

Thursday, September 11, 1873

**COUNCIL OF THE GOVERNOR GENERAL
OF INDIA**

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P. L.

*Abstract of the Proceedings of the Council of the Governor General of India,
assembled for the purpose of making Laws and Regulations under the
provisions of the Act of Parliament 21 & 25 Vic., Cap. 67.*

The Council met at Simla on Thursday, the 11th September 1873.

P R E S E N T :

His Excellency the Viceroy and the Governor General of India, G. M. S. I.,
presiding.

His Excellency the Commander-in-Chief, G. C. B., G. C. S. I.

The Hon'ble Sir Richard Temple, K. C. S. I.

The Hon'ble B. H. Ellis.

Major-General the Hon'ble Sir H. W. Norman, K. C. B.

The Hon'ble A. Hobhouse, Q. C.

The Hon'ble E. C. Bayley, C. S. I.

The Hon'ble R. E. Egerton.

His Highness Sarámade Rájáháe Hindústán Ráj Rájendra Sri Mahárájá-
dhiráj Sivái Rám Singh Bahádúr, of Jaypúr, G. C. S. I.

INSANE OFFICERS' EFFECTS BILL.

Major-General the Hon'ble SIR H. W. NORMAN moved that the Report of the Select Committee on the Bill to provide for the security and application of the effects of Officers and Soldiers becoming insane on service, but not removed, put on half-pay, or discharged, be taken into consideration.

The Motion was put and agreed to.

Major-General the Hon'ble SIR H. W. NORMAN then moved that the Bill as amended be passed.

The Motion was put and agreed to.

PRIVY COUNCIL APPEALS' BILL.

The Hon'ble MR. HOBHOUSE presented the further Report of the Select Committee on the Bill to consolidate and amend the law relating to the

admission of appeals to Her Majesty in Council from judgments and orders of the Civil Courts. He said that all he had to remark on the subject now was this: The Committee had made or rather proposed to make three alterations in the Bill. They had considered carefully all the suggestions of the Judicial Committee of the Privy Council, and had found that we were not in a position in this country to accelerate the execution of appeals. The alterations they proposed to make in the Bill were these: In the first place, they proposed to make it a condition precedent to an appeal as of right, that the appeal should involve some substantial question of law. Of course that would be a point on which the High Court here would be the judges, and they hoped that the alteration would have some substantial effect.

Secondly, they adopted the suggestion made to them by the High Court of Calcutta respecting the stay of execution, and as the draft Bill now stood the stay of execution pending an appeal would be the exception and not the rule. They had provided that on any special cause appearing to the Court in the proper way, the Court might take certain other courses. But all those courses would be special and exceptional, in general the decree would take effect as if there were no appeal. That also, they believed, was the opinion of the High Court, and that such a change of practice would have the effect of stopping a good many appeals which were presented merely for the purpose of delaying the execution of decrees.

The third alteration was this: They found that there was no time limited within which a decree of the Privy Council must be executed. All other decrees were subject to the Statute of Limitation, and it was only reasonable that a decree of this nature should also be subject to the same law. The object of an appeal was not to gain more time within which rights might be enforced, but to get the law and the facts of the case set right; and Mr. HOBHOUSE conceived that there would be no objection to bringing the decrees made by Her Majesty's Privy Council within the same rule as the decrees made by the High Court.

The Judicial Committee had requested that, if the Bill was altered on any point on which they had made suggestions, they might see a draft of it; and as the Select Committee had altered it in one point to which the Judicial Committee had referred, the Select Committee proposed that a draft of the Bill should now be returned to England for submission to the Judicial Committee. Meanwhile the Bill would be republished in the *Gazette*.

N. W. PROVINCES REVENUE AND RENT BILLS.

The Hon'ble Mr. HOBHOUSE then moved that His Highness the Maharájá of Jaypúr be added to the Select Committee on the North-Western Provinces Revenue and Rent Bills.

The Motion was put and agreed to.

The Council then adjourned to Thursday, the 18th September 1873.

SIMLA,
The 11th September 1873. }

WHITLEY STOKES,
*Secretary to the Government of India,
Legislative Department.*