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## **Death of a young Shanghailander: the Thorburn case and British Society in China in 1931**

*Robert Bickers*

On June 4th 1931 the *North China Daily News* - the principal British owned English-language newspaper in Shanghai published a small report on page 12 headed “Alleged crime by foreigner: Shooting affair on the Nanking railway: Held by military authorities”. This went on to state that a Russian had been arrested for the murder of two Chinese gendarmes on the 1st of June at around 10pm. He had been seen walking along the line near Zhengyi by a patrol from Kunshan, had been challenged as a prelude to a search but had fired on them and escaped having fatally wounded two men. The following morning a “suspicious looking foreigner” had been arrested in the vicinity and was still being held in custody. The source of this story was the previous day’s *Shenbao*, the leading Shanghai Chinese newspaper which had picked up the story from the Suzhou press. The Russian’s name was given as *Xi si ke tuo qu luo* - which might be transliterated as “Sea Scout”, for reasons which will become clear.

Eight days later the paper returned to the affair and linked it implicitly to the fact that a British youth, John Hay Thorburn, had been missing for 10 days. Interviewed by the paper his father, Mansel Hay Thorburn, said that he had no idea where his son had intended to go when he left his home early on the evening of May 31st. There had been no sign of him since.

Young Thorburn was never seen again by his father and his disappearance sparked off a diplomatic row which, although now largely confined to historical footnotes, deserves a fuller hearing. The affair seriously threatened negotiations then underway between the British and the Nationalist Chinese Government on the dismantling of the system of extraterritoriality enshrined in the so-called “unequal treaties” signed after the opium wars in the mid-19th century. The Thorburn case also played a large part in the radicalisation and mobilisation of British opinion in the

treaty port communities against any reforms of these treaties. The youth's fate has been relegated to the footnotes because in September 1931, before the incident was resolved, the Japanese Kwantung army launched its invasion of Manchuria and the whole question of dismantling the treaties was shelved.

The Thorburn case deserves resurrection because it is interesting in its own right, and because it sheds light on the character of the British settlements which had developed in the Chinese treaty ports; it tells us much about their mood in 1931, and also a great deal about Sino-British relations at this time, in particular, the problems British diplomats faced when it came to dismantling the formal structures of the British "establishment" in China.

### **What happened to John Thorburn**

Before discussing John Thorburn as a "Case" and an "incident", I should like first to look at what happened to him as a 19 year old youth. Just before John's birthday the previous month, Thorburn senior had disturbed his son at home "tidying up" and destroying papers. On May 31st John played tennis in a competition at the Shanghai Race Club with some friends and in the evening, after leaving the house at 8pm, he did not return home. In fact he spent the evening in the company of a woman friend. The following morning Thorburn was driven to Shanghai's North Station and the woman went to the Thorburn house where she handed a letter to his father.<sup>1</sup>

It read:

Dear Dad,

I am leaving Shanghai for an indefinite period on business and do not know when I will get back. I didn't tell you because I know you would try to stop me.

Please tell everyone who enquires that I have gone away for a business trip up country.

Cheerio,

John

(Up-country meant into the interior of China). Questioning her, Thorburn senior elicited only the fact that his son had just left, but she did not know where to. He reported the incident to Consul Blackburn at the Shanghai Consulate-General. Both men were worried. John, according to his father, was “of an adventurous disposition” and had drawn up various schemes for adventure - including joining the Nationalist Chinese army to fight the communists in central China. One of John’s friends confirmed that this was probably what the youth had done. Even more worryingly, John had apparently taken a .45 Webley revolver with him and was travelling with neither passport nor arms permit.

Blackburn wrote to the Nanjing Consul-General asking him to tell the Chinese authorities “that the whole thing is a prank and ask them to turn the boy over to you if they find him”. Mansel Thorburn then reported his son’s action to the Special Branch of the Shanghai Municipal Police [known as the SMP] volunteering the information that his son had probably also taken a small calibre Belgian pistol, with two clips of ammunition, and 45 rounds for his Webley revolver. A missing persons memo, with photographs and a description, was circulated by the SMP. Acting on the *Shenbao*’s report of the shooting near Kunshan SMP Detective Inspector Ross was sent there on June 4th and he confirmed that a foreigner, answering to the boy’s description (most singularly wearing a neckerchief inscribed with the words “Sea Scout Troop”) had been seen before the incident and under arrest afterwards. On the 5th Mansel Thorburn travelled to Nanjing, in search of information about his son “and the alleged Russian”. He learnt nothing and so travelled to Suzhou with a letter of introduction requesting the police to let him view the captured Russian. He met with no luck there either, and returned to Shanghai, but, he reported to the Consul-General, the “demeanour” of the Suzhou Station Master belied his apparent ignorance of any incident.

On the 9th of June Vice-Consul A.L. Scott was sent to Suzhou and spent a week there extracting information from several witnesses; but he continued to be stonewalled by the civil and military authorities. The “cordial” and frank

commanding officer of the Gendarmerie [*Xianbing*], 31 year-old Colonel Huang Zhenwu, denied that anybody had been arrested after the shooting incident; bandits had been involved in an attack but had escaped into the night mist, he reported. The gendarmerie even wrote to the Suzhou papers to correct the previously circulated “erroneous” accounts. Scott concluded that Thorburn had been arrested in Kunshan, taken to Suzhou, and was presently being held in the battalion headquarters, where a washerwoman reported seeing him. He also concluded from the close watch kept on him by the local police, and from the fact that various witnesses who had spoken frankly and informatively to Ross, now kept silent or contradicted themselves, that somebody, presumably the military, was covering up the incident. (The Special Branch had intercepted a Gendarmerie telegram which reported the shooting, the arrest of a Russian and recovery of two pistols. They had also extracted a statement describing a gunfight with *tufei* [bandits] from one of the wounded men in a Shanghai hospital before he died).

The truth about John Thorburn’s movements and fate can be pieced together from the various police reports, and from the official Chinese admission of his death. The question of his probable motives is discussed below. The conclusions reached by Ross and Scott were correct. Thorburn was indeed the “alleged Russian” accused of the shooting on the railway. He had taken the train from Shanghai, probably to Henli, on the 1st. Leaving his bag and his clothing there he changed into blue Shanghai Volunteer Corps trousers with a red stripe down each leg. Wearing the Sea Scout neckerchief he proceeded on foot along the railway line to Kunshan where he bought some peanuts and sweets at a dry goods store. After spending about 2 hours in the town he left, walking along the railway line in the direction of Nanjing. The shooting incident took place near Zhengyi station, along the same line, later that evening. He left at the scene a bag “containing a pistol and a clip of cartridges, a knife, and a cartridge belt containing 19 cartridges, a small bottle of chloroform, a gauze face mask, a long black kerchief, one white shirt and a bunch of keys”. This mysterious collection of objects further impelled the Kunshan troops to search for him.<sup>2</sup> He spent

the night in the house of a Roman Catholic Missionary in Kunshan, but the gendarmes captured him at around 4 or 5 am the following morning, hiding near the Zhengyi station. Covered in mud, with his hands tied behind his back, he was taken to Kunshan and then by train from there to the battalion headquarters in Suzhou.

Under interrogation, according to the official Chinese report, his behaviour was reportedly “extremely insolent”:

When asked if his name was Sea Scout Troop, he replied “Yes”. Asked his nationality, he replied: “I live at Shanghai. Send me to Shanghai and you will then find out”. Asked for his passport, he replied “none”. When shown the bag and its contents and asked whether they were his, he replied “Yes”. When asked why he had shot the gendarmes, he defiantly refused to reply. Because of the report from company headquarters that a brigand had been arrested and because the foreigner had no passport, had carried two pistols, chloroform and a gauze face mask, etc., and because he had bought no railway ticket although he had 20 dollars in notes, and because he had been walking hurriedly on the railway track, the Colonel [Huang Zhenwu] concluded that the man must be a foreign Communist desperado.

Consul Blackburn’s fears had been perfectly realised. At a further interrogation on June 8th, after one of the injured gendarmes had died, Colonel Huang lost his temper. Thorburn allegedly confessed to the shootings. Huang “reviled... and cursed him as an outlaw”; the boy then apparently hit the Colonel. Huang, “in the face of the fierce aspect and savage strength” of the young Briton, shot John Thorburn dead. The body was secretly burnt and the remains scattered as Huang began to cover up the incident.<sup>3</sup>

From June until September there was no reliable news about his whereabouts. Two reports were extracted from the Chinese authorities about the case. The first issued through the Foreign Ministry in mid-July denied all knowledge of the boy or his fate. The second, quoted from above, emerged from an investigation launched on the express orders of Chiang Kaishek on August 5th. Released in October this report gave a much clearer account of Thorburn’s last days. Colonel Huang initially denied all knowledge, but eventually confessed and was sentenced to 16 years imprisonment for the arbitrary execution. The diplomatic debate moved on to the precise amount of compensation to be paid by the Nationalist Government for the death - a debate in which Mansel Thorburn did not shine. With thoughts of setting up a business he

asked for the very large sum of £9000. The Foreign Office agreed to support a claim for £1000 which was eventually met in February 1932.<sup>4</sup>

Colonel Huang was back at work by 1933 as a secretary of the Restoration Society [*Fuxingshe*], the “foot soldiers” of the powerful military secret society sponsored by Chiang Kaishek, known generally as the Blueshirts [*Lanyi she*]. One biographical note comments that in 1931 he was “implicated in the case of an international spy” but was released in 1933, dying in Taiwan in 1969. Huang was a graduate of the first class of the Whampoa Military Academy in 1924-25 [*Huangpu junxiao*], when Chiang was Director of the college, and had been involved in the right-wing Sun Yatsen-ism Study Association [*Sunwen zhuyi xuehui*] and Whampoa Students Association [*Huangpu tongxuehui*]. Such military officers provided the core of Chiang’s loyal and active supporters throughout the period of his rule - which is best described as a military dictatorship. Huang’s career after the incident suggests that his military connections were very good and that his “trial” and “imprisonment” could only have resulted from a fierce struggle within the Nanjing establishment. After all, it has long been recognised that “the civil government... always remained subordinate to the interests of Chiang and the military”. Huang’s “trial” also suggests that Chiang took the case very seriously when the fighting with Japan began in mid-September.

### **Why might the military have killed Thorburn?**

Was Thorburn in fact killed on June 8th? Rumours circulated that he was killed much later: some reports had him strangled secretly in the Suzhou garrison. A family servant claimed to have seen the “young master” in a Shanghai street in mid-June. The reported live sightings were highly improbable.<sup>5</sup> The military certainly killed him, probably later rather than earlier; either out of hand, as the official report claimed, or in a more pre-meditated fashion. The latter is not entirely unlikely. Thorburn was a young European, and had been treated roughly by his captors. The Shanghai Consul General remarked in 1929 that a jury of Shanghai foreign residents

“would never bring in a verdict of “guilty” against a “white” British subject charged with murder or manslaughter of a Chinese.” There is plenty of evidence to prove the truth of this claim.<sup>6</sup> Chinese journalists pointed out that “complaisant British physicians would probably examine the bodies of the dead men... and gravely report that they died from kidney trouble, and were opium smokers and in very poor health anyway.” In fact the Foreign Office, the Legation, the press and the British in the treaty ports never fully accepted the Chinese account of Thorburn’s fight with the gendarmerie.<sup>7</sup> However, a bullet extracted from one of the two gendarmes in a Shanghai hospital had been fired by a pistol of the type Thorburn had taken with him. For the gendarmes concerned it might have seemed more just to take the matter into their own hands. Ideology might also have come into play: the Blueshirts were fiercely nationalistic and anti-imperialist, and advocated the abolition of the treaties and the confiscation of all foreign interests. In killing Thorburn Huang Zhenwu might have well have been indulging in direct political action.

The strategic importance of the Shanghai-Nanjing railway line made the “foreign communist desperado” thesis quite plausible. The Nationalist capital was at Nanjing, where the summer climate is dreadful. Most Nationalist officials visited Shanghai often. It was China’s biggest, wealthiest and most sociable city. Consequently, the Shanghai-Nanjing line was heavily used by senior officials. In June 1931 Nationalist armies were fighting communist insurgency in central China, while from May until December Chiang’s regime faced a revolt and a rival regime led by prominent Nationalist figures based in Canton. The lessons of the Japanese assassination of the old northern warlord Zhang Zuolin, while evacuating Peking by train in 1928, were well remembered. Indeed, in July, Finance Minister Song Ziwen survived an assassination attempt at Shanghai’s North Railway Station. A “foreign communist desperado” was as likely to be in action in such a place as in the mountain fastnesses then under siege in Central China. “Adventurous” dispositions in taciturn foreigners were bound to be misinterpreted.<sup>8</sup>



### **John Thorburn and treaty port society**

This case provides a well-documented opportunity to examine the milieu from which emerges a 19 year old who leaves home with 2 revolvers, para-military uniform and plans for adventure in the interior of a bandit-ridden country in a state of civil war and military dictatorship. In his final judgement on the case, the British Minister to China, Sir Miles Lampson, declared that Thorburn was “mentally unbalanced” when he left Shanghai. A less harsh view was that he was immature, and Mittyish, but fundamentally sane and representative in many ways, albeit in an exaggerated form, of the community from which he emerged.

The foreign and particularly the British communities were certainly finding balance difficult in 1931; they had been on the defensive since serious anti-imperialist agitation began in 1925. They felt themselves attacked by the Chinese, betrayed by their diplomats and by their interest groups (such as the China Association), and misunderstood or caricatured by their domestic compatriots. They were bitter. After all, they saw themselves as pioneers, individualists who had “made good”: inheritors, defenders and extenders of the legacy of “The men from the West who built Asia’s greatest city” from the mudflats alongside the Huangpu river in Shanghai. This historical inaccuracy dominated their presentation of themselves and their case to the outside world and provided, as they saw it, a moral legitimacy that transcended mere treaty. They attempted to abrogate to themselves a right to be consulted over reform, and a right to veto it.

The struggle between “China hand” and the Foreign Office was not original but the debate had entered a new phase. The activities of the British-dominated Shanghai Municipal Council [SMC] in the Shanghai International Settlement had provided a major focus for Chinese nationalist outrage ever since the shooting there on May 30th 1925 of Chinese demonstrators by British-led police. In January 1927 their Concessions at Hankou and Jiujiang were seized from the British by force and it was feared the same would happen to Shanghai. The crisis passed and what became known as the Nanking Government was inaugurated in 1927. Communist, warlord

and factional hiccups aside, it represented the opening of a new phase in China's foreign relations. The Nationalist Party [*Guomindang*] was committed, ideologically and morally, to a nationalist programme. Demands for the abrogation of the "unequal treaties" had proved a very potent and popular rallying cry during the heady days of the Nationalist Revolution. Once in power, however, the regime's practical policies were ambiguous, inconsistent and sometimes rather theatrical (especially the unilateralist and symbolically dated May 4th directive on extraterritoriality in 1931 [see below p.38]). However, the regime's establishment heralded a definitively new era in Sino-Foreign diplomatic relations.

The foreign communities in China were threatened by treaty reform. The bed-rock of the system of settlements and concessions was extraterritoriality - the principle by which foreign subjects of recognised powers in China were subject to the jurisdiction of their own consular system and not Chinese law. The experience of John Thorburn contrasted greatly to the niceties of this arrangement and it did so at this time of great anger and insecurity. Well-publicised negotiations were then underway and the SMC and other interested parties were lobbying hard against reform. With the aid of Lionel Curtis, the Council had commissioned a report on its situation from Justice Richard Feetham, which was published in April and mid-June and garnered a great deal of publicity. In short, this was a potent mix. Thorburn's fate resonated with individual fears for personal safety and for the safety of family and friends in China; while the contemporaneous threat of treaty reform threatened livelihoods and futures - at a time when the world economic situation was bleak.

### **The Thorburn Family**

Mansel Hay Thorburn was the youngest of three sons of the Reverend J. Hay Thorburn, one-time General Secretary of the Free Church of Scotland. One brother had been a surgeon on the Viceroy's staff in India while the other was Chief Instructor at the Cairo Military School. This, then, was a well connected Scottish family widely dispersed and at the service of the British empire. As with many such

family representatives in China, however, Mansel appears to have been the least successful of the trio. He was unemployed at the time of the incident (and still jobless the following February); he had previously been a departmental manager for an agency house and had been in China since at least 1917, probably much earlier. His wife was living in Shropshire with another son whilst a third was in Australia. Thorburn was a member of the Machine Gun Corps of the elite SVC Light Horse but it would be wrong to think of him as anything other than one of Shanghai's "low whites".<sup>9</sup>

It is important to make the distinction clear: Thorburn and his like were not the "China hands", by which is meant here the expatriate traders who worked for British American Tobacco, Jardines, Swires or similar companies. They were in fact would-be colonists, the "small treaty port people", "low whites", "lesser Europeans", or - the term they used to distinguish themselves in Shanghai - "Shanghailanders". They were Britons, largely educated in Britain and the majority would retire to Britain - although this pattern was changing and an embryonic settler class emerging. In their public rhetoric and through communal displays on Empire Day and the King's Birthday they showed that they considered themselves inhabitants of outposts of the British Empire who were loyally furthering its aims. Unsurprisingly, it is clear that their real loyalties were actually to their livelihoods and communities in China.

The term "colonist" is not used lightly. The attitudes sketched above were sufficiently coherent for the term to be useful. This is compounded by the fact that on various occasions over the century of the foreign settlement's existence its residents seriously put forward plans to establish Shanghai as a free port of some sort. As late as 1929 British and American SMC Councillors had indirectly floated this point in London and Washington (in an attempt to circumvent the diplomats in China). On a more popular level various activists, distrustful of the SMC and wary of consular interference and influence, attempted to disrupt the cosy oligarchy which ran affairs and replace it with a council more in tune with Shanghailanders' feelings.

Not all Shanghailanders were British but they comprised more of the British community than any other group while the character of Shanghai foreign society was fundamentally British, although the American community had been developing its own identifiably separate institutions since the end of the Great War. Class tensions arose between resident Shanghailanders and expatriate Britons who considered themselves socially superior and, at the other end of the local hierarchy, with the White Russians and Eurasians.

Thorburn and many other Britons depended on extraterritoriality. It provided more than theoretical protection from Chinese judicial process. It underpinned the way of life and business in the treaty port communities. It enabled foreign-run bodies to administer and provide municipal services, including policing, to the communities. In Shanghai these directly employed a large number of foreigners, and indirectly enabled many more, such as the Thorburns, to live and work there, especially in service trades. If the communities were to be administered in future by the Chinese these jobs were at risk. The experience of Britons who worked for the British municipal authorities in Hankou suggested little security and less compensation when a Chinese administration took over.

Although the Thorburn family was probably already resident in Shanghai William John Hay Thorburn was born in Vancouver in May 1911. He had been educated in England and Scotland but left at 16 for Shanghai to work, with no particular enthusiasm or application, in a series of sales jobs of no particular status. In the three years between school and misadventure he was employed by 4 companies, as locally recruited staff. This meant that he missed out on the benefits earned by those with expatriate contracts and status. Thorburn was also rather too young - and educationally unqualified - to work for companies such as Jardines or Swires - who also felt Shanghai-born staff not quite pukka. His family life appears to have been non-existent. His relationship with his father appears to have been touchy - he had left home once before for a month the previous August after an argument.

His energies were directed elsewhere than his salesmanship and home life. He was “very keen on firearms” and so his father allowed him to join the Light Horse Machine Gun Corps - in which Mansel was a Sergeant, and the local revolver club. John was a “keen volunteer” in a highly militarised society. The SVC in Shanghai accounted for around one third of eligible British men in 1928, the highest national percentage. SVC route marches and inspections were public affairs, expressions of communal solidarity and displays for the benefit of the Chinese, lest they forget.

John Thorburn’s closest friends were of a similar age and background and had similar jobs: they were young Shanghailanders.<sup>10</sup> He appears to have had no Chinese friends, and did not speak much Chinese, while his SVC training and activities were largely predicated on defending the Settlement from internal and external Chinese aggression, as had occurred in May/June 1925 and in early 1927.<sup>11</sup> This was also a society in which white on Chinese incidental violence was frequent enough to have entered local Chinese slang: eating *waiguo huotui* - foreign ham - meant being kicked by a foreigner. Such violence raised few eyebrows in the press or the consular courts. Thorburn’s world was one in which the Chinese were a threat, and had to be closely watched, and one in which they were not treated with any consistent decency.

These young men had various detailed and secret plans for adventure, which had been discovered by Mansel Thorburn. The context has to be informed, firstly, by the fact that British popular culture at this time dealt frequently with Chinese subjects, which formed a recognisable genre, and portrayed China and the Chinese in a variety of ways, usually negative or condescending. The cliché of the warlord-, bandit-, and pirate-infested country was pervasive in the novels, reportage, juvenile fiction, theatre, and films dealing with China - and also in formal press reporting as well. Before arriving back in Shanghai Thorburn, like any other British youth, would have been exposed to such material. This would have been reinforced by the Shanghai press which itself was replete with reports of the activities of warlords, communists, especially a “gang” led by someone surnamed Mao, bandits and pirates. The Royal Navy had been involved in rescuing pirated ships and even as late as 1927 had

launched a punitive operation from Hong Kong against suspected pirate lairs in China. Closer to home the SMP battled it out with armed robbers and kidnappers. The news in Shanghai was rarely dull; but life for a low paid salesman probably was just that. The Sea Scouts, Amateur Dramatics, and tennis do not appear to have satisfied him.<sup>12</sup>

The plans drawn up by the boys as alternatives to the dullnesses of real life and amateur drama included: joining the South African Police or Durban Harbour Police, or, closer to home, fitting out a junk as a “Q” boat to attack pirates, and joining the Chinese army to fight bandits or communists and so on. These “school-boy dreams of adventure”, as the Shanghai Consul-General called them, were possibly as “hair-brained” as Thorburn’s father imagined. But, not only had John and his friends drawn up detailed plans for putting them into effect, they were also able to enact their fantasies in the arena of SVC activities. John himself then attempted to put them into action dressed in his military uniform, armed, carrying his oddly supplied bag and quite possibly having decided to use “Sea Scout” or “Sea Scout Troop” as a code-name.

Ignoring these fantasies or the evidence of his actions, however, the British community portrayed his adventure as leaving to “make good”. This was a vague statement, but in using it they meant to imply that he had gone off honestly intending to better himself through his own efforts, not relying on family or other connections. It implies a frank admission on his part that things had not been going too well in Shanghai and that his life needed sorting out elsewhere. In fact, his own letter (his only verifiably recorded words) merely claimed he was going “on a business trip”. His father never mentioned “making good” but this became the community’s positive, masculine and muscular interpretation of his action. In this way they stressed that as he had acted with the best of intentions he was the victim of his own zeal and, it follows, of unreasonable Chinese militarist brutality. He had previously discussed emigrating to New Zealand, and South Africa, (the latter with Justice Feetham). “Clearly he felt he owed something to society as well as to his own self-respect”,

remarked one newspaper. The *North China Herald* pointed out that his assault on Colonel Huang was provoked by the Colonel's foul language.

"Making good" was an important gloss for it claimed Thorburn as a true treaty port man, well within the scope of Shanghailanders self-mythologisation. Like them, ran the implication, he was an individualist, prepared to risk all in a pioneering spirit. This interpretation the motivations behind his action was also intended to drown out those critics who questioned his sanity in leaving Shanghai in such a fashion, and drew attention to the fact that he was responsible for the deaths of two Chinese men, or those who questioned that he was missing at all.

He not only left for adventure remember (and it should be pointed out that he was not the only Shanghai youth who left on that search), but he was almost certainly leaving to join *Guomindang* anti-communist forces.<sup>13</sup> This raises two themes: anti-communism and foreign military adventuring.

His desire to fight the communists in Central China is more explicable than it at first seems. While the fighting itself was topical, militant anti-communism was characteristic of the British communities in China. The British in Shanghai felt themselves to be on the front line of empire, ranged against Vladivostok and the Comintern. Behind them lay the dominoes: Hong Kong, Indo-China, the Dutch Indies and then, of course, India. This analysis was logical but also fed by fear and attempts to justify the continuing need for a foreign-administered outpost of European empire in China. In practical terms this meant that, in close cooperation with Britain's S.I.S. and Special Branches, or equivalent organisations, in SE Asia, the SMP Special Branch conducted counter-espionage operations against the Soviet Union and Comintern. In June 1931 combined operations led to the arrest in Shanghai of Hilaire Noulens and the exposure of Comintern operations in the Far East. Closer to home Special Branch fought a very successful campaign against the Chinese Communist Party in Shanghai - handing over suspected communists for interrogation or execution by Chinese government agencies.

Anti-communism was also a habit of mind. The hand of the Comintern had been seen behind the whole story of the Nationalist Revolution in China from 1923-1927. This was inaccurate but partly true. Thorburn arrived back in Shanghai from Britain in 1927 - the year of crisis. Anti-communist feeling and propaganda had been mobilised among the British and other foreign communities (and the definition of “communist” used was very wide in scope, and certainly included Chiang Kai-shek until 1927). The Constitutional Defence League and the Shanghai Fascisti (the latter with several hundred members) were just two of the groups very publicly active at this time. The relish with which Shanghailanders watched British troops portray the burning down of a model of the Kremlin during the King’s Birthday tattoo that year can only be imagined.

Not all foreign militancy in China was ideologically driven, however. The foreign advisor and military adventurer was a well-known figure in the history and fiction of the foreign presence. Fighters against the mid-19th century Taiping revolutionary movement, such as Generals Gordon or Ward were still remembered and feted. The SVC’s “Battle of the Muddy Flats” against government forces threatening the settlement in 1854 the subject of mythology. When living in Shanghai as a child in the 1920s, John Espey decided that if he lived in China as an adult, Ward’s career would be his model. General Morris “Two Gun” Cohen and General Frank “One Arm” Sutton were well-known figures in the 1920s. Cohen had become Sun Yatsen’s bodyguard in 1922 and stayed on as a fixer, gun-runner and advisor; when Thorburn went walkabout Cohen was actively involved in the Canton revolt. Sutton made his living as a Warlord’s advisor. Both men achieved fictional status in such novels as Putnam Weale’s *China’s Crucifixion* [1928], and their movements and plans were regularly monitored in the press. Weale himself fought in the Boxer siege of the Peking Legations in 1900, and had been active, fatally so, on behalf of a rebellious warlord coalition in 1930.

John Thorburn’s action was not, then, outlandish by the standards of the Shanghai later mythologised as the “Paradise of Adventurers”. It is also far from



surprising, given the imaginative world he lived in and the realities of events in China, that he opened fire on the gendarmerie that night. He was alone with a bag full of adventuring equipment, a head full of bandits, adventure, and a youthful dose of fear; the tragedy seems inevitable. Ironically, if he had stayed in Shanghai he would have had months of happy soldiering with the SVC in the Shanghai Sino-Japanese crisis of 1932.

### **Using Thorburn: The Response of the British community**

The Thorburn case provided a powerful focus for Shanghailanders mobilisation in opposition to reform. The diplomats were dismissive of these “less responsible” elements and their bluster - although the consuls appear to have been more favourable. Justice Feetham’s *Report*, opposed reform but did so through deeply impenetrable prose. The disappearance, possible torture, mutilation and death of a 19 year old British boy was an easy source of angry empathy. More so because it was also perceived in relation to the deeply negative constructs of the Chinese character prevalent amongst the British. In their view the Chinese were changelessly cruel and corrupt. At one protest meeting about the Thorburn case Boxer year atrocities were cited as proof. It is not surprising to find stories of the mutilation or flogging of the youth so widely believed, nor is it surprising to find accounts of his death characterised by detailed attention to alleged Chinese sadism.

More direct racially motivated fears also arose. The Shanghai British felt themselves surrounded by the Chinese (which of course they were), whom they considered racially inferior, and xenophobic. The image of John Thorburn’s degradation at the hands of Chinese in front of Chinese bystanders or other witnesses recurs over and over. Fear of the humiliation and degradation of the so-called “white race” in front of Asians was a common theme in accounts of Shanghai and China at this time, and especially in propaganda accounts of the treatment of Russians in Manchuria. Without extraterritoriality, went the thinking, the Chinese would leap at the opportunity to treat all Europeans as “they” had dealt with Thorburn. The seeds of

the pervasive racism which characterised the Pacific War were sown well before 1941.

The treaty port press (itself largely owned by Shanghailanders) was instrumental in articulating and mobilising the discontent of the British over the Thorburn case and channelling it towards general opposition to reform. This was initially fuelled by an undiplomatic and inflammatory press statement issued on June 20th by the Shanghai Consulate-General as a background briefing document, but which was generally published in its entirety. It does look as if the Shanghai officials had gone Shanghaileander over the issue. The briefing included two accounts of cruelties supposedly inflicted upon Thorburn - a public flogging in Kunshan and a bayonet thrust, possibly severing part of his ear - that outraged the British treaty port public. It concluded that John Thorburn was alive in custody on the 11th and had then been moved. In early July the *China Press* sent a reporter back along the trail taken by Consul Scott and the SMP and claimed to have proven that Thorburn was beaten, flogged and mutilated when captured. The *Shanghai Evening Post and Mercury* offered a large reward in July for information and, on its front page, kept a daily tally of the length of his disappearance; its star columnist, penned a series of attacks on British diplomats and Chinese politicians. Chasing the reward, a Chinese detective agency sent 20 investigators along the well-traversed trail, and concluded that Thorburn had been beaten to death in Suzhou on June 4th in front a crowd of civilian and military witnesses.

The papers remained guarded in their editorial comment but much space was given on correspondence pages to vented Shanghaileander spleen: "In the good old days a small expedition would have settled matters in a few days" wrote "Indignation". "Hankow" asked whether it was possible to imagine "Sir John Jordan, or that old fighter, Kitchener, putting up with any of this nonsense". The extreme views aired angered Chinese observers, partly because they often suspected that the British press reflected official British thinking - but also because of the often unreasonable virulence of its contentions. The British-owned press in China had long

been a headache for its diplomats - more so as it was still the principal source of copy for the domestic press.

As individuals, and through their clubs and societies, Shanghailanders sent telegrams and letters to the press in Britain and to MP's, acquaintances, and home based organisations. The St. Andrews Society telegraphed Ramsay MacDonald complaining about the "ineffective policy of the Foreign Office" in dealing with the case of the "tortured mutilated or dead" John Thorburn. There was even a wire in Welsh to Lloyd George. Publicity was also maintained through the persistent asking of Parliamentary Questions by two MP's. 2,300 people signed a mass petition in Shanghai. Led by H.G.W. Woodhead grass roots members of the China Association in that city forced through a resolution strongly criticising the British handling of the affair and linking the case directly to the extraterritoriality negotiations. There was a large gathering in Tianjin in September; in Hankou 160 Britons met at a protest meeting. In Shanghai in November 800 met in protest and formed a new organisation, the British Residents' Association [BRA], to represent their interests and by-pass the existing channels, such as the British Chamber of Commerce and the China Association. They protested against the "weakling" Lampson, against the Foreign Office and against the British Government, as well against the iniquities of the Chinese. This was an unprecedented mobilisation of the usually passive British communities. The "remarkable" unity shown over the issue was widely noted.

The leading lights in this agitation were some of the perennial hard-liners, journalists such as H.G.W. Woodhead, smaller businessmen and stalwarts of the SMC; in London, O.M. Green, ex-editor of the *North China Daily News* did his best in letters and articles published in *The Times*. By the end of its first year the BRA had 3,000 members. These were, largely, people very much like the Thorburns. They were Shanghailanders. This was not a new phenomenon at a time of crisis but if the BRA was not exactly new, it was conducted on a previously unknown scale.

British resentment was also symbolised by widespread support for the Japanese in the aftermath of the invasion of Manchuria. Japan's violent actions

appealed to those who felt betrayed by the British Government and its diplomats. For one Briton they were “one of the greatest hopes for the Far East”. Another declared: “We have one consolation and that is that Japan is out to teach them a much needed lesson”. Others, exhibiting what Lampson termed “the rotten state of Shanghai and... particularly the vindictive spirit now prevalent there” vented their anger by condemning appeals for charity flood relief after widespread and damaging flooding of the Yangzi valley in August that year.

The problem of managing the “less responsible” elements among the British residents of Shanghai was a continual one, as it was even in other formally colonial societies. Shanghai was, however, different in that consular control over Britons, except in those areas covered by Kings Regulations, was indirect and toothless. In the International Settlement there were few means of directly imposing the official will of the diplomats and consuls. On the whole, however, in collaboration with the more “responsible” (such as the ex-consul Harold Porter, Chairman of the China Association), the community was kept in line. The Shanghai Consul General ensured that the members of the SMC were carefully chosen and cooperative. (The electoral qualifications also succeeded in disqualifying many Britons). Pressure was kept up on newspaper editors, and if necessary owners, not to inflame situations. At times of crisis such as in 1925, however, this informal influence was apt to break down and, although Shanghai was small in size, it could ignite problems which threatened the British position throughout China.

The diplomats and their “respectable” allies temporarily lost control of the public behaviour of the British inhabitants of the treaty ports in the late summer of 1931. The Thorburn case caught them by surprise and complicated the handling of publicity surrounding treaty reform. The treaty port press was viewed as a real problem during the early days of serious negotiations; the papers were searching for information and for issues with which to attack the diplomats. In Feetham’s *Report*, but more empathetically in the fate of John Thorburn, they were given their issue. The virulence and scale of the Shanghailanders reaction suggests both how cornered

they were, but also how strong they felt and the degree to which they had been mobilised over the issue. There was a very insular view - but it was an insularity bred out of communal solidarity and shared purpose.

### **Diplomatic themes**

This purpose was certainly not shared by the British diplomats. They were more interested in the wider sphere of Sino-British relations and trade and, on the whole, were moving to the belief that the foreign communities in China - especially the Shanghailanders - were anachronistic, more trouble than they were worth and an impediment to smooth diplomatic and trading relations.

The major diplomatic themes which emerge during the case contrast nicely with those of the British residents. Firstly, although the military planners and letter-writers, such as “Hankow” and “Indignation”, still felt the use or threat of force was feasible when dealing with China “gunboat diplomacy” was now untenable. When a British oil salesman was murdered in 1926 three gunboats rushed to the scene, to “encourage” the local Chinese. The response to Thorburn’s disappearance included consular search parties, persuasion, bluster and pompous ceremonial. The 1920s had seen other military actions, notably intervention in Canton in 1924, the Wanxian débâcle which finished in a Royal Naval bombardment of that Yangzi town in 1926, and naval raids on suspected pirate bases. Others saw that the consequences were now too dangerous. As was found during the botched operation at Wanxian, Chinese military prowess could not be so easily derided as it had once routinely been. Secondly, the threat of painful economic retaliation was real. Chinese urban protest movements in response to foreign actions were effective weapons and Chinese opinion was outraged at the attention given to Thorburn’s murder as opposed to his own violence. If he was released to face trial in Shanghai and acquitted, as all thought likely, it would outrage the Chinese. A single death had precipitated the chain of events which led to the crippling May 30th Movement in 1925. It was not the last individual event to have such national consequences.

It might be argued (and certainly was at the time) that the British, unlike the Japanese, now also lacked the will to initiate such actions. A more convincing explanation lies in the fundamental shift in British policy towards China that was first signalled in Austen Chamberlain's "December Memorandum" of 1926 and his Birmingham speech in January 1927. In a measure drawn up in somewhat of a panic at the height of the Northern Expedition of the *Guomindang* it was admitted that the old treaty provisions were "antiquated" and demands for revision "fundamentally... reasonable". When conditions were settled in China, and when a strong central Chinese government had fully modernised the legal codes, the British were prepared to negotiate. The Nanjing regime considered those targets to have been met. The British emphasis now lay in salvaging as much as possible from the old state of relations but negotiating from a basic point of pragmatic flexibility. In short, extraterritoriality and the treaty ports were open to negotiation.

From that flexible point of view not only was it impossible to make an old-fashioned issue out of Thorburn but he was not worth it. Whatever else that may be said about the case it is clear - as Lampson bluntly pointed out in August that "the existence of extraterritoriality did not save Thorburn's life." In logical terms his fate was irrelevant to the debate.

However, this was not a logical debate. Extraterritoriality was the central issue constantly referred to during the Thorburn case. There were two approaches. Firstly, it was widely argued that extraterritorial rights could not be relinquished if such treatment and lack of due process was meted out to foreigners in China and especially if local military authorities could defy the civilian government and act so audaciously in the backyard of the national capital. The domestic political crisis caused by the Canton revolt reinforced that thinking. There was a great deal of emotional force in the argument but this line of debate was given greater urgency by the negotiations then taking place.

In late May and early June 1931 Sir Miles Lampson and Chinese foreign minister Wang Zhengting had been having very fruitful discussions on a houseboat in

a tributary of the Yangzi. They were by this stage discussing practical issues concerning timetables for handing back the British settlements, and also the extent of the areas in which extraterritoriality was to be temporarily reserved; it had been difficult getting that far. The British had refused to commit themselves to opening talks; in response, the National Government undertook a series of unilateral actions hastening the nominal abolition of extraterritoriality. The latest of these, issued on 4th May 1931, ordered local civil and military authorities to prepare procedures for its abolition with effect from January 1st, 1932.

An “Agreed Text” of a treaty and other documents was exchanged between Lampson and Wang on June 6th, while Thorburn was in custody. British community leaders felt to be “responsible”, who had been taken into Lampson’s confidence, had agreed, albeit reluctantly, that the treaty was “as favourable as can be expected” and was highly preferable to the unilateralist alternative. When Lampson left Nanjing on June 6, still apparently unaware of the case that had been unfolding nearby to the scene of the negotiations, he expected to return in September and sign a final draft.

Aware, however, that accusations of “Foreign Office inactivity” were being vociferously aired, the Far East Department adopted two courses of action in mid-July after the first Chinese report. In response to Lampson’s news they instructed him to implicitly threaten the Chinese Government over the issue of the extraterritoriality negotiations unless Thorburn was either found and tried, or his military captors were punished for his maltreatment or death. Sir Robert Vansittart decided that the issue should also be taken directly to Chiang Kaishek.

The belligerence of the Foreign Office was out of line with Lampson’s own attitude to dealing with the *Guomindang*. Appointed in 1926 at the nadir of Sino-British relations he had through charm, presence, bluster, drinking compatibility and selective surrender, cajoled relations with the once revolutionary *Guomindang* into a fairly workable position. His personal relations with ministers such as Wang Zhengting, and, increasingly, with Chiang Kaishek were very good. He urged the Foreign Office to await the results of the second enquiry and pointed out that the

demands, unless “enforced by drastic sanctions” would only result in deadlock and provoke “violent popular reaction”. The demands were far too humiliating for the National Government to accept especially as Chinese public opinion was firmly of the belief that Thorburn had brought his troubles “on his own head”. Even moderate figures such as the West’s favourite Chinese liberal, Hu Shi, were unsympathetic. Besides, what drastic actions might there be, Lampson mused aloud the following week: perhaps “a naval demonstration, blockade of ports, or seizure of Shanghai customs”; but all of these were now out of the question. Even the threat over the extraterritoriality negotiations was dangerous because of the National Government’s unilateralist sabre-rattling.

There was really nothing to be done except to keep lobbying personally. On July 28th Lampson interrupted a holiday to fly from North China to Nanjing to press the case with a personal meeting with Chiang Kaishek. However, Chiang was, and remained at, the central China front. Lampson gave his message to Wang “In the most formal and impressive way” he could - and Lampson, a giant of a man not lacking in confidence, could be very impressive indeed.

As the veteran diplomat Wellington Koo predicted to Lampson within 24 hours of its start, the fighting in Manchuria was to “expedite their meeting us over the Thorburn case”. On September 25th, a week after the incident, the British received an official note admitting that Thorburn was dead and that a military official was being tried. On October 21st the summary of the official report was received. For Lampson it was “much more than I ever expected that we should get” and was promptly telegraphed to London, together with a note urging the Foreign Office to accept it in settlement of the affair; which it did. It was released to the press on November 17th, when attention was rather taken up with affairs in Manchuria.

The squabble over compensation formed the diplomatic appendix. When the Chinese complained about the compensation claimed and threatened a counter claim for the dead gendarmes, Lampson outlined the domestic political imperatives behind



the demand, and pointed out that Sino-British relations at a time of acute national crisis for China were worth more than 1000.

In mid-December the British Cabinet decided to leave the question of treaty reform in “abeyance” and to refrain from taking any further initiatives. On December 29th the Nanjing Government postponed enforcement of the unilateralist May 4th Mandate. The major reasons for the collapse of this process were the Japanese invasion of Manchuria, and the internal political situation - which drove Chiang Kaishek from power for six weeks. However, combined with the noise of the Feetham report and the effective mobilisation of adverse publicity over Thorburn’s disappearance the opponents of reform caused grave diplomatic headaches. Both British governments in 1931 encouraged the diplomats to take a stiff line on the issue out of all proportion to its importance to Sino-British relations. The agenda had been hijacked by the Shanghailanders British.

### **Conclusion**

It was not theirs for very long. Just at the moment that the Shanghailanders truly believed they were taking the future into their own hands, and were confident that they were powerful and united enough to do so, the Japanese took over the setting of agendas for everybody in China. After September 18th, 1931 then, the future of the British treaty ports no longer lay in the hands of Chinese nationalists, supposedly “spineless” British diplomats or activist Shanghailanders. This defused tensions within the concessions, until new tensions were created with the Japanese occupation of Shanghai in 1937. It also halted negotiations over extraterritoriality until the start of the Pacific War in 1941. All told, it marked the end of the colonist ambitions of the Shanghailanders.

Although initially in the hands of rather extreme Shanghailanders the BRA was soon co-opted and in the hands of those the diplomats could more usefully rely on. By 1941 it had become a community support and relief organisation that functioned until the process of internment of British subjects was completed in mid-1943. It is now remembered as such and its earlier, partisan and pro-Japanese agitation is forgotten.

If it is possible to call a youth who kills two men a victim, I think John Thorburn was a victim; of circumstance, of the propaganda of empire and the imperial ambitions and daily imperial pretensions of the Shanghai British, of the expectations of masculinity, and of the extraordinary legal anomaly that was sophisticated, modern, urban Shanghai. Thorburn lacked a sense of balance, and a sense of irony - as did the community which fostered him, which also single-mindedly pursued fantasies of self-determination. On both an individual and communal level then, there was a refusal amongst a vocal proportion of Britons in the Chinese treaty ports to accept the extent of change in modern China and its implications for the foreign communities.

The affair had a brief epilogue. In August 1932, *The China Critic*, a nationalist English-language journal, published an article by an Australian journalist which claimed Thorburn was alive and well and had resurfaced in a London hospital suffering from amnesia. Further proof of his travels slowly around the world as a seaman was promised, but never delivered. His remains were never returned. No service of remembrance ever held.

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<sup>1</sup> The woman was a Mrs W.P. Roberts - whom Mansel described as a “young married lady who was very friendly with the boys” and was “perfectly respectable”... “as far as I know”; Mrs Roberts appears not to have been interviewed by the police.

<sup>2</sup> His bag and the clothing he was seen wearing when he left were later found in a creek near Henli. The presence of the chloroform is a little puzzling but it is also mentioned in the *Wuxian ribao* report of 3/6/31, *SEPM*, 8/8/31, p.6.

<sup>3</sup> This is obviously exculpatory but the youth was 5 foot 10”, athletic and, probably, very frightened, unwell, and not behaving at all rationally. The physical details come from SMP D 2464/5, 3/6/31.

<sup>4</sup> The business plans, which required at least £5,000 are outlined in M. Hay Thorburn to H. Hay Thorburn, [no date] enclosed in Lieut. Col. H. Hay Thorburn to Sir John Simon, 2/3/32, F2771/74/10.,

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FO 371/16199. File 74/10 1932 in the same FO 371 volume contains details of the pressure exerted on Mansel to accept the Foreign Office claim and his receipt. The elder Thorburn, Chief Accountant in a real estate company since at least 1938, was still in Shanghai in 1941, and was interned by the Japanese in Shanghai's Pootung [Pudong] Camp in 1943, *Directory and Chronicle of China and Japan... 1938, 1941*; "Complete List of Internees in China" [1944], FO916/1038.

<sup>5</sup> Mr. A. Costa (a "Portugese" - possibly Eurasian) working for the Jiangsu river police - claimed to have seen him on June 12th near Suzhou station being led to a ferry crying "Jiu ming!" [save me] from where he was taken to his death.

<sup>6</sup> The most notorious example in Shanghai was the Peters and Judd case in the mid-1930s; E.W. Peters, an SMP Sergeant was tried with a companion for the cold-blooded murder of a sick Chinese beggar, British public opinion was in his favour and he was acquitted despite overwhelming evidence, E.W. Peters, *Shanghai Policeman* (London: Rich and Cowan, 1937) pp.233-322.

<sup>7</sup> In a letter to the *SEPM*, for example, "P." dismissed the charge with the caveat that: "I can readily conceive circumstances wherein it would not only be a duty, but a pleasure, to shoot a great many more than two Chinese soldiers", *SEPM*, 10/11/31, p.11.

<sup>8</sup> Colonel Huang's conclusion is also bolstered, for example, by the German Comintern agent Otto Braun's account of his secret journey from Shanghai to the Communist base area in Jiangxi province in 1932, Otto Braun, *A Comintern Agent in China 1932-1939* (translated by Jeane Moore, London: C. Hurst and Company, 1982): pp.29-30.

<sup>9</sup> He was a member of the Cercle Sportif Français, a club widely disliked by the more pukka Britons because its membership was in their eyes "mixed and dubious" in both racial and class terms, G.H. Gompertz, *China in turmoil: eyewitness, 1924-1948* (London: J.M. Dent and Sons, 1967), p.80.

<sup>10</sup> One, a Dane, was the son of a retired Chinese Maritime Customs official, the other, K.M. Pate, worked for the Shanghai Telephone Company, M. Hay Thorburn Statement, 4/6/31.

<sup>11</sup> The unreliable Costa claimed to have once censured Thorburn over his behaviour towards some Chinese men in a Shanghai nightclub, "Statement by Mr. A. Costa".

<sup>12</sup> In his notes for an autobiographical memoir the novelist and illustrator Mervyn Peake, a missionary child born the same year as John Thorburn and raised in staid, urban Tianjin, placed "Pirates" prominently in his impressions of his childhood. His illustrations of Robert Louis Stevenson's *Treasure Island* are arguably the finest interpretations of that story; Maeve Gilmore, ed., *Peake's Progress: selected writings and drawings of Mervyn Peake* (London: Allen Lane, 1978) pp.469-79. The works of the China-born novelist J.G. Ballard, especially the portrayal of the warfare obsessions of the young boy in the autobiographical *Empire of the Sun* (London: Victor Gollancz, 1984) are also worth noting.

<sup>13</sup> The question of motivation is still a puzzling one but without any definite statement from Thorburn himself this remains the most likely interpretation of his actions: it was one of the schemes drawn up by the boys, and it was the one admitted to be most likely by John's friend Pate Olsen, who told Mansel that John had probably gone to Nanjing or Henli.