

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.”

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 except in cases coming within the provisions of section 785, and except in cases under sections 789 and 790 where the person charged is not a person who under section 784, subsection 2, can be tried summarily without his consent.”

Section 785.—By substituting the following therefor :—

“ 785. If any person is charged in the province of Ontario before a police magistrate or before a stipendiary magistrate in any county, district or provisional county in such province, with having committed any offence for which he may be tried at a Court of General Sessions of the Peace, or if any person is committed to a jail in the county, district or provisional county, under the warrant of any justice of the peace, for trial on a charge of being guilty of any such offence, such person may, with his own consent, be tried before such magistrate, and may, if found guilty, be sentenced by the magistrate to the same punishment as he would have been liable to if he had been tried before the Court of General Sessions of the Peace.

“ 2. This section shall apply also to police and stipendiary magistrates of cities and incorporated towns in every other part of Canada, and to recorders where they exercise judicial functions.

“ 3. Sections 787 and 788 do not extend or apply to cases tried under this section ; but where the magistrate has jurisdiction by virtue of this section only, no person shall be summarily tried thereunder without his own consent.”