

Case No. 2,049.

BRUDENELL et al. v. VAUX et al.

[2 Dall. 302.]¹

Circuit Court, D. Pennsylvania.

April Term, 1794.

DEFINITION—” MONTHS. “

[“Months,” as used in the Pennsylvania act (Dall. Laws, 112) requiring mortgages to be recorded within six months from their date, means calendar months.]

[Cited in Guaranty Trust & Safe-Deposit Co. v. Green Cove Springs & M. R. Co., 139 U. S. 145, 11 Sup. Ct. 515.

[See note at end of case.]

The question in this cause arose upon the act of assembly for recording mortgages (1

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Dall. Laws, 112), the mortgage of the defendants having been recorded after the expiration of six lunar, but within six calendar, months from the date; and THE COURT, having compared this with other acts of the legislature, were of opinion, that by the word “months” calendar months were intended.

Lewis & Tilghman, for plaintiff.

Ingersoll, Rawle & Thomas, for defendant.

[NOTE. The word “month,” when used in statutes, means calendar month. Union Bank of Georgetown v. Forrest, Case No. 14,356; Com. v. Chambre, 4 Dall. (4 U. S.) 143; Hunt v. Wickliffe, 2 Pet. (27 U. S.) 201; Guaranty Trust & Safe-Deposit Co. v. Buddington, 27 Fla. 215, 9 South. 246; Baltimore & D. P. R. Co. v. Pumphrey, 74 Md. 86, 21 Atl. 559; Sandval v. Ford, 55 Iowa, 461, 8 N. W. 324. Likewise when used in contracts, unless some other intention is apparent. Sheets v. Selden's Lessee, 2 Wall. (69 U. S.) 177. As used in equity rule 83, giving one month's time from filing a masters report to file exception thereto, means calendar month. Gasquet v. Crescent City Brewing Co., 49 Fed. 493. Used without explanation in a sentence of imprisonment means lunar month of 28

days. Com. v. Stanley, 12 Pa. Co. Ct. R. 543; Com. v. Martin, 2 Pa. Dist. R. 334, 23
Pittsb. Leg. J. (N. S.) 256.]

¹ [Reported by A. J. Dallas, Esq.]

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