

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

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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 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 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.