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G.M.G. 2.

31, 1954

IN THE SUPREME COURT OF HONG KONG
APPELLATE JURISDICTION
APPEAL NO. 12 OF 1952
(On Appeal from Admiralty Jurisdiction Action No. 8 of 1952)

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF INDONESIA - - *Appellants*
(Defendants)

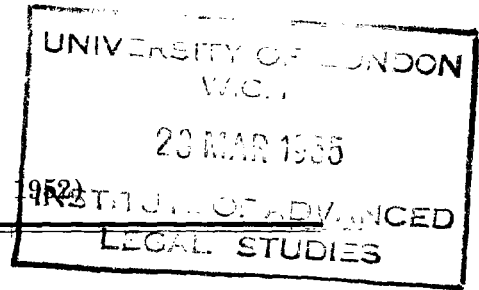
AND

JUAN YSMAEL & COMPANY INCORPORATED - - - *Respondents*
(Plaintiffs)

RECORD OF PROCEEDINGS

IN THE SUPREME COURT OF HONG KONG
APPELLATE JURISDICTION
APPEAL NO. 12 OF 1952

(On Appeal from Admiralty Jurisdiction Action No. 8 of 1952)



BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF INDONESIA

Appellants
(Defendants)

38082

AND

JUAN YSMAEL & COMPANY INCORPORATED

Respondents
(Plaintiffs)

RECORD OF PROCEEDINGS

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IN THE SUPREME COURT OF HONG KONG
APPELLATE JURISDICTION
APPEAL NO. 12 OF 1952

(On Appeal from Admiralty Jurisdiction Action No. 8 of 1952)

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF INDONESIA *Appellants*
(Defendants)

AND

JUAN YSMAEL & COMPANY INCORPORATED - *Respondents*
(Plaintiffs)

10

RECORD OF PROCEEDINGS

No. 1

NOTICE OF MOTION BY THE GOVERNMENT OF THE REPUBLIC
OF INDONESIA (APPELLANTS) ON APPEAL AGAINST THE
ORDERS OF MR. JUSTICE REECE FOR CROSS-
EXAMINATION AND REFUSING CLAIM TO
DIPLOMATIC IMMUNITY

(29th August, 1952)

IN THE SUPREME COURT OF HONG KONG
APPELLATE JURISDICTION
APPEAL NO. 12 OF 1952

20

(On Appeal from Admiralty Jurisdiction Action No. 8 of 1952)

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF INDONESIA *Appellants*
(Defendants)

and

JUAN YSMAEL & COMPANY INCORPORATED *Respondents*
(Plaintiffs)

TAKE NOTICE that the Full Court will be moved at 10 o'clock a.m. on
30 Wednesday the 17th day of September 1952 or so soon thereafter as Counsel can
be heard by Mr. John McNeill, Q.C. and Mr. D. A. L. Wright of Counsel for the
above-named Appellants for orders that:—

1. The Order of the Honourable Mr. Justice Reece dated the 25th day of August 1952 whereby an application to cross-examine Mr. Kwee Djie Hoo Consul General for the Republic of Indonesia in Hong Kong and Major Pamoe

*In the
Supreme
Court of
Hong Kong
Appellate
Jurisdiction*

No. 1
Notice of
Motion by the
Government of
the Republic
of Indonesia
(Appellants)
on Appeal
against the
Orders of
Mr. Justice
Reece for
Cross-
examination
and refusing
claim to
diplomatic
immunity.
29th August,
1952.

*In the
Supreme
Court of
Hong Kong
Appellate
Jurisdiction*

No. 1
Notice of
Motion by the
Government of
the Republic of
Indonesia
(Appellants) on
Appeal against
the Orders of
Mr. Justice
Reece for
Cross-
examination
and refusing
claim to
diplomatic
immunity.
29th August,
1952.
continued.

Rahardjo, diplomatic courier was allowed and it was ordered that they do attend the Court for cross-examination, be rescinded.

2. The Order of the Honourable Mr. Justice Reece dated the 27th day of August 1952 whereby an Application on behalf of the above-mentioned persons claiming diplomatic immunity was refused and it was ordered that the said persons attend the Court for cross-examination, be rescinded.
3. That the costs of this Appeal may be paid by the Respondents to the Appellants.

Dated the 29th day of August, 1952.

(Sd.) R. WINTER,
Registrar

10

18th and 19th September 1952 also reserved.

(L.S.)

No. 2

**EX-PARTE NOTICE OF MOTION BY THE GOVERNMENT OF THE
REPUBLIC OF INDONESIA (APPELLANTS) FOR A STAY OF
THE ORDERS OF MR. JUSTICE REECE PENDING
HEARING OF APPEAL**

(29th August, 1952)

TAKE NOTICE that the Full Court will be moved at 9.30 o'clock a.m. on 20 Monday the 1st day of September 1952 or so soon thereafter as Counsel can be heard by Mr. John McNeill, Q.C. and Mr. D. A. L. Wright, Counsel for the above-named Appellants that the undermentioned orders be stayed pending the hearing of the Appeal therefrom of which the Appellants have given notice by Notice of Motion dated the 29th day of August, 1952:—

1. Against the Order of His Honour Mr. Justice Reece dated the 25th day of August 1952 allowing an application to cross-examine Mr. Kwee Djie Hoo and Major Pamoe Rahardjo.
2. Against the Order of His Honour Mr. Justice Reece dated the 27th day of August, 1952 refusing application on behalf of the said Kwee Djie Hoo and 30 Major Pamoe Rahardjo claiming diplomatic immunity.

Dated the 29th day of August, 1952.

(Sd.) R. WINTER,
Registrar.

(L.S.)

**ORDER BY THE FULL COURT IN CHAMBERS GRANTING LEAVE TO
FILE ON SHORT NOTICE NOTICE OF MOTION FOR STAY**

(28th August, 1952)

Upon the Application of the Appellants and upon hearing Counsel for the Appellants IT IS ORDERED that the Appellants do have leave to file and serve on short notice a Notice of Motion for a stay of the following orders:—

- 10
1. Against the Order of His Honour Mr. Justice Reece dated the 25th day of August 1952 allowing an application to cross-examine Mr. Kwee Djie Hoo and Major Pamoe Rahardjo.
 2. Against the Order of His Honour Mr. Justice Reece dated the 27th day of August 1952 refusing application on behalf of the said Kwee Djie Hoo and Major Pamoe Rahardjo claiming diplomatic immunity.

Dated the 28th day of August, 1952.

(Sd.) R. WINTER,
Registrar.

(L.S.)

*In the
Supreme
Court of
Hong Kong
Appellate
Jurisdiction*

No. 3
Order by the
Full Court in
Chambers
granting leave
to file on short
notice Notice
of Motion for
Stay.
28th August,
1952.

AFFIRMATION OF KWEE DJIE HOO

(29th August, 1952)

20

I, KWEE DJIE HOO do hereby solemnly sincerely and truly affirm and say as follows:—

- 30
1. I have received orders from my Government that neither I nor Major Pamoe Rahardjo should attend the Court for cross-examination despite the orders of the Court.
 2. Neither I nor Major Pamoe Rahardjo in our private capacity have any intention to disobey any Court order but in our official capacities we must obey our Government's orders.
 3. Diplomatic representations as to our immunity have been made both through the British Ambassador in Djakarta and through my Government Embassy in London to the Secretary of State for Foreign Affairs of Her Britannic Majesty's Government.

AND lastly the contents of this my affirmation are true.

Affirmed etc.

No. 4
Kwee Djie
Hoo's
Affirmation.
29th August,
1952.

FURTHER AFFIRMATION OF KWEE DJIE HOO

(29th August, 1952)

No. 5
Kwee Djie
Hoo's further
Affirmation.
29th August,
1952.

I, KWEE DJIE HOO do hereby solemnly sincerely and truly affirm and say as follows:—

1. As Consul General for the Republic of Indonesia in Hong Kong I am the only direct channel of communication between my Government and the Government of Hong Kong and normally all communications between my Government and the Government of Hong Kong are conveyed through us. I have on many occasions communicated with the Hong Kong Government on behalf of my Government on matters of a diplomatic nature. For these reasons I have to perform in addition to the duties normally performed by a Consul General duties usually performed by diplomatic officers. One instance of such duties is the very fact that I have had to raise the claim for immunity on behalf of my Government in this case being the only representative of my Government in Hong Kong. Such a claim would not normally have to be made by a Consul General but would be made by an Ambassador, Minister, Charge D'Affairs or other Diplomatic Officer. 10
2. The position of a Consul General in Hong Kong is quite different for geographical reasons from a similar appointment within a country which has a diplomatic mission of the State to which the Consul General belongs. Because of this position I am in direct communication with the Minister for Foreign Affairs of my Government whereas normally a Consul General has no communication with his Government except through the diplomatic mission maintained by his Government. 20
3. I am obliged to make on behalf of my Government the claim to immunity raised in this case on orders received and in discharge of my official duties.
4. I maintain that for the foregoing reasons and in discharge of official duties the status of the Consul General for my Government in Hong Kong is such as to render the person holding that appointment immune from the process of the Supreme Court of Hong Kong. 30

AND lastly the contents of this my Affirmation are true.

Affirmed etc.

AFFIRMATION OF PAMOE RAHARDJO

(29th August, 1952)

I, PAMOE RAHARDJO now care of the Indonesian Consul General, Hong Kong, a Major in the Army of the Republic of Indonesia do solemnly sincerely and truly affirm and say as follows:—

*In the
Supreme
Court of
Hong Kong
Appellate
Jurisdiction*

No. 6
Pamoe
Rahardjo's
Affirmation,
29th August,
1952.

1. I am a diplomatic courier of my Government and as such hold a diplomatic passport.
- 10 2. I came to Hong Kong bearing documents and communications from my Government to the Consul General in Hong Kong.
3. I am in Hong Kong for the purpose of being available to the Consul General as a means of communications for official purposes.
4. It is my duty as a diplomatic courier to hold myself in readiness to carry official communications for my Government at a moment's notice.
5. I maintain that for the foregoing reasons I am immune from the process of the Supreme Court of Hong Kong.
6. The contents of this my Affirmation have been explained fully to me.

AND lastly the contents of this my affirmation are true.

Affirmed etc.

**NOTES OF THE CHIEF JUSTICE ON HEARING
IN OPEN COURT OF MOTION FOR STAY**

(1st September, 1952)

McNeill Q. C. & Wright (Griffiths) for Appellants.

D'Almada Q. C. & Bernacchi (Silva) for Respondents in Appeal 12/52.

Loseby Q. C. (Stewart) for Respondent in Appeal 11/52.

McNeill: Two motions — one for leave to appeal. Asks to withdraw these two as ex parte before Reece J. who ruled no application necessary as appeals as of right under s.28 S.C.O.

No. 7
Notes of the
Chief Justice
on hearing in
Open Court
of Motion for
Stay.
1st September,
1952.

In the
Supreme
Court of
Hong Kong
Appellate
Jurisdiction

—
No. 7
Notes of the
Chief Justice
on hearing in
Open Court
of Motion for
Stay.
1st September,
1952.
continued.

(No motion on file).

Regarding other applications. Asks to take together (granted). Stay on order leave to summons Consul General and Major Pamoe Rahardjo for cross-examination. Stay asked for pending hearing of an appeal. Not necessary to apply to learned Judge below on this. Can proceed direct to Court of Appeal.

0.29 r.26 of our Code = 0.58 r.16 and 17.

Cites *Cropper v. Smith* 24 Ch.D. (1883).

D'Almada:— I agree can come straight here.

Court will order a stay in special circumstances. Complete discretion and no limit to the circumstances. 10

Cites *Monk v. Bartram* (1891) 1 K.B. p.346 no attempt to enumerate.

Cites *A.G. v. Emerson* 24 Q.B.D. p.56. Absolute discretion.

One of main grounds relied on is that if this order made against these two gentlemen which will take effect to-morrow 2nd September, if it does take effect the appeal against order will be rendered nugatory. Ground of dispute by Consul General and Major P. is immunity — both claim diplomatic immunity. The very immunity claimed would have been overcome — and appeal would be empty.

Cites *Polini v. Grey* 12 Ch.D. p.438 nugatory appeal.

We say that the order of cross-examination of these defendants if carried 20 out

Court — suggests a week.

D'Almada:— ship involved — ship insured — \$35,000 U.S. a month.

Application unprecedented. An application for a stay of proceedings on an order made as to certain matters. Judge decides against him. Ask the Full Court to hear an application to stay. With respect no further than a party claiming privilege.

Any delay prolongs trial — of this application and so the result is not a single ground.

Cites:— *Palmer's* application 22 Ch.D. p.88 — Indonesian Consul General 30 is directed not to give any evidence and to submit to the Court — any undertaking would not be heard.

Loseby Q. C.:— I submit that Court in my view can assist me placed as I am in an almost intolerable position — by two litigants — Apparent would be disastrous to my client — who relied on the customs protecting persons who

work on ships. Almost a right of lien — he did repairs to \$25,000 — these repairs must be rendered. Did not know who owner was. Two parties came in, one within the jurisdiction and one without the jurisdiction.

*In the
Supreme
Court of
Hong Kong
Appellate
Jurisdiction*

10 Claim the owners — most unfortunate in my clients — any adjournment is catastrophic to my clients — the little in supplies as no one will pay them. The appeal is totally misconceived — no reasonable chance of success. Misconceived because if evidence is wrongly admitted, there is a proper time to take advantage of this. Saying a motion such as this is not a step in the action: Trial Judge duty to decide facts. Unique case — this application. Consul General could have avoided all these difficulties. No compulsion upon C.G. to choose a witness for the purpose of fact who held diplomatic or who claims diplomatic privilege — Affidavits read in Court to influence Court but immunity now claimed. C.G. has clearly waived any question of immunity by his conduct in giving evidence as to facts:— same rules apply in every system — XXn. of witness who gives evidence on affidavit is in discretion of Judge — that is the only difference between a parol witness in box under oath. XXn. does not waive any plea of immunity, it is a question of evidence. Asks for application to be dismissed. Otherwise pleadings a farce.

No. 7
Notes of the
Chief Justice
on hearing in
Open Court
of Motion for
Stay.
1st September,
1952.
continued.

20 McNeill:— Loseby is in a difficult position but the rightness of his claim is a matter which might be referred to the register (registrar) to ass. Consul General cannot pay into Court because this would mean taking a step in the action. D'Almada said Court would not ask for compromise. This grounds my argument that an appeal would be nugatory i.e. if any of this evidence struck out.

This has nothing to do with the matter. The claim is immunity and that immunity would have been ignored. Besides the point. Situation in Hong Kong where political situation is difficult. Not the trial of the action which stay delayed. The impleading is not important. When the impleading has been settled then and only then can the action continue. Not a question of evidence being wrongly admitted. A successful appeal could be nugatory.

30 Case cited by D'Almada. Court held no special circumstances — that is all Court held.

Palmer's application p.88 — 22 Ch.D.

No reason at all why evidence should not go on.

Order: In courtesy to the Indonesian Consul General in view of the step taken to address Her Majesty's Government, we grant a stay of 3 days on the order for cross-examination made by the learned Judge below — that is inclusive of to-day which in effect means that these persons will not be liable to cross-examination before Thursday next, the 4th September.

Costs to be costs in the cause.

40

Sd. G L. HOWE.
Chief Justice.
1 Sept., 1952.

NOTES OF THE SENIOR PUISNE
JUDGE ON SAME HEARING

(1st September, 1952)

In the
Supreme
Court of
Hong Kong
Appellate
Jurisdiction

No. 7A
Notes of the
Senior Puisne
Judge on same
hearing.
1st September,
1952.

McNeill Q. C. & Wright (Griffiths) for Appellants.
D'Almada Q. C. & Bernacchi (Silva) for Respts.— Appeal 12/52.
Loseby Q. C. (Stewart) for Respts.— Appeal 11/52.

McNeill:— 2 motions. 1. Leave to appeal — Now ask for leave to withdraw that motion. We went before Reece J. — he said appeal as of right under Sec. 28 of Code. 10

(No application for leave to appeal on file).

I assumed there was such motion.

Then motion is for stay orders of 25th and 27th August.

The stay would be pending hearing of appeal against both these orders — there is motion before Court in that respect. We can proceed direct to Court of Appeal under 0.29, r. 26 of our Code. That is equivalent of O.58 r. 16.

English r.17 — deals with application to Judge (*Cropper v. Smith*, 24 Ch. Div. 305). We have no r.17.

D'Almada: I agree with McNeill. No need to apply first to Judge.

McNeill: Principles on which stay allowed — special circumstances — 20 Court has complete discretion: no limit as to what may be called “special circumstances” — *Monk v. Bartram* (1891) 1 Q.B. 346 — “It is impossible to . . . special circumstances;”.

In *A.G. v. Emerson* cited in 24 Q.B. 56—authority to show it is in absolute discretion of Court.

Court is entirely unfettered.

Shall give grounds set out in affidavit.

We rely mainly 1. if order for XXn. allowed and will take effect to-morrow this appeal against order will render proceedings nugatory. Grounds in which the Consul General and Major Pamoe Rahardjo rely is immunity: if order carried out 30 no object in proceeding with appeal — question would be overcome — further proceedings with appeal would be empty matter.

Polini v. Gray 12 Ch. Div. 430.

p.443: judgment of Jessel M.R. “ — not merely a barren success”. P.446 “then it is the duty of the Court etc.”

We say if Order of Court to cross-examine is carried out appeal nugatory.

In addition from affidavits there is possibility that diplomatic immunity may be extended:

Affidavit of the Consul General of 29th August — has received orders from his Government not to attend.

Another affidavit of the Consul General.

I said "If you have diplomatic duties to perform you are accorded diplomatic immunity"

On 2 grounds

- (1) Appeal would be nugatory.
- (2) He is performing diplomatic duties.

D'Almada in answer to Court:—

- 10 Ship involved. Chartered to Indonesian Government — any delay means losses to my clients. Action should go on now — if Court allows present application then further delay.

I say unprecedented application — in course of trial a witness claims privilege

....

Order is to cross-examine these 2 men to-morrow. Will Court entertain order to stay proceedings.

Only ordinary case of witness claiming privilege — no precedent for such application. Any delay will prolong trial. Discretion must be exercised on judicial basis. Not single valid ground why matter should be stayed.

- 20 If this application refused then appeal not nugatory — if C.G. leave here we can ask Judge to strike out his application. See *Palmer's* application 22 Ch. Div. 88.

I say application unprecedented — if Court grants application we will suffer loss — also Major Pamoe Rahardjo may be sent off by his Government to Japan on duty — he has been here 3 weeks. Application should not be entertained without order for payment in.

Loseby: Submit any delay — will be disastrous to my clients. I am small man — relying on customs protecting people who work in ships, resembling right of lien, did repairs to vessel — \$25,000. They cannot be contested.

- 30 I did not know who was owner — repairer does not usually know: he takes orders from apparent captain. Later 2 persons come — one within jurisdiction; other outside — most unfortunate that neither of them will remember to pay elementary debt.

Any delay — loss to me: Ask to be paid out — my only interest. Failure to pay out here is disaster. In my submission appeal misconceived—Appeal Court does refuse stay in such circumstances as here. Case has gone on 6 days. I say appeal misconceived: Court should say proceed. Abundance of authority to say "Because you have brought this motion you have acceded to jurisdiction" — but it is said because Judge has decided certain facts and made certain orders —

*In the
Supreme
Court of
Hong Kong
Appellate
Jurisdiction*

No. 7A
Notes of the
Senior Puisne
Judge on same
hearing.
1st September,
1952.
continued.

In the
Supreme
Court of
Hong Kong
Appellate
Jurisdiction

No. 7A

Notes of the
Senior Puisne
Judge on same
hearing.
1st September,
1952.
continued.

stay now should be given. This is unique case. The C.G. could have put in affidavit to establish facts (1) ownership or (2) recent possession. No compulsion on McNeill to choose for purpose of fact, any witness who claimed diplomatic immunity. He cannot produce witness on oath and then say "Oh; this witness called by me, has immunity" — Answer is "He is your witness: called by you — he has waived any objection"

Can McNeill say that by consenting to XXn he was waiving immunity — nothing of kind. Judge, having heard the XXn., may uphold McNeill's contention — that he has diplomatic immunity.

I am unable to see any answer to Judge's ruling — how can he decide 10 question whether there is diplomatic immunity with his hands tied.

I wish to say this — if Court should grant this application — or stay of any kind — Court might consider protecting me — other party should pay into Court — \$25,000 plus costs. Court ought not to stay unless under terms.

As date for appeal is September 17 — (Vacation is September 20th).

Court ought not to grant any stay.

McNeill: Rightness of Loseby's claim is matter which might well be referred to register. As to paying into Court. We cannot do any such thing — that would be taking a step in action. If the 3 parties could agree to some step I would for C.G. be willing — provided it was not decided it was step in action. 20 Merely because he claims \$25,000 it does not mean he is entitled to it.

As to D'Almada's argument — he has ignored this point — if no stay appeal nugatory — he said "if Judge is wrong — then evidence can be struck out". What we say is this "We claim diplomatic immunity — if overruled we lose this claim"

This is not trial of the action — this is only point of the impleading — When that point is settled — can action go to trial. If Court rules Indonesian Government not impleaded action will go to trial.

Action cannot be tried until middle of next year. *Palmer's* case — Court said "No special circumstances".

Out of courtesy to Indonesian Government.

30

Decision — In view of fact that it has taken steps to address H.M.'s Government, we grant a stay of 3 days inclusive of to-day on order of Reece J. as to XXn. of the Consul General and Major Pamoeh Rahardjo.

In effect these persons will not be liable to XXn. before Thursday, 4th September.

Costs to be costs in the cause.

(Sd.) E. H. WILLIAMS,
Senior Puisne Judge.
1st September, 1952.

**ORDER BY THE FULL COURT GRANTING STAY FOR THREE DAYS
OF THE ORDERS OF MR. JUSTICE REECE**

(1st September, 1952)

Upon the Application of the Appellants and Upon Hearing Counsel for the Appellants and Counsel for the Respondents and upon reading the Affirmations of Kwee Djie Hoo dated the 29th day of August, 1952, and the Affirmation of Major Pamoe Rahardjo dated the 29th day of August, 1952, IT IS ORDERED that the following Orders be stayed for three days (inclusive of this day) :—

- 10
1. The Order of His Honour Mr. Justice Reece dated the 25th day of August 1952 allowing an application to cross-examine Mr. Kwee Djie Hoo and Major Pamoe Rahardjo.
 2. The Order of His Honour Mr. Justice Reece dated the 27th day of August 1952 refusing an application by the said Kwee Djie Hoo and Major Pamoe Rahardjo claiming diplomatic immunity and ordering the said persons to attend the Court for cross-examination.

And that the cost of this Application be costs in the cause.

(L.S.)

(Sd.) R. WINTER,
Registrar.

*In the
Supreme
Court of
Hong Kong
Appellate
Jurisdiction*

No. 8
Order by the
Full Court
granting Stay
for three days
of the Orders
of Mr. Justice
Reece.
1st September,
1952.

NOTES OF PROCEEDINGS IN OPEN COURT

(16th September, 1952).

(In Court)

Appearances as before.

On application of Appellants and by consent of both Respondents both appeals — fixed for hearing on 17th September 1952 — adjourned Sine Die.

(Sd.) G. L. HOWE,
President.
(Chief Justice)
16th Sept. 1952.

(Sd.) E. H. WILLIAMS,
Appeal Judge.
16th Sept. 1952.

No. 9
Notes of
proceedings
in Open Court.
16th September
1952.

No. 10

**EX PARTE NOTICE OF MOTION BY JUAN YSMAEL & COMPANY
INCORPORATED (RESPONDENTS) FOR LEAVE TO FILE
NOTICE OF MOTION FOR SECURITY FOR COSTS**

(23rd October, 1952)

(See Document No. 83 in Record of Appeal No. 15 of 1952)

*N.B. This Notice of Motion is identical in each Appeal. To avoid
prolixity, it is included by way of reference to Record in Appeal
No. 15 of 1952.*

In the
Supreme
Court of
Hong Kong
Appellate
Jurisdiction

No. 10
Ex-Parte
Notice of
Motion by
Juan Ysmael
& Co., Inc.,
(Respondents)
for leave to
file Notice of
Motion for
security for
Costs.
23rd October,
1952.

No. 11

AFFIDAVIT OF KHALIL KHODR

(23rd October, 1952)

(See Document No. 84 in Record of Appeal No. 15 of 1952)

*N.B. This Affidavit is identical in each Appeal. To avoid prolixity, it is
included by way of reference to Record in Appeal No. 15 of 1952.*

10

No. 11
Khalil Khodr's
Affidavit.
23rd October,
1952.

No. 12

FURTHER AFFIDAVIT OF KHALIL KHODR

(24th October, 1952)

(See Document No. 85 in Record of Appeal No. 15 of 1952)

*N.B. This Affidavit is identical in each Appeal. To avoid prolixity, it is
included by way of reference to Record in Appeal No. 15 of 1952.*

20

No. 12
Khalil Khodr's
Affidavit.
24th October,
1952.

No. 13

NOTES OF PROCEEDINGS IN OPEN COURT

(24th October, 1952)

(In Court)

By Consent—Hearing fixed for 31st October, 1952 at 10 a.m.

(Sd.) W. C. LOW,
Clerk of Court.
24.10.1952.

No. 13
Notes of
proceedings in
Open Court.
24th October,
1952.

No. 14

**ORDER FOR LEAVE TO FILE NOTICE OF MOTION
FOR SECURITY FOR COSTS**

(24th October, 1952)

(See Document No. 86 in Record of Appeal No. 15 of 1952)

N.B. This Order is identical in each Appeal. To avoid prolixity, it is included by way of reference to Record in Appeal No. 15 of 1952.

In the
Supreme
Court of
Hong Kong
Appellate
Jurisdiction

No. 14
Order for
leave to file
Notice of
Motion for
security for
costs.
24th October,
1952.

No. 15

**NOTICE OF MOTION BY JUAN YSMAEL & COMPANY INCORPORATED
(RESPONDENTS) FOR SECURITY FOR COSTS**

10

(27th October, 1952)

(See Document No. 88 in Record of Appeal No. 15 of 1952).

N.B. This Notice of Motion is identical in each Appeal. To avoid prolixity, it is included by way of reference to Record in Appeal No. 15 of 1952.

No. 15
Notice of
Motion by
Juan Ysmael
& Co. Inc.
(Respondents)
for security
for Costs.
27th October,
1952.

No. 16

**NOTES OF THE CHIEF JUSTICE AND SENIOR PUISNE JUDGE
ON HEARING OF MOTIONS FOR SECURITY FOR
COSTS AND FOR STAY**

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(31st October, 1952)
(3rd November, 1952)

(See Documents Nos. 96, 96A, 98 & 98A in Record of Appeal No. 15 of 1952)

N.B. These Notes of Proceedings are identical in each Appeal. To avoid prolixity, they are included by way of reference to Record in Appeal No. 15 of 1952.

No. 16
Notes of the
Chief Justice
and Senior
Puisne Judge
on hearing of
Motions for
Security for
Costs and for
Stay.
31st October &
3rd November,
1952.

In the
Supreme
Court of
Hong Kong
Appellate
Jurisdiction

No. 17

DECISION OF FULL COURT

(3rd November, 1952)

No. 17
Decision of
Full Court.
3rd November,
1952.

(See Document No. 99 in Record of Appeal No. 15 of 1952).

N.B. This Decision is identical in each Appeal. To avoid prolixity, it is included by way of reference to Record in Appeal No. 15 of 1952.

No. 18

Letter—
Wilkinson &
Grist to
Registrar
depositing
\$20,000.00
security as
ordered.
7th November,
1952.

No. 18

LETTER—WILKINSON & GRIST TO REGISTRAR DEPOSITING
\$20,000.00 SECURITY AS ORDERED

(7th November, 1952)

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(See Document No. 100 in Record of Appeal No. 15 of 1952)

N.B. To avoid prolixity, this letter is included by way of reference to Record in Appeal No. 15 of 1952.

No. 19

Notes of
proceedings in
Open Court.
13th December,
1952.

No. 19

NOTES OF PROCEEDINGS IN OPEN COURT

(13th December, 1952)

(In Court) Coram: Howe C. J. & Williams J.

ORDER:—Appeals Nos 11 and 12 of 1952 Consolidated and adjourned sine die, with liberty to apply. No order as to costs.

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(Sd.) W. C. LOW,
Clerk of Court.
13.12.1952.

IN THE SUPREME COURT OF HONG KONG
APPELLATE JURISDICTION
APPEAL NO. 12 OF 1952
(On Appeal from Admiralty Jurisdiction Action No. 8 of 1952)

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF INDONESIA - - *Appellants*
(Defendants)

AND

JUAN YSMAEL & COMPANY INCORPORATED - - - *Respondents*
(Plaintiffs)

RECORD OF PROCEEDINGS
