

*"ses for the prosecution and before calling on the persons charged for any statement which he wishes to make, shall state to such person the substance of the charge against him;*

"2. — If the charge is not one that can be tried summarily without the consent of the accused, the Magistrate shall state to the accused (a) that he is charged with the offence (describing it) (b) *that he has the option to be forthwith tried by the Magistrate without the intervention of a Jury or to remain in custody or under bail as the Court decides, to be tried in the ordinary way by the Court having criminal jurisdiction;*

"3. — If the person charged consents to the charge being summarily tried and determined as aforesaid. . . . the magistrate shall reduce the charge to writing and read the same to such person, and shall then ask him "whether he is guilty or not of such charge."

"Considérant que la section en question est une section qui a été amendée par le Statut 8 et 9 Ed. VII C. 9, S. 2, et que antérieurement au dit amendement, la partie de la dite section qui était essentielle pour conférer au Magistrat le pouvoir de juger la cause se lisait comme suit:

"Section 786 (of the old criminal code) *Whenever the Magistrate proposes to dispose of the case summarily under the provisions of this part, such magistrate, after ascertaining the nature and extent of the charge, but before the formal examination of the witnesses for the persecution and before calling on the person charged for any statement which he wishes to make, shall state to such person the substance of the charge against him. . . . and shall then say to him these words or words to the like effect. "Do you consent that the charge against you shall be tried by me, or do you desire that it shall be sent*