

MEMPHIS AND ST. FRAN- [\*529  
CIS PLANK ROAD CO  
v.  
SULLIVAN.

This case comes within the rule laid down in *State Bank v. Conway*, 13 Ark. 344.

*Appeal from Crittenden Circuit Court.*

*Watkins & Gallagher*, for the appellant.

SCOTT, J. This case originated before a justice of the peace, and was taken by appeal to the circuit court of St. Francis county, where it was tried, *denovo*, upon the merits, by the court sitting as a jury, and the verdict and judgment were rendered for the defendant. The other party excepted generally, and took a bill of exceptions setting out all the testimony, but made no motion for a new trial, excepted to no ruling of the court in admitting or rejecting testimony, nor took any steps to have the opinion of the court declared on any point of law during the progress of the case. In a word, as the appellant has failed to save, by exception, any alleged error of law, in any specific ruling or decision of the court below, and thus enable himself in this court to "put his finger" upon any such alleged error, but has left every thing at large, so as to make it impossible for this court to know, whether the court below erred in matter of law, or erred in matter of fact, there is necessarily no case that the court can look into; the presumption in favor of the

correctness of the proceeding below,  
remaining unexpelled.

Therefore, as has been often ruled  
here, the judgment in this case must  
be affirmed, under the law, as declared  
in *State Bank v. Conway*, 13 Ark. Rep.  
344, and always since adhered to.

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