

*Where value more than fifty dollars.*

(2) Where an accused is before a magistrate charged with an offence mentioned in paragraph (a) of section 467, and, at any time before the magistrate makes an adjudication, the evidence establishes that the value of what was stolen, obtained, had in possession or attempted to be stolen or obtained, as the case may be, exceeds fifty dollars, the magistrate shall put the accused to his election in accordance with subsection (2) of section 468.

(3) Where an accused is put to his election pursuant to subsection (2), the following provisions apply, namely,

- (a) if the accused does not elect to be tried by a magistrate, the magistrate shall continue the proceedings as a preliminary inquiry under Part XV, and, if he commits the accused for trial, he shall comply with paragraphs (a) and (b) of subsection (3) of section 468; and
- (b) if the accused elects to be tried by a magistrate, the magistrate shall endorse on the information a record of the election and continue with the trial.

The present clause 469 in the Bill will then be 469(1).

Clause 469, as amended, was passed.

Some discussion took place in respect to clause 179 of the Bill, concerning Lotteries, and such portion of clause 467 as is related to Lotteries.

On motion of Mr. Shaw, it was agreed that this question be included, among other things, in a separate report to the House.

*On clause 690:*

On motion of Mr. Cannon,

*Resolved:* That the said clause be amended as follows:

Page 237, line 13, after the word "refused" insert the words "on the merits".

Clause 690, as amended, was carried.

On clause 691, Mr. Shaw moved that the said clause be amended by adding thereto a new subclause as follows:

*When appeal to be heard.*

(3) Notwithstanding anything in Part XVIII or in rules of court, the appeal of an appellant who has filed notice of appeal shall be heard within seven days after the filing of proof of service of the notice of appeal upon the respondent and, where a notice of appeal is filed when the court of appeal is not sitting, a special sittings of the court of appeal shall be convened for the purpose of hearing the appeal.

After some discussion thereon and the question having been put on the proposed amendment of Mr. Shaw, it was, on a show of hands, resolved in the affirmative on the following division: Yeas, 6; Nays, 5.

Mr. Shaw moved that Clause 691, as amended, be adopted.

And the question having been put on the proposed motion of Mr. Shaw it was, on a show of hands, resolved in the affirmative on the following division: Yeas, 6; Nays, 5.

Clause 691, as amended, was passed.