GABRIEL FUSTER, PETITIONER, VS. E. F. JOHNSON, JUDGE OF FIRST INSTANCE OF MANILA, RESPONDENT.

G.R. No. 1188. January 31, 1903

Ponente: ARELLANO, C.J.

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ARELLANO, C.J.:

The plaintiff has appealed against an order overruling a demurrer in a criminal case and asks that an injunction be issued restraining the judge below from continuing the proceedings until this court passes upon the action of mandamus brought against him. The order in question not being appealable under section 24 of the General Orders, No. 58, series of 1900, there is nothing which can prevent the continuation of the case.

The application for an injunction is therefore denied, with costs.

Torres, Cooper, Willard, Mapa, and Ladd, JJ., concur.

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