

section which would render proof of such recklessness in certain specified classes of cases a conclusive presumption of guilty knowledge on the part of the purchaser, there would be a noticeable decrease in such business and necessarily a wholesome reduction in the crime of theft.

2. Abolition of juries.—Some prominent lawyers, chiefly in the United States, have advocated the abolition of the petty jury system, and one jurist has gone so far as to denounce the petty jury as being especially adapted for the protection of criminals. There are other persons who are not prepared to favour the abandonment of the jury system in criminal cases, but advocate the abolition of the requirement of unanimity. They urge that the change by which unanimity is no longer necessary in civil cases was a notable reform and that it would be a reform in the criminal law if a verdict upon which ten of the twelve jurors agreed should stand, so that one or two perverse, ignorant, obstinate, or corrupt jurors could not have the power to defeat or seriously obstruct justice.

The abolition of the petty jury system, however, would be a grave blunder, and even a change which would render unanimity unnecessary would be a dangerous innovation. Even if there are defects in the jury system as at present in operation in Canada, these defects are not inherent in the nature of the system, but arise from the method of selecting the jury and the numerous classes of exemptions whereby many of the most intelligent citizens never serve as jurors. In some counties many of the best citizens obtain appointments as justices of the peace or seek some other position with the deliberate purpose of escaping jury service. These citizens by seeking to escape the performance of an important duty are shewing a strange shortsightedness in unconsciously rendering a service to the criminal by increasing his chances of escape. The uncertainty of punishment is a sheltering and protecting rampart for crime, and anything that increases that uncertainty operates as an aid to the criminal and an incentive to further crime.

The constantly growing list of exemptions from jury service constitutes the only serious weakness in our system of criminal law. The efficiency of our police administration renders detection and arrest reasonably certain, and at the trial the criminal cannot now escape by receiving the demoralizing advantage of tortured technicalities. The one remaining hope of the guilty criminal is