

he consents to the charge being tried summarily.

foregoing provisions, such Recorder, after the examinations of all the witnesses for the prosecution have been completed, and before calling upon the person charged for any statement which he may wish 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 for trial by a jury at the (*naming the Court at which it could soonest be tried*);" and if the person charged shall consent to the charge being summarily tried and determined as aforesaid, then the Recorder shall reduce the charge into writing, and read the same to such person, and shall then ask him whether he is guilty or not of such charge; and if such person shall say that he is guilty, the Recorder shall then proceed to pass such sentence upon him as may by law be passed, subject to the provisions of this Act, in respect to such offence; but if the person charged shall say that he is not guilty, the Recorder shall then inquire of such person whether he has any defence to make to such charge, and if he shall state that he has a defence, the Recorder shall hear such defence, and then proceed to dispose of the case summarily.

Accused person may plead guilty and be sentenced forthwith.

III. Where any person is charged before any Recorder with simple larceny (the property alleged to have been stolen exceeding in value five shillings) or stealing from the person, or larceny as a clerk or servant, and the evidence, when the case on the part of the prosecution has been completed, is in the opinion of such Recorder sufficient to put the person charged on his trial for the offence with which he is charged, such Recorder, if the case appear to him to be one which may properly be disposed of in a summary way, and may be adequately punished by virtue of the powers of this Act, shall reduce the charge into writing, and shall read it to the said person, and shall then ask him whether he is guilty or not of the charge; and if such person shall say that he is guilty, such Recorder shall thereupon cause a plea of guilty to be entered upon the proceedings, and shall convict him of such offence, and commit him to the common Gaol or House of Correction, there to be imprisoned, with or without hard labour, for any term not exceeding six Calendar Months; and every such conviction may be in the form C, in the Schedule to this Act, or to the like effect; Provided always that such Recorder, before he asks such person whether he is guilty or not, shall explain to him that he is not obliged to plead or answer before him at all, and that if he do not plead or answer before him he will be committed for trial in the usual course.

Proviso.

Accused person allowed to make full answer and defence, &c.

IV. In every case of summary proceedings under this Act, the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined, by Counsel or Attorney.