

COMMISSIONER OF LABOR, C. R. THORNBROUGH *v.*
DANCO CONSTRUCTION COMPANY.

5-1052

294 S. W. 2d 336

Opinion delivered October 22, 1956.

1. APPEAL & ERROR — ABSTRACTING RECORD, SUFFICIENCY OF.—Appellant's abstract of the record held insufficient under Supreme Court Rule 9 (d).

For reversal, the appellant alleges that there is no requirement that a municipality, city, or town or other agent of the state be a taxing agency in order to come within the application of Act 115 of 1955.

At the outset we are confronted with an insufficient abstract by appellant, and have concluded that the order of the trial court must be affirmed for this reason. The appellant has failed to abstract the record in this case as required by Supreme Court Rule 9 (d) and consequently this court is not afforded an understanding of the questions to be resolved. In this case appellant did not abstract the pleadings or the decree, and there is nothing in the entire brief upon which the judges of this court could confidently say that the decree of the trial court should be reversed. The several judges of this court are not required to make an individual search of the record, particularly in the absence of proper references thereto, in order to arrive at a decision, and it certainly is not practical to do so.

Constitutional questions are never decided unless necessary, however, we feel that it is necessary to point out that this court recently held that Act 115 of 1955 was unconstitutional. See *Crowly v. Thornbrough, Commissioner of Labor*, Ark., 294 S. W. 2d 62.

Accordingly the decree of the trial court is affirmed.
