

**MAYSON, AD. VS. EDINGTON, AD.**

On the trial of a cause *de novo* in the Circuit, Court, the parties may introduce other evidence than that contained in the bill of exceptions (*Sullivan, ad. vs. Deadman, ante.*)

Where there is a conflict of testimony, the court will not disturb the verdict of the jury, or the finding of the court below.

*Appeal from Desha Circuit Court.*

Hon. JOHN C. MURRAY, Circuit Judge.

GARLAND & RANDOLPH, for appellant.

Mr. Justice COMPTON delivered the opinion of the court.

This was a proceeding in the Probate Court for allowance and classification of a claim—being a physician's bill for professional services—against the estate of George C. Britt, deceased. On appeal to the Circuit Court a trial *de novo* was had, and judgment rendered against the estate of Britt for \$360.50, from which the administrator has appealed to this court.

For a reversal of the judgment two objections are relied on by the appellant: 1st. That on the trial *de novo*, the Circuit Court permitted evidence other than that contained in the record of the proceedings in the Probate Court, to be introduced; and 2d. That the finding of the circuit judge, who tried the cause, sitting as a jury, was not warranted by the evidence. That there is nothing in the first objection, see *Sullivan, adm'r vs. Deadman*, decided at the present term. Nor is the second objection well taken. True, there is some conflict in the evidence as to whether the professional services were rendered *gratis*, and as to whether the charges were exorbitant; but then there is nothing better settled by the decisions of this court than that the verdict of the jury, or the finding of the court, in such cases, will not be disturbed here.

The judgment is affirmed.