

it is proved that this amount for provisions is a purely personal debt in no way connected with the company, it ought not to be set off against the Tls.25,000 ; but at the same time from what I can see, and in looking at the contents of the agreement and the way in which the business was carried on, the Tls.25,000 was meant to cover Tsau's debt. Still, at the same time, I do not think I have anything before me which would make me say definitely whether it ought to be paid. I have given my direction, and I think that the outstanding points may be so reduced that I can come to a conclusion very shortly.

Mr. Symonds, on behalf of his client, said he would be pleased to refer the matters of account to his Lordship.

His Lordship—You will have to get the accounts in order first. In my judgment, I really say what is wanted is that Mr. Bennertz should show how the Tls.25,000 has been spent, and if he has gone beyond that to pay the debts of the firm, he will have to show that the Tls.5,200 has been expended on the remaining debts of the partnership.

Mr. Jones asked his Lordship if he would deal with the question of costs at this time.

His Lordship—I will deal with that when I deal with the accounts. If I find the money substantially misapplied by Mr. Bennertz, he will have to pay costs ; but on the other hand, if the inquiry was uselessly raised, it will be the other way.

His Lordship then rose.

SHANGHAI, *December 3, 1906*

Before Mr. F. S. A. BOURNE, Assistant Judge

DIEDERICHSEN JEBSEN & CO. *v.* THE CHINESE ENGINEERING
AND MINING CO., LTD.

Mr. J. H. Teesdale appeared for the plaintiffs and Mr. A. S. P. White-Cooper for the defendants. Mr. Loftus E. Jones watched the case on behalf of the Holland China Trading Company, interested parties.

Mr. Teesdale said that his Lordship was not sitting when counsel made his application, last Saturday week, for an injunction restraining the defendant company from parting with the possession of certain cargo stored at their wharf and of the shipping documents relating to it. The injunction was granted, and counsel now merely made application for pleadings. The case would probably be rather complicated, and several legal points were likely to be involved. It was possible that evidence would have to be given on questions of law—not necessarily British