

would have been nothing illegal in making the tender on Sunday, the nature of the transaction indicated that it would require to be done on a business day, and he came to the conclusion that the plaintiff was not bound to tender on a Sunday. He distinguished the case of *Whittier v. McLennan*, above referred to, on the ground that the contract in the latter case was that the deed should "be delivered on or before the 1st day of April, 1855," and he therefore concluded that that decision did not give the vendor any assistance. After referring to numerous authorities, he adds: "But I do not think it necessary to inquire further what the law may be, or to determine whether, at law, it was sufficient to tender on the Monday, because, as it seems to me in cases such as the present, the Court has a discretion to grant specific performance after the day named."

The case of *Child v. Edwards*, 78 L.J. K.B. 1061, was decided in England in 1909, and although it is only the decision of a single Judge, it was not appealed from. This was an action for illegal distress where the rent fell due on a Sunday and the distress was made on the following day. The plaintiff relied, in support of his action, upon the statement of the law in *Woodfall's Landlord and Tenant*, 18th ed., p. 459, that "when rent nominally falls due on a Sunday, the rent is not legally due until the Monday morning, and is not in arrear until midnight of that day." Ridley, J., however, refused to accept this statement of the law, and held that the distress was properly made on the Monday. It had previously been decided in *Werth v. London & Westminster Loan Co.* (1889), 5 Times L.R. 521, that the "Sunday Observance Act" (1677) made it illegal to distrain on a Sunday for rent that fell due on the previous day.

In addition to the special provisions of the Bills of Exchange Act, the Franchise Act and the Chattel Mortgage Act above referred to, there have been several general enactments altering the common law rule above mentioned. "The Interpretation Act" (Ontario), now 7 Ed. VII. chapter 2, contains the following provisions as sub-section 15 of section 7: "If the time limited by an Act for any proceeding, or for the doing of anything under