

STIDD V. MARKS, 1932-NMSC-028, 36 N.M. 188, 10 P.2d 1103 (S. Ct. 1932)

**STIDD
vs.
MARKS et al.**

No. 3640

SUPREME COURT OF NEW MEXICO

1932-NMSC-028, 36 N.M. 188, 10 P.2d 1103

April 11, 1932

Appeal from District Court, San Miguel County; Luis E. Armijo, Judge.

Rehearing Denied May 17, 1932.

Action by E. C. Stidd against Benjamin L. Marks and others. Judgment for the plaintiff, and the defendants appeal.

SYLLABUS

Syllabus by the Court

No question is presented for review by mere general exceptions to findings and judgment.

COUNSEL

Hunker & Noble, of East Las Vegas, for appellants.

D. J. Leahy, of East Las Vegas, for appellee.

JUDGES

Bickley, C. J. Sadler and Hudspeth, JJ., concur. Watson and Parker, JJ., did not participate.

AUTHOR: BICKLEY

OPINION

{*189} {1} This is an appeal from a judgment for damages against appellants because of the failure of appellants to return drilling tools borrowed from appellee by appellants within the time stipulated when said drilling tools were borrowed.

{2} The judgment contains specific findings of fact and conclusions of law. There is no claim that these findings and conclusions are insufficient to support the judgment. The record discloses no request by appellant for findings of fact or law. The only exception to the findings, conclusions, or judgment is: "To which Judgment and Decree Plaintiff and Defendant, and each and every of them, except."

{3} The only question presented on this appeal is the sufficiency of the evidence to support the findings of the court.

{4} In the absence of specific exceptions to findings of fact, the aggrieved party cannot on appeal question the sufficiency of evidence to support same. See *Oberg v. Oberg*, 35 N.M. 601, 4 P.2d 918, and cases cited.

{5} The judgment is affirmed, and the cause remanded, with directions to enter judgment against the sureties on the supersedeas bond, and it is so ordered.