

**MALAYSIAN
JUDICIARY**

— A RECORD —

SECOND EDITION

MALAYSIAN JUDICIARY

— A RECORD —

by

Mr Justice Dato James Foong

SECOND EDITION

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PREFACE

*I*t has been nine years since the first edition of this book was first published. In such a relatively short time, between then and now, going by the track record of the Malaysian judiciary of the last two hundred more years, significant changes and occurrence in the judiciary should be rare. This must naturally be attributed to the reluctance of such an institution to depart from well-defined and established paths unless necessary to accommodate the needs of the society. But the Malaysian judiciary did not enjoy this privileged trend. During this brief spell momentous events had happened. Of course this provided a wealth of materials for a collector of historical record, like myself, to insert in his dossier. But being a member of the Malaysian judiciary some such events saddened me when they affected the image and integrity of this august organisation. These were scandals, which any judiciary would try to avoid and disassociate. Unfortunately the Malaysian judiciary was severely hit by this affliction and suffered its full-blown effects. This is reflected in chapter 11 of this edition which is titled "The Difficult Period". Hopes and anticipations however returned to the Malaysian judiciary in 2000 with the appointment of a new Chief Justice to the Federal Court. This is announced in chapter 12 with the heading of "A New Beginning". Besides those events that were adverse to the judiciary there was also the notable modification to the structure of the Superior Court. A Court of Appeal was constituted in 1994 to hear appeals from the High Courts before they reach the apex Federal Court. Then there were certain novel administrative implementations. With the records of such incidents documented, together with those of yesteryears mentioned in the first edition repeated, it is my earnest hope and desire that this book will now not only provide a reader with nostalgic and sentimental memory of the past but also be a basis and foundation for the study and understanding of the Malaysian judiciary.

Mr Justice Dato James Foong
Judges Chambers
High Court
Ipoh
Malaysia
1 February 2002

PREFACE TO FIRST EDITION

*To know your past and chart your future
will enhance your life.*

*To know your past and understand the present
will enrich your thoughts.*

*To know your past and avoid its errors
will ensure your success.*

*To know your past and record the events
will enrich your contribution to history.*

The dearth of material on the beginnings of our Judiciary with the coming of the colonial masters to the present day is all too apparent. In this book I have endeavoured as best I can to document the many materials, photographs and other memorabilia that have been made available to me by the Malaysian judiciary, various institutions and libraries around the world and from material which I have collected through the years.

This book does not pretend to be an academic text on the history of the judiciary nor is it intended to be used as a reference book by students of law or by practitioners. It is a book for all those who want to take a sentimental journey with me down memory lane to discover the beginnings of our modern judiciary up to the present times.

*Mr Justice Dato James Foong
Judges Chambers
High Court
Shah Alam
Selangor
Malaysia
25 June 1994*

ACKNOWLEDGEMENT

*I*n the first edition of this book I referred to the inspiration to compile this work was originated from the time of the visit of His Majesty, Sultan Azlan Almuhibbudin Shah to the then Supreme Court in Kuala Lumpur in 1993. Since then significant events had occurred in the Malaysian judiciary that require the updating of this volume. For assisting me to complete this task, I must thank:

- the Chief Justice, Tan Sri Mohamed Dzaidin for all his encouragement and persuasion to undertake this enterprise;
- to the honourable Judges of the Superior Court for their kind and constant advice and the supply of materials;
- to the Bar Council of Malaysia, particularly Ms Catherine Eu, for the supply of various relevant photographs;
- to Puan Halijah, the chief librarian of the Federal Court, for the vast information relating to the judiciary;
- to Mr Selvarajah of the Federal Court registry for the numerous and well taken photographs of various court buildings;
- to the many judicial and legal officers of the Malaysian Judicial and Legal Service and members of the Malaysian Bar for their kind assistance rendered to me in the preparation of this edition;
- to my immediate court staff at the Ipoh High Court for their devotion in assisting me in this undertaking;
- to my editors Mr Nasser Hamid and Miss Rachel Jaques for their efforts in editing the drafts for this book;
- to Mr William Jacques for his advice on the artwork and layout of this edition;
- to Mr L Devaraj and Mr S Mohan in advising the marketing aspect of this volume; and finally
- to my publishers, M/s Sweet & Maxwell Asia, who so readily agreed to undertake this venture based on the belief that such a record on the Malaysian judiciary will benefit the nation.

Again I express my greatest indebtedness to my wife, Datin Anna Foong, for her absolute faith in whatever I undertake, and her limitless tolerance of me spending substantial period of our leisure time in the preparation of this new edition.

Justice Dato James Foong
1 February 2002

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*The hoisting of the Union Jack in Penang by Captain Sir Francis Light, the founder of Penang in 1786.
(Picture by courtesy of Muzium Negara, Malaysia)*

THE APPOINTMENT OF THE FIRST JUDGE

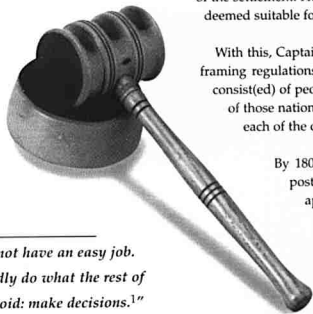
The history of the modern Malaysian judiciary may be said to have begun with the acquisition of the island of Pulo Penang (as Penang was then known) in 1786 by Captain Francis Light. The island was then uninhabited except for a few fishermen.

Within the next two years the island's population had grown to such an extent that Captain Light was compelled to seek the good counsel of the Governor-General in India on the legal aspects of governing the people of the settlement. However, he was advised to apply whatever law he deemed suitable for the good order of the island.

With this, Captain Light carried out his duties as best he could by framing regulations in the form of instructions. As "the inhabitants consist(ed) of people of different nations and of different Provinces of those nations", he also appointed headmen or "kapitanes" for each of the classes.

By 1800 Penang had flourished into a strategic trading post with a large population. This necessitated the appointment of a legally qualified magistrate to adjudicate on local disputes and punish offenders. In 1801 John Dickens, a barrister with some practising experience in the Supreme Court at Fort William, India, was appointed as the first magistrate of Penang. Soon after his appointment, Dickens realised that his duties were hampered by the lack of defined jurisdiction and authority. To this he complained that he "(could not) readily conceived it to have been the intention of His General in Council, to appoint (him) as a judge and magistrate of this settlement and at the same time to withhold from (him) judicial magisterial authority".²

Nevertheless, Dickens discharged his duties as best as he could. It was not until 1807 that those in power realised the need to set up a more sophisticated judiciary to cope with the growing demands of the community. To fulfill this, a Royal Charter was granted to Penang which provided for the setting up of a Supreme Court judge designated as the



"Judges do not have an easy job. They repeatedly do what the rest of us seek to avoid: make decisions."¹

¹ *Judges by David Pannick p 1.*

² *Kyshe's Reports Vol 1 p xiv.*



▲ Sir Stamford Raffles, the first Registrar of the Supreme Court of Penang. (Picture by courtesy of the National Archives of Singapore)

'Recorder'. The person who had the honour of being appointed as the first Recorder of this Supreme Court in 1808 was Sir Edmond Stanley, a former barrister from Ireland.

Soon after his appointment, Sir Edmond Stanley took immediate steps to set up the court machinery. He appointed various court officials such as a Sheriff, a Registrar and a Commissioner to take affidavits. He also admitted law agents, the equivalent of our present advocates and solicitors, as officers of the court. Incidentally, Sir Stamford Raffles was, before his founding of Singapore, appointed as the first Registrar of the Supreme Court of Penang.

Sir Edmond Stanley was a "hot headed, hot tongued (and) violent tempered" person who was "too keenly sensitive of the dignity of himself and his court".³ Despite these unpleasant descriptions of him, he later rose to be a judge of the Supreme Court of Madras and, subsequently, became its Chief Justice.

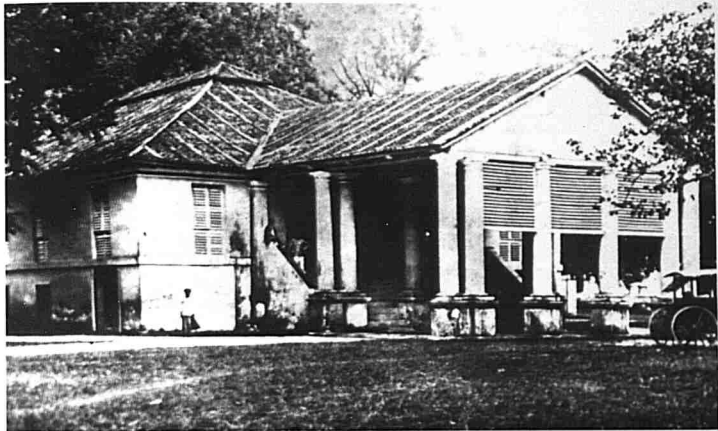
The Supreme Court of Penang was first housed at Fort Cornwallis. It was opened on May 31, 1808 and on that day, the Royal Charter bearing the Seal of the King of England, proclaiming the setting up of this court, was read. This was followed by a swearing in ceremony of all officials of the court which included the Governor and his Council members. Though the Governor and the Council members were designated as judges, in practice, they hardly presided over cases, thus leaving the Recorder as the sole judge.⁴



▲ Fort Cornwallis in Penang taken in 1884 where the first sitting of the Supreme Court of Penang was held in 1808. (Picture by courtesy of Muzium Negara, Malaysia)

³ Articles in the *Sunday Gazette* Feb 1, 1970 & Oct 10, 1971, by Donald Davies.

⁴ *Kyshe's Reports* Vol 1 p xliii.



▲ The first Supreme Court building in Penang in 1809. This was the former residence of Mr Dickens, the first legally qualified magistrate. (Picture by courtesy of Muzium Negara, Malaysia)

In 1809 the Supreme Court of Penang was moved from Fort Cornwallis to her own premises. This court-house was once the residence of the former magistrate, Mr Dickens.⁵ This modest building was demolished in 1903 and not far from this site, a larger and more elegant new court-house was constructed.

In the grounds of the new court-house a memorial was erected to commemorate the untimely death of one, James Richardson Logan, who passed away in 1869. Logan was an eminent Anglo-Malayan scholar and a well respected lawyer in Penang who had contributed greatly to the local community. This memorial still stands today in the compound of the High Court at Penang, but is in dire need of restoration.

Up until 1957 a British Coat-of-Arms used to hang on one of the walls of the Supreme Court of Penang. This old Hanovarian Coat-of-Arms, painted on canvas and representing the British authority of the period, was presented to Penang on the occasion of her setting up its first Supreme Court in 1808. When Malaysia gained her independence from Britain in 1957, this Coat-of-Arms was formally presented by the country's first

⁵ *Kyshe's Reports Vol 1 p xlv.*

Prime Minister, Tunku Abdul Rahman, to the then British High Commissioner for Malaya, Sir Geoffrey Tory. Today this valuable piece of heritage is elegantly displayed at the waiting hall of the residence of the British High Commissioner in Kuala Lumpur.



▲ James Richardson Logan (1819-1869). (Picture by David Ong)

The Logan Memorial was erected in memory of James Richardson Logan, a respected lawyer and an Anglo-Malayan scholar who died in Penang in 1869. This memorial still stands in the compound of the High Court in Penang. (Picture by David Ong) ►

By 1825 the settlements of Singapore and Malacca were annexed to Penang to form one Presidency. A second Royal Charter was granted to extend the jurisdiction of the Supreme Court in Penang to these two areas. Under this Charter, Sir John Claridge was appointed as the first Recorder of the Presidency. Unfortunately, due to various disagreements with the Governor while he was in office, Sir John Claridge was subsequently dismissed in 1829. He appealed to the Privy Council in London against his expulsion. The Privy Council, however, held that while no imputation rested upon his capacity or integrity as a judge, his conduct had been such as to warrant the dismissal.⁶



⁶ Twentieth Century Impression of British Malaya p 39.



▲ This British Coat-of-Arms was presented to the first Recorder of the Supreme Court of Penang in 1808. This Coat-of-Arms was hung in the Supreme Court in Penang until 1957 when it was presented to the British High Commissioner in Kuala Lumpur. (Picture taken by the author with the kind permission of the British High Commissioner to Malaysia, His Excellency Mr Duncan Slater)

Sir John Claridge's successor was Sir Benjamin Malkin. Sir Benjamin Malkin was a more popular figure who took a leading part in the public affairs of Penang. He was generous and contributed to many charitable projects during his term of office. He was also a man of great learning who left a legacy of many important judgments.⁷ It therefore came as no surprise that he later rose to assume the Chief Justiceship of Calcutta after he left Penang in 1835.

By the 1850's Singapore had overtaken Penang as the commercial centre to the Straits Settlements. The need for a Supreme Court judge to be resident in Singapore became all the more pressing. This caused a Third Charter of Justice to be introduced in 1855, resulting in Singapore having its first resident Supreme Court judge. The person appointed to this post was Sir William Jeffcott, the then Recorder in Penang. Unfortunately he died in Penang before he could take up the appointment. He was buried in the Penang Cemetery not far from the grave of Sir Francis Light.

By the time a resident judge was posted to Singapore, it had already acquired its own court building in 1839. This court-house was designed by the famous architect of the time, George Coleman. Though designed as residential quarters, it was subsequently adapted for use as a court.⁸ In November 1839 this court-house was officially opened by the Eight Recorder, Sir William Norris.



▲ Sir Benjamin Malkin, the 6th Recorder of Penang (1833-1835) was subsequently appointed Chief Justice of Calcutta. (Picture by courtesy of the British Library, Oriental and India Office collection)

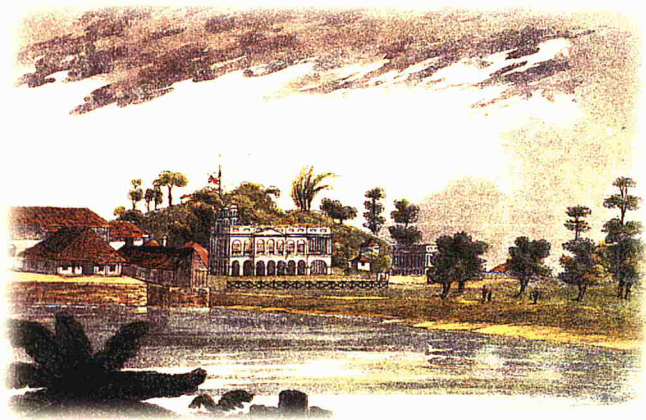
⁷ *One Hundred Years of Singapore* p 171.

⁸ Write up supplied by the Antiques of the Orient, Singapore, accompanying the sketch of the 'Views of the Court House, Singapore' (artist: Capt PJ Begbie).



◀ The grave of Sir William Jeffcott, the 10th Recorder of Penang. He died in 1855 and was buried in the Penang Cemetery. His grave is opposite to that of Captain Sir Francis Light's grave. (Picture by David Ong)

In 1867, the control of the Presidency of Penang, Singapore and Malacca was transferred from the India Office to the Colonial Office in London. After the transfer, various changes were made to the judiciary of these settlements. One of the most significant changes was the substitution of the designation of 'Recorder' for 'Judge'. To head this judiciary, a new Chief Justice was appointed who was based in Singapore, while Penang had a resident judge.

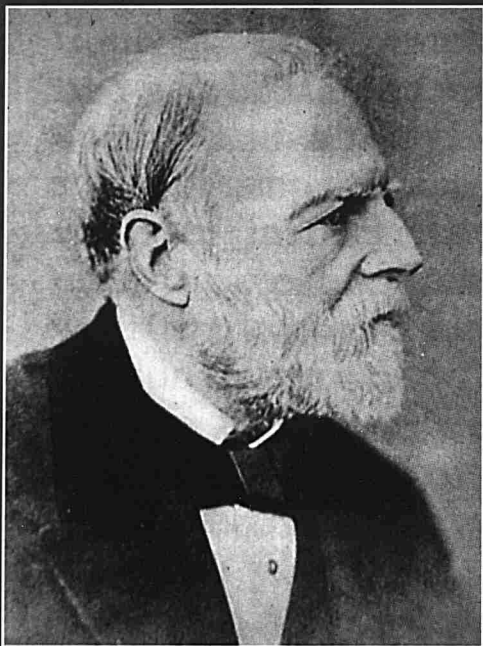


▲ "Views of the Court House, Singapore" by Begbie drawn in the 1800s. This court-house was opened in 1839 by Sir William Norris, the 8th Recorder. (Picture by permission of Antiques of the Orient Pte Ltd)



▲ Sir William Hackett, the first judge of Penang (from 1856 to 1875) seen here in judicial robes with Major General Sir Harry St George Ord to his right. (Picture by courtesy of Muzium Negara, Malaysia)

The change in designation from 'Recorder' to 'Judge' marked the end of the office of Recorder. Although long gone, the legacy left by the early Recorders who came as pioneers still survives to this day. One such remaining vestige is the form of address to Superior Court judges in Malaysia as "My Lord" or "Your Lordship" which originated from the days of the Recorders who were similarly addressed. Although the official form of address for a Superior Court judge has changed to "Yang Arif", by force of habit the former mode is still being extensively used by lawyers today.



Sir Peter Benson Maxwell, first Chief Justice of the Straits Settlements (1868-1871)
(Picture by courtesy of Muzium Negara, Malaysia)

“Convenience and justice generally have never been on speaking terms with each other. Justice ought not to be sacrificed at the altar of convenience.”

The Straits Settlements consisting of Penang, Singapore and Malacca was established in 1867 when the British Government took over control of these regions from India. With this formation, the Governor of the Straits Settlements was no longer answerable to India but reported directly to the Colonial Office in London. As Singapore had superseded Penang in importance as a commercial centre, it was chosen as the administrative centre of the Straits Settlements.

One of the initial measures taken after the establishment of the Straits Settlements was the appointment of a Chief Justice. This was essential for the proper development of the law and the creation of a uniform system for the administration of justice. The first Chief Justice to be appointed was Sir Peter Benson Maxwell.



Sir Peter Maxwell was a man of great ability and, while in office, set about the task of consolidating all existing laws and adapting them to suit local conditions. This was essential as the Straits Settlements was then predominantly inhabited by migrants from many countries with differing cultures and practices. Due to Sir Peter Maxwell's commendable efforts, the law of the Straits Settlements was uniformised for further development. In recognition of his ability, Sir Peter Maxwell was later appointed by the British Government, after his retirement from the Straits Bench, to assist in the reorganisation of the courts in Egypt.

The next Chief Justice to succeed Sir Peter Maxwell was Sir Thomas Sidgreaves. A graduate of the University of London with wide experience at the English Bar, Sir Thomas Sidgreaves was able to enrich the Straits Bench with his practical knowledge and experience in the law. He was exceedingly popular with the local

¹ Abdul Majid v Disciplinary Committee of the University of Punjab PLD 1970 Lahore 416.



▲ Chief Justice Sir Thomas Sidgreaves in judicial robes seated next to the Governor, Sir Harry St George Ord. The others were members of the Straits Settlements Legislative Council. (Picture by courtesy of the National Archives of Singapore)

community and was held in high esteem for his prowess as a public speaker. Unfortunately, for unexplained reasons except that of temporary derangement, he committed suicide in 1893.²

It was a common practice for judges of the Straits Settlements before and during Sir Thomas Sidgreaves' term of office to be members of the Straits Legislative Council. This practice was often subjected to heavy criticism for being contrary to the constitutional doctrine of separation of powers. After Sir Thomas Sidgreaves' retirement this practice finally ceased. This marked an important event in the history of the Malaysian judiciary as it established a precedent, which is upheld even to this day in Malaysia, of the separation of powers between the Executive, Legislature and the Judiciary.

By 1873, two additional judges were appointed to the Straits Bench to deal with the increased workload in the courts. The first appointee was designated Senior judge who was based in Singapore to assist the Chief Justice while the second was referred to as the Junior Judge who was stationed in Penang to assist the Resident judge there. Malacca was covered by the judges from Singapore who went there on circuit.

As the judiciary expanded, a new court-house was built in Penang. This new court building, constructed quite close to the former site, was declared open in 1903 by Sir Lionel Cox, the then Chief Justice of the Straits Settlements.³ Its fine architectural design



² *One Hundred Years of Singapore Vol 1* p 211.

³ *MLJ* [1952] xvii.

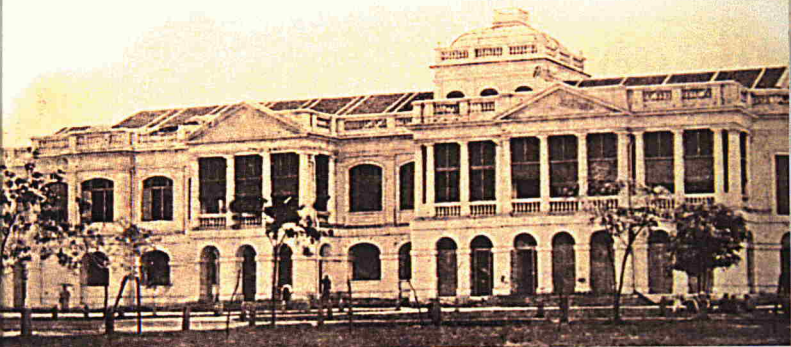
made it one of the most outstanding structures in the Straits Settlements at the time. This edifice survived until 1950 when demand for expansion necessitated its complete reconstruction.

In Singapore, the existing court-house drawn by Coleman was renovated in 1901 to meet the expansion of the judiciary. The court remained in this location until 1939 when it was re-sited.⁴

By the late 1800s, a Court of Appeal was set up in the Straits Settlements. This was another milestone in the progress of the judiciary and the advancement of justice. The best known Chief Justice who often presided in this Court of Appeal was Sir Edward O'Malley (1889-1892). He was



▲ The Supreme Court building in Penang was declared open in 1903. This building was later reconstructed in 1952. (picture by courtesy of Mr Chan Guan Fook)



▲ The Supreme Court Building in Singapore prior to reconstruction in 1901. (picture from 'One Hundred Years of Singapore')

⁴ Write up supplied by the Antiques of the Orient, Singapore accompanying the sketch of the 'Views of the Court House, Singapore' (artist: Capt PJ Begbie).



▲ The Court of Appeal, 1891 Left: Mr Justice Wood (1877-1892) Middle: Sir Edward O'Malley, Chief Justice of the Straits Settlements (1889-1892) Right: Mr Justice Goldney (1887-1892) (Caricature by RW Braddell)

identified for drafting the Criminal Procedure Code for the Straits Settlements. Often sitting with him in this Court of Appeal was Mr Justice Thomas Lett Wood. Mr Justice Wood, a distinguished gentleman with a long white beard, was generally respected for his forthright personal views and independence of speech.⁵

By the early 1900s, the British using the Straits Settlements as a base, had intervened into the interior of the Malay Peninsula. The British advisors assigned to these Malay states had often sought advice and assistance from the judiciary of the Straits Settlements to set up judicial institutions in their respective territories. When a Supreme Court in the Federated Malay States was established, some of the judges in the Straits Settlements were seconded there. Eventually, by 1920, due to similar legal system of the Straits Settlements and the Federated Malay States, judges from the courts of these places were made ex-officio members of each other's domain. This practice was later extended to the Unfederated Malay states.

Judges appointed during this period had to be at least ten years' standing at the Bar prior to their elevation. A substantial number were members of the English or Irish Bar or had practised from one time or other in the Indian courts. Many of them had joined the British Colonial Legal Service before being selected for the Straits Bench. As members this Service they were subjected to transfers to various parts of the British Empire and from one legal capacity to another.

⁵ *One Hundred Years of Singapore Vol 1 p 218.*



This is reflected in the career of Sir James Murison, the Chief Justice of the Straits Settlements from 1926 to 1933. He had served in Zanzibar and the East African Protectorate before being elevated to a higher position in the Straits Settlements. Similarly with Sir Walter Huggard, the successor to Sir James Murison as Chief Justice of the Straits Settlements in 1933. He was a judge in Nigeria before being transferred to Trinidad as Solicitor-General. Then his next posting was to Kenya as Attorney-General before arriving in the Straits Settlements.

The advantage of this flexible system meant that many of the judges who served in the Straits Settlements had with them a wealth of knowledge and experience derived from many different common law jurisdictions within the British Empire for application here. This helped to enrich the Malaysian judiciary.

◀ Sir James Murison, Chief Justice of the Straits Settlements from 1926 to 1933. Before this appointment he had served in Zanzibar and the East African protectorate. (Picture by courtesy of Malayan Law Journal)

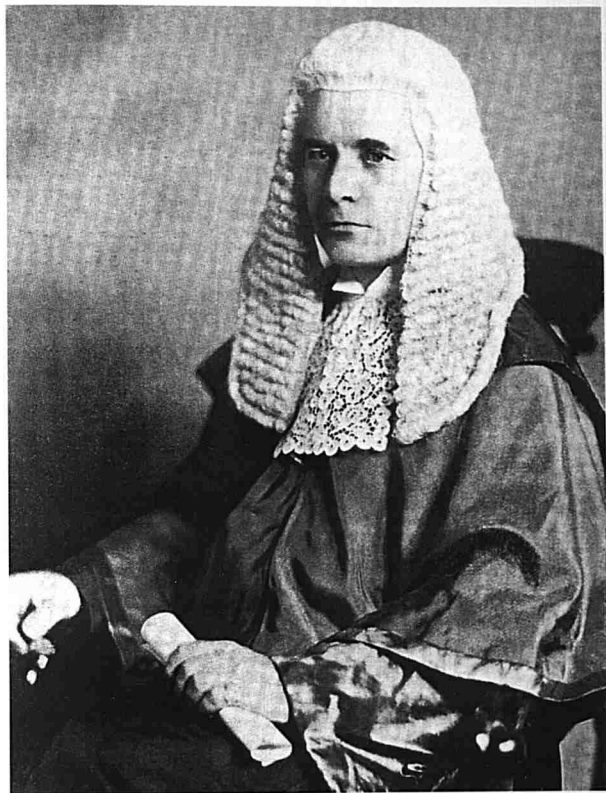
Up until the Second World War judges of the Straits Settlements were almost exclusively caucasians. For the non-caucasian legal practitioners it was difficult to secure a place on the Bench. Even if one did, the opportunity of succeeding as Chief Justice of the Straits Settlements was remote. A notable example of this was Mr Justice Sproule, a Eurasian from Ceylon. Though educated in Cambridge and had performed admirably on the Straits Settlements Bench for 20 years (1913 to 1933), it was widely believed that he was denied the post of Chief Justiceship because of his ethnic origin.⁶

This was the setting of the judiciary in the Straits Settlements until the invasion by the Japanese in Malaya and Singapore in 1941/1942.



▲ Mr Justice Percy Sproule was one of the longest serving judge of the Straits Settlements (1913-1933). It is believed that he was denied Chief Justiceship due to his non-caucasian origin. He was a Eurasian from Ceylon. (Picture by courtesy of Malayan Law Journal)

⁶ 'The British in Malaya (1880-1941)' by Butcher p 109.



A Sir Walter Huggard, Chief Justice of the Straits Settlements from 1933 to 1936. He had served in Nigeria, Trinidad and Kenya. (Picture by courtesy of Malayan Law Journal)



*The court-house of Batu Gajah in Perak erected in 1892 during the time of the FMS.
(Picture from Jabatan Penerangan Malaysia)*

FEDERATED MALAY STATES (FMS)

By 1888 the British intervention into the Malay states of Perak, Selangor, Negeri Sembilan and Pahang in the Malay Peninsula was completed. Through a series of treaties signed with the Malay Rulers, the British were able to control these territories indirectly through a form of residency system. Under this system a British Resident was appointed in each of these states. The advice of the British Resident had to be sought and acted upon by the Malay Ruler except in matters relating to Malay custom and religion.

"... delays in administration in public bodies are the cesspools in which the parasite of corruption breeds."¹

Once in power, the British Residents introduced their own system of administration within their jurisdiction. This included the setting up of law courts for the proper implementation of justice. These law courts were similar to those created in the Straits Settlements.

With the introduction of courts came the appointment of magistrates. These appointees were administrative officers serving in the respective states. In addition to their administrative functions they acted as lay magistrates. Their jurisdiction was unlimited and they tried all cases except those involving Malay custom and religion. However, their decisions were subject to appeal to the Residents in Council. In cases involving the death penalty, the consent of the Sultan in Council had first to be obtained before the sentence could be enforced.

One notable Senior Magistrate appointed during this period was George Maxwell. By accepting the post of Senior Magistrate, George Maxwell continued his family tradition of service in the judiciary. His grandfather, Sir Peter Maxwell, was the Chief Justice of the Straits Settlements while his father, Sir



¹ *Public Prosecutor v You Kong Lai* [1984] 1 CLJ 379, per Shankar J.

WE Maxwell, was at one time the British Resident in Perak who introduced the Torrens system of land registration into this country. George Maxwell was eventually appointed a British Resident in Perak and wrote a number of authoritative works on the laws of Perak.²



▲ Mr George Maxwell was one of the Senior Magistrates serving in the FMS. He later became the British Resident of Perak. (picture from 'One Hundred Years of Singapore')

By 1896, there was a dire need in the FMS for a legally qualified judge not merely to adjudicate upon cases but, more importantly, to lay down a firm foundation for the administration of justice in accordance with modern laws and ethics.

The first person appointed to this position was LC Jackson QC. His designation was Judicial Commissioner of the FMS. Immediately after his appointment in 1896 he proceeded with his task. Initially his workload was light and he was prepared to travel to any town in the FMS at any time to preside over cases, for he regarded "it unnecessary to keep prisoners waiting for trial".³ Unfortunately, he was forced to retire in 1904 due to ill health. By this time, with the rapid growth of the region, it was deemed necessary to make appropriate changes to the judicial set-up of the FMS in order to cope with this phenomenon.

One of the alterations was the setting up of a Supreme Court of the FMS on January 1, 1906. It was headed by a Chief Judicial Commissioner, with a number of Judicial Commissioners assisting him.⁴

The first person to hold this seat as Chief Judicial Commissioner was Sir William Hyndman-Jones. His striking personality dominated the court he presided as Judicial Commissioner and filled it with an air of dignity.⁵ Unfortunately, before Sir William Hyndman-Jones could begin his higher duty as Chief Judicial Commissioner, he was promoted to Chief Justice of the Straits Settlements in August 1906. His successor of this post was Sir Archibald Fitzgerald Law.



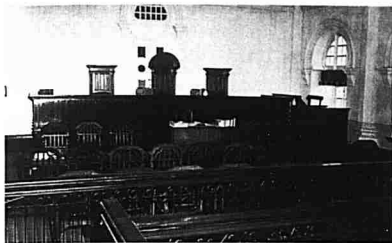
▲ Sir William Hyndman-Jones, the first Chief Judicial Commissioner of the FMS in 1906. (Picture from 'One Hundred Years of Singapore')

² *One Hundred Years of Singapore* Vol 2 p 440.

³ *A Digest of Reported Cases (1897-1925)* by James McCabe Reay.

⁴ *Ibid.*

⁵ *One Hundred Years of Singapore* Vol 1 p 239.



▲ The interior of the Chief Justice's court in the Supreme Court Building in Kuala Lumpur. (Picture supplied by Mr S Muthu Chellapan)

This Supreme Court Building in Kuala Lumpur was declared open in 1915. It is situated next to the Gombak River adjacent to the Sultan Abdul Samad Building (the site of the present Federal Court and Court of Appeal). (Picture supplied by Mr S Muthu Chellapan) ▼

With the establishment of the Supreme Court of the FMS, a number of court buildings were erected. In Kuala Lumpur, a court-house was built alongside the Gombak River adjacent to the Sultan Abdul Samad Building which was then the administrative centre for Selangor and the FMS. This building of Moorish architecture was similar in style and design to surrounding structures erected around this period. As the history of the Malaysian judiciary continued to evolve, this building was the home of the courts in Kuala Lumpur until 1992.

In May 1915, a special sitting of the Supreme Court in this new building was held to commemorate its opening. The presiding judge on this occasion was the then Chief Judicial Commissioner of the FMS, Sir Thomas Braddell.⁶

* Address by BJP Joaquim reported in [1946] MLJ xlix.





◀ The Ipoh Supreme Court Building in 1929. It is still being used by the courts to the present day. (Picture from Federated Malay States Government Gazette 1929)

Sir Thomas Braddell, who was from a distinguished family of lawyers and whose father was at one time the Attorney-General of the Straits Settlements, was appointed Chief Judicial Commissioner in 1913. He was "courteous in demeanour and quiet in speech, yet withal firm and decisive".⁷

Seven years after the opening of the Supreme Court Building in Kuala Lumpur, another Supreme Court Building in the rich tin-mining town of Ipoh in the state of Perak was constructed. Upon completion it was officially declared open by the then British Resident in Perak, RW Thomson in 1928. Amongst the people present at the ceremony were the then Raja Muda of Perak, Raja Sir Abdul Aziz (who later became the Sultan of Perak) and Mr Justice Thorne. This majestic building continues to be occupied by the courts till the present day.

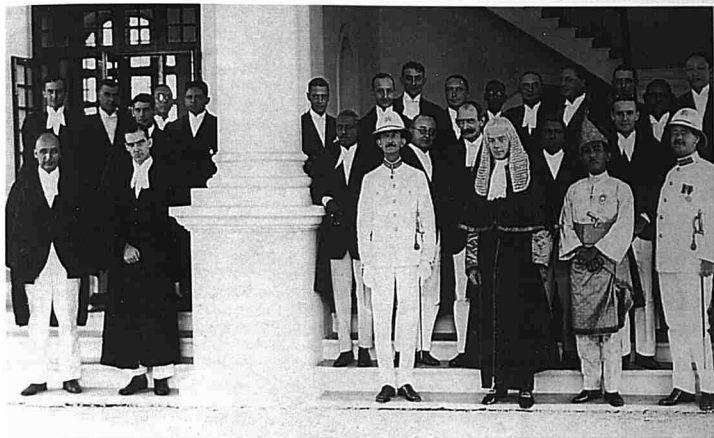
By 1925 another chapter in the history of the modern Malaysian judiciary unfolded. The title "Judicial Commissioner" was dropped in preference to "Judge", and the judges of the FMS were bestowed with the right to be addressed as "The Honourable, Mr Justice". This was not merely a cosmetic change but represented a significant respect accorded to the judiciary of the FMS. As Professor Hickling remarked: "this change signified that their Lordships had arrived" and "the modern Malaysian Bench was in being".⁸



▲ Sir Thomas Braddell, the Chief Judicial Commissioner of the FMS from 1913 to 1917. He presided at the first sitting of the Supreme Court Building in Kuala Lumpur in 1915. (Picture from 'One Hundred Years of Singapore')

⁷ *One Hundred Years of Singapore* Vol 2 p 429.

⁸ *The origin of the Malaysian Bench* by Professor Hickling published in the *Malayan Law Review* Legal Essays.



▲ The opening of the Supreme Court Building in Ipoh by RW Thomson, British Resident, Perak, on July 14, 1928.

1st Row Top:

Harry Rodvay Rix, LT Williams, S Fisher, Leong Yew Koh, Edgar Joseph Sr (his son, Tan Sri Edgar Joseph Jr later became a Federal Court judge of Malaysia), GH Gartside, JE Jones, JL Woods, AL Barret, N Chatterjee, EC Watson, Joseph Dunford Wood, IA de Z Sruvardhena, JH Bassett, KM Coomarasamy and Kit Seng Khong.

2nd Row in front:

HC Johnson, J Clark, S Seenivasagam, RW Thomson, British Resident, Perak, HT Jones, AN Kenion, Mr Justice WH Thorne, MS Mahendran, Sir Abdul Aziz, Raja Muda Perak and later Sultan of Perak, HC Willan and JH Dickson, District Officer, Kinta. (Picture from the High Court at Ipoh)

The person who had the honour of being addressed as the first Honourable Chief Justice of the FMS was LM Woodward. He held this office for a short time and was succeeded by Sir Henry Gompertz. Sir Henry Gompertz was a graduate of Oxford University and had served in various legal capacities in Hong Kong before his appointment as Chief Justice of the FMS. While in Hong Kong, he became fluent in Hokkien and Cantonese⁹ which proved an asset to his undertaking in this country.



▲ Sir Henry Gompertz, the Chief Justice of the FMS from 1926. (Picture from "The 20th Century Impression of Hong Kong")

Another landmark in the development of the judiciary during this period was the publication of reported cases. Although a Committee, headed by the Chief Justice, was set up as early as 1925 on the publication of decided cases, the results were disappointing. It was not until 1932, through the indefatigable efforts of Dr Bashir Mallal, that a systematic and continuous reporting of cases was established.

Not unlike the Straits Settlements, the judges of the FMS were predominantly caucasians. But in 1939, there emerged from the Malay Administrative Service of the FMS of that period an outstanding Malay gentleman who broke into this predominantly white preserve. Though serving only in an acting capacity, Mr Justice Raja Musa Raja Bot in 1939 became the first local to be elevated to the superior court bench. Justice Raja Musa Raja Bot came from a prominent royal family in Selangor. He read law in England where he secured a first class distinction at the Bar examinations. In 1927, after his studies abroad, he returned and served in various administrative and legal capacities in the FMS before his appointment to the Bench.

His elevation to the Supreme Court Bench marked a turning point in the history of the Malaysian judiciary for thereafter, local Malaysians were gradually trained for such post.



▲ Dr Bashir Ahmad Mallal (1898-1972) the founder of the Malayan Law Journal in 1932. Through his efforts, the systematic and continuous reporting of cases was established. (Picture by courtesy of Malayan Law Journal)

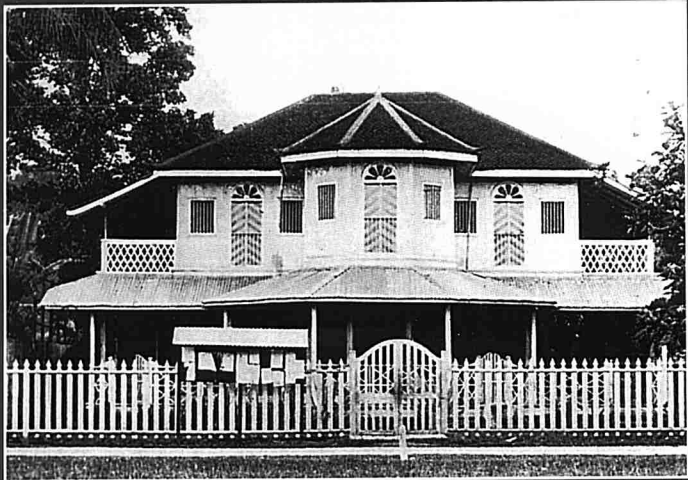
⁹ Twentieth Century Impression of Hong Kong p 111



▲ Mr Justice Raja Musa Raja Bot, the first local Malaysian to be appointed as an acting judge on the FMS Bench in 1938. (Picture from "Two Decades of Malayan Trials")

Mr Justice Raja Musa continued on the Bench until 1939 when he became a lecturer of law for the Malay Administrative Service Probationers at Raffles College, Singapore. When Singapore fell to the invading Japanese forces, he was appointed High Court judge in Singapore during the Japanese occupation. Unfortunately the extreme distress over this job caused his premature death in 1943.

From the time when the first Judicial Commissioner was appointed right up to 1941, just before the Japanese Occupation, the judiciary of the FMS had established itself as a refined institution. During this era, a long succession of judges had passed through the courts, each possessing different temperament and ability. Despite this diversity, there was one common unifying thread among them; that is they each administered the law faithfully and with unswerving loyalty. This invaluable quality has passed on and is inherited by the present day judiciary of Malaysia as part of her valued tradition.



A former court-house in Kota Bharu, Kelantan which has since been demolished. (Picture by courtesy of the Arkib Negara)

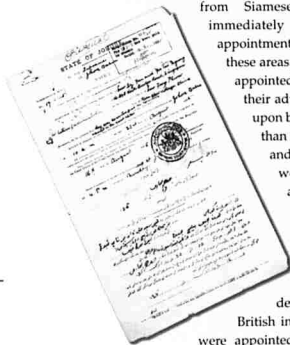
"In a Government so firmly founded on the principles of justice and the rule of law, the judiciary cannot idly stand as a silent and stony pillar of democracy.

The court, in its role as a public watchdog, is not expected to turn a deaf ear to the prevailing public outcry and abuse of administrative powers by the authorities or their officials however high in rank.¹"

The Unfederated Malay States (UFMS) comprised of the independent states of Perlis, Kedah, Kelantan and Terengganu in the north of the Malay Peninsula and the state of Johore in the south.

For a period of time the Northern UFMS were under Siamese control. In 1909 under an Anglo-

Siamese Treaty, these Northern States were freed from Siamese domination. The British immediately proceeded to press for the appointment of British Advisers in each of these areas. Once the British Advisers were appointed, as was the position in the FMS, their advice had to be sought and acted upon by the Rulers on all matters other than those touching on Malay custom and religion. By this, the British were thus able to control the administration of these states indirectly.



In the field of administration of justice, each of these states in the UFMS developed independently after the British intervention. Initially, magistrates were appointed by the British to administer justice. Not unlike the early days of the FMS, many of these magistrates were laymen who were also holding other administrative posts.

Before the British intervention, many of these states had already in existence their own respective High Courts. In the northern UFMS some of these courts were in fact set up during the Siamese rule. For a period of

¹ Mohamed bin Ismail v Tan Sri Haji Osman Saat & Ors [1982] 2 MLJ 136, per Wan Yahya J.

time after the British intervention, many of these states continued to retain their local High Court judges. But eventually they were replaced by English officials who were legally qualified and trained. In Kelantan, an Enactment was passed in 1928 for the appointment of a legally qualified Judicial Commissioner cum Legal Adviser. He was entrusted with the task of presiding over the High Court as well as redrafting and codifying the laws of Kelantan.² Records indicate that one EB Williams was the first Judicial Commissioner of Kelantan.³



▲ The present High Court building in Alor Setar. The use of round columns as supportive pillars are a common feature of court buildings constructed during this period. (Picture by David Ong)



▲ This is an artist's impression of the present High Court building in Johore Bahru, possibly drawn in the late 1920's when the building was completed. This building is strategically located facing the Tebrau Straits that separates Malaysia and Singapore. (Picture from an old greeting card)

In the state of Johore, which was sandwiched between the FMS in the north and Singapore, the headquarters of the Straits Settlements, in the south the British intervention was resisted through diplomatic manoeuvres of the Sultan of Johore. It was not until 1914 that the British Adviser, who was appointed earlier as an employee of the Sultan of Johore, was answerable to the British High Commissioner of the FMS rather than the Sultan. Again, his advice had to be accepted by the Sultan on all matters other than those touching on Malay custom and religion. To cater for legal matters a British Legal Adviser was also been appointed. His duties were not only confined to advising on all state legal matters but also to discharge the duties of a judge of the Supreme Court of Johore. However, due to the increased workload of the court, this fusion of duties ceased and a full-time legally qualified judge was engaged. Records reveal of one MH Whitley, the former State Legal Adviser, was made the first full-time judge in Johore in 1914.

This period also saw new court-houses built to replace the existing buildings which were inadequate. Most of the new erections were designed by Europeans who

² Article by Chan Su-Ming in the *Journal of the Malayan Branch of the Royal Asiatic Society* (1965) Part 1.

³ Colonial List of 1928.

were embedded with western influence. The Roman columns, so typical of the Renaissance period, are a common feature as is evident in the Court Buildings in Alor Setar and Johore Bahru. The decor of the interior of the courts, however, differs a little. The court-room in the Alor Setar Building has a mixture of vernacular and Western style, whilst the Supreme Court Building in Johore Bahru is typically Edwardian.

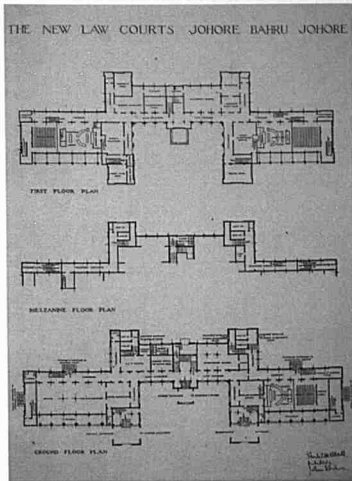
The High Court Building in Alor Setar was declared open in 1922/1923 (the Muslim calendar year of 1341) by His Royal Highness Sultan Abdul Hamid Halim Shah, the Sultan of Kedah.⁴ Present at this opening ceremony was the British Adviser to Kedah, W Peel. The High Court Building in Johore Bahru was opened in 1928.

By the time of the Japanese invasion of Malaya, all the UFMS had legally qualified judges in their superior



▲ A plaque in the present High Court Building in Alor Setar to commemorate its opening in 1922 by Sultan Abdul Hamid Halim Shah. (Picture from author's collection)

⁴ As inscribed on a copper plaque affixed to the wall of the present High Court Building in Alor Setar.



▲ Floor plan of the Supreme Court Building in Johore Bahru in 1928. The architects who designed this building were M/s Stark & Neils. The plan shows one Supreme Court and two Magistrates Court rooms. Today this same building houses four High Courts and five Subordinate Courts. (picture from a Johore Government Gazette)

courts. Many of them were seconded either from the Straits Settlements or the FMS. Naturally they adopted a system of law and administration of justice similar to that of their former attachment. This ultimately proved beneficial when all the states in Malaya were unified into one nation.

From the time of the British intervention into the UFMS and up till the outbreak of the Second World War, the judiciary in these states were progressing slowly towards a unified legal system with that in the FMS and the Straits Settlements.



▲ Interior of Court-Room No 1 in Alor Setar High Court. The background has a mixture of local and western decor. (Picture by David Ong)



C.S. 95
1940

In the matter of Safar Ben binti Sheik
Mohammed Al-Bardin Al-Mek, the Applicant

Payments made by the Registrar,
High Court, during pursuant to order
of Court dated the 2nd day of March,
1941 for the benefit of his children
@ 830/- per month. (see Book No. 3795-4).

Date of receipt of money from Govt Savings Bank	Amount	Date of Payment to Applicant	Amount	Signature of Recipient	Witness to Payments
17 April 1940	30	18 April 1940	30	<i>ca. jil</i>	P. Strickland Strickland P. Strickland

18-3-2604	50	18-3-04	50	<i>ca. jil</i>	P. Strickland
18-10-2604	50	19-10-04	50	<i>ca. jil</i>	P. Strickland P. Strickland

16. 12. 46.	282 83	17. 12. 46.	282 83	<i>ca. jil</i>	P. Strickland P. Strickland 1/12/46
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Two hundred & eighty-two & eighty-three only

Three different parts of a court document that recorded the period before, during and after the Japanese occupation. Note the different dates and type of stamps used during this period.

(Document from author's collection)

THE JAPANESE OCCUPATION AND ITS AFTERMATH

*"... crime,
though it hath
no tongue,
speaks out at times.¹"*

Japan declared war against Malaya on December 8, 1941. By mid-December, Japanese troops had landed on the northern shores of the Malay Peninsula. This was soon followed by orders for the evacuation to Singapore of all Europeans. Shortly after this, the Malay Peninsula fell to the invading forces.

By early 1942, Singapore was subjected to constant shelling by the Japanese. As a safety precaution, the entrance of the Supreme Court Building in Singapore was barricaded. The material used were sacks of rice. This was out of convenience since part of this building had been turned into a storehouse for essential food supplies.

Amidst the clash of arms the law did not lie idle. The judicial machinery continued to function and the judges carried on with their duties. During this time the number of judges in Singapore had swelled, caused by the evacuation of their brethren from across the causeway. This created a slight problem of over staffing when legal workload was on the decline due to the impending fall of Singapore.

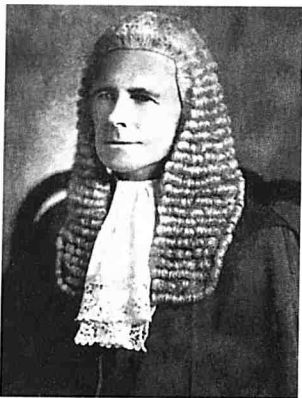
Nonetheless, the judges proceeded with their cases allotted and Judges' Chambers were declared as Open Court for safety reasons. Sir Percy McElwaine, the then Chief Justice of the Straits Settlements, in fact sat through a case during an air raid and delivered his judgment just three days before the formal surrender of Singapore to the Japanese forces. When judgment was delivered the only other person present besides the Chief Justice was one Counsel. The absence of the other Counsel and litigants was blatantly obvious.²



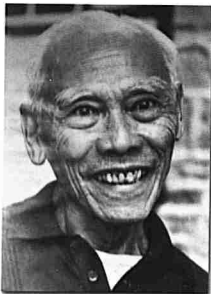
▲ Victorious Japanese invading forces parading pass the Supreme Court Building of the Straits Settlements in Singapore in 1942. (Picture by courtesy of Muzium Negara Malaysia)

¹ *Public Prosecutor v Datuk Haji Harun bin Haji Idris (No 2) Federal Territory Criminal Trial No 2 of 1976, per Raja Azlan FJ.*

² *Article by Dr Bashir Mallal [1958] MLJ lxxvii.*



▲ Sir Percy Alexander McElwaine, Chief Justice of the Straits Settlements (1936-1942) who presided until the Japanese invading forces came virtually knocking at his door. (Picture by courtesy of Malayan Law Journal)



◀ Lim Cheng Ean, a High Court judge in Penang during the Japanese occupation. He was an advocate and solicitor and a member of the Straits Settlements Legislative Council before the occupation. (Picture by courtesy of Lim Kean Siew, advocate and solicitor, son of Lim Cheng Ean)

By the afternoon of January 16, 1942 the Japanese forces had entered and occupied the Supreme Court of the Straits Settlements in Singapore. This resulted in a temporary halt in the administration of justice.

In Malaya all courts ceased to function immediately after the Japanese occupation. Special courts were, however, set up by the Japanese forces to try civilians charged with offences of a political or military nature.

In May 1942, a proclamation was issued by the Commander-in-Chief of the Nippon Forces in Malaya for the re-opening of all Law Courts in Malaya. It also declared that the former system of law and procedure existing before the occupation was, for the time being, to be followed in so far as it did not interfere with the authority of the Japanese Military Administration.

Almost all the existing court personnel, other than the British, were retained. Many new appointments were also made and they were filled by the local populace. Key posts however remained in the hands of the Japanese.

In Penang, Lim Cheng Ean, an advocate and solicitor and a member of the Straits Settlements Legislative Council before the war, was appointed High Court judge. His secretary was EE Sim, who later became a Judicial Commissioner of the High Court of Malaya in 1979. The Registrar of the Penang High Court then was Chua Hock Hai who, after the war, was elevated to the High Court Bench in Singapore.³

In Singapore, Raja Musa Raja Bot was appointed a judge of the High Court. He was subsequently succeeded by one Mr Pillai. Ahmad Ibrahim (as he then was) and RC Hoffman were selected to be magistrates. After the war, Tan Sri Ahmad Ibrahim served as Advocate-General of the Republic of Singapore before becoming Professor of Law at the International Islamic University in Malaysia.

3. Article by EE Sim in [1981] 2 MLJ clxxx.

In Ipoh, the High Court was presided by a Japanese judge, Kusaka San. He was noted for his impartiality and open-mindedness on the Bench. It was said that these qualities were largely attributed to his western legal training. However, he could not always avoid the interferences of the Japanese Public Prosecutor.⁴

The local judges and magistrates during this period dealt with relatively minor matters. Major cases were handled by the Japanese judges. Many questioned the impartiality of these Japanese judges as their decisions were often criticised for being biased or otherwise unjust. The sentences passed were often disproportionate to the nature of the offences charged.

On August 9, 1945, the second atomic bomb was dropped on Nagasaki, Japan. Soon thereafter the Japanese surrendered. This brought to an end a



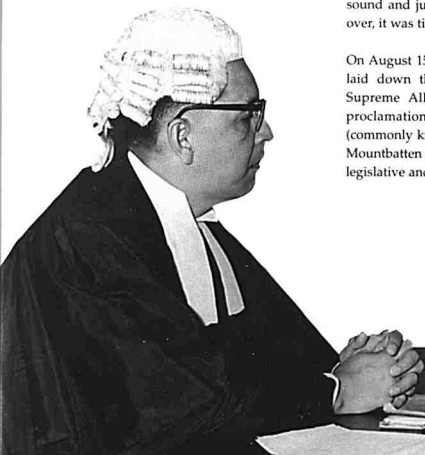
▲ Chua Hock Hai, was a Registrar of the Penang High Court during the Japanese occupation. After the war he was appointed High Court judge of Singapore where he became known as Mr Justice Frederick Arthur Chua. (Picture by courtesy of Malaysian Law Journal)

period of terror and destruction in this region. For the judiciary, this duration of Japanese occupation saw a setback in years of dedication and sacrifices by many who had hitherto built up a sound and just legal system for this country. When the war was over, it was time for the recovery of a stagnated judiciary.

On August 15, 1945, almost immediately after the Japanese forces laid down their arms, Admiral Lord Louis Mountbatten, the Supreme Allied Commander for South East Asia, signed a proclamation to establish a British Military Administration (commonly known as the BMA) in Malaya. Under the BMA, Lord Mountbatten secured for himself and his successors full judicial, legislative and executive powers and responsibilities over Malaya.

◀ EE Sim was secretary to the High Court judge in Penang during the Japanese occupation. After the war he became a Judicial Commissioner of the High Court of Malaya in 1979. (picture by courtesy of Jabatan Penerangan Malaysia)

⁴ Article by KS Dass in [1959] ML] vi.





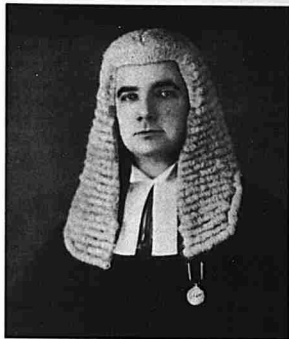
▲ Lord Louis Mountbatten, Supreme Allied Commander, proclaimed the establishment of the British Military Administration in Malaya. (Picture by courtesy of the Imperial War Museum, London)



◀ Tan Sri Ahmad Ibrahim was a magistrate in Singapore during the Japanese occupation. After the war, he became Advocate-General of Singapore. Later he was Professor of Law at the International Islamic University in Malaysia. (Picture by courtesy of Malayan Law Journal)

In regards to legal and judicial affairs under the BMA all promulgations and legislative enactments passed by the Japanese Military Administration ceased to have any effect. Law Courts constituted under the Japanese were suspended and stripped of all authority. They were replaced by Superior Courts and District Courts of the BMA. These courts had jurisdiction to try all persons charged with offences committed after the establishment of the BMA. Presiding judges were military officers.

In the meantime military personnel attached to the legal department of the BMA took immediate steps to re-establish the courts and the judiciary to its pre-war stature. Most of them were legally qualified and with their knowledge on the working of the law, the proper administration and prestige of the judiciary was soon restored. Leading this team was Sir Harold Willan, an Oxonian who scored a distinction at the Bar



A Mr Justice JH Pellow (1935-1941) was lost at sea while attempting to escape invading Japanese forces in Singapore. (Picture by courtesy of *Malayan Law Journal*)



A A copper Memorial Plaque commemorating judges, legal officers and lawyers who died during the 2nd World War was unveiled in July 1950 in the High Court Building at Kuala Lumpur. (Picture from author's collection)

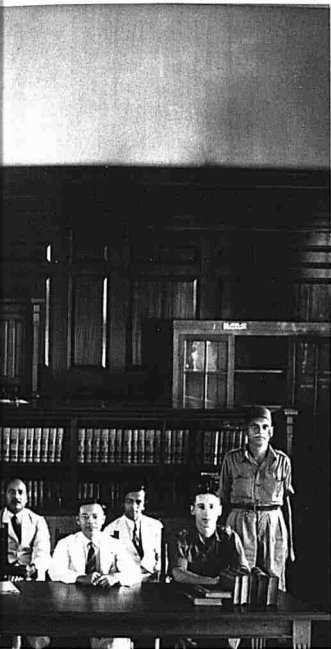
Finals. He started his career with the Malayan Civil Service before the war. After the Japanese surrendered, he returned with the British Military Forces in the rank of Brigadier General. Other notables who assisted were Wing Commander FA Briggs, the President of the Superior Court in Singapore and Lieutenant-Colonel JG Adams, the President of the Superior Court in Malaya.

By April 1, 1946 the BMA was abolished. Civilian rule returned to Malaya. With the ensuing peace and calm it was now time to take stock of the losses and damage suffered during the war.

Fortunately many court buildings were spared of major damage during the war. Substantial amount of valuable law books and pre-war legal records were saved. This was due mainly to the efforts of local court staff, many of whom took great personal risks to retain these materials.



▲ Lieutenant Colonel JG Adams (seated top row), President of the Superior Court (BMA) in Malaya in the courtroom of Ipoh High Court in 1945. Around him are court officials. (Picture from the High Court, Ipoh)



In respect of judicial personnel, there was heavy casualties. Raja Musa Raja Bot, the first local to be appointed as an acting judge of the FMS before the war, died from the effects of the war.⁵ Mr Justice Pedlow, a judge of the FMS, also perished. It is believed he was lost at sea while attempting to escape from Singapore before it fell to Japanese hands. Adrian Clarke, a judge of the Straits Settlements in 1935 before his transfer to become Legal Adviser to the FMS, died during internment. Robert Redman, the Registrar of the Supreme Court of the FMS, also lost his life in the war.

To commemorate the members of the Bar and Bench who sacrificed their lives during the Second World War, a memorial plaque was unveiled in the Supreme Court at Kuala Lumpur on July 1, 1950 by Sir Harold Willan, the then Chief Justice of the Federation of Malaya. This copper slab, which was affixed to the wall on the first floor of the then Supreme Court Building, remained there until April 1993, when a fire gutted this court-house. While virtually everything in that part of the structure was destroyed, this plaque was unscathed by the fury of the fire. The plaque was subsequently removed to the Museum Negara for temporary safe keeping when the interior of the building was being rebuilt. It remains there till this day.

⁵ *Supra*, p 22.

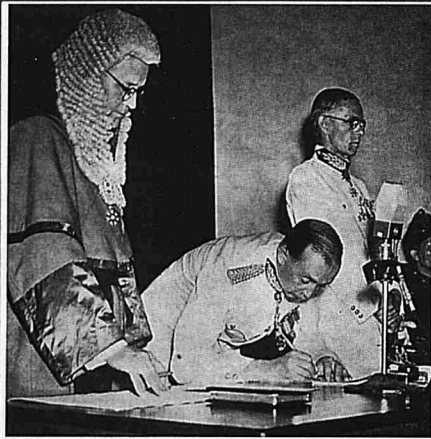
Malayan

PICTORIAL OBSERVER

No. 34

NOVEMBER, 1948.

25 CENTS.



Sir Henry Gurney signs the Oath of Allegiance of his Institution as High Commissioner for the Federation of Malaya at the Federal Legislative Council Chamber, Kuala Lumpur, on Wednesday, October 6, 1948. On the right is Chief Justice Sir Harold Willan who administered the oath, on the left Sir Alec Douglas-Williams who had been Deputy Administrator of the Government in 1946.

(L-R) Sir Harold Willan (on the left), Chief Justice of the Malayan Union and subsequently the Federation of Malaya, witnessing the incoming British High Commissioner, Sir Henry Gurney signing the oath of allegiance on October 6, 1948. Sir Willan was noted not only for his judicial qualities but also for his administrative ability. (Picture from 'Malayan Pictorial Observer, November 1948')

Almost immediately after the British Military Administration came to an end the British authorities forced on the inhabitants of Peninsula Malaya a new structure known as the Malayan Union. Under this Union the FMS, the UFMS and the settlements of Malacca and Penang were united into a single administration. The island of Singapore was excluded and became a British Crown Colony.

Under the Malayan Union, a Supreme Court comprising a Court of Appeal and a High Court was set up. This Supreme Court had jurisdiction over all territories comprised in the Malayan Union and was headed by a Chief Justice.

The first Chief Justice appointed was Sir Harold Willan. Sir Harold was noted not only for his judicial qualities, but also for his outstanding administrative capabilities. Though hampered by the lack of many amenities after the war, he was able to persuade and influence the authorities to give priority in the reconstruction and improvement of court buildings, many of which were either damaged or neglected during the war. One of Sir Harold's greatest accomplishments was the reconstruction of the Supreme Court Building in Penang which was built in 1905 and had not been renovated since. Unfortunately, Sir Harold did not stay long enough in office to witness the completion of this reconstruction in 1952.²

This reconstructed court-house, which sits on the very site and foundation of the former building, was declared open on April 5, 1952 by the then Chief Justice, Sir Charles Mathew. It is interesting to note that one of the court-rooms in this building was air-conditioned, a novelty in those days. Apart from the reconstruction and improvement of court buildings, a substantial number of judges were appointed to increase the strength of the judiciary which had been severely depleted by the war. Many of these new appointees were former judicial and legal officers who had once served in the judiciary in Malaya before the Japanese

"The court building we sit in today is a symbol of liberty and justice to remind us that in this country the judges 'do justice to all manner of men according to the laws and customs of the country, without fear or favour, affection or ill-will."

¹ Sir Charles Mathew's speech at the official opening of the reconstructed Supreme Court Building in Penang [1952] MLI xv.

² *Ibid.*



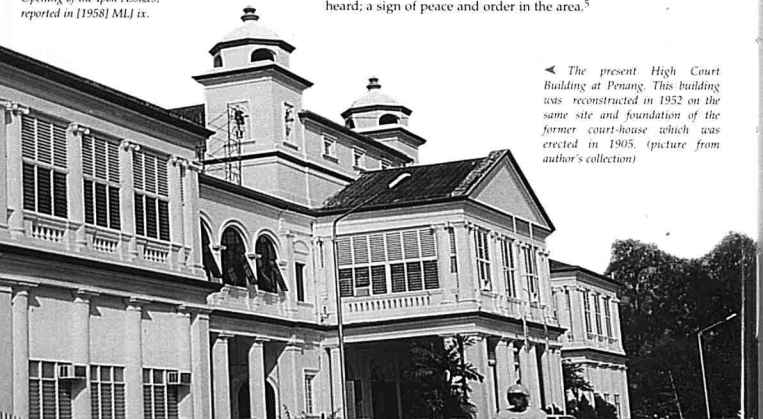


▲ Mr Justice Pretheroe served in the Federation of Malaya from 1946 until Malaya gained her independence in 1957. (Picture from the High Court, Ipoh)

invasion. Their appointments were gladly received by the local population who were desirous to see a speedy restoration of justice. A great number of these judges continued to serve in this country until Malaya gained her independence in 1957. Notable among them was Mr Justice Pretheroe who was appointed in 1946 and retired in 1957. His love for gin after office hours was notorious. Another well known judicial figure of this period was Mr Justice Buhagiar, a Rhodes scholar from Malta, whose respected scholarly and erudite judgments are often quoted even to this day. There was also Mr Justice Hill who was known for the speed with which he conducted criminal trials at the High Court sitting in Alor Setar. He seldom recorded notes of evidence but simply ticked the relevant passage of dispositions made by the witnesses of the case to the police. Later his secretary would type this out as if it was copied from the judge's notebook.³ Then there was Mr Justice Laville. He was a courteous gentleman who seldom interrupt at proceedings. It was rumoured that such qualities were attributed to his hard of hearing. For this it was said in jest that all cases before him was only part heard.⁴

With the gradual restoration of peace and order in the country, former customs and traditions were revived such as the traditional opening of the Assizes. In keeping with practice, which originated from the British, the Circuit judge on arrival in each town was honoured before the start of any hearings with a ceremonious inspection of a Guard of Honour. The Guard of Honour was usually mounted by the Royal Malayan Police with the Circuit judge in full judicial regalia of robe and wig inspecting the guards. In court after the ceremony, if the Public Prosecutor was to present a pair of white gloves to the judge it would signify that there were no criminal cases pending to be heard; a sign of peace and order in the area.⁵

◀ The present High Court Building at Penang. This building was reconstructed in 1952 on the same site and foundation of the former court-house which was erected in 1905. (picture from author's collection)



³ "Four decades in the law-looking back" by Tun Mohamed Suffian reported in [1982] 2 MLJ xxiii.

⁴ *Ibid.*

⁵ Opening of the Ipoh Assizes, reported in [1958] MLJ ix.



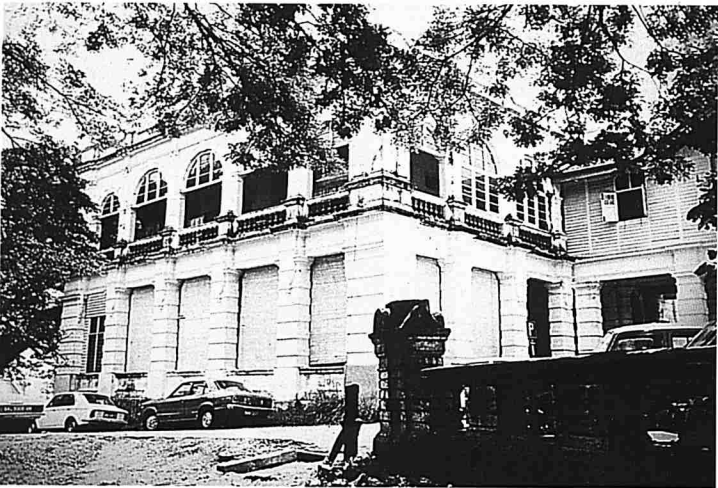
▲ Mr Justice Bostock Hill in full judicial robes inspecting a police guard of honour in 1949, prior to the opening of the Assizes. (Picture by permission of *The New Straits Times*)

Mr Justice Buhagiar (on the left) was one of the last few colonial judges who served in Malaya until 1957. He was of Maltese origin and was noted for his scholarly judgments. Standing next to him is Mr Ramani, one of Malaysia's most prominent lawyers who later became Malaysia's permanent representative to the United Nations. (Picture by courtesy of Mr Justice Richard Talalla) ▶



Unfortunately, this practice gradually ceased with the departure of the European judges and with Malaya gaining independence in 1957.

The concept of the Malayan Union was unpopular. There was resistance and opposition to this scheme from both the local inhabitants and the British in Britain. It was primarily due to the manner in which the Malayan Union agreement was forced upon the Malay rulers. Other reasons for dissension was the consequential reduction in the status of the Malay rulers and the issue of citizenship for the non-Malay inhabitants. In the face of growing opposition the Malayan Union was shelved in 1948. In its place a new design known as the Federation of Malaya was conceived and introduced by the British.



▲ The Subordinate Courts at Bukit Mahkamah in Kuala Lumpur. This building was demolished in 1982 and in its place the Menara Maybank now stands. (Picture by courtesy of the Arkib Negara Malaysia)

The Federation of Malaya was made up of the same states comprised in the Malayan Union. But unlike the Malayan Union, these territories were now unified under a strong central government with each state retaining certain amount of autonomy.

Under the Federation of Malaya, the existing structure of the Supreme Court remained unchanged except for a variation of name to that of the Supreme Court of the Federation of Malaya. Sir Harold Willan continued to be the Chief Justice.

However, the Subordinate Courts were reorganised. It now consisted of: the Sessions Court, the Magistrates' Court and the Penghulu's Court. Each having its own defined jurisdiction. The administrative organisation of the Subordinate Courts prevails to this day with only minor modifications.

In Kuala Lumpur, the Subordinate Courts were located on a small hill not far from the heart of Chinatown. It was popularly referred to as 'Bukit Mahkamah'. This Malay term translated into English simply means 'Court Hill'. To reach it, one could either go by a winding road from the foot of Pudu Road or by a long flight of stairs at the beginning of Weld Road (now changed to Jalan Raja Chulan). It is fondly remembered by many who took the stairs that upon arriving at the top it was like a mountaineer reaching the summit. The view at the top was magnificent for a substantial part of Kuala Lumpur could be seen on a clear day. The building that housed the Subordinate Courts here had the facade of a grand mansion or a stately home. Unfortunately when the Subordinate Courts moved out in the early 1980s, this building, which was then in a dilapidated state, was torn down in 1982. In its place a high-rise commercial building, now known as 'Menara Maybank', was constructed.

About this period, there were some important modifications in the Colonial Legal Service. This Service, which was once a closely guarded establishment reserved almost exclusively for the British expatriates, began to admit locals. The importance of this institution (which was the forerunner of our present day Judicial and Legal Services of Malaysia) was the supply of legally qualified and trained cadets to man a wide variety legal and judicial positions in the territories under British control. This included the post of Attorney-General, various officers working under this body, Sessions Court judges, magistrates and public prosecutors. From this service, eventually the best were selected for elevation to the Superior Court Bench.

In the Federation of Malaya, three Malays had the honour of being selected to join the illustrious Colonial Legal Service. They were Abdul Hamid Mustapha, Azmi Haji Mohamed and Syed Sheh Barakbah. All three pioneers were eventually elevated to the Bench and subsequently held high offices.



Tan Sri Abdul Hamid Mustapha, the first Malay to be appointed a High Court judge.
Picture shows Tan Sri Abdul Hamid receiving an award from Sultan Ismail of Johore.
(Picture by permission of The New Straits Times)



▲ Tun Azmi Haji Mohamed, one of the three Malays selected for the Colonial Legal Service. He was subsequently elevated to the bench and rose to become Malaysia's third Lord President. (Picture from author's collection)

Abdul Hamid Mustapha (later known as Tan Sri Abdul Hamid Mustapha) had the honour in 1955 of being the first Malay to be appointed a High Court judge.⁴ Unfortunately he was forced to retire from the Bench in 1957 due to ill health. After his retirement he was appointed Chairman of the Johore Regency Council, a post he held until his death in 1979 at the age of 75. Azmi Haji Mohamed (later known as Tun Azmi Haji Mohamed) was elevated to the Bench in 1959 and by 1966 was made Chief Justice of Malaya, a post he held until 1968 when he was appointed Lord President of Malaysia. He retired in 1974.

Syed Sheh Barakbah (later known as Tun Syed Sheh Barakbah) was appointed High Court judge in 1956. After having served for six years on the Bench he became the first local Malaysian to be appointed Chief Justice of Malaya. He also achieved the distinction of being the first Malaysian to hold the post of Lord President of Malaysia in 1966. After Tun Barakbah's retirement from the Bench in 1968 he became the Governor of Penang. In 1975 he passed away at the age of 69.

Soon after the end of the Second World War, Malaya witnessed a new wave of terror from the communist insurrection. The Malayan Communist Party resorted to violence and terrorism to achieve their political objectives instead of using peaceful and constitutional means. Their aim was to destroy the fabric of law and order by disrupting communication lines and creating panic through sabotage. As a result of their actions, the government declared a State of Emergency in Malaya in 1948. The confidence of the public in the law as an effective tool for repelling such unconstitutional behaviour of the communist had naturally dwindled. It was during these trying times that the judiciary rose to the occasion with resolute courage, conviction and determination. In the face of constant personal threats and violence, the judges discharged their duties with undiminished impartiality and applied the law steadfastly. This regained the confidence and trust of the public that the rule of law should be upheld and maintained against any attempts by illegitimate and non-peaceful means to gaining political power.

Such display of duty and conviction by members of the judiciary was aptly described in the observations of Mr Justice William O Douglas, an Associate Justice of the United States Supreme Court:

"I saw Malaya under siege. Up in Central Malaya at Ipoh, the capital of Perak, I saw criminal trials. The accused were desperate guerrillas dedicated to the communist cause. Yet the

⁴ Raja Musa, though being the first Malay judge appointed to the Bench in 1938, served only in an acting capacity.



◀ Sir Charles Mathew, Chief Justice of the Federation of Malaya (1953-1956) came at the height of the Emergency. Through his painstaking efforts the judiciary was acknowledged as an institution of fairness and impartiality during this difficult period. (Picture by courtesy of Malayan Law Journal)

court assigned each one a lawyer for his defen[c]e. The Bar of Ipoh – some 30 in number – was doing valiant work. Lawyers were assigned in rotation; and their defences did credit to the highest traditions of the Bar. The court-rooms at Ipoh were quiet, majestic places, ruled over by stern but fair-minded judges. This was in the heart of jungle land where armed Communists worked night and day in guerrilla warfare to destroy the government. But there was no hysteria, no atmosphere of passion, no photographers, no pressure of the press demanding convictions. And the prosecutor was a quiet, fearless man of dignity.

A procedure that respects the dignity and worth of the individual and that gives him full justice in his relation with his government commands men's loyalties even against the Communist forces that masquerade behind slogans of brotherhood and equality. Respect for that procedure in this country will help keep us true to the ideals of freedom and tolerance which up to the end of World War II made America foremost in the hearts of people the world over.⁵

This period also saw the change of three Chief Justices. Sir Harold Willan was succeeded by Sir Foster-Sutton in 1949 who stayed in office for a little over a year. Sir Foster-Sutton was in turn replaced by Sir Charles Mathew.

Sir Charles Mathew came at the most trying of times during the height of the communist insurgence. Nevertheless, with indefatigable energy he travelled the country over and, through his painstaking efforts, the judiciary was able to withstand the pressure of the Emergency and maintain its impartiality and unbiasedness in upholding the rule of law. This resulted in the firm establishment of an independent, impartial and well respected institution in this country.

⁵ An address to the American Law Institute by Mr Justice William O Douglas [1954] MLJ ix.



▲ The Lord Chancellor of Britain, Viscount Kilmuir (in the centre) in ceremonial robes with Malayan judges just after Malaya gained her independence. Tun Thomson (Chief Justice of Malaya) is on his right. Next to Tun Thomson is Tun Syed Sheh Barakbah while Tan Sri Gill is in between. Others in this picture are Justices Knight, Hill, Good, Rigby, Smith, Neal, Sutherland, Shepherd and Hepworth. Picture taken at the Kuala Lumpur Supreme Court after a special sitting on September 4, 1957. (Picture from author's collection)

In 1957, with the communist threat under control and with a growing spirit of nationalism, Great Britain finally granted the people of Malaya their independence. On August 31, 1957, a new sovereign nation of the Federation of Malaya was born. The British Crown ceased to be the Head of State for Malaya. Under the new constitution, judges of the Federation of Malaya were no longer appointed by His Excellency, the British High Commissioner but by His Majesty the Yang di-Pertuan Agong of Malaya.

Here to witness the birth of this new nation and leading the British delegation was the Lord High Chancellor of Great Britain, Lord Kilmuir. His presence symbolised the confidence of the former colonial leaders in the Malayan judiciary in upholding its independent role under the new constitution. To mark this occasion a special sitting was held in the Supreme Court at Kuala Lumpur on September 4, 1957 where Lord Kilmuir was invited to the Bench with the Malayan judges.

Although independence was achieved, the judiciary continued to be staffed by British. This prompted the nation's first Prime Minister, Tunku Abdul Rahman Putra Al-Haj, himself a lawyer, to call for a genuine effort to Malayanise the judiciary in the hope that locals would eventually take over responsibilities hitherto carried out by the expatriates.



▲ Tun Thomson, the first Chief Justice of Malaya after independence in front of the High Court Building in Kuala Lumpur.
(Picture by courtesy of Jabatan Penerangan Malaysia)



The person entrusted with the task of Malayanising the judiciary was the nation's first post-independence Chief Justice, Tun Sir James Thomson. Tun Thomson, a Scot by birth and a graduate of Edinburgh University, was no stranger to this country. He first arrived in Malaya in 1948 after having served in various judicial capacities in the British Western Pacific territories. His dedication as a High Court judge in Ipoh especially during the Emergency earned him the reputation for being a sound, fair and hard working judge.

One of Tun Thomson's main objective was to train and produce locals capable of taking over from the expatriates on the Bench in the shortest possible time without compromising on existing standards. Tun Thomson discharged this task admirably and with the highest distinction. It was largely due to his exertions that the standard of the Malaysian judiciary continued to be maintained in its fine tradition notwithstanding being manned by Malaysians. Unfortunately, in the course of his duties he was often scorned upon by the outgoing expatriate population.

Tun Thomson was assisted at this time by a pool of highly talented Malaysians, all qualified and trained and with the requisite experience and skill to preside on the Bench. They were soon appointed as judges and proved to be just as able, if not better, than their predecessors. Notable among the local Malaysians elevated to the High Court Bench during this period were Tan Sri Ong Hock Thye, Tan Sri Ismail Khan, Dato Mahmud Hashim, Tun Mohamed Suffian Hashim, Tan Sri SS Gill and Tan Sri Ali Hassan.

Tan Sri Ong Hock Thye (or HT Ong as he was popularly known), a graduate of the University College of London, made legal history by being the first local member of the Bar to be elevated to the Bench in 1958. He later rose to become Chief Justice of Malaya in 1968. Due to his notable command of the English language his judgments were often held in high esteem by the English judges presiding in the Judicial Committee of the Privy Council in London.



▲ Outside Chief Justice's Chambers after an elevation ceremony in 1964. (L-R) Tan Sri HT Ong, Tun Syed Sheh Barakbah, Tan Sri SS Gill and Tan Sri Aziz Zain. (Picture by courtesy of Jabatan Penerangan Malaysia)

Tan Sri Ismail Khan, also a graduate of the University College of London, was elevated to the Bench in 1958 and rose to be Chief Justice of Borneo. He held this post until his retirement in 1974. Tan Sri Ismail Khan's contribution to the administration of justice is fondly remembered by the legal fraternity in Sabah and Sarawak.

Dato Mahmud Hashim, a graduate of Edinburgh University, was appointed a High Court judge in 1960. He was noted for his strong views and forthrightness. His sudden death in 1965, while in office, robbed the judiciary of a very able judge, especially at this critical period of Malayanisation.

Tan Sri SS Gill rose from the ranks of the judiciary. He was a graduate of London University and was elevated to the High Court Bench in 1962. When he was eventually appointed Chief Justice of Malaya in 1974, he was able, through his invaluable experience, to reorganise the judiciary to meet the continuing demands of modern times.

Tan Sri Ali Hassan, a member of Lincoln's Inn, London, was often referred to as an ideal judge. His gift of quiet wisdom occasionally punctuated by incisive questions made him one of the most eminent judges of the day. His death while in office in 1977 was again a great loss to the judiciary.

As more Malaysians were appointed to the Bench, the number of expatriate judges gradually dwindled through retirement or upon termination of their contract. Many were prepared to stay on the Bench a little longer to assist the judiciary during the transitional period. It is to these selfless judges who had unstintingly sacrificed so much of their time that Malaysia owes a debt of gratitude. A notable personality among this group was Tan Sri DBW Good, who was elevated to the Malayan Bench in 1955 and stayed on until his retirement in 1966, after a number



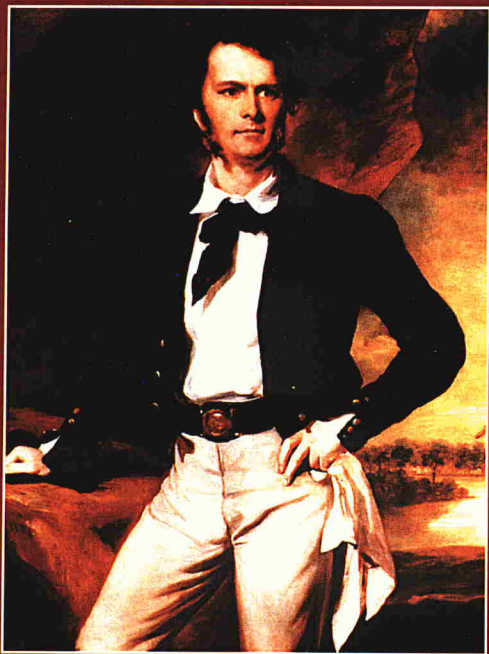
A Mr Justice Dato Mahmud Hashim was noted for his definite views and direct speech. It was a great loss to the judiciary when he passed away while in office in 1965. His son, Tan Sri Harun Hashim became a judge of the Superior Court rising to the post of a Supreme Court judge. (Picture by courtesy of *Malayan Law Journal*)



A Tan Sri Ali Hassan (on the left) greeting HRH the Sultan of Kelantan. Tan Sri Ali Hassan was often referred to as an ideal judge. He died while in office in 1977. (Picture by courtesy of *Jabatan Penerangan Malaysia*)

of years as an appellate judge. After his retirement, he remained in this country to assist the government as a Commissioner of Law Reform.

By 1963, a considerable number of Malaysians had already occupied responsible positions in the judiciary. The Malayisation scheme was almost complete and the era of colonial rule had finally come to an end. The Malayan judiciary was now mature and ready to take on greater duties and responsibilities with the formation of a new nation called Malaysia.



*Sir James Brooke, the first Rajah of Sarawak, promulgated the first Code of Laws for Sarawak in 1842. It contained only eight paragraphs.
(Picture by courtesy of Muzium Sarawak)*

SARAWAK

In 1842 after Captain James Brooke (later known as Sir James Brooke) was made Rajah of Sarawak, he promulgated the first Code of Laws. The Code was simple and consisted of only eight paragraphs. It dealt with the administration of the territories under his control. After drafting the Code he added:

*"At all hazards, however, I am resolved to enforce justice and protect property, and whatever the results may be, to leave them in God's hand, for without these there can be no stability and no ultimate prosperity in the country."*²

James Brooke soon realised that in order to maintain law and order and the respect of the local inhabitants, he had to adjudicate firmly and fairly at the trial of their disputes.

To achieve this, he held regular hearings of cases initially in his own residence. He would preside with the assistance of local chieftains and dignitaries. The litigants would squat on mats with a large crowd of spectators around them. These scenes were vividly described in his journal:

"The Rajah's brothers and myself sit at one end of the long room in my house, at the sides are the Patingis and the Tumangong, and other respectable people; in the centre the parties concerned; and, behind them anybody who

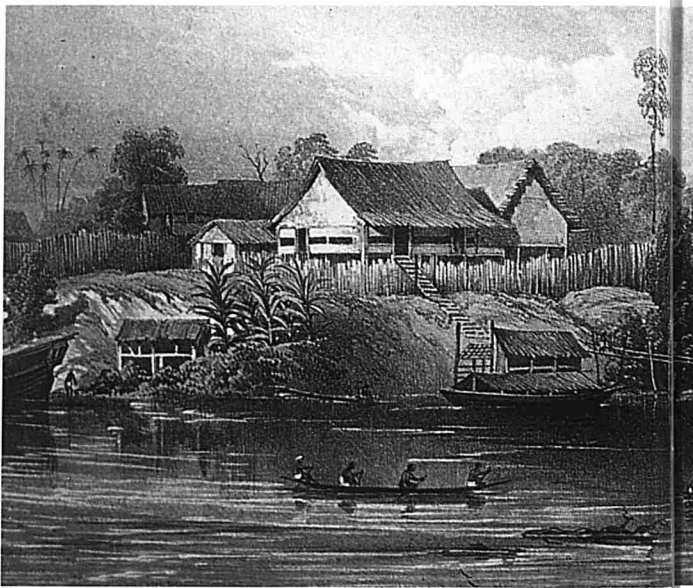
"If the detainee honestly thinks that the allegations of fact are vague, insufficient or irrelevant, he should ask for the particulars.

*Unlike his counterpart in India, he has here a legal right to particulars, subject to the Minister's privilege in the public interest.*¹"



¹ *Karam Singh v Menteri Hal Ehwal Dalam Negeri, Malaysia* [1969] 2 MLJ 129, per Suffian FJ.

² *Keppel, Expedition to Borneo, Vol 1 p 267.*



▲ The early residence of Sir James Brooke where he conducted regular hearings of cases. (Picture by courtesy of Muzium Sarawak)



A An early picture of the Kuching Court-House complex. Built in 1870, this complex housed the High Court and Subordinate Courts of Kuching. (Picture by courtesy of Muzium Sarawak)

wishes to be present. We hear both parties; question if necessary; and decide – and from this decision there is no appeal.³

It was not until the reign of the second Rajah, Sir Charles Brooke, that considerable progress was made in the field of law. During this period a number of courts were constituted. Besides the Supreme Court, there were also the Native and Chinese Courts to try minor offences and disputes of the indigenous and migrant population at the time. The Native Court continues to exist today, but the Chinese Court ceased to be operational by 1919.⁴

In 1870, a well planned “Court-House” complex was built in the heart of the capital town of Kuching. It housed the Supreme Court and other administrative departments. This complex, which still stands today, consists of a group of singlestorey buildings, rectangular in shape, with a central yard. It has wide verandahs supported by massive tapering brick pillars giving the building a colonialistic appearance. At the main entrance of the complex stands the Charles Brooke Memorial in the form of a granite obelisk. This complex is much treasured by the people of

³ Keppel, *Expedition to Borneo*, Vol 1 p 285

⁴ *A Short Legal History of Sarawak by Tan Sri Lee Hun Hoe* [1977] 2 MLJ 1xii.



▲ This 'Round Tower' is part of the Kuching Court-House complex. It must have derived its name from the shape itself. This building was occupied by the Kuching Sessions Court until 2000. (Picture by David Ong)

Sarawak, and the judiciary was honoured for being permitted to occupy it until 2000.

Before 1928, the judges of the Supreme Court were merely administrative officers. It is said that the desire to appoint a legally qualified judge to sit on the Bench arose out of a case initiated by a litigant named St Vincent B Down. Down was involved in a legal dispute which was dismissed by the then Supreme Court. Dissatisfied with the conduct of the judge who presided over the case he petitioned to the Secretary of State in London. The matter was immediately brought to the attention of the Rajah, Sir Charles Brooke, who, without much hesitation, appointed TS Stirling-Boyd to be the first legally qualified Judicial Commissioner in Sarawak. Stirling-Boyd served until his retirement in 1939 and, during his tenure of office, a proper judicial system based on the British legal set-up was introduced.

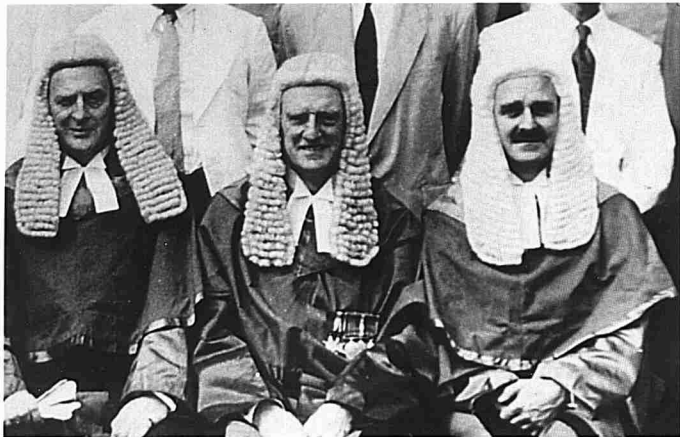
In 1946, after the Second World War, Sarawak was ceded to Great Britain and became a Crown Colony. The number of judges was increased from



◀ The main entrance of the Kuching Court-House complex with the granite obelisk of Sir Charles Brooke. (Picture by David Ong)



▲ This structure known as the 'Japanese Building' was erected by the Japanese Occupied Forces during the war in the centre of the Kuching Court-House complex. Its purpose was to prevent easy access through the complex. This building used to house the Kuching High Court Library. (Picture from author's collection)



A Judges of the Combined Judiciary of Sarawak, North Borneo & Brunei in 1958. (L-R) Justice RF Rodger, Chief Justice Sir Ernest William and Justice GC Briggs. (Picture by courtesy of Muzium Sarawak)

the original single member. By 1954, Sarawak, North Borneo and Brunei joined together to establish a Combined Judiciary for the three territories. It consisted of a Court of Appeal and a High Court. The first Chief Justice of the Combined Judiciary was Sir Ivor Brace. This system lasted until 1963 when North Borneo (which by then was renamed Sabah) and Sarawak merged with Malaya and Singapore to form a new nation called Malaysia.

NORTH BORNEO

By 1865, under various treaties with the Sultan of Brunei and the Sultan of Sulu, the British North Borneo Company obtained concessions to vast tracts of land which is now Sabah. By the terms of an agreement between the British North Borneo Company and the British Government in 1888, North Borneo became a British protected state.

As the British North Borneo Company was a private commercial enterprise, administrative development in this state was slow. Being a profit orientated company, it had to rule cheaply with the number of employees (both foreign and local) kept to the barest minimum.⁵

⁵ Article by V Gabriel William in *Commemorative History of Sabah, 1881-1981*.

For administrative purposes the state was divided into residencies which were further sub-divided into districts. Each residency was under an administrative officer who was also the judge of the Sessions Court as well as the magistrate of the districts. At the higher level, there was a Supreme Court. The Governor was its chief judicial officer.⁶ The law applied then was the Indian Penal Code and the procedure adopted was the Indian Criminal Procedure Code with the Indian Evidence Act used to lend assistance.⁷



EP Gueritz, one of the early administrative officers, who acted as a judge in North Borneo in 1898/9. (Picture from 'Views of British North Borneo') ➤

By 1905, due to a need for a legally qualified person to be appointed, the position of Judicial Commissioner was created.⁸ Unfortunately it was not until 1912 that one, Mr Cookson, was able to occupy this post.⁹ Keeping up with development the designation of Judicial Commissioner was changed to that of Chief Justice in 1929.¹⁰

After the Second World War, North Borneo became a Crown Colony and, in 1951, its judicial system merged with that of Sarawak and Brunei to form the Combined Judiciary of Sarawak, North Borneo and Brunei. This position was maintained until 1963 when Sarawak and North Borneo (later known as Sabah) became part of Malaysia.



▲ A procession in front of the District Court-House at Labuan in 1906. (Picture from 'Views of British North Borneo')

⁶ *Views of British North Borneo* at p 35.

⁷ *Ibid.*

⁸ *Colonial Civil Service List of 1905.*

⁹ *Colonial Civil Service List of 1905-1921.*

¹⁰ *Colonial Civil Service List of 1929.*



The Chief Justices. (L-R) Chief Justice of Singapore, Mr Wee Chong Jin, Chief Justice of Borneo, Sir Campbell Wylie and Chief Justice of Malaya, Tun Syed Sheh Barakbah. Picture taken before the Special Sitting of the Federal Court in 1963. (Picture by courtesy of Jabatan Penerangan Malaysia)

"Another general rule which has been established in our system is that any trial whether in respect of seizable or non-seizable offence must take place in open court where members of the public have a right to be present.¹"



On September 6, 1963, the Federation of Malaya, the Colony of Singapore and Sabah and Sarawak (jointly referred to as Borneo) united to form Malaysia.

With the creation of this new nation, the respective judicial establishments of the former territories were reorganised to achieve uniformity. At the apex of the new Malaysian judiciary was a newly constituted Federal Court with its registry at Kuala Lumpur. This court's primary function was to hear all appeals from the High Courts of the three former territories.

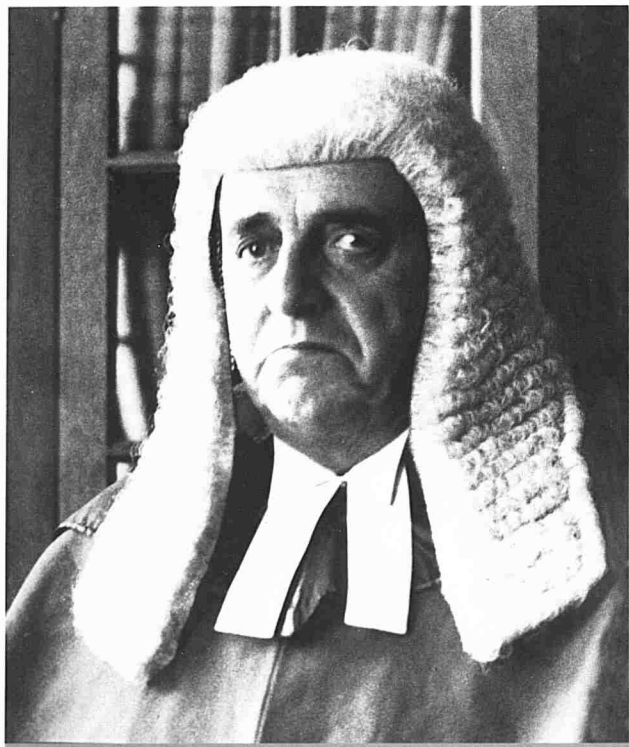
In each of the former territories there was a High Court and they were known as the High Court of Malaya, the High Court of Singapore and the High Court of Borneo. Each was headed by a Chief Justice and their respective Registries were at Kuala Lumpur, Singapore and Kuching.

The head of Federal Court was known as the Lord President. The three respective Chief Justices of Malaya, Singapore and Borneo automatically by virtue of their office were members of the Federal Court. Besides them, there were four others known as Federal Court judges.

The first Lord President was Tun Sir James Thomson, the former Chief Justice of the Federation of Malaya. It is widely believed that he had substantial influence on the selection of the title 'Lord President' as the head of this apex court. This title is similar to that of the head of the Scottish judiciary and Tun Thomson, being a Scot, naturally favoured its adoption.

Tun Syed Sheh Barakbah became the Chief Justice of Malaya, while Mr Justice Wee Chong Jin was appointed the Chief Justice of Singapore. The post of Chief Justice of Borneo went to Sir Campbell Wylie.

¹ *PP v H Chamras Tasaso* [1975] 2 MLJ 44, per Hashim Yeop A Sani J.



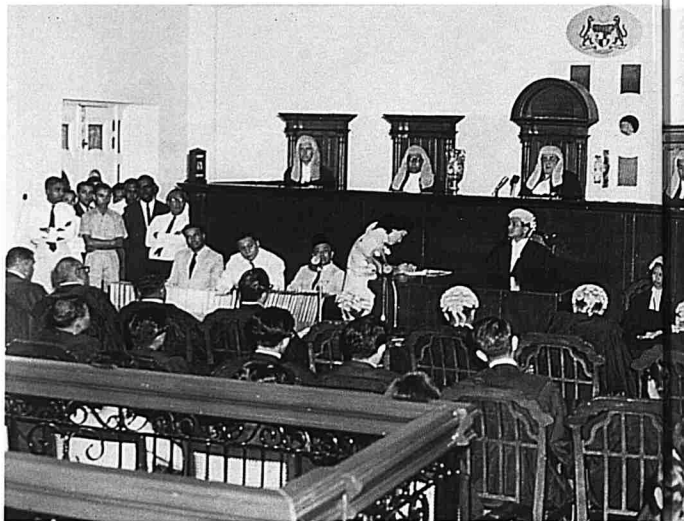
▲ Tun Thomson, Malaysia's first Lord President of the Federal Court. He was one of the last colonial expatriate judges to retire from the Malaysian Bench. (Picture from author's collection)

To commemorate the establishment of the Federal Court, a special sitting was held in Kuala Lumpur. Tun Thomson, as the first Lord President, presided over the proceedings together with the Chief Justices of Malaya, Singapore and Borneo. It was a dignified occasion to commemorate another milestone in the development of the judiciary.



▲ The procession led by the mace to the Special Sitting of the Federal Court in 1963. Following behind are Chief Justice Wee of Singapore, Chief Justice Sir Campbell Wylie of Borneo, Chief Justice Tun Syed Sheh Barakbah of Malaya and Lord President Tun Thomson. (Picture by courtesy of Jabatan Penerangan Malaysia)

A political upheaval saw Singapore breaking away from Malaysia on August 9, 1965 to stand on its own as a new independent nation. Consequently, the High Courts were reduced to only two: the High Court of Malaysia and the High Court of Borneo. There was no change in the structure of the Federal Court except that the Chief Justice of Singapore and the Federal Court judge from Singapore were no longer in the quorum. With the departure of Singapore, the long association of the judiciary between Peninsula Malaysia and Singapore came to an end.



▲ On the Bench of the Special Sitting of the Federal Court in 1963. (L-R) Chief Justice Borneo, Chief Justice Malaya, Lord President of the Federal Court and Chief Justice of Singapore. Below the Lord President is YTM Raja Azlan Shah (as he then was) Chief Registrar of the Federal Court (Picture courtesy of Jabatan Pencerangan Malaysia)

On May 31, 1966 another significant event took place in the Malaysian judiciary when she bid farewell to its first Lord President, Tun Thomson, who retired after serving on the Malaysian Bench for almost eighteen years. Tun Thomson was succeeded by Tun Syed Sheh Barakbah, Malaysia's second Lord President. For the first time in the history of the modern Malaysian judiciary, a local was appointed to the highest judicial office in the country. This marked the end of almost a century and a half of British domination of this important institution.

With the formation of Malaysia, the judiciary was set to develop and expand. The High Courts of the two territories were sitting virtually at every major city and town. To accommodate this, existing High Court houses were renovated. In East Malaysia, a new High Court Building was built in Kota Kinabalu which was declared open in 1968.

A number of Subordinate Courts were also set up in smaller towns to adjudicate claims of the rural population. By the 1980's, new subordinate court-houses were opened in places such as Parit Buntar (Perak), Jasin (Malacca), Bahau (Negeri Sembilan), Jitra (Kedah), Sungei Besar (Selangor), Tanah Merah (Kelantan) and Pekan (Pahang). They were all manned and presided over by legally qualified local Malaysians.



Chief
Justice



▲ Tun Syed Sheh Barakbah, the first local Malaysian to hold the highest judicial office as Lord President. (Picture from author's collection)

MAHKAMAH



▲ Official opening of the Subordinate Courts in Kelang, Selangor, by the Sultan of Selangor in 1965. Seated at the centre is HRH Sultan of Selangor. On the right is Tun Syed Sheh Barakbah, Lord President and on the left is Tan Sri HT Ong, Chief Justice of Malaya. (Picture by courtesy of Justice Dato Siti Norma)

KELANG



Official opening of the Subordinate Courts at Petaling Jaya by HRH Sultan of Selangor in 1970. Standing next to His Royal Highness is Tun Suffian, the then Lord President. (Picture by courtesy of Jabatan Penerangan Malaysia) ▶

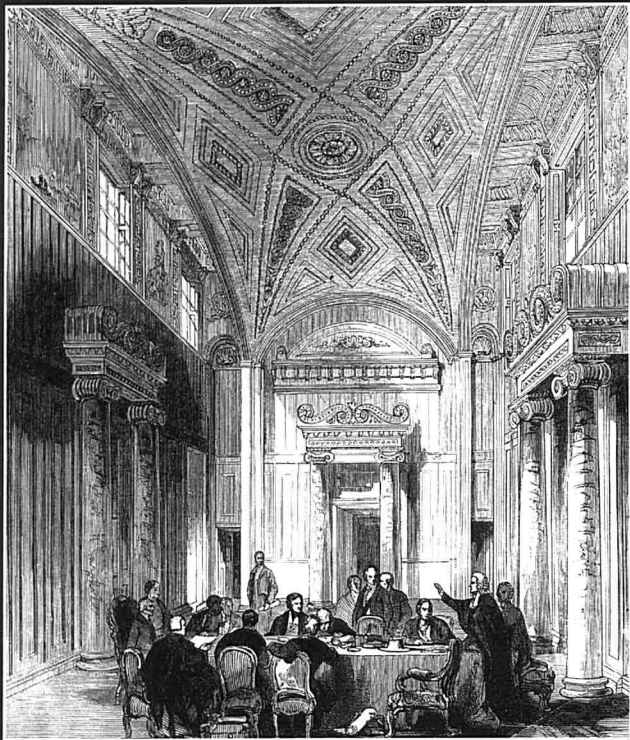


▲ His Majesty DYMM Sultan Azlan Almulibuddin Shah served almost twenty years on the Bench, as a High Court judge in 1965 to the position of the Lord President in 1982. His Majesty resigned from the judiciary in 1984 to become the Sultan of Perak. (Picture from author's collection)



At the superior court level, more local Malaysians were appointed to the Bench. The most notable appointee at this time was His Majesty DYMM Sultan Azlan Almuhibuddin Shah in 1965. His Majesty, a graduate from the University of Nottingham, had served in various judicial and legal capacities before his appointment as a High Court judge. His last position before his elevation was as Chief Registrar of the Federal Court. By 1979, His Majesty had become Chief Justice of Malaya and, finally in 1982, he was appointed the country's fifth Lord President. His Majesty relinquished his post on the Bench in 1984 to become the Sultan of Perak. With a judicial career spanning almost twenty years, His Majesty's contribution to the judiciary has been enormous. Besides enriching us with his learned judgments from the High Court Bench and later from the Federal Court His Majesty set the judiciary on a progressive path to meet the continuing needs of the time.

By 1985 with the judiciary well grounded and developed, Malaysia was ready to set up her own Supreme Court as the highest appellate court in the land. This was an enormous task requiring a heavy responsibility and maturity which, as will be seen, was discharged with the highest of standards and finest of traditions.



A hearing before the Judicial Committee of the Privy Council in earlier days. This committee was incorporated by an English Act of Parliament in 1833. (Picture by permission of the illustrated London News Picture Library)

*"As the 'court order'
was never suspended it must be obeyed.*

No members of the public

must be allowed to violate it

either by interfering with the officer

of the court in enforcing it

or by assisting those who are bound by it.

The matter becomes even more serious

when an advocate aids and abets

those (who may be his clients)

who are bound by a court order to disobey it.

If the appellant contumaciously

set the 'court order' at naught

he would have to answer to the court.¹"



PRIVY COUNCIL
OFFICE

P RIVY COUNCIL

On January 1, 1985, all appeals from Malaysia to the Judicial Committee of the Privy Council in England (the 'Privy Council' as it is commonly known) were abolished. In its place, a new Supreme Court of Malaysia was formed, making it the final court of appeal in all constitutional, civil and criminal matters in this country.

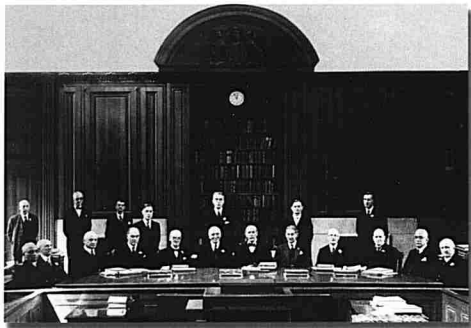
The Privy Council had a long association with Malaysia. It was Malaysia's highest appellate court since the coming of the early Recorders. Its role as the ultimate court of appeal had important bearings in the shaping of the Malaysian society and the development of the country. It is therefore appropriate to give a brief history of its origin and development.

The Privy Council was constituted by an English Act of Parliament of 1833. The name has its origins from the practice of the early days when the King of England was personally the sole dispenser of justice. To advise the King on all legal and constitutional matters a select committee was formed. This committee was known as the Judicial Committee of the Privy Council. In the legal fraternity of the British Commonwealth, this council is commonly referred to as the 'Privy Council'. As the original role of the Privy Council was merely advisory, all judgments delivered by this body were couched in the form of advice. After Malaysia gained her independence, the practice of referring appeals on all matters to the Privy Council was retained and the decisions of the Council continued to be in the form of an advice to His Majesty, the Yang di-Pertuan Agong of Malaysia. This advice was also conveyed to every litigant and was always accepted by the parties.

¹ TO Thomas v Asia Fishing Industry Pte Ltd [1977] 1 MLJ 151, per Chief Justice of Borneo Tan Sri Lee Hun Hoe.

The Privy Council is currently based in Downing Street, London. Its members consist of present and past Lord Chancellors of England, members of the Privy Council who hold or have held judicial and legal office, and judges as well as ex-judges of the British Commonwealth and its former territories.

When the British Empire began to expand its sphere of influence around the world including the introduction of her legal systems to the colonized territories, the Privy Council often became the final court of appeal in these lands. Over the years, the Privy Council has played an important role around the world by shaping the lives of many and establishing a uniform system of law. However, its function gradually diminished as more countries secured independence from Great Britain and dispensed with the Privy Council as the final court of appeal.



▲ Members of the Privy Council of 1946 (L to R seated): Mr MR Jayakar, Lord Du Parcq, Lord Goddard, Lord Simonds, Lord Macmillan, Lord Simon, Lord Chancellor Jowitt, Lord Thankerton, Lord Porter, Lord Uthvist, Sir C Madhavan Nair and Sir John Beaumont. (Picture from the Federal Court's collection)

In Malaysia the right to appeal to the Privy Council was maintained after Malaysia was formed. The extent of this right was, however, gradually restricted over the years. In 1975, by an Act of Parliament,² the decisions of the Federal Court in criminal cases tried under the Essential (Security Cases) Regulations of 1975 were not appealable to the Privy Council. This was followed in 1978 with the abolition of appeals to the Privy Council in all criminal and constitutional matters. Finally, in 1985, with the establishment of Malaysia's Supreme Court as the highest court in the land, Malaysia's long standing judicial association with the Privy Council finally came to an end.

For almost seventy-five years the decisions of the Privy Council had been the law of this country. This long-standing reliance on its advice had nurtured the Malaysian judiciary to full maturity. And by 1985, when Malaysia was ready to sever the 'umbilical cord' with the Privy Council, the Supreme Court of Malaysia was able to take over the role as the final court of adjudication in the nation.

² PU (A) 320/75

Moorish style arches are a prominent feature in the Sultan Abdul Samad Building (Picture from author's collection) ▼



◀ A marble plaque commemorating the opening of the Supreme Court in the Sultan Abdul Samad building in 1983. This plaque is at the entrance to this building. (Picture from author's collection)

THE SUPREME COURT

The term 'Supreme Court' has been used throughout the history of the modern Malaysian judiciary from the arrival of the first Recorder in Penang right through to the era of the Straits Settlements. In the FMS, the states of Johore, Sarawak and North Borneo, the term 'Supreme Court' was also adopted when these territories established their superior courts. However, this was not the case with the northern UFMS. There, the use of the term 'High Court' was preferred for their superior courts.

After the Second World War, when the Malayan Union was created to unify the administration of all states in Malaya, the term 'Supreme Court' was used to refer to the superior courts in Malaya. This included a Court of Appeal, apart from those former Supreme Courts and High Courts of the respective states and territorial groupings.



▲ The interior of No. 1 courtroom of the Federal Court. This courtroom is usually reserved for proceedings presided by the Chief Justice. (Picture from author's collection).



▲ The main staircase leading to the first floor of the Sultan Abdul Samad Building which houses Chief Justice's and Federal Court Judges' chambers. (Picture from author's collection).

When Malaysia was formed, the term 'Supreme Court' ceased to be used. It was replaced by a new Federal Court and three High Courts. The primary function of the Federal Court was to hear appeals from the High Court of Malaya, Borneo, and Singapore.

Subsequently, with the abolition of appeals to the Privy Council, the Federal Court's name was changed to the Supreme Court of Malaysia. This body assumed all the jurisdiction of the former Federal Court and the Privy Council. This made the Supreme Court of Malaysia the highest and final court of appeal in this country. The High Court of Malaya and the High Court of Borneo (the High Court of Singapore was no longer a part of this organisation with the departure of Singapore from Malaysia) remained unchanged and exercised similar jurisdiction as it had hitherto performed.



▲ The Supreme Court at Sultan Abdul Samad Building was officially declared open by his Majesty, the Yang di-Pertuan Agong, DYMM Sultan Ahmad Shah on March 26, 1984. Seated on the bench (L-R) Tun Abdul Hamid Omar (the Chief Justice of Malaya), Tan Sri Musa Hitam (the Deputy Prime Minister), His Majesty, Sultan Ahmad Shah, Tun Salleh Abas (the Lord President) and Tan Sri Lee Hui Hoe (the Chief Justice of Borneo). Seated below, facing the picture are the Supreme Court judges (Picture from the Federal Court's collection).

THE LORD PRESIDENTS

The head of the Supreme Court was the Lord President, a title inherited from the former Federal Court. The first Lord President of the Supreme Court of Malaysia was Tun Mohd Salleh Abas. Born in the state of Terengganu, Tun Salleh Abas, as he was often referred to, read law at the University of Aberystwyth, Wales and was called to the English Bar in 1954. He was elevated to the then Federal Court Bench by direct appointment in 1979.³ This privilege was granted to him in recognition of his long-standing experience and service as Solicitor-General of Malaysia since 1966.

In what was considered by the legal fraternity as an unfortunate event, on May 31, 1988 he was suspended on a charge of 'gross misbehaviour'. Under Article 125(3) of the Malaysian Constitution, a Tribunal was constituted to try the Lord President for a charge which arose from a letter written by Tun Salleh Abas to the King, expressing concern over attacks made on the judiciary by the Prime Minister. The Tribunal was under the Chairmanship of the then Chief Justice of Malaya – Tan Sri Hamid Omar (as he then was). Other members were: Chief Justice Tan Sri Lee Hun Hoe of the High Court of Borneo, Chief Justice KAP Ranasinghe of Sri Lanka, Justice TS Sinathuray of Singapore High Court, Tan Sri Abdul Aziz Zain, a retired judge of the Federal Court of Malaysia, and Tan Sri Mohd Zahir (as he then was), speaker of the Lower House of Parliament of Malaysia.



▲ Tun Mohd Salleh Abas, the Lord President, was dismissed from office by His Majesty, the Yang di-Pertuan Agong on August 8, 1988. (Picture from author's collection)

³ Appointed directly to the Federal Court from the post of Solicitor-General without being first a High Court judge.



▲ This picture has been entitled: "The United Judiciary". It was taken sometime after a formal photographic session at the courtyard of the Sultan Abdul Samad Building. It shows members of the then Supreme Court. Front row (L-R) Tun Abdul Hamid (then CJ Malaya), Tun Salleh Abas (then Lord President) and Tan Sri Hashim Yeop Sani (who later became CJ Malaya). Second row (L-R) Tan Sri Eusoffe Abdulcader, Tan Sri Said Agil Barakbah and Tan Sri Lee Hun Hoe (CJ Borneo). Third row (L-R) Tan Sri Wan Hamzah, Datuk George Seah and Tan Sri Wan Sulaiman. Behind walking among the photographers is Tan Sri Azmi Kamaruddin. (Picture from Tun Hamid's collection)

Tun Salleh Abas denied the charge and protested against the composition of the Tribunal as well as the rules of procedure adopted for the proceedings. He then made an application to the High Court to prohibit the Tribunal from sitting. When the High Court rejected his application, Tun Salleh Abas turned to the Supreme Court and obtained an order restraining the Tribunal from continuing. The five justices of the Supreme Court who sat and granted this order were: Justice Tan Sri Wan Sulaiman Pawan Teh, Justice Datuk George Seah Kim Seng, Justice Tan Sri Mohamed Azmi Kamaruddin, Justice Tan Sri Eusoffe Abdoolcader and Justice Tan Sri Wan Hamzah Wan Mohd Salleh. For this action, they were subsequently suspended under Article 125(5) of the Federal Constitution for convening an 'illegal' sitting of the Supreme Court. Not long thereafter, a Tribunal was established to try these Judges for insubordination. This Tribunal is often referred to as the 'Second Tribunal' to differentiate it from the tribunal that heard Tun Salleh Abas's case.

After the suspension of the five Supreme Court judges, another panel of the Supreme Court sat and lifted the restraining order granted by the five Supreme Court judges. This enabled the Tribunal hearing of Tun Salleh Abas's case to continue. It returned a verdict of guilty upon Tun Salleh Abas which led to the Lord President's dismissal from office on August 8, 1988.



▲ Arrival of Justice Mark Damain Fernando of Sri Lanka (left) and Justice Coomaraswamy of Singapore in Kuala Lumpur to sit in a Second Tribunal formed on August 14, 1988 to try the five Supreme Court judges for insubordination in their granting of a restraining order against the First Tribunal from continuing with disciplinary hearing of the Lord President, Tun Salleh Abas. (Picture by courtesy of Bar Council of Malaysia)



A Members of the Second Tribunal. (L-R) Justice P Coomaraswamy of Singapore, Justice Mark Fernando of Sri Lanka, Chief Justice Tan Sri Hashim Yeop Sani (who later withdrew from the panel), Justice Dato Edgar Joseph Jr (as he then was), Justice Dato Eusoff Chin (as he then was), Justice Dato Lamin Mohamed Yunus (as he then was). (Picture by courtesy of the Bar Council of Malaysia)

The Second Tribunal, formed on August 14, 1988, was chaired by Justice Dato Edgar Joseph Jr (as he then was) of the High Court Malaya. Its members were: Justice Mark Damain Fernando of Sri Lanka, Justice P Coomaraswamy of the High Court of Singapore, Justice Dato Mohd Eusoff Chin (as he then was) of the High Court Malaya, Justice Dato Lamin Mohamed Yunus (as he then was) of the High Court Malaya. By a majority (with Justice Mark Damain Fernando dissenting) two of the five Supreme Court Justices: Justice Tan Sri Wan Sulaiman Pawan Teh and Justice Datuk George Seah Kim Seng were found guilty and were dismissed from office.⁴

⁴ 'Justice through the Law' by the Bar Council of Malaysia.



▲ The last Lord President and the first Chief Justice of the Federal Court, Tun Abdul Hamid Omar. (Picture from author's collection)

The second Lord President of the Supreme Court of Malaysia was Tun Abdul Hamid Omar. He succeeded Tun Salleh Abas in 1988 after having served as Chief Justice of Malaya since 1984. Born in the State of Perlis, Tun Abdul Hamid Omar was called to the Bar at Lincoln's Inn in 1955. He was elevated to the High Court Bench in 1968 after having served in various judicial and legal capacities. Unfortunately, due to the dismissal of Tun Salleh Abas and the sacking of the two Supreme Court judges for events associated with the former, Tun Abdul Hamid Omar's tenure as Lord President was often greeted with scepticism. Despite this, it is generally and widely accepted that his astute management skills have brought substantial improvements to the administration of the Courts.

THE FEDERAL COURT

In May 1994, realizing a need to create an intermediate court between the Supreme Court and the High Court, the government introduced a Constitutional Amendment Bill proposing to set up a Court of Appeal. This became law on June 24, 1994. By this amendment, the Supreme Court was renamed Federal Court. It retains its entire former jurisdiction with the exception that it now hears appeal from the Court of Appeal instead of the High Courts.

The head of the Federal Court, and, effectively the head of the Malaysian judiciary, is restyled 'Chief Justice', replacing the former title of Lord President.

Besides the Chief Justice, there are eleven members of the Federal Court. They include the President of the Court of Appeal, the Chief Judge of the High Court of Malaya, and the Chief Judge of the High Court of Sabah & Sarawak. Along with this change of name, all Supreme Court Judges just before this were considered Federal Court Judges.

Having the honour to serve as the first Chief Justice of the Federal Court was the last Lord President, Tun Abdul Hamid Omar. When he retired in September 1994, Tun Eusoff Chin succeeded him.



◀ Tun Mohamed Suffian Mohd Hashim, the country's 4th Lord President is often referred to as the "Kampung Boy" because of his humble origins. He is well remembered for his scholarly judgments and subsequently, after his retirement, for his relentless fight for the independence of the Malaysian judiciary. It was largely due to his efforts that the Sultan Abdul Samad Building was allocated to the judiciary. (Picture by courtesy of Jabatan Penerangan Malaysia)



THE FEDERAL COURT BUILDING (*Sultan Abdul Samad Building*)

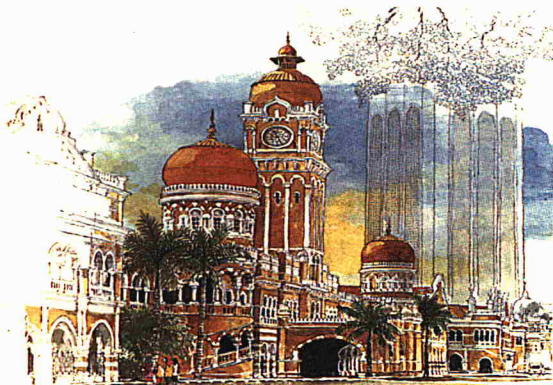
The Federal Court is housed at the Sultan Abdul Samad Building in the heart of the capital city, Kuala Lumpur.

This building was erected in 1894 and is of great historical and architectural significance. It was originally built for the purpose of an administrative centre and was the seat of the Colonial Government since the days of the FMS right up to the time when Malaysia gained independence. A large section of it was occupied by the Attorney-General's Chamber until 1982 when it was handed over to the judiciary. The allocation of this imposing and prestigious building to the judiciary, to house the country's highest court, was largely due to the efforts of Tun Mohamed Suffian, the nation's fourth Lord President.

In 1984, after a total expenditure of RM17.126 million, the Sultan Abdul Samad Building was completely transformed into a wholly functional court complex with its splendid facade and main structure largely unchanged. This courthouse was officially declared open by the then Yang di-Pertuan Agong, DYMM Sultan Ahmad Shah on March 26, 1984.

◀ *Sultan Abdul Samad Building, where the Federal Court is housed, was built in 1894. It was a government administrative centre until 1982 when it was handed over to the judiciary. The name of this building remains unchanged under the terms of an agreement signed between the Government of Malaysia and the Sultan of Selangor when Kuala Lumpur was transferred from the State of Selangor to become a Federal Territory. Picture shows the rear of the building when it was about to be completed in 1894. (Picture from author's collection)*





▲ The Federal Court at the Sultan Abdul Samad Building in Kuala Lumpur. (A painting by Chin Kan Yit)



▲ The former General Post Office Building is situated right next to the Sultan Abdul Samad Building. It was handed over to the judiciary in 1992. The footbridge on the left of the picture is a new structure built to connect the two buildings. (Picture from author's collection)

In 1990, the judiciary, in need of more space, acquired yet another historical landmark in Kuala Lumpur for its use. This was the former Post Office Building. This structure, built in the same period, thus of similar architectural style as the Sultan Abdul Samad Building, underwent extensive renovation for adaptation as a courthouse. By 1992, it became part of the Superior Courts of Malaysia with its exterior unaltered. It is linked to the Sultan Abdul Samad Building by an overhead footbridge which is so well designed, it completely blends the two buildings.



▲ The official visit of His Majesty Sultan Azlan Almuhibuddin Shah to the Sultan Abdul Samad building on April 30, 1993. This was His Majesty's first visit to this courthouse after having personally overseen the reconstruction work during his term of office as the 5th Lord President. (L-R) His Majesty and the author. (Picture from the Federal Court Library)



▲ The first President of the Court of Appeal, Justice Tan Sri Lamin Mohamed Yunus. (Picture from Federal Court library)

On April 30, 1993, His Majesty, the Yang di-Pertuan Agong, DYMM Sultan Azlan Shah Almuhibuddin Shah, paid an official visit to the then Supreme Court Building. It was a memorable occasion for His Majesty as it was the first time His Majesty visited the place after having personally overseen its reconstruction during his term of office as the fifth Lord President of the then Federal Court.

THE COURT OF APPEAL

With the coming into force of the Constitutional (Amendment) Act 1994, the Court of Appeal was established on June 24, 1994. Under Article 122A of the Constitution, the chairman of the Court of Appeal is known as the 'President of the Court of Appeal'. This Court has a

maximum of ten members aside from its chairman. They are referred to as the 'Judges of the Court of Appeal'. The primary function of this Court is to deal with appeals from the two High Courts.

By order of seniority, the President of the Court of Appeal stands immediately below the Chief Justice. This, however, was not the position when the Court of Appeal was first constituted in 1994. The Chief Judge of Malaya was designated as the second highest official in the judiciary. This was to imitate the echelon in the English judiciary where the Chief Justice of England ranks second to the Lord Chancellor (the head of the Judiciary in United Kingdom) and before the Master of the Rolls (the leading Judge in the Court of Appeal of England and Wales). This was later rectified by placing the President of the Court of Appeal ahead of the Chief Judge of Malaya.



▲ ROYAL WELCOME ... members of the judiciary in line to welcome the King as His Majesty arrives for the official opening of the Court of Appeal. Accompanying the King, on the left, is Tun Hamud Omar (the Chief Justice). (Picture by courtesy of Jabatan Penerangan Malaysia)



The first President of the Court of Appeal was Tan Sri Lamin Mohamed Yunus. Before this appointment he was a High Court judge.

A ceremony was held on September 17, 1994 at the Sultan Abdul Samad Building to mark the opening of the Court of Appeal. His Majesty the Yang di-Pertuan Agong, DYMM Tuanku Jaffar, graced the occasion which was staged with pomp and pageantry. On arrival at the said building, the Judges of the Superior Courts, who were all robed in splendid ceremonial gowns, greeted His Majesty. The police force provided the guard of honour. For this occasion, the entire section of the road (Jalan Raja) facing Sultan Abdul Samad Building was closed. After inspecting the guard of honour, His Majesty was invited to the Bench of the new courtroom of the Court of Appeal in Sultan Abdul Samad Building with the Chief Justice of the Federal Court, Tun Abdul Hamid Omar, in attendance. After a short ceremony, His Majesty formally declared the Court of Appeal open. This was followed by the Chief Justice announcing the names of the first group of judges of the Court of Appeal. They were: Tan Sri Lamin Mohamed Yunus, as President of the Court, Dato Shaik Daud Mohd Ismail, Dato Dr Zakaria Mohd Yatim, Dato Gopal Sri Ram, Dato Siti Norma Yaakob, Dato NH Chan, Dato Mahadev Shankar, Dato Abu Mansor Ali and Dato VC George. Except for Dato Gopal Sri Ram, the rest were Judges of the High Court of Malaya. Dato Gopal was a member of the Malaysian Bar.



▲ His Majesty the Yang di-Pertuan Agong, DYMM Tuanku Jaffar, declaring open the Court of Appeal at the Sultan Abdul Samad Building on September 17, 1994. In attendance and standing next to His Majesty is Tun Abdul Hamid Omar, the then Chief Justice. (Picture by courtesy of Jabatan Penerangan Malaysia)

THE HIGH COURT

There are two High Courts of co-ordinate jurisdiction and status in Malaysia; one in Peninsular Malaysia and the other in East Malaysia. The former is known as the High Court of Malaya and the latter, the High Court of Sabah & Sarawak. The registry of the High Court of Malaya is in Kuala Lumpur while the registry of the High Court of Sabah & Sarawak is in Kuching (the capital of the State of Sarawak).

Heading each of the High Courts is a 'Chief Judge'. Before the Constitutional Amendment Act 1994, the head of these two institutions were known as 'Chief Justice of Malaya' and 'Chief Justice of Borneo' respectively. Anticipating that the term 'Chief Justice' may create confusion with the newly created position of Chief Justice of the Federal Court, the Legislature thought it wise to rename them 'Chief Judge of the High Court of Malaya' and the 'Chief Judge of the High Court of Sabah & Sarawak'. It is believed that this terminology was borrowed from the judiciary of Namibia. Also dropped from the title 'Chief Judge of Sabah & Sarawak' was the colonial term 'Borneo' to reflect a more accurate Malaysian identity.

The first person to hold the position of the Chief Judge of Malaya was Tan Sri Annuar Zainal Abidin. For the High Court of Sabah & Sarawak, the first Chief Judge was Tan Sri Jemuri Serjan.



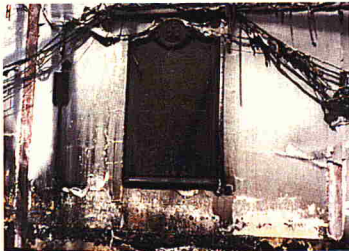
▲ The current Chief Judge of the High Court of Malaya Justice Dato Ahmad Fairuz Sheikh Abdul Halim. (Picture from author's collection)

Currently, the Constitution provides for forty-seven judges of the High Court of Malaya, and ten for Sabah & Sarawak. Though the High Courts' registries are situated in Kuala Lumpur and Kuching, High Courts Judges sit throughout the country. In a particular location where workload is heavy, more than one High Court Judge may preside. For example, in Kuala Lumpur there are at present more than twenty High Court judges. Because of the enormous volume of work in the capital city, the High Court sitting in Kuala Lumpur is divided into various divisions: Commercial, Civil, Criminal, and Appellate & Special Powers. Unlike the Federal Court and the Court of Appeal where substantive matters are heard by a quorum of at least three or more Judges, the High Court Judge sits and decides alone, except on certain matters as set down by the law. For example, in land acquisition cases, assessors are co-opted.

The jurisdiction of the High Court is extensive. It is the court of first instance for both civil and criminal matters. In respect of criminal trials, it deals with offences involving mainly capital punishment. As for its civil jurisdiction it hears all cases of civil nature involving Ringgit Malaysia two hundred and fifty thousand (RM250,000) and above as well as matters involving land, divorce & matrimonial causes, admiralty, bankruptcy, companies, appointment and control of guardians, probate & administration of deceased estates and others conferred by law. Besides these, the High Court is also conferred with supervisory jurisdiction over all Subordinate Courts (Sessions & Magistrates Courts) and hears appeals from these Courts.



▲ On December 3, 1992 a fire broke out in the Kuala Lumpur High Court Building at about 4:30 a.m. Much of the interior was destroyed but the facade remained undamaged. (Picture by permission of *The New Straits Times*)



▲ While almost everything in this section of the High Court Building was destroyed by the fire, the copper plaque in memory of those judicial and legal officers who died during the Second World War defied the fury to remain unscathed. This plaque is presently stored in the Muzium Negara. (Picture from author's collection)

⁵ *Supra*.

⁶ *Supra*.

THE HIGH COURT BUILDINGS

As the High Courts sit in various parts of the country, numerous High Court buildings are erected to accommodate this. They are normally situated in the capital of each state. But when the state is large and its population widespread, more than one High Court building may be built in a different location within the state. The building is usually in the centre of the city or town. This is to facilitate easy access by members of the public. The oldest of these buildings is the High Court Building in Penang⁵, followed by the High Court Building in Kuala Lumpur which was erected around 1915.⁶ A substantial part of the interior of the latter was unfortunately gutted by fire on December 3, 1992 at 4.30 a.m. At an

expense of RM12 million, it was restored to its former grandeur in 1998. It now houses the Criminal Division of the High Court at Kuala Lumpur and a number of Sessions Courts. The other High Court building that suffered a similar fate is the one in the town of Taiping, Perak. Less than two years after it was declared opened by DYMM Raja Nazrin Shah, the Regent of Perak on December 11, 1992, fire consumed the floor housing the courtroom of the High Court on December 31, 1993. It was repaired at a great cost.



▲ A partially damaged copy of a law report recovered from the site of the burnt High Court Building in Kuala Lumpur. (Picture from author's collection)

As the country developed and prospered, new High Court buildings were constructed. In Kuala Lumpur, due to inadequate space at the High Court building, the judiciary rented seven floors of a twenty-two storey modern office complex known as 'Wisma Denmark' in 1995, to house the Civil, Commercial and Appellate & Special Powers Divisions of the High Court at Kuala Lumpur. The Criminal Division could not be moved here due to the lack of holding facilities for detainees. It remains at the Kuala Lumpur High Court Building. A Court of Appeal judge once took a jibe at the name "Wisma Denmark", when overturning a judgment delivered from this building by remarking "These observations were made so that people will not say, 'something is rotten in the state of Denmark,' – Shakespeare, Hamlet, 1".⁷



◀ Wisma Denmark in Kuala Lumpur presently houses the Civil, Commercial and Appellate & Special Powers divisions of the High Court of Kuala Lumpur. (Picture from author's collection)

⁷ Justice NH Chan in *Ayer Molek Rubber Co Bhd v Insas Bhd* [1995] 2 MLJ 734 @ 744.

SUBORDINATE COURTS

Below the Federal Court, the Court of Appeal and the High Courts, (collectively known as 'the Superior Courts'), are the Subordinate Courts. They comprise of the Sessions Court, Magistrates Court, Juvenile Court and the Penghulu's Court. Except for the Penghulu's Court, legally qualified persons now preside over all Subordinate Courts.



▲ Sessions Court judges are robed in black gowns while magistrates wear dark suits. (L-R) His Honour Tuan Kohar Kamari, Sessions Court judge, Johor Bahru and Tuan Haldar Abdul Aziz, magistrate, Johor Bahru in 1993. (Picture from author's collection)

A Sessions Court judge hears and determines both civil and criminal matters at first instance. In criminal cases, he has jurisdiction to hear all offences other than those punishable with death. His civil jurisdiction is unlimited in actions involving motor vehicle accidents, landlord and tenant disputes and distress applications for non-payment of rent. Other than these, civil suits are confined to disputes not exceeding Ringgit Malaysia two hundred and fifty thousand (RM250,000).

A Magistrate also hears both civil and criminal matters at first instance. For civil cases, his jurisdiction is limited to subject matters not exceeding Ringgit Malaysia twenty-five thousand (RM25,000). In respect of a criminal case, he may pass any sentence allowed by law not exceeding five years imprisonment; fine of Ringgit Malaysia ten thousand (RM10,000); whipping of up to twelve strokes; or any combination of the above sentences.

THE SUBORDINATE COURTS BUILDING

As the bulk of the cases, both civil and criminal, are handled by the Subordinate Courts, there are far more Subordinate Court buildings in comparison to Superior Courts. They are scattered literally throughout the country. With the government's effort to upgrade the judiciary, numerous new Subordinate Courts buildings have been erected. These are of modern design and are purpose-built to suit the changing needs of time.

In Kuala Lumpur, when the building at the Court Hill was demolished in 1982, the Subordinate Courts in the Federal Capital were moved to a temporary wooden structure at the Jalan Duta Government Complex. This supposedly 'temporary' measure lasted a duration of twelve years until it was relocated to its present premises. An article in a local daily published in 1995 gives a brief and apt description of the Subordinate Courts housed here.



▲ The present Subordinate Courts in Kuala Lumpur. Painted by a local artist, Khor Seow Hooi.
(Picture from author's collection)



"For the uninitiated, the lower courts in Kuala Lumpur were housed in a block of wooden building in Jalan Duta. Built in the late seventies they were supposed to be 'temporary site' for the courts until the buildings around the Sultan Abdul Samad building in Kuala Lumpur could be renovated. That was in 1982. Then the recession hit and the proposal to renovate the building in town got shelved. Sometime in 1985 they repainted the Jalan Duta buildings. The message was clear – They were obviously there to stay for a while.

The courts in Jalan Duta were set on the highest point of the hill. The road curved around following the contours of the slope. Around the first bend were the Traffic Courts. Here interspersed between smartly uniformed and trim traffic police-men were found the motley crew of notorious criminals – the traffic offender – the speedsters, those tardy folks who forgot/omitted to feed parking meters, the errant motorcyclist whose L-licence had expired, occasionally you get a truck driver whose lorry was overloaded.

Follow the road round the slope till you come to a huge carpark. For a long time the car-park had no parking bays drawn in, so every-one used to just leave their cars where ever they liked in a higgledy-piggledy fashion. Where one parked one's car really said something about how early one turned up in the morning. The early comers got the first pickings of the area that were shaded by the buildings surrounding the carpark. Eventually some order was enforced there too. No parking meters (thank goodness) but occasionally an over-zealous policeman would meander through the parking area leaving a flurry of traffic summonses in the wake of his passing.

The entrance to the court area was through a well-trodden walkway and three steps leading to the wooden platform corridors that fringe the courtrooms. I saw an iguana sunning itself by these steps until a policeman walking accidentally kicked it out of the way.

For the past 12 odd years the Jalan Duta courts were the center of the bulk of the cases heard in Kuala Lumpur.⁸

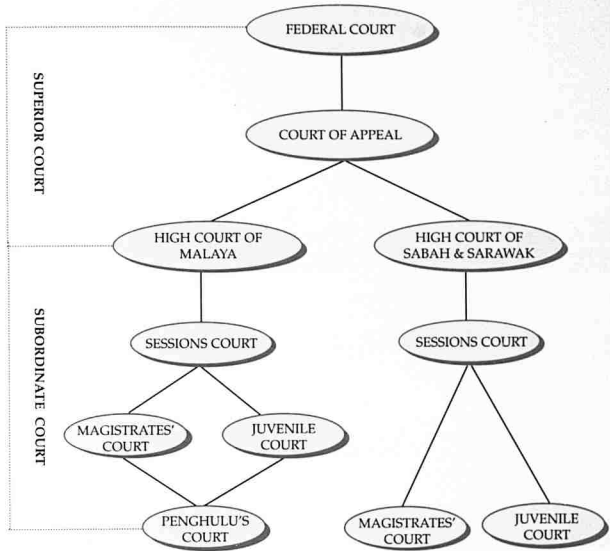
⁸ Article in the Sun Newspaper published on January 17, 1995 and reproduced by 'Infoline' in the February 1995 issue.



▲ Caricature by Malaysian artist, Lat, shows in lighter vein, efforts made by certain Superior Court judges in receiving National Language lessons. The centre figure bears uncanny resemblance to Mr Justice Dato VC George. The translation in English of what he uttered is, "The Court wishes to adjourn for lunch". (Picture by permission from Lat)

Ever since the arrival of the first Recorders in Penang, English has always been the official language of the Malaysian courts. When Bahasa Malaysia was officially introduced as the national language of the country in 1963, the courts were exempted from its application. But eventually, on July 11, 1990, following an amendment to the National Language Act, Bahasa Malaysia replaced English as the official language of the courts in West Malaysia. Foreseeing initial hiccups and difficulties in the early stages of implementation, the amending Act provided for English to be used where it deems necessary in the interest of justice.

Today the use of Bahasa Malaysia is fully implemented in the Subordinate Courts in West Malaysia. In the Superior Courts, it is extensively used and soon it will be completely implemented.



THE OTHER COURTS

Besides the Superior Courts and the Subordinate Courts there are also the Syariah Courts and the Industrial Court. Both these courts come under a different administration from that of the civil courts stated above. Syariah Courts have jurisdiction over the nation's Muslim population in familial and religious issues. Due to their growing importance, the Syariah Courts are moving towards a similar structure as the civil courts. The Industrial Court deals with industrial relations disputes. In the states of Sabah and Sarawak there are also Native Courts which deal with indigenous matters.



The present Court-House in Kuching was occupied by the judiciary on January 9, 2000.

*"The judges
are not beholden politically
to any government.*

*They owe no loyalty to ministers.
They have longer professional lives
than most ministers.*

*They, like civil servants,
see governments come and go.*

*They are "lions under the throne"
but that seat is occupied in their eyes
not by Kings, Presidents*

*or Prime Ministers but by the law and their
conception of the public interest.*

*It is that law and to that conception
that they owe their allegiance.*

In that lies their strength.¹"

Under the Malaysian constitution, Superior Court judges are appointed by His Majesty, the Yang di-Pertuan Agong acting on the advice of the Prime Minister and after consulting the Conference of Rulers. Before tendering his advice, the Prime Minister shall consult the Chief Justice.

One cannot apply to be a Superior Court judge. He can only be nominated by the Chief Justice and must be a person suitably qualified. The basic qualifications laid down by the Constitution for the appointment of Superior Court judges are that the prospective candidate must be a Malaysian citizen and for ten years preceding his appointment must be an advocate or a member of the Judicial and Legal Service.

A person whose appointment has been confirmed is usually invited to the Royal Palace to receive the Letter of Appointment as a judge from the Yang di-Pertuan Agong. This ceremony is normally witnessed by the Chief Justice, the President of the Court of Appeal, the Chief Judges of the two High Courts and, sometimes, by the Minister in charge of law and the spouse of the new appointee. After the audience with His Majesty, the judge will be sworn in by the Chief Judge of the High Court where he would be attached.

More often than not, at the High Court where the newly appointed judge is posted, an "elevation ceremony" will take place to mark the event. At such an occasion, held in open court presided by the newly appointed judge, felicitations and congratulatory speeches will be delivered by the Attorney-General (or his representative) and the Chairman of the Bar Council (or his representative). This will be followed by a reply from the judge, thanking the speakers and a call for co-operation from all parties for the smooth conduct of future proceedings before him or her. After the ceremony, the judge will appear at a casual gathering where light refreshments are served. In the old days, such refreshment was in the form of sherry.

¹ Raja Azlan Shah] (as he then was)
[1987] 1 MLJ p ccxxxviii.

Mr Justice Dato Malek Ahmad receiving his letter of appointment as a Federal Court judge in 1999 at the Palace from His Majesty, Yang di-Pertuan Agong Sultan Sallehuddin Abdul Aziz Shah. (Picture from Federal Court's collection) ▶



◀ On the left is Tan Sri Hashim Yeop Abdullah Sani, the then Chief Justice of Malaya, chatting with the then Minister of Law, Dato Syed Hamid Albar at the Palace in 1992 after witnessing the appointment of seven new High Court judges to the Bench. Tan Sri Hashim Yeop Abdullah Sani was discharged from his duties as Chief Justice of Malaya in 1992 due to health reasons. (Picture by courtesy of Jabatan Penerangan Malaysia)

Mr Justice Tan Sri Annuar Zainal Abidin taking the oath of Office as a High Court Judge in 1974 before DYMM Sultan Azlan Almuhibbuddin Shah when His Majesty was Chief Justice of Malaya. (Picture by courtesy of Jabatan Penerangan Malaysia) ▶





▲ Mr Justice Narain Sharma presiding at his 'elevation ceremony' as a High Court judge in 1969. Justice Sharma died while in office in 1974. (Picture by courtesy of Jabatan Penerangan Malaysia)



▲ Refreshment in the old days usually consisted of sherry served after an elevation ceremony. Picture shows Chief Justice Tan Sri HT Ong congratulating Tan Sri Azmi Kamaruddin (centre) on his elevation to the Bench in 1970. Looking on is Tan Sri Ali Hassan, a Federal Court judge. (Picture by courtesy of Jabatan Penerangan Malaysia)

A judge of the Superior Courts holds office until the age of sixty-five or for an extended period as provided by the Constitution. He does not hold office at the pleasure of the Yang di-Pertuan Agong. With the exception of misbehaviour or the inability to discharge official duties, a judge cannot be removed from office until his tenure expires. Any attempts to remove a judge from office during his term requires a Tribunal consisting of no less than five judges or former judges appointed by the Yang di-Pertuan Agong to enquire into the allegation against him. The Yang di-Pertuan Agong may then act upon the recommendation of the Tribunal as to whether the judge in question ought to be removed.

Aside from the two Tribunals appointed to enquire into allegations of misbehaviour by the then Lord President, Tun Mohd Salleh Abas, and the insubordination of five Supreme Court judges in 1988, there have been other Tribunals constituted to remove judges from office.

In 1992 a Tribunal was set up to enquire into the inability of the then Chief Justice of Malaya, Tan Sri Hashim Yeop Abdullah Sani, to carry out his official duties due to ill health. Tan Sri Hashim Yeop Abdullah Sani suffered a stroke while in office rendering him paralysed. The Tribunal recommended the early retirement of the Chief Justice from office to His Majesty. This recommendation was accepted and Tan Sri Hashim Yeop Abdullah Sani was duly discharged from his duty as a judge.

In 1994 the Malaysian Constitution was amended to include a new clause 3A to Article 125. The clause enables the Yang di-Pertuan Agong, on the recommendation of the Chief Justice, President of the Court of Appeal, and the Chief Judges of the two High Courts, after consulting with the Prime Minister, to prescribe a written code of ethics to be applicable to every judge of the Superior Court. Breach of any provision of this code by a judge may expose the judge to be removed from office. In the same year a 'Judges' Code of Ethics 1994' was decreed by His Majesty and became effective on December 2, 1994 upon being gazetted.

Rule 3(1) of this Code provides that a judge shall not:

- (a) subordinate his judicial duties to his private interests;
- (b) conduct himself in such a manner as likely to bring his private interest into conflict with his judicial duties;
- (c) conduct himself in any manner likely to cause a reasonable suspicion that:
 - (i) he has allowed his private interests to come into conflict with his judicial duties so as to impair his usefulness as a judge; or
 - (ii) he has used his judicial position for his personal advantage;
- (d) conduct himself dishonestly or in any such manner as to bring the judiciary into disrepute or to bring discredit thereto;
- (e) lack efficiency or industry;
- (f) inordinately and without reasonable explanation delay the disposal of cases, the delivery of decisions and the writing of grounds of judgment;
- (g) refuse to obey proper administrative order or refuse to comply with any statutory direction;

- (h) absent himself from his court during office hours without reasonable excuse or without prior permission of the Chief Justice, the President of the Court of Appeal or the Chief Judge, as the case may be; and
- (i) be a member of any political party or participate in any political activity.

Soon after the Judges' Code of Ethics 1994 came into force, the Chief Justice, Tun Eusoff Chin, directed all Superior Court judges to 'clock-in' for work and to 'clock-out' when they leave. This approach was severely criticised and objected to by certain quarters who viewed this as trivial, degrading and an undignified procedure imposed upon superior court judges.² Despite this, it was implemented, resulting in an incident where a member of the Bench was reprimanded for failing to clock in and out personally.



A Caricature of a judge who resembles Mr Justice Dato VC George clocking in before mounting the Bench with the court guard announcing his presence. This was after the announcement of a directive by the Chief Justice that all Superior Court judges must clock in and out of work. (Picture by permission from Lat)

² The New Straits Times dated December 1, 1995.



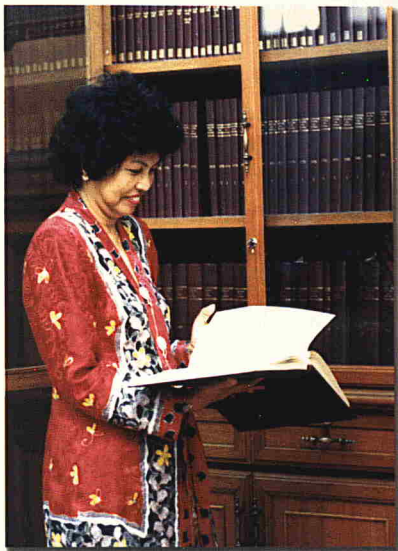
▲ Mr Justice Datuk Richard Malanjum, the first native Kadazan from the State of Sabah to be appointed as a High Court judge of Borneo on August 20, 1993. (Picture from author's collection)

The Malaysian Constitution also provides for the appointment of Judicial Commissioners. Such appointees have the same powers as a High Court judge except that they are under a contract of service for a specific period or purpose. Many Judicial Commissioners, upon expiry of their term, or in some cases, before, are appointed as High Court judges.

In the Subordinate Courts, officers from the Judicial & Legal Service fill the posts of Sessions Court judges and magistrates. Their appointments and terms of service are governed by a Commission comprising of the Chairman of the Public Service Commission, the Attorney-General, judges and former judges recommended by the Chief Justice.

To reflect the multi racial character of the country and the diversity of its people, the Malaysian judiciary is made up of both men and women from different ethnic groups. Though majority of the judges are from the three predominant races – Malay, Chinese and Indian, minorities are also represented. On August 20, 1993, Datuk Richard Malanjum became the first native Kadazan from the State of Sabah to be elevated as a High Court judge of Borneo. Then on June 6, 2000, Mr Clement Allan Skinner of Burmese descent received his letter of appointment as a High Court judge of Sabah & Sarawak.

The first Malaysian female High Court judge was Her Ladyship, Madam Justice Dato Siti Norma Yaakob. She was appointed on April 4, 1983. And when the Court of Appeal was established in 1994, she became the first female Court of Appeal judge. Then on the January 21, 2001, with her promotion to the Federal Court, she became the first lady to hold the position of Federal Court judge. Justice Dato Siti Norma Yaakob read law in England and was called to the English Bar at Gray's Inn in 1965. Before her elevation to the High Court Bench, she was the Chief Registrar of the then Federal Court. Besides Justice Dato Siti Norma Yaakob, presently there are three female High Court judges and one lady Judicial Commissioner.



◀ Madam Justice Dato Siti Norma Yaakob, the first female judge to be appointed to the Superior Court in 1983. She is presently a Federal Court judge. (Picture from author's collection)



Two other female justices of the High Court of Malaya. (L-R) Madam Judicial Commissioner Dato Ramita Hussien and Madam Justice Dato Zaleha Zahari. (Picture from author's collection) ▶



The judges of the Superior Courts have inherited the almost universal tradition of being robed in black gowns. The black gown is made of cotton with extended sleeves hanging down from the elbows. The robe is worn with a black vest over a long sleeved white shirt. The shirt is collarless so that a wing collar may be affixed with studs. A white band is tied around the attached collar. It was once believed that the band has its origins in the ecclesiastical church but this has since been proved otherwise. Research shows that the band is merely a simplified form of a wide collar that was fashionable in Europe during the 1600s. Over the years, this wide collar has been slimmed down to two rectangular pieces of linen.³ Nowadays many Malaysian judges have replaced the wing collar and the band with a white jabot that can be conveniently affixed with a velcro strip. The trouser or skirt that goes with the attire is of the traditional pin stripe design.

Up until the 1980s some judges still wore scarlet robe with a hood and a black scarf when presiding over criminal trials and at official ceremonies. Although no formal directions were given, the practice of donning the scarlet robe was discarded in preference for the black gown now worn at all trials.

³ *The Star* dated February 11, 1996



◀ Picture taken at the opening of the High Court Malaya in Taiping in December 1992. The differences in the gowns are highlighted here. (L-R): Dato Hashim Yusoff (Chief Registrar), Judicial Commissioner Dato Malik Ishak, Justice Ong See Seng, Justice Tan Sri Annuar Zainal Abidin (acting Chief Justice Malaya), Tun Abdul Hamid Omar (Lord President), Justice Tan Sri Mohtar Abdullah, Justice Dato PS Gill and Tengku Dato Baharuddin Shah (Legal Adviser Perak). The Chief Registrar and the State Legal Adviser are wearing barrister's gowns. (Picture from author's collection)



▲ Mr Justice Tan Sri HS Ong, a Federal Court judge, in full bottom wig, pondering over an issue. He was a Queen's scholar and a brother of a former Chief Justice, Tan Sri HT Ong. Tan Sri HS Ong was noted for his sharp mind and quick thinking on the Bench. (Picture by courtesy of Dr Chan Nam Kong)

At official functions and ceremonies judges robe themselves in their ceremonial gowns. Earlier ceremonial gowns were made of black damask with embroidered patterns. Later this was changed to plain black cotton fabric with gold thread lining the lapel and sleeves. To accompany this attire, a lace jabot is tied around the neck. As headgear, a 'songkok' (cap) trimmed with gold thread is worn. In progression with the hierarchy of the superior courts, lapels on a Federal Court judge's ceremonial gown are wider than that worn by a judge of the Court of Appeal and *vis-a-vis* that of a Court of Appeal judge from a High Court judge. Only gold rosettes appear on the sleeves of the Chief Justice's, President of the Court of Appeal and the Chief Judges' ceremonial gowns.

Until 1990, Superior Court judges during trials and at ceremonies wore wigs. There were two types of wigs: one worn during trial and the other at ceremony. The former was commonly referred to as the Bench Wig. The other was the Full Bottom Wig which covered the ears and extended to the shoulders. When not in use these wigs were usually stored in metal casings specially made for such purpose with the names of the judges inscribed.



▲ Ede & Ravenscroft, the wig and gown makers in Lincoln's Inn, London which supply judicial wigs and gowns to Malaysian judges. (Picture from 'Insight Cards')



It is the general assumption that the wearing of wigs by judges came about with the early Recorders who wished to continue the tradition practiced by their counterparts in Great Britain. However, it may be of interest to note that the early Recorders serving in Penang never wore wigs.⁴ Wigs only began to appear in this country during the early part of the 1900s. This may be attributed to an attempt by Justice Sir John Goldney, a judge of the Straits Settlements from 1887-1892, to introduce the wearing of wigs in court by both judges and lawyers.⁵ Though lawyers, due primarily to the weather, had long ceased to wear wigs in court, judges however, continued the practice as part of their judicial attire until 1990. During this period, some protested, as can be witnessed by the outburst by Justice Hashim Yeop Abdullah Sani on May 23, 1978 at the Ipoh High Court when he discarded the wig for a songkok while presiding. This immediately attracted public debate on whether judges should continue with colonial attire.⁶ When emotions emanating from this debate had abated the choice was eventually left to the individual preference of each judge. This practice persisted until a resolution was passed by a slim majority at a Judges' meeting in 1990 in Kuala Lumpur to discard the wearing of wigs during trials and at ceremonies.

◀ Justice Sir John Goldney a judge of the Straits Settlement (1887-1892) attempted to introduce the wearing of wigs in court. It is possible from this attempt wigs became part of the judicial attire until 1990 when it was deemed unnecessary. Picture shows Sir Goldney in golfing attire. He was one of the Founders of a Golf Club in Singapore in 1891. (Picture from a caricature by RW Braddell)

⁴ See the picture in p 12 ante.

⁵ *One Hundred Years of Singapore Vol 1* at p 222.

⁶ *The New Straits Times* dated June 10, 1978.



▲ The mace of the Federal Court of Malaysia. (Picture from author's collection)

In the days of the early Recorders of Penang, it was a practice of court officials to receive the Recorder each morning at the entrance of the court. He was guided to the Bench by a procession led by the Sheriff of the court accompanied by one "Jemadar" and two "Sontbadars". Jemadar and Sontbadars were mace or staff bearers. They each carried a silver-plated staff to accompany the Recorder to the Bench. They remained standing until the court was in session. This practice has since ceased and the title of the Jemadar has changed to that of Chief Peon. The orderly of the judge now conducts the judge to the Bench from the judge's Chambers.

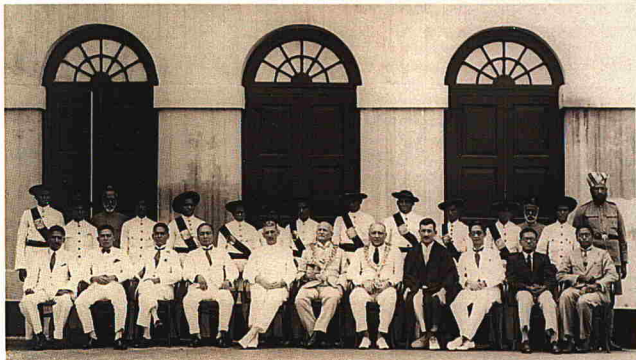
The staff has given way to the mace. Almost every High Court in Malaysia has its own mace. It is a symbol of the court's authority and is usually presented by the State Government where the High Court sits. The mace is normally displayed in the principal courtroom of the High Court.

The mace currently displayed in courtroom No. 1 of the Federal Court bears the inscription "Federated Malay States - Ipoh". Obviously, this was the original mace presented to the High Court at Ipoh during the period of the FMS and has now been adopted by the Federal Court. It is interesting to note that this same mace was used to lead the procession in a special sitting to commemorate the establishment of the Federal Court in 1963.

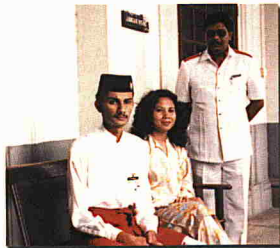
Over the years, the attire of the court staff has also changed. The uniform of the judge's orderly, which was once of white tunic with a broad red sash worn over the chest, has been replaced by a Malay "baju" (loose fitting shirt and trousers) with a red "samping" (short sarong) tied around the waist. The "songkok" is now the orderly's headgear which replaces the wide brimmed hat worn in the earlier days.



▲ In East Malaysia at the High Court at Sandakan, a ceremony was held in 2001 to mark the opening of the New Year. The mace of the court held by an orderly lead the Chief Judge of Sabah and Sarawak, Tan Sri Steve Shim (walking behind the orderly) and the resident judge Datuk Richard Malanjum (behind Tan Sri Steve Shim) in a procession to the Sandakan High Court building. (Picture by courtesy of the High Court at Sandakan)



▲ On the eve of the departure of Chief Justice Sir Murison (6th from right) and Justice GC Deane (5th from right) from the Supreme Court at Singapore on March 28, 1928. Note the attire worn by the orderlies standing at the back row. (Picture by courtesy of Cambridge University Library from the Royal Commonwealth Society collection)



▲ The immediate staff a High Court judge consisting of his orderly, secretary and chauffeur. (Picture from author's collection)

Similarly the attire of the judge's chauffeur which was a white uniform with red epaulettes, has in recent years, given way to a plain brown safari suit or a white shirt with dark coloured pants.

At times, judges of the Superior Courts are called upon to serve the nation in other capacities. When a judge agrees to such request, he or she would have to leave the judiciary. One such person is the present Speaker of Parliament, Tun Mohamed Zahir Ismail, who resigned from the High Court Bench in 1982 to take up this appointment. Then in September 1993, Tan Sri LC Vohrah, one of the most senior and esteemed High Court judges, with wide knowledge and experience in both international and criminal law, was elected by member states of the United Nations to be one of the eleven judges in the International War Crime Tribunal of the former Yugoslavia. He retired from the judiciary for this appointment at The Hague, Netherlands. In the same year, another distinguished and able member of the High Court Bench, Tan Sri Mohtar Abdullah, was called upon to be

Attorney-General of Malaysia. He too had to resign from the judiciary. But after seven years at that post, Tan Sri Mohtar Abdullah returned to the Bench on January 23, 2001 as a Federal Court judge.

Upon the retirement, a judge of the Superior Court is often offered by both the private and public sectors to continue to serve in some kind of capacity. This demand must be attributed to the experience gained on the Bench and the integrity earned. Many retired judges are asked to be arbitrators. Some were elected as President of the Senate. Two such personalities were Tun Syed Sheh Barakbah and Tan Sri Ismail Khan. The former was the second Lord President and the



▲ Mr Justice Tan Sri Mohtar Abdullah was appointed Attorney-General of Malaysia in 1994. After a seven-year stint at that post he returned to the judiciary as a Federal Court judge in 2001. Tan Sri Mohtar Abdullah in this picture is attired in Attorney-General's ceremonial robe. (Picture from author's collection)



▲ Mr Justice Tan Sri LC Vohrah, a well-respected senior High Court judge, was elected to serve on the International War Crimes Tribunal in the former Yugoslavia set up by the United Nations. This picture shows Justice Vohrah taking the oath of office in The Hague. (Picture from author's collection)

latter, the Chief Justice of the Borneo. Others became professors of law in universities. Tan Sri Syed Agil Barakbah (a brother of Tun Syed Sheh Barakbah) and Tan Sri Harun Mahmud Hashim, both Supreme Court judges, became Professors of Law at the International Islamic University in Malaysia, while Tan Sri Mohamed Azmi Kamaruddin, upon his retirement from the Federal Court, was appointed Professor of Law to the University of Malaya. When the Malaysian National Human Rights Commission was constituted in the year 2000, three former judges: Tan Sri Harun Mahmud Hashim, Tan Sri Anuar Zainal Abidin and Dato Mahadev Shanker were appointed to serve in this prestigious organisation.

By nature of their occupation and discipline, judges are circumspect at socialising. This restricted lifestyle often finds a judge turning to his spouse for love, comfort and companionship. One such judge who displayed such intense affection was Justice Tan Sri Eusoffe Abdoolcader. This brilliant judge and scholar, who was commonly acknowledged as the 'legal lion', upon the death of his beloved wife in 1993, was known to compose love poems in Latin dedicated to her. These were published in a leading newspaper on each anniversary of her demise. One such poem reads:



A Mr Justice Tan Sri Eusoffe Abdooleader, the lion of the law, composed love poems in Latin dedicated to his late wife Hassenah (insert). This picture shows the late judge in the robe of an academia when receiving an honorary degree. (Picture by courtesy of Star publication)

*"My Love, Light of my life!
I think of thee in silence
And often speak thine name:
All I have are memories
And photos in a frame;
To thy resting-place I wander
To place roses with love and care:
But no one can know the heart-ache
As I turn and leave thee there;
No monument can stand more stalwart
Than the everlasting love we share,
Let's then rejoice and ever bear in mind
That such a bond surely makes us but one
of a kind"*

Then on January 11, 1996 the legal fraternity was sad to learn of the sudden death of Tan Sri Eusoffe Abdooleader by a gunshot wound.

Even upon death, a judge or an ex-judge of the Superior Court is not forgotten. To honour his memory, a reference in the form of a legal proceeding would be held in the court. In such a sitting, the Chief Justice normally presides. Appearing would be the Attorney-General and the President of the Malaysian Bar. Those attending would be serving and retired judges, family members and friends of the deceased, and members of the Bar. At such a ceremony speeches

concerning the newly departed would be made and the proceedings usually end with the presiding judge ordering the records of such proceedings be presented to the family of the deceased and another to be secured in the court's archives. The family members of the deceased judge particularly appreciate such generous gestures. The last reference was for Tun Mohamed Suffian, the country's fourth Lord President, who passed away on September 26, 2000. A reference for this late Lord President was held in the Federal Court at the Bangunan Sultan Abdul Samad on March 16, 2001. It was presided by the current Chief Justice, Tan Sri Mohamed Dzaiddin Abdullah. A large crowd of family members of the late Tun Mohamed Suffian, judges and ex-judges, government ministers, members of the Bar and foreign dignitaries attended the ceremony.

After the reference for Tun Mohamed Suffian, the minister in the Prime Minister's Department in charge of Law declared that a memorial would be set up "in memory of all prominent judges" right next door to the Sultan Abdul Samad building, and this would be named after the late Tun Mohamed Suffian "in view of his vast contributions" to the country, particularly the judiciary and the law.⁷

⁷ The Star dated March 17, 2001.



The present Court-House in Miri, Sarawak.

*"All along people were confident
that the last place they could get justice
is in the Courts
but in the light of certain cases
before the courts and
certain goings on in the courts,
they realised that the courts
have let them down miserably.
It used to be that the tinting
of judges cars was for security
but now I say
it is to hide my embarrassment."¹*

Since the dismissal of the country's sixth Lord President, Tun Salleh Abas, and the removal of the two Supreme Court judges as a result of related events in 1988, there was an erosion of public confidence in the judiciary.² Outcries of unfair treatment meted out to these senior judges were heard in and outside the country. Tun Mohamed Suffian, one of the former Lord Presidents, even declared that "he was ashamed of being a Malaysian" when informed of the dismissal while abroad. Later, he added:

"Judges who joined in downing their boss have been rewarded by promotion. Judges who have not, have been cowed into silence. Judges are at sixes and sevens. Some daren't speak to each other. While there are judges whose integrity and impartiality have never wavered the public perception is that the judiciary as a whole can no longer be trusted to honour their oath of office. When I am asked what I thought, my usual reply is that I wouldn't like to be taken to today's judiciary especially if I am innocent."³

The Malaysian Bar Council, campaigning for an independent judiciary called for the resignation of Tun Abdul Hamid Omar, the then Lord President, for the part he played in the Tribunal that recommended the removal of Tun Salleh Abas. When this was not satisfied, the Malaysian Bar Council decided to institute contempt proceedings against Tun Abdul Hamid Omar in March of 1989. This was however thwarted by the action of the Attorney General who applied successfully to commit the Malaysian Bar Council honorary secretary for contempt of court for scandalizing the judiciary. In 1991, the then Federal Court ultimately decided to levy a fine on the Bar Council honorary secretary instead of a jail term.⁴

When Tun Abdul Hamid Omar completed his term of office as Chief Justice in 1994, many believed that with the appointment of Tun Eusoff Chin as the new Chief Justice, the image of the judiciary, after years of turmoil, would be restored. Unfortunately, this proved not to be so.

¹ Speech by Justice Dato Shaik Daud Md Ismail published in Infoline Jan/Feb 2001 issue.

² Malaysian National Human Rights Commission Annual Report 2000.

³ Speech made at the Reference for the late Justice Tan Sri Wan Sulaiman on March 10, 2000.

⁴ [1991] 1 MLJ 168.



◀ A-G Mohtar Abdullah with a copy of the poison-pen pamphlet at a press conference on July 11, 1996.

On March 15, 1996, at the annual superior court Judges Conference in Kuching, Sarawak, the Attorney-General informed the gathering of the existence of an anonymous pamphlet being circulated in the country which referred to alleged incidences of judicial impropriety. This according to the Attorney-General was "intended to ridicule, abuse and insult the judiciary."⁵ Investigations⁶ by the Anti-Corruption Agency and the police were conducted and many judges were interviewed. The atmosphere in the judiciary was tense. Then on July 2, 1996, a well-respected High Court judge, Dato Syed Ahmad Idid, tendered his letter of resignation amidst speculation that a member of the judiciary would resign over this matter.⁶

5 The Sun dated March 16, 1996.

6 The Star dated July 2, 1996.

JUDGE RESIGNS

No reasons given in Syed Ahmad's quit letter

By SHAILA KOSHY and ESTHER NG

KUALA LUMPUR: Datuk Syed Ahmad Iddid Syed Abdullah Iddid quit yesterday as High Court judge in the midst of speculation that a member of the judiciary would resign over a poison pen letter.

However, Syed Ahmad told *The Star* that his reasons for resigning were that "I have felt quite tired lately, a general debility, and thought that I needed change."

Asked whether he had chosen a bad time to resign, bearing in mind the investigations into the poison pen letter on the judiciary might imply that he was involved, he replied: "This was not an overnight decision."

"I thought of resigning as far back as late last year, so I have given it some time."

"That was my main reason for resigning. The second is I have a seven years' itch. If you had noticed, I change jobs every seven years," said Syed Ahmad, 58, who was appointed a judicial commissioner in 1990 and elevated as a High Court judge in 1992.

Asked whether he had leaked information to a certain newspaper last Friday about his resignation, he said: "I did not. It was a surprise to me."

He also thanked Chief Justice of the Federal Court Tan Sri Eusoff Chin for his kind remarks at a press confer-

ence when announcing Syed Ahmad's resignation.

Eusoff, when asked whether Syed Ahmad's resignation was a loss to the judiciary, had replied: "In a way yes, because he has been with us for some time."

Eusoff spoke to reporters at his office after he had returned from presenting Syed Ahmad's letter of resignation, which did not give his reasons for resigning, to Yang di-Pertuan Agong Tuanku Ja'afar.

He said Syed Ahmad could resign as judge by writing directly to the King under Article 125(2) and 125(9) of the Federal Constitution and was not obliged to give his reasons.

Eusoff said the King had accepted the resignation.

He added that Prime Minister Datuk Seri Dr Mahathir Mohamad, who was presented with the letter on Saturday, had also accepted the resignation.

Asked on what basis Dr Mahathir had accepted Syed Ahmad's resignation, Eusoff said: "This is the will of the judge. If he doesn't feel like working, I believe we can't force him to continue to work."

He said there was no indication that Syed Ahmad was planning to resign and he had not communicated such an intention to him.

● TURN TO PAGE FOUR



This was not an overnight decision. I thought of resigning as far back as late last year, so I have given it some time.

— Datuk Syed Ahmad Iddid Syed Abdullah Iddid



▲ Tun Mohamed Suffian, a legal icon of the nation, spoke out on the negative public perception of the judiciary. (Picture by courtesy of YM Tunku Datu Dr Sofiah Jeva)

Though the Attorney-General had subsequently declared that the one hundred and twelve allegations of corruption, abuse of power, misconduct and immorality contained in the said pamphlet were "wholly baseless and untrue"⁷, public perception of the judiciary remained sceptical. Tun Mohamed Suffian reflected by pointing out that:

"Right or wrong, the public perception is that some lawyers will always win their cases, some will always lose.

Right or wrong the public perception is the law is no longer certain: some things have been turned on their heads. You might win in the lower court but when you are taken to a higher court you face another hurdle.

It is not enough for the Government to have confidence in the judiciary if the public does not. It is not enough for courts only to go through the motion of a trial. It is not enough if justice seems to be done if in fact justice has not been done."⁸

Such impressions also came about in early 1998, when a number of photographs appeared on the Internet depicting the Chief Justice, Tun Eusoff Chin with his family on holiday with a lawyer and his spouse. This holiday was purported to have occurred in December 1994 in New Zealand. The said pictures would not have created such sensation if not for the fact that the lawyer in the photograph had been appearing in cases presided by the Chief Justice, and the Chief Justice had refused to recuse from such cases when requested.

⁷ The New Straits Times dated July 10, 1996.

⁸ Speech made at the Reference for the late Justice Tan Sri Wan Sulaiman on March 10, 2000.



▲ Dato Dr Rais Yatim, the Minister in the Prime Minister's Department in charge of Law, commenting on the conduct of the Chief Justice, Tun Eusoff Chin, on May 30, 2000 over a radio programme aired in Australia. (Photograph by courtesy of Jabatan Penerangan Malaysia)

Tensions heightened when Dato Dr Rais Yatim, the Minister in the Prime Minister's Department in charge of law, gave an interview on a radio programme aired in Australia on May 30, 2000.⁹ When asked to comment on the photographs of the Chief Justice with the lawyer, he declared:

"We have intimated to the Chief Justice that this was improper behaviour. And this has been intimated to the Chief Justice in no uncertain terms ... I am not in a position to say whether I approve it or not, but certainly such socializing is not consistent with the proper behaviour of a judicial personality."¹⁰

In retaliation to the statement, Tun Eusoff Chin on June 6, 2000 explained that he had "bumped into" the lawyer appearing in the photographs on the way to the zoo and the said lawyer had requested to "tag along".¹¹ He then added that, "Every where I go, I bump into lawyers and they like to take photos with me. In this case, the same thing happened."¹²



▲ Chief Justice Tun Eusoff Chin was the subject of a proposed resolution by the Bar Council for the appointment of a Tribunal to investigate into his conduct. (Picture by courtesy of Malaysian Bar Council)

⁹ ABC Radio 'Asia Pacific Programme'.

¹⁰ The New Straits Times dated May 30, 2000.

¹¹ The Star dated June 7, 2000

¹² The New Straits Times dated April 9, 2000.

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the people's paper

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INSIDE

New cracks
at Johor
naval
training centre

— Page 7

BUSINESS

Malayan
Cement sees
better
demand ahead



The Star Online - <http://www.thestar.com.my>

EGM STOPPED

Court allows application to bar lawyers from con

By CHELSEA L.Y. NG

KUALA LUMPUR: The High Court stopped the Malaysian Bar from holding its extraordinary general meeting today based on a question the court raised at the outset of the hearing of the application for an injunction.

Justice Dr R.K. Nathan decided this yesterday without going into the merits of the application by lawyer K. Raja Segaran.

After dismissing preliminary objections

from the Bar at 11.20am, the judge asked whether the Bar had verified with Minister in the Prime Minister's Department Datuk Dr Rais Yatim if he had actually made allegations against Chief Justice Tun Eusoff Chin.

Counsel for the Bar, Mohd Ariff Yusof, said the body had not done so and added:

"But he (Dr Rais) never made a statement denying the news report."

When Justice Dr Nathan asked how the body could convene an EGM on the assumption that Dr Rais had made "allegations"

against Eusoff, Mohd Ariff replied that the Bar Council had sent letters to its members based on a newspaper report dated May 22, quoting statements attributed to Dr Rais from an interview which was aired on AF Radio's *Asia Pacific* programme on May 25.

When the Bar's second counsel, Ambiga, argued that the EGM was to discuss the public exchange between Dr Rais and Eusoff and not allegations, Justice Nathan told her not to deviate from Mohd Ariff's argument that it was to discuss all

▲ The Star newspaper, June 23, 2000

SECTION 2

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PED

Convening meeting

gations.
 "Your letter to members on the notice of EGM states 'allegations' by Dr Rais. That is your basis. You did not say that so much had gone on blah ... blah ... blah. Nobody can restrain you if you had done it properly.

"You kept complaining we (the courts) are stopping you when you have flouted the basic rules. Pointing out the law to you is my duty," he added.

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As a result of this, the Bar Council of Malaysia called an Extraordinary General Meeting of its members to be held on June 23, 2000 to pass a resolution calling for the appointment of a Tribunal to investigate the conduct of the Chief Justice, Tun Eusoff Chin, or alternatively, to set up a Royal Commission of Inquiry to investigate his conduct. In addition, pending the decision of either body, the resolution called for the suspension of the Chief Justice. This was however aborted when a member of the Bar successfully secured an injunction from the High Court at Kuala Lumpur to stop this meeting. But in the process, the President of Bar Council was asked by the judge who heard the application for injunction to explain why he should not be cited for contempt over a request for the said judge to disqualify himself from hearing the case on the ground that the said judge has a family member who had an interest in the matter.¹³

More disclosure of judicial impropriety surfaced after the retirement of Tun Eusoff Chin as Chief Justice. On June 8, 2001 Justice Datuk Muhammad Kamil Awang, sitting as an election judge in an election petition, announced that he had received a call from his superior to strike off the petition without hearing. On June 12, 2001 Tun Eusoff Chin admitted that he was the caller but had telephoned to enquire why the said judge was taking so long to complete the case.

Another incongruity was a Singapore daily report on March 18, 2000, quoting a Singapore High Court judge who claimed, in open court, that his Malaysian counterpart had copied certain passages of his judgment before it could be published.¹⁴

Such florid events prompted a leading regional magazine to opine:

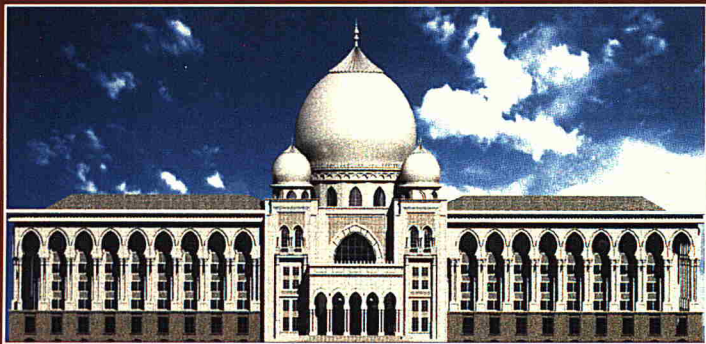
*"The Malaysian Judicial System seems to have hit a low ebb. Senior government officials and judges snipe at each other in public, lawyers face once unthinkable jail sentences for contempt of court, and every other week seems to bring new development."*¹⁵

This was the state of events that confronted the Malaysian judiciary at the close of the century.

¹³ The Star dated June 21, 2000.

¹⁴ The New Straits Times dated March 18, 2000

¹⁵ Far Eastern Economic Review dated July 20, 2000.



*The Palace of Justice is currently being constructed in the new administrative centre at Putra Jaya which is at the fringe of Kuala Lumpur. When completed in 2003 it will house the Federal Court and the Court of Appeal.
(Picture from Federal Court's collection)*

After years of turmoil in the judiciary, on November 9, 2000, at the 187th Conference of Rulers, the Keeper of the Royal Seal announced the appointment of Tan Sri Mohamed Dzaiddin Abdullah as the new Chief Justice of the Federal Court. This appointment was to take effect on December 20, 2000 upon the retirement of Tun Eusoff Chin.²

This news was greeted with tremendous enthusiasm and relief. Practically all sectors of Malaysian society welcomed this announcement. The President of the Malaysian Bar Council declared:

"Dzaiddin (the new Chief Justice) is a pleasant man who maintains his dignity and conducts himself in a manner befitting a judge. He is very competent in his law and is independent in his approach."³

*"The question is this:
Are we big enough,
sure enough,
balanced and broad enough
to forgive and forget?
Well, to err is human,
to forgive is divine."¹*



▲ The present Chief Justice of the Federal Court, Tan Sri Mohamed Dzaiddin Abdullah. (Picture from author's collection)

¹ Speech by Tan Sri Dzaiddin at the Malaysian Bar dinner on March 17, 2001.

² The Sun dated December 8, 2000.

³ Ibid.

Joining in the accolade is a statement by Dato Dr Rais Yatim, the Minister in the Prime Minister's Department in charge of Law:

*"The appointment augurs well with the coming new year and the years ahead for the judiciary which has seen problems in the past. We are looking forward to a more productive and respectable judiciary and I have full confidence in (Tan Sri) Mohamed Dzaiddin Abdullah being independent in the judiciary as an institution."*⁴

Tan Sri Mohamed Dzaiddin Abdullah hails from the northern Malaysian state of Perlis. After receiving his early education in Alor Setar, Kedah, he had a stint as a newspaper reporter before becoming an officer in the Malaysian police force. In 1961, he left for the United Kingdom to read law and in 1966 he was called to the English Bar at the Middle Temple. Upon his return to Malaysia, he practiced law and rose to the position of Vice-President of the Malaysian Bar. While holding this position, he was offered to serve on the High Court Bench in 1982. After a period of nine years as a High Court judge, sitting mainly in Penang, he was elevated to the then Supreme Court. And at the time of his appointment as Chief Justice, Tan Sri Mohamed Dzaiddin Abdullah was the most senior judge of the Federal Court.

For the first time in the history of the Malaysian judiciary, Tan Sri Mohamed Dzaiddin Abdullah achieved the distinction of being the first local from the Bar, as well as a former office bearer of this body, to be appointed Chief Justice. All former Malaysian Lord Presidents and Chief Justices came from the Judicial & Legal Service.

Speaking to the press soon after his appointment as Chief Justice, Tan Sri Mohamed Dzaiddin Abdullah declared:

*"My immediate task will be to put our house in order ... Transparency should be the order of the day. We must accept criticism from the public on the judicial system, except where there are deliberate attacks. Then we shall not hesitate to use our powers. What has happened in the past for the last few years is that there was a lack of leadership in the judiciary. You must remember that the Chief Justice, apart from being a jurist, must also be a leader in terms of management. He has got to lead. What happened in the past was a lack of leadership and direction. That in my view was the main fault."*⁵

There are high expectations on the newly appointed Chief Justice. But the arduous task of restoring the judiciary to its former glory remains. Nevertheless, the Nation is confident that Tan Sri Mohamed Dzaiddin Abdullah will be resolute in his pursuit of this end.

⁴ The Sun dated December 8, 2000.

⁵ The Star dated December 21, 2000



▲ His Majesty, the Yang di-Pertuan Agong, Sultan Syed Sirajuddin with the Chief Justice, Tan Sri Mohamed Dzaidin Abdullah in the Istana Negara (National Palace) on December 13, 2001 after His Majesty took the oath of office as the 12th Yang di-Pertuan Agong before the Chief Justice. This occasion is significant as Tan Sri Mohamed Dzaidin Abdullah is related to His Majesty. (Picture from author's collection)



**JUDGES OF MALAYSIA AT THE JUDGE'S CONFERENCE
IN KOTA KINABALU, SABAH ON 24 MAY 2001**

Sitting (L - R): Datuk Wira Hj. Mohd. Noor Ahmad, Dato Abdul Kadir Sulaiman, Dato Abdul Hamid Mohamad, Datuk Mokhtar Sidin, Tan Sri Datuk Seri Mohhtar Abdullah, Dato Siti Norma Yaakob, Dato Abdul Malek Ahmad, Tan Sri Wan Adnan Ismail, Tan Sri Mohamed Dzaidin Abdullah, Tan Sri Steve Shim Lip Kiong, Dato Ahmad Fairuz Sheikh Abdul Halim, Dato Haider Mohd. Noor, Dato Shaik Daud Ismail, Datuk Denis Ong Jiew Fook, Datuk Mohd. Saari Yusoff, Dato K.C. Vohrah, Dato Alauddin Mohd. Sheriff



Standing first row (L - R): Datuk Zainun Ali, Datin Paduka Rahmah Hussin, Dato Azmel Maamor, Dato Low Hop Bing, Dato Wan Adnan Muhammad, Datuk Abdul Hamid Said, Datuk Yaacob Ismail, Dato Abdul Aziz Mohamad, Datuk Wira Mohd. Ghazali Mohd. Yusoff, Dato Nik Hashim Nik Ab. Rahman, Datuk Suriyadi Halim Omar, Dato T. Selventhirananthan, Dato K.L. Rekhranj, Dato Abdul Malik Ishak, Dato Nihrumala Segara, Dato Dr. R. Kamalanathan, Dato Azhar Ma'ah, Dato Faiza Tamby Chik, Dato Arifin Zakaria, Dato Abdul Hamid Embong, Dato Hashim Yusoff, Datuk Richard Malanjum, Dato Zaleha Zahari, Su Geok Yiam.

Standing second row (L - R): Datuk Abdul Wahab Patail, Dato Arifin Jaka, Dato Hasan Lah, Dato Md. Raus Sharif, Dato Pajan Singh Gill, Dato Abdul Kadir Musa, Datuk Seri Panglima Charles Ho Nyen Cheung, Dato Zulkefli Ahmad Makinudin, Dato Mohd. Noor Abdullah, Dato Vincent Ng Kim Khoay, Dato James Foong Cheng Yuen, Dato Ian Chin Hon Chong, Datuk Ahmad Maarop, Dato Abu Samah Nordin, Datuk Ramly Ali, Sulong Matjerate, Syed Ahmad Helmy Syed Ahmad, Clement Allan Skinner, Dato Kang Hwee Gee, Dato Sulaiman Daud, Dato Muhammad Ideres Muhammad Rapee, Dato Zakaria Sam, Dato Hishamudin Mohd. Yunus, V. Thirupurasingham, Datuk Augustine Paul.

LIST OF SUPERIOR COURT JUDGES¹

Name	Date of Assumption of Office	Date Last Sat/ Retirement/ Resignation/ Termination of Office	Remarks
SIR EDMUND STANLEY	1808	1816	First Recorder, Supreme Court, Penang
SIR GEORGE ANDREW COOPER	1817	1817	Recorder
SIR RALPH RICE	1817	1824	Recorder
SIR FRANCIS SOUPER BAYLEY	1824	1824	Recorder
SIR JOHN THOMAS CLARIDGE	1827	1829	Recorder
SIR BENJAMIN HEATH MALKIN	1833	1835	Recorder
SIR EDWARD JOHN GAMBIER	1835	1836	Recorder
SIR WILLIAM NORRIS	1836	1847	Recorder
SIR CHRISTOPHER RAWLINSON	1947	1850	Recorder
SIR WILLIAM JEFFCOTT	1850	1855	Recorder
SIR RICHARD BOLTON McCAUSLAND	1856	1866	Recorder
SIR PETER BENSON MAXWELL	1856	1871	Recorder, later first Chief Justice, Strait Settlements
SIR WILLIAM HACKETT	1856	1875	Recorder
SIR THOMAS SIDGREAVES	1871	1886	Chief Justice, Straits Settlements
FRANCIS SNOWDEN	1874	1874	Judge
GEORGE PHILLIPPO	1874	1876	Judge
SIR THEODORE THOMAS FORD	1874	1876	Judge and later Chief Justice, Straits Settlements

¹ Every care and effort has been exercised in the compilation of this list; there may, however, be some errors or omissions due to the paucity or unavailability of material.

Name	Date of Assumption of Office	Date Last Sat/ Retirement/ Resignation/ Termination of Office	Remarks
JONES DANIEL VAUGHAN	1875	1875	Judge (Temporary)
ROBERT CARR WOODS	1875	1875	Judge
HENRY LUSHINGTON PHILIPS	1877	1877	Judge (Temporary)
THOMAS LETT WOOD	1877	1892	Judge
SHERIFF	1886	1887	Judge
PELLEREAU	1886	1890	Judge
SIR JOHN TANKERVILLE GOLDNEY	1887	1892	Judge
SIR EDWARD LOUGHLIN O'MALLEY	1889	1892	Chief Justice, Straits Settlements
SIR ELLIOT BOVILL	1892	1893	Chief Justice, Straits Settlements
WILLIAM ROBERT COLLYER	1892	1893	Judge
SIR JOHN WINFIELD BONSER	1893	1893	Chief Justice, Straits Settlements
SIR STEPHEN HERBERT GATTY	1893	1895	Judge
SIR WILLIAM HENRY LIONEL COX	1893	1906	Chief Justice, Straits Settlements
SIR ARCHIBALD FITZGERALD LAW	1894	1912	Judge and later Chief Judicial Commissioner, FMS
ANDREW JOHN LEACH	1895	1904	Judge
LC JACKSON	1897	1905	First Judicial Commissioner, FMS
SIR WILLIAM HENRY HYNDMAN-JONES	1897	1914	Judge, Chief Judicial Commissioner, FMS, and later Chief Justice, Straits Settlements
SWINFORD LESLIE THORNTON	1904	1906	Judge
ATD BERRINGTON	1905	1907	Judicial Commissioner
WW FISHER	1905	1913	Judge

Name	Date of Assumption of Office	Date Last Sat/ Retirement/ Resignation/ Termination of Office	Remarks
LM WOODWARD	1906	1911	Judicial Commissioner later Chief Judicial Commissioner, FMS
T SERECOMBE SMITH	1907	1908	Judge
SIR THOMAS BRADDELL	1907	1917	Judge and later Chief Judicial Commissioner, FMS
JR INNES	1908	1919	Judicial Commissioner
F BELFIELD	1910	1911	Judge
LP EBDEN	1911	1920	Judicial Commissioner
COOKSON	1912	1921	Judicial Commissioner, North Borneo
PJ SPROULE	1913	1933	Judge
SIR JOHN BUCKNILL	1915	1920	Chief Justice, Straits Settlements
RC EDMONDS	1916	1918	Judge
A EARNSHAW	1916	1920	Judge
WS GIBSON	1916	1920	Judge
PA FARRER MANBY	1916	1932	Judicial Commissioner
MH WHITLEY	1918	1926	Judge, UFMS
AV BROWN	1919	1927	Judge (Acting)
SIR GA GOODMAN	1920	1922	Chief Judicial Commissioner, FMS
EC WATSON	1921	1926	Judicial Commissioner
FCH BARRETT-LENNARD	1921	1926	Judicial Commissioner
DJJ SHERLOCK	1921	1935	Judicial Commissioner, North Borneo later Chief Justice, North Borneo
E St BRANCH	1922	1923	Judicial Commissioner
SIR WS SHAW	1922	1925	Chief Justice, Straits Settlements

Name	Date of Assumption of Office	Date Last Sat/ Retirement/ Resignation/ Termination of Office	Remarks
SIR LM WOODWARD	1922	1925	Chief Judicial Commissioner, FMS, later Chief Justice, FMS
J McCABE REAY	1922	1927	Judge
GEORGE CAMPBELL DEANE	1925	1929	Judge
SIR HENRY HJ GOMPERTZ	1926	1929	Chief Justice, FMS
ROGER DAVID ACTION	1926	1929	Judge
SIR WILLIAM MURISON	1926	1933	Chief Justice, Straits Settlements
WH DINSMORE	1927	1932	Judge
FG STEVENS	1928	1932	Judge
WH THORNE	1928	1935	Judge
W BURTON	1928	1936	Judge
TS STERLING-BOYD	1928	1939	First Judicial Commissioner, Sarawak
SIR LH ELPHINSTONE	1929	1932	Chief Justice, FMS
HW PRITCHARD	1929	1935	Judge
NHP WHITLEY	1930	1937	Judge
AK A'BECKETT TERRELL	1931	1941/42	Judge
JL Mc FALL	1932	1933	Judge
CC GERATHY	1932	1935	Judge
ND MUDIE	1932	1935	Judge
SIR WALTER C HUGGARD	1933	1936	Chief Justice, Straits Settlements
JVG MILLS	1933	1940/41	Judge
GEORGE A HEREFORD	1934	1934	Judge (Acting)
SIR SAMUEL JOYCE THOMAS	1934	1937	Chief Justice, FMS

Name	Date of Assumption of Office	Date Last Sat/ Retirement/ Resignation/ Termination of Office	Remarks
ARTHUR B HOWES	1934	1941/42	Judge
R WILLIAMSON	1935	1935	Judge (Acting)
JOHN AITKEN	1935	1940/41	Judge
RICHARD C CUSSEN	1935	1940/41	Judge
JOSEPH H PEDLOW	1935	1940/41	Judge
F GORDON SMITH	1935 1948	1940/41 1950	Judge Judge
ADRIAN CLARKE	1936	1936	Judge (Acting)
JC COBBETT	1936	1936	Judge (Acting)
HD MUNDELL	1936	1936	Judge (Acting)
EA De BURIATTE	1936	1937	Judge (Acting)
LVJ LAVILLE	1936 1946	1937 1951	Judge (Acting) Judge
CFC MACASKIE	1936	1942	Chief Justice, North Borneo
SIR PERCY McELWAIN	1936	1942	Chief Justice, Straits Settlements
GB KELLAGHER	1937	1941/42	Judge, UFMS
SIR ROGER HALL	1938	1938	Chief Justice, FMS
RAJA MUSA RAJA BOT	1938	1939	Judge (Acting)
WK HORNE	1938	1941/42	Judge
SIR MURRAY-AYNSLEY	1938 1947	1941/42 1955	Judge Judge, later Chief Justice, Singapore
SIR KENNETH POYSER	1939	1941	Chief Justice, FMS
RJ MANNING	1939	1941/42	Judge
HT LEWIS	1940	1941/42	Judge, Sarawak

Name	Date of Assumption of Office	Date Last Sat/ Retirement/ Resignation/ Termination of Office	Remarks
CECIL W CAREY	1940	1942	Judge
	1946	1947	Judge
SIR HERBERT TRUSTED	1941	1941/42	Chief Justice, FMS
NEWNHAM A WORLEY	1941	1941/42	Judge
R MOOR	1946	1946	Judge
TD WALLACE	1946	N/A	Judge
GEOFFREY L JOBLING	1946	1948	Judge
RY HEDGES	1946	1950	Chief Justice, Borneo Territories
SIR HAROLD WILLAN	1946	1950	Chief Justice, Malayan Union, later Chief Justice, Federation of Malaya
LAMAN EC EVANS	1946	1951	Judge
SIR IVOR LLEWELLYN BRACE	1946	1952	Chief Justice, Borneo Territories
KH DIGBY	1946	1952	Judge, Borneo Territories
TC SPENCER WILKINSON	1946	1955	Judge
TA BROWN	1946	1955	Judge
EO PRETHEROE	1946	1957	Judge
DR LASCELLES	1946	1962	Judge, Borneo Territories
JCH BARCROFT	1947	1947	Judge, Borneo Territories (Acting)
TAN SRI THOMAS VA BRODIE	1947	1947	Judge (Acting)
RDR HILL	1947	1963	Judge
BOSTOCK HILL	1948	1949	Judge
CALLOW	1948	1950	Judge
TT RUSSELL	1948	1952	Judge
PAUL STORR	1948	1954	Judge

Name	Date of Assumption of Office	Date Last Sat/ Retirement/ Resignation/ Termination of Office	Remarks
EN TAYLOR	1948	1956	Judge
TUN SIR JAMES THOMSON	1948	1966	Judge, Chief Justice, Federation of Malaya, later Lord President
THOROGOOD	1950	1950	Judge
FA BRIGGS	1950	1953	Judge
HW WILSON	1950	1955	Judge
CT ABBOTT	1950	1956	Judge
HASTING	1951	N/A	Judge
MUNRO	1951	N/A	Judge (Acting)
SIR FOSTER-SUTTON	1951	1952	Chief Justice, Federation of Malaya
ROGER	1951	1952	Judge
AS BODLEY	1951	1956	Judge, Borneo Territories
CH WHITTON	1951	1957	Judge
SIR CHARLES MATHEW	1952	1956	Chief Justice, Federation of Malaya
W BUHAGIAR	1952	1957	Judge
CLIFFORD KNIGHT	1952	1958	Judge
AW BELLAMY	1953	1954	Judge (Acting)
JR BLAGDEN	1953	1955	Judge, Borneo Territories
RF RODGERS	1953	1962	Judge, Borneo Territories
LD SMITH	1953	1963	Judge, Borneo Territories
SIR EARNEST WILLIAM	1954	1959	Chief Justice, Borneo Territories
TAN AH TAH	1954	1976	Judge
TAN SRI ABDUL HAMID MUSTAPHA	1955	1957	Judge

Name	Date of Assumption of Office	Date Last Sat/ Retirement/ Resignation/ Termination of Office	Remarks
SIR JOHN WHYATT	1955	1958	Chief Justice, Singapore
TAN SRI DBW GOOD	1955	1962	Judge
BASIL G SMITH	1956	1960	Judge
IVO CHARLES C RIGBY	1956	1961	Judge
TUN SYED SHEH BARAKBAH	1956	1968	Judge, Chief Justice, Malaya. later Lord President
FREDERICK ARTHUR CHUA	1957	N/A	Judge
WEE CHONG JIN	1957	N/A	Judge, later Chief Justice, Singapore
WB SUTHERLAND	1957	1958	Judge (Acting)
H SHEPHERD	1957	1963	Judge (Acting)
MG NEAL	1957	1963	Judge
THOMAS R HEPWORTH	1957	1965	Judge
M BUTTROSE	1957	1968	Judge
GG BRIGGS	1958	1959	Judge, Borneo Territories
JWD AMBROSE	1958	1968	Judge
TAN SRI ONG HOCK THYE	1958	1973	Judge, later Chief Justice, Malaya
TAN SRI ISMAIL KHAN	1958	1974	Judge, later Chief Justice, Borneo
JG ADAMS	1959	1962	Judge
SIR ALAN EP ROSE	1959	1963	Chief Justice, Singapore
TUN AZMI MOHAMED	1959	1974	Judge, Chief Justice, Malaya, later Lord President
SIR JOH AINLEY	1960	1962	Chief Justice, Borneo Territories
DATO MAHMUD HASHIM	1960	1965	Judge

Name	Date of Assumption of Office	Date Last Sat/ Retirement/ Resignation/ Termination of Office	Remarks
TUN MOHAMED SUFFIAN MOHD HASHIM	1961	1982	Judge, Chief Justice, Malaya, later Lord President
AV WINSLOW	1962	N/A	Judge
AH SIMPSON	1962	1965	Judge, Borneo
ER HARLEY	1962	1968	Judge, Borneo
TAN SRI ALI HASSAN	1962	1977	Judge
TAN SRI SARWAN SINGH GILL	1962	1979	Judge, later Chief Justice, Malaya
KULASEKARAM	1963	N/A	Judge
DB MCGILLIGAN	1963	1965	Judge, Borneo
SIR CAMPBELL WYLIE	1963	1965	Chief Justice, Borneo
CHOOH SINGH	1963	1980	Judge
TAN SRI S CHELVASINGAM MAC INTYRE	1964	1969	Judge
TAN SRI ABDUL AZIZ MOHAMED ZAIN	1964	1970/71	Judge
JW WILLIAM	1965	1968	Judge, Borneo
TAN SRI SM YONG	1965	1973	Judge
TAN SRI ONG HOCK SIM	1965	1978	Judge
DYMM SULTAN AZLAN ALMUHIBUDDIN SHAH	1965	1984	Judge, later Chief Justice, Malaya, and Lord President
TAN SRI LEE HUN HOE	1965	1990	Judge, later Chief Justice, Borneo
TAN SRI PHILIP ERNEST PIKE	1966	1968	Chief Justice, Borneo
WJ SILKE	1966	1968	Judge
PAWAN AHMAD IBRAHIM RASHID	1966	1975	Judge
TAN SRI CHANG MIN TAT	1966	1981	Judge

Name	Date of Assumption of Office	Date Last Sat/ Retirement/ Resignation/ Termination of Office	Remarks
TAN SRI WAN SULAIMAN PAWAN TEH	1966	1988	Judge
TUN ABDUL HAMID OMAR	1968	1994	Judge, later Chief Justice, Malaya and Lord President
TAN SRI IBRAHIM ABDUL MANAN	1968	1981	Judge
TAN SRI SYED OTHMAN ALI	1968	1982	Judge
DATUK BIGLEY LEE TIAN HUAT	1968	1982	Judge
NARAIN SHARMA	1969	1974	Judge
TAN SRI SYED AGIL SYED HASSAN BARAKBAH	1969	1988	Judge
DATUK GEORGE EDWARD SEAH KIM SENG	1969	1988	Judge
TAN SRI MOHAMED AZMI KAMARUDDIN	1970	1998	Judge
TAN SRI WAN HAMZAH WAN MUHAMMAD SALLEH	1971	1988	Judge
TAN SRI HARUN MAHMUD HASHIM	1971	1994	Judge
DATUK TAN CHIAW THONG	1973	1991	Judge
TAN SRI HASHIM YEOP ABDULLAH SANI	1973	1992	Judge, later Chief Justice, Malaya
DATUK FREDERICK C ARULANANDOM	1974	1982	Judge
TAN SRI EUSOFFE ABDOOLCADER	1974	1989	Judge
ABDUL RAZAK ABU SAMAH	1974	1991	Judge
TAN SRI MOHAMED YUSOFF MOHAMED	1974	1992	Judge

Name	Date of Assumption of Office	Date Last Sat/ Retirement/ Resignation/ Termination of Office	Remarks
DATUK AJAIB SINGH	1974	1992	Judge
TAN SRI MOHAMED ZAHIR ISMAIL	1975	1982	Judge
DATUK CHARLES HO NYEN CHUNG	1975		Judge
TAN SRI GUNN CHIT TUAN	1977	1994	Judge, later Chief Justice, Malaya
TAN SRI LAL CHAND VOHRAH	1978	1993	Judge
DATUK WIRA WAN YAHAYA PAWAN TEH	1978	1996	Judge
TAN SRI ANUAR ZAINAL ABIDIN	1978	1997	Judge, later Chief Judge, Malaya
DATO CHAN NYARN HOI	1979	2000	Judicial Commissioner, later Judge
SIM EWE EONG	1979	1982	Judicial Commissioner
TUN MOHAMED SALLEH ABAS	1979	1988	Judge, later Chief Justice, Malaya and Lord President
TAN SRI CHONG SIEW FAI	1980	2000	Judge, later Chief Judge Sabah & Sarawak
DATO MOHAMED YUSOF ABDUL RASHID	1980	1982	Judge
DATO WAN MOHAMED WAN MUSTAPHA	1980	1994	Judge
OLIVER L PHIPPS	1980	1983	Judicial Commissioner
DATO VADAKETH C GEORGE	1981	1995	Judge
WONG KIM FATT	1981	1983	Judicial Commissioner
MUSTAPHA HUSSAIN	1981	1992	Judicial Commissioner, later Judge
DATO PEH SWEE CHIN	1982	1998	Judge

Name	Date of Assumption of Office	Date Last Sat/ Retirement/ Resignation/ Termination of Office	Remarks
DATUK JOHN CHONG YIK LIONG	1982	1998	Judge
TAN SRI EDGAR JOSEPH Jr	1982	1999	Judge
TUN EUSOFF CHIN	1982	2000	Judge, later Chief Justice Malaysia
TAN SRI MOHAMED DZAIDDIN ABDULLAH	1982		Judge, later Chief Justice Malaysia
DATO DR. ZAKARIA MOHAMED YATIM	1983	2000	Judge
DATO SHAIK DAUD MOHAMED ISMAIL	1983	2001	Judge
DATO SITI NORMA YAAKOB	1983		Judge
DATO MAHADEV SHANKER	1983	1997	Judge
DATO IDRIS YUSOF	1984	2000	Judge
DATO ABU MANSOR ALI	1984	2001	Judge
DATO KURNIA MOHAMED ARIFF OTHMAN	1984	1996	Judge
DATO ABDUL MALEK AHMAD	1985		Judge
DATO LIM BENG CHOON	1986	1993	Judge
DATO KARAM CHAND VOHRAH	1986		Judge
DATUK DENIS ONG JIEW FOOK	1987		Judge
TAN SRI LAMIN MOHAMED YUNUS	1988	2000	Judge, later President Court of Appeal
TAN SRI WAN ADNAN WAN ISMAIL	1988	2001	Judge, later Chief Judge Malaya and President Court of Appeal
DATUK WIRA MOHD NOOR AHMAD	1988		Judge

Name	Date of Assumption of Office	Date Last Sat/ Retirement/ Resignation/ Termination of Office	Remarks
DATO HAIDAR MOHAMED NOOR	1988		Judge
DATO AHMAD FAIRUZ DATUK SHEIKH ABDUL HALIM	1988		Judicial Commissioner, later Judge and Chief Judge Malaya
DATO FAIZA TAMBY CHIK	1988		Judicial Commissioner, later Judge
DATUK MOKHTAR SIDIN	1988		Judicial Commissioner, later Judge
TAN SRI MOHTAR ABDULLAH	1989 2001	1993	Judicial Commissioner, later Judge
RICHARD TALALLA	1989	1995	Judicial Commissioner, later Judge
ONG SEE SENG	1989	1995	Judicial Commissioner, later Judge
TAN SRI MOHAMAD JEMURI SERJAN	1989	1995	Judge, later Chief Justice, Borneo
DATO ABDUL HAMID MOHAMED	1990		Judicial Commissioner, later Judge
DATO MOHD SAARI YUSOFF	1990		Judicial Commissioner, later Judge
DATO JAMES FOONG CHENG YUEN	1990		Judicial Commissioner, later Judge
DATO PAJAN SINGH GILL	1990		Judicial Commissioner, later Judge
DATO SYED AHMAD IDID SYED ABDULLAH IDID	1990	1997	Judicial Commissioner, later Judge
DATO ABDUL KADIR SULAIMAN	1990		Judicial Commissioner, later Judge
DATO SELVENTHIRANATHAN THIAGARAJAH	1991		Judicial Commissioner, later Judge
DATO ABDUL AZIZ MOHAMED	1991		Judge
DATO SULEIMAN HASHIM	1991	1998	Judicial Commissioner, later Judge
CHEW KIM POH	1991	1993	Judicial Commissioner

Name	Date of Assumption of Office	Date Last Sat/ Retirement/ Resignation/ Termination of Office	Remarks
DATO DR VISU SINNADURAI	1992	1998	Judge
DATO VINCENT NG KIM KHOAY	1992		Judicial Commissioner, later Judge
DATO ALAUDDIN MOHD SHERIFF	1992		Judicial Commissioner, later Judge
DATO AZMEL MAAMOR	1992		Judicial Commissioner, later Judge
DATO ARIFFIN ZAKARIA	1992		Judicial Commissioner, later Judge
TAN SRI STEVE SHIM LIP KIONG	1992		Judicial Commissioner, later Judge and Chief Judge Sabah & Sarawak
DATO WAN MOHAMED WAN MUDA	1992	1994	Judicial Commissioner
DATIN PADUKA RAHMAH HUSSAIN	1992		Judicial Commissioner, later Judge
DATUK IAN CHIN HON CHONG	1992		Judicial Commissioner, later Judge
DATUK RICHARD MALANJUM	1992		Judicial Commissioner, later Judge
EE CHIN SENG	1992	1996	Judicial Commissioner
DATO MOHD NOOR ABDULLAH	1992		Judicial Commissioner, later Judge
DATO ABDUL MALIK ISHAK	1992		Judicial Commissioner, later Judge
DATO MOHD HISHAMUDDIN MOHD YUNUS	1992		Judicial Commissioner, later Judge
DATO YAACOB ISMAIL	1992		Judicial Commissioner, later Judge
DATO ARIFIN JAKA	1992		Judicial Commissioner, later Judge
DATUK MUHAMMAD KAMIL AWANG	1993	2001	Judicial Commissioner, later Judge
DATO MOHD GHAZALI MOHD YUSOF	1994		Judicial Commissioner, later Judge

Name	Date of Assumption of Office	Date Last Sat/ Retirement/ Resignation/ Termination of Office	Remarks
DATO ZALEHA ZAHARI	1994		Judicial Commissioner, later Judge
DATO HASHIM DATO' YUSOFF	1994		Judicial Commissioner, later Judge
DATO KANG HWEE GEE	1994		Judicial Commissioner, later Judge
DATO LOW HOP BING	1994		Judicial Commissioner, later Judge
DATO ABDUL KADIR MUSA	1994		Judicial Commissioner, later Judge
ELIZABETH M CHAPMAN	1994	1997	Judicial Commissioner
DATO RANITA HUSSEIN	1994	1995	Judicial Commissioner
TENGGU DATO BAHARUDIN SHAH TENGGU MAHMUD	1994		Judicial Commissioner, later Judge
DATO TEE AH SING	1994		Judicial Commissioner, later Judge
DATUK ABDUL WAHAB PATAIL	1994		Judicial Commissioner, later Judge
DATO ZULKEFLI AHMAD MAKINUDDIN	1994		Judicial Commissioner, later Judge
DATUK SURIYADI HALIM OMAR	1994		Judicial Commissioner, later Judge
DATO NIHRUMALA SEGARA MK PILLAY	1994		Judicial Commissioner, later Judge
DATO MD RAUS SHARIF	1994		Judicial Commissioner, later Judge
DATO ABU SAMAH NORDIN	1994		Judicial Commissioner, later Judge
DATO ABDUL HAMID EMBONG	1994		Judicial Commissioner, later Judge
DATO JEFFREY TAN KOK WHA	1994		Judicial Commissioner, later Judge
DATO CHIN FOOK YEN	1995	2000	Judicial Commissioner, later Judge
DATO NIK HASHIM NIK AB RAHMAN	1995		Judicial Commissioner, later Judge
DATO KAMALANATHAN RATNAM	1995		Judicial Commissioner, later Judge

Name	Date of Assumption of Office	Date Last Sal/ Retirement/ Resignation/ Termination of Office	Remarks
DATUK KESTURI LAL REKHRAJ	1996	2001	Judicial Commissioner, later Judge
DATUK ZAINUN ALI	1996		Judicial Commissioner, later Judge
DATUK AUGUSTINE PAUL SINNAPEN	1996		Judicial Commissioner, later Judge
DATO AZHAR MA'AH	1996		Judicial Commissioner, later Judge
DATO WAN ADNAN MUHAMAD	1996		Judicial Commissioner, later Judge
DATUK ABDUL HAMID SAID	1998		Judicial Commissioner, later Judge
DATO MUHAMAD IDERES MUHAMAD RAPEE	1998		Judicial Commissioner, later Judge
DATO HASAN LAH	1998		Judicial Commissioner, later Judge
SULONG MATJERAIE	1998		Judicial Commissioner, later Judge
CLEMENT ALLAN SKINNER	1998		Judicial Commissioner, later Judge
SU GEOK YIAM	2000		Judicial Commissioner
DATUK RAMLY ALI	2000		Judicial Commissioner
DATUK AHMAD MAAROP	2000		Judicial Commissioner
DATO ZAKARIA SAM	2000		Judicial Commissioner
DATO SULAIMAN DAUD	2000		Judicial Commissioner
SYED AHMAD HELMY SYED AHMAD	2000		Judicial Commissioner
VT SINGAM	2000		Judicial Commissioner
DATO BALIA YUSOF WAHI	2002		Judicial Commissioner