

The respondent's family consists of himself his wife and five children, the eldest being sixteen years of age.

There is evidence before us that the Zakaki properties would be sufficient for the support of the respondent and his family. We therefore make an order for the sale of respondent's immovable property, except houses and all his lands situated at Zakaki, Registration Nos. 559 of 6th March, 1907, 656 and 657 of 11th December, 1911, 700 and 702 of 20th October, 1913, and 705 of 23rd January, 1914, in execution of the judgment herein and costs of this application.

FISHER,
C.J.
&
GRIM-
SHAW,
P.J.
—
CHRISTO-
DOULO D.
HADJI-
PAVLO
v.
YEOGRAPHIOS
MAROULLIS
—

From this judgment Defendant appeals.

For Appellant *Paschalis*.

For Respondent *Clerides*.

Judgment : Affirming the judgment of the District Court.

Appeal dismissed with costs.

Appeal No. 915.

[GRIMSHAW, ACTING C.J. AND DICKINSON, ACTING P.J.]

POLICE

v.

LOIZO STYLLI AND EIGHT OTHERS.

SILKWORMS—BANDEROLLES—LAW 22 OF 1922, SEC. 10.

GRIM-
SHAW,
ACTING C.J.
&
DICKIN-
SON,
ACTING P.J.
1924
—
December 2
—

This is a case stated by a Magisterial Court.

The facts are sufficiently disclosed in the judgment.

For Police the *Assistant King's Advocate*.

For Accused *Stavrinakis*.

Judgment : In the proceedings a case is stated from the Magisterial Court of Nicosia whether this case comes within section 10 of the Silkworm Protection Law No. 22 of 1922.

The facts shortly are as follows:—

The accused bought silkworms from one Dervishian, a licensed seller in Nicosia, and each of the accused obtained a certificate from the seller that he had sold each accused so many silkworms raised from eggs which

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8 OTHERS
—

eggs had been dealt with in the manner prescribed by law. As far as this Court knows the seller conformed to the law.

Now section 9 deals with the *sale* of silkworm eggs only and prescribes how they shall be sold.

Section 10 deals with the matter of persons who are found in possession of eggs or silkworms.

Section 11 refers to persons dealing in eggs or silkworms and this section is divided into two sub-sections which deal with (1) silkworm eggs, (2) silkworms.

Now section 9 lays down quite clearly that eggs shall not be sold except in banderolled boxes, and section 11 (1) lays down the return to be rendered by the seller, namely, that he shall report to the proper authority the list of persons to whom he has sold eggs (in banderolled boxes.) Sub-section (2) lays down a similar procedure as to persons to whom a licensed dealer has sold silkworms.

Now the worms cannot be sold in boxes, so the question arises as to what procedure a licensed dealer should follow when selling silkworms.

The accused argue that the procedure followed in this case is correct; the Assistant King's Advocate argues the contrary. He says that if a seller wishes to sell small quantities of silkworms he must grow them from banderolled boxes containing only a small quantity and hand such box to the purchaser of the worms at the time of sale.

It seems to the Court that this latter procedure would be highly onerous to the licensed seller of silkworms. He might grow a number of silkworms from a large box of eggs and not find any buyer for the whole amount but could find a number of buyers who altogether would take the whole quantity, but if the Assistant King's Advocate's submission is correct he could not part with them to these persons.

The whole object of the law is to enable the Government Department concerned to be able to check the source from which the eggs and worms came, and to avoid any chance of silkworms or eggs being used from an illicit source.

Section 9 read with section 11 sub-section (1) controls the sale of eggs, but there is not any similar section controlling the sale of silkworms.

In the opinion of the Court section 10 is clearly meant to deal with individuals who grow silkworms from eggs which they have purchased from a dealer in accordance with section 9.

When they have bought the silkworms as differentiated from eggs they come under section 11 sub-section 2, and this is in accordance with

the spirit of the law, the seller makes a return to the Government Department concerned of the persons to whom he has sold silkworms, and of the banderolled box from which he grew those silkworms, and this enables that Department to check those purchasers and ascertain the ultimate dealings with the contents of the banderolled box and thus prevents growth from illicit sources.

In this case, as far as this Court is concerned, not only did the seller comply with the provisions of the law as to sellers, but in order to assist matters he gave each of the accused a certificate thus identifying the silkworms with the eggs from a banderolled box.

It is not customary for a law to lay down reasons why a particular procedure is to be followed, but section 10 does so and says "as a certificate, etc.," and we think it is quite sufficient that a purchaser of silkworms can produce a certificate from the licensed seller of silkworms that he sold such person so many silkworms, and thus enable such person to refer the Inspector of the Department concerned to such seller who should then produce the box, from which the eggs from which such silkworms were grown, to the Department concerned and thus complete the chain of identification.

If the accused had been found in possession of more worms than had been sold to them then a different situation would have arisen, but with this the Court is not concerned as they were admittedly only in possession of less than the number which might have been grown from the definite banderolled box of eggs, which the seller produced to the Inspector.

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