

# REGULATION.

(Annulled by Charter of 18th February 1833.)

Regulations No. 4 of 1819

WHEREAS in and by His Majesty's Charter, establishing the Supreme Court of Judicature in the Island of Ceylon (to wit) in the Thirty eighth Section thereof the following Power (among others) is given to the said Supreme Court (that is to say) "And, if the cause of action contained in any such Libel or Petition shall be Personal, and of more amount in value than One Hundred Six Dollars of Current money of Ceylon, and the Plaintiff by Affidavit, or being a Quaker, by Affirmation in writing to be filed of Record, shall satisfy the said Supreme Court of Judicature, that the Defendant is justly and truly indebted to him, in a greater sum than one Hundred Six Dollars, or shall by like Affidavit or affirmation, to be filed as aforesaid, verify to the satisfaction of the said Supreme Court, a case of such enormous Personal wrong done to the said Plaintiff, or that the said Defendant is so vehemently suspected of intending to flee and withdraw himself from the Jurisdiction of the said Supreme Court, as in the Judgment of the said Court, to render such Security necessary for the purposes of Justice, the said Supreme Court of Judicature, in the Island of Ceylon, shall, and is hereby authorized and empowered to award and issue, in lieu of the Citation aforesaid, a mandate of arrest to be prepared in manner abovementioned and directed to the said Fiscal, Commanding him to arrest and seize the body of such Defendant, and to have his said body at a time and place in the said mandate, to be specified, before the said Court, to answer the said Libel or Petition and to give sufficient Bail, to be approved of by the said Supreme Court, that he will stand to and perform the Sentence of the said Supreme Court upon the premises, and Pay all such sum or sums of money as shall hereby be decreed; and the said Supreme Court of Judicature may, in and by the said mandate, authorize the said Fiscal, to deliver the Body of such Defendant so arrested to sufficient Bail, upon their sufficient stipulation and security given, that such Defendant shall appear at the time and place mentioned in such mandate, and in all things perform and fulfil the Exigence thereof; and upon the appearance of such Defendant in and before the said Supreme Court of Judicature, we do hereby authorize and empower the said Supreme Court to commit him to Prison, to the custody of the said Fiscal, unless, or until he shall give security to the satisfaction of the said Supreme Court, to perform the sentence thereof, and Pay all such sum or sums as shall be decreed thereby; which Security we hereby empower the said Court to take and thereupon, to deliver the Body of the said Defendant upon Bail" And Whereas there is no provision in the said Charter authorizing the Judge or Judges of the said Supreme Court to issue such mandate of arrest in lieu of the said ordinary process, while the said Supreme Court is absent from Colombo, during the Circuits in the said Charter directed to be made or taken by the said Supreme Court annually, and whereas during such periods while the said Supreme Court is absent from Colombo, cases may and do frequently arise, in which the Substitution of a mandate of arrest in lieu of the ordinary Process by Citation is absolutely necessary for the attainment of ultimate and substantial justice, and, above all particularly so, where the Defendant may be justly suspected of an intention to flee and withdraw himself from the Jurisdiction of the said Supreme Court.

In order therefore to prevent such failure of Justice, and by virtue of the Powers vested in us by His Majesty, We do hereby enact that in the absence of the said Supreme Court from Colombo, during the Circuit which is now about to be made, it shall and may be lawful for the Sitting Magistrate of Colombo for the time being, in the cases mentioned in the said to part recited Thirty eighth Section of the said Charter (and he is hereby ordered and directed so to do) upon application, made to him for that purpose, by or on behalf of any Suitor or Sutors in the said Supreme Court to issue Process of arrest against any Defendant or Defendants, in any Suit commenced or to be commenced in the said Supreme Court, wherever the Plaintiff or Plaintiffs therein shall by Affidavit or otherwise to the satisfaction of the said Sitting Magistrate, furnish proof to show that such Defendant or Defendants

for intending to flee and withdraw themselves from the Jurisdiction of the said Supreme Court, as in the Judgment of the said Sitting Magistrate to render such arrest, and the Security consequent thereupon, under the provision of the said Charter, in the said Thirty eighth Section thereof prescribed, necessary for the purposes of Justice. The Sitting Magistrate shall in all such cases report his proceedings to the Supreme Court within Twenty-four hours after the said process of arrest shall have issued.

REGULATION No. 4 of 1819.

Colombo 28th March 1812.

By Order of the Council

JAMES GAY,

Sec. to the Council.

Published by His Excellency's Command,

JOHN RODNEY,

Chief Sec. to Govt.