

## BEECHER v. STATE.

Opinion delivered November 26, 1906.

APPEAL—BRINGING MATTERS INTO RECORD.—Matters relating to evidence and to exceptions saved by appellant, though included in the stenographer's notes and certified by him, and copied into the transcript, can not be considered on appeal where they were not brought up by bill of exceptions.

Appeal from Clay Circuit Court; *Allen Hughes*, Judge; affirmed.

*J. S. Jordan* and *J. L. Taylor*, for appellants.

*Robert L. Rogers*, Attorney General, and *G. W. Hendricks*, for appellee.

HILL, C. J. The appellants were convicted in the Clay Circuit Court of the crime of illegal cohabitation, and appealed. The transcript contains record entries, documents filed, the stenographer's report of the evidence, and other matters showing a trial and conviction, but does not contain any bill of exceptions. All the matters presented for reversal are dependent upon a bill of exceptions to put them into the record. Possibly appellants thought the certificate of the stenographer brought their evidence and exceptions into the record; but, without it being so incorporated by the trial judge, it of course serves no such purpose.

Judgment affirmed.