

17 Nov. 1933

4/1934

F I T C H v P O R T R O M I L L Y S A W M I L L S L T D

(Papua)

J U D G M E N T

R I C H J.

S T A R K E J.

D I X O N J.

E V A T T J.

M c T I E R N A N J.

This is an appeal from the Central Court of Papua, which under cl. 9 of the Appeal Ordinance of 1909 has been considered without oral hearing or argument. We think that it is undesirable in the circumstances in this case to state reasons for our conclusion. Our opinion upon the question submitted in the case upon appeal is that the learned Judge was wrong in not allowing the amount of £1,279-1-1 which he awarded to him in the judgment for services rendered by him to the Company, ^{to be set off} against the amount of £1,059-13-7 admitted by the appellant as being due from him to the respondent.

Accordingly the appeal is allowed with costs and the

question in the case on appeal answered as stated.

The cause is remitted to the Central Court of Papua.
