

**VALLES
vs.
VIGIL**

No. 3300

SUPREME COURT OF NEW MEXICO

1929-NMSC-084, 34 N.M. 404, 281 P. 736

October 08, 1929

Appeal from District Court, Socorro County; Frenger, Judge.

Action by Domingo Valles against Jose Vigil. Judgment for defendant, and plaintiff appeals.

SYLLABUS

SYLLABUS OF THE COURT

1. Assignments on admission of evidence overruled.
2. Contention not made below not considered on appeal.

COUNSEL

O. A. Larrazolo, of Albuquerque, for appellant.

James G. Fitch, of Socorro, for appellee.

JUDGES

Watson, J. Bickley, C. J., and Parker, J., concur. Catron and Simms, JJ., did not participate.

AUTHOR: WATSON

OPINION

{*404} {1} OPINION OF THE COURT This is a suit to cancel for fraud a deed executed by appellant's wife to appellee. Judgment was {*405} entered upon appellee's motion at the close of appellant's evidence.

{2} On the evidence admitted, the judgment is undoubtedly correct. Complaint is made of several rulings by which offered testimony was rejected. Though it is to be doubted if the admission of the rejected evidence would have changed the result, we have examined the record, and find the rulings sustainable on grounds pointed out in appellee's brief. It would serve no good purpose to detail them here.

{3} Another contention is made; but, if it has merit, it cannot be considered, not having been brought to the attention of the trial court. It is fair to say that appellant's present counsel did not represent him below.

{4} Finding no error, we affirm the judgment. It is so ordered.