

CAUDLE *v.* TURNER.

Opinion delivered April 1, 1929.

1. APPEAL AND ERROR—TIME FOR FILING TRANSCRIPT.—Six months' time allowed for appeal by Crawford & Moses' Dig., § 2140, runs from the rendition of the judgment, and not from the overruling of the motion for a new trial.
2. APPEAL AND ERROR—EXTENSION OF TIME FOR FILING TRANSCRIPT.—The court has no authority to extend the time for filing transcript provided by Crawford & Moses' Dig., § 2140.

*R. A. Rowe*, for petitioner.

Petition for rule on clerk to file transcript. Petition denied.

PER CURIAM. Counsel for appellant invokes a rule against the clerk of the court because he refused to file a purported transcript in the above entitled case. The clerk refused because the transcript was not tendered to him within six months next after the rendition of the judgment in the circuit court, as required by § 2140 of Crawford & Moses' Digest.

Counsel for appellant claims the delay was occasioned by the circuit court in failing sooner to overrule his motion for a new trial. The time for appeal runs from the rendition of the judgment, and not from the overruling of the motion for a new trial. Appeals must be taken within six months, unless the person applying therefor was an infant or of unsound mind at the time of the rendition of the judgment, order or decree. Applicant for the appeal in this case does not come within the exceptions, and no authority is given the court to extend the time. *Smith v. State*, 48 Ark. 148, 2 S. W. 661; *Moore v. Henderson*, 74 Ark. 181, 85 S. W. 237; and *Evans v. St. L. I. M. & S. R. Co.*, 76 Ark. 266, 88 S. W. 994.

As applying the rule, see also *Chatfield v. Jarrett*, 108 Ark. 523, 158 S. W. 146; *Oxford Telephone Mfg. Co. v. Arkansas National Bank*, 134 Ark. 386, 204 S. W. 1140; and *Durben v. Montgomery*, 144 Ark. 153, 223 S. W. 17.

The motion for the rule will therefore be denied.