

warrant he can maintain an action for false imprisonment.

The **SUMMONS**.—If the case is one in which Justices have not the power, or do not deem it expedient to issue a summons, upon having the facts showing a *prima facie* case before the Magistrate, he will issue a summons directed to the defendant, requiring him to appear and answer to the charge.

Before the passing of the Act 16 Vic., c. 178, there was no general form of summons, and it was directed, either to the party or to a constable, but a form is given in that Act, and it is requisite in *all cases* that the summons be directed *to the party*. In acting under those Statutes which provide a form of summons, it might render the proceedings more strictly regular if such form was adopted, but as that given in the recent Act contains all necessary requisites for every case, it will be proper to use it universally. [a]

The summons should recite briefly *the matter of the complaint*, but at the same time with sufficient fulness and certainty to apprise the defendant of the nature of the offence charged against him, that he may be enabled to prepare for his defence accordingly. It should also set forth the *names and additions* of the complainant and defendant—the *name and jurisdiction* of the Justice granting it, and when the information was laid before him—the *time and place* where the defendant is to attend—and it should be *dated* and bear the signature and seal of the Magistrate. [b]

(TO BE CONTINUED.)

[a] *Summons to the Defendants upon an Information or Complaint.*

Province of Canada.  
(County, or United Counties, or  
as the case may be) of \_\_\_\_\_

To A. B. of \_\_\_\_\_, (labourer)

Whereas information hath this day been laid (or complaint hath this day been made) before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said (County or United Counties, City, Town, &c. as the case may be) of \_\_\_\_\_ for that you (here state shortly the matter of the information or complaint); These are therefore to command you in Her Majesty's name, to be and appear on \_\_\_\_\_ at \_\_\_\_\_ o'clock in the forenoon, at \_\_\_\_\_ before me or such Justices of the Peace for the said (County or United Counties as the case may be) as may then be there, to answer the said information (or complaint), and to be further dealt with according to Law.

Given under (my) Hand and Seal this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_, at \_\_\_\_\_ in the (County, or as the case may be) aforesaid.

J. S. [L.S.]

[b] It is said to be the practice before certain Police Magistrates, and in places where a great deal of business falls on one or two Magistrates, to sign summonses, &c., in blank, leaving them with the Clerk to issue at his discretion; this practice is objectionable and dangerous, and should be discontinued. It was at one time followed in England, but being regarded as highly censurable, and replete with mischief, it was condemned by the Courts there. The Judges of the Court of Queen's Bench have laid down the necessity of regularity and actual interference of the Justice himself in all the proceedings purporting to have taken place before him; and there is a case where a Magistrate was convicted and fined £100 on a prosecution, where his Clerk only had taken the examinations, although the Magistrate was very infirm, and had applied to have his name taken out of the commission. See *R. v. Abraham Constable*, cited 1 Ad. & E. (N. S.) 694. See also, 7 D. & R. 633. *Candle v. Seymour*, 1 Ad. & E. (N. S.) 639.

## ON THE DUTIES OF CORONERS.

### II.—PROCEEDINGS IN RELATION TO INQUESTS.

(CONTINUED FROM PAGE 185.)

#### 10. *Casual Death—By a Fire.*

CAPTION *as ante p. 184.*] do upon their oaths say, that on the \_\_\_\_\_ day of \_\_\_\_\_, in the year aforesaid, at the Town aforesaid, in the County aforesaid, the warehouse of T. C. there situate, casually took fire, and the said H. H. being then and there present, and aiding and assisting to extinguish the said fire, it so happened that a piece of timber, by the force and violence of the said fire, then and there accidentally, casually, and by misfortune, fell from the top of the said warehouse, in and upon the head of him the said H. H., by means whereof the said H. H. then and there received one mortal fracture on the head of him the said H. H., of which said mortal fracture the said H. H. from the said \_\_\_\_\_ day of \_\_\_\_\_, in the year aforesaid, until the \_\_\_\_\_ day of the same month in the same year, there, and also at a certain Hospital situate in the Town aforesaid, in the County aforesaid, did languish, and languishing did live; on which said \_\_\_\_\_ day of \_\_\_\_\_, in the year aforesaid, at the hospital aforesaid, in the Town and County aforesaid, the said H. H. of the mortal fracture aforesaid did die: and so the Jurors aforesaid, upon their oath aforesaid, do say that the said H. H. in manner and by the means aforesaid, accidentally, casually, and by misfortune, came to his death, and not otherwise, and that the said piece of timber was the occasion of the death of the said H. H., and is of the value of sixpence, and the property, and in the possession of the said T. C.

In witness, &c. [Attestation *as ante p. 184.*]

#### 11. *Casual Death—By being Burnt.*

CAPTION *as ante p. 184.*] do upon their oaths say that the said H. H., on the \_\_\_\_\_ day of \_\_\_\_\_, in the year aforesaid, being alone in her room or apartment, in a certain dwelling house situate in the Township and County aforesaid, it so happened as she the said H. H. was then and there sitting by her fireside, that the woollen petticoat of her the said H. H., which she the said H. H. then and there had on her body, accidentally, casually, and by misfortune, took fire, by means whereof, and from the smoke and flames arising from the said fire, the said H. H. was then and there suffocated and burnt, of which said suffocation and burning the said H. H. then and there instantly died: and so the Jurors aforesaid, upon their oath aforesaid, do say that the said H. H., in manner and by the means aforesaid, accidentally, casually, and by misfortune, came to her death, and not otherwise.

In witness, &c. [Attestation *as ante p. 184.*]

#### 12. *Casual Death—By Starvation.*

CAPTION *as ante p. 184.*] do upon their oaths say, that the said H. H., on the \_\_\_\_\_ day of \_\_\_\_\_, in the year aforesaid, through the inclemency of the weather, and the want of the common necessities of life, and by no violent ways or means whatsoever, to the knowledge of the said Jurors, at the Township aforesaid, in the County aforesaid, did die.

In witness, &c. [Attestation *as ante p. 184.*]

#### 13. *Homicide by a Madman—Hanging himself.*

CAPTION *as ante p. 184.*] do upon their oaths say that the said H. H. not being of sound mind, memory, and understanding, but lunatic and distracted on the \_\_\_\_\_ day of \_\_\_\_\_ in the year aforesaid, at the Township aforesaid in the County aforesaid, one end of a certain piece of small cord of no