

**COLONIAL COURTS OF ADMIRALTY (INDIA) ACT. 1891**

**16 of 1891**

**[14th May, 1891]**

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**SCHEDULE 1 :- ENACTMENTS REPEALED**

**COLONIAL COURTS OF ADMIRALTY (INDIA) ACT. 1891**

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" 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 Judicature 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 the Recorder of Rangoon; (b) the Court of the Resident at Aden: and (c) the District Court of Karachi. 4. 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" - Gazette of India, 1891, Part V, Page 140.

### **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 <sup>1</sup>in the <sup>2</sup> [Official Gazette]. 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 date on which Her Majesty's pleasure shall be signified by such a notification as aforesaid.

1. For notification publishing Her Britannic Majesty's Assent to this Act, see Gazette of India, 1891, Pt.I,p.371.

2. Adapted by A.L.O., 1937.

### **2. Appointment of Colonial Courts of 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,<sup>1</sup>[and]

(3) the High Court of Judicature at Bombay, <sup>2</sup>[\*]<sup>3</sup> [\* \* \* \*]

1. Inserted by A.C.A.O., 1948.

2. The word "and" was repeated by A.C.A.O.. 1948.

3. The words and figures "(4) the High Court of Judicature at Rangoon, (5) the Court of the Resident at Aden and" were repealed by A.O., 1937 and "(6) the District Court of Karachi" repealed by A.C.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 <sup>1</sup> [Indian law], 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.

1. Substituted by A.O., 1937 for "enactment of the Governor-General-in-Council or of a Governor-in-Council or Lieutenant-Governor-in-Council]"

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

Repealed by A.C.A.O.. 1948.]

**5. Repeal :-**

Repealed by Repealing and Amending Act, 1914.]

SCHEDULE 1

ENACTMENTS REPEALED

[.]. [Repealed by Repealing and Amending Act, 1914.]
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