

HIGH COURTS ACT, 1865

18 of 1865

[7th April, 1865]

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An Act to extend the Term for granting fresh Letters Patent for the High Courts in India, and to make further Provision respecting the Territorial Jurisdiction of the said Courts. Preamble reciting 24 and 25 Vict. c. 104; and enacting words: Rep. 56 and 57 Vict, c. 14 (S. L. R.).

1. 1 :-

Rep. 56 and 57 Vict, c. 14 (S. L. R.).]

2. 2 :-

Rep. 41 and 42 Vict" c. 79 (S. L. R.).]

3. Power to Governor General in Council to alter local limits of jurisdiction of high courts, and to authorise the exercise of jurisdiction beyond the limits of the Presidency, etc., and in respect of Christian subjects within the dominions of States of India in alliance with Her Majesty :-

It shall be lawful for the Governor General of India in Council, by order, from time to time to transfer any territory or place from the

jurisdiction of one to the jurisdiction of any other of the high courts established or to be established under the said Act, and to authorise and empower any high court to exercise all or any portion of the jurisdiction and powers conferred or to be conferred on it by Her Majesty's letters patent establishing the same, or any other letters patent issued by Her Majesty under the provisions of the High Courts Act, 1861, within any such portions of Her Majesty's dominions in India, not included within the limits of the Presidency or place or places for which such high court was established as the said Governor General in Council may from time to time determine, and also to exercise any such jurisdiction in respect of Christian, subjects of Her Majesty resident within the dominions of the Princes and States of India in alliance with Her Majesty as the said Governor General in Council may, in manner aforesaid, from time to time determine, anything in the High Courts Act, 1861, notwithstanding.

4. Disallowance of orders of Governor General :-

Whenever any such Order has been passed by the Governor General in Council, he shall transmit to the Secretary of State for India an authentic copy thereof; and it shall be lawful for Her Majesty to signify, through the Secretary of State for India in Council, her disallowance of such Order; and such disallowance shall make void and annul such Order from and after the day on which the Governor General shall make known by proclamation, or by signification to his Council, that he has received the notification of such disallowance by Her Majesty: Provided always, that all acts, proceedings, and judgments done, taken, or given by such high courts and not set aside by any competent authority, before the promulgation or signification as aforesaid of such disallowance by Her Majesty, shall be deemed to be and to have been valid and effectual for all purposes whatever, such disallowance notwithstanding.

5. 5 :-

Rep. 41 and 42 Vict., c. 79 (S.L.R.).

6. Saving for certain powers of Governor General in Council

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Nothing in this Act contained shall interfere with the powers of the Governor General in Council at meetings for the purpose of making laws and regulations.