CANADIAN LAW OF INQUESTS, by T.D. Marshall, Carswell, Toronto, 1980, pp. 129, $15.75.

This book can perhaps best be described as a useful book, but not a profound one. That is understandable when one realizes the wide audience for whom the book is written; this is "a handbook for coroners, medical examiners, counsel and the police". Handbooks, almost by their nature, tend to give rather cursory treatment to most of their subject matter, and this book is no exception. While it would be useful as a reference book to commence preparation for involvement in an inquest, the book lacks depth in some areas and additionally, contains some inaccuracies.

Professor Marshall's book does give a good sense of an archaic system being adapted for modern needs. It is still astounding to learn that many jurisdictions lack basic procedural safeguards in the inquest process. His critique of the system as causing potentially grave harm to the reputation or lives of persons suspected of negligence or wrongdoing is short and to the point. The book gives a useful outline of relevant statutory provisions and case law on most facets of the inquest, including its history, appointment and removal of coroners, jurisdiction and procedure. In particular, the cross-referencing of statutory provisions for each jurisdiction under their different subject headings is excellent.

Nevertheless, the reader is left with the nagging feeling that some areas could have, and should have, been covered in greater detail or more care taken with them. What remains are the bare outlines of the law, particularly in areas of most interest to practitioners. Perhaps two or three examples will suffice to illustrate.

First, the question of standing at an inquest is, with the bare exception of one short paragraph, related as being either a matter of total discretion, or a matter of determining who is "substantially and directly interested". Little guidance, either practical or culled from precedent, is given. Yet it is an extremely important question, given the interest the civil litigants, criminal investigators, and estates have shown in the process, and their increasing intervention at the inquest level. Contrast this with the three pages of word-by-word instruction on how to open an inquest. Similarly, with respect to evidentiary matters, the reader is left with the impression that in most provinces (Quebec excepted) strict rules of evidence are not binding upon the Coroner. Yet such provisions can themselves create thorny questions. For example, to what extent can evidence be relied upon when such evidence would normally be inadmissible? Dealing with a similar rule in respect of labour arbitrations, it was held in the case of *Re Allied Chemical Canada Ltd.* v. *U.A.W., Local 89*[1] that although receivable, no reliance should be placed upon such evidence in determining a fact in issue. Again, little guidance is given.

In respect of a claim for privilege, the book appears to be seriously lacking. One is left with the impression that the only available privilege is that of solicitor-client. No reference is made to the effect of cases such as *Slavutych* v. *Baker*,[2] *R.* v. *Littlechild*,[3] and *D.* v. *National Society for the*

1. (1975) 9 L.A.C. (2d) 300.
2. [1975] 4 W.W.R. 620.
3. (1980) 10 A.R. 395.

*Prevention of Cruelty to Children*[4] which have expanded the concept of privilege.

A short book, *Canadian Law of Inquests* satisfies the test of most handbooks in that it imparts useful information to use but remains only a good beginning point for research.

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4. [1978] A.C. 171.