

PC
GMB 672.

31, 1954

**IN THE SUPREME COURT OF HONG KONG
APPELLATE JURISDICTION
APPEAL NO. 11 OF 1952
(On Appeal from Admiralty Jurisdiction Action No. 6 of 1952)**

BETWEEN

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

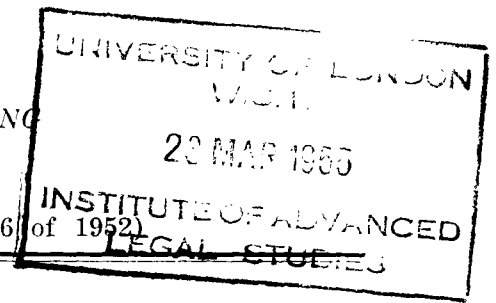
AND

ANTHONY LOH TRADING AS A. W. KING (Plaintiff) - - - - - *Respondent*

RECORD OF PROCEEDINGS

IN THE SUPREME COURT OF HONG KONG
 APPELLATE JURISDICTION
 APPEAL NO. 11 OF 1952

(On Appeal from Admiralty Jurisdiction Action No. 6 of 1952)



BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF INDONESIA

(Defendants)

38031

Appellants

AND

ANTHONY LOH TRADING AS A. W. KING (Plaintiff)

- Respondent

RECORD OF PROCEEDINGS

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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 (See Document No. 2 in Record of Appeal No. 12 of 1952).	29th August, 1952	1
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21	Decision of Full Court (See Document No. 99 in Record of Appeal No. 15 of 1952).	3rd November, 1952	6
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IN THE SUPREME COURT OF HONG KONG
APPELLATE JURISDICTION
APPEAL NO. 11 OF 1952

(On Appeal from Admiralty Jurisdiction Action No. 6 of 1952)

BETWEEN

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

AND

ANTHONY LOH TRADING AS A. W. KING - - - - *Respondent*
(Plaintiff)

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)

(See Document No. 1 in Record of Appeal No. 12 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. 12 of 1952.*

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*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.*

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)

(See Document No. 2 in Record of Appeal No. 12 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. 12 of 1952.*

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*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.*

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)

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

(See Document No. 3 in Record of Appeal No. 12 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. 12 of 1952.*

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

No. 4

AFFIRMATION OF KWEE DJIE HOO

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(29th August, 1952)

(See Document No. 5 in Record of Appeal No. 12 of 1952)

*N.B. This Affirmation is identical in each Appeal. To avoid prolixity,
it is included by way of reference to Record in Appeal No. 12 of
1952.*

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

No. 5

FURTHER AFFIRMATION OF KWEE DJIE HOO

(29th August, 1952)

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

20

1. I refer to my Affirmation filed in the Appeal from Admiralty Jurisdiction
Action No. 8 of 1952 in this matter.

(See Doc. No. 4
in Record of
Appeal No. 12
of 1952)

Affirmed etc.

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

No. 6

AFFIRMATION OF PAMOE RAHARDJO

(29th August, 1952)

(See Document No. 6 in Record of Appeal No. 12 of 1952)

*N.B. This Affirmation is identical in each Appeal. To avoid prolixity,
it is included by way of reference to Record in Appeal No. 12 of
1952.*

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No. 7

NOTES OF THE CHIEF JUSTICE AND SENIOR PUISNE JUDGE ON HEARING IN OPEN COURT OF MOTION FOR STAY

(1st September, 1952).

(See Documents Nos. 7 & 7A in Record of Appeal No. 12 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. 12 of 1952.

In the
Supreme
Court of
Hong Kong
Appellate
Jurisdiction

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

No. 8

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

(1st September, 1952)

(See Document No. 8 in Record of Appeal No. 12 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. 12 of 1952.

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

No. 9

NOTES OF PROCEEDINGS IN OPEN COURT

(16th September, 1952)

(See Document No. 9 in Record of Appeal No. 12 of 1952)

20 *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. 12 of 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)

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

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.

In the
Supreme
Court of
Hong Kong
Appellate
Jurisdiction

No. 11

AFFIDAVIT OF KHALIL KHODR

(23rd October, 1952)

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

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

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

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

No. 12

FURTHER AFFIDAVIT OF KHALIL KHODR

(24th October, 1952)

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

10

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.

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

No. 13

NOTES OF PROCEEDINGS IN OPEN COURT

(24th October, 1952)

(See Document No. 13 in Record of Appeal No. 12 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. 12 of 1952.

No. 14
Order for
Leave to file
Notice of
Motion for
Security for
Costs.
24th October,
1952.

No. 14

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

(24th October, 1952)

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

N.B. This Order is similar 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 & COMPANY INCORPORATED
(RESPONDENTS) FOR SECURITY FOR COSTS**

(27th October, 1952)

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

N.B. This Notice of Motion is similar 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. 15
Notice of
Motion by
Juan Ysmael
& Co. Inc.,
(Respondents)
for Security
for Costs.
27th October,
1952.

No. 16

10 EX PARTE NOTICE OF MOTION BY ANTHONY LOH TRADING AS A. W. KING (RESPONDENT) FOR LEAVE TO FILE NOTICE OF MOTION FOR SECURITY FOR COSTS

(27th October, 1952)

(See Document No. 73 in Record of Appeal No. 14 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. 14 of 1952.

No. 16
Ex Parte
Notice of
Motion by
Anthony Loh
trading as
A. W. King
(Respondent)
for leave to
file Notice of
Motion for
Security for
Costs.
27th October,
1952.

No. 17

AFFIDAVIT OF ANTHONY LOH

(25th October, 1952)

(See Document No. 74 in Record of Appeal No. 14 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. 14 of 1952.

No. 17
Anthony Loh's
Affidavit.
25th October,
1952.

No. 18

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

(28th October, 1952)

(See Document No. 75 in Record of Appeal No. 14 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. 14 of 1952.

No. 18
Order for
leave to file
Notice of
Motion for
Security for
Costs.
28th October,
1952.

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In the
Supreme
Court of
Hong Kong
Appellate
Jurisdiction

No. 19
**NOTICE OF MOTION BY ANTHONY LOH TRADING AS A. W. KING
(RESPONDENT) FOR SECURITY FOR COSTS**

(28th October, 1952)

(See Document No. 76 in Record of Appeal No. 14 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. 14 of 1952.*

No. 19
Notice of
Motion by
Anthony Loh
trading as
A. W. King
(Respondent)
for Security
for Costs.
28th October,
1952.

No. 20

**NOTES OF THE CHIEF JUSTICE AND SENIOR PUISNE JUDGE ON 10
HEARING OF MOTIONS FOR SECURITY FOR COSTS AND FOR STAY
(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. 20
Notes of the
Chief Justice
& Senior
Puisne Judge
on hearing of
Motions for
Security for
Costs and for
Stay.
31st October
1952 & 3rd
November,
1952.

No. 21

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. 21
Decision of
Full Court.
3rd November,
1952.

No. 22

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

(7th November, 1952)

(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. 22
Letter—
Wilkinson &
Grist to
Registrar
depositing
\$20,000.00
security as
ordered.
7th November,
1952.

No. 23

NOTES OF PROCEEDINGS IN OPEN COURT

(13th December, 1952)

(See Document No. 19 in Record of Appeal No. 12 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. 12 of 1952.*

No. 23
Notes of
Proceedings in
Open Court.
13th December,
1952.

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IN THE SUPREME COURT OF HONG KONG
APPELLATE JURISDICTION
APPEAL NO. 11 OF 1952
(On Appeal from Admiralty Jurisdiction Action No. 6 of 1952)

BETWEEN

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

AND

ANTHONY LOH TRADING AS A. W. KING (Plaintiff) - - - - - *Respondent*

RECORD OF PROCEEDINGS
