

The Prothonotary certifies that the Exception was fyled at his office at half-past four o'clock in the afternoon.

It is for the Respondents to shew that the Exception was fyled too late. In order to do so he must produce some Rule of Practice which will have that effect. This he cannot do, for there is none. There have been no Rules of Practice made for the District of Terrebonne since its establishment. The only rule relating to the hours to be observed in the Prothonotary's office existing in the Superior Court is Rule IV. This rule was made on the 17 December, 1850, when the present District of Terrebonne was included within the limits of the old District of Montreal. Either there is no Rule of Practice relating to office hours in the District of Terrebonne, or if there be any it is the Rule cited, and it is against the pretensions of the Respondent, for it provides that the Prothonotary's office *shall be open on every Monday being a juridical day* (the Exception, it will be observed, was fyled on a Monday) from the hour of eight in the morning *until the hour of six in the afternoon*. The Respondent can choose which horn of the dilemma he may think will afford him least discomfort.

It is manifest that the judgment appealed from is unsupported by law, and it must consequently be reversed.

RESPONDENT'S CASE.

The following judgment was rendered at St. Scholastique, in the District of Terrebonne, by the Honble. Mr. Justice Berthelot, who has presided over the Superior Court there for some nine years:—

“ La Cour, parties ouïes, sur la motion du demandeur filée ce jourd'hui demandant pour les raisons y contenues le rejet hors du dossier de la comparution de Messrs. Ritchie, Morris & Rose, avocats de la défenderesse, ainsi que de l'exception à la forme filée par eux en cette cause le premier du courant, accorde la dite motion, à l'effet de rejeter, du dossier la dite exception à la forme, et la refuse quant à la dite comparution dont la production est déclarée suffisante, chaque partie, payant ses frais.

This judgment simply decides *a loci point of practice of the Superior Court* for the District of Terrebonne. Heretofore, this