

Smith Vs. Gale

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Court : US Supreme Court

Decided On : Jan-05-1891

Appeal No. : 137 U.S. 577

Appellant : Smith

Respondent : Gale

Judgement :

Smith v. Gale - 137 U.S. 577 (1891)

U.S. Supreme Court Smith v. Gale, 137 U.S. 577 (1890)

Smith v. Gale

No. 580

Submitted December 22, 1890

Decided January 5, 1891

137 U.S. 577

APPEAL FROM THE SUPREME COURT

OF THE TERRITORY OF DAKOTA

SYLLABUS

The day of the entry of judgment or decree must be excluded in computing the time for taking an appeal or bringing a writ of error to review it.

This was a motion to dismiss an appeal on the ground that it "was not taken within the time prescribed by law." It appeared that the final decree was entered of record by the Supreme Court of the Territory of Dakota, on the 25th of May, 1886. The appeal from this decision was allowed, the supersedeas bond was offered and the citation was signed on the 25th day of May, 1888, by the chief justice of that court, and these papers were all filed on that day in the clerk's office of that court.

Page 137 U. S. 578

MR. JUSTICE FULLER delivered the opinion of the Court.

In computing the two years after the entry of a final judgment, decree, or order sought to be reviewed in this Court, within which the writ of error must be brought or the appeal taken, the day of the entry of such judgment, decree, or order should be excluded. *Credit Co. v. Arkansas Central Railway*, [128 U. S. 258](#) .

The motion to dismiss the appeal in this cause is therefore

Denied.