ployés of defendants at their office and place of business in Montreal was a nullity, inasmuch as they had then ceased to have any office or place of business, and their affairs were in the hands of the Government.

TORRANCE, J. The defendants say that the service could only be made upon the president, secretary or agent of the defendants, and not upon an *employé* generally. The rule is C. C. P. 61, 62, and I am of opinion that the service upon an *employé* at the office and place of business is a compliance with the requirement of service upon an agent. It is consistent with the ordinary rule of service upon a grown and reasonable person of an ordinary domicile, and no departure from the ordinary practice has been shown to be inconvenient in the present case. At any rate, under C. C. P. 61, service on an *employé* at the office, is good. Under the evidence I only look at the return of the bailiff, and I hold that his return which makes proof, is a sufficient compliance with the law. Exception dismissed and action dismissed.

J. Doutre, Q. C., for plaintiffs.

DeBellefeuille for defendants.

SUPERIOR COURT.

MONTREAL, April 17, 1880.

RICKABY v. BELL, and BELL, Petitioner.

Act repealing Insolvent Act—A Statute takes effect from the first moment of the day it received the Royal assent.

A writ of attachment under the Insolvent Act was taken out against the defendant, and delivered to the assignee, to whom it was addressed on 1st April instant, before 3 p. m. At a quarter past three the Act was assented to, which repealed the Insolvent Act, provided that all proceedings in any case where the estate of an insolvent has been vested in an official assignee before the passing of this Act, may be continued and completed thereunder. The writ was not served upon the defendant till between 5 and 6 p. m.

TORRANCE, J. The question to decide is whether the defendant was made an insolvent by the proceeding taken, or whether the passing of the repealing act took him out of the operation of the Insolvent Act. The old rule of the operation of an act was that if no period was fixed by the statute itself, it took effect by relation, from the first day of the session in which the act was passed, which might be weeks or months before it received the royal sanction. This was remedied by 33 Geo. III., c. 13, which provided that acts should only have effect from the day of the sanction. Our Civil Code, Article 2, says:—"The acts of the Provincial Parliament are deemed to be promulgated: 1. If they be assented to by the Governor, from the date of such assent." 31 Vic., c. 1, s. 4 (Canada) enacts that the date of such assent shall be the date of the commencement of the act. Here arises the question whether the whole day is included, namely, the whole of first April. As a general rule there are no fractions of days in the computation of time, but there are many exceptions. Dwarris, p. 779, says: "From the date," and "from the day of the date," are of one sense, "since in judgment of law the date includes the whole day of the date." 1 Kent, Commentaries, p. 455, says: "A statute, when duly made, takes effect from its date, when no time is fixed, and this is now the settled rule." And in a foot note: "It goes into operation the day on which it is approved, and has relation to the first moment of that day. (In re Welman, 20 Vermont Rep. 653.) There may be some inconveniences in giving the law a retroactive effect to the first moment of the 1st April, but it is impossible to hold that the law only came into force on the night of the 1st, and it would be hard to apply one rule to an insolvency in the morning and another rule in the evening. The Statute having come into force on the 1st, it is proper to say that its operation began in the morning, and covers all acts done during that day. Taking this view of the case, my conclusion is that the writ should be quashed, but I give no costs.

Keller for petitioner.

Geoffrion for plaintiff contesting.

LA SOCIÉTÉ de CONSTRUCTION MÉTROPOLITAINE v. BEAUCHAMP, and ARTHEMISE DAVID et vir, opposants.

Alienation of immoveable after institution of hypothecary action—C. C. 2074.

The female opposant opposed the seizure made of certain land abandoned by the defendant and in the hands of Alfred Brunet, Curator She alleged that she was proprietor in possession on 22nd January, 1879, date of the *délaisse-*