

to natural or unnatural causes, — the result of culpable or non-culpable acts.

In these laws (sometimes stated in prohibitive terms, going beyond the end sought) we always find the recognition of the principle that the State is bound to trace homicide.

9. If we examine attentively all the laws in question; if we go through some of the Acts passed and since abrogated by our Legislatures; if we follow legislation on the same subjects in the Province of Ontario, we see plainly that the one motive has brought them into being, to wit: hostility to Coroners and to Coroners' inquests. From all which one is led to wonder why out of so many with the same aim in view, none has ventured to abolish them with a stroke of the pen. It has not been done because it could not be done. Is not this the most striking proof of the recognition by the Legislatures of the obligation to trace homicide?

10. Whatever may be done or desired, the State must trace homicide, if there is any ground to suspect it.

The means to achieve this object may vary, but the investigation by the State must be made. English constitutional law makes it a duty, and indeed the maintenance of order and peace is a paramount obligation.

This obligation is imposed by Magna Charta: "Nullus liber homo aliquo modo destruatur nisi per legale iudicium parium suorum aut per legem terræ." "No freeman shall perish in any way whatsoever but on the judgment of his peers, (condemnation to death) or by the law of nature (by illness or accident").

Such are the terms used in Magna Charta to assure English subjects of the State's protection. The State thereby engaged itself to seek and make sure whether deceased subjects have come to their death "per legale iudicium, aut per legem terræ", — through being condemned to death, or by the law of nature.

The English, centuries ago, forced their Sovereign to affix his signature to this written guarantee, this written contract,