

NETTLETON, C.J. AND DICKINSON, P.J.]

POLICE

v.

MILTIADES K. EFTHYMIADES.

STAMP LAW, 1923—SCHEDULE—PETITION, MEANING OF.

NETTLETON,
C.J.
&
DICKINSON,
P.J.
1926

March 30

Case stated by the Magisterial Court of Famagusta dated 24th November, 1925.

The facts are as follows :—

Defendant was the owner of certain goods, which were stolen from an agent of the defendant, came into the hands of the Police, and were retained by them as exhibits in a criminal prosecution pending before the Criminal District Court of Famagusta.

Defendant wrote a letter to the Local Commandant of Police, Famagusta, requesting that the goods be returned to him. He did not affix stamps to the value of 2cp. on this letter and he was charged with failing to do so under section 23 of the Stamp Law, 1923. The prosecution alleged that the letter was a petition within the meaning of the word "petition," appearing in the Schedule to that law.

The question reserved by the Magisterial Court was:—

"Is such a letter a petition within the meaning of that word in the "Schedule attached to the Stamp Law of 1923?"

HELD: That the letter was not a "petition" within the meaning of the Stamp Law, 1923.

For the Police the *Assistant Attorney-General*.

For Defendant *Tavernaris*.

Assistant Attorney-General called on:—

The Schedule of documents requiring special fees payable in stamps now contained in Law 31 of 1923 is (subject to certain amendments) substantially the same as under Turkish Law. These amendments do not affect "petitions" except that under Turkish Law the fee was one silver piastre, and this was altered to two copper piastres.

Under Turkish Law the phrase used in the Schedule is more correctly translated "common petitions," and generally this phrase has been accepted to mean any written request from a member of the public to an official.

Tavernaris not called on.

Judgment: There is no definition of the word "petition" in the Law 31 of 1923 itself. Wharton's Law Lexicon defines petition as "a supplication made by an inferior to a superior having jurisdiction "to grant redress."

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A petition means a written application for something in the nature of the grant of a remedy, *i.e.*, that some wrong or omission be set right or made good.

It seems to this Court that the submission of the Assistant Attorney-General, that all written requests addressed to officials by the public should be treated as "petitions," is too wide, and we think that every such letter must be considered on its own merits.

The letter, the subject matter of this prosecution, is a demand for the return to the defendant of the property, admittedly his, which was in the hands of the Police, and to which the defendant is entitled as of right.

We hold this letter is not a petition within the meaning of the Stamp Law, 1923, and we instruct the Magisterial Court accordingly.