duce the prisoner at the inquest. The practice which hitherto prevailed was very convenient, but I am not aware that there was any legal warrant for it. I am of opinion that it is, upon all grounds, desirable that the prisoner should be brought before the coroner, and that I am bound to assist an application for that purpose if, in point of law, it be competent to me to do so. True it is, that there is no accusation formally before the coroner; but I cannot disregard the fact that, although the coroner's court is one for preliminary investigation only, the real inquiry before the coroner in the present instance is whether Patrick Reardon caused, or in any manner caused, the death of Kate Pyne, or assisted in her suicide. In substance, therefore, the inquiry before the coroner is the same as that before the magistrate. The difficulty in this case arises from the circumstance that the suspected person has been brought before and committed by the magistrate, instead of being detained and brought before the coroner, whose court ought, in the first instance,* to have charge of the preliminary inquiry. The real inquiry before the coroner being, practically, whether the prisoner is in any way chargeable with the death in question, it is on all grounds expedient, in order that the ends of justice may be accomplished, that he should be present at the investigation, if he so desires and the coroner does not object. It would be a strange anomaly, if, in the coroner's court, the person suspected in relation to the matter of the inquiry, and desirous of being present on the hearing, should be by law excluded. The magistrate's court—the inferior court—can only inquire and commit for trial, and yet, in the magistrate's court, the presence of the accused is essential. When the accused is amenable, he must have an opportunity of examining and cross-examining witnesses, and of hearing the depositions, which must be taken in his presence; and then, and then only, the magistrate may send the case for trial, that is, to be investigated by the grand jury and tried by a common jury. But in the coroner's court, though there is no technical or formal accusation, he might, on evidence given in his absence, although he had wished to be present, have a verdict of wilful murder returned against him—a verdict carrying with it certain consequences affecting him, and on which he may be put upon his trial. It is not at all of necessity that he should be present at the inquest. And it would be a grave mistake to suppose that, in his absence, evidence could not be gone into, or that, if affecting him, such evidence ought not to be received, for the evidence is not given technically upon a charge against any person, but merely for information in relation to the inquiry. Yet, while it is not necessary, I repeat that the suspected person ought to be present at the coroner's inquiry, unless his presence might tend to frustrate the ends of justice. It is admitted by the counsel for the applicant, that in such case a *habeas corpus ad subjiciendum* does not lie; and with this I concur, as that writ lies only to relieve from custody alleged to be illegal, whereas here the custody under the magistrate's remand is clearly legal. On the other hand, it is admitted by counsel for the Crown that, under special circumstances, the court may issue this writ in aid of the defective powers of an inferior court. Upon that question I do not, at present, express any judgment. There is no authority on it, although the precedents seem to warrant it, as also the *ex parte* case of *R.* v. *Hussey*, 11 Ir. C. L. R., Ap. 20.* If it were necessary to form a judgment upon it, I think that in this case special circumstances do exist. I would be disposed to hold that special circumstances exist where a prisoner himself says, "I desire to be present at the inquiry, and to hear the evidence affecting me; a question suggested by me upon cross-examination may dispel the suspicion which at present surrounds me; I wish to hear the case made against me, and upon which a verdict against me may depend." The coroner does not object; he, on the contrary, seems to approve of this proceeding, as he has adjourned his court to give opportunity to this application.† It may be that the coroner will not receive his evidence; but that is a question for the coroner to consider, and not for me to decide. In addition, the prisoner's counsel says, "I wish to have him present in order that he may hear the evidence, and that I may, at the proper time, tender him as a witness." I have the power, under the statute, to grant a *habeas corpus ad*

* In England, for a special reason, where the coroner commits a person for trial, an investigation should still take place before magistrates also, in order that the witnesses may be bound over and their expenses allowed, under 30 & 31 Vict., 35, 3, 5, "so that the prisoner might not be deprived of any assistance which the law gives him" (*per* Blackburn, J., *R.* v. *Spoor*, 11 C. C. C. 550.)—Rep.

* *Cf. re Galwey*, 19 L. T. N. S. 282.—Rep.

† That it is discretionary with the coroner to hold the inquest in private, see *Garnett* v. *Ferrand*, 6 B. & Cr. 626, 9 D. & R. 657, where Lord Tenterden observes, "It may be requisite that a suspected person should not, in so early a stage, be informed of the suspicion against him, and of the evidence on which it is founded, lest he should elude justice by flight, tampering with witnesses, or otherwise." As to the publication of *ex parte* proceedings before the coroner, see *R.* v. *Fiest*, 1 B. & Aldr. 384.—Rep.