

months. No reference to this decision appears to have been made in the case of *Hamel v. Leduc*, above mentioned.

The Encyclopedia of the Laws of England, vol. 6, at p. 35, contains the following general statement of the law: "The rule that, when the last day of the time to do any act falls on a Sunday, the time extends so as to include the next working day must, be regarded as applying only to procedure in actions and matters before the courts, and not as adding an extra day to time fixed by statute." An illustration of this statement may be found in *Morris v. Richards*, 45 L.T. 210. A promissory note fell due on June 14th, 1874, which was a Sunday. A writ was issued on June 14th, 1880, which was a Monday. It is held that the Rules of the Judicature Act did not apply to such a case as this, as it was not intended to extend the time fixed by the Statute of Limitations, and the action was therefore barred. In *Chambon v. Heighway*, 54 J.P. 520, this principle was also applied to what would seem to be a matter of procedure only. In that case it was held that, in calculating the time within which to serve a notice of motion by way of appeal from an order of a Judge in Chambers, Sunday could not be excluded; so that when the last day on which the notice of motion could be served was a Sunday, and the notice was not given until the Monday, it was too late. This case, however, seems to be inconsistent with the other decisions on questions of procedure.

As usual the American decisions are absolutely irreconcilable, so they are not helpful in arriving at an accurate view of the law. The cases are collected in "Cyc." vol. 38, at pp. 329 *et seq.* On the whole one may fairly draw the conclusion that, in all cases, except where it is otherwise specially provided by Statute or by Rules of Procedure, when the last day falls on a Sunday, and the act is not one that can be legally or conveniently done on that day, it must be performed on the preceding Saturday. Whether this state of the law should be allowed to continue is of course a matter for our legislators to determine. The advantages, however, of a uniform rule applicable to every possible case, whether of law or of practice, are so manifest, that one may hope to see some general enactment along these lines in the near future.