

from any judgment or order of a Judge in Chambers, which does not finally dispose of the action unless by special leave of a Judge of the High Court other than the Judge by whom the judgment or order was pronounced.

(3) Such special leave shall not be given unless

(a) There are conflicting decisions by Judges of the High Court upon the matter involved in the proposed appeal, and it is in the opinion of the Judge desirable that an appeal should be allowed; or

(b) There appears to the Judge to be good reason to doubt the correctness of the judgment or order from which the applicant seeks leave to appeal, and the appeal would involve matters of such importance that in the opinion of the Judge leave to appeal should be given.

(4) The application for leave to appeal shall be upon notice served within four days and returnable within seven days from the judgment or order, or within such further time as a Judge of the High Court may allow.

(5) If leave be given, the appeal shall be forthwith set down by the applicant upon the Divisional Court list and shall be heard by the Court without further notices.

(6) No appeal under this Rule shall be a stay of proceedings unless so ordered by a Judge of the High Court.

(7) These Rules shall come into force forthwith upon promulgation thereof.

PASSED MARCH 27, 1908, UNDER THE CRIMINAL CODE.

1279. In all cases in which it is desired to move to quash a conviction, order, warrant or inquisition, the proceeding shall be by a notice of motion in the first instance instead of by *certiorari*, or by rule or order *nisi*.

1280. The notice of motion shall be served at least six days before the return day thereof, upon the Magistrate, Justice or Justices making the conviction or order, or issuing the warrant, or the coroner making the inquisition, and also upon the prosecutor or informant (if any), and upon the Clerk of the Peace if the proceedings have been returned to his office, and it shall specify the objections intended to be raised.

1281. Upon the notice of motion shall be endorsed a copy of Rule Number 1282 together with a notice in the following form, addressed to the Magistrate, Justice or Justices, Coroner or Clerk of the Peace, as the case may be:—

"You are hereby required forthwith after service hereof to