

**CASES HEARD AND DETERMINED
IN HER MAJESTY'S SUPREME
COURT OF THE STRAITS
SETTLEMENTS 1808-1884. IN
THREE VOLUMES. VOL. III**

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JAMES WILLIAM NORTON-KYSHE

**CASES HEARD AND DETERMINED
IN HER MAJESTY'S SUPREME
COURT OF THE STRAITS
SETTLEMENTS 1808-1884. IN
THREE VOLUMES. VOL. III**

Cases

C/7

HEARD AND DETERMINED

IN

HER MAJESTY'S SUPREME COURT

OF THE

Straits Settlements

Supreme Court
1808—1884.

EDITED AND REPORTED

[WITH A JUDICIAL-HISTORICAL PREFACE FROM 1786 TO 1885.]

BY

JAMES WILLIAM NORTON KYSHE, Esq.,

ACTING REGISTRAR OF THE SAID COURT IN MALACCA.

Law is beneficence acting by rule.
Burke.

IN THREE VOLUMES.

VOL. III.

MAGISTRATES' APPEALS.

Copyright.

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SINGAPORE:

PRINTED AT THE "SINGAPORE AND STRAITS PRINTING OFFICE."

1886.

TO

HIS HONOR

SIR THOMAS SIDGREAVES, KNT.,

Late Chief-Justice of the Straits Settlements, &c., &c., &c.

This Work

IS, WITH PERMISSION,

RESPECTFULLY DEDICATED

BY

THE AUTHOR.

PREFACE

TO

THE THIRD VOLUME.

THIS work was only undertaken in consequence of the want generally expressed, of a complete report of all the important decisions in our Courts, which might be precedents for future cases. The magnitude of the task, I readily confess, made me charge myself with presumption for venturing on so bold an enterprise. The work however is now completed.

Since my transfer to Malacca, I have gone over all the books and records of the Court in the Settlement, with the result that, as fully expected, I have ascertained that only a few important cases have arisen in Malacca. Within recent years several important ones which originally arose here, have been transferred to Singapore for determination or decision. Those of any importance will be found embodied throughout this work.

Of the Singapore cases, I am not, I regret to say, in a position to speak so favourably as of those of Penang and Malacca, and that for obvious reasons; but I may add, that I have the assurance of many able to judge of such a matter, [apart from the fact that the business of the Court in Penang has always been heavier than in Singapore], that all the important cases decided in the latter Settlement within the last few years, and wherein written Judgments have been delivered, have appeared in the public press. Those cases, I need hardly say, I have not omitted to include in this work, and apart from these, several have been reported which, with the usual kindness evinced towards me throughout this work by their Honors the Judges and members of the bar, were placed by them at my disposal.

In conclusion I beg respectfully to express my grateful acknowledgments to the present Chief Justice for his kindness in revising such of his cases as are reported in this Volume.

The magnitude and scope of this work will be a plea for indulgent consideration of all its shortcomings.

J. W. N. K.

MALACCA, S. S. }
2nd August, 1886. }



JUDGES
OF
THE SUPREME COURT.

HIS HONOR THEODORE THOMAS FORD, Chief Justice of the
Straits Settlements.*

HIS HONOR THOMAS LETT WOOD.

HIS HONOR WILLIAM ANTHONY MUSGRAVE SHERIFF.

HIS HONOR ETIENNE PELLEREAU.

ATTORNEY-GENERAL.

THE HON. JOHN WINFIELD BONSER.

SOLICITOR-GENERAL.

DANIEL LOGAN, ESQ.

* Vice His Honor Sir Thomas Sidgreaves, *Knt.*, retired, February, 1886.

CORRIGENDA.

PAGE.

14. Line 17; Reg. v. Meera Lohby—for "1859" read "1857."
16. " 11; Reg. v. Willans—for "Williams" read "Willans."
61. " 13; Ho Ghee Siew & anor. v. Nacodah Mahomed—for "Vatteld" read "Vattel."
144. Marginal note—Reg. v. Lim A Si & anor.—for "Ford, J." read "Wood, J."
211. Line 1; date "Ordinances—continued."

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