

"Every mortgage filed in pursuance of this Ordinance shall cease to be valid as against the creditors of the persons making the same *after the expiration of one year from the filing thereof*, unless a statement, &c. is again filed within thirty days next preceeding the expiration of the said term of one year."

The first answer to this objection is that the date of seizure is not stated in the issue nor anywhere in the case and it does not appear whether the goods were seized before or after the expiration of one year from the filing of the original mortgage.

The second answer is that if renewal were necessary this chattel mortgage is proved to have been renewed within one year and the requirements of the section 10 were complied with. The section is in the same terms as the Ontario Act, Revised Statutes of Ontario chap. 125 sec. 11, and two Ontario Cases were cited and relied on.

*Armstrong v. Ausman* 11 U. C. R. 498.

*Stewart v. Brock* 19 C. L. J. 399.

In *Armstrong v. Ausman* the objection to the renewal was a different one and the point now in question did not really present itself for decision.

*Stewart v. Brock* was a judgment of a County Court Judge who followed out of deference the dictum expressed in *Armstrong v. Ausman*. Except these two cases the point is free from authority and the question is the general one as to the construction of a written document in regard to the computation of time

The words are very clear and precise—"after the expiration of one year from the filing thereof"—The chattel mortgage in question was filed on the 12th of August 1886 at ten minutes past four o'clock in the afternoon. The renewal was filed on the same day of the following year, the 12th of August, 1887, at forty nine minutes past eleven in the forenoon.

If the day of filing is excluded as it seems to be by the plain language of the section the mortgagee would have the whole of the same day in the following year to file the renewal.

If portions of a day are to be taken into account the year, from the hour and 30 minute of filing, would not expire until ten minutes past four on the 12th of August, 1887. In either case the renewal was filed in time and the chattel mortgage retained its validity.

Respondent relies upon the judgment of the Court appealed from at page 6, and the authorities there referred to.