

JENNINGS V. H. LUTZ & SON, 1924-NMSC-071, 30 N.M. 160, 228 P. 888 (S. Ct. 1924)

**JENNINGS
vs.
H. LUTZ & SON**

No. 2834

SUPREME COURT OF NEW MEXICO

1924-NMSC-071, 30 N.M. 160, 228 P. 888

September 09, 1924

Appeal from District Court, Lincoln County; Ed Mechem, Judge.

Action by Mrs. Sophia Jennings against H. Lutz & Son. From a judgment for defendants, plaintiff appeals.

SYLLABUS

SYLLABUS BY THE COURT

1. Findings of the court below, when sustained by substantial evidence, will not be disturbed.

COUNSEL

G. W. Prichard, of Santa Fe, for appellant.

Geo. B. Barber, of Carrizozo, for appellee.

JUDGES

Parker, C. J. Bratton and Botts, JJ., concur.

AUTHOR: PARKER

OPINION

{*160} {1} The parties disagreed as to whether appellant was employed as housekeeper for a definite {*161} term, or was employed from month to month. The case was tried by the court, and he found the issues for appellees. The evidence was conflicting, but the

court's finding is supported by substantial evidence. Under such circumstances, the finding will not be disturbed.

{2} It follows that the judgment of the court below is correct and should be affirmed, and it is so ordered.