And by sec. 9 of the same statute, it is further enacted :—

"And in every case where the justice or justices shall issue his or their warrant in the first instance, the matter of such information shall be substantiated by the oath or affirmation of the informant, or by some witness or witnesses in his behalf, before any such warrant shall be issued."

If a warrant be issued without an information on oath, according to the statute first laid, the magistrate issuing it is liable to an action, even for a slight temporary imprisonment, if the party were apprehended on the warrant so improperly issued.(*b*) It may be added, that under the 2nd section of the Magistrate's Protection Act,(*c*) no action will lie for any act done under a warrant to procure the appearance of the party which shall be followed by a conviction or order, in the same matter, until after such conviction or order shall be quashed, nor for anything done under a warrant which has not been followed by a conviction, or under a warrant upon an information for an alleged indictable offence, if in such cases a summons has been previously served and not obeyed.

As to the exercise of the *discretionary* power, when possessed by justices, to issue a warrant in the first instance, we refer to what was said before at page 103 and 202. The issuing the warrant instead of proceeding by summons, should be the exception rather than the rule, unless, indeed, in cases under the *Petty Larceny* Act, which are in the nature of *Felonies*: in these cases, unless the offence be of a very trifling description, or the defendant is in that respectable station of life which would negative the idea of *thievery*, or an intention to abscond, a warrant would be the appropriate process. It is again urged that in every case, *before a man is deprived of his liberty*, an oath of his having committed an offence ought to be made: that is but reasonable and just, and magistrates cannot be too strongly impressed with this view.

ON THE DUTIES OF CORONERS.

(CONTINUED FROM VOL. I, PAGE 224.)

III.—APPEARANCES TO BE NOTED IN RELATION TO THE BODY.

It is desirable that every circumstance connected with the death of the party should be fully made known at the Inquest, and yet through inattention on the part of witnesses it frequently happens that very imperfect evidence is submitted to the Jury. Too much importance cannot be attached to the minute and careful examination of the body, and its relation to surrounding objects; we take, therefore, from a late work on "Medical Jurisprudence" the subjoined excellent suggestions for the guidance of witnesses and medical men. From the nature of his professional duties the medical man has many opportunities of furthering the ends of justice. "Whenever, then, he is called to witness the dying or the dead, under circumstances of suspicion, he should be alive to all that is passing around him, that no object, however trifling, which may possibly throw light on the cause of death, may be overlooked." In all cases the position of the body, its appearance and the objects which surround it, should be accurately noticed, but in the *post mortem* examination the skill and learning of the Medical Practitioner are relied upon to detect the hidden traces of violence. The subject admits of two divisions: 1st, the relation of the body to surrounding objects; and, 2ndly, the *post mortem* inspection for legal purposes.

1.—RELATION OF THE BODY TO SURROUNDING OBJECTS.

The place in which the Body is found.—This is the first thing which will attract attention; and the first caution with regard to it is, not to conclude too hastily, that a spot in which the body is discovered is that in which death actually took place. A case enforcing this caution, and strongly reminding us of the story of the Hunchback in the Arabian Nights, occurred about forty years since at Liverpool. A body was found in an upright position, supported by railings which fenced a shipwright's yard. On examination, it was proved that the deceased had been killed by a fracture of the skull inflicted by some blunt instrument. A reward was offered: every effort was made to discover the murderer, and several parties were taken up on suspicion, but acquitted from want of evidence. Forty years afterwards, an old woman, on her death-bed, made the following confession: she was standing at the door of her house, and the deceased, passing by in a state of intoxication, caught hold of her. She ran into the front parlor, and he with her; she called out, and her husband, who was a pilot, happening to come in at the moment, took up the poker and killed the deceased at one blow. He and his wife, terrified at what had happened, began to think how the body should be disposed of, when the wife hit upon the plan of taking the body out, between 12 and 1 at night, being very dark, and leaning it against the railings, where it was found by the watchman. The corpse was carried by her husband a distance of 200 or 300 yards from his house.(*a*)

The position of the body.—We must endeavor to ascertain whether this position corresponds with the supposed or ascertained cause of death. In the case just quoted, the mere fact of a man killed by a blow on the head being found in an upright position, would have led to the inference that the body had been placed in that position after death. It is not uncommon for a murderer, after having dispatched his victim, to dispose of the body in such a way as to make it appear that the deceased died by his own hand. Thus persons who have been poisoned, have been suspended by the neck, or thrown into the water. Sir Edmundbury Godfrey was found lying in a ditch with a distinct mark about his neck, which was dislocated, and with his own sword passed through his body; and there is little reason to doubt that he was first strangled: that the wound was inflicted after his death, and that the body was so disposed of as to lead to the belief that he had committed suicide.(*b*) It may happen, in cases of this kind, that something has been omitted by the criminal in the

(*b*) Candle v. Leymore, 1 Ad. and E. (N. S.) 889; and see Bridgett v. Coyney, 1 Mee. & By. Mag. Cases; 1 Morgan v. Hughes, 2 T. R. 226.

(*c*) 11 Vic. c. 150.

(*a*) *Times* newspaper, Nov. 30, 1838.

(*b*) See Beck's Med. Jur. p. 644.