

But subject to certain modifications.

II. The provisions of the said Act shall be subject to the following modifications, as applied to the cases mentioned in the next preceding section :

Consent of party not requisite.

1. The jurisdiction of the Recorder in any of the said cases shall be absolute, and shall not depend on the consent of the party charged to be tried by such Recorder, nor shall such party be asked whether he consents to be so tried ;

Punishment in cases under this Act.

2. If the Recorder finds any charge mentioned in the next preceding section to be proved, he may convict the person charged and commit him to the Common Gaol or House of Correction, there to be imprisoned with or without hard labour for any period not exceeding *six* months, or condemn him to pay a fine not exceeding, with the costs in the case, *one hundred* dollars, or to both fine and imprisonment, not exceeding the said period and sum ; and such fine may be levied by warrant of distress under the hand and seal of such Recorder, or the party convicted may be condemned (in addition to any other imprisonment on the same conviction) to be committed to the Common Gaol, for a further period not exceeding *six* months unless such fine be sooner paid ;

Levying fine.

Forms in 20 V. c. 27, to be altered.

3. In such cases as aforesaid, the forms given in the Schedules to the said Act, shall be altered by omitting the words stating the consent of the party to be tried before the Recorder, and by adding the requisite words stating the fine imposed (if any) and the imprisonment (if any) to which the party convicted is to be subject if the fine be not sooner paid ;

Recorder may send the case to be tried by a jury, &c.

4. In any such case, if the Recorder thinks it is one which ought to be made the subject of prosecution by indictment rather than to be disposed of summarily, he may deal with it as if this Act had not been passed, or if he thinks there are circumstances inexpedient to inflict punishment, he may dismiss it without proceeding to a conviction, as in the cases mentioned in the first section of the said Act ;

Justices of the Peace may act in such cases under 20 V. c. 27, ss. 5 and 6.

5. The powers of Justices of the Peace under the fifth and sixth sections of the said Act, and all the provisions of the said sections, shall extend to the cases to which the jurisdiction of the Recorder is extended by this Act.

Recital.

III. And whereas it is found inconvenient that in the cases mentioned in the first section of the Act first above cited, the examinations of the witnesses for the prosecution should be completed before the person charged is asked whether he consents to be tried by the Recorder ; therefore the second section of the said Act is repealed, and the following is substituted therefor :

Sect. 2 of 20 V. c. 27, repealed, and new section substituted.