

Duford TAYLOR et al *v.* Jerry PATTERSON, et al

84-103

670 S.W.2d 444

Supreme Court of Arkansas
Opinion delivered June 11, 1984
[Rehearing denied July 16, 1984.]

APPEAL & ERROR — FAILURE TO RAISE ARGUMENT IN TRIAL COURT —
WILL NOT BE CONSIDERED ON APPEAL. — The Supreme Court
does not consider arguments raised for the first time on
appeal, even those arguments that are constitutional in
nature.

Appeal from Searcy Circuit Court; *George F. Hartje*,
Judge; affirmed.

William Clay Brazil, for appellants.

Jerry D. Patterson, for appellees.

DARRELL HICKMAN, Justice. On appeal the appellants
argue only that Act 656 of 1983, which sets the minimum
salaries of the Marshall, Arkansas, municipal court judge
and clerk, is unconstitutional in that it deprives the rural
citizens of Searcy County equal protection and due process
under the law. That contention was not raised below. The
only constitutional argument below was in the appellants'
answer where they averred that Act 656 was special or local
legislation in violation of Amendment 14 to the Arkansas
Constitution.

The trial court's decision that Searcy County is liable to
pay one-half of the minimum salary requirements of Act 656
is affirmed because we do not consider arguments raised for
the first time on appeal, even those arguments that are
constitutional in nature. *Sweeney v. Sweeney*, 267 Ark. 595,
593 S.W.2d 21 (1980).

Affirmed.