

36. In stating that all these Statutes have recognized the necessity of a permit being obtained from the Coroner in the case of death by accident, or of death of which the cause is doubtful, I have made a slight error. The Statute of Quebec, Vict. 42-43, chapter XII, to which I have already alluded, withdrew (while that Statute was in force) this obligation from the Coroner. But even this Statute recognized the obligation of seeking for homicide in this case; it had investigations made by the mayor, the minister or priest, but investigations there must be; and it was virtually these persons designated in the Statute who assumed the responsibility of declaring, on information taken and searches made, that there were no grounds for suspecting homicide, and that burial might take place without further inquest.

In fact, this Statute, as well as all other Statutes preceding and following it, leave standing the obligation imposed by Article 69, that is, that there should be an investigation in all cases which may give rise to suspicion.

This Statute, like all those which have preceded and followed it, — as all those which may follow it, — have been and will be powerless to do away with the obligation imposed upon the State to seek, in case of doubt, whether the death is the result of homicide.

Certain it is, then, that in each occasion, mentioned in Article 69 of the Civil Code of Lower Canada, there is ground for the Coroner to seek whether homicide has or has not been committed.

37. It is useless to add that this Article 69 of the Civil Code of Lower Canada is only declaring what is common law, not only in the Province of Quebec, but all over the civilized world.