

FOOTNOTES

1. Opinions differ about this, the Charter of 25th March 1807, however says "wholly uninhabited."
2. See *Regina v. Willans*. Magistrates' Appeals, [vol. III of Kyshe's Reports. p. 16].
3. This is slightly touched upon by Mr. Phillips. in Section 7 of his Minute on the Landed Tenures of Prince of Wales' Island.
4. For proclamation, see *Fatimah & ors. v. Logan & ors.*, [vol. I of Kyshe's Reports p. 250].
5. Captain Light passed certain Regulations for the guidance of Native Chiefs, which were reframed in 1800, by Sir George Leith, Lieut.-Gov., see *infra*, chap. 2.
6. One of them Lieut. Norman Macalister, Colonel and Governor at the Proclamation of the first Charter in 1808.
7. Cf. T. Braddell "Notices of Pinang". *Journal of the Indian Archipelago & East Asia* vol. V (1851) p. 5. This case is also alluded to by Sir Benson Maxwell, in *R. v. Willans*, Magistrates' Appeals, [vol. III of Kyshe's Reports p. 16].
8. Cf. T. Braddell, *op cit.*, p. 7.
9. Exact date not found.
10. The exact date of the death of Captain Light, (whose Will is to be found among the records of the Court, and which destroys the fiction that he had married a daughter of the King of Quedah)⁽¹⁾ seems to have been doubted by many,⁽²⁾ but the following extract of a letter (a copy of which is among the records of the Court), from two of his Executors, to a co-Executor, announcing his death, clearly gives the correct date:

PRINCE OF WALES' ISLAND,
21st October, 1794.

"To

WILLIAM FAIRLIE, Esq.,
Calcutta.

DEAR SIR,

It is with great concern we have to advise you of the distressing loss we have experienced in the death of our worthy friend Mr. Light, who departed this life this morning at one o'clock, after an illness of a pretty long duration, but which in the latter part of it, made a very rapid progress, . . .

This event, distressing as it would have been at any time, is peculiarly so just at this moment for a variety of reasons, all which must strike you very forcibly without our particularizing them. . . .

(Sd.) J. SCOTT,

(Sd.) THOMAS PIGOU."

(1) "Captain Light had assisted the above prince (King of Quedah) in quelling some troubles in his dominions, who in return, bestowed on him a princess of his blood in marriage, together with this island as her dowry . . . this, however, is certain, that the Island of Pulo Peenang, which was given with her dowry, he as subject of Great Britain, took possession of in the name of his Britannick Majesty, for the use of the English East-India Company." *A short account of the Prince of Wales' Island or Pulo Peenang*, Elisha Trapaud, Esqre., Captain in the Engineer Corps, Madras Establishment, London, 1788, pp. 9, 15.

- (2) "1793. — Captain Light died about the latter part of this year" — [cf. James Low. "An Account of the Origins & Progress of the British Colonies in the Straits of Malacca." *Journal of the Indian Archipelago & East Asia* vol. III (1849) p. 614]. "This Gentleman (Francis Light) died during the year 1794, but there is no record of the event to be found . . ." and again "the date of Captain Light's death, and the name of his immediate successor, are not discoverable from the records." [Cf. T. Braddell. "Notices of Pinang". *Journal of the Indian Archipelago & East Asia* vol. V (1851) p. 6]. The Ecclesiastical papers connected with Light's estate, only shew that he died in the month of October, 1794, without specifying any date — (*Martinha Rozelles alias Timmer v. W.E. Phillips & ors.*, — claim of restoration of certain lands under the Will of Francis Light departed this life sometime on or about the 24th day of October 1794 . . .).
11. Sir Geo. Leith, Bt., Leiut.-Governor, *A short account of the Settlement of Prince of Wales Island*, (London), 1804), p. 7.
 12. *Fenwick v. G. Caunter*, 28th September, 1808, (not reported) — and see time of Sir George Leith, Bt., — 1800-1803 and his "account of the Settlement," *infra* Chap. 2.
 13. See Sections 89 and 93 of Governor Dundas' despatch of 12th November, 1805, and Section 7 of Mr. Dickens' letter of 21st December, 1806 to Mr. Raffles, regarding one Douglas — Chap. 3, *infra*.
 14. "The son of the Superintendent Manington" — *Papers and Correspondence, Land Revenue Admin.*, 1823 — 1837, (published 1884) p. 29.
 15. Lord Cornwallis' Despatch to Captain Light, 26th January, 1788, *ante* p. 38.
 16. As to the result of this in subsequent years, see Section 92 of Governor Dundas' despatch of 12th November, 1850, *infra* — Chap. 3. See also Sir George Leith's *Account of the Settlement*, 1800-1803 — *infra*, Ch. 2.
 17. "The Wellington Despatches" (Supplementary Despatches), vol. I., p. 25.
 18. See Sections 16 & 17 of the *Instructions* to Sir George Leith, Bt., 15th March, 1800, *infra* — Ch. 2, and time of *Dickens*, [Judge & Magistrate] 1801-1808 — *infra*.
 19. Cf. T. Braddell. "Notices of Pinang". *Journal of the Indian Archipelago & East Asia* vol. V (1851) p. 157.
 20. According to the Court records — *Ecclesiastical Side* — Mr. Manington died in Penang on the 13th June, 1806, and was then "Paymaster of the Hon'ble Co." — Mr. George Caunter died in April, 1812, and up to 1811, the Court papers mention him as "Police Magistrate."
 21. This official was also "*Sheriff, Gaoler, Coroner, Constable, Bailiff, and Officer of Police*," and in addition to the foregoing (with the exception of the Gaolership in 1807, when one William Russell was appointed in that capacity), the records from 1805 to the proclamation of the Charter also shew him as "Clerk of the Crown for the trial of all persons committed for capital offences" (Clerk of the Crown?) and lastly as *Acting Registrar*.
 22. "Regulation for the registering of spice-plants, for the better security of the planters, and in order to aid in the detection of such ill-minded persons as many steal clove or nutmeg plants and transplant them in their own ground."
 23. On this point see further, time of *Sir Benjamin Malkin, R.*, 1833-35, *infra*, Chap. 5.

24. The following are extracts from the correspondence that arose on this subject:

TO

W.E. PHILLIPS, ESQ.,

*Acting Lieutenant-Governor of Prince of Wales'
Island and its Dependencies.*

SIR,

1. I have received the proceedings in the case of the *Government versus Carni*, (which I yesterday transmitted to you) and which have been now returned to me, with an annexed sheet, containing an examination of Philip Manington Esq., taken upon oath by you, as Acting Lieutenant-Governor, at the Government-House, and dated the 7th of April, 1803, that is to say, to-morrow, to questions there put to him by you.

2. That is, in fact, a secret and private examination of one of the persons, who was yesterday sworn in open Court, at the trial of the said Carni, to give evidence of all he knew respecting the subject matter. then before the Court. . . .

3. The aforesaid annexed sheet containing also a judgment given by you in this case, I feel it my duty therefore, to declare, that I am of opinion you do not possess in your character of Acting Lieutenant-Governor of this Island, under the Regulation of the 31st August, 1794, or under any commission or authority which I am cognizant has been to you given, by the Governor-General in Council, any legal power of examining at the Government House, any witnesses in any cause who had been previously examined by me in the same cause, as judge sitting in the Court of Adaulet, in the presence of the accused. I am of opinion that you could not *legally*, thus prop up the testimony given by any witnesses in open Court, that you could not *legally*, thus deprive the accused, of his benefit of cross-examining any such witnesses.

4. The Regulation of the 31st August, 1794, after defining the powers of the Judge thus qualify those powers: "No sentence to be carried into execution without the approbation of the Superintendent for the time being." These words give you no power as Acting Lieutenant-Governor, as I conceive, of altering the sentence of the Judge, much less of a criminal offence, a man who had been tried and acquitted by him, as Judge in a regular legal course of proceeding.

5. It appears to me, that you have united in your own person, *legislative* powers, by enacting of your sole authority, as a law, binding (if it could bind) me as Judge, the regulation passed by you of the 18th December, 1802, *judicial powers* by the secret examination taken, and positive judgment given, in a cause wherein, the Government, that is, yourself, representing the Government, is a party, and *executive powers* by carrying that judgment into execution, yourself. You have in a manner said — So I order, my will shall be the Law. It is not for me to say, what are the limits of your powers as Acting Lieutenant-Governor of Prince of Wales' Island, but permit me respectfully to decline, taking any part in carrying *your* judgment against Carni into execution. I still think that he was innocent, of the crime, of which he was accused,⁽¹⁾ and that a man should not be convicted, until his guilt is proved. The escape of a delinquent of that or any other description can never do so much harm, as must arise, from the infraction of a rule, upon which the purity of public justice depends. . . .

I have the honor with all due consideration to be,

Your humble servant,

JOHN DICKENS,

Judge and Magistrate, &c.

COURT OF ADAULET,

George Town,

The 6th of April, 1803.

(1) "Carni, a gardener in the service of Philip Manington, Esq., for stealing, &c., 247 nutmeg plants, the property of the Hon'ble the United Company, &c."

Mr. Phillips replied as follows:

TO

JOHN DICKENS, ESQ.,

Judge and Magistrate. &c., &c.

SIR,

I have the honor to acknowledge the receipt of your letter to me of yesterday evening, but with due respect to your judgment, must decline entering into any discussion on the duties of the station I have at present the honor to hold, or upon the mode I may think proper to adopt in carrying them into execution.

I have therefore only to observe, that as the Supreme Government directed you to "act under the existing Laws and Regulations of the Island, until *further orders*," and as you declined to enforce a regulation which I deemed myself authorized to frame, and expedient to promulgate for the welfare of this Settlement, I was under the necessity of using the authority vested in me, and of enforcing the Regulation; for which I am answerable to the Governor-General in Council alone.

I have, &c.,

W.E. PHILLIPS,

Acting Lieutenant-Governor.

FORT CORNWALLIS,

Prince of Wales' Island,

The 7th April, 1803.

25. "*Chooliah and Malay.*" The "*Instructions for the Elders of Chinese inhabitants of Prince of Wales' Island,*" also, on record, differ but slightly. It would appear that these instructions were originally written in the different native languages and that the Court copies of the "Instructions" were but mere translations, judging from the following "... On the 7th August 1801, Mr. Swain was so obliging as to translate for my private use, the instructions given by you to the Captain Malay, and I beg leave to add, that there was no English copy of your instructions to the Native Captains, anywhere to be found. . . ." *Mr. Dickens to Sir George Leith, 13th June, 1803.*
26. An order of Priesthood.
27. This last Article was amended by the Lieutenant-Governor on the 3rd June, 1803, as follows:—

"In consequence of the increase of business at the Cutcherries of the Native Captains, the Lieutenant-Governor is pleased to cancel that part of the 19th Article of the Regulations for their guidance; which orders them personally to attend the Magistrate's Court, and to direct, that in future their Deputies only, with a person qualified to administer oaths, attend the Judge and Magistrate on Court days.

By Order of the Lieutenant-Governor,

W.E. PHILLIPS,

Secretary.

FORT CORNWALLIS,

3rd June, 1803.

On the receipt of this "amended article," Mr. Dickens wrote the following:

GEORGE TOWN, the 4th June, 1803.

TO

SIR GEORGE LEITH, BARONET,

Lieut.-Governor of Prince of Wales' Island.

SIR,

1. Upon my return from Court, I received a letter signed W.E. Phillips, Secretary to the Lieutenant-Governor, stating the directions of the Lieutenant-Governor, that he had thought proper to alter the regulations existing when I arrived at this place respecting the attendance of the native Captains at the Magistrate's Court, and that for reasons assigned in a paper enclosed, viz., in consequence of increase of business at the Cutcherries.

2. I request that you will be pleased to signify this alteration in the existing Regulations to His Excellency the Most Noble the Governor-General in Council, as I was directed to act upon the principle of the existing regulations, and of course to act with the assistance of the native Captains of which I am now about to be deprived.

I have the honor, &c.,

JOHN DICKENS,

Judge and Magistrate.

Mr. Phillips, on the 6th June, by direction of the Lieutenant-Governor, merely acknowledged receipt of this letter.

28. These most interesting documents, will be found published at length in [T. Braddell. "Notices of Pinang." *Journal of the Indian Archipelago & East Asia* Vol. V (1851) p. 193-208].
29. This is evidently a mistake, although taken from Mr. Dickens' own manuscript, for the records and some of Mr. Dickens' own letters show that he arrived here on the 7th, e.g. [see footnote 25].
30. Date left blank in Court copy.
31. *Ante* p. 48 f.
32. Letter dated 22nd April, 1803, duly recorded, but not here given.
33. *Ante* p. 52 ff.
34. *See* p. 57, 59.
35. A system which lasted till the proclamation of the Charter — see section 92 of Governor Dundas' Despatch, 12th November, 1805, *infra*.
36. See different Charters — also see Section 69 of despatch of Court of Directors, Chap. III, *infra*.
37. *A short account of the Settlement, &c., of Prince of Wales' Island in the Straits of Malacca.* Sir George Leith, Bart., Major 17th Foot, and late Lieutenant-Governor. (London, 1804).
38. *See the different Charters:* "The said Court shall have and exercise jurisdiction as an Ecclesiastical Court, so far as the several Religions, Manners and Customs of the inhabitants will admit . . ." and "make Rules and Orders . . . with an especial attention to the different Religions, Manners and Usages of the persons who shall be resident or cormorant within its jurisdiction. . . ."

39. An examination of the records shews this to have been really the case and the system apparently lasted till the proclamation of the Charter, for at a Session of Oyer and Terminer held on the 10th October, 1809, thirteen prisoners (two of whom were women) were "returned upon the Calendar to have been committed on charges of murder, since the year 1797 by former authorities which exercised jurisdiction here, antecedent to his Majesty's Charter The Court remanded the several prisoners, and declined to pass any sentence before Tribunals which were not legally authorized to try them," and see the following, which relates to one of the women-prisoners, who had been twelve years in custody without any apparent charge against her.

"9TH DECEMBER, 1809.

Present:

THE HONORABLE SIR EDMOND STANLEY, KNT., RECORDER

The King against Mai.

The prisoner *Mai* was brought up this day, and set to the Bar; when the several petitions presented by her, and which laid over for consideration were read, together with the report of the Registrar and Clerk of the Crown of there being no charge of any kind or description against the prisoner in the Crown Office, and the record of the proceedings of the 1st August, 1797, before Forbes Ross McDonald, then Superintendent of Prince of Wales' Island, George Caunter Esquire, Magistrate, and Philip Mannington Esquire, second-assistant to the said Superintendent being the trial and conviction of one *Lough*, a Malay, for the murder of one *Che Chute*, and also the examination of *Mai*, the prisoner as an evidence upon the said trial. It appearing that there is no color of charge against the prisoner *Mai*, who has remained in confinement since the year 1797; it was ordered that the said *Mai* be discharged out of custody upon the terms of entering into a recognizance, herself in Dollars 500 and two sufficient securities in Dollars 250 each for 5 years, and also for her appearance hereafter in this Court, if found necessary, and when required, to plead his Majesty's pardon."

These prisoners are last mentioned in the records on the 4th June, 1810, when several of them "offered to transport themselves out of this island, upon the terms of their being discharged from further imprisonment, which offer was accepted by the Government, but the Court declined making any rule in their case, there being no charges before the Court against them." On this subject, see also, time of *Stanley R.*, *infra*.

40. A shrine.

41. This affidavit is on record and the following extract from it goes in support of the above letter: "The petition of James Douglas, Esquire, sheweth, that *Varshay Mahomed*, late of Prince of Wales' Island, merchant, sometime on or about the first day of November, 1806, departed his life at sea without a Will, Ec. . . ." *In the lands and Goods of Varshay Mahomed, deceased*, 6th December, 1806. [Not reported].

42. The second paragraph of this letter mentions another matter not immediately connected with Douglas, and the same not being traceable in the records, the para. is here left out. The above letter will however be found published in *extenso* in: T. Braddell. "Notices of Pinang". *Journal of the Indian Archipelago & East Asia* vol. VI (1852) p. 632.

43. *Ante* p. 44.

44. "And we do hereby constitute and appoint our trusty and well-beloved, Sir *Edmond Stanley*, Knight, to be the First Recorder of *Prince of Wales' Island*, in Manner aforesaid, the said Sir *Edmond Stanley*, Knight, being a Barrister in Ireland, of five years standing and upwards." *First Charter*, p. 9.

45. "Colonel Norman Macalister, Governor, W.S. Pearson, W.E. Phillips and J.J. Erskine, Counsellors."

46. Fort Cornwallis.

47. Some of the records bear the signature of Mr. Kekewich (Registrar in 1811-1812) as "Registrar and Commissioner," but his appointment by the Court as Commissioner cannot be found, but for many years after the proclamation of the first Charter, Affidavits were sworn before the Recorders.
48. See *In the Goods of Thomas Kekewich, deceased*, [Ecclesiastical Cases, Vol. II of Kyshe's Reports p. 1] and *In re Cuthbert Fenwick*, time of Stanley, R., *infra*. [not reported].
49. See List of Agents, first Charter.
50. See further on this subject, time of *Sir John Claridge*, R., *infra*.
51. I.e. the Judges of the Court of Judicature — see first Charter, p. 15.
52. In "*Fort-Cornwallis*," (as gathered from the records).
53. The Court must have removed to its present building in Penang shortly after this date. On record is to be found, a receipt signed "John Hewitt, Registrar," and dated 7th March 1810, for different articles, — furniture, &c., "for the use of the Court of Judicature, and offices attached, ordered to be supplied by order of the Hon'ble the Governor and Council." Some of the papers on record would also go to shew, that in Penang, the Recorders, up to Sir John Claridge, "resided in chambers adjoining the Court."

In reference to the Penang Court-House, the following also appears in the records: "It appearing by letter dated 27th November, 1815, and 2nd December, 1815, that it is wished by Government that the Court-House should be tiled and repaired, the Term being over . . . the Recorder being uninformed how long such work might take, . . . the Recorder is willing to sit in the Hall of the Registrar's Office, until the work is finished." *Recorder's Note*, 29th February, 1816. In connection with this matter, it may here be stated, that the Court-House was in charge of a *Military Guard* from the time it first opened, until the 28th March, 1825, when the same was withdrawn and replaced by 1 Jemadar, 2 Sontabardars and 5 Peons, borne on the Registrar's Establishment. Shortly after this, further changes took place, a "Sepoy Guard" being put in charge of the Court, until withdrawn on the 21st May, 1842, owing to a "reduction in the garrison of the island," and replaced by 4 Chokedars, now reduced to 2 policemen. (On this subject, see further — time of *Sir Benson Maxwell*, as Recorder.)

54. See time of *Sir Benson Maxwell*, R., *infra*.
55. See List of agents [Appendix I].
56. See foot-note 39.
57. See *ante* p. 82.
58. See *ante* p. 82.
59. Not reported.
60. *Ante* p. 78.
61. Was "Principal Surgeon to the Hon. Co." — (*In the Goods of William Petrie, deceased*, 23rd July, 1817. [not reported].)
62. See List of Law Agents &c. 1st Charter. [Appendix I].
63. See List of Law Agents &c. 1st Charter. [Appendix I].
64. Was previously aide-de-camp to Governor Petrie. (*In the Goods of William Petrie, deceased*, 23rd July, 1817. [not reported].)
65. *Journal of an Embassy to the Courts of Siam and Cochin-China* — John Crawford, (London, 1830) pp. 556-57.

66. "I will pass by their (the Dutch) Court of Justice, because it hardly deserves the Name, since Strangers are excluded from the Common Laws or Humanity, wherein I am able to give many Instances, but I voluntarily pass by Particularities." *A new account of the East Indies* — (Chapter 38, Quedah and the other Maritime Countries and Islands, as far as Malacca) — Captain Alexander Hamilton, (London, 1744) p. 81.
67. See *Ong Cheng Neo v. Yeap Cheah Neo & ors.*, [vol. I of Kyshe's Reports p. 343.]
68. See reasons of Sir Benjamin Malkin for residing in Penang — Ch. VI, proclamation of 3rd Charter.
69. *Report of Indian Law Commissioners*, 1842, p. 114.
70. See *ante* p. 82 and first Charter, Marginal note: "Jurisdiction of the Court defined."
71. Apart from Court Records, the different matters in connection with Sir John Claridge's recall, will be formed [sic] treated at length, in an article that appeared on the subject, supposed to have been written by an official in the "India Office" at home. — in the February number of the home "*Asiatic Journal*," for 1832.
72. This consisted in an alleged affront to Mr. Garling, the Resident Councillor of Malacca, whilst sitting on the bench as the Recorder's colleague. It would appear that "a man unacquainted with the rules and process of the Court, addressed a petition respecting some rights of fishery" to Mr. Garling, who at once handed it over to the Recorder — the latter addressing the Interpreter of the Court thereupon exclaimed: "Symons, declare openly in Court, that if the people have any points in dispute, they have no business to go to Mr. Garling," which caused the latter to quit the bench and decline sitting with the Recorder again.
73. Remarks made by the learned Recorder in his charge to the Grand Jury at Singapore, on the 16th February, 1829.
74. Case not reported, but regarding interference, &c., of Lay Judges, see time of *Norris R.*
75. See Charge *sixth*, *ante* p. 98.
76. "The Lord Chancellor, The Lord President, The Lord Chief Justice of England, The Lord Chief Justice of the Court of Common Pleas, The President of the Board of Control for the Affairs of India, The Earl of Carlisle, The Duke of Richmond, Mr. Wynn. — "
77. *Mr. Sergeant Spankie* on the part of the East India Co., and *Dr. Lushington* for Sir J.T. Claridge.
78. Clerk of the Council.
79. Note by Mr. Kerr, the Registrar, in reference to the words in italics in above letter: "These gentlemen in China, seem to be impressed with a due sense of the value of Interpretation — not so our Straits authorities, until in their own person, they feel the inconvenience."
80. The Court of Judicature only opened on the 9th August, 1827!
81. On this subject see further, time of *McCausland* and *Maxwell*, *R.R. infra*.
82. Revived after different enactments for the last time, by s.s. 53 & 54 of Ord. 3 of 1878, read in conjunction with sec. 7 of Ord. 17 of 1876, since repealed.
83. *Report of Indian Law Commissioners*, 1842, p. 208.
84. Sir John Claridge, after his recall, was never again employed under the Crown. Parliament was several times moved in his behalf, the last time as late as the 25th July, 1848, when Mr. W.E. Gladstone, in the House of Commons "moved an address to the Crown relative to the case of Sir J.T.

Claridge, removed from the office of Recorder of Prince of Wales' Island, and praying, in conformity with the recommendation contained in the Order in Council in reference to his case, that he may receive an appointment in her Majesty's service, of such a class as to her Majesty may seem meet.

"Sir J.C. Hobhouse and Lord J. Russell opposed the motion, on the ground that it involved a direct interference with the prerogative of the Crown, and after some discussion, several hon. members speaking in its favour, the motion was withdrawn." London. *Home News*, 7th August. 1848.

85. *Ante* p. 109.

86. Extract of one of which letters is published in "*Papers and Correspondence, Land Revenue Administration*," (1884).

87. *Report of Indian Law Commissioners*, 1842, p. 208.

88. On this subject see further, end of time of Norris, R. *infra*.

89. On this subject, see further, time of McCausland and Maxwell, R.R., Ch. VI.

90. *See, Rex. v. Noquedah Allong & ors.*, [Criminal Rulings, Vol. II of Kyshe's Reports p. 3].

91. *See Regina v. Khoo Ghee Boon*, [Criminal Rulings, Vol. II of Kyshe's Reports p. 81].

92. *Report of Indian Law Commissioners*, 1842, pp. 222-23. — See also by way of illustration, *In re Charles Maitland*, 13th August, 1828, mentioned in the time of Claridge, R., *ante* p. 99.

93. *Report of Indian Law Commissioners*, 1842, p. 114.

94. "I entirely concur with my predecessors Sir John Claridge and Sir Benjamin Malkin, in thinking that a Judge in these Settlements should never be transferred to the Indian Bench. These Judges both wrote to the home authorities strongly deprecating the practice, and Sir Benjamin's promotion was not of his own seeking. How far the decisions of these questions might affect my own private interests, I cannot tell, but I have felt it my duty to express my opinion thus publicly without reference to my own individual claims." Norris R., charge to Penang Grand Jury, 30th November 1837.

95. *Ante* p. 57 ff.

96. The following is a copy of the translation of the oath on record, forwarded with the above:

"I affirm before God Almighty, that I Punghulu of promise to do all that is right and just with a clean heart, towards the English Government, and that I shall follow and obey all Company's order; if any person or persons are going to create any disturbance or row, in my district, that I shall be obliged to inform the Chief Authority in Malacca, or his deputy, or whoever acts or receives power from him; and that I rely with confidence in the decisions of the English Company; and I also promise to improve the country by cultivation, and to advance the welfare of the inhabitants: this is my faithful understanding with the Government of the English Company.

Written at Malacca"

97. Proc. 1st August, 1851, *Calcutta Gazette*, p. 899, *Index to Laws, Straits Settlements*, Pt. II, p. 2.

98. *See*, time of Sir Benson Maxwell, R., *infra* pp.

99. *See* third Charter, p. 8.

100. "Was Secretary to his uncle, Lord Plunkett."

101. "Called in 1841, and went the Home Circuit — was one of the Duke of Newcastle's Scutari Hospital Commissioners.

102. See also, *Report on the administration of the Straits Settlements*, 1855-1856, Section 21.
103. By the Order of Court, dated 4th October, 1827, "a fee of Dollar 1" was allowed "every time the seal was affixed to any Process during the Court hours, viz., from 10 A.M. to 3 P.M., and Dollars 2 after office hours."
104. *Ante* p. 123.
105. *Govt. Gazette*, 1868, p. 77.
106. See *List of Agents &c.* [Appendix II].
107. *Ante* p. 109.
108. See *Rex v. Courtney*, [Criminal Rulings, Vol. II of Kyshe's Reports p. 2].
109. See *Calcutta Gazette*, 1859, p. 208, or *Index to the Laws of the Straits Settlements*, Pt. II p. 57.
110. See also Ordinance 3 of 1867, s. 4.
111. G. N. 13th February, 1874.
112. "Ford, Theodore Thomas — Called to the Bar, Middle Temple, 26th January, 1866. Appointed Junior Puisne Judge, Supreme Court, Straits Settlements, March 1874; Presiding Judge of the Penang division of that Court until 17th July, 1874; Acting Judge of Penang from 17th July, 1874, to April, 1876, when he resigned and returned to England. Re-appointed Senior Puisne Judge, November 1876; Acting Chief-Justice from December, 1876, to February, 1878, and from 21st September, 1883, to January, 1885." — *Colonial Official List* [1885].
113. Further changes subsequently took place amongst the Judges, but these are left out — see list of Recorders & Judges, [Appendix II].
114. *In re Rajah Samsudin Tunku Jaksa*, [Vol. IV of Kyshe's Reports p. 346].
115. The origin of the wig as part of the dress of a Lawyer has given rise to much controversy, especially locally when it was attempted to be introduced — the following paragraph on the subject from the late Mr. Serjeant Robinson's book will therefore not prove out place: "The wig or peruke was invented by the courtiers of Louis XIV., in order that they might appear with the fine flowing locks which nature had bestowed on the head of their monarch; and, when these began to grow scant, he followed the example of his subjects, and wore a wig too. The fashion was adopted by the Court of Charles II, and when all who thought themselves respectable did the same. The Bench and the Bar, deeming themselves of course in that category, followed the mode, to which they have adhered ever since . . ." *Bench and Bar Reminiscences* — Serjeant Robinson, (London, 1889).
116. *In re Native Witnesses*, [Criminal Rulings, Vol. II of Kyshe's Reports p. 15].
117. Knighted 1st June, 1888.