

## BUCKLEY v. COLLINS.

Opinion delivered December 15, 1913.

APPEAL—JUDGMENT OF JUSTICE OF THE PEACE.—Every litigant has the right of appeal from an adverse judgment, no matter how small the amount thereof may be, and it is error for the circuit court to dismiss an appeal “on the ground that the amount involved is too small for the consideration of the court.”

Appeal from Pike Circuit Court; *Jeff T. Cowling*, Judge; reversed.

## STATEMENT BY THE COURT.

Judgment was rendered against appellant in the justice court for the sum of \$4.95, and he appealed to the circuit court. The circuit court dismissed the appeal “on the ground that the amount involved is too small for

the consideration of the court," and appellant appeals to this court.

*O. A. Featherston*, for appellant.

1. A litigant has the right to appeal from any judgment, however small. Const. 1874, art. 2, § 13; Kirby's Dig., § 4671; 78 Ark. 208; 44 *Id.* 482; 45 *Id.* 456.

2. No motion for a new trial necessary. 31 S. W. 740.

*W. T. Kidd*, for appellee.

1. A motion for new trial for newly discovered evidence must be supported by affidavit. Kirby's Dig., § 6219; 92 Ark. 521.

2. Moving for a new trial waives all exceptions not in the motion. 1 Crawford's Dig., p. 122; 70 Ark. 430.

Wood, J., (after stating the facts). Every litigant has the right of appeal from an adverse judgment, no matter how small the amount thereof may be. Constitution of Arkansas, art. 7, § 42; Kirby's Digest, § 4665; *Chicago, R. I. & P. Ry. Co. v. Langley*, 78 Ark. 207; see also *Brown v. Higgins*, 45 Ark. 456; *Townsend v. Timmons*, 44 Ark. 482.

Reversed and remanded with directions to reinstate the appeal from the justice court.

---