

GRAY *v.* OUACHITA CREEK WATERSHED DIST.

5-3454

387 S. W. 2d 605

Opinion delivered March 8, 1965.

1. APPEAL AND ERROR — ABSTRACT OF RECORD — EFFECT OF FAILURE TO MAKE UNDER SUPREME COURT RULE 9 (d). On appeal the merits of the case were not reached because of appellant's failure to comply with requirements of Sup. Ct. Rule 9 (d).
2. APPEAL AND ERROR — ABSTRACT OF RECORD — ABRIDGMENT. — An abstract cannot be said to be a condensation or abridgment of the record where it contained a copy in full, or was a reproduction of the entire transcript.
3. APPEAL AND ERROR — ABSTRACT OF RECORD — OBJECT AND FUNCTION. — The object sought by Rule 9 (d) is to confine the abstract to only that part of the record as is necessary to give the Supreme Court a clear understanding of the issues presented.

Appeal from Perry Chancery Court, *Paul X. Williams*, Chancellor; affirmed.

E. V. Trimbble, for appellant.

Smith, Williams, Friday & Bowen, By: *Ben Allen*,
for appellee.

FRANK HOLT, Associate Justice. The appellant brought this action to enjoin the appellee from using his property in its watershed construction project. The chancellor sustained appellee's plea of *res judicata*, holding that the same issue between the same parties was previously before this court in *Gray v. Ouachita Creek Watershed Dist.*, 234 Ark. 181, 351 S. W. 2d 142. On appeal we do not reach the merits of the case since there is a failure by appellant to comply with the requirements of Rule 9 (d) of this court.

The abstract cannot be said to be a condensation or abridgment of the record as required since it contains a copy in full or is a mere reproduction of the entire transcript. *Sellers v. Harvey*, 222 Ark. 804, 263 S. W. 2d 86. A considerable part of the matter reproduced is not material to the issue raised nor necessary to an understanding thereof. The object sought by Rule 9(d) is to confine the abstract to only that part of the record as is necessary to give this court a clear understanding of the issue or issues presented.

Affirmed.