

C. L. Cham.]

NOTES OF RECENT DECISIONS—RE REARDON.

[1r. Rep.]

COMMON LAW CHAMBERS.

CANADA PERMANENT BUILDING AND SAVINGS
SOCIETY V. FOREST.*Administration of justice act 1873, sec. 24, applicable
to interpleader.*

[January 14, 1874—MR. DALTON.]

The plaintiffs applied for an order to examine the defendant. It was urged that the same reasons for, and advantages arising from the examination of adverse parties, exist in the case of an interpleader issue as in any action-at-law.

Held, that the words "action-at-law," of the 24th sec., include an interpleader proceeding.

IRISH REPORTS.

COURT OF QUEEN'S BENCH.

RE REARDON.

Bringing up prisoners before Coroners—Jurisdiction of Police Magistrates—Habeas Corpus—44 Geo. 3, c. 102—Court of Record—Evidence of suspected person at inquest.

Where a prisoner committed to custody under a magistrate's remand, on a charge of homicide, desires to be present, in order that he may hear the evidence and be tendered as a witness before the coroner sitting upon the body of the deceased, and it appears that the coroner does not object to the prisoner's presence, and that it would not tend to frustrate the ends of justice, the Court will, in the exercise of its discretion, grant a writ of *habeas corpus* to have the prisoner in attendance at the inquest, and so that he may be examined as a witness upon the taking of the inquisition.

The Police Magistrates, in like case, have not jurisdiction to direct or authorize the production of the prisoner at the coroner's inquest.

[*Irish Law Times*, Nov. 8, 1873.]

Motion, on notice,* on behalf of Patrick Reardon, a prisoner confined in Richmond Bridewell, for a writ of *habeas corpus*, in order that he should be in attendance at an inquest before the coroner, and so that he might there be examined as a witness touching the subject matter of the inquisition.

The motion was grounded on an affidavit of the applicant's attorney, who deposed that the said Patrick Reardon was then confined in the Richmond Prison, on a charge of having caused the death of a woman named Kate Pyne, by throwing her into the river at Aston's Quay, Dublin, whereby she was drowned; that, on September 24th, 1873, said Patrick Reardon was brought before E. S. Dix, Esq., one of the

divisional justices, at the Southern Police Court, charged with the commission of said offence, and that, some evidence having been given, the deponent applied to that magistrate that, inasmuch as the coroner for the city of Dublin was about to hold an inquest into the cause of the death of said Kate Pyne, and of the circumstances attending same, the said Patrick Reardon should be remanded generally, in order, that, when the time at which the coroner should hold his inquest should be ascertained, the said Patrick Reardon might be again brought before the magistrate, and be by him transmitted, in the usual manner, in the custody of the police to the coroner; that the magistrate refused the application, and, on the conclusion of the evidence, remanded the said Patrick Reardon for the period of seven days; that, on the following day (Sept. 25th), Dr. N. C. White, one of the coroners for the borough of Dublin, held a court, having empannelled a jury of twelve, at the Morgue in Malborough-street, the place where the body of the said Kate Pyne was, for the purpose of inquiring when, how, and by what means the said Kate Pyne came by her death; that the deponent, at said court, informed the coroner that the said Patrick Reardon was suspected of having caused the death of said Kate Pyne, and made a request that Patrick Reardon should be present in that court upon the hearing, and objected to the reception of any evidence given against him in his absence; that the police authorities informed the coroner that the said Patrick Reardon was then in the custody of the Governor of Richmond Prison, on remand by E. S. Dix, Esq., charged as aforesaid; that the court was then adjourned by the coroner till October 6th, 1873, for the purpose of having the said Patrick Reardon present when the evidence against him should be heard; that the deponent, accordingly, applied by letter to the Crown, requesting that the said Patrick Reardon should be produced at the adjourned sitting of the said coroner's court, and in reply received a letter, declining to apply for a writ of *habeas corpus* for that purpose; that, on October 1st, the said Patrick Reardon was again brought before E. S. Dix, Esq., in said police court, and further evidence was heard against him; that the deponent then again (having detailed the transactions in the coroner's court) applied to the magistrate that the said Patrick Reardon be transmitted to the coroner, according to the practice theretofore adopted towards persons similarly suspected, but that, at the instance of the Crown, the magistrates refused the application, and further remanded the said

* It was so directed by Fitzgerald, J., in this case. See as to the practice, *Re Mathews*, 12 Ir. C. L. R. 241, 5 Ir. Jur. N. S. 225.—*REP.*