

defendant does not appear at the return of the summons, the particulars and sufficiency of the service should be enquired into, and if the time appear too short the hearing should be adjourned and a fresh summons issued.

Attention has already been drawn to the provisions of the recent statute precluding the defendant from taking any objection to the summons for any alleged defect therein in substance or in form, or for any variance between it and the evidence at the hearing, unless the variance should be considered likely to have deceived or misled him. [5]

ON THE DUTIES OF CORONERS.

(CONTINUED FROM PAGE 204.)

II.—PROCEEDINGS IN RELATION TO INQUESTS.

The Inquisition being signed the Coroner reads it over to the Jury, or states the purport of it thus :

“Gentlemen, hearken to your verdict as delivered by you, and as I have recorded it. You find that, &c., (using the words in the Inquisition.)

Power to Arrest.—If the Jury decide that the death was occasioned by violence, and reasonable suspicion attaches to any party, it is the duty of the Coroner to issue his warrant for the apprehension and committal of such person, [a] in order that he may take his trial at the next ensuing Assizes.

Warrant to Arrest.

County of ———, } To the Constables of the Township of
To wit : } ———, in the County of ———, and to all
 } *others Her Majesty's officers of the Peace in the*
 } County of ———.

Whereas by an Inquisition taken before me, A.B., one of Her Majesty's Coroners for the County of ———, on view of the body of H. H. then and there lying dead, one C.C., late of ———, in the said County, yeoman, stands charged with the wilful murder of the said H.H. these are, therefore, by virtue of my office, in Her Majesty's name to charge and command you, and every of you, that you or some one of you, without delay, do apprehend and bring before me, A.B., the said Coroner, or one of Her Majesty's Justices of the Peace of the said County, the body of the said C. C. of whom you shall have notice, that he may be dealt with according to law.

Given under my Hand and Seal, this ——— day of ———, A.D. 18—.

A. B.,
Coroner. [L.S.]

Upon the party named in the warrant being arrested and brought before the Coroner, he makes out the warrant of committal :—

Warrant of Committal.

County of ——— } To the Constables of the Township of
To wit : } ———, in the County of ———, and other
 } *Her Majesty's officers of the Peace for the said County,*
 } *and to the keeper of Her Majesty's gaol at the Town*
 } *(or City) of ———, in said County of ———.*

Whereas by an Inquisition taken before me, A. B., one of Her Majesty's Coroners for the County of ———, on the ——— day of ———, A.D. 18—, on view of the body of H.H. lying dead in the said Township of ———, in the County aforesaid, C. C., late of the Township of ———, in the said County, yeoman, stands charged with the wilful murder of the said H. H. ; these are, therefore, by virtue of my office, in Her Majesty's name to charge and command you, the said Constables and others aforesaid, or any of you, forthwith safely to convey the body of the said C.C. to Her Majesty's gaol, at the Town (or City) of ——— aforesaid, and safely to deliver him to the keeper of said gaol. And these are likewise by virtue of my said office, in Her Majesty's name, to will and require the said keeper, to receive the body of the said C. C. into your custody, and him safely to keep in said gaol, until he shall be thence discharged by due course of law ; and for so doing this shall be your warrant.

Given under my Hand and Seal, this ——— day of ———, A. D. 18—

A. B.,
Coroner. [L.S.]

POWER TO BIND OVER WITNESSES.

The Stat. of 1 & 2, P. & M., c. 13, first gave power to the Coroner to bind over the witnesses to the next general gaol delivery, where any party arrested for murder or manslaughter, or as accessory before the offence committed, and that power is now confirmed by the Provincial Statute 4 & 5 Vic. ch. 24. Section IV provides that :—

IV.—Every Coroner, upon any Inquisition taken before him, whereby any person shall be indicted for manslaughter or murder, or as an accessory to murder before the fact, shall, in presence of the party accused, if he can be apprehended, put in writing the evidence given to the Jury before him, or as much thereof as shall be material, giving the party accused full opportunity of cross-examination ; and shall have authority to bind by recognizance all such persons as know or declare anything material touching the said manslaughter or murder, or the said offence of being accessory to murder, to appear at the next Court of Oyer and Terminer or Gaol Delivery, or other Court, at which the trial is to be, then and there to prosecute and give evidence against the party charged ; and every such Coroner shall certify and subscribe the same evidence, and all such recognizance, and also the Inquisition before him taken, and shall deliver the same to the proper officer of the Court in which the trial is to be, before or at the opening of the Court.

The witnesses may be bound over to appear and give evidence in the following form :—

Recognizance.

County of ——— } Be it remembered that T. D. of the Town
To wit : } ship of ———, in the County of ———, yeoman, R.B. of same place, yeoman, and F.L. of same place, yeoman, do severally acknowledge to owe to our Sovereign Lady the Queen the sum of Two Hundred Pounds each, of lawful money of Canada, to be levied on their several goods and chattels, lands and tenements, by way of recognizance, to Her Majesty's use, in case default shall happen to be made in the condition here under written.

The condition of this recognizance is such, that if the above bounden T.D., R.B. and F.L. do severally appear at the next general Gaol Delivery, to be holden in and for the County of ———, and then and there give evidence upon a Bill of Indictment, to be then and there preferred

[5] See sec. 1, 16 Vic., cap. 178.

[a] 1 Chit. Crim. 164.