

1 Phil. 496

[G.R. No. 955. November 21, 1902]

**RAMON CHAVES, PLAINTIFF AND APPELLEE, VS. RAMON NERY LINAN,
DEFENDANT, APPELLANT.**

D E C I S I O N

TORRES, J.:

By order of the 29th October last the motion of the defendant for the dismissal of the bill of exceptions was overruled. The defendant now moves the court to issue an order to the clerk of court of Misamis, directing him to send to this court the original record of the case, to the end that the court may do complete justice, upon the ground that the bill of exceptions is incomplete and was prepared without the knowledge or participation of the moving party or of his attorney.

The appellant, who for the purpose of his defense might really be interested in presenting to this court the original record, opposes the motion of the appellee. The appellee has not indicated in detail the deficiencies of the bill of exceptions presented, and has not stated in what the incompleteness of this bill consists. The attorney for the party which has presented the bill in defense of his rights alleges that it is not incomplete.

In view of these facts we are of the opinion that the motion of the appellee should be overruled, and it is so ordered.

Arellano, C. J., Cooper, Smith, Willard, Mapa, and Ladd, JJ., concur.

