

CASES ARGUED AND DETERMINED
IN THE
SUPREME COURT

OF THE
STATE OF ARKANSAS,
AT THE
NOVEMBER TERM, 1886.

[Continued from Volume 48.]

SCOTT V. MEYER.

APPEAL: *From J. P.*

An appeal from a justice of the peace must be taken within thirty days after the judgment is rendered, and cannot be postponed by the continuance of a motion for new trial beyond that time.

APPEAL from *Chicot* Circuit Court.

J. M. BRADLEY, Judge.

D. H. Reynolds for appellant.

The judgment was not final until the motion for a new trial was disposed of. No appeal could be taken during the pendency of the motion.

SMITH, J. A case was tried on May 11, 1884, before a justice of the peace, without a jury, and judgment was rendered for the defendant. On May 11th the defeated party filed a motion for a new trial, which was overruled June 9th. An appeal was granted July 8th. This appeal the Circuit Court dismissed, as not being taken within the time prescribed by law.

Section 4135 of Mansfield's Digest provides that: "The appeal must be taken within thirty days after the judgment was rendered, and not thereafter."

The statute is peremptory. The pendency of the motion for a new trial does not enlarge the time. *Smith and Washington v. The State*, 48 Ark., 148. Affirmed.
