

Colonial Courts of Admiralty (India) Act, 1891

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Act 16 of 1891

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1488.

Object and Reason.- The main object of this Bill is to declare certain Courts in India having unlimited civil jurisdiction to be Colonial Courts of Admiralty in pursuance of the Colonial Courts of Admiralty Act, 1890 (53 and 54 Vict., c. 27)². The Bill, like the English Act, is not intended to take-away any jurisdiction of any High Court of jurisdiction in India. On the contrary, the Bill with so far as the Admiralty and Vice-Admiralty jurisdictions of those Courts are affected, extend and improve them.

3. Besides the High Courts of Judicature at Calcutta, madras and Bombay, it is proposed that there shall be three other Colonial Courts of Admiralty, namely :

(a) the Court of Recorder of Rangoon;(b) the Court of Resident at Aden; and(c) the District Court of Karachi⁴. Under the English Act of 1890, a first appeal from the Court of the Recorder of Rangoon will lie to the Calcutta High Court; from the Court of the Resident at Aden direct to Her Majesty the Queen in Council; and from the District Court of Karachi to the Sadr Court in Sind. There is an ultimate appeal in all cases to Her Majesty the Queen in Council.⁵ The Governor-General in Council has accepted the opinion of the Governor of Bombay in Council, and the unanimous opinion of the Hon'ble the Chief Justice and the Judges of the Calcutta High Court, that the jurisdiction of Colonial Courts of Admiralty in India should not be limited territorially or otherwise.[14th May, 1891]An Act to declare certain courts in India to be Colonial Courts of Admiralty.WHEREAS it is provided by the Colonial Courts of Admiralty Act, 1890, that the legislature of a British possession may by any colonial law declare any Court of unlimited civil jurisdiction in that possession to be a Colonial Court of Admiralty ;And whereas it is expedient, in pursuance of that provision, to declare certain Courts in [India] [Adapted by A.C.A.O., 1948] to be colonial Courts of Admiralty ;It is hereby

enacted as follows:-

1. Title and commencement:-

(1) This Act may be called the Colonial Courts of Admiralty (India) Act, 1891 ; and (2) It shall come into effect-(a) If Her Majesty's pleasure thereon has been signified, by notification in the [Official Gazette] [Adapted by A.C.A.O., 1948], on or before the first day of July, 1891, then on that day, or (b) If Her Majesty's pleasure thereon has not been so signified on or before that day, then on the day on which Her Majesty's pleasure shall be signified by such a notification as aforesaid.

2. Appointment of Colonial Court Admiralty:-

The following Courts of unlimited civil jurisdiction are hereby declared to be Colonial Courts of Admiralty, namely :-(1) the High Court of Judicature at Fort William in Bengal, (2) the High Court of Judicature at Madras [and] [Inserted by the A.O. 1948.] (3) the High Court of Judicature at Bombay, [* * *] [The word "and" was rep. by the A.O. 1948.] [* * * * *] [The words and figures "(4) the High Court of judicature at Rangoon, (5) the Court of the Resident at Aden, and" were rep. by the A.O. 1937 and "(6) the District Court of Karachi" rep. by the A.O. 1948.]

3. Construction of Indian Acts referring to Admiralty and Vice-Admiralty Courts:-

The expressions "Court having Admiralty jurisdiction" and "Admiralty Court" and the expression "Admiralty or Vice-Admiralty cause" and other expressions referring to Admiralty or Vice-Admiralty Courts or causes, shall, wherever any such expression occurs in any [Indian law] [Substituted by the A.O. 1937, for "enactment of the G.G. in C. or of a G. in C. or Lieutenant-Governor in Council"], be deemed to include a Colonial Court of Admiralty and a Colonial Court of Admiralty cause, and to refer to a Colonial Court of Admiralty or a Colonial Court of Admiralty cause, respectively.

4. Court-fees in suits in the Colonial Court of Admiralty at Karachi.-

[Rep. by the A.C.A.O. 1948.]

5. Repeal.-

Rep. by the Repealing and Amending Act, 1914 (10 of 1914). THE SCHEDULE [ENACTMENTS REPEALED.] [Rep. by the Repealing and amending Act, 1914 (10 of 1914).]