

questions "the answers to which would have a tendency to expose him to a criminal charge."

This man had actually been charged with being in possession of meat, etc., reasonably suspected of being stolen property.

Sec. 21 (2) also shows that it is contemplated at the time the statement is taken that the person examined may be called later as a witness. This could not be so in this case. Therefore if the statement was taken under Sec. 26 it is not admissible. If it was not so taken it seems clear that the accused was subjected to a long inquisitorial examination which went far beyond anything which a Police Officer has power to invite or cause an accused person to submit himself to with a view to the result being subsequently put in evidence against the person examined.

FISHER,
C.J.
&
STUART,
P.J.
—
REX
v.
RUSTEM
SEID ALY
—

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

ELENE VARELIA

v.

HARALAMBO NICOLA ZANDI.

FISHER,
C.J.
&
STUART,
P.J.
1921
—

Appeal by Plaintiff from judgment of District Court dismissing the action. November 29

The facts are as follows:—

Plaintiff's daughter and son-in-law owed money on a bond to present Defendant. They were sued by him and Plaintiff intervened. Plaintiff was not a guarantor of the bond. Plaintiff voluntarily undertook to register certain properties into Defendant's name in consideration of his withdrawing the action against the daughter and son-in-law of Plaintiff. Plaintiff failed to carry out the registration and Defendant sued her and obtained judgment against her. She eventually paid Defendant. Plaintiff now sues Defendant to obtain from him the bond given to Defendant by her daughter and son-in-law.

Theodotou for Appellant.

Stavrinakis for Respondent.

HELD: Plaintiff has no legal right to have possession of the bond as she did not sign the bond, and she might have protected herself by other means, e.g., she might have got a new bond from her daughter and son-in-law.

Appeal dismissed with costs.