

falls upon a Sunday, the question has been considered a doubtful one, whether the party who should make the payment is in time on the Monday, or whether he should pay on the Saturday. . . . I am inclined to think that the plaintiff in this case should have come on the Saturday, if the money could not have been tendered on the Sunday, but am not confident that the law is so settled." The point, however, was not necessary to be determined in that case, as the decision turned on a question of pleading.

Cline v. Cawley (1867), 4 P.R. 87, was decided before the proceedings in an action of ejectment were assimilated to those in other actions. In that case the last day for appearing to a writ of ejectment fell on a Sunday, and judgment by default was entered on the Monday morning following. An application was made to set aside the judgment as being signed too soon, as well as on the merits. Morrison, J., dismissed the application on the former ground, following *Rouberry v. Morgan*, 9 Ex. 730, and *Regina v. Justices of Middlesex*, 7 Jur. 396, but made the order on the latter ground, on the payment of costs. This decision was, however, inconsistent with a previous unreported decision of Draper, C.J., in *Adshead v. Upton*, in January, 1863, which does not appear to have been referred to. He held that, where the last day for appearing to a writ of ejectment fell on a Sunday, the defendant had the whole of the following day on which to appear, and that therefore a judgment for want of appearance on the Monday was signed too soon.

The next case was *McLean v. Pinkerton* (1882), 7 A.R. 490. There the last day for filing a chattel mortgage under the Statute expired on a Sunday, and it was held by the Court of Appeal, affirming the judgment of the County Court, that it was too late to file it on the following Monday. Wilson, C.J., referred to a number of English cases in support of this decision, and distinguished the case of *Hughes v. Griffiths*, 13 C.B.N.S. 324, on the ground that the act to be done in the latter case, viz., the issuing of a *capias*, had to be done by the court, whereas the filing of a chattel mortgage was the act of the party. The statute was shortly afterwards amended, probably in consequence of this