

These grounds, therefore, fail.

Then, in regard to a re-election, I am not aware of any legal right in the prisoner, such as he now claims in that respect. Under the procedure respecting speedy trials—sec. 828 of the Criminal Code—the right to re-elect is expressly given in cases where a trial by jury has been demanded, but even in such cases the re-elected mode of trial is not allowed if the Judge is of opinion that it would not be in the interests of justice; and under sec. 830 a person who has elected trial by jury may afterwards re-elect speedy trial before a County Court Judge. The prisoner having been denied no legal right in this respect, there is no power here to give him any relief.

The point that the words “with hard labour” are stricken out of the conviction seems to me to have no substantial effect; the sentence is imprisonment in the Central Prison, and that made the prisoner subject to all the rules, regulations, and discipline of that prison during his term of imprisonment: R. S. C. 1906 ch. 148, sec. 46: see also sec. 47; and R. S. O. 1897 ch. 308, sec. 30.

The last point, and that evidently thought the chiefest, is, that the magistrate had jurisdiction to try the prisoner under secs. 782 and 783 only, and that, as he admittedly did not conform to the requirements of those sections in some material respects, the whole proceedings were of no legal effect. It is said that there is a conflict between sec. 778 and those two sections, and that, as the latter apply only to such cases as this, which it is contended is nothing more than larceny, they must prevail: good logic, but based upon an entirely erroneous statement of the facts. . . .

[Reference to 20 Vict. ch. 27; 22 Vict. ch. 27; C. S. C. ch. 105; 32 & 33 Vict. ch. 32; R. S. C. 1886 ch. 176; 55 & 56 Vict. ch. 29, secs. 782 to 809; Criminal Code, secs. 778 to 798, 771, 773, 778.]

In one of the earlier enactments, 38 Vict. ch. 47, I think, very much larger powers regarding such summary trials were conferred upon police magistrates in this province only; and that provision has since been contained in all the re-enactments of the Summary Trials Act, and is now sec. 777 of the Code; and that power has since been extended, by 63 & 64 Vict. ch. 46, sec. 3, I think, to police and stipendiary magistrates in cities and incorporated towns in every other part of Canada. These amendments to the Summary Trials enactment confer upon such magistrates the power, with the consent of the accused, to try any offence which may be tried at a Court of General Sessions of the Peace; and so secs. 782 and 783 have no application to a trial by such a magistrate, but do apply to those magistrates who have no power to try the