The Legislative Council and the ordinances

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The constitution of the Crown colony

The Crown colony was governed by a Governor appointed by the Crown, advised by an Executive Council composed entirely of official members. Legislation was made by a Legislative Council of official members and members nominated by the Governor, in which the officials held a narrow but permanent majority.[1] The Legislative Council was formed on 1 April 1867 and began with only four members, growing in size over the following decades.[2]

This constitution combined executive control with consultation. The Governor and his officials could enact any measure they considered necessary, since the official majority could outvote the unofficials. In practice, however, the government took the views of the unofficial members seriously, because they represented the commercial community on which the prosperity and the revenue of the colony depended. The Legislative Council became a forum in which merchants could criticise proposed measures, propose amendments and press for reforms.

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Unofficial members and the voice of commerce

The unofficial members were drawn mainly from the European commercial community, but Asian members were appointed from an early date. In 1869 the Governor appointed Hoo Ah Kay, a Cantonese merchant known as Whampoa, as the first member of Chinese ethnicity and the first Asian member of the Legislative Council.[3] Hoo Ah Kay had arrived in Singapore in 1830, inherited the provisioning firm Whampoa and Co. from his father and supplied the ships of the Royal Navy. He also imported ice from the United States from 1856, served as consul for Russia, Japan and China and helped to establish the Singapore Botanic Gardens.[4]

The appointment of Asian unofficials reflected the colonial practice of governing through the leaders of the communities, which Part A traced back to the headmen of the early settlement. It also recognised the economic weight of the Chinese merchants, who controlled a growing share of the trade of the colony. The Legislative Council never became a representative body in the modern sense. In the twentieth century, the Straits Chinese leader Tan Cheng Lock called for direct elections and an unofficial majority, but these demands found little support in a society largely indifferent to local politics.[5]

The Legislative Council also reflected tensions within the colony. As Singapore grew, its members came to dominate the Council, which displeased the representatives of Penang and Malacca, who felt that the legislature concentrated on Singapore's affairs.[6] The rivalry anticipated the later divergence between Singapore and the Malayan territories, which Part C examines.

A programme of legislation

The Legislative Council enacted a large body of ordinances over the following decades. They covered public administration, revenue, health, policing, immigration, land, shipping and commerce. Many were adapted from English or Indian models, while some were written for the particular conditions of the colony. Together they replaced the uncertain mixture of English law, Indian Acts and local regulations that had governed the Straits Settlements under the Company.

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The most significant enactments in the field of criminal law came from India. The Penal Code of the Straits Settlements, enacted as Ordinance No. 4 of 1871, re-enacted the Indian Penal Code of 1860 and came into force on 16 September 1872.[7] A Criminal Procedure Ordinance of 1870 was followed by a comprehensive Criminal Procedure Code in 1900. The Evidence Ordinance of 1893 adopted the Indian Evidence Act of 1872.[8]

Commercial legislation also developed. In the second half of the 1880s, ordinances revised the law of conveyancing, bills of sale and bankruptcy.[9] A Companies Ordinance, modelled on English legislation, provided for the incorporation of limited companies. The Civil Law Ordinance of 1878, discussed in Chapter III of Part A, ensured that English mercantile law applied in the colony in all matters not covered by local legislation.

Codification from India, common law from England

The resulting legal system combined two sources. Criminal law, criminal procedure and the law of evidence were codified on Indian models, which had been drafted by English lawyers for a colonial setting. Lord Macaulay, the principal author of the Indian Penal Code, explained that the system he proposed was not a digest of any existing system, and drew on English law in a simplified form.[10] James Fitzjames Stephen said of his Indian Evidence Act that it compressed "into very short compass the whole of the English and Indian law of evidence".[11] The Singapore Bar initially resisted the adoption of the Indian Penal Code because it preferred English law, but public opinion favoured the code.[12]

Civil and commercial law, by contrast, remained largely uncodified and continued to follow English common law and English mercantile statutes. Contracts, trusts, property and torts were governed by English principles as received through the Charter of 1826 and the Civil Law Ordinance of 1878. The division has shaped Singapore law to this day. Its criminal law is codified and has a distinctive structure inherited from India, while its contract, trust and commercial law forms part of the common law family and remains closely connected with English and Commonwealth case law.

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For the financial centre, the division was favourable. Merchants and banks dealt with a commercial law that their counterparties in London understood, while the codified criminal law gave the colonial government clear instruments for policing a large and diverse population. Codification brought the certainty that Macaulay and Stephen valued, while the common law brought the flexibility and international familiarity that merchants valued.

Notes

1. Wikipedia, “Straits Settlements” (accessed October 2026): “an Executive Council, composed wholly of official (i.e., ex-officio) members, and a legislative council, composed partly of official and partly of nominated members, of which the former had a narrow permanent majority”. ↩
2. Wikipedia, “Legislative Council of the Straits Settlements” (accessed October 2026): formed on 1 April 1867; it began “with just four members” and grew over the years. ↩
3. Wikipedia, “Hoo Ah Kay” (accessed October 2026): appointed in 1869 as “the first Legislative Council member of Chinese ethnicity”, also noted as the first Asian member overall. ↩
4. Wikipedia, “Hoo Ah Kay” (accessed October 2026): arrived in Singapore in 1830; inherited Whampoa and Co.; supplier to the Royal Navy; ice imports from the United States from 1856; consul for Japan (1877), China (1879) and Russia; key role in establishing the Singapore Botanic Gardens; died on 27 March 1880. ↩
5. Wikipedia, “Legislative Council of the Straits Settlements” (accessed October 2026): Tan Cheng Lock “called for popular representation through direct election, and for the number of non-official members to be increased to a majority”, which was unsuccessful “as there was little support from a society widely apathetic to local politics”. ↩

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6. Wikipedia, "Legislative Council of the Straits Settlements" (accessed October 2026): "Singaporean members increasingly dominating the council" displeased politicians from Malacca and Penang. ↩
7. Wikipedia, "Penal Code (Singapore)" (accessed October 2026): Ordinance No. 4 of 1871 (Straits Settlements), a re-enactment of the Indian Penal Code of 1860, came into operation on 16 September 1872. ↩
8. "Some Notes on the Origins of the Major Criminal Enactments of Singapore", *Malaya Law Review*, vol. 31, July 1989: Criminal Procedure Ordinance 1870; Criminal Procedure Code 1900 (Ordinance No. 21); Evidence Ordinance No. 3 of 1893 based on the Indian Evidence Act 1872. ↩
9. "Chapter VIII: 1885–1890", *Malaya Law Review*, vol. 11, no. 1, July 1969: revisions of conveyancing, bills of sale and bankruptcy law by Ordinances 6 of 1886 and 2 of 1888. ↩
10. "Some Notes on the Origins of the Major Criminal Enactments of Singapore", *Malaya Law Review*, vol. 31, July 1989, quoting Macaulay: "the system of penal law which we propose is not a digest of any existing system". ↩
11. "Some Notes on the Origins of the Major Criminal Enactments of Singapore", *Malaya Law Review*, vol. 31, July 1989, quoting Stephen. ↩
12. "Some Notes on the Origins of the Major Criminal Enactments of Singapore", *Malaya Law Review*, vol. 31, July 1989: the Penal Code met resistance from the Singapore Bar, which preferred English law, but public opinion favoured its adoption. ↩

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