on Monday the 1st May last, the Defendants fyled an *Exception à la forme*. At the ensuing term of the Court the Plaintiff moved to reject the appearance fyled for the Defendants and also their *Exception à la forme*. The grounds of the motion, in so far as they relate to the appearance, are immaterial, inasmuch as the regularity of the appearance was maintained by the Court. Those referring to the Exception are in substance that it was illegally served after four o'clock in the afternoon in vacation ; that it was not fyled during office hours, assumed in the motion to be from nine o'clock in the forenoon to four o'clock in the afternoon,—and that the necessary deposit did not appear to have been made.

On the 15th May last the Court (Mr. Justice Berthelot) rendered the following judgment, viz :

" La Cour, parties ouies, sur la motion du demandeur filée ce jourd'hui et demandant pour les raisons y contenues le rejet hors du dossier de la comparution de MM. Ritchie, Morris & Rose, avocats de la Défenderesse, ainsi que de l'exception à la forme filée par eux en cette cause le premier du courant ; accorde la dite motion à l'effet de rejeter du dossier la dite Exception à la forme, et les refuse quant à la dite comparution, dont la production est déclaré suffisante, chaque partie payant ses frais."

It is from this judgment that an appeal has been allowed by this Court.

The grounds upon which the *Exception à la forme* was rejected, do not appear by the judgment, and it will therefore be necessary to refer briefly to each of the reasons set forth in the motion of the Plaintiff in the Court below. Those pretending illegality of service and want of deposit, are manifestly without foundation, for by Rule of Practice XVIII, service on an attorney is allowed (from 21st March to 21st Sept.) up to 6 P. M., and the Prothonotary certifies on the back of the Exception that the deposit was made at the time it was fyled. There only remains one more ground, namely that the Exception was fyled after four o'clock in the afternoon.