

Before Mr. Justice Phear.

THE QUEEN v. J. MACDONALD.

1872
December 3.

Evidence Act (1 of 1872), s. 8, Illustration k—Admission—Confession.

THE prisoner was indicted for theft and dishonestly receiving stolen property. The prosecutor, while travelling by train to Calcutta, discovered that his courier bag, containing his watch, chain, and a sum of money, had been stolen. He reported his loss to a railway Police Inspector at the first station at which the train stopped after he became aware of the theft, the prisoner not then being present.

The *Standing Counsel* (Mr. Kennedy) tendered evidence of this report.

PHEAR, J., held it to be admissible under s. 8, Illustration K, of the Evidence Act (1 of 1872).

The *Standing Counsel* next tendered evidence of a statement made by the prisoner to the constable who arrested him, to the effect that the watch and Rs. 1,000 had been given to him by his sister, and that he had bought the chain.

PHEAR, J., observing that there is a distinction in the Evidence Act, between admissions and confessions, admitted the evidence.

Before Mr. Justice Kemp and Mr. Justice Glover.

1872
August 25.

RAO BANEERAM, GUARDIAN OF RAO MADHUBRAM, MINOR (DECREE-HOLDER),
v. RAMNATH SHAIHA AND OTHERS (JUDGMENT-DEBTORS).*

Act VIII of 1869 (B. C.), s. 52—Act X of 1859, s. 78—Discretionary Power of a Court to stay execution of a Decree for ejectment

The Court has discretion to stay execution on other grounds than those on which it is bound to do so under s. 52 of Act VIII of 1869 (B. C.).

THE decree-holder obtained two decrees against the defendant for arrears of rent. The first decree was obtained on the 29th November 1870 for arrears of rent of the years 1275, 1276, and up to Assar of the year 1277 (17th April 1868 to 15th July 1870). The second decree, which was passed *ex parte*, was for the arrears of rent for the remainder of the year 1277 (to 12th April 1871). In the second suit there was a prayer for ejectment of the ryots for arrears of rent unpaid, and the former decree was adduced by the plaintiff as evidence of the existence of the arrears. In the plaint in this second suit,

* Miscellaneous Special Appeal, No. 201 of 1872, from an order of the Judge of Hooghly, dated the 5th April 1872, reversing an order of the Moonsiff of that district, dated the 23rd September 1871.