

# 002-09 Law and the Administration of Justice 法律与司法行政

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### 1. Law and the Administration of Justice 法律与司法行政

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The first legal concern 法律关注点；法律考量 for the British 系 was whether the Chinese in Hong Kong should be governed (v.) according to British or Chinese law.

This consideration 考虑；斟酌 was grounded 以.....为基础；基于 both in *legal theory and practice* 法律理论与实践 throughout the empire and in *the specific local conditions* of Hong Kong.

这种考量，既基于整个帝国的法律理论与实践，也基于香港特定的当地情况。

Because the British selectively 有选择地；选择性地 incorporated (v.)并入；吸收；使并入 the legal traditions 法律传统；法律惯例 of the people 后定说明 they conquered 征服；攻克；占领, as more territories 领土；领地；地区 were incorporated (v.) /主 the empire 谓 inherited (v.)继承；承袭；获得 a web 错综复杂的事物；网络 of legal systems that combined English common law 普通法；英美法系, British statutory (a.)依照法令的，法定的；成文法的 law 成文法；制定法, and local customary law 习惯法；不成文法.

Example 1. 案例

法律类型	来源 (Source)	核心逻辑	在香港的例子
English Common Law (英国普通法)	法官的判例。积攒了数百年的法院判决。	遵循先例。既然以前的法官这么判，我也这么判。	合同纠纷、人身伤害赔偿的原则。
British Statutory Law (英国成文法/制定法)	议会通过的法案。白纸黑字的法律条文。	条文至上。由立法机构（如英国议会或香港立法局）正式颁布。	各种《条例》(Ordinances)，如《商船条例》。
Local Customary Law (本地习惯法)	民间的传统习俗。长期以来大家公认的规矩。	入乡随俗。尊重被征服地区的文化传统，减少统治阻力。	1970年代以前香港华人社会的《大清律例》残余（如纳妾、丁屋政策）。

### 总结

Common Law : 看老法官怎么说（经验主义）。

Statutory Law : 看政府怎么写（命令主义）。

Customary Law : 看老祖宗怎么传（传统主义）。

Part of the reason for incorporating (v.) local law 系 was practical 切实可行的；实际的：the British realized that /they could not impose 推行；强制实行 radical 彻底的；根本的 changes on areas **as large and diverse** 多种多样的；形形色色的, for example, **as** India.

But another reason was the belief / that non-British peoples could be ruled (v.) only through their own native systems.

Also, during the negotiations for the Treaty of Nanking, Qing officials had demanded that /Chinese in Hong Kong be subject to 服从；受……支配 Chinese legal jurisdiction 司法权；管辖权；审判权.

此外，在《南京条约》的谈判期间，清朝官员曾要求，在港华人应受中国司法管辖。

#### Example 2. 案例

Qing officials had demanded that /Chinese in Hong Kong **be** subject to...

我问：这里为什么用了 **be** subject to, 而不是 **is** 或 **are** subject to ?

► DeepSeek:

**这里使用 **be** 而不是 **is/are**，是因为它遵循了动词 **demand** 所要求的 虚拟语气 规则。**

虚拟语气 (Subjunctive Mood):

**在表示命令、要求、建议、决定等动词 (如 demand, require, suggest, insist, order, decree) 后的 that 宾语从句中，无论主语是什么人称、单复数，谓语动词都需使用 动词原形 (或 should + 动词原形)。**

- 结构：[主句动词] + that + / [主语] + (should) + 动词原形 ...
- 在美国英语和正式书面英语中，**常省略 should，直接使用动词原形。** 英国英语中 should + 动词原形也更常见。

对比理解：

- 虚拟语气 (要求)：They **demanded** that he **be** punished. (他们要求惩罚他。) —— 这是他们提出的要求内容。
- 陈述语气 (事实)：They **said** that he **was punished**. (他们说他已经受到了惩罚。) —— 这是他们陈述一个事实。

**所以，这里的 **be** 是虚拟语气的标志，表明这是清政府官员在谈判中提出的一个正式要求或主张，而非对已成事实的描述。**

又例：

每类动词下，例句1展示“**省略 should，直接使用动词原形**”的形式（更正式、美式），例句2展示“**保留 should**”的形式（更常见于英式）。

	例句 (省略 should，动词原形)	例句 (保留 should)
1.要求类 (demand, require, ask, request)	The contract <b>demands</b> that /payment <b>be made</b> within 30 days. (合同要求在30天内付款。)	The contract <b>demands</b> that /payment <b>should be made</b> within 30 days.
2.建议类 (suggest, recommend, propose, advise)	<ul style="list-style-type: none"><li>I <b>suggest</b> that /she <b>apply for</b> the position. (合同要求在30天内付款。)</li><li>The board <b>proposed</b> that /the chairman</li></ul>	<ul style="list-style-type: none"><li>I <b>suggest</b> that /she <b>should apply for</b> the position.</li><li>The board <b>proposed</b> that /the</li></ul>

	例句 (省略 should , 动词原形)	例句 (保留 should)
	step down. (董事会提议主席应辞职。) (我建议她申请这个职位。)	chairman should step down.
3.命令/指示类 (order, command, instruct, direct)	The court ordered that /the land <b>be returned</b> to its original owner. (法院命令将土地归还原主。)	The court <b>ordered</b> that /the land <b>should be returned</b> to its original owner.
4.坚持/主张类 (insist, maintain, urge)	He insisted that /the report <b>remain</b> confidential. (他坚持要求报告必须保密。)	He <b>insisted</b> that /the report <b>should remain</b> confidential.
5.决定/安排类 (decide, arrange, decree)	We have decided that /the meeting <b>take</b> place next Monday. (我们已决定会议于下周一举行。)	It was arranged that /he <b>should meet</b> us at the airport. (已经安排好他应在机场与我们见面。)
6.重要/必要类 (It is vital/essential/imperative that...)	It is <b>essential</b> /that every member <b>attend</b> the meeting. (至关重要的是，每位成员都必须出席会议。)	It is <b>essential</b> /that every member <b>should attend</b> the meeting.

关键注意事项:

Header 1	Header 2
不可改变动词形式 : <b>即使主语是第三人称单数，动词也不加 -s。</b>	<ul style="list-style-type: none"> <li>✓ 正 : He demands that she <b>be</b> (不是 is) present.</li> <li>✗ 误 : He demands that she <b>is</b> present.</li> </ul>
被动语态 : 结构同样适用，使用 be + 过去分词。	✓ They requested that /the document <b>be sent</b> immediately.
否定形式 : 在动词原形前直接加 not。	✓ The doctor suggested that /he <b>not smoke</b> . (医生建议他不要吸烟。)
与陈述语气的区别 : 这是最容易混淆的地方。	<ul style="list-style-type: none"> <li>虚拟语气 (表要求) : I suggest that he <b>go</b>. (我建议他去。) —— 这是我的提议内容。</li> <li>陈述语气 (表观点/事实) : I think that he <b>goes</b>. (我认为他经常去。) —— 这是我认为的事实。</li> </ul>

► gemini:

这里涉及到虚拟语气 (Subjunctive Mood)。

**当主句的动词表示“要求、建议、命令、决定”等含义时，后面的 that 从句中通常要用 (should) + 动词原形。即使 should 被省略了，动词依然要保持原形。**

常用的这类动词口诀是 “一个坚持 (insist)、两个命令 (order, command)、三个建议 (suggest, advise, propose)、四个要求 (demand, require, request, ask)” 。

- Qing officials had **demanded** that /Chinese in Hong Kong **be subject to** Chinese legal jurisdiction.  
(should) be 强调这是一种“主张”，而非“既成事实”

清朝官员在说：“我不管现在是什么情况，我要求未来的规则应当是这样的。” **因为这是一个“愿望”或“提议”，而不是在陈述一个已经发生的客观事实，所以英语里要用这种特殊的“原形”来**

### 表达这种虚构的、期望的状态。

对比一下：

- 陈述事实：Chinese in Hong Kong **are** subject to the law. (香港华人目前受该法律管辖。  
—— 这是一个客观现状。)
- 表达要求：They **demanded** that /Chinese **be** subject to the law. (他们要求华人应受该法律管辖。—— 这是一个提议或命令。)

The result was some allowance 容许；准许；预留 for Chinese law and custom **as long as** 只要，只要...就 they did not violate British prohibitions 禁令；禁止 against slavery 奴隶制；奴隶身份。

其结果是，只要不违反英国对奴隶制的禁令，中国的法律和习俗就会得到一些宽容。

### Example 3. 案例

The first legal concern for the British was whether the Chinese in Hong Kong should be governed according to British or Chinese law.

This consideration was grounded both in legal theory and practice throughout the empire and in the specific local conditions of Hong Kong.

Because the British selectively incorporated the legal traditions of the people they conquered, as more territories were incorporated the empire inherited a web of legal systems that combined English common law, British statutory law, and local customary law.

Part of the reason for incorporating local law was practical: the British realized that they could not impose radical changes on areas as large and diverse, for example, as India. But another reason was the belief that non-British peoples could be ruled only through their own native systems.

Also, during the negotiations for the Treaty of Nanking, Qing officials had demanded that Chinese in Hong Kong be subject to Chinese legal jurisdiction.

The result was some allowance for Chinese law and custom as long as they did not violate British prohibitions against slavery. 英国人首要的法律考量是香港华人应受英国法律还是中国法律管辖。这一考量既基于整个帝国的法律理论和实践，也基于香港的具体情况。由于英国有选择地吸收了被征服民族的法律传统，随着更多领土的并入，帝国继承了一张由英国普通法、英国成文法和当地习惯法交织而成的法律体系网络。吸收当地法律的部分原因是出于实际考虑：英国人意识到，他们无法对像印度这样幅员辽阔、文化多元的地区进行彻底的改革。但另一个原因是，他们认为非英国民族只能通过其自身的本土法律体系进行统治。此外，在《南京条约》的谈判中，清政府官员曾要求香港华人接受中国法律管辖。最终的结果是，只要不违反英国禁止奴隶制的规定，中国法律和习俗就得到了一定的保留。

Until recently, historians have generally assumed that /this arrangement **left** (v.) the Chinese population of Hong Kong mainly **to its own devices** (手段；策略；方法；技巧) 听其自然；自行处理；不加干涉。

### Example 4. 案例

#### **LEAVE SB TO THEIR OWN DEVICES**

to leave sb alone /to do as they wish, and not tell them what to do 听任某人自行其是；对某人不加干涉

The early British vision 构想；愿景 of colonial Hong Kong 谓 was frequently called “Anglo-China,” which *in the words of* 以.....的话来说 Christopher Munn meant (v.) “a

model 典范；模式 of British good government, a living exhibition 展示；展览 of European civilization, a meeting point 聚会地点,交会点 between east and west, where 主 *the manners* 习俗；礼仪, *institutions* 制度；机构 *and technologies* of both cultures 谓 **would engage (v.)相互作用；接触；(使) (机器) 咂合，接合 each other** in a productive 多产的, 富有成效的 and beneficial 有利的；有益的 way."

英国早期对殖民时期香港的构想,常被称为“英华”(Anglo-China),用克里斯托弗·芒恩的话说,这意味着“一个英国良好治理的典范,一个欧洲文明的生动展示,一个东西方的交汇点,在这里,两种文化的礼仪、制度和技术将以富有成效且有益的方式相互交融”。

Because the colonial government failed to help Hong Kong fulfill (v.) this vision /and was unable to obtain (v.) reliable help from the local Chinese leadership, until the late 1800s /both the government and European residents 谓 increasingly viewed (v.) the majority of Hong Kong's Chinese population as 罪犯.

Hong Kong had one of the largest *police forces* in the British Empire, a huge military presence 军事存在；驻军, *an elaborate* 精心设计的；复杂的 *system* of monopolies 垄断 and taxes, and *oppressive (a.)*压迫的；严苛的 *curfews* 宵禁 and *registration* 登记 *programs* for controlling the majority Chinese population.

With *a criminal justice* 司法的 *system* that created *new offenses (n.)*犯罪；违法行为 and *punishments (n.)*惩罚 后定说明 **applicable** 适用的 **only to** them, 主 the Chinese in Hong Kong 谓 “lived (v.) under *a constantly changing (a.)*, *labyrinthine (a.)*错综复杂的；迷宫般的 *system of intrusive (a.)*侵入的；侵扰的 *regulatory (a.)*管理的；监管的 *laws and policing* 警务的；治安的 *practices*, which increasingly criminalized (v.)使...成为犯罪；将...定罪 many daily activities /and **brought** (v.) thousands of people **into** direct contact with the police and the courts 法院；法庭.”

由于存在一套仅适用于他们的、不断新增罪名和刑罚的刑事司法体系,香港的华人“生活在一个不断变化、错综复杂的监管法律和警务实践体系之下,这个体系将越来越多的日常活动,定为犯罪,导致数千人直接与警方和法院产生接触。”

#### Example 5. 案例

【主句】

—【状语】 With a criminal justice system  
    └【定语从句】 that created new offenses and punishments  
        └【后置定语】 applicable only to them,

—【主语】 the Chinese in Hong Kong  
    └【谓语+宾语(引语)】 “lived under a constantly changing, labyrinthine system  
        └【后置定语】 of intrusive regulatory laws and policing practices,  
            └【非限制性定语从句】 , which  
                └【并列谓语1】 increasingly criminalized many daily activities  
                └【并列连词】 and  
                └【并列谓语2】 brought thousands of people into direct contact  
                    └【介词短语】 with the police and the courts.”

什么叫做“非限制性定语从句”?

非限制性定语从句,是对先行词起“补充说明”作用的从句,与主句用逗号隔开,去掉后不影响主句句意。主要特点:必须用逗号、关系词不可省略、不能用that引导、可修饰整个句子。

### 用法：

- 标点符号：非限制性定语从句，与主句之间，**通常用逗号隔开。**
- 内容说明：**提供额外信息，而非必要限制条件，省略后主句意思依然清楚。**
- 引导词：常用 who, whom, whose, which, where, when, as。**绝不能使用 that。因为在英语中，that 具有很强的“指向性”和“限定性”（比如指示代词 that book）。它的作用是把范围缩小到特定的对象。而非限制性从句只是“顺带一提”的附加信息，并不起限定作用。**既然不需要“限定”，使用具有强限定意义的 that 就会产生逻辑矛盾。  
一句话总结：that 的天职是“指定那个”，而非限制性从句的任务是“多说一句”，两者属性不合。
- 关系词省略：关系词在从句中作宾语时，不能省略。
- 修饰对象：可以修饰前面一个词、短语，或者整个主句。
- **修饰句子：通常用 which 引导，翻译为“这……”，如：She passed the exam, which surprised us all. (她通过了考试，这让我们很惊讶)。**
- 特殊引导词as：**as可用于非限制性定语从句，常意为“正如”、“就像”，位置更灵活，可放在主句前、中、后。**

### 比较示例：

- 限制性：The people **who** were late 谓 had to wait. (被限制的：只有迟到的人才需要等)
- 非限制性：My brother, **who** is a doctor, 谓 lives in New York. (补充说明：我有一个哥哥，他住在纽约，他碰巧是医生)

### 区分两种从句的需求：

如果 that 既能引导“限制性”也能引导“非限制性”从句，就很难仅凭引导词判断信息是“必须的”还是“额外的”。**为了提高语言效率，英语演变成了一套明确的分工：that 负责“锁定目标”（限制性），而 wh- 词（如 which, who）配合逗号负责“补充说明”（非限制性）。**

### 理解

随着一套刑事司法体系 (With a criminal justice system) (这个体系创设了新的罪名与刑罚 (that created new offenses and punishments) (这些罪名与刑罚仅适用于他们 (applicable only to them))), 香港的华人 (the Chinese in Hong Kong) “生活在一个体系之下 ( “lived under a system) (这个体系是不断变化的、迷宫般的 (constantly changing, labyrinthine (a.))) (是关于侵入性监管法律和治安惯例的 (of intrusive regulatory laws and policing practices), 这个体系 (which) 日益将许多日常活动定罪 (increasingly criminalized (v.) many daily activities) 并且使成千上万人进入直接接触 (and brought thousands of people into direct contact) (与警察和法院的) (with the police and the courts).”

- criminal (a.) justice (n.) system : 刑事司法体系。指包括立法 (创设罪名)、执法 (警察)、司法 (法院)、刑罚 (监狱) 的完整链条。
- offenses and punishments : 罪名与刑罚。offenses 是法律上界定的犯罪行为，punishments 是对应判处的刑罚。
- intrusive (a.) regulatory (a.) laws : 侵入性监管法律。intrusive指“侵入的、干涉的”，形容法律过度介入私人生活领域。
- policing practices : 治安惯例/警务实践。指警方在执行法律、维持秩序时形成的具体操作模式和常规做法，不一定是成文法。

### labyrinth

( formal ) a complicated series of paths, which it is difficult to find your way through 迷宫；曲径

→ 来自希腊语 labyrinthos, 迷宫，原为希腊神话中克立特岛上一座用来关牛妖的宫殿，可能来自 labrys, 双刃斧，皇权的象征，用来指皇室宫殿。同时由该神话衍生 clue.

#### Example 6. 案例

Until recently, historians have generally assumed that this arrangement left the Chinese population of Hong Kong mainly to its own devices.

The early British vision of colonial Hong Kong was frequently called “Anglo-China,” which in the words of Christopher Munn meant “a model of British good government, a living exhibition of European civilization, a meeting point between east and west, where the manners, institutions and technologies of both cultures would engage each other in a productive and beneficial way.” Because the colonial government failed to help Hong Kong fulfill this vision and was unable to obtain reliable help from the local Chinese leadership, until the late 1800s both the government and European residents increasingly viewed the majority of Hong Kong’s Chinese population as criminals.

Hong Kong had one of the largest police forces in the British Empire, a huge military presence, an elaborate system of monopolies and taxes, and oppressive curfews and registration programs for controlling the majority Chinese population.

With a criminal justice system that created new offenses and punishments applicable only to them, the Chinese in Hong Kong “lived under a constantly changing, labyrinthine system of intrusive regulatory laws and policing practices, which increasingly criminalized many daily activities and brought thousands of people into direct contact with the police and the courts.” 12 直到最近，历史学家普遍认为，这种安排使得香港华人居民基本上只能自谋生路。早期英国对殖民地香港的设想常被称为“英中”，正如克里斯托弗·蒙恩所言，其含义是“英国良好治理的典范，欧洲文明的鲜活展示，东西方文化的交汇点，两种文化的礼仪、制度和技术在此相互促进，互惠互利”。由于殖民政府未能帮助香港实现这一愿景，也未能从当地华人领袖那里获得可靠的支持，直到 19 世纪末，政府和欧洲居民都日益将香港的大多数华人视为罪犯。香港拥有大英帝国规模最大的警察部队之一，庞大的军队驻扎，一套复杂的垄断和税收体系，以及严苛的宵禁和登记制度，以此来控制占人口多数的华人。由于香港的刑事司法系统不断创设新的罪行和刑罚，且这些罪行和刑罚仅适用于香港华人，香港华人“生活在一个不断变化、错综复杂的侵入性监管法律和警务实践体系之下，该体系日益将许多日常活动定为犯罪，并使成千上万的人与警察和法院直接接触。” 12

Hong Kong’s early *criminal justice* 刑事司法 system was supposed 被期望 to blend 使混合；融合 the best of the Chinese and English systems.

In practice, argues Munn, “the Chinese in the colony got the worst of both worlds. 主 Heavy policing 警务管制；严格执法 and a mesh 网状结构；错综复杂的组合 of mystifying 令人困惑的；难以理解的 legislation 法律；法规 designed to regulate (v.) behaviour that would have been regulated 虚拟语气 (“过去将来完成时”被动语态) by other means in China 谓 brought them into more frequent contact with the authorities than they would have experienced 虚拟语气 at home.”

穆恩认为，实际上，殖民地的中国人得到了两个世界中最糟糕的东西。严密的警力和一系列令人费解的法规，这些法规旨在规范在中国本应通过其他方式进行监管的行为，这使得他们与当局的接触，比在国内更频繁。“

#### Example 7. 案例

【主句】

- 【主语（并列）】 Heavy policing and a mesh of mystifying legislation
  - └【后置定语】 designed to regulate behaviour
    - └【定语从句】 that would have been regulated by other means
- 【谓语】 brought
- 【宾语】 them

【宾语补足语】 into more frequent contact with the authorities  
 【比较状语从句】 than they would have experienced at home.

### mystify

(v.)[ VN] to make sb confused because they do not understand sth 迷惑；使迷惑不解；使糊涂

SYN baffle

• They were totally mystified (v.) by the girl' s disappearance. 那女孩失踪使他们大惑不解。

→ -myst-神秘 + -i- + -fy动词词尾

★★ 这里用到的虚拟语气: would have + 过去分词

时间线就是:

---- IF I had done (过去的过去)-----I would have done (过去)-----now---

即: 说话人已知过去的事并非如此，现在只是在头脑中做一个相反的假设和推论。

**结构 : If + 主语 + had done, /主语 + would/could/might + have done**

• 功能：表达一种对过去已无法改变之事的遗憾、假设或反事实推论。

• **这个结构最常见的用法是，用于谈论与过去事实相反的假设，及其可能结果。**

假设条件 (if从句)	推测结果 (主句)
If + 主语 + had done	主语 + would/could/might + have done
描述一个与过去事实相反的假设情况。	描述在那种假设情况下，本会/可能/也许发生的结果。
If I had taken an umbrella,	I wouldn't have gotten wet. 如果我带了伞，我就不会淋湿了。
If she had studied harder,	she would have passed the exam. 如果她更努力学习了，她就通过考试了。
If you hadn't told me,	I wouldn't have known. 如果你没告诉我，我就不会知道。

本段中: 虽然句子没有使用完整的 If从句，但核心逻辑完全一致:

Header 1	<p>时间线就是:</p> <p>---- IF I had done (过去的过去)-----I would have done (过去)-----now---</p> <p>即: 说话人已知过去的事并非如此，现在只是在头脑中做一个相反的假设和推论。</p> <p>would have + 过去分词结构: 是"对过去情况进行假设" 的虚拟语气的标准形式，表示 "本会/将会(但实际并未)发生" 的动作或状态。</p>
<ul style="list-style-type: none"> <li>would have been regulated : 虚拟语气 ("过去将来完成时"被动语态)。</li> </ul>	<p>蕴含的完整逻辑 : If this behaviour had occurred in China, it would have been regulated by other means (such as social customs, clan rules).</p> <p>这些行为 (在香港被法律监管) 如果发生在中国，本会/将会被其他方式 (可能是非法律方式) 规范。</p>
<ul style="list-style-type: none"> <li>would have experienced : 同样是虚拟语气。</li> </ul>	<p>蕴含的完整逻辑 : If they had stayed in China (at home), they would have experienced (a certain frequency of) contact with the authorities.</p>

他们（在香港的经历）比“如果他们留在国内，本会/将会经历的与当局的接触”，更加频繁。

Nor was *the administration* 实施；执行 *of justice* in Hong Kong 表 **in accordance (n.) with** 与.....一致；依照 *legal practices* in England.

香港的司法，也不符合英国的法律惯例。

Because the chief magistrate 首席裁判官；首席治安法官 was part of the executive branch 行政部门 **rather than** an independent judiciary 司法部门；司法机构, he was often more concerned (a.) with fighting crime **than** administering (v.) justice 执行司法；施行审判.

Early magistrates 地方法官, 裁判官；治安法官 were very poorly qualified 合格的；胜任的 or even unqualified 不合格的；无资格的；不胜任的.

Instead, the government **relied on** so-called China experts 专家；人才 **such as** Chief Magistrate William Caine, who **was often implicated** 牵涉，涉及（某人）；使卷入（丑闻、罪行等） **in** corruption 腐败；贪污 /and was so **well known for** 以.....而闻名 his harsh (a.) 严厉的；严酷的 punishments that *the British House of Commons* 下议院 expressed (v.) concerns 表达担忧；提出关切.

相反，政府依赖于所谓的中国问题专家，如首席裁判官威廉·凯恩（William Caine）。凯恩经常涉嫌腐败，并以严厉的惩罚而闻名，以至于英国下议院（House of Commons）表达了担忧。

The Hong Kong Supreme Court 最高法院 had no *grand jury* 大陪审团 to determine (v.) /if prosecutions 起诉；检举 should go to trial 交付审判；开庭审理.

The *attorney* 律师；代理人 *general* 检察总长；司法部长 **served as** the public prosecutor 公诉人.

Juries 陪审团 were small, **consisting of** six men who were almost all European.

#### Example 8. 案例

Hong Kong's early criminal justice system was supposed to blend the best of the Chinese and English systems.

In practice, argues Munn, “the Chinese in the colony got the worst of both worlds. Heavy policing and a mesh of mystifying legislation designed to regulate behaviour that would have been regulated by other means in China brought them into more frequent contact with the authorities than they would have experienced at home.”<sup>13</sup> Nor was the administration of justice in Hong Kong in accordance with legal practices in England. Because the chief magistrate was part of the executive branch rather than an independent judiciary, he was often more concerned with fighting crime than administering justice. Early magistrates were very poorly qualified or even unqualified.

Instead, the government relied on so-called China experts such as Chief Magistrate William Caine, who was often implicated in corruption and was so well known for his harsh punishments that the British House of Commons expressed concerns.

The Hong Kong Supreme Court had no grand jury to determine if prosecutions should go to trial.

The attorney general served as the public prosecutor.

Juries were small, consisting of six men who were almost all European. 香港早期的刑事司法制度本应融合中英两国制度的优点。然而，正如蒙恩所言，在实践中，“殖民地华人却遭受了两种制度的弊端。严密的警力部署和错综复杂的法律法规，使得他们在香港与当局的接触比在国内更为频繁。”<sup>13</sup> 此外，香港的司法行政也不符合英国的法律惯例。由于首席裁判官隶属于行政部门而非独立的司法机构，他往往更关注打击犯罪而非伸张正义。早期的裁判官资质低下，甚至根本不具

备资格。政府转而依赖所谓的“中国专家”，例如首席裁判官威廉·凯恩。凯恩经常卷入贪污丑闻，并因其严厉的刑罚而臭名昭著，以至于英国下议院都对此表示担忧。香港最高法院没有大陪审团来决定是否提起公诉。总检察长兼任公诉人。陪审团规模很小，由六名几乎全是欧洲人的男子组成。

Colonial officials' frequent declarations 后定说明 *to the contrary* 相反地, 主 the administration of justice 司法 in early Hong Kong law 系 was not impartial 正的，不偏不倚的.

与殖民地官员的频繁声明相反，早期香港法律的司法并不公正。

#### Example 9. 案例

Colonial officials' frequent declarations 后定说明 *to the contrary*

- 这不是一个完整的句子或从句，而是一个“独立主格结构” (Absolute Construction / Nominative Absolute)。它相当于一个省略了引导词和系动词的状语从句。
- to the contrary* 与此相反的. 常用作后置定语

完整从句形式 : **Although** colonial officials 谓 frequently made declarations *to the contrary*, ... (尽管殖民官员频繁作出相反的声明，...)

或 : **Despite** colonial officials' frequent declarations 后定说明 *to the contrary*, ... (尽管殖民官员有频繁的相反声明，...)

省略连接词和谓语动词，保留核心名词成分，形成独立主格 : Colonial officials' frequent declarations 后定说明 *to the contrary*, ...

与主句形成强烈的“对比或让步关系”。此处即是让步：“尽管官员们声明相反，但司法并不公正”。

原文 : *Colonial officials' frequent declarations* 后定说明 *to the contrary*, the administration of justice in early Hong Kong was not impartial.

直译 : 殖民官员们频繁的 (与此) 相反的声明 (暂且不论)，早期香港的司法行政并不公正。

意译 : 尽管殖民官员一再宣称司法公正，但早期香港的司法实践并无公正可言。

Courts often presumed (v.)假定；推定 that /Chinese defendants 被告 were guilty, and judges such as John Walter Hulme were known for being especially tough (a.) on non-European defendants 被告.

Unfamiliar with British law, Chinese were less able to appeal 上诉 unfavorable 不利的；不公正的 verdicts 判决；裁决.

They were often charged (v.)指控 and convicted (陪审团的) 定罪；宣判有罪; (经过检验或认真考虑后的) 决定，结论，意见 for very minor offenses 违法行为；罪行.

#### Example 10. 案例

verdict

(v.) 1.a decision that is made by a jury in court, stating if sb is considered guilty of a crime or not (陪审团的) 裁定，裁决，裁断

• Has the jury **reached a verdict** ? 陪审团作出裁定了吗？

• The jury **returned a verdict** (= gave a verdict ) of guilty.陪审团作出了有罪的裁决。

——see also majority verdict open verdict

2. ~ (on sth/sb) : a decision that you make or an opinion that you give about sth, after you have tested it or considered it carefully (经过检验或认真考虑后的) 决定，结论，意见

• The coroner **recorded** 记载 a verdict of accidental death. 验尸官作出了意外死亡的结论。

•The panel will **give their verdict** on the latest video releases. 专题小组将就最近发行的录像提出他们的意见。

•Well, **what's your verdict?** 那么，你有何意见呢？

→ **ver-**, 真实的，词源同 **verify**, -dict说，词源同 **dictionary**. 引申词义公正，裁决。

Because many Europeans believed that Chinese were undeterred (a.)未被吓住的；未被阻止的 by “easy” British justice, Chinese **were** usually **punished** more severely than Europeans.

Public flogging 鞭笞 **was routinely applied to** Chinese /because many colonists 殖民者 believed that /poor Chinese **preferred** the colonial jail **to** life on the street.

当众鞭打中国人是惯例，因为许多殖民者认为，贫穷的中国人宁愿在殖民地的监狱里生活，也不愿流落街头。

Punishments such as caning 杖刑；鞭打 and wearing the cangue 枷（中国古代刑具）were applied only to Chinese.

#### Example 11. 案例

##### cane

(v.) 1. [ C] the hard hollow stem of some plants, for example bamboo or sugar (某些植物，如竹或甘蔗的) 茎

2. [ U] these stems used as a material for making furniture, etc. (用于制作家具等的) 竹竿，藤条

•a cane chair 藤椅

3. [ C] a piece of cane or a thin stick, used to help sb to walk 竹杖；藤杖；手杖  
——see also walking stick

4. [ C] a piece of cane or a thin stick, used in the past in some schools for beating children as a punishment (旧时学校用于惩罚学童的) 竹杖，藤条

•to get the cane (= be punished with a cane) 受藤条鞭罚

(v.) [ VN] to hit a child with a cane as a punishment 用藤条鞭打，用藤杖打，鞭笞（作为惩罚）



##### cangue



In March 1859, after two British nationals 国民；公民 were hanged for killing a Chinese boy, Colonial Secretary William Mercer **offered the executions** 处决；死刑 **as an example** of how “under the authority 权威；权力 of British law, 主 equal justice 谓 is

**dealt** 发牌 **to** all persons **without regard to** 不顾；不考虑 nation, **to** blood, or **to** any accidental circumstances whatsoever 任何；无论什么。”

1859年3月，在两名英国公民因杀害一名中国男孩而被绞死后，殖民大臣威廉·默瑟（William Mercer）将这次处决作为一个例子，说明“在英国法律的权威下，所有人都享有平等的正义，而不考虑国籍、血统或任何偶然情况”。

Although this execution is said **to have impressed** (v.)使留下深刻印象 Chinese authorities in Kowloon with the quality of British justice, 主 crimes (n.) 后定说明 committed 犯（罪） by Europeans against Chinese 谓 **were generally treated** more lightly 轻微地；不严厉地 than those 后定说明 committed by Chinese against Europeans.

Example 12. 案例

Although this execution is said **to have impressed** Chinese authorities...

虽然这次处决，据称给中国官员留下了印象...

Header 1	Header 2
to have done ← 表示这个动作, 发生在另一个动作之前.	<p>to have impressed Chinese authorities... <b>不定式的完成式</b>, 表示不定式所表示的动作（impressed），发生在主句谓语动词（is said）所表示的动作（“被说”）之前。</p> <p>即时间线是: -----this execution <b>have impressed</b> (过去的过去)-----it is said (过去)----- now</p> <p>像发生“给中国官员留下影响”，后发生“据说”。所以在不定式 to impress的基础上，需要使用其完成式 to have impressed，以明确这种先后时间关系。</p> <p>比较：</p> <ul style="list-style-type: none"><li>If we say: ...is said <b>to impress</b>...(这暗示“留下印象”这个动作与“据说”同时，或在其之后发生，逻辑不通。)</li><li>Correct: ...is said <b>to have impressed</b>...(这表明“留下印象”发生在“据说”之前。先有“处决留下印象”这个历史事件，后有“人们如此传说”这个当前状态。)</li></ul>
我继续问: this execution is said 这件事, 显示是发生在“过去”的, 为什么不用“过去时” this execution was said ... ?	<p>► DeepSeek:</p> <ul style="list-style-type: none"><li>用 <b>was said</b>：焦点在“过去某个时间点曾有人这样说”，这个说法本身已成为历史。</li><li>用 <b>is said</b>：焦点在“（截至作者写作时或一般而言）人们普遍这样认为/传说”，将这个说法作为一种“当前公认的叙述或观点”来呈现。</li></ul> <p>即：</p> <ul style="list-style-type: none"><li><b>is said(现在时):</b> 强调“据说”这一状态在叙述的当下仍然存在、有效或被普遍接受。它将该说法呈现为一个“当前的共识、公认的记载或持续存在的观点”，而不深究是谁、在哪个具体时间点说的。</li><li><b>was said(过去时):</b> 强调“据说”这个动作本身发生在过去的某个特定时</li></ul>

Header 1	Header 2
	<p>间。<b>它暗示了</b>“有人说”这个具体的行为，并且<b>这个说法可能仅限于那个时期，后来可能改变了。</b></p> <p>假设我们在2024年写这段历史：</p> <ul style="list-style-type: none"> <li>用 is said：“这次处决据称（在1850年）给中国官员留下了深刻印象。” 解读：<b>截至我2024年写书时，历史书、档案或学者们的普遍叙述都是这么记载的。</b>我作为作者，在当下引用了这个当前公认的叙述。</li> <li>用 was said：“这次处决在当时据称给中国官员留下了深刻印象。” 解读：我特别强调，这个说法是在1850年处决发生后不久，由当时的人（比如殖民政府为了宣传）提出的。<b>这个说法可能只是当时的舆论，后来可能被推翻或质疑。</b></li> </ul> <hr/> <p>► gemini:</p> <p><b>is said (现在被说)</b>：这是一个“客观评价”或“史学定论”。即使处决发生在1840年，但“大家公认/据说有这么回事”这个状态是一直持续到现在的，或者说是目前公认的历史说法。</p> <p><b>to have impressed (曾经留下印象)</b>：这里用了 to have + 过去分词，正是为了交代那个“留下印象”的动作，是发生在“据说”这个动作之前的（即发生在“过去的过去”）。</p> <ul style="list-style-type: none"> <li>秦始皇 据说 (is said) 统一了度量衡。 虽然统一动作是两千年前的，但“书上这么写/现代人这么认为”这个状态是现在的，所以用 is said。如果你用 was said，那就变成“两千年前的人们说秦始皇统一了度量衡”，侧重点变成了古人的舆论。</li> </ul>
<p>我继续问：假如我们一定要改成 was said，是不是原句后面的 have impressed 也要改成 had impressed？</p> <ul style="list-style-type: none"> <li>即从 Although this execution <b>is said to have impressed</b> Chinese authorities in Kowloon</li> <li>变成：<b>was said to had impressed</b></li> </ul>	<p>► DeepSeek:</p> <p>假如我们一定要将主句 改为过去时态 was said，<b>其后的不定式短语，不需要改为 to had impressed，而应保持原样，即 was said to have impressed.</b></p> <p><b>因为不定式的时态，不受主句时态影响。</b></p> <p>无论主句是现在时 (is said) 还是过去时 (was said)，只要想表达“辞职”的动作发生在“据说”的动作之前，就必须使用不定式的完成式 to have resigned。不能将不定式改成“过去时” to had resigned，<b>因为 to 后面必须接动词原形（即 to have，其完成体体现在 have 后的过去分词 resigned 上）。</b>英语中没有 to had done 这种结构。</p> <ul style="list-style-type: none"> <li>He <b>is said to have resigned.</b> (据说他辞职了。) 逻辑：“辞职”发生在“据说”之前。<b>表示不定式动作，先于主句谓语。</b></li> <li>He <b>was said to have resigned.</b> (当时据说他辞职了。) 逻辑：“辞职”发生在“据说”之前，而“据说”这个动作本身也是过去的。<b>同样表示不定式动作，先于主句谓语。</b></li> </ul> <hr/> <p>► gemini:</p>

Header 1	Header 2
	<p>你直觉里想把后面的 have impressed 也“配套”修改，说明你已经意识到了时态一致性 ( Tense Harmony )。</p> <p>但在英语中，to 后面只能接 动词原形。所以 to had 是不存在的，应该是保持 to have 不变，或者改变它的形式。</p> <ul style="list-style-type: none"> <li>• <b>to have + 过去分词</b> (Perfect Infinitive) → 表示“动作发生在‘说’之前” 这个结构就像是一个“时间倒回键”，告诉读者：后面的动作比前面的谓语动词更早。 例句：He <b>was believed to have stolen</b> the money. (当时人们相信他在那之前偷了钱。)</li> <li>• <b>to + 动词原形 (Present Infinitive)</b> → 表示“动作与‘说’基本同时” 这个结构就像是“同步直播”，两个动作在同一时间维度。 例句：He <b>was believed to be innocent</b>. (当时人们相信他是清白的。)</li> </ul>

be said to have done 是一个常用报道结构，同类结构还有：

- He **is believed (过去) to have left** (过去的过去) the country. (据信他已离开该国。)
- The painting **is considered (过去) to have been** (过去的过去) a masterpiece. (这幅画被认为曾是杰作。)
- She **was reported (过去) to have recovered**. (过去的过去) (据报道她已康复。)

#### Example 13. 案例

Colonial officials' frequent declarations to the contrary, the administration of justice in early Hong Kong law was not impartial.

Courts often presumed that Chinese defendants were guilty, and judges such as John Walter Hulme were known for being especially tough on non-European defendants. Unfamiliar with British law, Chinese were less able to appeal unfavorable verdicts. They were often charged and convicted for very minor offenses.

Because many Europeans believed that Chinese were undeterred by “easy” British justice, Chinese were usually punished more severely than Europeans.

Public flogging was routinely applied to Chinese because many colonists believed that poor Chinese preferred the colonial jail to life on the street.

Punishments such as caning and wearing the cangue were applied only to Chinese.

In March 1859, after two British nationals were hanged for killing a Chinese boy, Colonial Secretary William Mercer offered the executions as an example of how “under the authority of British law, equal justice is dealt to all persons without regard to nation, to blood, or to any accidental circumstances whatsoever.” Although this execution is said to have impressed Chinese authorities in Kowloon with the quality of British justice, crimes committed by Europeans against Chinese were generally treated more lightly than those committed by Chinese against Europeans. 尽管殖民官员经常宣称司法公正，但早期香港的法律实践并非如此。法庭往往假定华人被告有罪，而像约翰·沃尔特·休姆这样的法官更是以对非欧洲裔被告格外严厉而闻名。由于不熟悉英国法律，华人上诉的能力较弱。他们常常因轻微罪行而被起诉和定罪。因为许多欧洲人认为华人不会被英国“宽松”的司法制度吓倒，所以华人通常比欧洲人受到更严厉的惩罚。公开鞭刑是华人的惯常刑罚，因为许多殖民者认为贫穷的华人宁愿待在殖民地监狱也不愿流落街头。诸如鞭笞和戴头巾之类的刑罚只适用于华人。1859年3月，两名英国公民因杀害一名中国男孩而被处以绞刑。殖民地大臣威廉·默瑟将此次处决作为例证，说明“在英国法律的权威下，所有人都将受到平等的司法对待，不分国籍、血统或任何偶然因素”。尽管据说这次处决给

九龙的中国当局留下了深刻的印象，让他们对英国的司法质量有了更充分的认识，但欧洲人对华人犯下的罪行通常比华人对欧洲人犯下的罪行受到更轻的处罚。

The colonial legislature 立法机构 also passed (v.) various ordinances 法令；条例 **applying only to** the Chinese population.

In October 1842, after **a rash** 皮疹，一连串（不愉快的事）of gang robberies 抢劫；盗窃案，Caine issued (v.) a proclamation 公告；宣言 **prohibiting** (v.) all Chinese, except for watchmen 看守人；守卫, **from** walking in the streets after 11:00 p.m.

After 1845, the registrar general 户籍总监；总务官 had the right to enter (v.) any house 后定说明 inhabited 居住于；栖居于 by Chinese; all Chinese households 家庭；户 **had to be registered** (v.)登记；注册 with the government, as did Chinese servants 仆人；佣人 working for Europeans.

1845年以后，登记官有权进入任何华人居住的房屋；所有的中国家庭都必须在政府登记，为欧洲人工作的中国仆人也是如此。

#### Example 14. 案例

我问：这里, all Chinese households had to be registered 为什么用了被动 be registered? 登记这种行为, 不是 Chinese households 主动去做的么？难道是被政府做？

► DeepSeek:

为什么用被动语态更准确？

强调义务而非动作：**had to be registered** 强调的是一种必须被完成的状态（“必须被登记”）。这是法律条文和官方规定的典型表达方式，旨在客观陈述要求，不关心具体由谁跑腿。

即句子的焦点是“登记”这个状态必须达成，而不是“由谁去执行登记这个动作”。

如果使用主动语态 “all Chinese households **had to register...**”，在严格语法上也是正确的，但其含义更侧重于“华人家庭有责任去发起并完成登记动作”。然而，在当时的殖民语境下，这项规定是政府强加的、单方面的命令。被动语态 **had to be registered** 更能体现这种强制性和非自愿性——家庭是“被要求登记”的对象。

这种 “have to+ 被动不定式”的结构在描述规则、流程时非常常见：

- All applications **have to be submitted** by Friday. (所有申请必须在周五前被提交。) —— 规定的是结果（申请被提交的状态），不指定是申请人自己交还是秘书代交。
- The package **has to be cleared** by customs. (包裹必须被海关清关。) —— 描述一个必要的程序环节。
- These forms **had to be filled out** in duplicate. (这些表格当时必须被填写一式两份。) —— 描述过去的一项手续要求。

原句：After 1845, ... all Chinese households **had to be registered** with the government...  
直译：1845年后，.....所有华人家庭都必须在政府处登记（直译：都必须被登记在政府处）。

After 1845, the registrar general **had the right to enter any house inhabited by Chinese;** all Chinese households **had to be registered with the government,** **as did Chinese servants** working for Europeans.

我问：这里 **as did Chinese servants working for Europeans.** 用了倒装么 (as do/does/did + 主语)，为什么？

Header 1	Header 2
► DeepSeek:	确实使用了倒装结构。这是一种常见的、为了避免重复而采用的“比较状语从句倒装”。

Header 1	Header 2
	<p>倒装过程还原：</p> <ul style="list-style-type: none"> <li>正常语序(不省略，不优美)：as Chinese servants working for Europeans also had to be registered.</li> <li>为避免重复，用助动词 did 替代前面相同的谓语部分：as Chinese servants working for Europeans also did. (此处的 did 替代了 had to be registered)</li> <li>为强调“同样”，并符合“as + 助动词 + 主语”的倒装习惯，将助动词 did 提前到主语 Chinese servants 之前，形成倒装：as did Chinese servants working for Europeans.</li> </ul> <p>为什么用倒装？</p> <ul style="list-style-type: none"> <li>避免重复，使行文简洁：这是最主要的功能。从句的主语 (Chinese servants) 和主句的主语 (all Chinese households) 不同，但谓语部分 (had to be registered) 完全相同。用助动词 did 替代整个谓语，再用倒装结构引出新的主语。</li> </ul> <p>这种“as do/does/did + 主语”的结构，在学术、法律、历史等正式文体中非常常见，用以表达“与……情况相同”。</p> <p>例：</p> <ul style="list-style-type: none"> <li>He is an excellent student, as is his sister. (他是个优秀的学生，他姐姐也是。)</li> <li>The company expanded (v.) rapidly last year, as did its main competitor. (该公司去年扩张迅速，其主要竞争对手同样如此。)</li> <li>She enjoys (v.) classical music, as do I. (她喜欢古典音乐，我也喜欢。)</li> </ul>
► gemini:	<p>是的，这里使用了部分倒装(Partial Inversion)。 具体结构是：as + 助动词 (do/does/did/have/can) + 主语。</p> <p>为什么要倒装？</p> <ul style="list-style-type: none"> <li>避免重复：为了承接前句的谓语动词，避免再说一遍 had to be registered。即 did 是一个代动词，它代替了前文提到的动作：had to be registered。</li> <li>句式平衡：在 as 引导的这种“比较或类比从句”中，如果主语 (Chinese servants working for Europeans) 比较长，把动词 did 放在前面会让句子读起来更稳重，不会“头重脚轻”。</li> </ul> <p>正常语序 ... as Chinese servants did. 倒装语序 ... as did Chinese servants...</p> <p>又例：</p> <ul style="list-style-type: none"> <li>He believed in the project, as did most of his colleagues. (他相信这个项目，他的大多数同事也是如此。) → did 替代了 believed。</li> <li>The city was beautiful, as were the surrounding mountains. (这座城市很美，周围的山脉也是如此。) → 这里因为前文是 was，所以后面用 were 匹配复数主语。</li> </ul>

An ordinance 法令；条例 passed *in 1857 during the Second Opium War* required (v.) Chinese to carry (v.) night passes 夜间通行证 issued 签发；发放 by the superintendent 主管；负责人 of police.

It also allowed any European “**acting as** a Sentry 哨兵；卫兵 or Patrol 巡逻者；巡逻队 at any time **between** *the hour of Eight in the Evening and Sunrise*” **to** “**fire upon** 向.....开火, with *intent or effect* to kill 意图或结果致其死亡, **any Chinaman** <旧，冒犯> 中国人 **后定①** whom he **shall** 将要, 将会 **meet (v.) with** or **discover (v.) abroad** (该华人) 是他将要遇到, 或发现其在户外的 / **后定②** and whom he **shall have reasonable ground** 合理理由 **to suspect (v.)** 怀疑 of being so abroad *for an improper purpose* 并且 (该华人) 他有合理理由怀疑其 (以那样的状态) 在户外是出于不当目的的, **后定③** and 主 who (指华人) 状 *being challenged* 盘问；质问 by him (指欧裔人) 谓 **shall neglect (v.) or refuse (v.) to make proper answer** to his challenge (面对他(欧裔人的挑战).” 并且 (该华人) 经他盘问后, 忽略或拒绝作出适当回答的。

该法令也允许任何欧洲人 (“在晚上八点, 至日出期间的任何时间, 担任岗哨或巡逻任务时”) 可以 “向任何华人 (该华人是他将要遇到, 或发现其在户外的, 并且他有合理理由怀疑“其在户外是出于不当目的的”, 并且该华人经他盘问后, 忽略或拒绝作出适当回答的) 开枪射击, 意图或结果致其死亡”。

#### Example 15. 案例

##### 【主句】

- 主语 : It (法令)
- 谓语 : allowed
- 间接宾语 : any European
  - └ 【定语 (插入引语)】 “acting as a Sentry or Patrol at any time between the hour of Eight in the Evening and Sunrise”
- 【直接宾语 (不定式短语)】 to “fire (v.) upon... any Chinaman...”
  - 【状语】 with intent or effect to kill,
  - 【动词】 fire (v.) upon,
  - 【宾语】 any Chinaman
    - └ 【定语从句1】 whom he shall meet with or discover (v.) abroad
    - └ 【定语从句2】 and whom he shall have reasonable ground to suspect of being so abroad *for an improper purpose* (以那样的状态) 在户外是出于不当目的的, and 主 who (指中国人) 状 being challenged by him 经欧洲人盘问后/谓 shall neglect or refuse to make proper answer 忽略或拒绝作出适当回答的 to his challenge” .
    - └ 【定语从句3】 and who being challenged by him shall neglect or refuse to make proper answer to his challenge” .

It also allowed any European “acting as a Sentry or Patrol /at any time **between** the hour of Eight in the Evening /**and** Sunrise” /**to** “**fire (v.) upon**, with intent or effect to kill 意图或结果致其死亡, **any Chinaman** /**whom** he shall **meet with** 将要遇到 or **discover (v.) abroad** 发现其在户外的 /**and whom** he shall have reasonable ground 有合理理由 **to suspect of** being so abroad *for an improper purpose* (以那样的状态) 在户外是出于不当目的的, **and** 主 who (指中国人) 状 being challenged by him 经欧洲人盘问后/谓 shall neglect or refuse to make proper answer 忽略或拒绝作出适当回答的 to his challenge” .

这三个由 whom... and whom... and who... 引导的定语从句, 层层递进地规定了 “可以射杀”的华人所必须同时满足的三个苛刻条件 : 1) 在户外被遇到 ; 2) 被合理怀疑目的不轨 ; 3) 经盘问后不配合。它们共同修饰 any Chinaman. 体现了法律条文为严密定义适用对象, 而牺牲可读性的特点。

Header 1	Header 2
to “fire (v.) upon..., any Chinaman...”	“向.....开枪射击， .....任何华人”
with intent or effect to kill	意图或结果致其死亡。 法律术语，涵盖 “主观故意杀人” 和 “客观致人死亡” 两种情况。
定语从句1 (修饰Chinaman) : whom he shall meet with or discover abroad	(该华人) 是他将要遇到或发现其在户外的 (限制性定语从句，设定条件) <ul style="list-style-type: none"> <li>abroad : 在此处是古旧用法，意为 “在户外、在外、不在室内”，而非 “在国外” 。</li> <li>shall : 在法律英语中，shall用于表示强制性的规定或义务。此处三个 shall都用于定语从句中，表示 “将会（遇到）” 、“应有（合理理由）” 、“应（忽略或拒绝）” ，带有法律规定的规定性。</li> </ul>
定语从句2 (并列修饰Chinaman) : and whom he shall have reasonable ground to suspect of being so abroad for an improper purpose,	并且 (该华人) 他有合理理由怀疑其 (以那样的状态) 在户外是出于不当目的的 (并列定语从句，进一步设定条件)
定语从句3 (并列修饰Chinaman) : and who being challenged by him shall neglect or refuse to make proper answer to his challenge.	并且 (该华人) 经他盘问后，忽略或拒绝作出适当回答的。 (并列定语从句，设定最终条件) <ul style="list-style-type: none"> <li>being challenged : “在被盘问的情况下”。这是一个现在分词短语的“被动式”，作定语从句中的时间/条件状语。</li> <li>proper answer : 适当的回答。指符合盘问者要求的回答，解释权在盘问者。</li> </ul>

我继续问：这里的三个后置定语，前面两个都用了 whom，为何最后一个用的是who？即 who being challenged by him ?

前两个用 whom (是who 的宾格)，因为它们在从句中作宾语；最后一个用 who，因为它在从句中作主语。

Header 1	Header 2
[定语从句1] : ...any Chinaman whom he shall meet with or discover abroad...	<ul style="list-style-type: none"> <li>结构 : he(主语) + shall meet with or discover(谓语动词) + whom (宾语)。</li> <li>作用 : whom 是及物动词 meet with 和 discover的宾语。因此必须用宾格 whom。</li> </ul>
[定语从句2] : ...and whom he shall have reasonable ground to suspect of being so abroad...	<ul style="list-style-type: none"> <li>结构 : he(主语) + shall have reasonable ground to suspect(谓语) + whom (动词 suspect的宾语) + of being...(宾语补足语)。</li> <li>作用 : whom是动词 suspect 的宾语。因此必须用宾格 whom。</li> </ul>
[定语从句3] : ...and 主 who being challenged by him 谓 shall neglect	<ul style="list-style-type: none"> <li>being challenged by him 是一个现在分词短语的被动式，在从句中作状语，表示 “在被盘</li> </ul>

Header 1	Header 2
(v.) or refuse to make proper answer...	<p>向的情况下”。它修饰从句的主语，但不充当谓语。</p> <ul style="list-style-type: none"> <li>从句的核心谓语是：shall neglect (v.) or refuse to make...</li> <li>这个核心谓语需要一个主语。这个主语就是关系代词 who.</li> </ul> <p>从句的核心骨架其实是：[who] shall neglect (v.) or refuse to make proper answer...</p>

#### Example 16. 案例

The colonial legislature also passed various ordinances applying only to the Chinese population.

In October 1842, after a rash of gang robberies, Caine issued a proclamation prohibiting all Chinese, except for watchmen, from walking in the streets after 11:00 p.m.

After 1845, the registrar general had the right to enter any house inhabited by Chinese; all Chinese households had to be registered with the government, as did Chinese servants working for Europeans.

An ordinance passed in 1857 during the Second Opium War required Chinese to carry night passes issued by the superintendent of police.

It also allowed any European “acting as a Sentry or Patrol at any time between the hour of Eight in the Evening and Sunrise” to “fire upon, with intent or effect to kill, any Chinaman whom he shall meet with or discover abroad and whom he shall have reasonable ground to suspect of being so abroad for an improper purpose, and who being challenged by him shall neglect or refuse to make proper answer to his challenge.” 14 殖民地立法机构还通过了多项仅适用于华人居民的法令。1842 年 10 月，在发生一系列团伙抢劫案后，凯恩颁布法令，禁止除守夜人外的所有华人于晚上 11 点后在街上行走。1845 年后，登记总署署长有权进入任何华人居住的房屋；所有华人家庭都必须向政府登记，为欧洲人工作的华人佣人也一样。1857 年第二次鸦片战争期间通过的一项法令要求华人必须携带由警察局长签发的夜间通行证。它还允许任何欧洲人在“晚上八点至日出之间的任何时间担任哨兵或巡逻员”时，“向其在国外遇到或发现的任何中国人开火，意图或实际杀死该中国人，只要他有合理理由怀疑该中国人出国目的不正当，且该中国人被他质问后疏忽或拒绝做出适当回应。” 14

Although most of the discriminatory (a.)歧视的；差别对待的 measures of the 1857 ordinances 法令；条例 were removed in 1858, a wave of other ordinances followed.

The Victoria Registration Ordinance 法令；条例 of 1866 谓 required Chinese households 家庭；户 and Chinese servants 仆人；佣人 后定说明 working for Europeans to register (v.) 登记；注册.

Ordinance 法令；条例 14 of 1870 谓 required all Chinese in Victoria to carry lanterns 灯笼 after dark.

The Regulation of Chinese Ordinance 法令；条例 of 1888 谓 forbade 禁止；不准 Chinese to hold public meetings, except for religious ceremonies and festivals, without a permit 许可证；特许证 from the governor.

The European District Preservation 维护；保护 Ordinance 法令；条例 of 1888 reserved 保留；留出 part of the main town for European-style houses.

Although Governor 总督；州长 John Hennessy once called these ordinances 法令；条例 "a monstrous (a.)丑恶的；道德败坏的；骇人的 piece of class legislation 阶级立法," many colonial officials justified (v.)证明.....正当；为.....辩护 these measures **on the grounds that** 基于.....理由；因为 most Chinese in Hong Kong had come there **on their own accord** 自愿；主动 and **could leave** if they wanted to.

Yet even this justification 正当理由；辩护 was flawed (a.)有缺陷的；有错误的, for the colonial government **made no attempt** 尝试；努力 to differentiate (v.)区分；区别；辨别 **between** the Chinese who had lived in Hong Kong before the British occupation **and** the newcomers 新来者；新移民 /or **between** the Chinese who indicated (v.)表明；显示 their desire to stay in Hong Kong for the long-term **and** the sojourners 旅居者；暂住者 who left their families in China.

然而，即使这个理由也是有缺陷的，因为殖民政府没有试图区分 "在英国占领香港之前居住在香港的中国人"，和"新来的人"，也没有试图区分 "那些表示希望长期留在香港的中国人"，和"那些把家人留在中国的暂居者"。

#### Example 17. 案例

Although most of the discriminatory measures of the 1857 ordinances were removed in 1858, a wave of other ordinances followed.

The Victoria Registration Ordinance of 1866 required Chinese households and Chinese servants working for Europeans to register.

Ordinance 14 of 1870 required all Chinese in Victoria to carry lanterns after dark.

The Regulation of Chinese Ordinance of 1888 forbade Chinese to hold public meetings, except for religious ceremonies and festivals, without a permit from the governor.

The European District Preservation Ordinance of 1888 reserved part of the main town for European-style houses.

Although Governor John Hennessy once called these ordinances "a monstrous piece of class legislation," many colonial officials justified these measures on the grounds that most Chinese in Hong Kong had come there on their own accord and could leave if they wanted to.

Yet even this justification was flawed, for the colonial government made no attempt to differentiate between the Chinese who had lived in Hong Kong before the British occupation and the newcomers or between the Chinese who indicated their desire to stay in Hong Kong for the long-term and the sojourners who left their families in China. 尽管 1857年法令中的大多数歧视性措施在1858年被废除，但随后又出台了一系列新的法令。1866年的《维多利亚登记法令》要求华人家庭和为欧洲人工作的华人佣人进行登记。1870年的第14号法令要求维多利亚所有华人天黑后必须携带灯笼。1888年的《华人规管法令》禁止华人未经总督许可举行公共集会，宗教仪式和节日除外。1888年的《欧洲人聚居区保护法令》将主要城区的一部分划为欧式房屋用地。尽管总督约翰·亨尼西曾称这些法令是“骇人听闻的阶级立法”，但许多殖民官员辩称，香港的大多数华人都是自愿来到香港的，他们如果想离开也可以。然而，即使是这种理由也有缺陷，因为殖民政府没有试图区分在英国占领之前就居住在香港的中国人与新来者，也没有试图区分表示希望长期留在香港的中国人与把家人留在中国的短期居民。