

## COTTRELL VS. OLIVER.

The rule in *State Bank vs. Conway*, 13 Ark. 344—and in numerous other cases—again applied.

*Error to Crawford Circuit Court.*

Hon. J. M. WILSON, Circuit Judge.

H. F. THOMASON, for plaintiff.

Mr. Justice COMPTON delivered the opinion of the court.

In this case the issues were submitted to the court, sitting as a jury. Several witnesses were examined, and on the evidence adduced, the court found for Oliver, who was the plaintiff below. The defendant excepted to the finding, took a bill of exceptions, setting out the evidence, and brought error, without having moved for a new trial, or having asked the court to declare any one or more propositions to be the law of the case. There is, therefore, according to the rule in *State Bank vs. Conway*, 13 Ark. 344, no question of law legitimately presented for the decision of this court, and the judgment must be affirmed.