

This section gives the magistrate, under certain circumstances, jurisdiction to try theft, etc., where the value of the property exceeds \$10, if he thinks the offence may be adequately punished under this part. The words struck out are no longer necessary and may be misleading, because since the passing of the Act of 52 Victoria, chapter 46, the magistrate may in such cases impose the same punishment as if the accused had been convicted upon indictment.

Section 790.—By substituting the following therefor :—

"790. If the person charged as mentioned in the next preceding section consents to be tried by the magistrate, the magistrate shall then ask him whether he is guilty or not guilty of the charge, and if such person says that he is guilty, the magistrate shall then cause a plea of guilty to be entered upon the proceedings, and sentence him to the same punishment as he would have been liable to if he had been convicted upon indictment in the ordinary way; and if he says that he is not guilty, [he shall be remanded to jail to await his trial in the usual course."]

NOTE.—The amendment consists in the substitution of the words within square brackets for "the magistrate shall proceed as provided in section seven hundred and eighty-six." The section now provides that if a person charged under the preceding section with theft, etc., where the value of the property exceeds \$10, pleads not guilty, the magistrate shall proceed as provided in section 786. So proceeding, he can in case of conviction, impose a sentence of only six months' imprisonment, while if the prisoner pleads guilty, he can under this section impose the same punishment as if the case had been tried in the ordinary way. The amendment does away with this anomaly. It takes away the jurisdiction of the magistrate to try such cases at all where the prisoner says he is not guilty. This makes the law as it was up to the time the Code was passed. It is thought best that in such serious cases as may arise under these sections, the magistrate should have jurisdiction to try only where the accused pleads guilty. It will be seen, however, that so far as magistrates in cities and towns are concerned, this bill proposes to largely extend their jurisdiction, making it the same in all the provinces as that of magistrates in Ontario under section 785.

Section 801.—By substituting the following therefor :—

"801. The magistrate adjudicating under the provisions of this part shall transmit the conviction, or a duplicate of the certificate of dismissal, with the written charge, the depositions of witnesses for the prosecution and for the defence, and the statement of the accused, [to the clerk of the peace or other proper officer for the district, city, county or place wherein the offence was committed, there to be kept by the proper officer among the records of the general or quarter sessions of the peace or of any court discharging the functions of a court of general or quarter sessions of the peace."]

NOTE.—Under section 801 the records are to be sent to the next court of General or Quarter Sessions, and that court may not meet for months. The amendment is adapted from section 822 in Part LVI., Juvenile Offenders.

Section 806.—By repealing this section, as it is amended by Chapter 57 of the Statutes of 1894.

NOTE.—See section proposed to be substituted for section 927, and the note thereto.

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Section 832.—By substituting the following therefor :—

"832. Any court by which and any judge under Part LIV or magistrate under Part LV by whom judgment is pronounced or recorded, upon the conviction of any person for treason or any indictable offence, in addition to such sentence as may otherwise by law be passed, may condemn such person to the payment of the whole or any part of the costs or expenses incurred in and about the prosecution and conviction for the offence of