

RAFFLES' SINGAPORE REGULATIONS — 1823

INTRODUCTORY NOTE.

A. *Background to the Regulations.*

The year 1969 is the one hundred and fiftieth anniversary of the founding of Singapore. It therefore seemed apposite for this journal to reprint Raffles' Regulations which were the earliest laws enacted for the judicial regulation of the present state of Singapore.

When Singapore island was occupied by Raffles in February 1819, it was only sparsely populated and its areas of cultivation amounted to a few acres only. The island was under the control of the Temenggong of Johore who was nominally subject to the Sultan of Johore.

Raffles entered into a series of agreements and treaties with the Temenggong and Sultan, *viz*:

1. "Preliminary Agreement with the Dato Temenggong of Johore" — January 1819.
2. "Treaty of Friendship and Alliance between the East India Company and the Sultan of Johore" — February 1819.
3. "Arrangements made for the Government of Singapore between Raffles and Farquhar, and the Sultan of Johore" — June 1819.
4. "A Treaty of Friendship and Alliance between the East India Company and the Sultan and Temenggong of Johore" — November 1824.¹

The Preliminary Agreement and the Treaty of Friendship (numbers (1) and (2) above) show nothing in the way of a transference of sovereignty though Clause (6) of the Treaty of Friendship recites that all persons belonging to the English factory "or who shall desire to place themselves under the protection of its flag shall be duly registered and considered as subject to the British authority." The remainder of the clauses of both these documents deal mainly with matters of trade and with the payments to be made to the Sultan and Temenggong.

The arrangements made for the Government of Singapore (number (3) above) make provision for the residence and control of the population, both Malay and Chinese. This document was sealed by both the Sultan and Temenggong and was signed by Raffles and Farquhar.

The Treaty of Friendship and Alliance made in 1824 (number (4) above) actually ceded the island to the Company — clause (2). This

1. These agreements and treaties may be found in W.G. Maxwell and W.S. Gibson. *Treaties and Engagements Affecting the Malay States and Borneo* (1924) pp. 115-126.

treaty was ratified by the Company in March 1825 and by the Crown in 1826. For present purposes there is little of interest in the terms of the treaty.

There is one further document which should be considered though it is neither a treaty nor an agreement. This is a "Memorandum" made by Raffles at the request of the Sultan and Temenggong in (presumed date) June 1823. It is interesting for the following reasons. First, Singapore and the islands immediately adjacent are stated to be at the "entire disposal of the British Government." Second, in the section dealing with judicial regulation on the island, it is stated that the laws of the Malays shall be enforced where not contrary to reason, justice or humanity and that their Highnesses, the Sultan and Temenggong, shall sit on the bench — clause (5). Third, English law, with the exception stated above, shall apply with "due consideration for the habits and usages of the people" — clause (6). Finally the whole Memorandum, though drawn by Raffles, was expressly consented to by the Sultan and Temenggong.

In the opinion of the Advocate-General of Bengal this Memorandum constituted a "near approach" to a cession of sovereignty on the part of the Sultan and Temenggong. The Advocate-General went on to say that henceforth English law could "... operate with effect and without injustice."² It seems that this Memorandum prompted Raffles to draw the Regulations which are reprinted here.

From the time of the first agreement with the Temenggong of Johore (number (1) above), until Raffles' departure in June 1823, Singapore formed part of the Lt.-Governorship of Bencoolen. Raffles was succeeded in Singapore by Crawford and the island was soon after removed from the control of Bencoolen and made a part of the Penang Presidency in 1826.

Before this took place, however, there was a three year period in which the Regulations provided the only body of judicial regulation in Singapore. Technically, the Regulations were illegal for two reasons. First, the Company did not obtain rights of sovereignty over the island until the Treaty of 1824. Second, the cession of Singapore had not been ratified by Parliament and this was not in fact done until 1826. In law then, every decision given by the Resident or his subordinates would create a cause of action in the Indian courts on the part of any person who had had a penalty inflicted upon him. There is, however, no doubt that the Government of India would have protected its officials by an Act of Indemnity.

Crawford continued Raffles' judicial scheme though with some changes. He abolished the office of magistrate and varied somewhat Raffles' scale of penalties and punishments. The police force was maintained by voluntary contributions from the European and native inhabitants and became very efficient. This situation continued until the arrival of the Charter in 1827 which extended the jurisdiction of the Penang Recorder's Court to Singapore.

2. cf. J.V. Mills. *British Malaya, 1824-1867 Journal of the Royal Asiatic Society — Malayan Branch*, vol. 33, Part 3, p. 82.

B. *The Regulations.*

Regulation No. 1 — January 1823.

This Regulation provided for the setting up of a Registry of Land in Singapore. Clauses (2) and (8) of the Regulation appear to suggest that no title would be recognised as valid unless registered. The Regulation also contained a provision (3) that any land retained by the Sultan or Temenggong of Johore was not to be considered transferable otherwise than for their own benefit or for that of their immediate dependents. On this point reference should be made to the decision in *Tunku Mahmud bin Sultan Ali & ors. v. Tunku Ali bin Tunku Allum & ors.*³

Regulation No. 2 — August 1823.

This Regulation provided for the conduct of the affairs of the Port of Singapore and for purposes of the legal history of Singapore it is not of great moment. It is included here for the sake of completeness only.

Regulation No. 3 — January 1823.

This Regulation provided for the setting up of a Magistracy and for legal administration generally. It is one of the most important and fundamental of Raffles' regulations. It provided, first of all, for the setting up of a police force.⁴ This force was to be run in accordance with British principles and be adapted, so far as was possible, to the usages of the native settlers. In the section of the Regulation dealing with Magistrates, Raffles set out their jurisdiction and powers. He also provided for "native chiefs"⁵ to be appointed whose function it was to settle disputes among their own people. They were, however, to be under the control of the Magistracy. The most important sections of this Regulation are those dealing with the administration of justice and the making of local laws and regulations. The most important clauses in this section, apart from procedural matters in the making of regulations, are those which empowered the Magistrates to object to any Resident's regulation and the clause which provided that any regulation should remain in "provisional" force for six months only unless confirmed by the Governor-General in Council in Bengal.

Regulation No. 4 — May 1823.

This Regulation prohibited the carrying on of gaming or cock fighting on the island. The lack of effectiveness of this Regulation is illustrated by a series of ordinances prohibiting gaming generally, many of which are still in force and cases under which regularly come before the courts.⁶

3. (1898-99) 5 S.S.L.R. 96.

4. "... with the concurrence of ... the Sultan and Temenggong."

5. Following the practice in Penang where there were officials known respectively as the "Kapitan China," the "Kapitan Malay" and the "Kapitan Kling" for the Chinese, Malay and Indian communities.

6. Even as recently as 1932 it was felt necessary to provide a commentary on the gaming house ordinances together with cases. *cf.* R. St. J. Braddell, *Commentary on Gaming House Ordinance 1911*. (2nd ed. 1932) Singapore.

Regulation No. 5 — May 1823.

This Regulation provided for the prevention of the slave trade in Singapore. The Regulation applied only to British subjects and was specifically stated not to apply to the household of the Sultan or Temenggong (clause (5)) or to native traders who did not have a fixed residence at Singapore (clause (6)). The Regulation also prohibited the practice of bonding debtors to personal service. The continuance of this practice was prohibited in the case of Malays or “native inhabitants of the Malay Archipelago.” In the case of Chinese, however, who were shipped to Singapore from China, the practice was allowed to continue for a maximum period of two years and each case was to be registered by a Magistrate (clause (9)).

Regulation No. 6 — June 1823.

This Regulation was made to further the objects of Regulation No. 3 and provided for the setting up of a two tiered system of courts — a Resident's Court and a Magistrates' Court. The justification for this and the rules of the two courts are given in appendices A and B to this Regulation.

The final matters included in the text are:

- (a) Raffles' Report to the Governor-General in Council on the steps taken to establish judicial machinery.
- (b) A Minute by Raffles stating the principles and objects which should be kept in view in framing any regulation.
- (c) A scale of crimes and punishments.

M. B. HOOKER*

REGULATION, No. I, of 1823.

A Regulation for the Registry of Land at Singapore.

It being expedient for the protection of property and the prevention of disputes hereafter, that a general register should be kept of all appropriations of land, as well as of the transfer, mortgage, or disposal of immoveable property in general, the Honourable the Lieutenant-Governor of Fort Marlbro' and its dependencies has this day been pleased to pass the following Rules and Regulations, to have effect from this date.

1. That an office be forthwith established for the registry of land, and conducted by a responsible officer of Government, to be termed Registrar.

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2. That all appropriated land in the Island of Singapore, and its immediate dependencies, whether retained by the Sultan or Tumungung, or ceded to the British Government, be registered in the said office.

3. That the land retained by their Highnesses the Sultan and Tumungung be not considered as transferable, or to be appropriated otherwise than for their own benefit or that of their families and immediate dependants; and all British subjects are forbidden to have any dealings therein.

4. That all grants by the British Government be made in conformity to public notification, under the signature of the chief authority, and according to the forms this day approved and established for the Registrar's Office.

5. That all applications for, or relating to land, be made to the Resident through this Office; and whenever land is appropriated by Government, it be the duty of the Registrar to issue the grants.

6. That no title will be admitted to any land which may not be regularly granted, or for which the party may not have obtained a previous certificate from the Registrar's office, authorizing him to clear according to the prescribed forms.

7. That no alteration of the original register of any land be made without the express authority of the Resident, made known by public notification under his signature.

8. That all persons at present in the occupation of land are required to report the particulars of the same, and apply for a grant thereof on or before the 1st of February next ensuing, in failure of which they will be considered to have forfeited all claim thereto.

9. That the quit-rents on all grants be payable on the 1st of January in each year, whatever may have been the date of the grant.

10. That a separate Register be opened in this office for registering all deeds of transfer of land, houses, &c. whether by sale, mortgage, or otherwise, and no transfers will be recognized unless they are so registered.

11. That all such deeds of transfer be registered within one month after date, unless the delay is proved to have been unavoidable.

12. That the Registrar be entitled to demand for his own benefit a fee of one Spanish dollar on the Registry of each grant and on each subsequent transfer that may pass through his Office.

13. That these Rules and Regulations be considered as provisional, until they may be confirmed by the Governor General in Council of Fort William.

Dated and promulgated at Singapore, this 1st day of January, 1823.

REGULATION, No. II, of 1823.

A Regulation for the Port of Singapore.

The port of Singapore is a free port, and the trade thereof is open to ships and vessels of every nation free of duty, equally and alike to all.

The Subsidiary Rules under these Regulations were revised on the 29th August 1823, as follows:

Provisional Regulations for the Port of Singapore.

1. The arrivals of all ships and vessels shall be immediately reported to the Master-Attendant in the ordinary Report-Book, and afterwards by the Commander, in person, at the Master-Attendant's office, as soon as the vessel shall have anchored.

2. The intended departure of any ship or vessel shall be reported to the Master-Attendant, twenty-four hours previous to her sailing; except in cases of emergency, which will be determined by the Resident.

3. Commanders of all vessels are requested to deliver, when boarded by the Master-Attendant's boat, all letters, packets, and despatches for the Settlement, and to receive and furnish a receipt for Post-office packets which may be sent on board on their departure.

4. With a view of affording an authentic record of the progress of the trade of the Settlement, all Commanders of European or square-rigged vessels, are required to give in, on honour, before sailing, to the Master-Attendant, an accurate specification of the goods imported and exported by them; such statement to be sealed, and not opened until the vessels shall have quitted the port. To facilitate this operation, the Master-Attendant will supply the Commanders with proper forms.

5. With the same objects in view, a verbal statement of the import and export cargoes of native vessels shall be given in by their Commanders.

6. After reporting at the Master-Attendant's office on their arrival, and immediately previous to their sailing, all Commanders of European or square-rigged vessels are required to wait on the sitting Magistrate, and supply him with a list of the passengers intending to remain at or depart from this Settlement.

7. All vessels, European and native, will promptly receive a port-clearance on application to the Master-Attendant's office, and such port-clearance will be given without fee or charge.

8. All cargo-boats shall be regularly admeasured, numbered, and registered in the Master-Attendant's office, and each boat shall have marked upon her bow her number and her tonnage.

9. All cargo-boats shall be supplied with good and sufficient covering, adequate to protect the goods from damage.

10. The following shall be the maximum for charges taken for boat-hire, wooding, watering, and ballasting, for ships touching at the port, and whose stay does not exceed forty-eight hours, as well as in all other cases, where no previous arrangement or contract is made;—

Boat-hire, 68 cents of a hard Spanish dollar per coyan of 40 pecul.
For a return boat, 34 cents, do. do.
Firewood per 1000 billets, (of 18 cattin per billet) 5½ hard Spanish dollars, with a proportional price if the billet is larger or smaller.
Firewood, boat-hire included, 8½ do. do. do.
Ballast (sand) per coyan, including boat-hire, 80 cents.
do. (stone) do. do. 90 cents.
Water if with ship's casks, 112 cents per ton, including boat-hire.
do. when ship's casks are not used, 100 cents.

11. The business of supplying wood, water, and ballast for ships, and the employment for cargo-boats, shall not be considered subject to any official restraint or regulation beyond those already mentioned; and the mediation and assistance of the officers of Government with regard to them is deemed, in the present advanced state of the trade of the port, no longer necessary.

12. Nothing contained in these regulations shall be construed to operate against the most perfect liberty to ships to wood, water, and ballast with their own boats.

These Regulations to have effect from the 1st September.
Singapore, 29th August, 1823.

REGULATION, No. III, of 1823.

A Regulation for the Establishment of a Provisional Magistracy and the Enforcement of a due and efficient Police at Singapore, with certain Provisions for the Administration of Justice in Cases of Emergency.

POLICE.

The extent of population and capital already accumulated at Singapore requiring an immediate provision for the preservation of order and the protection of person and property, the Lieutenant-Governor is pleased, with the concurrence of their Highnesses the Sultan and Tumungung, to establish the following provisional Regulations for the department of Police; which being consonant with British principles, and adapted, as far as consistent, to the usages of the native settlers, seem best calculated to meet the existing circumstances of the Settlement.

MAGISTRATES.

1. The names of the several British inhabitants of interest and respect in the Settlement, and who may be considered competent to act

as Magistrates, shall be enrolled in a list to be formed for the purpose, from which the chief authority will, on or before the 1st February, 1st May, 1st August, and 1st November in each year, select three gentlemen in rotation, to be commissioned to act as Magistrates, for the preservation of the peace and the maintenance of an efficient police during the ensuing quarter.

2. Of the three Magistrates so commissioned for the quarter, each shall in turn act as sitting Magistrate for the week or month, and the three Magistrates collectively shall, once in the quarter, at the least, or as often as occasion may require, hold a meeting, of the nature of quarter-sessions, for the hearing and deciding of cases which may exceed the authority of a single Magistrate, and doing all such things as are usually done at quarter-sessions in England, as far as the object and naturar of that institution can be considered applied to the circumstances of this Settlement.

3. The authority of the Magistrates who may be commissioned under this Regulation is to be considered the same as Justices of the Peace in England; with this reservation, that whenever it may become necessary to commit a British-born subject, except *in flagrante delictu*, or to affect his person or property, the warrant be countersigned by the chief local Authority.

4. The jurisdiction of the Magistrates will extend over all descriptions of persons resorting under the British flag; but for the present, as the military are subject to another tribunal, this class is not to be considered as falling under their immediate cognizance, unless in cases specially referred to them by the Resident or commanding officer: and in all cases where the followers of their Highnesses the Sultan and Tumungung are concerned, due respect must be paid to those independent Authorities, and a reference made to the Resident, for advice as to the mode of procedure to be pursued.

5. In case where the crews of vessels are concerned, or in which the convenience of the port or the superintendence of the Master-Attendant is in any way connected, that officer will act in concert with the Magistrates, taking his seat in his magisterial capacity with the sitting Magistrate or the Magistrates assembled in quarter-sessions, as the case may be.

6. For the adjustment of small debts, the Magistrates are empowered to decide in a summary manner in all cases of debt that may be brought before them where the demand may not exceed fifty dollars, if brought before the sitting Magistrate only, or one hundred dollars if brought before two or more Magistrates assembled in sessions: the proceedings of the Magistrates, in such cases, being conformable to the practice of Courts of Conscience or Requests, and an appeal to a higher Authority being allowed under certain restrictions.

7. The high opinion which the Lieutenant-Governor entertains of the intelligence and respectability of the gentlemen whose names may be first enrolled to serve as Magistrates under this Regulation, renders it unnecessary for him to frame any detailed instructions for their guidance in the exercise of the important duty about to be entrusted to them.

Such general rules of a local nature as may appear most important to be attended to on the first establishment of this jurisdiction, and for the Court of Requests, will be this day approved; and for the rest, the Magistrates will follow the course of the British magistracy, as far as local circumstances admit, avoiding legal technicalities and unnecessary forms as much as possible, and executing the duties of their office with temper and discretion, according to the best of their judgment and conscience, and the principles of substantial justice.

NATIVE CHIEFS.

8. Subordinate to the Magistrates there shall further be appointed one Native Captain or Head-man, with one or more Lieutenants or Assistants, over each principal class of the native inhabitants, who will be invested with especial authority over such class, and held responsible for the general conduct of the same.

9. These Captains or Head-men, with the assistance of their Lieutenants, when necessary, will have the power of adjusting and settling all disputes which may happen among the people of their respective classes, an appeal lying to the Magistrates where the amount of property concerned may exceed ten dollars.

10. The Captains or Head-men being held responsible for the police of their respective classes, they are empowered to call upon the members thereof to keep watch in rotation, and to exercise such subordinate duties as may be necessary for the establishment of a well organized and efficient police.

11. General instructions for the guidance of these officers have been this day approved, and it will be the duty of the Magistrates to see that they are duly and strictly attended to.

12. The Magistrates will be assisted by a moderate establishment, to be paid by Government, consisting of one head Officer or Police and Clerk to the Magistrates, and a certain number of Peons; and all contributions from the inhabitants, whether voluntary or otherwise, for the support of the Police, are to cease from this date.

ADMINISTRATION OF JUSTICE.

1. For the present, and until the establishment of a more regular court for the hearing and trying of offences and the adjustment of civil suits, where the amount in dispute may exceed one hundred dollars, the Resident, as chief authority, will hold a court as often as may be necessary, assisted by their Highness the Sultan and Tumungung, where natives may be concerned.

2. The Assistant to the Resident will, for the present, act as Registrar of this court and preserve the records thereof.

3. The rule to be observed by this court in criminal cases where natives are concerned has already been laid down, in the case recently tried by the Lieutenant-Governor; and where Europeans, and more

particularly British subjects, are concerned, it is considered that in the few cases likely to occur, the parties may be more advantageously transmitted to Penang or Bengal, where they will be subject to a competent jurisdiction.

4. In civil cases, where the amount in dispute may be considerable, the court will, in the first instance recommend the parties to adjust their differences by arbitration, and in the event of their declining to do so, will adopt such measures as shall ensure to the plaintiff due security for the trial of the case in a competent court elsewhere, in the event of the defendant failing to come to a satisfactory adjustment on the spot.

5. In consequence of the absence of legal advice it will be in the power of the court to reject the consideration of all civil cases which may not have arisen on the spot, or to be of an emergent nature, or which may appear to involve intricate questions of law.

NOTARY PUBLIC.

6. The Assistant to the Resident will, in his capacity of Registrar to the court, be authorized to take down depositions, to certify protests and other legal documents, and to do all such other things for the public convenience as usually appertain to the office of Notary Public.

LOCAL LAWS AND REGULATIONS.

7. It being expedient that an authority should exist for the enactment, from time to time, of such local laws and regulations as the circumstances of the Settlement may require, the Resident is empowered, under the proclamation of the 1st ultimo, to pass such Regulations by and with the advice of the Magistracy, in the following manner.

1st. Such Regulations may either originate with the Resident or the Magistrates for the quarter. In the former case, the Resident will submit the draft of the same to the Magistrates previous to the Regulation being passed, for their opinion and observations thereon; and in the event of any difference of opinion as to the propriety of any part of the proposed Regulation, the Resident will have the power to overrule the same, and to pass the Regulation provisionally; but, in this case, the objections or observations of the Magistrates are to be forwarded to the Governor-General in Council with the Regulation so passed.

2nd. In cases wherein proposed Regulations may originate with the Magistrates, they will collectively address the Resident, submitting the same for his consideration, and the Resident will be required to enter on the immediate consideration thereof. In the event of a difference of opinion and the Resident declining to enact the proposed Regulation within three months, the Magistrates may request that their recommendation be transmitted for the consideration of the Governor-General in Council.

3rd. All general Regulations enacted by the Resident after this manner, and according to the form prescribed, are to be forwarded (with

the objections of the Magistrates where a difference of opinion may have existed) to Bengal by the first opportunity that offers, and to remain provisionally in force for six months; at the expiration of which period, if the Regulation is not confirmed by the Governor-General in Council, the same is to be void and of no effect.

4th. It is of course to be understood, that the regulations to be enacted under this authority are to be of a local nature, and in no way inconsistent with any known British law or usage.

5th. This Regulation to have effect from and after the 15th proximo, and to be considered as provisional until confirmed by the Governor-General in Council, or until such time as a duly constituted Court of Judicature may be established for Singapore.

Dated at Singapore, this 20th day of January, 1823.

REGULATION, No. IV, of 1823.

A Regulation prohibiting Gaming-Houses and Cockpits, and for suppressing the vice of Gaming at Singapore.

The practice of gaming being highly destructive to the morals and happiness of the people, and it being inconsistent with the principles of good government to admit of public gaming-houses and cockpits, it is hereby declared:

1. That no public gaming-house or cockpit will hereafter be tolerated by Government under any circumstances, or for any consideration whatever; and that, from and after this date, all persons are strictly prohibited from keeping such on any terms or pretence whatsoever.

2. That any persons offending against this Regulation, or who may be proved to have hereafter received money, either directly or indirectly, for conducting a gaming-table or cockpit, shall be liable, according to the circumstances of the case, to the confiscation of a certain amount or the whole of his property, and banished from the Settlement with corporal punishment, at the discretion of the court.

3. That the house or building, with the ground on which it stands, in which it may be proved that such a gaming-table or cockpit has been kept shall also be liable to confiscation.

4. That all persons who may be detected in the act of gaming or cock-fighting, whether at a gaming-table or not, shall be taken up by the Magistrates, and punished according to the circumstances of the case.

5. No gaming debts can be enforced by the winners; but in all cases that may come before the Magistrates or the Resident Court, the winners will be compelled to restore the amount to the losers.

6. The Magistrates will adopt such minor regulations in the department of Police, as they may deem advisable for carrying the object of

this Regulation into effect, and for suppressing the vice of gaming as far as possible, without trespassing on the free will of private conduct, as long as it may not be injurious to society in general.

This Regulation to be in force and effect from this date, and to be considered as provisional until confirmed by the Governor-General in Council.

Singapore, the 1st May, 1823.

REGULATION, No. V, of 1823.

A Regulation for the Prevention of the Slave Trade at Singapore.

There being reason to apprehend, that, notwithstanding the solemn prohibitions of the Legislature, individuals have been imported into Singapore since the establishment of the British authority, either as slaves or under the denomination of slave debtors, in both cases bought and sold for a price; and it being desirable that all persons resorting to or residing under the protection of the British flag should be aware of the prohibition and penalties attending such illegal transactions, in order that the humane and just objects of the British Government may not be lost sight of or frustrated, either from ignorance or design, the following Regulations, which are to have the effect of law, are this day passed and published for general information and guidance.

SLAVES.

1. The Act of Parliament prohibiting the slave trade from being carried on with any British colony or settlement, or by any British subject, having been passed previously to the establishment of the British settlement of Singapore, the provisions of the said Act are considered to be in force in this Settlement, and to apply to all persons who may have obtained a *fixed residence* at Singapore since the establishment of the British Government.

2. As the condition of slavery, under any denomination whatever, cannot be recognized within the jurisdiction of the British authority, all persons who may have been so imported, transferred, or sold as slaves or slave debtors, since the 26th day of February, 1819, are entitled to claim their freedom, on application to the Magistrates, as hereafter provided; and it is hereby declared, that no individual can hereafter be imported for sale, transferred or sold as a slave or slave debtor, or having his or her *fixed residence* under the protection of the British authorities at Singapore, can *hereafter* be considered or treated as a slave, under any denomination, condition, colour, or pretence whatever.

3. Hereafter, a continued residence of twelve months at Singapore shall be considered to constitute a *fixed residence*, and to entitle the party to all the benefits of the British administration.

4. In order to prevent inconvenience or misunderstanding in the emancipation of those who may have been imported and sold as slaves or slave debtors anterior to this date, and at the same time to shew

every reasonable indulgence to those who may have acted in ignorance of the prohibitory law, the Magistrates are required to make inquiry into, and record the particular circumstances attending the case of each individual who may apply for his or her emancipation; and in the event of the parties being of tender age, and unable to conduct or maintain themselves, the Magistrates are empowered to bind them as apprentices to respectable and responsible persons, giving a preference to their present masters if unobjectionable in this respect, for a period not exceeding three years, or until they shall attain the age of thirteen years. In the event of the parties being adults, the Magistrates shall further be empowered to require them to render their personal services for the benefit of those who may have a just claim to the same, for a period in no case exceeding three years, should the parties freely consent thereto, which servitude shall be considered as a complete acquittal for the expense of their passage hither, which is the only legal demand that can be admitted, and which shall be in full of all demands on their persons whatever; but, in both cases, the parties are to be *forthwith* declared free, subject only to the condition of personal servitude on contract as free persons for a limited period as aforesaid.

5. There having been few or no slaves at Singapore at the period of its occupation by the British authorities, and their Highnesses the Sultan and Tumungung having evinced their desire to aid the benevolent objects of the British Government, these Regulations are considered to apply, and to have effect upon all persons who are now or may hereafter have their *fixed residence* at Singapore: save and except the personal establishments of their Highnesses, who though not being in a condition to be bought and sold, are nevertheless registered out of deference to their authority, as not coming under the operation of the slave laws.

6. In order to prevent annoyance or obstruction to the trade of the port, it is to be clearly understood, that the present Regulations are not intended to apply to the domestic establishments of native Chiefs, or traders who may occasionally resort to this port and not fix their residence under the protection of the British flag, nor to the crews of vessels coming from foreign ports, further than to prohibit them from transferring or selling persons as slaves or slave debtors in this Settlement, and provided the parties, if slaves, may not obtain a fixed residence by residing in the Settlement for upwards of twelve months. In this latter case, the slaves, though not transferred, will have a right, under Article 2, to claim their freedom, and the Magistrates are required to grant the same, on such conditions as may be mutually convenient and fair between the parties.

7. As the practice of purchasing slaves from boats as slave debtors under the Mengheering system, and paying a price for them as such, rendering the party a debtor for the amount, can only be considered as an evasion of the law, and equally calculated with the purchase of slaves to encourage the traffic in human beings, such transactions are declared to be illegal; and the utmost price which the Noquedah of a vessel is entitled to demand on the landing of any such person shall in no case exceed the sum of twenty *dollars*, which may be considered as an equivalent for the passage-money of the party, and who may be bound to repay the same by his services under the rules now passed for bond debtors.

BOND DEBTORS.

8. Experience having proved that the system of slave debtors, as practised in the Malay states, is inconsistent with that freedom of the subject, which it is the desire of the British Government to introduce, the same will not be recognized after this date, in any case in which both parties may not be Malays, or native inhabitants of the Malay Archipelago. But with the view of providing for such cases as may occur, in which it may be lawful to give the creditor a right to the services of his debtor, the following rules are passed, to have effect from this date.

9. As it frequently happens that free labourers and others are brought from China and elsewhere as passengers who have not the means of paying for their passage, and under the expectation that individuals resident in Singapore will advance the amount of it, on condition of receiving the services of the parties for a limited period in compensation thereof, such arrangements are not deemed objectionable, provided the parties are landed as free persons; but in all such cases, the amount to be paid on account of passage-money or otherwise is limited to twenty dollars, and the period of service by an adult, in compensation thereof, shall in no case exceed two years, and every such engagement shall be entered into with the free consent of the parties, in presence of a Magistrate, and duly registered. In cases where the parties may be of tender age, the Magistrates may apprentice them until they attain the age of puberty; but in no cases are the parties to be burthened with a debt exceeding twenty dollars, for which amount their services, during the period above stated, shall be considered as a full and ample compensation.

10. In all cases of Mengheering or slave debtors which may come before the British courts, the claim of the creditor is in no case to be considered to exceed the services of the debtor for a period of five years, the debt being considered as worked out at the rate of twenty per cent, or not less than ten dollars per annum.

11. Hereafter, all agreements for personal services beyond twelve months, are required to be entered into under a bond to be registered at the Magistrate's Office; the bond or contract specifying the services to be rendered, the consideration paid for the same, and the penalty in case of failure.

12. Hereafter, no contract shall be legal which stipulates for a longer period of service than five years, under any circumstances or for any consideration whatever.

13. The parties in all cases who may so contract to render their services for a valuable consideration, shall lose no natural rights to which they may be entitled as subjects during such servitude, except the value of their services, for which it will be the duty of the Magistrates to see that they receive a due remuneration; all persons, whatever may be their condition, being equal in the eye of the law.

14. In all cases wherein the Magistrates may think proper, on account of the tender age of parties, to bind them apprentices for a certain period, such period shall in no case exceed five years; and it must

be an invariable condition in the indenture, that the parties shall receive a moral education and be sent to a public school, under a pecuniary penalty in case of failure by the master.

15. No creditor possessing a right to the services of any individual, shall be at liberty to transfer the services of the party to another, except with the consent of the debtor; nor can the debtor change his master at pleasure, without proof of ill-usage to be given before the Magistrates: and in case of the death or bankruptcy of the creditor, it shall remain with the Magistrates to decide in how far the further services of the debtor can be claimed. If the creditor dies solvent, the debtor is to be relieved from further servitude; but if he dies insolvent or becomes bankrupt, the debtor shall continue to render his services till the end of the contract, for the benefit of the creditors, he in this case having the liberty of choosing his master.

The Magistrates are required to cause this Regulation to be duly explained in the native languages, and published by beat of gong throughout the Settlement, and the Master-Attendant will cause the same to be duly made known to the Noquedahs of all native vessels resorting to the port.

This Regulation to be in force and have effect from and after this date, and to be considered as provisional until confirmed by the Governor-General in Council.

Singapore, the 1st May, 1823.

REGULATION, No. VI, of 1823.

A Regulation in furtherance of the Objects of Regulation, No. III, of 1823, and containing additional Provisions for the Magistracy and Administration of Justice at Singapore.

The Magistrates shall be appointed annually on the 1st January in each year, instead of quarterly, as provided by Regulation, No. III, of 1823.

Twelve Magistrates are now appointed, who are to constitute the acting Magistracy for the present year; and to this number it shall be competent to the Resident to appoint supernumeraries, who are to be borne on the public roll of persons eligible for the Magistracy.

Previous to the appointment of any such supernumerary, the Resident shall intimate his intention to the twelve acting Magistrates; and it shall be competent to three-fourths of that body to object, within one month, to such nomination, by a written instrument, stating the ground thereof; but the Resident shall have the power of overruling this objection, pending a reference to the Governor-General in Council.

Vacancies in the acting Magistracy shall be supplied from the supernumeraries or ex-Magistrates.

The enactment of local laws and regulations to continue in the manner prescribed under Regulation No. III, of 1823; save only by the slight alteration now necessary, in order to suit it to the change made in the Magistracy from quarterly appointments of three to annual appointments of twelve. Hereafter, any proposal for a new law or regulation must originate or be considered by a majority of the twelve acting Magistrates.

There shall be two courts:—

1st. *The Resident's Court*, in which that officer shall preside and pronounce the decisions. It shall be formed by the Resident, with the assistance of two Magistrates taken monthly by rotation from the general list of Magistrates.

2nd. *The Magistrates' Court*, where two Magistrates shall jointly preside, and when they agree pronounce the decision. When they disagree as to the sentence, each shall record that which he recommends. But a new trial must commence in the Resident's court.

The business of the Resident's court will be to try:—

- 1st. All causes which are beyond the jurisdiction of the Magistrates.
- 2nd. All causes referred to that court by the Magistrates.

The business of the Magistrates' court will be to try and decide in all cases that may come within the jurisdiction of the Magistrates, as defined in Regulation, No. III, of 1823.

All men in the settlement are bound to give their aid where required towards the administration of justice. The cases where this should be done without any pecuniary reward are where the parties are called upon.

To inform the court, either by giving evidence of what they know relating to the facts of a case, or

Furnishing their opinion as to its merits.

To aid the officers of justice, by information, or by physical force, when they are otherwise afraid of being unable of themselves to carry into effect the orders of the court: that is to say, to give evidence, to serve as jurors, to aid as constables or posse. While employed in the public service in these capacities, the individuals shall be entitled to peculiar and honourable privileges, such as that any insult or injury offered to them shall be visited on the offending party with much more severity than if the offence were committed against private individuals.

The individuals selected for the distinguished duties of constables and jurymen may be of any nation or religion, but they must be able to read and write. Ex-Magistrates will be special constables *ex officio*. Constables and jurymen shall be nominated by the Resident annually.

Causes may be instituted either at the suit of persons claiming private redress, or on the prosecution of a public officer for breaches of public regulations, or for wrongs that render it proper to inflict punishment beyond the exaction of the redress due to the individual.

The jurisdiction of both courts shall extend geographically over the Island of Singapore, and the islets in its immediate vicinity forming the harbour.

The annexed Rules A and B are this day approved for the two courts:

Appendix A, Rules for the Resident's Court.

Appendix B, Rules for the Magistrates' Court.

This Regulation to have effect from this date, and to remain in force until rescinded by a higher and more competent authority, or until such time as a duly constituted court of judicature may be established at Singapore.

Singapore, the 6th of June, 1823.

APPENDIX TO REGULATION, No. VI, of 1823.

Appendix A.

RULES FOR THE RESIDENT'S COURT.

The Resident's Court shall be formed by the Resident, with the assistance of two Magistrates, under the title of Assessors.

The Resident shall preside and pronounce the decisions; and the Assessors shall be taken monthly, by rotation, from the List of Magistrates.

On the death or absence of the Resident, the Assistant Resident, or other persons succeeding legally to the charge, shall fill his situation in Court: and in the event of emergency, a temporary arrangement may be adopted, by the addition of a third Assessor from the list of Magistrates, which three Assessors shall continue to hold courts and administer justice, after the established practice and form in the Resident's court, until the chief civil authority is enabled to preside, and the court thereby restored to its regular and proper form.

For the present, the Resident's court shall sit once a week (every Monday) at nine o'clock A.M., but shall have the power of continuing its sittings *a die in diem*, or of holding them more frequently, when the accumulation of business, or other causes, may render the same necessary and advisable.

In cases wherein the Resident may differ in opinion with the two Assessors, in passing a decree, the same, if a civil case, shall be referred to a Jury of five respectable Europeans, impartially chosen and impannelled, and shall be decided according to their verdict; but in criminal cases, the Resident shall always have it in his power to over-rule the opinions of the two Assessors, in so far as tends to mitigate the sentence, but not to increase its severity: only in the event of his doing so, the two Assessors will record their opinions, and may report the case to the Governor-General in Council.

When only one of the Assessors may differ in opinion, it is not necessary to record it.

The Registrar shall be exclusively attached to the Resident's Court, and shall conduct the process of it. It will also be his business to execute all warrants, and to be responsible to the court that its decrees and sentences are legally and duly carried into effect, applying to the Magistrates for the aid of the police and *posse*, when the same may be considered necessary.

The business of the court will be to try.

- 1st. All causes which are beyond the jurisdiction of the Magistrates' court; and
- 2nd. All causes referred to it by that court.

IN CIVIL CASES.

Civil causes may be instituted, either at the suit of persons claiming private redress, or on the prosecution of a public officer for breaches of public laws and regulations, or for wrongs that render it proper to inflict punishment, beyond the exaction of the redress actually due to the individual.

When a person has any redress to seek, he will state the circumstances of his complaint in writing, addressed to the Resident. If he be unable to write, he may apply to the Registrar, or any other person, to draw it out for him; and the Resident, or his *locum tenens*, will, on receiving the same, transmit it to the Registrar, with necessary instructions for citing witnesses, &c. &c.

The Registrar, immediately on receiving the plaint, will be careful to number and enter it on a roll; and every cause shall be heard in court according to its priority of enrolment, unless the court shall see strong reason for departing from this course.

After having perused the plaint, or having heard it interpreted, the Registrar shall note on it, in English, the names of the parties, the sum sued for, and the ground of action (the latter to be expressed by a single word if possible) : and all the plaints so noted shall, on the meeting of the court, be placed by the Registrar, in the order of their enrolment, before the presiding judge.

Summonses for the citation of parties and witnesses, shall be issued by the Registrar according to the form prescribed in the Appendix, and shall be served by the proper officers in the manner therein directed; and in the event of the plaintiff solemnly declaring in his plaint, that he is apprehensive of the defendant withdrawing himself or his property from the jurisdiction of the court, the summons to be served on the defendant shall be made returnable forthwith, and the officer entrusted with serving it shall either take the defendant to the Court-house, or take from him money or other articles in security, fully equal to the sum specified in the summons; and acknowledgment of which he shall write on the back of the summons, and leave with the defendant, whose cause shall then be brought forward in due course, as stated in the summons.

In any case the plaintiff may compromise his own claim on the defendant, and withdraw his own suit, when the costs deposited, if any, shall be returned; but in cases where the allegation, if proved, would subject the defendant to punishment, the court may, at their discretion, direct him to be prosecuted at the instance of the public.

When a cause is compromised, it is to be entered in a book kept for that purpose, containing the names of the parties, the nature of the action, the sum sued for, and the date and number of the summons.

On proceeding with a cause, an officer of the court shall call loudly the parties by name (three times ineffectually before he shall be entitled to report their absence), and in the first instance the parties should present themselves in person; but the court may, at its discretion, dispense with the further attendance of either party, and may authorize an attorney to act on his behalf, or may insist on his remaining present, to answer any question that it may be deemed expedient to put to him.

The first question to be asked of the defendant is, whether he admits plaintiff's claim in whole or in part? If the claim be in the whole or in part denied by the defendant, the original plaint is read, and, if necessary, interpreted, and the court will then proceed with the examination and cross-examination of witnesses, shortly nothing the matter stated and the result of the examination. The defendant will also be allowed to adduce evidence to any points he may wish to establish, and to cross-examine any of the witnesses on the opposite side, after which the court will take the whole into consideration, and decide accordingly.

In case the defendant does not appear when the cause is called, or any one on his behalf to give a satisfactory reason for his absence, the plaintiff or peon must be closely examined as to the mode in which the summons has been disposed of; and if this appear unobjectionable, the court will then pronounce judgment in the case on the plaintiff's shewing, supported by the evidence he adduces. If the plaintiff be absent when the cause is called, and no satisfactory excuse on his behalf is stated to the court, he shall be nonsuited; and the defendant, if he deny the ground of action, shall be informed by the court that he may proceed against the plaintiff by a new suit for his unnecessary molestation.

If any of the witnesses who have been subpoenaed are absent, the Registrar shall inquire and note down the nature of the evidence the party concerned expects from them; and if it appear important to the investigation of the case, the court shall issue a warrant to an officer of the court, to compel either their immediate attendance, or on a future specified day. In the latter case, the cause is of course postponed accordingly. When the witness is secured, he shall be required to make deposit or give bail to the amount of the sum sued for, with costs; or if he cannot give satisfactory excuse for his absence, he shall be fined, with warning, that if not present on the day when the cause is next to come to a hearing, he shall be liable to further fine and imprisonment.

The evidence adduced by either party may suggest the propriety of bringing forward witnesses on the other side not before thought of; and,

in this case, the court may either send for such witness to attend forthwith, or order them to be subpoenaed for a future day, viz. the next court day.

It is recommended that there shall be one general room in which witnesses assemble in the first instance, from which they are to be brought up individually for examination, and another room where they are to remain after examination, until discharged by the court.

Testimony shall not be required on oath, unless where it appear to the court that the evidence of the witness is of material consequence, that its truth or falsehood cannot be satisfactorily established by collateral circumstances.

When it appears to the court that a witness is prevaricating, or unwilling to disclose the truth he shall be seriously warned of the disgrace that will inevitably attach to his being convicted of falsehood; and afterwards all questions put to him, with his replies, must be taken down, as the ground-work of a criminal process against him.

When a decree has been passed by the court it shall be immediately recorded, and copies thereof presented to the plaintiff and defendant on their application to the Registrar; who shall also cause a list of all causes, with the decree given on each, to be placed in a conspicuous situation in his office, to be at all times accessible to the public, and to remain there from the date of the decree until execution shall have passed on it.

In the event of neglect in this respect, the Registrar shall be personally liable to the creditors of the person against whom the decree has been obtained for the full amount of the same.

On all decrees of the court execution shall pass after an interval of one week: that is, execution shall pass on Monday on all decrees that have been given on the Monday immediately preceding; and during this interval, the court or the Resident may, on the application of the plaintiff or his agent, direct such steps as they may think advisable to be adopted, towards preventing the defendant from withdrawing himself or his property from the jurisdiction of the court.

Should the party against whom a decree has been given, be able to satisfy the same, or to make a satisfactory arrangement with the person who has obtained it, before an execution has been passed, both parties will come before the Registrar, who will note the satisfaction made, and how made, immediately under the decree of the court, and shall obtain the signature of both parties to the same if they can write, or their usual mark before two witnesses if they cannot.

When the arrangement thus made amounts to an indulgence in point of time, or is contingent on any particular circumstance, the party who has obtained the decree may, on the expiration of the time agreed upon, or in failure of being able to obtain satisfaction in the manner stipulated, apply to the Registrar for a warrant for citing the other party to appear in court; and on his failing to appear, or being unable to prove that he has already discharged the decree, execution shall immediately pass on

the same, without suffering prejudice by the delay that has occurred: only that the warrant for the above purpose must be obtained from the Registrar within one month from the expiration of the time granted as an indulgence.

In the event of more than one month having thus elapsed, the decree shall be cancelled, and the party must proceed with a new action.

After the court has met, and before it proceeds with any other business, it shall order the Registrar to give in a list of all the decrees which had been given in the preceding court-day, and to state how far they have been satisfied or discharged; and on such as have not been legally settled an execution shall immediately pass on each, severally, in the form prescribed in the Appendix.

The Registrar will instantly record the execution, which after having been so passed and recorded, will give the decree a preference before all other executions on decree obtained on actions instituted subsequent to the date of the said execution, over all acts of subsequent bankruptcy and composition with creditors, and every other ground of claim, not specially entitled to a preference by a particular law and regulation of this Settlement, duly passed and legally enacted.

Within twenty-four hours from the date of such execution being issued, the Registrar shall proceed personally, or shall cause some authorized agent, for whose conduct he shall be responsible, to proceed to the dwelling of the person against whom the decree had been obtained; and on not receiving satisfaction for the full amount of the same, with all costs due thereon, he shall execute an attachment, according to the form prescribed in the Appendix, against all his property, of whatever description, which he shall be able to discover there or elsewhere; and shall make an accurate and attested return of the same, within two days from the date of the execution, to the Resident or the court, who shall direct the same to be published, and advertised for public sale, within three days of the date of receiving such return.

Such sale shall proceed under the direction of a Magistrate, at the place and hour stated in the advertisement, which hour shall not be earlier than nine A.M., or later than four P.M., and shall be continued from day to day, till the Magistrate shall declare that the amount of the decree, with costs (if any), has been satisfied; after which the remainder of the property shall be duly relieved from all restraint.

Previous to the sale the Registrar shall, deliver to the Magistrate an authentic statement of the amount for which the execution has been passed. He shall note, or cause to be noted, during the sale, an accurate account of all the particulars thereof; and at its conclusion the Magistrate will forward the same, countersigned by himself, to the Resident, who will as soon as possible transmit a copy of it to the person against whom the execution had been issued, and all cause the same to be recorded at the office of the Registrar.

The decree of the court shall always be endorsed on the plaint or writing "statement of the plaintiff," and the same shall be carefully preserved by the Registrar among the records of his office.

If at any time before execution has passed on a decree, the party comes forward and states his inability to discharge the same without injustice to his other creditors, the court will receive this as a declaration of insolvency, shall suspended all proceedings on the decree, and will call by advertisement a meeting of all his creditors, to be held within five days, for the purpose of nominating a trustee, and shall direct the bankrupt to prepare and to present to that meeting a schedule and list, upon oath, of all his effects, debts due to him, and those debts which he may owe. Should this meeting fail in appointing a trustee, the court will take that office on themselves; and the trustee so appointed shall proceed in the management of the property, in the manner prescribed and directed by the laws then in force.

When the subject of litigation before the court equals or exceeds one thousand dollars, it shall be competent to either of the parties, at the commencement of the suit, to demand that the same shall be decided by the assistance of a jury. Such jury to consist of five respectable Europeans, or of four Europeans and three respectable natives of other countries, when the court shall consider it advisable to refer to a jury so composed.

It will also be competent for the court, after having entered upon a case, and having agreed unanimously on certain points on which it hinges, to record these particular points for reference to a jury; and on their finding it will be incumbent on the court to ground their decision as to the general issue.

The points so referred must be presented in a written form to the jury, and must be signed by all the members of the court.

In all cases in which Government may be a party, either as plaintiff or defendant, the same are to be decided by a jury.

The jury will be chosen and empannelled according to the form and manner directed in the Appendix, and will examine evidence, and deliberate upon the same, in the presence of the Resident or his representative, to whom they shall deliver their verdict in writing, signed by their foreman.

The court will appoint, in every particular case, such a time for calling together a jury as may be conducive to the speedy administration of justice, and at the same time not too inconvenient to the persons called upon to act as jurymen; but it is recommended that some intermediate day between two *court-days* shall be fixed upon for this purpose, in order that every opportunity should be given to the jury to conduct their examination of the evidence with deliberation and calmness, and that the other business of the court may not be interrupted.

On the first court-day after the jury have given in their decision, or on the same day if it should happen to be a court-day, the Resident or his representative, will read in court the verdict of the jury, and cause the same to be duly recorded by the Registrar.

Persons called upon to serve as jurors in civil cases, and witnesses cited to give evidence, are to be entitled to a rate of pay per day according

to the scale fixed in Appendix: and any person calling for a jury, in such cases must deposit in court the amount that may appear due for jurors and witnesses, and the same if not accepted by all the parties, or otherwise appropriated by them, shall be carried in aid of a fund for charitable purposes, under the control of the court.

In cases under one thousand dollars, or when the parties may not claim the assistance of a jury, and that the court may think it advisable to refer the same to arbitration, it shall call upon each of the parties to name an arbiter, with which two the court shall nominate a third, to proceed in arbitrating the case under certain instructions furnished by the court and signed by the Registrar; and when the arbiters have made a return to the court of their opinion, the same, unless it shall appear obviously to the court to have been founded on evident misconception or error, shall be recorded and have effect. When misconception or error appears to the court to have existed, they will remit the case again to the arbiters, pointing out to them the particular circumstances which it is supposed may have led the arbiters into error, and the particular error if there should be any; and if the arbiters should persevere in their original decree, the case will then be referred to a jury of five respectable Europeans, legally and duly chosen, whose verdict shall be final.

Should one of the parties refuse to name an arbiter, the two other arbiters shall choose a third, and nominate him to the court for this purpose, after which the arbitration shall proceed as above directed.

When both parties decline to name arbiters, the court shall not proceed in this manner of deciding the case.

The court shall direct such forms of warrants, subpoenas, and other instruments to be used, as may appear to them most suitable, and shall institute such a table of fees in civil cases as may to them seem most advisable and proper. In criminal cases no fees can be charged.

The court shall possess and exercise such powers for the protection of their privileges and the exercise of their functions, as are constitutionally attached to the superior courts of law in England; but they shall not alter essentially any of the fundamental rules now prescribed for their government, excepting by and with the consent of the bench of Magistrates, given and obtained in the same manner as at the enactment of general laws for the government of the Settlement, under Regulation No. III, of 1823.

IN CRIMINAL CASES.

In all cases purely criminal, the parties shall be indicted by the authority which has committed them for trial.

When a prisoner has been committed by the Magistrates, the indictment shall be laid at their instance, and shall be served by their assistant, who shall appear on their behalf as public prosecutor. When it has been laid by the Resident's court, the Registrar shall undertake these duties; only that, in this case, the indictment shall be sent in due time to the sitting Magistrates, who shall direct their assistant to serve the same on the accused.

All indictments shall be served on the parties at least one week previous to the day of trial, and after the form prescribed in Appendix, and the person serving the same shall be responsible that it has been interpreted to the accused in his native language.

In all cases in which an indictment has been laid, the accused may demand to be tried by a jury; and in no case where the crime charged in the indictment may, if proved, involve the punishment of death, banishment, removal from the Settlement, imprisonment for more than twelve months, or a pecuniary fine of more than five hundred dollars, can the court proceed without a jury.

The jury may be purely European or purely native; and, in this last case, it ought, if practicable, to be the same nation and religion with the accused.

The jury shall consist of five persons of respectable character who can write and read, and who have been borne on the roll of jurymen for the settlement at least three months previous to the trial.

Seven names shall be taken from the roll of jurymen (according to the manner prescribed by the particular Regulation regarding the formation and empannelling of juries in civil and criminal cases), and from these seven the accused shall have the power of rejecting two: and should he be able to afford the court reasons which may appear to them satisfactory, for removing from the jury any of the remaining members, they shall use their discretion in doing so; but in that case the court shall have the power of summarily filling up the vacancy so occasioned.

The court will first cause the indictment to be read in English, and interpreted to the accused, who is then asked if it had been so interpreted on a former occasion, and how it had been served.

If any thing objectionable should appear in this stage of the proceedings, or that the prisoner has not been allowed the facilities which the court may have directed for communication with his friends or his counsel, the trial must be postponed, and a new indictment laid, unless the accused may urge the court to go on.

Should there, however, be no objections on the above grounds, the jury will be sworn and impannelled, the prisoner put to the bar, and the trial will proceed.

The presiding Judge will then ask the prisoner whether he is guilty or not guilty of the crime or crimes laid to his charge in the indictment, and his answer, whatever it may be, is to be recorded.

The witnesses for the prosecution will then be heard separately, subject to a cross-examination by the prisoner.

After they have been severally examined, the witnesses called by the prisoner shall severally be heard, subject to a cross-examination by the public prosecutor.

When these examinations have been concluded, the court may recall any witness, and may put directly any questions they may think necessary; but neither the public prosecutor nor the prisoner shall be allowed to put any questions to such a witness, excepting through the court, and by their unanimous consent.

The same recommendation that has been made in civil cases, for keeping witnesses that have been examined separate from those that have not, is here renewed.

The evidence having been gone through, the presiding Judge may recapitulate the chief points of it to the jury, and refer the same to their consideration and for their verdict, how far the prisoner may be guilty or not guilty of the crime or crimes charged in the indictment, or that the same has been proven or not proven.

The jury may then, if they see fit, withdraw, under certain limitations to be prescribed by the court, and shall be particularly instructed to restrict their verdict to the particular crime charged in the indictment.

After the evidence has been gone through and the case thus remitted to a jury, the jury will, on no account, be allowed to separate before they shall have given in their verdict, which shall either be pronounced audibly in court, in their presence, by the foreman, or shall be signed by him and handed to the Judge, by whom it shall be read, and in either case shall be instantly recorded.

The verdict must state whether it has been an unanimous one; and in the event of its not being so, by what majority it has been carried: all which circumstances shall also be entered on the records of the court.

When a jury has not been empanelled, the court will proceed to weigh the evidence which has been adduced, and shall decide upon the question of guilty or not guilty, proven or not proven; and in the same manner as has been prescribed in these cases, they shall restrict themselves minutely to the crime or crimes charged in the indictment.

After the verdict of the jury or of the court (as the case may be) shall have been recorded, the presiding Judge will pronounce the sentence; and if guilty, shall award the punishment prescribed by the approved code of punishments and laws of the Settlement for the particular crime.

In cases where the crime shall have been a bailable offence, the indictment shall be served on the accused, and the other proceedings adopted in the same manner as when an actual committal may have taken place.

After sentence has been passed, the chief civil Authority may moderate the same or grant a reprieve; and all sentences require his signature before being carried into execution.

A copy of the sentence of the court is to be sent to the sitting Magistrates by the Resident, with a request that they will afford the Registrar all the aid in their power in carrying the same into effect.

CONCLUSION.

The rules and regulations now established for the Resident's court, it is hoped, will be sufficient to enable it to proceed with consistency and uniformity in its duties; and it is expected that the constitution given to it will tend to secure and obtain the ends of substantial justice, in as ample and perfect a manner as can be devised in the present circumstances of the Settlement. These ends, it is conceived, can be best approached by adopting, as far as may be practicable, some of the leading means which have been so happily established for this purpose in our mother-country, leaving it to time and experience to facilitate their application in those respects in which a difference of circumstances may at first appear to interpose some difficulties.

Whatever diversity of feelings may exist among different tribes, however much the influence of habit may have perverted their judgment in particular points, there are still certain rights, necessities, and interests, common to all, and which all will wish to secure. The measures which tend to this result they can be easily brought to appreciate, and while they continue to view them in that light, they will naturally incline to support them.

Nor is it too much to hope, that in framing laws for the future government of the Settlement, the body to whom this important trust is confined will apply all their zeal, judgment, and experience, towards rendering them as perfectly and fully conducive to the general benefit as may be practicable; and therefore, that while the different courts through which these laws come to be dispensed to the public, discharge their duties with diligence and purity, they may calculate on the animating and cheering support of those for whose benefit their labours have been undertaken.

There is little necessity to point out how much such a feeling, when once generated, will aid in effecting and promoting good order and regularity, and in alleviating the labours of all who are interested in their preservation.

A steady uniform application of the same principles in judicial proceedings, without reference to the rank, condition, or situation of the parties, will have the effect of establishing a system to which persons of every description must look with confidence and respect, notwithstanding the very great variety of those on whom the laws of the Settlement may be called to bear, and the many obstacles which may be opposed by the force of established habits and prejudices.

To these prejudices it is hoped the Court will always concede a humane and patient consideration; and that it will endeavour to remove them, by kindly exposing their erroneous tendency on every proper occasion, pointing out at the same time the superior objects held in view in the system of legislation which we have adopted, and safely trusting the issue to the result of such a comparison.

Appendix B.

RULES FOR THE MAGISTRATE'S COURT.

1. The office of the Magistrates shall be open for the trial of civil causes within their jurisdiction two days in the week, viz. Tuesdays and Fridays, at ten o'clock A.M.

2. For the trial of cases not purely of a civil nature, but arising out of the police, it shall be open every day at the same hour.

3. The office to be kept open daily from ten A.M. to three P.M., for the purpose of affording to the public an opportunity of entering and enrolling suits; and it will be incumbent on the assistant to the Magistrates to give his attendance between those hours, and to enter and enrol all causes that may be presented.

4. All causes to be heard in the order of their enrolment, and adjourned cases to take precedence of all others.

5. Excepting in such civil cases as the Magistrates may consider a deviation from this course particularly advisable, it will be necessary that all citations and summonses to the parties in an action should be issued in the following manner, viz.

That for such causes as are to be tried on Friday, the citation and summonses shall have been issued previous to the preceding Tuesday; and for all causes to be tried on Tuesday, such citations and summonses to be issued previous to the preceding Friday. The Magistrates, however, are to have the power of departing from strict attention to this course when they concur in the necessity of doing so, and to continue their sittings *à die in diem* in similar circumstances.

6. When any person applies at the office of the Magistrates for the purpose of having a civil cause entered and enrolled, the Assistant to the Magistrates shall enrol the same in the manner now in use, receiving at the same time the regular fee approved of for such enrolment; and he shall obtain also a list of all the witnesses which the party may consider necessary and useful to his cause, being careful to warn the party and to make him well aware of the importance of having all his witnesses duly and regularly cited.

7. The Assistant to the Magistrates shall issue no warrant for the citation of any person without first having obtained a warrant for that purpose from one of the Magistrates; and when such warrants shall have been duly and regularly issued, he shall put them into the hands of one of the police in order to have them served, if possible one of the Jemadars.

8. The person entrusted to serve the warrant shall then proceed, in company with the complaint or some person of good character delegated by him for that object, to serve the warrant on the defendant, and on the different witnesses whose presence may be required, and all warrants shall be served if possible on the parties personally; and when

that shall not be found practicable, the warrant is to be left at his usual domicile, in presence of one of his family, to whom the nature of the warrant shall be duly explained and notified.

9. When there is reason to believe that a person may have absented himself, or may have taken means to prevent a warrant from being served in the manner prescribed, the Magistrates shall then issue a warrant for the apprehension of his person and the attachment of his property; and on being taken into custody, he shall not only be obliged to find bail for his appearance to answer to the action in question, but shall also be liable to punishment and, at the discretion of the Magistrates, so far as it shall be proved against him that he may have used means for evading the operation of their warrant.

10. All parties to an action shall be personally present in court at the time appointed for the hearing of a cause, under the following penalties, viz.

When the defendant shall fail to appear, judgment shall pass in default: and in the case of the pursuer, he shall be nonsuited, and subjected not only in costs of suit so far as it may have gone, but also in compensation, at the discretion of the Magistrates, to the parties whose attendance he may have unnecessarily occasioned.

11. Witnesses failing to attend after being regularly and duly cited, or contumaciously refusing to give testimony, shall be liable to fine and punishment at the discretion of the Magistrates.

12. The forms of warrants to be such as are at present in use.

13. When the Magistrates shall have heard a cause, they shall endorse their decision, authenticated by the signature of one or more of them, on the back of the warrant which may have been issued for that particular case; and such warrants shall be filed monthly, and carefully preserved in the records of the office. The Assistant to the Magistrates shall, at the same time, make a short record of the facts of any case which may be considered deserving of such notice, in a book deposited at the office for this purpose. He shall also keep a regular account of all fees and fines received at the office, distinguishing each.

14. The form in which appeals shall be made to the Resident's court shall be hereafter fixed by the court with the concurrence of the Resident.

15. The annexed table of fees is approved, the amount to be carried to account of Government.

Table of Fees provisionally authorized for the Magistrates' Court.

Entering complaint and granting summons	0	50	Cents
Subpoena	0	20	
Warrant and attachment	0	30	

In actions for debt, after judgment has been passed, such an additional sum to be levied for the decree, as shall not cause the whole amount of fees for summons, subpoena, warranted and attachment, and decree, to exceed a total of five per cent on the amount at issue.

An arbitration bond	1	0	Rupees
A bail bond for keeping the peace	1	0	

Persons incompetent to pay the first costs of instituting a suit, may plead *in formâ pauperis*, the court afterwards deciding how far the party may have been justified in availing himself of this indulgence, and awarding a sufficient fine where it may be unduly taken advantage of.

COMMISSION FOR THE MAGISTRACY.

Whereas it having become indispensable, in consequence of the extent of population and capital already accumulated at Singapore. that immediate provision should be made for the preservation of order and the protection of person and property, and it having been provided by Regulation No. III, of 1823*, entitled, "a Regulation for the establishment of a Provisional Magistracy and the enforcement of an efficient Police at Singapore, with certain provisions for the administration of justice in cases of emergency;" and also by Regulation No. VI, of 1823, passed on this day, entitled "a Regulation in furtherance of the objects of Regulation No. III, of 1823, and containing additional provisions for the Magistracy and administration of Justice at Singapore," that a certain number of gentlemen resident at Singapore should be constituted and appointed to act as Magistrates, for the preservation of the peace and the establishment of the regulation and domestic order within the said Settlement:

Be it known, that in conformity with the provisions of the aforesaid Regulations, and by virtue "of the full power and authority" vested in me, as Lieutenant-Governor of Fort Marlbro' and its dependencies, by especial commission under the common seal of the Honourable the United Company of Merchants of England trading to the East Indies, bearing date the 14th October, 1817, "from time to time to rule and govern, and to do and perform all such acts and things, and to use and exercise all such powers and authorities as are incidental to, and necessary for, the government of the said Settlement, and of all places subordinate to, or annexed thereto, and of the servants and soldiers of the East India Company there, and the people and inhabitants thereof:"

I, the Honourable Sir Thomas Stamford Raffles, Lieutenant-Governor of Fort Marlbro' and its dependencies, do hereby nominate, constitute, and appoint the undermentioned twelve gentlemen, jointly and severally, to be Magistrates of Singapore for the current year 1823, hereby giving unto them full and ample authority, under this commission, to act in the same manner as justices of the peace in England, and to perform and execute the duties required of them in the capacity of Magistrates, to the best of their judgment and conscience, and according to the pro-

* Passed on the 20th January, 1823.

visions in the said Regulations made and provided, to such rules and orders as are now or may hereafter be laid down by Government for their guidance; for which this shall be their warrant.

A. L. Johnston,	Graham Mackenzie,
I. A. Maxwell,	William Montgomerie,
D. S. Napier,	Charles Scott,
A. Morgan,	John Morgan,
I. Purvis,	C. R. Read, and
A. Guthrie,	Alexander Hay, Esqs.

And I do hereby order, require and command all persons now resident, or who may hereafter come within the jurisdiction of Singapore, to shew due respect and obedience to the said A. L. Johnson, I. A. Maxwell, D. S. Napier, A. Morgan, I. Purvis, A. Guthrie, G. Mackenzie, W. Montgomerie, C. Scott, J. Morgan, C. R. Read, and A. Hay, Esqs., in the execution of the duties of their office accordingly.

And whereas a provision having been made by Regulation No. VI, of 1823, that the Magistrates shall in future be appointed annually on the 1st July in each year; and that to the number of twelve Magistrates, now appointed to constitute the acting Magistracy for the present year, the Resident should be competent, from time to time, to appoint supernumeraries, who are to be borne on the public roll of persons eligible for the Magistracy.

Be it known, that I, the Honourable Sir Thomas Stamford Raffles, Lieutenant-Governor of Fort Malbro' and its dependencies, do hereby empower and authorize the Resident or chief local authority of Singapore for the time being, hereafter to nominate such supernumeraries accordingly, in the manner provided by the said Regulation, and further to select, constitute, and appoint annually, on the 1st January on each year, from the roll of persons eligible for the Magistracy (which will include those now appointed, as well as all such supernumeraries as may be hereafter appointed by the Resident), twelve gentlemen to act as Magistrates for the ensuing year, with the same powers and authority as are now conferred on the acting Magistracy for the present year; for which this also shall be his warrant.

This commission to be in force and full effect from the present date, and to remain in force until the establishment of a regular court of judicature, unless previously revoked by the Governor-General in Council of Fort William, or other equally competent authority.

In witness whereof I have hereunto set my hand and the seal of the East India Company at Singapore, on the 6th of June in the year of our Lord one thousand eight hundred and twenty-three.

Form of Oath administered to the Magistrates of Singapore.

We, the undersigned, being appointed and commissioned to act as Magistrates of Singapore, under Regulation No. III, of 1823, entitled a "Regulation for the establishment of a provisional Magistracy and the

enforcement of an efficient Police at Singapore, with certain provisions for the administration of Justice in cases of emergency," and also under Regulation No. VI, of 1823, entitled, "Regulation in furtherance of the objects of Regulation No. III, of 1823, and containing additional provisions for the administration of Justice at Singapore," do hereby make oath and swear, that in the execution of the duties thereof, we will do equal right to the poor and to the rich, without favour or partiality to any one, to the best of our judgment and conscience, and according to such rules and regulations as are now, or may hereafter, be laid down for the guidance of the Magistrates of Singapore.

So help us God.

R E P O R T

on the

ADMINISTRATION OF JUSTICE.

To Holt Mackenzie, Esq., Secretary to Government, Fort William.

SIR:

1. I have the honour to report, for the information of the honourable the Governor-General in Council, that the appointment of the provisional Magistracy at Singapore, reported in my letter to your address of the 10th January 1st, has been attended with the most beneficial effects, in providing for the domestic order and economy of the Settlement, and that the establishment of an authority so constituted, in aid of the local administration, while it has added strength and respectability to the Government, has, at the same time, given universal satisfaction and confidence to the community.

2. The experience, indeed, which I have obtained during the last five months in which the system has been in operation under my own eye, has not only convinced me of its peculiar fitness in principle to the existing circumstances of Singapore, but at the same time enabled me to form some opinion of what remains to be done hereafter, with a view to a more permanent provision for the police and administration of justice. I proceed, however, in the first instance, to submit, for the consideration of the Honourable the Governor-General in Council, the more immediate provisions which have called for my attention in furtherance of these objects, some of which I have deemed it advisable to adopt at once, as indispensable for the guidance of the constituted authorities, and essential for the regularity of their proceedings.

3. These consist,

First, In a revision of that part of Regulation No. III, of 1823, which provides for the quarterly appointment of three Magistrates, by the substitution of an annual appointment of twelve Magistrates in lieu thereof.

4. Under this revision, I have appointed twelve Magistrates, who are to constitute the acting Magistracy for the present year; and to this number it will be competent to the Resident hereafter to appoint super-

numeraries, who are to be borne on the public roll of persons eligible for the Magistracy, from whom and the ex-Magistrates the twelve Magistrates will in future be annually appointed by him. The enactment of local laws and regulations will, of course, continue in the manner as heretofore prescribed; save only the slight alteration to suit the change made in the Magistracy, from quarterly appointments of three to annual appointments of twelve.

5. This change in the nomination of the Magistrates became necessary, in order to provide for the duties now required of them in the Resident's Court, as well as with a view to the accommodation of the gentlemen appointed to the office, to whom it affords the means of making such arrangements amongst themselves for the tour of duty as best suits their convenience. It has, at the same time, the advantage of affording a more appropriate channel for the communication of public opinion, and of giving to the Magistrates, in their legislative capacity, a just weight and importance.

6. I am satisfied that nothing has tended more to the discomfort and constant jarrings which have hitherto occurred in our remote Settlements, than the policy which has dictated the exclusion of the European merchants from all share, much less credit, in the domestic regulation of the Settlements of which they are frequently its most important members. Some degree of legislative power must necessarily exist in every distant dependency. The laws of the mother country cannot be commensurate with the wants of the dependency: she has wants of which a remote legislature can very imperfectly judge, and which are sometimes too urgent to admit the delay of reference. Circumstanced as Singapore is, even the Governor-General in Council, with whom the legislative power will probably rest, is hardly competent to legislate for such a state without the assistance of local advice. The administration of the Settlement is necessarily limited to one individual, who, having no council, could not be entrusted with the enactment of laws, which require deliberation and advice, and the mode which I have provided seems at once the most congenial to our national institutions, the most simple in its adoption and application, and the most promising in its advantages; at the same time that neither the Supreme Government as the higher legislative authority, nor the local Resident, as the Governor and executive officer of the state, loses any of the powers or attributes properly vested in him. The nomination of Magistrates is vested in him; and as the appointment is a mark of respect to the individual, inasmuch as the exclusion is a disgrace, it may be considered as rather extending his patronage and authority than otherwise.

7. Secondly. In defining the jurisdiction and laying down rules for the Resident's and Magistrates' courts, and in apprizing the public in how far they are bound to give their aid, when required, towards the administration of justice.

8. In the constitution of the Resident's court, it became necessary to consider how that officer was to be aided with advice, as well in civil as in criminal cases, and in what cases it would be advisable to have recourse to a jury: and it having appeared to me advisable that this court should be formed by the Resident, who should preside and pass

the decisions, with the assistance of two Magistrates as assessors, taken monthly by rotation from the general list of Magistrates, and that juries should be allowed in all civil cases where the amount in dispute exceeded a certain amount, or when Government might be concerned, as also in all criminal cases whatever, the rules for that court have been framed on this principle.

9. The rules for the Magistrates' Court, at which two Magistrates will jointly preside for the adjustment of small debts, are intended to provide for a more summary jurisdiction, and require no particular remark.

10. Enclosed I have the honour to transmit a copy of Regulation No. VI, of 1823, this day passed, which, with its Appendices A. and B. contain the particulars of the provisions which I have thus made; and I respectfully submit the same for the approbation and confirmation of the Governor-General in Council, as essential for the government of the Settlement, and the best calculated, as far as my local experience and information enables me to form a judgment, to suit its convenience and wants.

11. For the information of the Governor-General in Council, I have also, at the same time, the honour to transmit a copy of the commission under which I have appointed and established the Magistracy, together with the form of oath which has been administered on the occasion.

12. In adopting these Regulations, I have felt that I have been going no further than what was indispensably requisite, in furtherance of the principle laid down by Regulation No. III, of 1823; but I thought it right to delay them until the arrival of Mr. Crawford, in the hope of receiving the sentiments of the Supreme Government in reply to my former reference.

13. Another, and more serious question, has however arisen, namely, What law is to be administered? Is it to be English or Malay, or both? and how far are the laws of China, or Hindustan, and of each particular state in the Eastern Seas, to be recognized?

14. The population of Singapore will probably consist of a mixture in various proportions of strangers from all parts of the world, having commercial concerns at the port, though chiefly of Malays, and Chinese; and it would be impracticable for any judicial authority to become perfectly acquainted with the laws, and customs having the force of law, acknowledged in their own countries respectively, by the varied classes of so mixed a population; and it would be still more so to attempt to administer these in such a manner as to preserve them inviolate, even in the mutual intercourse of those classes severally amongst themselves, much less where justice is to be administered between two persons of different classes.

15. It is, I believe, generally admitted, that in colonies formed entirely by Englishmen, they naturally carry the laws of their country with them, subject only to such local modifications as the constitution of the colony may require; but nine-tenths of the population of Singapore will

most probably consist of Chinese and Malays, and the restrictions of the legislature may for many years operate against any considerable extension in the number of Englishmen.

16. A case has occurred during the period I have presided in the court, wherein a Chinese, whose relation was killed in an affray, refused any satisfaction short of the life of another individual as an atonement. The deceased was without doubt killed by accident, and circumstances did not admit of tracing the fact to the party who inflicted the blow. But the constant and only argument of the Chinese was, "what proof do you want? It is proved my relation was killed, no matter how: and if you won't give me the life of another in satisfaction, I must take one." Again, according to the Malay law, a man who has been purloined of his property may follow the thief, and kill him wherever he finds him, provided it is within twenty-four hours after the deed was committed, otherwise he must bring him to the Rajah.

17. These and other cases, which may be readily conceived as arising out of the long want of government in these Islands, will be sufficient to shew that there could be no security of person or property in a settlement like Singapore, were the administration of the laws to remain in the hands of the native authorities.

18. The view which I have been induced to take of the subject, inclines me to think that, under the peculiar circumstances of the establishment of the Settlement, the manner in which nearly the whole of the population has accumulated under the protection of our flag, and the real character and interests of the people who are likely to resort to it, we cannot do better than apply the general principles of British law to all, equally and alike, without distinction of tribe or nation, under such modifications only as local circumstances and peculiarities, and a due consideration for the weakness and prejudices of the native part of the population, may from time to time suggest.

19. Precautionary measures for the prevention of crime are, of course, the first to be attended to; but something like a code, which shall explain in few words what is considered a crime, and what is the punishment attached to it, seems indispensable, even in this respect.

20. This subject has attracted my most serious attention: and I regret exceedingly that circumstances have not admitted of my communicating with the Governor-General in Council upon it previously to delivering over charge of Singapore. All that I have felt myself authorized in doing, has been to give publicity to a Minute which it was my intention to have submitted to the Supreme Government, in which I have endeavoured to point out the principles and objects to be kept in view in framing local Regulations, and to suggest a scale of some of the leading crimes and punishments for the consideration and revision of the Magistracy.

21. A copy of this proclamation, together with the scale of crimes and punishments therein referred to, I have the honour to enclose, for the information of the Governor-General in Council; and I trust that the principles on which I have proceeded, will be found to be such as may merit the approbation and support of his high authority.

22. It may be expected that I should explain the grounds on which I have felt myself authorized to go even as far as I have done, in legislating and constituting a power of legislating provisionally for Singapore, and at the same time state the mode in which I consider the legislative and judicial branch of the public administration can be best provided for, in any permanent arrangement to be made by the authorities at home.

23. On the first point, I shall briefly state, that an actual and urgent necessity existed for some immediate and provisional arrangements; and that, in adopting those which I have established, it has been my endeavour, while I gave all due weight to local considerations, to adhere as closely as possible to those principles, which from immemorial usage have ever been considered the most essential and sacred parts of the British constitution. Independently of the authority with which my commission vests me as Lieutenant-Governor of Fort Malborough and its dependencies, (whereof Singapore for the time being is one,) of giving all such orders, and from time to time doing all such things as are "necessary, and are incidental to the government of the said Settlement, and its dependencies, and the inhabitants thereof," the peculiar tenure on which Singapore is at present politically held, the unusual degree of responsibility still resting on me personally, and the actual circumstances under which a large population and extensive capital has accumulated under my administration, without any provision having been made by higher and more competent authority for the judicial administration, naturally called upon me to adopt all such provisional measures as necessity might dictate. More than this I have not attempted; and I should have but ill fulfilled the high and important trust reposed in me, if, after having congregated so large a portion of our fellow-creatures, I had left them without something like law and regulation for their security and comfort.

24. With regard to more permanent arrangements hereafter, it appears to me, that all that is wanting to the progressive improvement and completion of the system so advantageously commenced, is an act of the Crown or Legislature, which may acknowledge and legalize what has been done, and provide for the future on the same principle, or on such other as its wisdom, with a knowledge of actual circumstances, may suggest. As the population and opulence of the Settlement increases, professional aid may be required in the Resident's court, by the addition of a legal assessor or judge, to relieve the Resident from the more severe duties; and probably the Recorder of Penang might perform this duty by an occasional circuit. For the police and judicial duties, under the present circumstances of the Settlement, ample provision is already made by the existing establishments, which are at once economical and efficient.

25. Having the future prosperity of Singapore deeply at heart, I trust I may be excused in making a respectful request, that the sentiments of the Supreme Government regarding the principles I have laid down, with its opinion on the best mode of providing for the police and judicial administration in future, may be communicated to the Honourable Court of Directors by an early opportunity, in order that, on my arrival in England, should my services be accepted for the purpose, I may afford all assistance in my power towards the attainment of such a

charter or warrant from the Crown, as may be suitable to the local circumstances of the place, and regarding which the Authorities at home must necessarily refer to those who possess local information, and have attended to the subject.

I have the honour to be, Sir,

Your most obedient humble servant,

(Signed) T. S. RAFFLES.

Singapore, June 6th, 1823.

PROCLAMATION.

Provision having been made by Regulations No. III, and VI, of 1823, for the establishment of an efficient Magistracy at Singapore, and for the mode in which local Regulations, having the force of law, should be enacted, and by whom such laws should be administered, it now becomes necessary to state the principles and objects which should be kept in view in framing such Regulations, and as far as circumstances may admit, to apprise all parties of their respective rights and duties, in order that ignorance thereof may not hereafter be pleaded on the part of any individual or class of people.

The Lieutenant-Governor is in consequence induced to give publicity to the following Minute, containing the leading principles and objects to be attended to.

MINUTE BY THE LIEUTENANT-GOVERNOR..

1. As the population of Singapore will necessarily consist of a mixture, in various proportions, of strangers from all parts of the world, having commercial concerns at this port, though chiefly of Chinese and Malays, it would be impracticable for any judicial authority to become perfectly acquainted with the laws, and customs having the force of law, which are acknowledged in their own countries respectively, by the varied classes of so mixed a population, and to administer these in such a manner as to preserve them inviolate, even in the mutual intercourse of those classes severally amongst themselves, far more so, when justice is to be done between the Englishman and Chinese, the Bugguese and Hindoo, and the like. On the other hand, to apply the law of Europe direct, with all its accumulated processes and penalties, to a people of whom more than nine-tenths will probably be natives of China and the Malay archipelago, would be as repugnant to natural justice, as it would be inconsistent with the benevolence and liberality which has ever marked the British rule in India.

2. Under these circumstances, nothing seems to be left but to have recourse to first principles, to use every precaution against the existence of temptation to crime, that is found consistent with the perfect liberty of those who have no evil intentions; and when these precautions fail, to secure redress to the injured party, if possible, and such punishment as will be most likely to prevent a repetition of the crime, either by the

party himself offending, or by those who may be inclined to follow his example. Nothing should be endured in the Settlement, however sanctioned by the local usage of particular tribes who resort to it, that has either a direct effect, or notoriously strong tendency to endanger the safety or liberty of person, or the security of property: and, in the same manner, no want of what are considered legal formalities in any country should debar a person from having substantial justice rendered to him, *so that legal and moral obligation may never be at variance.*

3. Taking this as the fundamental principle for the laws of the Settlement, it may be presumed that no local Regulation would be enacted which the society, if left to themselves, would not desire to see carried into effect; no public institution or source of expense would exist, of which the benefit was not obvious, to the enlightened part at least, who would therefore soon feel that the Government was not made to tyrannize over the people, but for their protection and happiness.

4. Under such a system of administration, it is not unreasonable to expect that every facility would be afforded by the mass of the population to the executive authority in carrying the laws into effect; for even the midnight robber and swindler have no desire that their own persons or property should be liable to those evils which they inflict on the rest of the community, and will readily join in their suppression, when other delinquents are the objects of the terrors of the law.

5. In carrying such a system into effect, it ought to be fully understood, and maintained on all occasions, that while individuals are allowed to *protect* themselves, as far as possible, against wrongs, the *redress* of wrongs cannot be left to the resentment or the revenge of the parties conceiving themselves injured. That must be done solely by Government, through the instrumentality of the judicial and executive officers whom it appoints for that purpose.

6. No one, therefore, being allowed to be a judge in his own case, ought to revenge his own quarrel, arms or weapons capable of inflicting instant death, as habitually worn by the Malays, become unnecessary; and by dispensing with them, the greatest temptation to, and power of doing to others the greatest and most irremediable wrong in depriving them of life is in a great measure removed. If a man takes another's horse or cow by robbery or theft, or under a mistaken idea that he has a right to the property in question, redress can be afforded to him as soon as the offender is convicted of his crime, or the party discovers his error; but if from revenge, or under false impressions, a man is suddenly excited to take the life of a fellow-creature, it is in vain that he afterwards discovers that he was misled by passion or had been deceived by appearances. It often happens, too, in these countries, that a man who considers himself aggrieved by a particular individual, and finding himself in possession of a sharp weapon, attempts the life of every one he meets indiscriminately and without having any wrong at their hands to complain of. It is impossible to see who may, or may not be guilty of such acts of inhuman cruelty, and therefore all should agree to lay aside the use of the weapon, that is commonly employed by persons who thus transform themselves into wild beasts by giving way to brutal passion.

7. On the same principle it has been found by experience, that those who indulge frequently in gaming and cock-fighting, are not only liable to engage in quarrels with those who have won their money, but also that they are incited to acts of fraud and robbery, in order to obtain the means of amusement or of attempting to retrieve their losses; it is, therefore, the duty of Government to suppress both gaming and cock-fighting as far as possible, without trespassing on the free-will of private conduct. No man should be allowed to receive any money, either directly or indirectly, for conducting a gaming-table or cock-pit, and winners of money at such places should be compelled to restore the amount to the losers, and should on no account be permitted to enforce payment from those with whom they have gambled on credit.

8. Intoxication being a source of personal danger to the community, and the indulgence in that vice being a frequent cause of betraying those who are addicted to it to the commission of acts of dishonesty, it is the duty of a good Magistracy to throw every obstacle in its way. In the first place, the officers of police should be required to place in constraint any person seen in public in a state of intoxication until he becomes sober; and, in the next place, the vendor of intoxicating articles, who supplied him with the means of inebriety, should be visited with reproof, and fined, and be liable to make good the amount of any loss which the person so intoxicated can prove he suffered during his inebriety, from being unable to take care of himself. The extent of this fine must necessarily be discretionary on the part of the Magistrate, depending principally on the degree of inebriety produced. It should always be of such an amount, that the fear of being subject to it may be sufficient to outweigh in the mind of the vender the temptation of profit in the sale of his goods; of course if it should appear in evidence, that the individual was supplied with the means of intoxication for the purpose of taking advantage of him in that state, the object converts the simple misdemeanor into a crime, according to the particular purpose contemplated; and further punishment to the guilty, as well as redress to the individual injured, must be awarded accordingly. The use of spirituous liquors, though innocent in moderation, becomes vicious when indulged in to excess. The consumption may be diminished by the enhancement of price, and in this way the indulgence may be made so expensive, as to be only attainable, beyond the bounds of moderation, by those whose means give them a station in society that induces them to be guarded in their conduct, for the sake of preserving the respect of those whose whose eyes are turned upon them. Thus while gaming as practised by the Chinese, and cock-fighting by the Malays, are absolutely pernicious in every degree in which they come under public cognizance, the use of opium and spirituous liquors may be repressed, by exacting a heavy tax in the way of license from the venders.

9. There are many important considerations that stand in the way of enacting laws against prostitution: indeed it would in a country where concubinage is not forbidden, be difficult to draw a line between the concubine and the common prostitute. It is practicable, however, in some degree, and highly desirable, that the temptation to profit should not exist, to induce the seduction of women into this course of life by others of their sex. The unfortunate prostitute should be treated with compassion, but every obstacle should be thrown in the way of her

services being a source of profit to any one but herself. It should, therefore, be declared unlawful for any person whatever, to share the hire or wages of prostitution, or to derive any profit or emolument, either directly or indirectly, for bestowing a female in prostitution, any custom, law, or usage of the country such female or her parents or her guardians were born in notwithstanding; reserving only for a jury to advise what constitutes a legal obligation on the man to support the woman thus bestowed, or in other words, what a contract of marriage by local usage, and what a connection of prostitution. The penalty must here also be modified by circumstances. It is much more criminal to induct a girl into prostitution, than to facilitate her pursuit of vice after she has entered upon it as a profession.

10. It may be necessary to make specific regulations for the protection of the community generally against fire, both with regard to the construction of buildings, the storing of gunpowder and combustibles, the manufacture of arrack, &c., and the power of infringing on a neighbour's property after a fire has broken out, either for the purpose of access to the means of extinguishing it, or to prevent its spreading to a greater distance.

11. Boatmen, and parties offering themselves publicly for hire, may also be subjected to regulation, with the view of facilitating the attainment of redress when they are guilty of fraud and negligence.

12. Weights and measures of the acknowledged standard should be accessible to all, and those used in purchases and sales ought to be in strict conformity with such standards. Certain magisterial officers, therefore, should be employed to examine those used by persons who openly keep goods exposed for sale. When found defective, the person in whose behoof they are used should be liable to fine, proportioned to his supposed means and the apparent degree of fraud resorted to.

13. Fraud with respect to the quality of articles is a crime more readily detected, and may be left to private prosecution. In giving redress to the individual, punishment ought to be annexed, in proportion as the fraud is of an injurious nature.

14. As a great check to fraud and falsehood, a general registry office for all written agreements or engagements, which are liable to be made the ground of dispute before a court of justice, should be opened for public. Regulations should be made for the authenticity of the document, in the first instance; and either party, or any party interested, should be entitled to a copy, paying for the same a moderate fee, as a compensation for the trouble given to the Registrar and his establishment. Precaution must, of course, be taken against the falsification or abstraction of such documents from the Registrar's office. All deeds which may be so registered should have an avowed preference over one that is not so registered; unless the holder of the latter can shew a clear, distinct, and satisfactory cause, why he has not been able to have his deed registered, and the *onus* of establishing this ought decidedly to rest on him.

15. Nuisances, generally speaking, may be safely left to the complaint of individuals, in each particular instance, where the cause of nuisance

is not obvious to all, or directly injurious to particular individuals, as crowding the river with vessels &c., when it may be made subject of special regulation.

16. All householders should be registered, and all houses numbered, Auctioneers and pawnbrokers should be placed under specific regulations, and none allowed to act as such without giving security for complying with the same, and taking out a license for the purpose.

17. With respect to the employment of informers, it may be observed that Magistrates must have information; but no bad passion should be elicited in the procuring of it: no temptation to lead others to vice, for the sake of reward for informing; no inducement to betray confidence; and the act of giving information should be treated as a public and honourable duty.

18. Precautionary measures being taken, on the above principles, for preserving the peace and good order of society, and removing, as far as practicable, the immediate temptations to crime and violence, it next becomes necessary to define what shall be considered crimes, what lawful punishments, and how injuries shall be redressed.

19. By the constitution of England, the absolute rights of the subject are defined as follows:

1. The right of personal security; which consists in a person's legal uninterrupted enjoyment of his life, his limbs, his body, his health, and his reputation.

2. The right of personal liberty; which consists in the power of locomotion, of changing situation, or removing one's person to whatever place one's own inclination may direct, without imprisonment or restraint, unless by due course of law.

3. The right of property; which consists in the use, enjoyment, and disposal of all acquisitions, without any controul or diminution, save only by the laws of the land.

20. There seems no reason for denying corresponding rights to all classes of people residing under the protection of the British flag at Singapore, the laws of the land being such as are or may be enacted under the provisions of Regulation No. III, of 1823, dated the 20th January last, with such others, of a more general nature, as may be directed by a higher authority, or which may necessarily accrue under the provisions of the Legislature, and the political circumstances of the settlement, as a dependency of Great Britain. — Admitting these rights to exist, it follows that all acts by which they are invaded are wrongs: that is to say, crimes or injuries

21. In the enactment of laws for securing these rights, legal obligation must never supersede or take place of, or be inconsistent with, or more or less onerous than, moral obligation. The English practice of teaching prisoners to plead not guilty, that they may thus have a chance of escaping from punishment, is inconsistent with this, and consequently objectionable. It is, indeed, right and proper, that the court should

inform itself of all the circumstances of a crime, from witnesses as well as from the declaration of the prisoner himself. Denial is, in fact, an aggravation of a crime, according to every idea of common sense: it disarms punishment of one of its most beneficial objects, by casting a shade of doubt over its justice.

22. The sanctity of oaths should also be more upheld than in the English courts. This may be done by never administering them except as a dernier resort. If they are not frequently administered, not only will their sanction be more regarded, and in this way their breach be less proportionately frequent, but of necessity much more *absolutely* uncommon, and consequently much more certainly visited with due punishment. Truth, however, must be required, under pain of punishment, in all cases of evidence given before a court of justice.

23. The imprisonment of an unfortunate debtor at the pleasure of the creditor, by which the services of the individual are lost to all parties, seems objectionable in this Settlement; and it is considered that the rights of property may be sufficiently protected, by giving to the creditor a right to the value of the debtor's services for a limited period, in no case exceeding five years, and that the debtor should only be liable to imprisonment in case of fraud, and as far as may be necessary for the security of his person, in the event of his not being able to find bail during the process of the court, and for the performance of the decree after judgment may be passed.

24. It is well known, that the Malay race are sensibly alive to shame, and that, in many instances, they would prefer death to ignominy. This is a high and honourable feeling, and ought to be cherished. Let great care be taken to avoid all punishments which are unnecessarily degrading. Both the Malays and Chinese are a reasoning people, and though each may reason in a way peculiar to itself, and different in some respects from our own way of reasoning, this germ of civilization should not be checked. Let no man be punished without a reason assigned. Let the principles of British law be applied, not only with mildness, and a patriarchal kindness indulgent consideration for the prejudices of each tribe, as far as substantial justice will allow, but also with reference to their reasoning powers, however weak, and that moral principle, which however often disregarded, still exists in the consciences of all men.

Let native institutions, as far as regard religious observances, marriage, and inheritance, be respected, when the same may not be inconsistent with justice and humanity, or injurious to the peace and morals of society.

Let all men be considered equal in the eye of the law.

Let no man be banished the country without a trial by his peers or by due course of law.

Let no man be deprived of his liberty without a cause, and no man be detained in confinement beyond forty-eight hours, without a right to demand a hearing and trial according to due course of law.

Let the public have a voice through the magistracy, by which their sentiments may at all times be freely expressed.

25. In fixing a scale of punishments, the first principle to be attended to is, that they should be graduated, as far as practicable, so as to attach to each particular crime its due and relative punishment according to its enormity; and with regard to the nature of the punishments to be inflicted, let them be as mild and humane as the general security of person and property will admit. Severity of punishment defeats its own end; and the laws should, in all cases, be so mild, that no one should be deterred from prosecuting a criminal by considerations of humanity. No feeling interferes with justice in behalf of a murderer: let this crime be punished by death, and no other. Banishment is the next in order. Solitary confinement, proportioned to the degree of the offence, or pertinacity or the offender in his criminal course, seems the least objectionable of all sorts of punishment. Shame and obloquy may likewise be safely resorted to; but much caution is required in this aspect, lest a too frequent enforcement of the punishment destroy the feeling which can alone make it a punishment. Personal chastisement is only for the lower orders, who are incapable of feeling the shame of disgrace, and may properly be had recourse to in cases of wilful perjury, where the falsehood of the witness is palpable, and his object particularly mischievous. In all cases, let it be considered as no less an object of the law to afford redress to the party injured, than to punish the offender. Compensation should in all cases, where it is possible, be made to the injured party, to the extent of the means of the offender: as in the case of the Malay Bangoon, where, when the father is murdered, the family are entitled to pecuniary compensation for his loss.

With these views and principles, the Lieutenant-Governor has this day transmitted to the acting Magistrates such a graduated scale of crimes and punishments, as appears to him sufficient to meet the existing circumstances of the Settlement, and to answer the ends of substantial justice, with instructions that they will duly deliberate on the subject; and after such revision as their local knowledge and experience may suggest, submit the same to the chief local authority with their opinion, and in the form of a code of laws to be established for the Settlement, and to be in force after publication by the Resident, until rescinded by a higher authority, or altered under the provisions laid down for the enactment of local Laws and Regulations.

The Magistrates have further been required to frame, in the form of a Police Regulation, to be approved and published by Government, such further Regulations as may be necessary in that department.

It is to be hoped, that the provision thus made will be found sufficient for the public peace, and the protection of person and property, until circumstances may admit of the establishment of a more regular court of Judicature, all Regulations now made being necessarily of a provisional nature.

Dated at Singapore on the 6th of June, 1823.

By the Lieutenant-Governor of Fort Marlborough and its dependencies.

SCALE OF CRIMES AND PUNISHMENTS.

Submitted by the Lieutenant-Governor for the consideration of the Magistrates, and referred to in his Minute of the 6th of June, 1823.

It is hereby enacted and ordained, that if any person within the territory of Singapore, or jurisdiction thereof, who after a solemn, legal, and deliberate trial, according to the forms, usages, and laws at the time in force, shall be fully and fairly convicted of any of the crimes hereafter stated, he shall be condemned to suffer for the same the particular punishment specially annexed to such crimes in the underwritten scheme and scale, viz.

For Murder.

By Amok	}	To suffer death, with confiscation of property; and the body to be ignominiously exposed on a gibbet for twenty-four hours. When not taken alive, the ignominious exposure of the body to take place as above directed; and, in both cases, the confiscated property to be divided, at the discretion of the court, among the relatives of those whom he may have injured.
and Piracy		Punishment the same as the preceding.
By whatever other causes it may have ensued		Death.

Piracy.

and enslaving of captives ..		Death.
Without aggravating circumstances	}	Imprisonment and hard labour, for a period to be fixed at the discretion of the court.

Homicide.

Simple		Solitary confinement.
Culpable	}	Solitary confinement, and a fine for the benefit of the family of the deceased.

Wounding or Maiming.

With dangerous weapons, wantonly used	}	Banishment and confiscation of property, with redress to the wounded person.
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Assault.

Assaulting the chief authority ..	Banishment and stripes.
In lesser cases	{ Fine and imprisonment, at the discretion of the court.

Riotous and disorderly Conduct.

Rioting	{ Hard labour or banishment, according to circumstances.
For exciting and conspiring with others to oppose Government or injure individuals	{ Banishment in the higher cases, with solitary confinement, and stripes in the lowest.
For forcible seizure of person or property	{ Compensation for injury, with fine and imprisonment.
For detention of person or property	{ Compensation for injury, with fine and imprisonment in a less degree.
For extortion	{ Compensation for the injury, or hard labour.
The destruction and injury of property	{ Compensation for the injury, with fine and ignominy.

Slave Dealing.

In the case of a British-born subject	{ To incur the penalties of the several Acts of the British Parliament now in force on this head.
In the case of other persons ..	{ Loss of property in the slave; fine and imprisonment at the discretion of the court.
Gambling	{ Confiscation of property; banishment and stripes, according to circumstances.
For Stealing	{ Compensation for injury, stripes, bonds, hard labour.
Perjury and false evidence ..	{ Imprisonment and stripes in the more flagrant cases, and fine and ignominy in the lesser.
Defrauding	{ Compensation to the injured party when practicable, with imprisonment and stripes at the discretion of the court.
For defamation	{ Fine and imprisonment, with deprivation of natural rights, according to circumstances.
For receiving or offering bribes ..	Ignominy, with fine and loss of suit.

And for all other crimes not specially mentioned, such punishment as the court shall, at its discretion, see fit to inflict.
 Singapore, June 6, 1823.