

under the present regulations which necessitate the jury viewing all bodies, and brings about so much unnecessary intrusion upon households in mourning.

Doing away with the view by the jury has now become general in the United States, and has the advantage of enabling all inquests to be held at convenient hours in a central locality, besides saving the cost of transport in all cases where this is not necessary for the purpose of medical examination, and enabling the body to be buried as soon as the medical examination is completed. In addition, as the jury do not have to be summoned before the evidence is complete, an adjournment is seldom necessary. The establishment of the fact of death and identity by sworn testimony fulfils everything that is attained through the view by the jury. I learned at the Department of Justice that the view by the jury forms no part of criminal procedure, and is not necessary in order to legalize a verdict of homicide in Canada.

#### MEDICAL EXAMINER SYSTEM.

Nearly all the difficulties in connection with Coroner's law arise from the fact that it is attempted to place both medical and legal powers and duties in the hands of one individual, who very often knows little or nothing about either law or medicine.

A solution of the problem appears to have been found in the United States, by separating, as far as possible, the medical and legal sides of the investigation, leaving all medical matters to competent physicians, known as Medical Examiners; and all legal matters, either to the regular judicial and police authorities in Massachusetts, or to coroners having legal knowledge in Connecticut.

It seems sufficiently obvious that the deciding whether a death is due to violence or not is a purely medical matter, and deciding whether the violence is criminal or not, a purely legal one. Further, that

until death has been shown to be due to violence there is no legal question at all. For this reason, the preliminary investigation is made by the Medical Examiner; who, if he is satisfied that death is due to violence, or, if he is in doubt, refers the case to the legal authorities for further investigation.

I have given, in the appendix, details of the "Medical Examiners'" systems and their results. The Connecticut law, which provides for medical examiners, acting under the direction of the Coroners, appears to me the best; and could be adopted almost as it stands by the Province of Quebec, with the effect of greatly improving medico-legal investigations; and, at the same time, materially lessening the expenses.

In Massachusetts, Coroners have been abolished, with very happy results; and this could be done in Quebec, if desired, as the office is not constitutional in Canada. If the office is retained, it should be so regulated as to give better results than would be obtained without Coroners.

It is preferable to make the medical examiner, to some extent, independent of the Coroner; instances have come before my notice where Coroners have tried to compel the medical deputies to give certain opinions not justified by the facts, or have prevented them from doing their work thoroughly. The Coroner, however, should have the right to investigate any case not considered suspicious by the Medical Examiner, if he sees fit.

A joint preliminary examination by the Coroner and Medical Examiner appears to be the best means of proceeding in cases not obviously due to natural causes. As a large number of the deaths reported as suspicious are always found due to natural causes, the Coroner would, in these cases, have almost nothing to do; and, in many deaths, especially by those from accidents, where the cause of death was perfectly plain,