

ten pounds currency,—so that if a cause of action is not one of those mentioned in the above exceptions, a plaintiff need not enquire further, but take it for granted, whether his claim be for an injury done to his person or to his property, or growing out of a money transaction or dealing of any kind,—that he has a right to sue,—for the last D. C. Act gives the Courts jurisdiction with the exceptions before mentioned, over all personal actions where the debt or damages claimed, is not more than ten pounds.

The D. C.'s have also a further jurisdiction, limited both as to the nature of the action, and the amount of the claim. This jurisdiction extends to all claims and demands whatever (not mentioned in the exceptions) of debt, account, or breach of contract, or money demand, whether payable in money or otherwise, where the amount or balance claimed does not exceed the sum of twenty-five pounds; or in any contract for the payment of a sum certain, in labour, or any kind of goods or commodities, or in any manner otherwise than in money, i. e., upon any contract for the delivery of goods, &c., or doing of work, &c., for value received, or for, or upon a past or executed consideration, after the day is past on which the goods, &c., ought to have been delivered, or the labour, &c., performed, an action may be brought for the amount in money claimed. And although a plaintiff may not divide any cause of action into two or three suits, for the purpose of bringing the same within the jurisdiction of the court, yet if he have a cause of action above twenty-five pounds, on which a suit might be brought under the Act, if the same was not above that amount, and he claim only the balance or sum of £25, he may bring an action for that amount, but in such case, he must enter, in his account, or particulars of demand, an abandonment of so much of his claim as is over the sum of £25; but it is provided that no unsettled account to a greater amount than £50, shall be sued on, in any D. C. The above comprehend the ordinary jurisdiction of the courts, and are to be found in the 23 & 26 secs. of the D. C. Act, and sec. 1 of the D. C. E. Act.

ON THE DUTIES OF CORONERS.

(CONTINUED FROM PAGE 68.)

I.—THE POWER AND DUTY OF CORONERS IN RELATION TO INQUESTS.

Judicial duties generally.—The Coroner being a Judicial (as well as Ministerial) officer, cannot appoint a deputy^(a) to hold the inquest for him: this, however, does not prevent his having the assistance of a clerk to take down the evidence in writing

(a) *Rex v. Farrand*, 3 B. & A. 269.

according to his dictation. By the stat. of 1 & 2 P. & M., c. 13, he may enquire of accessories before the fact, but not of accessories after the fact.^(b) Acting judicially, as taking an inquest, where there are several coroners, the act of one is sufficient: and after proceedings had by any one of them, an inquest by another would be void.^(c)

As to Deodands.—Deodands (from the Latin *Deodandum*) are forfeitures which the superstition of ancient times introduced and called by the name of Deodands—from the application of them to pious uses^(d)—and defined to be “when any movable thing inanimate, or beast animate, doth move to or cause the untimely death of any reasonable creature, by mischance, without the will or fault of himself, or of any person.”^(e) Where a thing not in motion “is the occasion of a man’s death, that part only which is the immediate cause is forfeited; as if a man be climbing up the wheel of a cart, and is killed by falling from it, the wheel alone is a deodand; but wherever the thing is in motion, not only that part which immediately gives the wound (as the wheel which runs over his body), but all things which move with it and help to make the wound more dangerous (as the cart and loading which increase the pressure of the wheel) are forfeited. It matters not whether the owner were concerned in the killing or not; and therefore in cases of homicide the instrument of death and the value are presented and found,—as that the stroke was given by a certain penknife (or razor) value sixpence.”^(f) Nothing, however, can be forfeited as a deodand, nor seized as such, till it be found by the coroner’s inquest to have caused the death.^(g) But these forfeitures, being founded rather in the superstition of an age of ignorance than in the principles of sound reason and policy, have not of late years been favorably received either by juries or courts—the former taking upon themselves to mitigate them “by finding only some trifling thing, or part of an entire thing to have been the occasion of the death,” and the latter (although the finding by the jury hardly warrantable) refusing to interfere.”

II. PROCEEDINGS IN RELATION TO INQUESTS.

SUMMONING JURY.

How Summoned.—The Coroner’s first step on being notified that his services are required, is to issue his Warrant, directed to the constables of the township in which the body lies dead, to summon a jury to appear before him at the time and place by him specified. The number of jurors summoned is usually 24, (though twelve only must be sworn) and the form used as follows:—

(b) 2 Hawk, c. 9, s. 28, 27.

(c) 2 Hale, P. C. 69.

(d) 1 Hale, 120.

(e) 3 Inst.

(f) 1 Black. 301.

(g) 1 Hawk, c. 24.