

the judge, and the prosecuting officer shall in such case, with as little delay as possible, cause the prisoner to be brought before him."

Section 767.—By substituting the following therefor:—

"767. The judge [or such prosecuting officer] upon having obtained the depositions on which the prisoner was so committed, shall state to him,—

(a.) that he is charged with the offence, describing it;

(b.) that he has the option to be forthwith tried before a judge 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.

[2. If the prisoner has been brought before the prosecuting officer, and consents to be tried by the judge, without a jury, such prosecuting officer shall forthwith inform the judge, and the judge shall thereupon fix an early day for the trial and communicate the same to the prosecuting officer; and in such case the trial shall proceed in the manner provided by subsection 3.]

3. [If the prisoner has been brought before the judge and consents to be tried by him without a jury,] the prosecuting officer shall prefer the charge against him for which he has been committed for trial, and if, upon being arraigned upon the charge, the prisoner pleads guilty, the prosecuting officer shall draw up a record as nearly as may be in one of the forms MM or NN in schedule one, such plea shall be entered on the record, and the judge shall pass the sentence of the law on such prisoner, which shall have the same force and effect as if passed by any court having jurisdiction to try the offence in the ordinary way.

4. If the prisoner demands a trial by jury, he shall be remanded to jail.

[5. Any prisoner who has elected to be tried by jury, may, notwithstanding such election, at any time before such trial has commenced, and whether an indictment has been preferred against him or not, notify the sheriff that he desires to re-elect, and it shall thereupon be the duty of the sheriff and judge or prosecuting officer to proceed as directed by section 766, and thereafter unless the judge, or the prosecuting officer acting under subsection 2 of that section, is of opinion that it would not be in the interests of justice that the prisoner should be allowed to make a second election, the prisoner shall be proceeded against as if his said first election had not been made.]"

NOTE.—It has been held that the technical effect of a prisoner's having once elected to be tried by jury is that his power to elect has been thereby exhausted, a consequence which there is no reason for maintaining except a mere technical reason. The rule delays a trial uselessly, involves increased expense to the Crown and the prisoner, and prolongs the time of imprisonment of a man who on the trial may be found not guilty. Subsection 5 therefore proposes that prisoner may re-elect. The other changes are necessitated by the change of procedure under section 766.

Section 784.—By repealing the subsection substituted for subsection 3 thereof, by chapter 40 of the Statutes of 1895, and substituting the following:—

"3. The jurisdiction of the magistrate in the provinces of Prince Edward Island and British Columbia, [and in the North-West Territories,] and the district of Keewatin, under this Part, is absolute without the consent of the party charged