

FISHER,
C.J.
&
STUART,
P.J.
1923
November 30

[FISHER, C.J. AND STUART, P.J.]

CHRISTOS G. ECONOMIDES, *Plaintiff*,

v.

IOANNIS BOUTROS, *Defendant*,

AND

1. VAHAM ADALIAN

2. SALMA NADER

Ex parte.

EVIDENCE ON COMMISSION—ALL WITNESSES ABROAD—DOUBTFUL PROCEDURE.

Plaintiff obtained judgment on a bond against Defendant. In execution of this judgment furniture and goods were seized in a house which Defendant had hired in Cyprus, then lived in, and finally left behind, when he quitted Cyprus voluntarily to live in Mersina, in Turkey.

After the seizure the 1st ex parte, residing in Cyprus, claimed the property as a pledge.

Later the 2nd ex parte claimed the property as belonging to her. Ex parte No. 2 is mother of the Defendant, and both reside now at Mersina.

The 2nd ex parte applied through her counsel to have her evidence and that of the Defendant in the application taken on commission before the Spanish Vice Consul at Mersina, who was looking after British interests there.

In support of this application, the ex parte No. 2 produced a report from the Spanish Vice-Consul at Mersina, which set out the difficulties the ex parte No. 2 and Defendant would have in returning to Mersina after they once had left that place. The application for a commission to issue was opposed by the Plaintiff and the first ex parte.

The District Court ordered that the commission should issue and appointed the Spanish Vice-Consul to hold the commission. From that order the plaintiff appealed.

For Appellant (plaintiff) *Nicolaides*.

Respondent (defendant) absent.

1st ex parte absent.

For Respondent, 2nd ex parte, *Efthymiades*.

Judgment : In our opinion no order for a commission should have been made in the circumstances; namely, the relationship of defendant and 2nd ex parte applicant, the fact that there are no witnesses for the applicant to identify the property which is largely furniture here in Cyprus, and that the witnesses to the same property are not in a position

to see the furniture, the fact that there is nothing to show that the enquiry will be conducted according to the mode which these Courts would regard as satisfactory or effective and the difficulty of plaintiff in protecting his interests in the Mersina enquiry. And further as the order appealed against has now expired, the appeal must be dismissed.

FISHER,
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CHRISTOS G.
ECONOMIDES
v.
IOANNIS
BOUTROS
AND
OTHERS

[FISHER, C.J. AND GRIMSHAW, P.J.]

REX

v.

RAMADAN MEHMED.

FISHER,
C.J.
&
GRIM-
SHAW,
P.J.
1923

APPLICATION FOR BAIL—INFANTICIDE—COMMITTED FOR TRIAL—MAGISTRATE
HAS NO POWER.

December 29

Applicant, who has been committed for trial before an Assize Court on a charge of infanticide applies for bail. The committing Magistrate does not object but has no power.

For Applicant *Bairamian*.

For Crown *Assistant King's Advocate*.

Ordered: that applicant be allowed bail, himself in £50 and one surety in £50.