

Powers of
Judge ex-
ercisable
though Court
be sitting.

2. The powers conferred and imposed upon the judge, to be exercised and performed under the Act cited in the title to this Act, with and after the consent of the person charged, may be exercised and performed, notwithstanding that the court before which, but for such consent, the said person would be triable for the offence charged, or the grand jury thereof, may then be in session.

As to several
prisoners
charged with
same offence.

3. If one of two or more prisoners charged with the same offence, demands a trial by jury, and the other or others consent to be tried by the judge without a jury, the judge in his discretion, may remand the said prisoner to gaol to await trial, in all respects as if the Act cited in the title had not been passed.

CHAP. 46.

An Act to make further provisions respecting the Central Prison for Ontario.

[Assented to 8th April, 1875.]

Preamble.

36 V., c. 69.

IN amendment of an Act passed in the thirty-sixth year of Her Majesty's reign, intituled "*An Act respecting the Central Prison for the Province of Ontario*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Temporary
detention of
convict in a
common gaol
provided for.

1. Any sheriff or other person having the custody of an offender sentenced to imprisonment in the said Central Prison, may detain the offender in the common gaol of the county or district in which he is sentenced, or other place of confinement in which he may be, until a Central Prison bailiff or other person lawfully authorized in that behalf requires his delivery for the purpose of being conveyed to the Central Prison.

Convict too
ill to be able
to perform
labour may be
so detained.

2. In case the gaol surgeon, or other medical practitioner acting in this behalf, shall certify that any offender sentenced as aforesaid is in such a weak state of health that he is unable to perform hard labour, such offender may be detained in the common gaol or other place of confinement in which he may be, until he is sufficiently recovered to be employed at hard labour.

Time of any
such deten-
tion to be
reckoned as
time served.

3. The time for which any person sentenced to imprisonment in the Central Prison is held in custody, under the provisions of this Act, shall be reckoned in computing the time served by such person in the said central prison.

32-33 & 24-

Session has power to try all felonies, trespasses, unless ~~by~~ ^{CHAP} ~~prohibited~~
Capt & Liaison Murderable. See Col. R. Page 350
Moderation Capt & Judge of Jury