

A LEGAL CURIOSITY—THE OFFICE OF CORONER.

mon Pleas, and in 1640 was made Lord Keeper with a Peerage.

This remarkable volume is described by the author of "The Reporters and Text writers" as *lately* in the library of Arthur E., of Anglesey, (Athenæ Oxonienses, vol. ii. p. 305). It may now be described as at present in the library of "R. A. Harrison, Q.C., of Toronto, Canada."

We are informed Mr. Harrison will be only too happy to show the volume to any gentleman sufficiently interested in legal antiquity to make application for an inspection of it. He secured the volume through a correspondent in London, and has had it for several years. It is bound in vellum and well preserved.

SELECTIONS.

THE OFFICE OF CORONER.

"The laws of God and man both give the party an opportunity to make his defence if he has any," saith Fortescue, J.; whereupon, "the good old judge"—as Wynne calls him in his *Eunomus*—quaintly adds, "I remember to have heard it observed by a very learned man that, even God himself did not pass sentence upon Adam before he was called upon to make his defence. 'Adam,' says God, 'where art thou? Hast thou not eaten of the tree, whereof I commanded thee that thou shouldest not eat?' And the same question was put to Eve also." And Lord Coke gravely deprecates the non-observance of this fundamental principle by the learned person who, presiding in the nether tribunal, apparently finds "natural justice a term as difficult of application as even that of the Ulster tenant-right custom" (*per* Morris, J., *Friel v. Earl of Leitrim*, 7 Ir. L. T. R. 6); for "the poet (Virgil: *Æneid*, vi. 566), in describing the iniquity of Radamanthus, that cruell judge of Hell, saith,

"Castigatque, auditque dolos, subigitque fateri."

First, he punished before he heard; and, when he had heard his denial, he compelled the party accused, by torture, to confess it. But far otherwise doth Almighty God proceed, postquam reus

diffamatus est,—1. Vocat, 2. Interrogat, 3. Judicat." Nor are modern dicta wanting. "The maxim 'Audi alteram partem' is not a mere technical rule of English law," observes Pigot, C.B.; "its foundation is laid in the general principles of all jurisprudence that deserves the name." And Erle, C.J.: "I find the master minds of every century are consentaneous in holding it to be an indispensable requirement of justice, that the party who has to decide shall hear both sides, giving each an opportunity of hearing what is urged against him"—except, adds the irate reporter, *in notis*, in the case of a Coroner's inquest, "a barbarism which the enlightenment of the 19th century has hitherto failed to put to shame."

The office of Coroner is certainly of very ancient origin. In 3 Bulst. 176, Doddridge, J., says the commencement of it is not well known. We believe it may be traced to the time of Alfred. And, perhaps, it may have been still suited for the state of society three centuries ago. But to-day, mediæval institutions must show cause; it suffices not to say that they survive—we must see the necessity. It suffices not, now-a-days, to say—

"The laws for thy great grandsire made
Are laws to thee—must be obeyed—
Must be obeyed, and why? Because,
Bad though they be, they are the laws."

—GOETHE.

And, if "of the rights by nature taught, and born with man, they take no thought," their tenure of existence is not likely to be very prolonged. We, therefore, regard as a matter of vital consequence affecting the very existence in time to come of the office of Coroner, an order now issued, as it appears, by the Executive, that, in future, prisoners arrested for murder or manslaughter are not to be brought before the Coroner at the inquest; for, if the accused is no longer to be afforded an opportunity of hearing the evidence against him, and of offering evidence in his favour, the "Crown's 'quest' must fail in the first principles of justice, and lose the last vestige of excuse for the continued exercise of an immemorial function. For that it is the function of the Coroner to inquire, "who were and in what manner culpable," is so perfectly assured that we shall simply take it for granted, without entering into any disquisition on the statute of Edward the Fourth, which