

## EDDY HOTEL COMPANY v. FORD.

Opinion delivered May 10, 1909.

APPEAL AND ERROR—INSUFFICIENCY OF ABSTRACT.—Where appellant relies for reversal upon the insufficiency of the evidence to support the verdict, and fails to set out the evidence in his abstract, the cause will be affirmed.

Appeal from Garland Circuit Court; *William H. Evans*, Judge; affirmed.

*Rector & Sawyer*, for appellant.

1. It was error to sustain the lien on separate buildings on different lots for separate work, when the lien filed shows a running account and a balance due, and was a lien on all the buildings. 63 Ark. 369.

2. It was error to permit the verdict to stand when it is clearly shown that plaintiff failed to comply with his contract in furnishing satisfactory heating plant.

*C. Floyd Huff*, for appellee.

1. Case of 63 Ark. 369, has no application—the facts are different.

2. The heating plant's defects or faults and the credit therefor were questions of fact for the jury, and their finding is sustained by the evidence.

3. No objections were made to the evidence.

BATTLE, J. The appellant moved for a new trial on three grounds:

“First. Because the verdict was not according to law.

"Second. Because the verdict was not according to the evidence.

"Third. Because the verdict was contrary to the law and evidence."

It is evident that the determination of the questions presented to us for decision depends upon the evidence adduced in the trial of this cause. With no aid or information except that furnished by the abstract of appellant we are unable to do so, the abstract containing a very small portion of the evidence.

Judgment is affirmed on account of the non-compliance with the rules of this court.

---