Courts, the Privy Council and the legal profession

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The Supreme Court of the Straits Settlements

The transfer was followed by a reorganisation of the courts. The Judicial Duties Act of 1867 created the office of Chief Justice. In 1868 the Supreme Court Ordinance abolished the Court of Judicature of Penang, Singapore and Malacca and replaced it with the Supreme Court of the Straits Settlements.[1] The new court consisted of professional judges, which ended the participation of the Governor and the Resident Councillors that had caused friction under the Charters. The Courts Ordinance of 1873 conferred on the Supreme Court jurisdiction to sit as a Court of Appeal.[2]

The court grew with the colony. An amending ordinance of 1885 increased the number of judges to four, a Chief Justice and three puisne judges. An ordinance of 1889 required appeals to be heard by not less than three judges and decided by majority.[3] After the special and common juries were merged in 1890, the first murder trial before a common jury took place in December of that year.[4] Chief Justices of the period included Sir Theodore Thomas Ford, appointed in March 1886, and Edward Loughlin O'Malley, a former Attorney-General of Hong Kong, who took office in February 1890.[5]

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The Privy Council as the final court

Above the Supreme Court stood the Judicial Committee of the Privy Council in London, which heard appeals from the courts of the colonies. The Privy Council gave the colonial legal system a link to the highest judicial authority of the empire and ensured a degree of uniformity in the interpretation of the common law across the colonies. Its decision of 1875 in *Yeap Cheah Neo v Ong Cheng Neo*, discussed in Part A, illustrates its role in defining the limits of local custom.[6]

For merchants and investors, the Privy Council was a guarantee. A litigant who doubted the impartiality or competence of the local courts could, in cases of sufficient value, take the matter to London. Few did so, given the cost and delay, but the possibility strengthened confidence in the system. The appeal to the Privy Council survived independence and was abolished only in 1994, when the Court of Appeal of Singapore became the final court, a development that Part A recorded.

The legal profession

The legal profession of the colony grew with its commerce. Advocates and solicitors, admitted by the Supreme Court and practising in a fused profession, acted for merchants in court and in transactions. An ordinance of 1886 regulated the taxation and recovery of their costs.[7] Law firms founded in the colonial period, some of which survive under their original names or as parts of modern firms, served the agency houses, banks, shipping companies and Chinese merchants.

From the late nineteenth century, a growing number of Straits Chinese qualified as barristers in England and returned to practise in Singapore. Among them was Song Ong Siang, later the historian of the Chinese in Singapore.[8] These lawyers formed part of the bridge between the communities that Chapter V of Part A described. Their presence helped Chinese merchants to use the colonial courts and the instruments of English law, including companies and trusts, for their own businesses and families.

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Notes

1. Supreme Court of Singapore, "Celebrating 200 years of upholding the Rule of Law", judiciary.gov.sg (accessed October 2026): the Judicial Duties Act 1867 created the position of Chief Justice; the Supreme Court Ordinance 1868 "abolished the Court of Judicature of Penang, Singapore and Malacca and replaced it with the Supreme Court of the Straits Settlements". ↩
2. Supreme Court of Singapore, "Celebrating 200 years of upholding the Rule of Law", judiciary.gov.sg (accessed October 2026): the Courts Ordinance 1873 "conferred on the Supreme Court of the Straits Settlements the jurisdiction to sit as a Court of Appeal". ↩
3. "Chapter VIII: 1885–1890", *Malaya Law Review*, vol. 11, no. 1, July 1969: Ordinance 15 of 1885 increased the number of judges to four; Ordinance 19 of 1889, s. 6, required appeals to be heard "before not less than three Judges". ↩
4. "Chapter VIII: 1885–1890", *Malaya Law Review*, vol. 11, no. 1, July 1969, on the fusion of special and common jurors by Ordinance 11 of 1890 and the first common jury murder trial in December 1890. ↩
5. "Chapter VIII: 1885–1890", *Malaya Law Review*, vol. 11, no. 1, July 1969, on the appointments of Ford (March 1886) and O'Malley (February 1890). ↩
6. *Yeap Cheah Neo v Ong Cheng Neo* (1875) LR 6 PC 381; see Part A, Chapter III. ↩
7. "Chapter VIII: 1885–1890", *Malaya Law Review*, vol. 11, no. 1, July 1969: Ordinance 17 of 1886 granted legal practitioners "certain rights, privileges, and duties … in reference to the taxation and recovery of their costs". ↩
8. Song Ong Siang was called to the English Bar and practised in Singapore from the 1890s; he is the author of *One Hundred Years' History of the Chinese in Singapore*, London, John Murray, 1923. ↩

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