

SEBASTIAN COUNTY VS. SUTTON ET AL.

Where no motion for a new trial has been made, nor any question of law reserved at the trial, there is nothing before this court for adjudication.

The rule established in *State Bank vs. Conway*, 13 Ark. 244—which is simple, and easily understood and followed—applies as well to cases submitted to the court as to a jury; and to cases where there is an agreed statement of facts, as where the facts are proved by witnesses.

Appeal from Sebastian Circuit Court.

Hon. FELIX I. BATSON, Circuit Judge.

G. J. Clark, for appellant.

Hon. Chief Justice ENGLISH delivered the opinion of the court.

The judgment in this case must be affirmed under the rule of practice settled in *State Bank vs. Conway*, 13 Ark. 344—which was applied in *Gardner vs. Miller et al.*, (present term,) a case similar to this.