

THE CHARGE OF RAPE.

reputation is at the mercy of any woman, and it is difficult to see what remedy can be obtained so long as the weaker-vessel theory maintains. But once establish woman's right to be treated as the equal of man, and it might perhaps cease to be considered unchivalrous to test her statements by the ordinary rules of evidence. Indeed we might then have half a dozen ladies in the jury-box as ready, in cases of improper conduct between the sexes, to convict the woman as male jurors are to convict the man. What unprotected male will not vote for female enfranchisement if it is to usher in such a golden age as this?

Quite recently there have been three astounding convictions for rape, in all of which public opinion pronounced flatly against the verdict of the jury. In the first, it was clear that an improper intimacy already existed between the plaintiff and the accused, and she had apparently brought the charge in order to screen herself from the consequences of his being discovered in her bedroom. The alleged assault took place without awakening children who were sleeping in the same room. In the second case, an improper intimacy had also existed between the parties, though the woman's motive for bringing the charge was not so clear. Her story, however, was even more extraordinary. According to her own account, she kept in her hand, throughout the assault, a jug which she had gone to fill. It was impossible to save her honour without breaking the jug or spilling its contents. The dilemma illustrated aptly enough the point of Pope's satirical fears as to

Whether the nymph should break Diana's law,
Or some frail China jug receive a flaw.

The jury's verdict pronounced the woman a heroine for sacrificing her honour and saving the jug. The third case has just occurred at Reading, and, if possible, involves a more absurd and monstrous miscarriage of justice than did either of the other two. The prosecutrix, a Miss Partridge, twenty-one years old, and represented as a young lady of "prepossessing appearance," advertises for a situation as governess or "lady-housekeeper." The prisoner, a shopkeeper named Toomer, answers her advertisement, stating that he has a daughter thirteen years of age whom he wishes to be taught music, and that there are ladies lodging in his house whom Miss Partridge would have as companions. He requests that a photograph of the advertiser may be sent him, and the photograph proving satisfactory, an arrangement is concluded, and she comes to his house. She there finds neither daughter nor lady-lodgers, but only two female servants, one of whom shortly leaves. Everything seems to go on quietly enough for a fortnight or thereabouts, but Mr. Toomer then suddenly begins to make love, talk about marriage, and kiss her, "contrary to her wish." On the following night he pushes her into his bedroom, and "after a night-long struggle," so quietly carried on that it does not wake the servant in

the next room, commits the offence with which he is charged. She does not, however, return to her own room, but next morning has her breakfast brought up to her in the prisoner's bed. He appears so "penitent" in the evening that, although she has been on the point of packing up her things to leave his house, and has even written part of a letter home, she not only consents to remain, but still continues to take her meals with the prisoner, and goes out for long walks with him, as amiably as if the little difference between them were only an excuse for a renewal of love. Two or three nights afterwards, her bedroom door being left open on account of the heat, another night-long struggle ensues with the same results, and conducted in the same noiseless fashion. Next day the prosecutrix charges the prisoner with rape, and last week the jury, after five hours' deliberation, brought in a verdict of "guilty," whereupon the Judge, as if to create a sensation and draw public attention to the case, sentenced him to penal servitude for fifteen years.

We may inform our readers that we have carefully excluded from our version of this extraordinary story certain statements which told heavily against the prosecutrix, but which may possibly not be true, and which she herself would probably deny. The *Times*, for instance, in summarising the story, seems to accept as ascertained facts that the prosecutrix declared that she was ready to remain with Mr. Toomer if he gave her twenty pounds, and that she declined the servant's offer to share her bed. But, so far as we can make out, both these facts rest entirely on the assertion of Mr. Toomer's servant; and, although they are by no means in themselves improbable, nor out of keeping with the rest of the evidence, still it is only fair to remember that Mr. Toomer's servant had, as such, an interest in extenuating the charge brought against him. But if we strictly confine ourselves to the facts admitted, or rather volunteered, by the prosecutrix herself, there is still evidence enough to refute ten times over the charge she brought. We have simply to take the three facts—that she stopped in Mr. Toomer's house after discovering that his story about his daughter and the lady-lodgers was a fabrication, and that she was to take her meals and spend the evening with him alone; that she remained with him, on friendly terms, after he had committed the first assault; and that, although she knew by experience his character and her own defenceless position, she deliberately exposed herself to another assault by leaving open her bedroom door. And we must here mention another most important point in the evidence—namely, that the testimony of the medical men was strongly in favour of the accused. That, in the face of these facts—waiving all other parts of the evidence—twelve men taken at random from the same portion of the community, and not specially selected from an idiot asylum, could find