

*Judgment of the Lords of the Judicial Committee
of the Privy Council on a Petition for a re-hear-
ing of the Appeal "The Singapore," from the
High Court of Admiralty of England; delivered
on the 8th December, 1866.*

Present:

SIR WILLIAM ERLE.

SIR JAMES W. COLVILLE.

SIR EDWARD VAUGHAN WILLIAMS.

LORD JUSTICE CAIRNS.

SIR RICHARD T. KINDERSLEY.

IN the case of the owners of the ship 'Singapore' against the owners of the 'Hebe,' this Petition is for a re-hearing of the Appeal.

An Appeal was brought to this Court from the High Court of Admiralty, and when that Appeal came before the Judicial Committee, counsel were fully heard upon it, and after such full hearing the Judicial Committee pronounced a deliberate judgment, stating the reasons for their decision, and the grounds upon which their report to Her Majesty would be founded.

We are now asked to order a re-hearing, their Lordships' report not having as yet received the approval of Her Majesty in Council; and the first question is, whether it is within the competency of this Court to make such an order?

We do not affirm that there is no competency in this Court to grant a re-hearing in any case. We find from the case of *Rajundernarain Rae v. Bijai Govinel Sing*, reported in 1 Moore's P. C. Cases, 117, that there may be a re-hearing for the purpose of making an alteration in *the form* of an order. It was done so there, after the Court had actually decided on its Report, and that Report had been confirmed by the King in Council. In Lord Brougham's judgment in that case, a number of instances is collected, two in this Court, and others in the Supreme Court of the House of Lords, showing that there may be a re-hearing either for the purpose above

mentioned, or where the intention of the Court appears in the reasons given for their judgment, and that intention would be defeated unless an alteration were made.*

There may be a mistake in the entry of the judgment, or the expressed intention of the Court may be defeated by defect of form in various ways, and where the Court sees clearly that, unless a re-hearing were granted, its intention declared in the report would be defeated, it is within the competency of the Court to grant it. This, however, is a Supreme Court of final appeal, and it is inconsistent with the purposes for which such a tribunal was instituted, that in any case, at the option of the parties who are dissatisfied with the conclusion which the Court has arrived at, they should be at liberty to apply for a reconsideration of the judgment upon the point decided thereby. Although it is within the competency of the Court to grant a re-hearing, according to the authorities cited above, still it must be a very strong case indeed, and coming within the class of cases there collected, that would induce this Court so to interfere.

With respect to the Petition now before us, it appears to their Lordships that the grounds relied on for the Petitioner do not bring it within any principle on which such an application can be supported, and therefore the prayer of this Petition is refused.

For the satisfaction of the parties we heard the grounds upon which the learned counsel for the Appellants desired to have the matter reconsidered; and although it is by no means essential to the decision we have come to, their Lordships give me authority to add that they have considered the arguments so addressed to them, and having compared the statements in the plea of the owners of the 'Hebe' with the reasons given in the judgment of the Judicial Committee, they see no reason whatever to be dissatisfied with the grounds of that judgment as stated in the report which has been already decided upon.

The Petition is dismissed with costs.

* See also *The Montreal Assurance Company v. M'Gillivray*, from Canada, in 18 Moore's Privy Council Cases, p. 129, when an Order was made modifying a former Order, for the purpose of carrying into execution the intention of the Judicial Committee.



