

**A TREATISE OF LEGAL
TIME: WITH
ITS COMPUTATIONS AND
RECKONINGS**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649067299

A Treatise of Legal Time: With Its Computations and Reckonings by Humphry W. Woolrych

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LONDON:
LATE W. BENNING & CO., LAW BOOKSELLERS,
43, FLEET STREET.

1831.

97394

LONDON:
HAYNES AND RODGER, PRINTERS,
109, Peter Lane, Fleet Street.

PREFACE.

THE consideration of the subject of Legal Time, although frequently brought before the notice of the Courts, does not seem hitherto to have been sufficiently presented to the Profession in a separate Essay.

The Year, the Month, and especially the Day, have undergone strict ordeals of discussion. The reckoning, or mode of computation with regard to the intervals of Time between one period and another, has likewise given rise to questions of intricacy.

It has been often a matter for argument, whether a day should be counted exclusively or inclusively, and sometimes there is an entire interval;—the day from which a calculation is to proceed, and the day upon which an act is to be done, being, in both instances, shut out of the enumeration.

The decisions as to Calendar or Lunar Months are likewise deserving of attention. And there are expressions which have particular reference to "Time," and which have had their due interpretation,—such as "Forthwith," "Immediately," "In or about," "From," "Clear Days," with many others.

The law, in general, acknowledges no Fraction of a Day. But the same view of justice which influenced the Judges in laying down the general rule led them also to entertain exceptions to it. We shall, therefore, find several authorities which have recognised the doctrine of Fractions.

The particular kind of day, as Sunday, a Feast Day, or a Holiday, often makes a material distinction in coming to legal conclusions. The points, therefore, which relate to these days have not been omitted. Although it should be remarked, that the statute 29 Car. II. c. 7, which has been commented upon at length, is in hazard of being repealed by a new act of Parliament, a bill having been more than once introduced for that purpose. It may be said, however, that many of the decisions upon the subject will probably be applicable to any fresh provisions.

Hitherto the plan of the Work seems to have been sufficiently simple. The decisions as to Years, Months, Days, and fractions may be easily understood.

But it has been found difficult, on the one hand, to restrain

all questions concerning "legal Time" within these limits, and, on the other, to place, when travelling out of such limits, a proper bound to the inquiry.

It has appeared to be right, not entirely to overlook dates in pleading, both in civil and criminal cases. And yet, as the Books of Pleading are, for the most part, the best references on that head, we have, only by way of illustration, admitted some cases where *Time is of the essence of the matter*. So again, some of the cases of practice, connected with declarations, pleas, and other such matters, have been introduced.

There are other points, the introduction of which, it is hoped, will be found useful. As whether Time shall, on certain occasions, be deemed to be directory, whether prospective or retrospective.

To enumerate the whole of these incidents would be tantamount to a republication of the Table of Contents, to which the reader is referred. But it should be noticed, that the Statutes of Limitation have been carefully avoided, as well as the cases of special pleading,—being the subjects of distinct Treatises.

Should it, however, be advisable, at a future day, to extend, in any way, the limits of this little Work, an abler hand will probably improve its success, and mark out its proper boundary.

It must be remembered, that the chief object of the present plan is to give a full account of the *various periods of Time*. And it is hoped, that on this ground the Essay may claim the merit both of novelty and usefulness. The introduction of other points connected with legal Time must be looked upon as a secondary consideration, and more with a view to throw light upon the main subject, than to mention all the cases which have any reference to "Time." Such an undertaking would be far beyond the scope or intention of this Book.

HARE COURT, TEMPLE,
November, 1851.

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* * * *The Index to the Statutes will be found in the Index to the Principal Matters.*

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