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NATIONAL UNION OF SOCIETIES FOR EQUAL CITIZENSHIP.

15, DEAN'S YARD, S.W.1.

WOMEN JURORS.

Since the passing of the Sex Disqualifications (Removal) Act in 1919, women have been eligible to serve as *Jurors*. The Act also provides that : "any Judge, Recorder or Chairman of Quarter Sessions before whom a case may be heard, may, in his discretion, or an application made by or on behalf of the parties, or at his own instance make an order that the jury shall be composed of men only, or of women only, as the case may require." Although the law is nominally equal between men and women with regard to the formation of Juries consisting of one sex only, in actual fact it has never as far as we are aware been used to empanel a Jury consisting only of women, but has frequently been used to empanel Juries consisting of men only. This has often resulted in cases relating to women and children being tried without a woman on the Jury.

It is essential that this should be altered as it is important that women should serve on Juries whatever the nature of the evidence or the type of the case. A Bill has been prepared to secure this by the National Union of Societies for Equal Citizenship and other alterations in the law, the draft of which is appended at the end of this leaflet.

There are three kinds of Juries which deal with crime, (a) the Coroner's Jury, (b) the Grand Jury, (c) the Petty or Transverse Jury.

The Coroner's Jury.

This Jury consists of not less than twelve, and not more than twenty-three persons summoned by the Coroner to investigate cases of sudden death. This Jury is not included within the Juries' Acts, but comes under a special Coroners' Act, 1887. The only qualification for service would seem to be that the jurymen must be "good and lawful" persons, householders of the district concerned. The finding of the Coroner's Jury against an accused is legally competent as an indictment; but usually a warrant is also issued in the ordinary way (*i.e.*, by the Justices).

The Grand Jury.

The Grand Jury is the *Criminal* jury, and consists of not less than twelve, and not more than twenty-three persons. The chief duty of this Jury is to judge whether there is a *prima facie* case in every written accusation, *i.e.*, bill of indictment, laid before them. They may pronounce either that the bill of indictment is a

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"true bill," or that there is "no bill." Should their decision be the former, the case goes forward for trial before a petty jury; if the latter, the case is dismissed. Twelve grand jurors must agree in the finding. The qualification is the same as that required for ordinary jurymen.

The Petty or Transverse Jury.

The Petty or Transverse Jury is the Trial Jury. Jurors must be called on either for civil or criminal cases. In criminal cases they are usually called *petty jurymen*. In *civil cases* at Assizes, or in the High Court of Justice (London and Middlesex) a demand may be made for a panel of *special jurors*. The latter are persons of a definite social standing, or who occupy a house rated at £100 in a town of 20,000 inhabitants or of £50 elsewhere. The usual fee of a special juryman is not more than a guinea for each case. A *special* jury is never called for in *criminal cases*, except in the rare event of the indictment being in the King's Bench Division.

Jury Qualifications.

In order to be eligible to serve on a Jury the person must be (1) a natural born subject or an alien domiciled for ten years or more; (2) over 21 up to 60 years of age; (3) the owner in fee or for life of lands or tenements worth £100 in the City of London and of £10 a year or more in a county or borough, or of long leaseholds worth £20 a year; or else the occupier of a house rated at £30 in London and Middlesex, and of £20 in other counties.

The Jury Lists are now prepared by the Registration Officers, *i.e.*, Clerks of the County and Borough Councils, and in some cases of the Urban District Councils, or if the Clerks so desire, by officials appointed by the Committees under the Rating and Valuation Act, 1925.

The Jurors' Book is the Register of Electors. The names of persons qualified to serve as jurors are specially marked.

Exemptions. Certain persons are exempted, *i.e.*, Peers, Members of Parliament, Justices of the Peace, priests, ministers, barristers, medical practitioners and surgeons, soldiers, public officials, a woman member of a religious community, etc.

Once a name is inserted in the *Jurors' Book* exemptions from service can only be granted in the case of illness. Claims must be made to the Registration Officers at or before the Revision of the Lists. (*The List of Electors* is published on the 15th July.)

The Summons to serve must be issued at least six days, or, if sent by post, eight days, before the day of required attendance. Failure to obey the summons renders the person summoned liable to a fine of £10 or more, unless a good excuse is forthcoming.

Offences Triable by Petty Jury. These are known as *indictable*

Offences Triable by Petty Jury.

These are known as *indictable* offences, and include all the more serious crimes, *e.g.*, burglary, arson, murder, etc.

Crimes such as murder are tried at the Assize or Circuit Court (at the Central Criminal Court for London and Middlesex). Other Jury cases may be taken at Quarter Sessions. In cases of offences tried at the Police Court, but punished by more than three months' imprisonment, the accused may appeal to be *tried by Jury*. Certain indictable crimes, if committed by children or young persons, or even by adults if they plead guilty, may be dealt summarily at the Police Court.

Challenge. The accused has a right to challenge the jurors as to qualification or disinterestedness. They are then individually sworn.

In the event of a juror being challenged, it is important that the juror should be replaced by a person of the same sex, this right having frequently been used in order to get rid of women on a Jury. On various occasions women jurors have been challenged and replaced by men. Recently at the Surrey Assizes in the case of an assault on a maid-servant, the only woman juror was challenged by the prisoner's counsel, and replaced by a man.

The presiding magistrate may on application made to him or at his own instance, order that the Jury shall be composed of men only, or women only.

Duties of Petty Jury.

If the accused refuses to plead, a Jury must be empanelled to decide whether he is fit to plead. If he is wilfully silent, a plea of "not guilty" is found for him so that the case may proceed. It is the duty of the Jury to consider and weigh the facts brought before them; it is for the Judge to assess the punishment.

Verdict. The formula of the verdict is "guilty" or "not guilty" except in the case of insanity, when the Jury may return a verdict of "guilty but insane." If the accusation is divided into counts, the Jury may pronounce on these separately or taken together.

If the Jury cannot arrive at agreement in open court, they retire with a bailiff sworn for the purpose. During retirement, no one may speak with them. Agreement must be unanimous. In trials for murder, treason, or treason felony, the Jury may not separate until they have found a verdict, unless they are discharged by the Judge, having found it impossible to agree. In the case of misdemeanours, and even certain more serious crimes, the Court may permit the jurors to separate. There is no remuneration. No person may be summoned to serve on any Jury (except a Grand Jury) more than once a year. In some counties the interval is greater.

Scotland.

In Scotland the *criminal assize* means Trial by Petty Jury. The Jury consists of fifteen jurors. Verdicts need not be unanimous. The Jury may return a verdict of "not proven." This verdict has the same legal effect as "not guilty," but leaves, as is probably intended, a moral stigma.

The number of trials by Jury is now considerably lessened by the opportunity given to accused to accept summary jurisdiction by pleading guilty in a Court of Petty Sessions, together with the powers of summary jurisdiction given by recent legislation in the case of children and young persons.

Trial by Jury has always been regarded as one of the safeguards of liberty, and when women are being tried, or when women or children are giving evidence, it is especially fitting that women should be among those who hear the evidence and judge its value. It is encouraging that the Recorder at the Old Bailey recently said : " My experience of women jurors is that they have added considerably to the due and proper administration of the criminal law."

MARGARET ROSS, 1921.
(Revised : MARIAN BERRY, 1927.)

WOMEN JURORS BILL, 1927.

A BILL

to amend the law with respect to the Jury Service of Women.

WHEREAS it is enacted in the Sex Disqualification (Removal) Act that a person shall not be exempted by sex or marriage from the liability to serve as a juror and whereas it is also enacted that any Judge, Chairman of Quarter Sessions, Recorder or other person before whom a case is or may be heard, may, in his discretion, or on application made by or on behalf of the parties (including in criminal cases the prosecution and the accused) or any of them, or at his own instance, make an order that the Jury shall be composed of men only or of women only as the case may require.

Be it enacted that :—

- (1) That no Judge, Chairman of Quarter Sessions, Recorder or other person before whom a case is heard shall have power :—
 - (a) To declare that a Jury shall consist of men only or of women only ; or
 - (b) To excuse a woman because of the nature of the evidence or the type of the case.
- (2) That when either of the parties, or in criminal cases the prosecution or the accused, raise an objection to a juror, that juror shall be replaced by one of the same sex.
- (3) A married woman shall, unless exempt, be liable to serve if her husband is qualified to serve, and shall not be exempt on the ground that her husband is exempt.