

To revert, however, from generalities to the specialty of the jury system. We advance as a positive fact, admitted by all parties, that in Lower Canada it is impossible to obtain a verdict of guilty in any case tinged with a religious or party colour. So long as the crime has been committed under or within sight of a banner flaunting orange, green, blue or red silk to the winds, the murderer may lay the flattering unction of an acquittal to his soul. Can it be said that in all Christian countries such things occur, or are we alone weighed down beneath the load of guilt? Does the disgrace attach to us alone, or have we partners in our degradation? It is a melancholy admission, but still one that must in justice be made, that we enjoy a guilty pre-eminence in this matter. The evil has been of slow growth, but it has now attained its majority; and if some means be not devised for its extirpation, it will eat, canker-like, into the heart of society, and destroy the bright prospects of our country. Legislation, of late years, has tended directly to the encouragement of the gravest crimes. The petty jurors are now drawn from the ignorant classes of society. The qualification of grand jurors has been reduced; and we have on the respective panels men of a very inferior stamp to those who in former years attended the terms of our Criminal Courts. The great majority of them are uneducated, open to the influence of party and political prejudices, and easily led by any partizan in whom they may have confidence.

One of the most striking incongruities in our law is, that a far more intelligent jury can be obtained in a civil action, where *S. s. and D.* are at issue, than in a trial before the Court of Queen's Bench, wherein the life and fortunes of a fellow-creature are the objects at stake. Strange that in the eyes of our law-makers, the purse of the subject should be of greater importance than the existence of the citizen: and that to assess the damages consequent upon the pulling of Mr. B.'s nose, or the aspersion of Mr. A.'s character, a higher class of jurymen can be obtained than upon C.'s trial for murder. Can it be that it requires more brain to understand the testimony in an action for breach of contract, than to weigh the evidence in a case of forgery? Or are we to believe that the life of a fellow-being weighed in the balance kicks the beam, when in the other scale is laid a crib of timber?

The farce of a trial such as we see occasionally on our Provincial boards, acts as a powerful incentive to crime. There is a total absence of that solemnity which should pervade the proceedings, yea, the very atmosphere of a Criminal Court. A recklessness and jauntiness of demeanour are often apparent in the criminals' conduct, almost as disgusting to the spectator as the poor Joe Millerisms, which, with hideous taste, are bandied loudly from one side to the other of the court-room. There is a want of dignity in the paraphernalia of justice which induces in the minds of the beholders a contempt for its administration. The natural consequences of such a state are, that the criminal is, in many cases, transformed into a martyr, whose exit from the court-room is a veritable triumph, conferring upon him all the glory of having suffered for religion's sake or party principle.

It is true that all the actors in one of the most foul murders ever perpetrated, have been overtaken by Divine vengeance; that not one of them now lives to