

## CHAPTER VIII

1885-1890

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By the “Courts Ordinance Amendment Ordinance” 15 of 1885, the number of Judges of the Supreme Court has been increased to four, that is to say, a Chief-Justice and three Puisne-Judges. The location of the Judges is dependent on arrangements made by them with the concurrence of the Governor, but the Chief-Justice is required ordinarily to reside in Singapore and the Senior Puisne-Judge for the time being in Penang, and now by the “Courts Ordinance Amendment Ordinance” 19 of 1889, Section 3, it is no longer required that if there be more than two Judges present in the Colony, two Judges should ordinarily reside in Penang as was provided for in the former Ordinance. By the same Ordinance (19 of 1889, s. 6), Appeals are required to be heard before not less than three Judges, provided that a Judge shall not sit at the hearing of an appeal against his own decision, but when there are only three Judges in the Colony, one of whom is the Judge whose decision is appealed against, the appeal is to be heard before the two other Judges. Appeals are to be decided by a majority of votes, but when the votes are equal, the decision appealed against is to stand, and Courts of Appeal instead of being held twice a year as before are now held at such times and places as the Chief-Justice may appoint (Ordinance 15 of 1885, s. 5).

The “Courts Ordinance Amendment Ordinance” 19 of 1889 also lays down that the jurisdiction of the Supreme Court shall be deemed duly constituted during and notwithstanding a vacancy in the office of a Judge (s. 21) and by Section 7 the Court is empowered to make certain Rules and Orders as therein provided for, the Governor under Section 4 having power to issue Commissions to fit persons to act as Justices of the Peace, such Commissions being filed of record in the Supreme Court.

By Ordinance 12 of 1887, provision is made for the appointment of “Delegates” for the Judges of the Supreme Court, to grant Probate and Letters of Administration to Estates of deceased persons not exceeding \$500 in value, and who at the time of death were permanent residents within the local limits or District of the Delegates. Several such appointments have recently been made and confined to District Officers under the Boundaries Ordinance and other recent legislation.

By Ordinance 17 of 1886, certain rights, privileges, and duties are conferred on Advocates and Solicitors of the Court in reference to the taxation and recovery of their costs, and Section 52 of the Supreme Court Ordinance, 1878, is repealed and substituted by this Ordinance. A new scale of costs chargeable by Solicitors has also been passed, and these are given *in extenso* [in Volume IV, of Kyshe’s Reports pp. 31-47].

The laws relating to Conveyancing, Bills of Sale, and Bankruptcy have also been repealed and greatly modified by recent legislation — the

Ordinances dealing with these respective subjects being Ordinance 6 of 1886, and 2 of 1888.

By Ordinance 1 of 1888 as amended by Ordinance 9 of 1888, the shortening of the language used in Ordinances and other written laws is provided for and "judicial notice" is required to be taken of all Orders of the Queen in Council published in the *Government Gazette*. The latter provision, doubtless, being due to a recent decision of the Court in an Extradition Case.<sup>114</sup>

Early in 1889, a learned Judge of the Court in Singapore, endeavoured to introduce the time-honoured custom of wearing wigs in Court, and which it may be added is in vogue in many of the Colonies. The custom however, not meeting with full approval and not being made obligatory was allowed to be discontinued.<sup>115</sup>

Under the provisions of Ordinance 8 of 1889, the Governor was empowered to appoint Commissioners to determine what Indian Acts were in force in the Colony and for revising and publishing the same. The result of this Commission composed of the Hon'ble J.W. Bonser, Attorney-General, and His Honor Mr. Justice Goldney, has been the publication issued early this year of one of the most useful compilations ever published in the Colony.

The law relating to oaths in Judicial proceedings has also been greatly amended. Ordinance 5 of 1890 empowers the Court to tender oaths to witnesses in any form common amongst, or held binding by persons of the race or persuasion to which the witness belongs, a matter not altogether novel in the annals of the Colony. Otherwise existing forms of oaths<sup>116</sup> are to continue until determined by Order of Court. Summary punishment for perjury in open Court is also dealt with.

An important alteration in the Jury law (Ordinance 11 of 1890) causes a fusion of the Special with the Common Jurors, the Court having power however, in any case it may deem it necessary, to draw a Special Jury from a smaller class; the first trial under the new law, viz., a murder case, hitherto triable only by a Special Jury, and therefore the first since the foundation of the Colony (though it may be mentioned two of the Jurymen happened at one time to be on the list of "Specials") taking place under the presidency of the present Chief-Justice, in Malacca, on the 17th December, 1890.

The Law of Evidence with respect to Bankers' Books has undergone modification, by their production in Court no longer being compulsory (Ordinance 12 of 1890) and the English Arbitration Act, 1889, has also been adapted to local requirements by Ordinance 13 of 1890, the Civil Procedure Ordinance therefore undergoing amendment in that respect.

Of the lower Courts, one measure passed by the Legislature (Ordinance 8 of 1890) introduces a new scale of fees to be levied in Courts of Requests in distrains for rent under the Distress Ordinance 14 of 1876. It may be added that the Ordinance relating to Oaths above alluded to extends also to the Inferior Courts.

The following are the changes that have taken place among the Judges. In February, 1886, the Chief-Justice Sir Thomas Sidgreaves retired on pension; and on his retirement, the Chief-Justice, who had been a Member of the Legislature since the transfer of the Colony in 1867, ceased to be one. He was succeeded in March following by the first Puisne-Judge Sir Theodore Thomas Ford<sup>117</sup> whose post of Senior Puisne-Judge was filled by the next Judge in rank Mr. Justice Wood, the latter being re-placed by Mr. Justice Sheriff, Chief-Justice of the Colony of British Honduras.

In consequence of the increase in the number of Judges as stated above, it became necessary to appoint a fourth Judge, the post being conferred in June, 1886, on Mr. Justice Pellereau, Procureur and Advocate-General of the Mauritius. With the sanction of the Secretary of State, in March, 1887, an exchange of stations was effected between Mr. Justice Sheriff and Mr. Justice Goldney, Puisne-Judge of the Supreme Court of British Guiana, whereby the latter became the third Puisne-Judge of this Colony.

On the retirement of the Chief-Justice Sir Theodore Ford early this year, the Hon'ble Edward Loughlin O'Malley, Attorney-General of Hong Kong was appointed his successor, and assumed duties as Chief-Justice of the Straits Settlements in February, 1890.