

33. In 1860, at the time of the codification of the laws in Lower Canada, and by virtue of Article 69 of the Code resulting from such codification, investigations in the case of certain deaths were formally recognized as obligatory.

34. These investigations, which were compulsory then, are still compulsory.

In the first place, Article 69 of the Civil Code of Lower Canada has never been formally and expressly abrogated. A single law, the Statute 42-43 Vict., chapter XII, contained a clause withdrawing the obligation of the Coroner's permit, but this law having itself been abrogated by the Statute 43-44 Vict., Article 69 of the Code became law again, by virtue of an elementary principle of law to that effect.

And not only have the other Statutes of Quebec, bearing upon Coroner's inquests, not abrogated this Article, nor exacted anything in any way contradictory to it, but they have formally recognized that there are (apart from the inquests by jury authorized by them) cases of death necessitating investigation, for which the Coroner has a right to compensation. See the Revised Statutes of Quebec, section 2692.

Therefore, these Statutes have recognized that Article 69 of the Civil Code is still in force as law, and that there are grounds for investigation in all the cases of death therein mentioned.

35. Moreover, all these Statutes of Quebec have had for object the prevention of coroner's inquests in cases of death resulting from unavoidable accidents or from natural causes. None have declared that in the cases of unnatural death, or of which the pathological cause remains unknown, the body may be buried without the Coroner's permit. All have admitted the obligation of Article 69 to stand, and, therefore, have recognized that the Coroner must seek, before giving his burial permit, whether or not the circumstances of the death gave cause for the summoning of a jury; whether, in other words, all suspicion of homicide might or might not be excluded.