

that end. But in a question of theft, of forgery, or of any other crime than that of homicide or of arson adverted to below, it is not bound to take the initiative, and as a rule it waits until the person wronged, or some other person interested, lodges a complaint.

This complaint, in these cases of theft, forgery, etc., must be supported by oath and must include the essential facts lending probability to the crime. It should assert that a crime has been committed, or is believed to have been committed. Without such assertion the State does not intervene.

Thus in all such cases, there is, as a rule, no initiative on the part of the State.

5. In the case of homicide, on the contrary, the State intervenes on a mere doubt. The cause of death is unknown, or it is held to be due to another's deed; or again, it presents, because of special circumstances, the appearances of not being due to natural causes; there is no charge of homicide and, nevertheless, the burial does not take place without the permit of the officer of the State — the Coroner. Investigation must be made as to whether the death is or is not the result of a crime. Here the State takes the initiative.

6. In the case of ordinary crimes, the State seeks to ascertain whether a crime brought to its notice by means of a complaint is indeed the crime it is stated to be. In the case of homicide the State seeks to ascertain whether there is cause to denounce a crime, or whether the death is the result of a natural or of a purely accidental death.

In the first case, it is not the crime which is questioned; it is the validity of the denunciation. To this denunciation is added an accusation, and the accused is called upon to defend himself.

The enquiry thereupon held by the State, through its Justices of the Peace, is but the beginning of the taking of the evidence against an accused.

In the second place, it is not the question of a crime; there