

Gillian Bickley, ed., *Court in Time: A Magistrate's Court in Nineteenth Century Hong Kong*, 2<sup>nd</sup> edition, Proverse Press, Hong Kong, 2009, 531 pp.

**Roderick O'Brien**

What does a reader expect from a modern study of nineteenth century Hong Kong – a study which is meant to be both expert and popular? In 1881, the majority of the population of Hong Kong was Chinese; any study should incorporate their views and their experiences. But Gillian Bickley's study of Frederick Stewart's brief appointment as Police Magistrate from 1881 to 1882 is based only on English-language sources, and makes no attempt to discover what the Chinese thought of Frederick Stewart, and his service as a colonial magistrate. This is like trying to walk while hopping on one leg. We might expect such an omission in 1959, but not in 2009. And it does not respect Frederick Stewart, who (like many colonial officials) learnt Cantonese and used it.

After the reader comes to terms with this unexpected limitation, the book is quite interesting. In the first part, Gillian Bickley has assembled a group of commentators with long experience in colonial Hong Kong, who give their reflections based on that experience. A magistrate, a senior police officer, a barrister, a journalist, a socio-linguist, and a historian, combine to give their perceptions, both of the nineteenth century and contemporary parallels. Their comments range from rich insight to banality. The second part of the book contains the press reports of a selection of Stewart's cases, sorted by themes of significance to nineteenth century Hong Kong, such as sailors, kidnappers and traffickers, and pirates and life at sea. Besides these two main parts, there are a number of essays providing useful background to contemporary policing and justice issues. I suggest that one chapter per

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**山显治**

读者对十九世纪香港的现代研究的期望是什么呢? 一既迎合专业人士又照顾普通读者的需求? 1881 年华人占香港人口的多数; 任何研究都应体现他们的见解和经历。但是, Gillian Bickley 对史钊域在 1881-1882 年期间担任警长的短暂任期的研究, 是仅仅建立在英语材料的基础上的, 并没有涉足华人眼中的史钊域以及他作为殖民地地方法官期间的政务。这就好比一个人试图单腿走路一样。这样的疏忽在 1959 年还情有可原, 但在 2009 年则不能。而且, 这样做也体现了对史钊域的缺乏尊重, 他和许多殖民地官员一样, 曾学习并使用粤语。

如果读者接受这个意想不到的局限之处, 则这本书还是相当有趣的。在第一部分, Gillian Bickley 通过多位长期生活在香港殖民地的人士之口, 讲述他们的所见所闻。地方法官、高级警官、律师、记者、社会语言学家、历史学家, 轮流发表自己对十九世纪及当代香港的看法, 他们的评论既有陈词滥调之谈, 也不乏深远明智之见。第二部分涵盖媒体对某些史经手案件的报道, 以对十九世纪香港较有意义的主题分类, 诸如, 水手类、绑架和走私类、以及海盗和海上生活类等。此外, 还有诸多短文, 提供了当时的警务及法律事务背景。建议每日一章的阅读会令你兴趣盎然, 阅读速度加快意味着将会看到许多重复之处, 而阅读速度放缓则有可能跟不上史钊域的办事节奏。1000 多条脚

day would provide an enjoyable read. To read at a faster rate means encountering much repetition, to read at a slower rate risks losing the thread of Stewart's service. The more than 1,000 footnotes could be left for later consultation.

Through the prism of the Police Magistrate's Court, narrowed through the further prism of the newspaper reporting of Stewart's cases, the reader will find a fascinating introduction to life in Hong Kong in 1881. Stewart himself is of major interest, due to his work in a variety of fields in Hong Kong, especially education. But it is the characters who appear in court, as defendants, as complainants, as police prosecutors, and as witnesses, who are really interesting. We have a window on their society and on their individual lives. And it is a truism of human perversity that some of the cases (eg maltreatment of servants, larceny) could be reported today in almost similar words. But straying cattle are unlikely to feature in contemporary Hong Kong law reports.

Most of those who appeared in court in one capacity or another were Chinese. These glimpses of their domestic and professional lives provide a background to a deep contradiction between the Chinese populace and their colonial rulers. This contradiction was soon to explode in fatal riots during October 1884. Stewart, as a colonial official and particularly as a Police Magistrate, worked at the interface between rulers and ruled. We cannot expect him to have the same perspective as we have today. Caught in his particular time, Stewart seems to have worked conscientiously and fairly as a judicial officer. And the commentators show that he treated those who came before him, whether Chinese or European, South or Southeast Asian, according to the same principles. Nevertheless, it would be interesting to know of his cases and his reputation in the Chinese press, or through the records of Chinese organisations such as the Tung Wah Hospital and the Po Leung

注可以留作后续参考。

通过地方法官的法庭这面棱镜，再通过史钊域案件的报纸报道，读者就会发现自己被引入 1881 年迷人的香港生活当中。史钊域本人是读者主要兴趣所在，因为他就职于香港的诸多领域，尤其是教育领域。可真正让人兴味盎然的却是那些出现在法庭上的人物，如被告、原告、检察官、证人等，他们为我们敞开了了解他们的社会及个人生活的窗户。众所周知人性的反复无常，某些案件（如，虐待仆人，盗窃等）即便在今天，也可能用几乎相同的语调来报道。但是离经叛道者不可能占据当代香港的法律报道的主流。

出庭的各个职业的人大多数是华人。他们的家庭生活和职业生活提供了了解华人大众与其殖民统治者之间的深切矛盾的背景。很快这种矛盾在 1884 年十月激化成为严重的暴乱事件。史钊域，作为一名殖民地官员，尤其是一名地方警长，其工作的界面是在统治者与被统治者之间。我们不能指望他的观点与我们今日的观点相同。在那个特殊的时代大潮中，他似乎尽职尽责地公正地履行着他作为司法官员的职责。人们对他的评论显示，他对待面前的人们，无论是华人还是欧洲人，无论是南亚人还是东南亚人，都一视同仁。无论如何，了解他的案件，他在华文媒体的声名，或是华人机构如东华医院、保良局等的记录，都是一件有趣的事。

Kuk.

In his preface, Sir T L Yang comments on the transformation of Hong Kong to a world city. He suggests that the transformation might be first put down to the legal system of Hong Kong. Other commentators could put other features ahead of the legal system. But there is no doubt that the legal system has been an important factor in making Hong Kong what it is today. It may seem surprising for those who can only see the wigs and gowns, but in 1997 there was a strong consensus in Hong Kong, accepted in Beijing, that the common law legal system should be retained. Police Magistrate Frederick Stewart was briefly part of that system as a judicial officer.

The first edition of this work was published in 2005. The publishers inform us that this second edition reformats the first edition with slight corrections and additional material. There are a number of undated photographs and sketches of Hong Kong to support the text.

**Profile:**

Roderick O'Brien is an Australian lawyer. From 1974 to 1976, he taught at the University of Hong Kong, and from 1995 to 2005 he taught in several universities in China.

杨铁梁爵士在序中谈到香港变身为世界级都市的转变。他提出这种转变首先可能归功于香港的法律制度。其他人也许会将其他因素置于法律制度之前，但毫无疑问，香港能有今日的面貌，其法律制度是功不可没的。对于那些只看到假发与长袍的人来说，他们惊讶地发现，在 1997 年，香港达成一项强烈共识，并被北京认可，即普通法法律制度应该得到保留。史钊域警官曾经以司法官员的身份成为这一制度的一部分。

本书第一版发表于 2005 年。出版社声称，此第二版在第一版基础上重新排版，做了某些细微修改并增加了内容。文中还新增大量有关香港的图片。

**作者简介:**

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