

# CHARTER.

6TH AUGUST 1810.

(Repealed by Charter of 18th February 1833.)

Charter 6th August 1810.

Preamble.

Recital of the Charter dated  
18th April 1801.

**G**EORGE the Third, by the Grace of God, of the United Kingdom of *Great Britain and Ireland* King, Defender of the Faith; to all to whom these Presents shall come, Greeting.

Whereas, by Our Charter and Letters Patent, under Our Great Seal of Our United Kingdom of *Great Britain and Ireland*, bearing Date at *Westminster*, the Eighteenth Day of *April*, in the Forty first Year of Our Reign and in the Year of Our Lord One thousand eight hundred and one, reciting Our Commission and Instructions relating to Our Settlements, Territories, and Dependencies in the Island of *Ceylon*, We did establish a Supreme Court of Judicature in the said Island, and make Provision for the due Administration of Justice in Our Settlements in the said Island, with the Territories and Dependencies thereof, subject to such Alterations and Provisions as we might thereafter think fit to make, or as circumstances required: And whereas it is expedient to make certain Alterations and further Provisions for the more speedy and due Administration of Justice in Our Settlements in the said Island, and the Territories and Dependencies thereof: Now know ye, that We, upon full Consideration of the Premises, and of

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Our especial Grace, certain Knowledge and mere Motion, have thought fit to grant, direct, ordain, and appoint, that the Supreme Court of Judicature of the said Island shall be a Court of Civil and Criminal Jurisdiction, and shall have full Power and Authority to administer Justice and Law in all and every Part of Our Settlements in the said Island of *Ceylon*, and the Territories and Dependencies which now or may hereafter belong to the same, and over all the Inhabitants thereof and as to all Matters and Things as well Criminal as Civil, and in relation to all Persons as well *British* as others, and whether *Europeans* or *Natives*, and of whatever Description, and all Our said Settlements, Territories, Dependencies, Persons, Matters, and Things, whether described in Our said Letters Patent of the Forty-first Year of Our Reign aforesaid or not, shall be and are hereby declared to be subject to the Jurisdiction, Powers and Authorities, Criminal as well as Civil, of Our said Supreme Court, and all Process thereof.

II. And We do further will, ordain, and appoint, That from and after the Publication of these Our Letters Patent in the said Island of *Ceylon*, Our said Supreme Court of Judicature shall usually sit in Two Divisions; and the Chief Justice of the said Court shall form one and the First of the said Divisions, and the Puisne Justice the other and Second Division.

III. And We do further will and ordain, That Our said Chief Justice shall usually sit and hold the First Division of the said Supreme Court at *Colombo* in the said Island; and shall (subject to the Provisions hereafter mentioned) make Circuits throughout the Districts or Provinces of *Colombo*, *Chilva*, *Negombo*, *Cattara*, *Point de Galle*, *Matura*, *Tangalle* and *Hambantotte*, for the Exercise of both Civil and Criminal Jurisdiction within the said Districts or Provinces.

IV. And We do further will and ordain, That Our said Puisne Justice shall usually sit and hold the Second Division of the said Supreme Court at *Jaffnapatnam*, in the said Island; and shall (subject to the Provisions hereinafter mentioned) make Circuits throughout the Districts and Provinces of *Jaffnapatnam*, *Manar*, *Pallam*, *Waing*, *Trincomalie*, and *Hattota*, for the Exercise of both Civil and Criminal Jurisdiction, within the said Districts or Provinces.

V. And We do hereby direct and ordain, That Our said Chief Justice (by and with the knowledge and concurrence of Our Governor, or in his Absence from the said Island, of the Person or Persons executing the Office of Governor of the said Settlements for the Time being), shall from Time to Time appoint proper Periods of Circuit for the Exercise of the Civil and Criminal Jurisdiction of the said Supreme Court, by the Two several Divisions thereof and they change and vary such Appointments, as Occasion shall require.

VI. And it is Our further Will and Pleasure, That the said Judges sitting in the said respective Divisions, and the Advocate, Fiscal, Registrar, and other Officers of the Court acting therein, shall be competent to exercise, and shall and may exercise the like Entire Powers, and Functions, in all Respects, and with the same and like Authority and Effect in all Cases and Matters whatever, as are now or may be hereafter lawfully exercised by both Judges, sitting together in the said Supreme Court of Judicature, and the Advocate, Fiscal, Registrar and other Officers of the said Court acting therein.

VII. Provided always, That it shall be still lawful and competent to the said Chief Justice and the said Puisne Justice, and they are hereby authorized and commanded, to sit and act together as constituting the said Court for all such Purposes as the Chief Justice may from Time to Time think necessary; and in any Case, Civil or Criminal, which may appear to the Chief Justice, if such Case shall have occurred before him, or upon the Statement and Representation of the Puisne Justice, to the Chief Justice, if the Case shall have occurred before the Puisne Justice from its Importance to require the Presence of both the said Judges; in all which Cases the said Supreme Court shall be assembled and sit at such Town or Place within Our said Settlements as shall be appointed by Our said Chief Justice; and shall have and use the same Seal as has been heretofore used by the said Supreme Court; and all Process, as well Mandatory as Executive, to be decreed and issued by the said Supreme Court, shall be issued and decreed in the same Form and Manner as has been heretofore observed by the said Supreme Court; and the said Judges shall, in case any Difference of Opinion shall arise between them, in the course of any Proceeding which shall be so had before them, jointly be regulated by, and act according to the Provisions of Our former Letters Patent in that Behalf established.

VIII. And We do further grant, ordain, and appoint, That the said Chief Justice and Puisne Justice of the said Supreme Court, as forming the First and Second Divisions of the said Court, shall each have and use a Seal bearing a Device and an Impression of Our Royal Arms, with an Exergue or Label surrounding the same with this Inscription, *The Seal of the First Division of the Supreme Court*, for the Seal of the Chief Justice, and *The Seal of the Second Division of the Supreme Court*, for the Seal used by the Puisne Justice; and that all Process, as well Mandatory as Executive, to be decreed or issued by the said Supreme Court, in the First and Second Divisions thereof respectively, shall run and be in the Name and Style of Us or Our Heirs and Successors, and shall be sealed with the Seal of the said Court in the said First and Second Divisions thereof respectively; and shall have and bear the Attestation of the Chief Justice in the First Division, and of the Puisne Justice thereof in the Second Division; and shall be signed by the Registrar or Person acting as such in each Division.

IX. And We do further authorize the said Chief Justice of Our said Supreme Court of Judicature in the Island of *Ceylon*, from Time to Time, as Occasion may require, to nominate and appoint such and so many Registrars, Clerks, and other Ministerial Officers, as shall be found necessary for the Administration of Justice, and due Execution of all the Powers and Authorities which are and shall be granted and committed to the said Supreme Court of Judicature, and to the Two Divisions thereof, by Our former and present Letters Patent and as shall be approved of by Our Governor, or in his Absence from the said Island by the Person or Persons executing the Office of Governor of Our said Settlements, for the Time being; and such Registrars, Clerks, and other Ministerial Officers so appointed, shall have and receive respectively such reasonable Salaries as Our Governor, or in his Absence from the said Island the Person or Persons executing the Office of Governor of Our said Settlements, for the Time being, with the Advice and by the Recommendation of the said Chief Justice, shall appoint for each Officer respectively.

X. And whereas it is deemed expedient and beneficial that Trial by Jury in Criminal Cases should be introduced into the *British* Settlements on the Island of *Ceylon*, subject to such Modifications as the State of the Settlements may require, We do hereby direct and ordain, That

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The Supreme Court to have Civil and Criminal Jurisdiction over every Part of the British Settlement in Ceylon, and over every Person and Thing therein.

The Supreme Court to sit in Two Divisions, the Chief Justice to form the First, and the Puisne Justice the Second Division.

The Chief Justice to sit at Colombo, and to make Circuits through certain Districts.

The Puisne Justice to sit at Jaffna, and to make Circuits through certain other Districts.

The Chief Justice; with the Concurrence of the Governor, to fix the Periods of Circuits for both Divisions.

Each Division to have the same Powers as the whole Court.

Provide that both Judges may sit together on certain Occasions.

Each Division of the Court to have a Seal.

Appointment of Registrars and other Officers for the Supreme Court, and both Divisions thereof.

Introduction of a Trial by Jury in Criminal Cases.



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from and after the Publication of these Our Letters Patent in the Island of *Ceylon*, Our said Supreme Court of Judicature, or Our Chief Justice or Puisne Justice sitting in their respective Divisions herein-before appointed, shall at a convenient Time previous to the holding any Court or Session of Criminal Jurisdiction for the Trial of Offenders, and Delivery of the Writs, issue his or their Warrant or Precept, to be directed to the Fiscal of the Province or District wherein such Session is appointed to be holden, commanding him to summon a convenient Number therein to be specified of good and sufficient Persons, qualified in such Manner as shall be regulated by Rules or Orders established by our Chief Justice, for the purpose of trying all Offenders with whom they shall be charged at any such Session; and out of such Persons so returned a Jury composed of Thirteen Men shall be drawn by the Registrar, or Person acting as such, at such Criminal Session; and every Prisoner shall be entitled to have Five peremptory Challenges, without assigning any Cause for such Challenges; and may also, upon good Cause assigned to the Court, challenge any other of the Jurors, which last Challenge shall be refused or allowed at the Discretion of the Court; and others shall be drawn in lieu of such as shall be rejected upon peremptory Challenges, or Challenges allowed by the Court; and if a sufficient Number do not attend to form a Jury, or if the Persons summoned are reduced by Challenges below the Number sufficient to make a Jury others of the Bye-standers, or who can be immediately summoned and can attend, qualified as Jurors according to the Direction of the Precept for summoning the Jury, shall be added to the Jury until Thirteen shall appear; and the said Jury so formed shall be duly sworn to try, and shall well and truly try, all Offenders with whom they shall be charged at any Court, Session, or Trial Delivery, and shall give such Decision or Verdict in respect of all such Persons, and upon all Issues in Criminal Matters, as they or the major Part of them shall agree upon; and if any Person or Persons to be summoned on such Jury as aforesaid shall refuse or neglect to attend according to such Summons, and be sworn upon such Trial, We do hereby empower the Supreme Court, or each Judge thereof sitting in his respective Division, to punish such Contempt by Fine, or by Imprisonment, or by both,

Provide that the Court and each Division may, in particular Cases, order Jurors to be returned from particular Classes of Inhabitants.

XI. Provided always, That it shall be lawful for Our said Supreme Court of Judicature, or Our Chief or Puisne Justice, sitting in their respective Divisions, in any Case in which it shall appear to be necessary or expedient for insuring a more impartial Trial of any Offenders, to order and direct that the Jurors shall consist of *British* or *European*, or Natives, or of any such Description of *European* or Natives as shall be specified in any Order made for that Purpose; and the Fiscal shall in every such Case summon Jurors of the Description of Persons specified in such Order.

XII. Provided also, That so much of the Form of Proceeding in Criminal Cases, established in and by Our former Letters Patent, as is not inconsistent with and contrary to the Trial by Jury, as introduced by these Presents, shall continue in full Force and Effect.

The Salaries of the Chief and Puisne Justices.

XIII. And We do further grant, ordain, and appoint, That the said Chief Justice, and Puisne Justice shall and may, and so long as they shall hold their said Offices respectively shall be entitled to have and receive respectively, certain and established Salaries, that is to say, the said Chief Justice Six thousand Pounds by the Year, and the Puisne Justice Three thousand five hundred Pounds by the Year; and Our said Governor, or in his absence from the said Island the Person or Persons executing the Office of Governor for the Time being, of the said Settlements and Territories in the said Island of *Ceylon*, is and are hereby directed and required to direct and cause such Salaries to be paid to the said Chief Justice and Puisne Justice respectively; and such Salaries shall be paid and payable to each and every of them respectively at *Madras*, out of the Territorial and other Revenues of the said Settlements in the Island of *Ceylon*, at an Exchange of Eight Shillings Sterling for the *Madras* Star Pagoda.

Provincial Courts abolished, and Landraads re-established.

XIV. And whereas the Division of Our Supreme Court by these Our Letters Patent and making Circuits as aforesaid, will render the several Courts called *Provincial Courts* in the *British* Settlements in *Ceylon*, unnecessary: And whereas We deem it expedient to re-establish the ancient Courts called *The Landraads*, in certain Districts and under certain Modifications, We do therefore hereby direct and ordain, That from and after the Publication of these Presents the aforesaid Provincial Courts shall be abolished; and We further direct, that Our Governor of the said Settlements, or in his Absence from the said Island the Person or Persons executing the Office of Governor for the Time being, shall forthwith re-establish the Courts of Landraad in such Districts of the said Settlements, and under such Modifications, as the Chief Justice may deem expedient; and the said Courts shall have, in such Districts as aforesaid, such Jurisdiction as the Chief Justice may from Time to Time fix: And We do further direct, that Our said Chief Justice, with the Concurrence of Our said Governor, or in his Absence from the said Island of the Person or Persons executing the Office of Governor for the Time being, shall make such Rules of Proceeding, and such Tables of Fees, and appoint such Secretaries and other Officers for the said Courts of Landraad, as may from Time to Time appear to him to be necessary; and farther that the said Courts shall consist of such Members as Our said Governor, or in his Absence from the said Island the Person or Persons executing the Office of Governor for the Time being, may from Time to Time think proper to appoint.

Commissioner of Revenue to be a Member of the High Court of Appeal.

XV. And it is Our said Will and Pleasure, and We do hereby direct and ordain, That the Commissioner of Revenue, or the Person executing the said Office for the time being, shall be one of the Members of the High Court of Appeal in the *British* Settlements in the Island of *Ceylon*.

Mode of Proceeding in Cases not provided for by the former Charter or by the present.

XVI. And whereas Cases may arise hereafter in which our former Letters Patent and these our Letters Patent may not specifically or sufficiently provide for the Administration of Justice, and the carrying into Execution Our Intentions as to Our former and these Our Letters Patent, and as to the Introduction of the Trial by Jury in Our said Settlements and Territories on the Island of *Ceylon*; and Doubts in some Cases may arise as to the Construction of the Provisions of Our former Letters Patent, and of these Our Letters Patent, for Remedy whereof, and preventing Failure of Justice or Inconvenience which may arise therefrom in Territories at such a Distance from Our Seat of Government, Our Will and Pleasure is, That Our Chief Justice shall draw up a Statement of every such Case, and lay such Statement before Our Governor, or in his Absence from the said Island of *Ceylon* before the Person or Persons executing the Office of Governor, for the Time being, of Our said Settlements and Territories on the said Island of *Ceylon*, who shall thereupon take the same into Consideration, and provide for the same by Regulation or otherwise, by his or their Authority, as he or they shall deem expedient; which said Regulation or Provision shall in every such Case be as good, valid, and effectual, and as binding and conclusive upon all Persons, and over all Authorities within Our said Settlements,



until Our Will and Pleasure shall be made known thereon, as if the same had been contained in Our Letter or in these Our Letters Patent; and no such Regulation or Provision shall be made by Our Governor, or in his Absence from the said Island, by the Person or Persons executing the Office of Governor for the Time being, unless, the Necessity thereof shall be so stated by Our said Chief Justice; and every such Regulation or Provision so made by Our Governor or in his Absence from the said Island, by the Person or Persons executing the Office of Governor for the Time being of Our said Settlements and Territories, shall be transmitted as soon as conveniently may be to one of Our Principal Secretaries of State, to be laid before Us, Our Heirs and Successors, for Our or Their Royal Approbation, Correction, or Refusal.

XVII. And We do hereby direct and require, that these Our Letters Patent shall, as soon after their Delivery to the Governor of Our said Settlements, or in his Absence from the said Island, to the Person or Persons executing the Office of Governor of Our said Settlements for the Time being, as can conveniently be done, be published and read with all due Solemnity in the Presence of Our Civil and Military Establishments, and others Our Subjects assembled for that Purpose at *Columbo*.

Manner of publishing the present Charter.

XVIII. And We do hereby strictly charge and command all Our Governors, Lieutenant Governors, Magistrates, Officers, and Ministers, Civil and Military, and all Our faithful and liege Subjects whatsoever in and throughout the said Settlements in the said Island of *Ceylon*, with the Territories and Dependencies thereof, That in the Execution of the several Powers, Jurisdictions, and Authorities hereby created and made, or modified, revised, and enforced, they be aiding and assisting, and obedient in all Things, as they will answer the contrary at their Peril.

All the King's Subjects to be aiding and assisting.

XIX. Provided always, That nothing in these Presents contained, or any Act which shall be done under the Authority thereof shall extend, or be deemed or construed to extend, to prevent Us, Our Heirs and Successors, from making such further or other Provision for the Administration of Justice throughout the said Settlements and Territories in the Island of *Ceylon*, with their Dependencies, at Our and Their Will and Pleasure, and as Circumstances may require; We, meaning and intending fully and absolutely, and to all Intents and Purposes whatsoever, to reserve to Ourselves, Our Heirs and Successors, such and the same Rights and Powers in and over the said Settlements, Territories, and Dependencies, and every Part thereof and especially touching the Administration of Justice therein, and all other Matters and Things in and by these Presents provided for, as if these Presents had not been made; any Thing in these Presents contained, or any Law, Custom, Usage, Matter, or Thing whatsoever to the contrary in any wise notwithstanding.

Proviso.

In witness whereof We have caused these Our Letters to be made Patent: Witness Ourself at *Westminster*, the Sixth Day of *August* in the Fiftieth Year of Our Reign: By Writ of Privy Seal.

BATHURST and BATHURST.

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