

jury, under
32 and 33 V.,
c. 32.

third years of Her Majesty's reign, chaptered thirty-two, or under any other Act giving such election, been asked to elect whether he should be tried by the Magistrate or before a jury, and has elected to be tried before a jury, then in case such election is stated in the warrant of committal for trial or upon the depositions, the Sheriff or the County Judge, or Junior or Deputy Judge, shall not be required to take the proceedings directed by the Act passed in the said Session, and chaptered thirty-five, intituled "*An Act for the more speedy trial in certain cases of persons charged with Felonies and Misdemeanors in the Provinces of Ontario and Quebec*;" and in all such cases it shall be the duty of the committing Magistrate to state in the warrant the fact of such election having been made.

32-33 V., c. 35.

Magistrate
not bound to
adjudicate
summarily.

If he does not,
County Judge
may try.

7. If the Magistrate is of opinion, from any circumstances appearing in the case, that the charge cannot be properly disposed of before him, he may, at any time before the person charged has made his defence, decide not to adjudicate summarily thereon; and may thereupon deal with the same as if this Act had not been passed: and in such case such prisoner may be afterwards tried summarily by his own consent at the County Judge's Criminal Court.

CHAP. 48.

An Act to repeal certain provisions of an Act of the Legislature of Nova Scotia respecting petty offences, trespasses and assaults.

[Assented to 8th April, 1875.]

Preamble.
Chap. 147 of
Rev. Statutes
of Nova
Scotia.

WHEREAS the sections hereinafter mentioned, of chapter one hundred and forty-seven of the Revised Statutes of Nova Scotia, third series, intituled "*Of petty offences, trespasses and assaults*," contain provisions which are inconsistent with the Acts of the Parliament of Canada, passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, respecting the criminal law, or have become unnecessary and inconvenient since the passing of the said Acts: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

First 10 sects.
repealed.
Proviso.

1. The first ten sections of the first Act mentioned in the preamble of this Act, are hereby repealed: Provided that the express repeal of the said sections by this Act shall not be construed as declaring that the said sections were, or were not, virtually repealed by the passing of the Acts mentioned in the preamble.

EXTRACTS