

tell Coroners how they should make the investigations, by inspection of the corpse, or otherwise, exceeded its powers; that would have been stepping upon foreign ground; it would have been to lay down rules in matters of procedure.

The framers of the Code had only to codify the civil laws of the heretofore Province of Lower Canada. The laws of procedure to be followed by the criminal courts or police courts were not within their scope. Hence the words "The Coroner shall make inspection of the corpse" are only there to replace the words "The Coroner shall proceed as the law exacts, and shall give his burial permit when it is no longer necessary to retain the corpse."

32. Now, in 1860 (the date of the promulgation of the Code) what was the law of procedure governing the Coroner's actions in the case of death?

In the Canadian Statute there was not then to be found any special law regarding the procedure to be followed by Coroners. English law on this subject had been introduced into this country in 1774, by the Statute 14. Geo. III., Sec. XI, ruling that all English criminal laws become law in Canada. With it entered then in Canada all the police regulations as to the prevention, the detection and the punishment of crimes.

In England, at this period, there were only the Common law, the Statute of 4 Edward I., already mentioned, to govern Coroners. Common law and Statute alike ordered investigations in the case of certain crimes. Neither the one nor the other contented itself with the mere inspection of the corpse. For instance, — not to reproduce the whole, — a single clause of the Statute of 4 Edward I., sec. 2, will convince the reader that it was a question of much investigation. "The verdict", says this section, "shall declare where the person was killed, in a house, a field, a bed, an inn; alone or among several people; it shall denounce the guilty one, or ones; it shall give the names of the persons present at the death, men or women." It is not plain that the law in exacting these details exacts investigation? That the inspection of the corpse will never furnish the answer to all these questions?