dragged to your doom.

For example, had it been the procedure in my case to reject a sufficient number, for one cause or another, until a jury of at least fair intelligence (one in a way capable of forming a judgment of the value of testimony on their own account) had been got together, there can be little doubt that a verdict of guilty never would have been rendered. If the jury, for example, had been such a one as was twice brought together in this American trial, composed almost wholly of men in their prime, and of such intelligence that now one, and again another, of its members, took it upon himself to question a witness on his own account, when some point in his opinion required further elucidation (and usually this was done with noticeable pertinence), it would have been a proceeding so utterly out of character with the jury in my case that had one of its members so far presumed on his privilege as to ask a single question, it most likely would have thrown the entire court entourage into a panic of astonishment. And how completely each member of the jury in this American case stood for himself is clearly shown by their reported standing, on their discharge, after more than twenty-four hours' deliberation, six for acquittal, and the rest in favor of varying degrees of punishment; but not one for murder in the first degree.

In America, because of her intimate association with counsel, the accused during the entire trial is a veritable part of the defense—nay, may be its chief director, if her abilities warrant such a course in the eyes of those having her cause professionally in their keeping. Surely this is as it should be, when a verdict meaning either life and liberty or an ignominious death may at some juncture depend upon a swift suggestion from the prisoner to counsel, by which (let us say in course of cross-examination) an entirely different color or meaning may be given to a supposedly suspicious action or word!

I recall more than one occasion in my trial where I felt a strong impulse to direct my counsel's attention to testimony which apparently to him at the time seemed unimportant, but later proved to have a weighty bearing against me, for the reason that the underlying

causes or motives had not been sufficiently brought to light. And the reason why I did not communicate with counsel in such circumstances I imagine I have sufficiently indicated, as it could be done only by writing, which invariably caused a break in the proceedings. This, I submit, is virtually a complete denial of communication—to say nothing of the fact that every slightest movement of the prisoner in the dock of an English court is under the ever-watchful eyes of her three suspicious guardians, who most naturally act as a restraint on the operations of her mind no less than the motions of her body. Then there must be added further the battery of eyes leveled at the



Trial of Nan Patterson, New-York City

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