

(3) If a judge deems the decision previously given to be wrong and of sufficient importance to be considered in a higher court, he may refer the case before him to a Divisional Court of the High Court or to the Court of Appeal.

(4) It shall be competent for any Divisional Court of the High Court, in any case before such Divisional Court, to disregard or depart from a prior known decision of any other Divisional Court of co-ordinate jurisdiction on any question of law or practice, whether it arose under section 74 or otherwise, without the concurrence of the Divisional Court or the judges thereof by whom the decision was given.

(5) If the first mentioned Divisional Court deems the decision previously given to be wrong and of sufficient importance to be considered in a higher court, such first mentioned Divisional Court may refer the case before them to the Court of Appeal, whose decision, if the case is not one arising under clause 1 of said section 74, shall be final and there shall be no further appeal.

(6) Where a case is so referred to the Court of Appeal, the registrar of the High Court shall transmit the papers to the registrar of the Court of Appeal, and the case shall be set down for hearing thereupon and notice of hearing given in like manner as in the case of an ordinary appeal to that court.

Sec. 5 of the same statute corrects also a serious defect in sec. 40 of the County Courts Act as follows:—

5. (1) Clause (c) of sub-sec. 1 of sec. 40 of the County Courts Act is amended by striking out, after the word "claim," in the second line, the words: "if the decision or order is in its nature final and not merely interlocutory."

(2) Sub-section 2 of the said section 40 is hereby repealed and the following substituted therefor:—

"(2) This section shall not apply to an order or decision which is not final in its nature, but is merely interlocutory or where jurisdiction is given to the judge as *persona designata*."