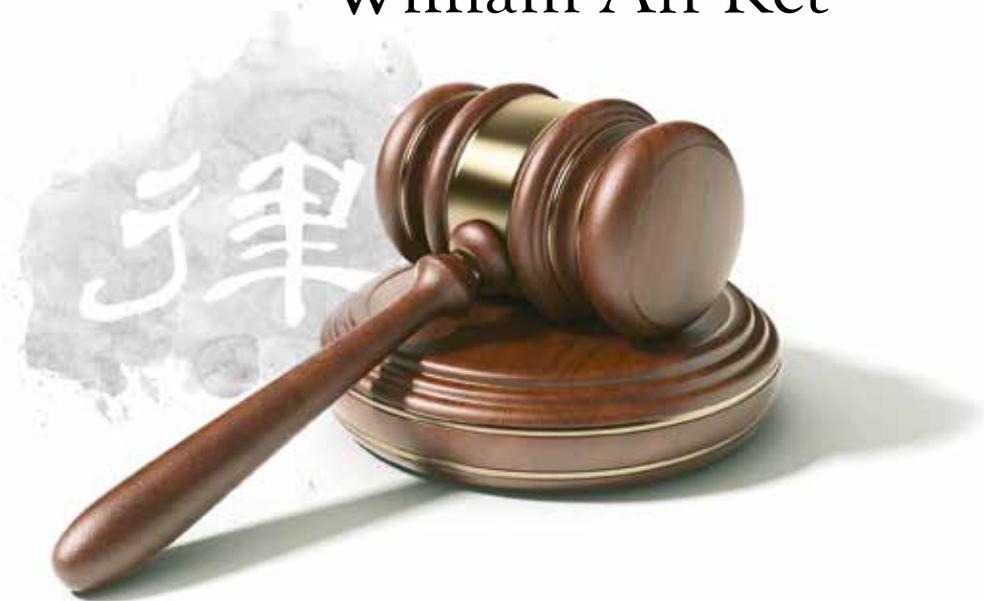


纪念 麦锡详 律师

Commemorating William Ah Ket



本文谨纪念 澳大利亚第一位中国血统的大律师——麦锡详先生。此前一篇讨论华人先锋律师的文章曾经提及到麦锡详律师（详见《商法》第11辑第1期文章《华人法律先锋》）。恰逢麦锡详律师的照片将在位于澳大利亚墨尔本的维多利亚大律师公会肖像馆揭幕，谨以此文纪念这位澳洲华裔大律师第一人。此外，肖像馆正在展出麦锡详律师的纪念品。

麦锡详先生于1876年出生于澳大利亚维多利亚州旺加拉塔市。他的父亲麦吉在1855年来到维多利亚，是维多利亚金矿华工的社区领袖。读完中学后，麦锡详便在墨尔本大学学习法律，之后进入 Maddock & Jamieson 律师事务所（现 Maddocks 律师事务所）。他在1899年完成律师培训后，于1902年获得最高法院法官奖，在1903年获得执业资格。次年他便加入到出庭大律师行列，他被广泛认为是澳大利亚第一位中国血统的出庭大律师，在维多利亚州独立执业。

《澳大利亚传记辞典》这样介绍麦锡详：

麦锡详通过维多利亚大律师公会考核，成为成功出庭大律师，从事民事法律工作。他是著名的辩护律师，以盘问技巧著称，他说话冷静，为人客气，判断敏锐，还是一位杰出的陪审团审判律师。他是一名和解谈判高手。他的同事们亲切回忆他，说他和蔼、合群，景仰他有能力有正义。他擅长作餐后演讲者，同时是一位杰出互济会会员，热衷赛马和高尔夫。

在执业期间，麦锡详结交了澳大利亚许多知名人士，包括澳大利亚前首相罗伯特·孟席斯（Robert Menzies）爵士，有传言称他的演讲技巧就是在观摩了麦锡详在法庭上的辩护后模仿练习形成的。在他的自传中，罗伯特

THIS ARTICLE COMMEMORATES the life of William Ah Ket, Australia's first barrister of Chinese descent. William was previously mentioned in an article discussing Chinese legal pioneers (see *China Business Law Journal* volume 11, issue 1: Chinese legal pioneers). It is timely to commemorate William's life because a photo of him will soon be unveiled in the Portrait Gallery of the Victorian Bar in Melbourne, Australia. In addition, the gallery is currently hosting an exhibition of memorabilia about him.

William Ah Ket [麦锡祥] was born in Wangaratta in the state of Victoria, Australia, in 1876. His father, Ma Ket [麦吉], had arrived in Victoria in 1855 to work as a community leader for the Chinese workers in the state's goldfields. After completing his secondary education, William studied law at the University of Melbourne, and joined the law firm of Maddock & Jamieson (now Maddocks).

After completing his training as a lawyer in 1899, William won the Supreme Court Judges Prize in 1902, and was admitted to practice in 1903. He joined the ranks of barristers the following year, and is widely understood to have become the first Australian lawyer of Chinese descent to practise as a barrister at the independent bar in the state of Victoria.

The *Australian Dictionary of Biography* notes the following in its entry on William Ah Ket:

Ah Ket built up a healthy practice at the Victorian Bar, specialising in civil law. He was in the front rank of pleaders and became renowned as a fine cross-examiner – quietly spoken, courteous and shrewd – and as an outstanding jury man. He acquired a considerable reputation as a negotiator of settlements.



年轻时期的麦锡详

照片来源：由麦锡详家人提供

William Ah Ket as a young man

Source: by kind permission of the Ah Ket family.

爵士这样评价麦锡详：

麦锡详从来没有在法官席上就任过，如果他有的话，他肯定会是一名出色的法官。他在维多利亚大律师公会中是个非常独特瞩目的存在。他的血统完全来自中国，出生在维多利亚东北部。他是一位出色的律师和辩护人。一幅沉稳的东方面孔，喜怒不形于色，尽管他非常有趣，但总是面无表情。总有些客户对这个华裔大律师有偏见，这在一定程度上也限制了他的律师执业，但事务律师们对他评价很高。他比我资深不少，不过，我们是非常要好的朋友。

麦锡详是多元化和社区服务的榜样。他在生活和职业发展中会遇到各种歧视或“竹子天花板”，但他不怨天尤人，而是努力打破障碍，在东西方之间达到和解。从他在1933年的第二场莫理循讲座中也可看出他这种和解的思想。莫理循系列讲座是在1932年为了纪念乔治·厄内斯特莫理循（George Ernest Morrison）而设立的。莫理循是一位出名的澳大利亚人，他于1897年至1919年间在中国生活工作，先是一名记者，而后又成为了中华

Ah Ket's colleagues remembered him with warmth and affection as an amiable and gregarious man, greatly respected for his ability and integrity. He was an excellent after-dinner speaker, a prominent Freemason and a keen punter and golfer.

During his career at the bar, William counted many well-known Australians among his friends, including former prime minister Sir Robert Menzies, who is believed to have modelled his oratory skills after observing William in court. In his memoirs, Sir Robert wrote the following about William:

William Ah Ket did not ever sit on the Bench, though he would have been a very competent judge. He was a phenomenon at the Victorian bar, a full-blooded Chinese born in the northeast of Victoria. He was a sound lawyer and a good advocate. His bland oriental features gave nothing away; his keen sense of fun was concealed behind an almost immovable mask. A certain prejudice among clients against having a Chinese barrister to an extent limited his practice, although instructing solicitors thought very well of him. He was considerably senior to me, but we were great friends.

William was a great model for diversity and service to the community. Despite the discrimination or “bamboo ceiling” that William is likely to have encountered during his life and career, he chose not to focus on his own circumstances but, instead, to work on removing barriers and achieving reconciliation between the West and the East. William’s focus on reconciliation is reflected in the Second Morrison Lecture that he delivered in 1933. The Morrison Lectures series was founded in 1932, to commemorate George Ernest Morrison, a famous Australian who lived and worked in China between 1897 and 1919, first as a journalist and then as a political adviser to the Republic of China, which he represented at the 1919 Versailles Conference at the end of the First World War.

In his Morrison lecture, William questioned whether there was a real difference between the culture of the East and the West, and drew parallels between Western culture and Confucianism. Noting that music had a peculiar charm for Confucius, William mused that if Confucius had lived at that time, “it is quite likely that he would have found in the music of the



中华民国财政部颁发给麦锡详的爱国勋章。他曾作为海外华人澳大利亚代表参加在1912年12月到1913年1月间举行的中华民国国会选举，勋章是在此期间颁发

照片来源：由Sharyn Prentice和Paul (Ah) Ket (dec)提供

The Ministry of Finance, Republic of China Patriot Medal. This medal was presented to William during his visit to China to attend the Chinese National Assembly elections, held in December 1912 to January 1913, as the Australian Delegate for Overseas Chinese

Source: by kind permission of Sharyn Prentice and Paul (Ah) Ket (dec)

民国的一名政治顾问，他曾在一战结束时，于1919年代表中华民国政府参加凡尔赛会议。

在莫理循讲座中，麦锡详质疑东西方文化间是否存在真正的分歧，并列出了西方文化和儒家思想的共通之处。他提到孔子非常喜欢音乐，还开玩笑道如果孔子生活在那个年代，“风笛音乐也很可能让他激情澎湃。”麦锡详本人可能非常喜欢风笛，毕竟他的太太 Gertrude Bullock 就是苏格兰裔。

尽管麦锡详努力融入澳大利亚的主流群体，弥合东西方之间的隔阂，但有资料显示他也接受了生活中的种种障碍和限制。澳大利亚的第一位犹太裔女大律师，墨尔本大学法学院毕业的高级律师 Joan Rosanove QC 的传记中记录了麦锡详和 Joan 之间一段轻松的谈话：

Joan 父亲 Mark 的朋友麦锡详是墨尔本的一个出庭律师，他曾对她说，“我们都选错了职业。我们永远无法实现自己的理想。我们都不可能成为法官，因为你是女性。而我呢，因为我是华裔。我们应该选择医科的。”

关于麦锡详，还有很多奇闻轶事，他也留下了丰富的精神遗产。比如，在繁忙的律师工作之外，他还担任过外交官，在1913年至1914年间，以及在1917年，他曾是中国代理总领事。此外，他对西方古典文化和现代语言研究颇深，他在出庭时还引用过莎士比亚和苏格兰诗人罗伯特·彭斯作品中的话，还有 Gilbert 和 Sullivan

bagpipes something particularly stirring and satisfying to the soul”. William would have had an affinity with the bagpipes as his wife, Gertrude Bullock, was of Scottish descent.

Although William worked hard to become a member of the mainstream community in Australia, and to bridge the gap between West and East, there is evidence that he was resigned to the barriers and limitations that his life involved. The biography of Joan Rosanove QC, an alumna of Melbourne Law School and the first Jewish woman in Australia to be admitted as a barrister, contains the following reference to a light-hearted discussion between William and Joan:

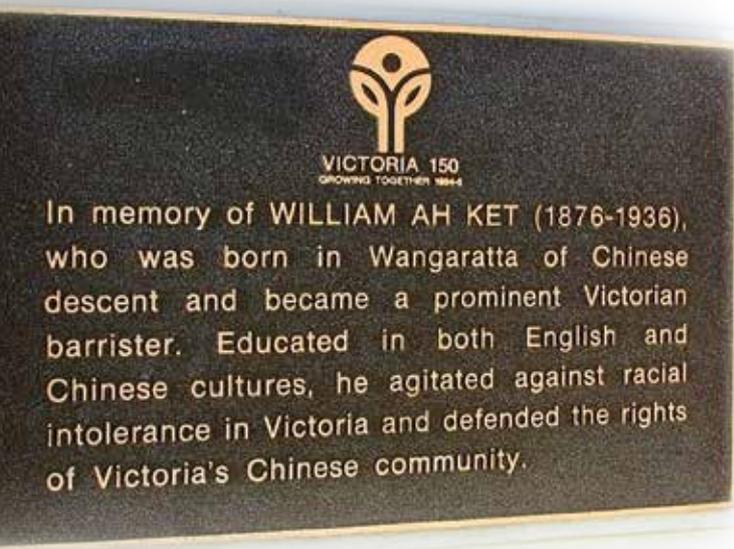
麦锡详在位于墨尔本的 Selborne Chambers, 摄于 1933年 (左右)

照片来源：<http://monumentaaustralia.org.au/>

William Ah Ket in Selborne Chambers, Melbourne circa 1933

Source: <http://monumentaaustralia.org.au/>





澳大利亚维多利亚州旺加拉塔信息中心外面悬挂的一块纪念麦锡详的牌匾。牌匾上的文字：纪念麦锡详先生(1876 - 1936)，一位旺加拉塔出生的华裔，维多利亚州杰出大律师。他同时接受英语和汉语文化教育，与维多利亚州的种族歧视作斗争，捍卫维州华人群体的利益。

图片来源：<http://monumentaaustralia.org.au/>

Commemorative plaque to William Ah Ket outside the Wangaratta Information Centre in Victoria, Australia

Source: <http://monumentaaustralia.org.au/>

(维多利亚时代的歌剧创作搭档)合作的一部歌剧中的台词。

麦锡详和 Gertrude 育有两个儿子和两个女儿。大儿子 William 是一名医生，小儿子 Stanley 是一名事务律师，在 1945 年二战期间服役时丧身。他的大女儿 Melaan 嫁给了英国吉他手 Len Williams。他们的儿子就是世界知名的古典吉他大师约翰·威廉姆斯。麦锡详的小女儿 Toylaan 积极宣传父亲的精神遗产，撰写了一部父亲的传记，这部传记也即将出版。

麦锡详身上融合了各种文化，他的一生都在服务奉献。他的成就值得我们自豪。

A Melbourne barrister, Mr Ah Ket, a friend of Mark's [Joan's father], said to her, "You and I have both chosen the wrong profession, Joan. We will never satisfy our ambitions. Neither of us will ever be made a judge, you because you are a woman, I because I am Chinese. We should have done medicine."

There are many more interesting stories and facts about William and his legacy. For example, in addition to a busy life at the bar, he spent time as a diplomat, serving as acting consul-general for China in 1913-1914, and in 1917. In addition, William Ah Ket possessed a deep knowledge of the Western classics and modern languages, and was known to include quotes from Shakespeare, the Scottish poet Robert Burns, or even a Gilbert & Sullivan opera during his appearances in court.

William and Gertrude had two sons and two daughters. His eldest son, William, became a doctor, while younger son Stanley became a solicitor, but was killed in 1945 while serving in the Second World War. His eldest daughter, Melaan, married the English guitarist, Len Williams. Their son, John Williams, is a world-renowned classical guitarist. His youngest daughter, Toylaan, was a great champion of her father's legacy and wrote a biography of him, which will soon be published.

William's life was one of diversity and service. His legacy is one of which we can all be proud.



葛安德以前是年利达律师事务所上海代表处合伙人，现在墨尔本法学院教授法律，担任该法学院亚洲法研究中心的副主任。葛安德的著作《商法词汇：法律概念的翻译和诠释》重新汇编了其在本刊“商法词汇”专栏撰写的所有文章。该书由Vantage Asia出版。如欲订购，请即登录 www.law.asia

A former partner of Linklaters Shanghai, Andrew Godwin teaches law at Melbourne Law School in Australia, where he is an associate director of its Asian Law Centre. Andrew's book is a compilation of China Business Law Journal's popular Lexicon series, entitled China Lexicon: Defining and translating legal terms. The book is published by Vantage Asia and available at www.law.asia.