this court. As we have already said, a defendant who seeks to avail himself of the benefit of the plea of self-defense in homicide must accept the consequences which a failure to establish his plea by preponderating evidence will entail upon him. It must be borne in mind that under such a plea the *onus probandi* shifts upon the prisoner, so that he must not simply produce evidence sufficient to raise a reasonable doubt in his favour as might be sufficient under the general issue, but his proof in support of his self-defense must preponderate over the hypothesis of wilful murder. In *People v. Schryver* (42 N. Y. 1) the rule with respect to the quality of evidence necessary to support the plea of self-defense in homicide is stated in the following cogent language: "When a defendant claims that the killing was done in self-defense, he must satisfy the jury by a preponderance of evidence. He must produce the same degree of proof required in an action for assault and battery if he had set up the defense of justification. It is not sufficient for him to raise a reasonable doubt, nor need he establish his defense beyond a reasonable doubt."

Without quoting further from authorities we think it is obvious from the foregoing observations that the prisoner, appellant, has failed in his contention, and that the sentence of death pronounced against him in the court should be affirmed. And it is hereby so ordered.

P. J. L. Brumskine, for appellant.
Attorney General, for appellee.

ALFRED D. J. KING, Petitioner in Certiorari, *v.* M. C. H. LEDLOW, Respondent in Certiorari.

ARGUED OCTOBER 24, 1916. DECIDED NOVEMBER 1, 1916.

Dossen, C. J., Johnson and Witherspoon, JJ.

1. Writs of certiorari are granted to parties upon a petition setting forth truthfully the cause of complaint.
2. An informant in a summary investigation under the Act of 1902 providing for summary investigation in matters arising against justices of the peace, city magistrates and constables, can not legally be made a party to the proceedings; to do so would tend to hamper justice and the willingness to give evidence so necessary in such action.
3. Courts are the conservators of the rights of parties before them, and will carefully consider their acts to prevent innocent parties from suffering thereby.

Mr. Justice Witherspoon delivered the opinion of the court:

Summary Investigation—Writ of Certiorari. At the call of the case the respondent in certiorari failed to answer in person or by counsel, hence the petitioner in certiorari moved this court for judgment by default.

After carefully examining the records in this case we feel it of interest to remark that the case is a departure from the regular method of procedure in such cases. Writs of certiorari are granted to parties upon a petition setting forth truthfully the cause of complaint, thereby moving this court, or a justice thereof, to grant same. (*Williams v. Clarke,* Lib. Semi Ann. Series, No. 2, p. 25.) We observe from the records that one M. C. H. Ledlow in the capacity of *amicus* to one Charles F. Utridge who was employed by him as clerk, and against whom a writ had been issued in an action of debt, forwarded certain information to His Honor H. A. Page, judge of the Circuit Court, second judicial circuit, Grand Bassa County, respecting certain fraudulent and illegal actions of A. D. J. King, and W. H. DeShields, the latter a constable for Grand Bassa County, in illegally and fraudulently demanding of C. F. Utridge twenty-five dollars ($25.00). On receiving said information the said judge ordered a writ of summons, summoning J. S. Mitchel, justice of the peace, and W. H. DeShields, constable aforesaid, to appear and answer the charge and also to notify A. D. J. King to appear. The court on hearing the evidence, imposed a fine of twenty-five dollars ($25.00) upon A. D. J. King and W. H. DeShields respectively, and in the attempt to enforce collection, A. D. J. King sued out a writ of certiorari thereby bringing the case hither for review. The writ of certiorari was issued in compliance with the petition of the plaintiff, which alleged that M. C. H. Ledlow was the opposing party in the lower court, but the records show the contrary. The court observes that M. C. H. Ledlow was simply informant in the court below, that upon his evidence corroborated by others the court was made satisfied in imposing a fine upon A. D. J. King and Constable W. H. DeShields.

The Act of 1902 providing for summary proceedings against justices of the peace, city magistrates and constables, is intended to give the judges of the Circuit Courts jurisdiction to investigate the actions of said officers and to give immediate relief to all concerned.

It is a proceeding controlled by the State prosecuted upon the information of the informant. The penalty imposed in cases of conviction is fine to be paid immediately or be imprisoned and suspended from office. Throughout the proceedings the prosecution partakes of a criminal action. (See Act Leg. Lib., 1902, p. 34, sec. 1; Bouv. L. D. Summary Proceedings.) The question then is, can the informant legally be made a party to the proceedings as in this case? We say no. To allow such would tend to hamper justice and prevent willingness to give evidence so necessary in such cases. Courts are the conservators of the rights of parties brought before them and the warrant and other proceedings issued directly from this court are under the control of the court and it will always cheerfully consider its own acts growing out of such warrants and other proceedings to prevent innocent parties from suffering, especially where matters have been misrepresented to it.

It appears from the record in the application for the writ of certiorari, that Ledlow was improperly made the respondent. The grounds laid in the petition not being well founded the judgment in the court below should be affirmed; and it is so ordered.

P. J. L. Brumskine, for petitioner.

No one appearing to oppose.