Mr Abraham points out the illegal procedure of Coroner

Y, NOVEMBER 9

THE MONTREAL MURDERS.—The Montreal papers have been pretty well filled with comments upon the late murder and subsequent proceedings. At the inquest on the body of M'Shane, Mr. Abraham, (of the *Gazette*,) whose adventure in the Roberts' case was mentioned in our last, again offered to be present. He was stopped at the door of the apartment; but, on sending in his name, he was told to enter. He insisted on an answer to the question, whether the Court was an open one, or not; and failing to obtain anything more than a civil permission and request to be present, he went away, and complains loudly of the Court not being kept fully open to the public, without obstruction. By *law*, the Court is, as a general rule, an open one, and should be kept so, unless under very peculiar circumstances, and then for the shortest possible time. The question seldom arises, as it not often happens that there is a want of accommodation for those who wish to be present on such occasions; but in the present instance the proceedings seem to have been conducted in an inner and somewhat retired apartment, where the public generally either could not, or did not, choose to proceed—although, from the extraordinary interest excited, they might have been anxious to be present, had the locality been convenient. Mr. DeSalaberry would do well to study the law with regard to Coroners; or, if he prefers lighter reading, there is a passage in "*Ten Thousand a Year*," intended as a hit at Coroner Wakley, which he may search for in that interesting work. We regret to perceive that there are some alleged statements of the deceased before the public, calculated to convey the idea of the prisoner's guilt, but which were taken in no legal or formal way, and therefore should not have been published—indeed, not even had they been formal depositions should they appear, unless absolutely necessary. The greatest blunder in the present case has been the proceedings in absence of the accused. He had a right to be present—indeed, without such an opportunity being afforded, the other position—namely, that the proceedings should be public—falls to the ground. An *ex parte* case might be made out, which it would be unfair towards the prisoner to publish;—not so, if he had been, as the law allows, present, to refute the evidence against him. A witness, named Byrne, is said to have prevaricated very much in giving his testimony, and was committed to close custody by the Coroner. We refrain from giving any portion of the evidence taken at the inquests. Under the circumstances of the case—particularly the fact of the prisoner not being present—its publication would be likely to have an unfair effect upon the trial.—*Toronto Canadian.*

The editor of the *Montreal Gazette* was present at the inquest, and protested against the proceedings of the Coroner, in admitting the evidence of Tully and Jas. McShane, and that in the absence of the accused. The Coroner, Col. DeSalaberry, told the editor of the *Gazette* that he had no right to dictate to him his duty, when Mr. Abraham withdrew.

The subject has since been discussed at great length in the *Gazette* and *Herald*, the *Gazette* having, in our view, decidedly the best of the argument as to the proceedings of the Coroner, although there may be some doubt with reference to the time and manner of Mr. Abraham's advice.—*Sherbrooke Gazette.*

The Montreal papers are engaged in a discussion upon the course pursued by the Coroners in the prosecution of an enquiry into the circumstances attending the recent murder in Griffintown. The supposed murderer was in custody while the investigation was in progress, yet, strange to say, witness after witness was examined, for the apparent purpose of criminating the prisoner, and whose testimony was exclusively directed to that point, yet the accused was not permitted to be present, either personally or by counsel, to cross-examine or to explain circumstances which afforded evidence against him. Further, the Coroner's Court was held in some measure to be a close one, for only a few privileged persons were permitted to enter.—These irregularities the editor of the *Gazette* personally pointed out to the Coroners, but they refused to alter their procedure. That procedure was at once a violation of established practice, of the statute law of the Province, and, we may add, of common decency. In this section of the Province there will not be two opinions on the matter. The whole spirit of the law sanctions the common practice of allowing an accused party every facility for proving his innocence, if he is able to do it: it assumes him to be innocent until the contrary is proved; and in so grave a matter as that which occupied the attention of the Montreal Coroners, it goes so much farther that even when the greater part of the case is proved if a reasonable *doubt* is raised as to the question of guilt, a personal responsibility, that doubt is allowed to go in favor of the accused. Not only is this the common law of England, but, as the *Gazette* shows, it is that of this Province, by a Provincial Act. With the provisions of the Act 4 and 5 Vic. cap. 24, the Coroners should have made themselves fully acquainted. The 4th section distinctly defines the duty of the Coroner, and we quote it here not only in immediate reference to the case in hand, but that the attention of Coroners throughout the Province may be directed to it.—*Kingston News.*

The inquest which sat on the bodies of *Roberts* and *McShane*, the two butchers who were killed in Griffintown last week, gave a verdict of wilful murder against a man of the name of James Carrol.—The evidence on which their verdict was founded, was given by Councillor Tully and a Policeman, both of whom, *in defiance of the Law*, had induced him to confess by holding out hopes of pardon.—*Cobourg Star.*