#### Johnson *vs.* Pendleton *et al.*

Where there is conflicting evidence on the trial of a cause and no rule of law appears to have been violated, a judgment will not be reversed on the supposition that the jury may have come to a wrong conclusion as to a matter of fact.

Appeal from the district court of Santa Clara county. The only material facts will be found in the opinion of the court.

*Frederick H.* Sanford, for plaintiff.

[\*133](#p133) *8. Heydenfeldt^* for defendant.

*By the Court,*

Bennett, J.

The plaintiff’s action is for services as clerk in a store. The defendants deny that they are indebted to the plaintiff, but claim that he is indebted to them. This is the substance of the pleadings. The cause was tried before a jury, and judgment rendered, upon their verdict, for $479,47 in favor of the plaintiff. The defendants appeal. At the trial the testimony was conflicting; no point of law was ruled against the defendants ; and they seem to have appealed solely upon the ground that the jury came to an incorrect conclusion upon a matter of fact. We have already held, in several cases, that we ought not to disturb the verdict of a jury upon a question of fact, where the evidence is conflicting, and where no rule of law appears to have been violated. These decisions control this case.

Judgment affirmed with costs.