

## POOL v. SHUFFIELD.

4-8613

214 S. W. 2d 223

Opinion delivered October 18, 1948.

Rehearing denied November 15, 1948.

APPEAL AND ERROR.—Where neither the motion for new trial nor the contents thereof are set forth in appellant's abstract, there is nothing to apprise the appellate court of what matters were presented to the lower court in the motion for new trial.

Appeal from Clark Circuit Court; *Dexter Bush*, Judge; affirmed.

*John H. Wright*, for appellant.

*J. H. Lookadoo* and *Agnes F. Ashby*, for appellee.

ROBINS, J. Appellant prosecutes this appeal from a judgment against him in a suit brought by appellee, a minor, to recover a truck which appellee had traded to appellant.

An examination of appellant's abstract and brief discloses that the judgment appealed from must be affirmed for noncompliance with rule 9 of this court. In the abstract prepared and filed by appellant the motion for new trial is not shown nor are its contents abstracted. There is, therefore, nothing in the abstract to apprise us of what matters were presented to the lower court in the motion for new trial.

Accordingly, under our rules, the judgment appealed from must be affirmed.

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