

MACLAREN, J.A.

NOVEMBER 19TH, 1904.

C.A.—CHAMBERS.

HAMILTON v. MUTUAL RESERVE LIFE INS. CO.

*Appeal to Supreme Court of Canada—Application for Leave to Appeal after Time Expired—Dismissal by Judge of Court of Appeal—Leave to Appeal to full Court.*

Motion by defendants (1) for leave to appeal to the full Court of Appeal from order of MACLAREN, J.A., ante 299, dismissing application of defendants, under sec. 42 of the Supreme and Exchequer Courts Act, to allow an appeal to the Supreme Court of Canada after the time for appealing had expired; or (2) to refer the matter to the full Court; or (3) to rehear the motion.

The order dismissing the former application had been settled and issued.

Shirley Denison, for defendants.

D. L. McCarthy, for plaintiff, opposed the application on the ground that the Judge was functus officio.

MACLAREN, J.A.—I have not been referred to any authority precisely in point; nor have I found any provision of the law which would give me jurisdiction to make such an order as is here asked for.

The application is, therefore, dismissed with costs.