Toomer guilty of rape, is astounding even to those who know best of what a British jury is capable. We earnestly hope that the Phrenological Society will keep its eye upon these twelve Britons, and take care that their heads are some day opened and examined. The examination could scarcely fail to throw valuable light upon the use of the British Palladium and upon our nineteenth century interpretation of the rules of evidence in their connection with the laws of chivalry. If a hundred years hence a lovely woman has ceased to be recognised as the weaker vessel, she will perhaps now and then look back with regret upon some of the advantages which the recognition now affords her, and feel that there is something to be set off even against the debt of gratitude she will owe Mr. Mill. If a man appeared in court with a charge so flimsy and so self-contradictory as that brought by Miss Partridge, he would stand some chance of being tried for perjury. But what can a male jury do when the prosecutrix is a young lady of "prepossessing exterior," and the prisoner is not merely a male, but actually a widower at that most unromantic period of life, middle age?

It is scarcely necessary to enter any formal protest against the verdict in this particular case. It is impossible to suppose that it will be allowed to take effect. But the moral of the story is anything but a pleasant one. If Mr. Toomer could be found guilty on such evidence, what unlucky male is safe? It may be indeed true, as the *Times* says, that the prisoner, by his immoral conduct, helped to get himself into the scrape, and has therefore "so much the less to complain of." But then, on the other hand, we must remember that a far more plausibly concocted charge could be got up against the most innocent man. Mr. Toomer's immorality may perhaps have influenced a half-educated jury, though really it had about as much to do with the specific charge as had the colour of his hair. But it can scarcely have told as much against him as the weak points in the evidence told in his favour, and such weak points as these the merest tyro in the art of lying could avoid. Miss Partridge would have made out a much better case if Mr. Toomer had been innocent of all improper overtures to her, and if, having no substratum of fact to go upon, she had been compelled to trust entirely to her imagination. She would never in that case have dreamed of asserting that, after the first assault, she remained quietly to eat her breakfast in the prisoner's bed, and, after continuing with him him on friendly terms for two or three days, give him an opportunity for renewing the assault by leaving her bedroom door open. These are the most damning facts against her, and the facts that will save the prisoner. Yet they would have never appeared in an absolutely imaginary charge, though the other facts, on which the jury found their verdict, must have been substantially the same. Miss Partridge would have had one "night-long struggle" instead of two, and would as soon as possible have laid information at the police-station. No one, indeed, could have heard this imaginary struggle, nor could the medical evidence have supported it. But, as we see from the actual verdict, these trifling objections would not have prevented a perfectly innocent man from being ruined, inasmuch as they did not affect the really essential features of the case—the sex and prepossessing exterior of the accuser, and the unromantic middle age of the accused. Mr. Toomer's immoral conduct, as the *Times* says, may thus have in one way got him into the scrape, but in another it has actually got him out of it. If he had been innocent, he would have been helpless. He is positively saved by the first improper assault, which Miss Partridge was either too dull or too honest to conceal. A highly consolatory inference this for innocent and moral men.

The worst part of the business is that serious as is the evil which this trial illustrates, and frightful as are the dangers to which innocent men are exposed, there really seems no remedy—unless, indeed, as we have suggested, it is possible to hurry on female enfranchisement, abolish the weaker-vessel theory, and put six women into the jury-box to protect male prisoners in cases of this kind. It is hopeless attempting to persuade a chivalrous British jury that lovely woman is sometimes sinning, and not always sinned against; and it would be perhaps too grave a constitutional change to arrange that, wherever she is concerned, the trial should be conducted solely by a judge selected especially for his want of gallantry, and not much under seventy. Where the accuser is young and of prepossessing exterior, it might possibly mitigate the miscarriage of justice to keep her thickly veiled or out of sight, unless indeed there are grounds for suspecting that there is any juror present possessed of imagination, in which case concealment would, of course, make matters worse. To insist on the prosecutrix appearing in an ugly dress would overshoot the mark, and, by making all charges on the part of women well-nigh impossible, would encourage connivance at crime. So that, pending the advent of female enfranchisement, we can really see no remedy, and can only hope, in the interest of the male creation, that the next charge of improper assault may be brought, not against a country shopkeeper, but against the Lord Chancellor, the Archbishop of Canterbury, or Mr. Mill.—*Saturday Review.*

INEVITABLE ACCIDENT.

A case has been recently decided in the Court of Common Pleas, which illustrates the rule of law applicable to cases where a person has been prevented from doing, by inevitable accident, that which he has undertaken to do. The material facts in *Appleby* v. *Meyers* (12