The Straits Settlements and the Second Charter of Justice

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The Straits Settlements of 1826

In 1826, the East India Company combined its three possessions in the Strait – Penang, Malacca and Singapore – into a single administrative unit, the Straits Settlements.[1] The seat of government was initially at George Town in Penang, the oldest of the settlements. In 1832 it moved to Singapore, which had overtaken Penang in trade and population.[2] The move confirmed Singapore's position as the centre of British power and commerce in the region.

Under the Company, the Straits Settlements were a division of the Bengal Presidency and were governed from Calcutta. They also served as a penal settlement for convicts from India, who provided much of the labour for public works, including roads and public buildings in Singapore.[3] The subordination to Calcutta, where the Straits Settlements counted for little, became a source of discontent among Singapore's merchants, who campaigned for direct rule from London. On 1 April 1867 the Straits Settlements were transferred to the Colonial Office and became a Crown colony, a change examined in Part B.[4]

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Penang's First Charter and the problem of law

The question of the law applicable in the Straits Settlements had arisen first in Penang. The First Charter of Justice, granted in 1807, established a court for Penang, then known as Prince of Wales Island.[5] Singapore had no comparable instrument when it was founded. In its first years, justice was administered by the Resident, assisted from 1823 by magistrates drawn from the merchant community, under regulations whose legal basis was uncertain. Serious crimes posed a particular problem, because the Resident had no clear authority to try them.

The absence of a proper court was felt by the merchants, who needed a forum to enforce their contracts and collect their debts. A growing port with thousands of inhabitants and extensive credit relationships could not rely indefinitely on the informal justice of a Resident. The solution came with the extension of the Penang court to the whole of the Straits Settlements.

The Second Charter of 27 November 1826

The Second Charter of Justice was issued by the Crown on 27 November 1826 and established the Court of Judicature of Prince of Wales Island, Singapore and Malacca.[6] The court consisted of the Governor or President and the Resident Councillor of the station where the court sat, as two of the judges, and a professional judge, the Recorder.[7] The combination of executive officers and a professional judge reflected the colonial practice of the time and was a source of friction, since the Recorder often found himself at odds with his lay colleagues.

The Charter can be read as a template built on four elements: the establishment and composition of the court, its jurisdiction, the applicable law and the regulation of legal practitioners.[8] The court received a jurisdiction modelled on that of the superior courts in England, covering civil, criminal and ecclesiastical matters. Admiralty jurisdiction was added in 1837.[9] In 2026 the Supreme Court of Singapore commemorated two hundred years of the Charter as the foundational moment of the country's judicial system.[10]

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The Recorder and the first years of the court

The first Recorder was Sir John Thomas Claridge, named in the Charter.[11] His tenure was marked by conflict with the Governor, Robert Fullerton, over the arrangements for the court's circuits. The Company had agreed to pay him a salary of £4,000 a year plus circuit expenses, but had not made this clear to the local government, which refused to pay for his travel. In January 1828 Claridge therefore declined to go on circuit to Singapore and Malacca.[12] The court first sat in Singapore in 1828.[13]

The quarrel over expenses may seem trivial, but it illustrates a recurring theme of colonial justice: a court is only as effective as the resources and the independence it is given. Claridge was later recalled. The relationship between the executive and the judiciary remained a matter of dispute in the Straits Settlements for decades. The modern Singaporean judiciary, which enjoys a high international reputation, stands at the end of a long development whose beginnings were modest.

Advocates and the regulation of practice

The fourth element of the Charter template concerned the legal profession. The Charter empowered the court to admit advocates and attorneys to practise before it and to regulate their conduct.[14] In the early decades, the number of qualified lawyers in the Straits Settlements was so small that many litigants appeared in person or relied on agents with little formal training. The growth of the commercial community created a demand for professional lawyers who could draft contracts, conduct litigation and advise on the increasingly complex law of companies, shipping and insurance.

The Singapore Bar developed as a fused profession, in which the same practitioners act as advocates in court and as solicitors advising clients, a feature that it retains today in the title "advocate and solicitor of the Supreme Court of Singapore". The fused profession suited a small commercial jurisdiction in which the same firms

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served the needs of merchants in court and out of it. The law firms that grew from these beginnings, and the foreign law firms that later established themselves in Singapore, are examined in Part J.

Later charters and the Supreme Court

The Third Charter of Justice, granted on 12 August 1855, reorganised the Court of Judicature into two divisions in response to the growing volume of business in Singapore.[15] After the transfer to the Colonial Office, the Supreme Court Ordinance of 1868 abolished the Court of Judicature and replaced it with the Supreme Court of the Straits Settlements, headed by a Chief Justice. The Courts Ordinance of 1873 conferred on the Supreme Court jurisdiction to sit as a Court of Appeal.[16] The Charters were thus superseded by colonial legislation without being expressly repealed.[17]

After independence, the Supreme Court of Judicature Act 1969 re-established the Supreme Court of Singapore, comprising the High Court, the Court of Appeal and the Court of Criminal Appeal.[18] Appeals to the Judicial Committee of the Privy Council in London were abolished in 1994, since when the Court of Appeal has been Singapore's final court.[19] The Singapore International Commercial Court, established in 2015 as a division of the High Court, is examined in Part F.

Notes

1. Wikipedia, "Straits Settlements" (accessed September 2026): "Originally established in 1826 as part of the territories controlled by the British East India Company". ↩
2. Wikipedia, "Straits Settlements" (accessed September 2026): "Their capital was moved from George Town, the capital of Penang, to Singapore in 1832". ↩
3. Wikipedia, "Straits Settlements" (accessed September 2026): the colony operated as "a Division within Bengal Presidency" and the settlements were used as penal facilities. ↩

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4. Wikipedia, “Straits Settlements” (accessed September 2026): “On 1 April 1867, the Straits Settlements were transferred to the British Colonial Office and became a Crown colony”. ↩
5. Kevin Y.L. Tan, “The Second Charter: The Making & Unmaking of a Template for Justice”, *Singapore Law Gazette*, 15 April 2026: the First Charter of Justice was issued for Penang in 1807. ↩
6. Supreme Court of Singapore, “Celebrating 200 years of upholding the Rule of Law”, judiciary.gov.sg (accessed September 2026): the Second Charter of Justice, issued on 27 November 1826, “established the Court of Judicature of Penang, Singapore and Malacca”. ↩
7. Kevin Y.L. Tan, “The Second Charter”, *Singapore Law Gazette*, 15 April 2026, quoting the Charter: the court consisted of “the Governor or President and the Resident Counsellor … of the Station where the Court shall be held, as two of the Judges … and … the Recorder”. ↩
8. Kevin Y.L. Tan, “The Second Charter”, *Singapore Law Gazette*, 15 April 2026, on the “four pillars” of the Charter template: court establishment and composition, jurisdictional scope, applicable law and regulation of legal practitioners. ↩
9. Kevin Y.L. Tan, “The Second Charter”, *Singapore Law Gazette*, 15 April 2026: admiralty jurisdiction was granted to the Court in 1837. ↩
10. Supreme Court of Singapore, “Celebrating 200 years of upholding the Rule of Law”, judiciary.gov.sg (accessed September 2026). ↩
11. Kevin Y.L. Tan, “The Second Charter of Justice and the First Recorder (Part 1)”, *Singapore Law Gazette*, March 2023: the first Recorder was Sir John Thomas Claridge (1792–1868), named in the Charter. ↩
12. Kevin Y.L. Tan, “The Second Charter of Justice and the First Recorder (Part 1)”, *Singapore Law Gazette*, March 2023, on the dispute with Governor Fullerton, the salary of £4,000 plus circuit expenses and Claridge’s refusal to go on circuit in January 1828. ↩

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13. Kevin Y.L. Tan, "The Second Charter", *Singapore Law Gazette*, 15 April 2026: the Court of Judicature first sat in Singapore in 1828. ↩
14. On the power of the Court of Judicature to admit and regulate advocates and attorneys under the Second Charter, see Kevin Y.L. Tan, "The Second Charter", *Singapore Law Gazette*, 15 April 2026, and the history of the Singapore Bar in Kevin Y.L. Tan (ed.), *The Singapore Legal System*, 2nd edition, Singapore, Singapore University Press, 1999. ↩
15. Supreme Court of Singapore, "Celebrating 200 years of upholding the Rule of Law", judiciary.gov.sg (accessed September 2026): the Third Charter of Justice was granted on 12 August 1855 and reorganised the Court of Judicature into two divisions. ↩
16. Supreme Court of Singapore, "Celebrating 200 years of upholding the Rule of Law", judiciary.gov.sg (accessed September 2026), on the Judicial Duties Act 1867, the Supreme Court Ordinance 1868 and the Courts Ordinance 1873. ↩
17. Kevin Y.L. Tan, "The Second Charter", *Singapore Law Gazette*, 15 April 2026: the Second Charter's authority ended "not through explicit repeal but through gradual supersession by new colonial legislation, particularly the 1868 Supreme Court Ordinance". ↩
18. Supreme Court of Singapore, "Celebrating 200 years of upholding the Rule of Law", judiciary.gov.sg (accessed September 2026): the Supreme Court of Judicature Act 1969 "re-established the Supreme Court of Singapore, comprising the High Court, the Court of Appeal and the Court of Criminal Appeal". ↩
19. Appeals to the Privy Council were abolished by the Judicial Committee (Repeal) Act 1994 with effect from 8 April 1994. ↩

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