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## Managing “White” Criminality: Disorderly Britons on the China Coast, c. 1918–1940

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### Abstract

Disorderly white communities, which elites associated with crime, poverty, and the transgression of racial boundaries, were often perceived as a destabilising force in the colonial world. Drawing upon the life history and the 1926 fraud trial in Shanghai of a multiply marginal woman named Edith Brentnall, this article explores three key dimensions of the British consular management of colonial criminality on the China coast: concern about the mobility of marginal Europeans and Americans, the ambiguity of national status in the extraterritorial environments of the treaty ports, and a preoccupation with female “delinquency.” Using Brentnall as a common thread to explore the varied textures of “white” criminality in the treaty ports, this article contends that marginal Britons’ misbehaviour took on a heightened significance on imperial peripheries, where patchwork consular justice systems and mobile, cosmopolitan populations impeded monitoring “undesirable” behaviour. Moreover, the management of marginal mobility, which often took the form of circular journeys between East and Southeast Asian port cities, was an overarching concern in British consular excavations of white criminality. The fragmented biographies of individual “undesirables” demonstrate how marginal British subjects exploited gaps in colonial administrative and justice systems, resisted consular intrusions, and actively shaped their life stories’ written records.

**Keywords:** White criminality; Shanghai; mobilities; British consuls; historical biography

In March 1926, a destitute woman named Edith Brentnall, who at different times claimed to be British and American and who went by several aliases, including Magdalena and Dorothea, appeared in the British Police Court in Shanghai, charged with larceny. Among other crimes, the police accused Brentnall of using forged cheques to swindle the Savoy Hotel and to buy undergarments from a Chinese shopkeeper.<sup>1</sup> Upon further investigation, the police ascertained that this was not Brentnall’s first brush with the law; she had been briefly imprisoned once before, in Japan in 1924, after embezzling several hotels with her third husband, a “dope fiend” and adventurer name Lionel Waller, whom she had met and married in Hong Kong.<sup>2</sup> The pair had travelled to Japan with Brentnall’s three children, about whose welfare the British consul in Kobe had become

<sup>1</sup> “A Curious Problem of Nationality,” *North-China Daily News*, Shanghai (hereafter *NCDN*), 9 March 1926, 12.

<sup>2</sup> The National Archives, Kew (hereafter *TNA*), FO 671/461, fn. 967/26/336, statement written by Edith Brentnall, Amoy Road Gaol, Shanghai, 9 March 1926.

increasingly concerned, especially after her thirteen-year-old daughter was discovered living apart from her mother and working in a Japanese café in Okayama.<sup>3</sup> Seizing the opportunity presented by Brentnall's arrest by the Japanese police, the British consuls in Kobe and Shanghai had colluded to place her children in the care of Shanghai orphanages.<sup>4</sup>

This lurid tale was attractive to the public, especially as details of Brentnall's unfortunate early life were revealed. According to an autobiographical statement written from prison, many details of which were corroborated by police and consular investigations, in 1909 she had been married off under duress at the age of sixteen to a man ten years her senior—Adelaide-born Frederick Mann—and had given birth to her daughter not long afterwards.<sup>5</sup> Although he strenuously denied paternity, her two sons were likely fathered by her husband's employer, William Brandt, a partner in a Shanghai shipping firm and himself a member of a multigenerational, multiracial, China coast family with its origins in Hong Kong.<sup>6</sup> When Brandt tired of this relationship in 1916, he paid Brentnall a sum of money on the condition that she move to Hong Kong with her children, where she taught English and acquired at least one more husband.<sup>7</sup>

The magistrate was sympathetic to Brentnall's circumstances and bound over her sentence for a year, with a warning not to get into trouble again, yet her life continued to fall apart. Using the guilty verdict in her March trial as evidence that she was an unfit parent, the British Supreme Court for China officially removed Brentnall as guardian of her three children on 21 April 1926, thereby making them wards of St Xavier's College and the Institution St Joseph's, the two Shanghai orphanages in which the children had been placed and which would be their homes for the remainder of their childhoods.<sup>8</sup> The Foreign Women's Home, a charitable organisation established to provide temporary accommodation to destitute European and American women in Shanghai, offered to house Brentnall until she found a means of supporting herself. However, accused of stealing a fur coat from a fellow resident, she soon left the institution, finding it "too much like a prison" and irritated by the sanctimony of the matron who, Brentnall inferred, believed her to be "the worst criminal." Despite claiming, in a letter to the Supreme Court registrar, that she intended to make a fresh start in England by working her passage home as a companion to an invalid currently in Tianjin, Brentnall never left East Asia.<sup>9</sup> She was arrested in the General Hospital, where she was undergoing treatment, by Shanghai policeman Maurice Tinkler and placed on trial for fraudulently obtaining goods and money from Laou Kai Fook Silk Store by signing chits in the name of her estranged partner, Brandt.<sup>10</sup> This time the judge was less understanding and sentenced her to one month's incarceration in the Amoy Road Gaol, a prison which housed foreign convicts in Shanghai's International Settlement. Shortly after her sentencing, on 7 August,

<sup>3</sup> TNA, FO 671/459, statement by Constance Mann, 13 November 1923, enclosed in despatch from, Ralph G. E. Forster, British Consul-General, Kobe, to G. S. Moss, British Consul, Shanghai, 24 January 1924.

<sup>4</sup> TNA, FO 671/459, margin note on letter from Hiram Shaw Wilkinson, Crown Advocate, British Supreme Court for China, Shanghai, to G. S. Moss, British Consul, Shanghai, 12 December 1923.

<sup>5</sup> For Mann's basic biography see his brief obituary in the *San Bernardino County Sun*, 5 June 1956.

<sup>6</sup> TNA, FO 671/459, statement made by William Brandt at the Shanghai Consulate-General, 9 July 1923.

<sup>7</sup> TNA, FO 671/461, fn. 967/26/336, statement written by Edith Brentnall, Amoy Road Gaol, Shanghai, 9 March 1926.

<sup>8</sup> TNA, FO 1092/78, Shanghai Courts: Judges Notebooks, No. 27, 21 April 1926, 121–2.

<sup>9</sup> "A Woman Without a Chance," *NCDN*, 12 March 1926, 14; TNA, FO 671/461, fn. 1855/26/363, letter from Edith Brentnall to Gilbert King, Registrar, British Supreme Court for China, Shanghai, 8 May 1926.

<sup>10</sup> "Criminal Charges Proved in Court Against Woman," *Shanghai Times*, 4 August 1926, 5 and 8. For an account of Brentnall's arrest see TNA, FO 1092/235, No. 79: Police Magistrates' Notebooks, Criminal Cases, 26 January 1926–4 October 1926, account by Maurice Tinkler of Edith Brentnall's arrest, 31 July 1926.

Brentnall committed suicide, thus, in the words of the South China Morning Post, signalling “‘Finis’ to one of Shanghai’s saddest stories.”<sup>11</sup>

A growing historiography problematises colonial whiteness, demonstrating the historical contingency and heterogeneity of constructions of whiteness across the world of the British Empire.<sup>12</sup> Vivian Kong has excavated the interrelationship between whiteness and Britishness in 1930s Hong Kong, exploring the ways in which this was negotiated through shifting understandings of class, race, and nationalism.<sup>13</sup> A small number of studies, including Satoshi Mizutani’s work on India’s “domiciled community,” have focused their analyses on the ambiguous whiteness of poor European communities, whose position within the colonial order was a subject of intense discussion.<sup>14</sup> By drawing attention to the fragmented life stories of miscreant “whites” on the China coast and British consular and judicial attempts to manage their behaviour and movements, this paper adds a new dimension to this literature. First and foremost, it seeks to demonstrate that in the liminal, multi-jurisdictional port cities of East Asia, the regional mobility of undesirable Britons and their adeptness at assuming and discarding different national identities were central concerns for the British establishment. A rich literature exists on the criminalisation of itinerant colonised populations in both Britain and in colonial sites. Aidan Forth, for example, has explained how the colonial governments in both India and South Africa used internment as a method of restricting the mobility of socially and politically “dangerous” groups under the guise of public health or anti-famine measures.<sup>15</sup> The treatment of poor and mobile European populations who circulated around the peripheries of empire by colonial authorities has received far less attention, despite the fact that vagrants and “beachcombers” featured heavily in the popular British imperial imagination.<sup>16</sup> Yet, as the following discussion suggests, colonial and consular authorities on the China coast, and in other extraterritorial jurisdictions such as the Ottoman Empire, saw managing and monitoring the mobility of Europeans and Americans as crucial to maintaining colonial social order and political prestige.<sup>17</sup>

Edith Brentnall, who was Eurasian, female, poor, and criminal, can be considered a marginal figure in multiple ways. As such, her life story provides insight into three key dimensions of the consular and police management of “white” criminality on the China

<sup>11</sup> *South China Morning Post*, “Local and General” section, 11 August 1926, 2.

<sup>12</sup> See, for example, Radhika Mohanram, *Imperial White: Race, Diaspora, and the British Empire* (Minneapolis: University of Minnesota Press, 2007). For the Dutch Empire see Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley: University of California Press, 2002).

<sup>13</sup> Vivian Kong, “Whiteness, Imperial Anxiety, and the ‘Global 1930s’: The White British League Debate in Hong Kong,” *Journal of British Studies* 59:2 (2020), 343–71.

<sup>14</sup> Satoshi Mizutani, *The Meaning of White: Race, Class, and the “Domiciled Community” in British India, 1858–1930* (Oxford: Oxford University Press, 2011). Also see Thomas Larkin, “‘White’ Undesirables: Socio-cultural Hierarchies and Racial Anxiety in Early-Twentieth-Century Shanghai,” *Cultural and Social History* 17:2 (2020), 207–25.

<sup>15</sup> See David Arnold, “Vagrant India: Famine, Poverty, and Welfare Under Colonial Rule,” in *Cast Out: Vagrancy and Homelessness in Global and Historical Perspective*, ed. A. L. Beier and Paul Ocozbek (Athens: Ohio University Press, 2008), 117–39; Aidan Forth, *Barbed-Wire Imperialism: Britain’s Empire of Camps, 1876–1903* (Berkeley: University of California Press, 2017); Nitam Sinha, “Mobility, Control and Criminality in Early Colonial India, 1760s–1850s,” *Indian Economic and Social History Review* 45:1 (2008), 1–33.

<sup>16</sup> For popular representations of vagrants, vagabonds, and beachcombers in nineteenth-century British literature and art, see Alistair Robinson, *Vagrancy in the Victorian Age: Representing the Wandering Poor in Nineteenth-Century Literature and Culture* (Cambridge: Cambridge University Press, 2022). An exception is Clare Anderson, *Subaltern Lives: Biographies of Colonialism in the Indian Ocean World, 1790–1920* (Cambridge: Cambridge University Press, 2012).

<sup>17</sup> On the introduction of legislation with the aim of controlling unruly Britons in Ottoman territories see C. R. Pennell, “The Origins of the Foreign Jurisdiction Act and the Extension of British Sovereignty,” *Historical Research* 48:221 (2010), 465–85.

coast: concern about the mobility of marginal Europeans and Americans, the ambiguity of national status in the extraterritorial environments of the treaty ports, and a preoccupation with female “delinquency.” Using the common thread of Brentnall’s life story and trial as a means of disentangling the varied constructions of “white” criminality by British authorities in the treaty ports, this article contends that the misbehaviour of marginal Britons took on a heightened significance on the peripheries of empire, where patchwork consular justice systems and the existence of mobile and cosmopolitan populations created impediments to monitoring “undesirable” behaviour. Moreover, this paper identifies the management of marginal mobility, which often took the form of circular journeys between East and Southeast Asian port cities, as an overarching concern in consular and court discussions of white criminality. Finally, the stories of individual “undesirables” demonstrate how, far from being passive subjects of official discourses on criminality, marginal British subjects exploited gaps in colonial administrative and justice systems, resisted police and consular intrusions, and actively shaped the written record of their life stories.

### Poverty, Crime, and “Undesirable” Colonial Mobility

Both Christopher Munn, for the case of Hong Kong, and Robert Bickers, for the case of Shanghai, have concluded that nineteenth-century China coast policing was unusually intrusive, effectively criminalising large swathes of the Chinese male population. Munn estimates that between 1841 and 1870 between 5 and 12 per cent of Hong Kong’s population appeared before the courts on criminal charges, as compared with about 2 per cent of the population of England and Wales. Hong Kong’s criminal justice system, according to Munn, “served to affirm colonial attitudes and to further criminalize extensive portions of the Chinese population by defining new kinds of crime, introducing punitive controls, and bringing more people into contact with the police and the courts.”<sup>18</sup> Robert Bickers identifies an even more intrusive system of policing in Shanghai’s International Settlement, with the annual rate of arrests of the Chinese adult population ranging between 3.23 and 29.43 per cent between 1863 and 1900.<sup>19</sup> This disparity continued into the twentieth century. In Shanghai in 1929, which was the last year in which the *Municipal Gazette* tallied the trials of “foreigners” separately from those of Chinese defendants in the International Settlement, between 25 and 50 “foreigners” without consular representation appeared before the Shanghai Provisional Court and a further 20–25 before the consular courts each month. This amounted to roughly 800 per year, or an approximate annual rate of between 1.3 and 2.7 per cent of the adult foreign population of the International Settlement. In stark contrast, between an approximate low of 6,500 and a high of 8,500 Chinese individuals were summoned, apprehended, or charged before the Shanghai Provisional Court each month, or in annual terms between 11.7 and 15 per cent of the adult Chinese population. After deducting rickshaw and nuisance offences,

<sup>18</sup> Christopher Munn, *Anglo-China: Chinese People and British Rule in Hong Kong, 1841–1880* (Richmond, U.K.: Curzon, 2001), 111–3. On Hong Kong’s colonial justice system also see Frank Dikötter, “A Paradise for Rascals: Colonialism, Punishment and the Prison in Hong Kong (1841–1898),” *Crime, History & Societies* 8:1 (2004), 49–63; May Holdsworth and Christopher Munn, *Crime, Justice and Punishment in Colonial Hong Kong: Central Police Station, Central Magistracy and Victoria Gaol* (Hong Kong: Hong Kong University Press, 2020). As a point of comparison, see Elizabeth Kolsky, *Colonial Justice in British India: White Violence and the Rule of Law* (Cambridge: Cambridge University Press, 2010) on discriminatory justice in colonial India and Clare Anderson, *Legible Bodies: Race, Criminality and Colonialism in South Asia* (Oxford: Berg, 2004).

<sup>19</sup> Robert Bickers, “Ordering Shanghai: Policing a Treaty Port, 1854–1900,” in *Maritime Empires: British Imperial Maritime Trade in the Nineteenth Century*, ed. David Killingray, Margarette Lincoln, and Nigel Rigby (Woodbridge, U.K.: Boydell, 2004), 186–7.

which numbered around 2,500–3,000 per month, we are left with a low of between 6.3 and 7.2 per cent and a high of between 9.9 and 10.8 per cent.<sup>20</sup> With the caveats, which are also employed by Bickers and Munn, that there were likely many repeat offenders and that a large number of those charged were transient inhabitants of the International Settlement, these crude statistics support the well-established narrative of the unequal police and judicial treatment of “whites” and colonised peoples, while also suggesting that the perceived precarity of “informal” colonialism in nineteenth-century Shanghai led to especially punitive policing of Chinese residents.

Arrests and court appearances of “foreigners” may seem of less importance when compared to the sweeping criminalisation of the Chinese populations of Hong Kong and Shanghai, but discussions of white criminality took up pages of column space in settler newspapers and reams of consular and colonial correspondence. Thomas Larkin’s work has demonstrated how “‘white’ undesirables” became a locus of elite anxieties about the fragility of colonial socio-cultural and economic hierarchies in early twentieth-century Shanghai.<sup>21</sup> This was part of a wider colonial “problem.” As Harald Fischer-Tiné and Satoshi Mizutani have shown, the presence of a growing population of poor and racially ambiguous Europeans in India threatened to expose the fiction of white claims to cultural, moral, and physiological superiority on which colonial political authority rested. Particular concern was reserved for the “domiciled Europeans,” who were designated a distinct political status to distinguish them from sojourning Britons in India.<sup>22</sup> The more tenuous foreign hold on political and economic power in the treaty ports coupled with the difficulties inherent in regulating a multinational foreign population with claims to extraterritorial protection made these concerns even more pronounced in Shanghai.

The largest category of crimes committed by “foreigners” on the China coast fell under the label of public disorder offences, such as drunkenness, fighting, and inadequate animal control. Together with petty theft, fraud, and common assault, these offences formed the bulk of “white” crime, and it is these categories that I will focus on in this paper. The problem of disorderly whites surged in the aftermath of foreign military incursions in East Asia, particularly after the Boxer War of 1900–1901, when discharged soldiers roamed along the China coast, but public nuisance offences were the bread and butter of consular and police courts across East Asia in both the nineteenth and twentieth centuries. Disorderly behaviour due to drunkenness featured prominently in the Shanghai British Police Court, and habitual offenders were treated strictly. Mary Boyle, for example, appeared before the court three times between July and September 1926 on charges of being found “drunk and incapable” in the early morning in various public gardens. Her repeat offending, use of “abusive language” towards the arresting police officer, and reports that her behaviour had frightened children earned her the choice between a \$10 fine and fourteen days in prison each time, a harsh sentence considering that a white man convicted of assaulting a Chinese servant was handed a \$5 fine during the same period.<sup>23</sup> In his discussion of unruly sailors in nineteenth-century Calcutta, Fischer-Tiné contends that public drunkenness along with visible evidence of ill health

<sup>20</sup> Court statistics extrapolated from monthly police reports in the *Municipal Gazette*, vol. 22 (Shanghai), 1929. See especially the reports for December 1928 on 27–8 and February 1929 on 137–8. Percentages extrapolated from population and age structure statistics in Christian Henriot, Shi Lu, and Charlotte Aubrun, *The Population of Shanghai (1865–1953): A Sourcebook* (Leiden: Brill, 2019), 96 and 140.

<sup>21</sup> Larkin, “‘White’ Undesirables.”

<sup>22</sup> Harald Fischer-Tiné, *Low and Licentious Europeans: Race, Class, and White Subalternity in Colonial India* (New Delhi: Orient Longman, 2009); Mizutani, *The Meaning of White*.

<sup>23</sup> TNA, FO 1092/235, No. 79: Police Magistrates’ Notebooks, Criminal Cases, 26 January 1926–4 October 1926, 282.

was perceived as a threat to colonial order because it undermined white claims to moral and medical superiority.<sup>24</sup> These concerns were replicated on the China coast, perhaps even assuming a heightened significance in the context of derogatory European commentary on opium consumption among the Chinese population, which drew a link between addiction and moral and physical degradation.

Beyond the damage to “white prestige” caused by the public unruliness of European and American undesirables, their mobility was a cause of deep unease to colonial authorities. The circulation of marginal Europeans across colonial borders was unwelcome evidence of the ease with which potentially disruptive individuals could elude official surveillance and policing. It also hinted at the perceived rootlessness of white and multi-racial itinerant settlers and sojourners in Asia, subsequently raising the spectre of deracination and weakened imperial loyalties. Brentnall herself, while firmly rooted in the settler communities of East Asia, drifted between several East Asian treaty ports and Hong Kong during her life, sometimes evading or delaying arrest as a result. In both Hong Kong and the treaty ports, the figure of the destitute, mobile “beachcomber” and the attendant crime of “vagrancy” loomed large as a threat to not only colonial order but also “white prestige.” The colloquialism “beachcomber” referred to destitute white men, who were usually sailors seeking respite from harsh billets and who lived in the port cities of Asia and the islands of the Pacific, often surviving by begging, scavenging, or performing ad hoc labour. As Malcolm Campbell has discussed in the case of the western Pacific, these island dwellers were partly viewed as suspect because they challenged norms of European behaviour by adopting certain indigenous cultural practices, such as tattooing.<sup>25</sup> In Hong Kong, the public and official discourse about vagrancy often centred on the potential of beachcombers and other destitute whites to disrupt the racialised labour systems on which the colony and its socio-economic hierarchies were built. “Hong Kong is not a terminus port” for “the labouring man,” pronounced a 1905 editorial, because unskilled labour was performed by “the Chinese coolie.”<sup>26</sup> While organised trans-colonial transportations of Chinese labour were sanctioned by colonial governments to meet colonial labour demands, there was no place for unskilled, white male labour on the China coast, claimed the authorities.<sup>27</sup>

The Hong Kong 1886 Vagrancy Ordinance, which enabled the police to detain foreign beggars without prospects of employment and gave police magistrates powers to place them in workhouses before eventual deportation from the colony, had aimed to eliminate this problem by acting as a deterrent for foreign sailors thinking of abandoning ship in port.<sup>28</sup> Despite this local judicial measure, a broader panic about the “exportation” of destitute foreigners from other colonial places, particularly from Shanghai and Manila, fuelled both the public discourse and the official response to vagrancy in the first decades of the twentieth century. Newspaper editorials called for stronger deterrents, such as mandatory hard labour for convicted vagrants, and decried the “unenviable reputation” of

<sup>24</sup> Harald Fischer-Tiné, “Flotsam and Jetsam of the Empire? European Seamen and Spaces of Order and Disorder in Mid-nineteenth Century Calcutta,” in *The Limits of British Colonial Control in South Asia: Spaces of Disorder in the Indian Ocean Region*, ed. Ashwini Tambe and Harald Fischer-Tiné (London: Routledge, 2008), 130–1.

<sup>25</sup> Malcolm Campbell, “Base and Wicked Characters’: European Island Dwellers in the Western Pacific, 1788–1850,” in *Subverting Empire: Deviance and Disorder in the British Colonial World*, ed. Will Jackson and Emily Manktelow (London: Palgrave Macmillan, 2015), 85–103.

<sup>26</sup> “Against Beachcombers,” *Hongkong Telegraph*, 15 July 1905.

<sup>27</sup> On international circulations of Chinese labour see John Asoome, *Coolie Ships of the Chinese Diaspora, 1846–74* (Hong Kong: Proverse, 2020).

<sup>28</sup> The Vagrancy Ordinance, 1886. *Hong Kong Government Gazette*, vol. 32, 29 April 1886, Notification no. 145. Hong Kong Government Reports Online. <https://sunzi.lib.hku.hk/hkgro/view/g1886/667027.pdf>. Accessed 21 September 2022.

Hong Kong “as the home of the wanderer, the ne’er-do-well and the vagrant.”<sup>29</sup> Particular ire was directed towards the colonial authorities in Manila, which, commentators believed, followed a deliberate policy of exporting an “unwelcome horde” of beachcombers to Hong Kong after the American colonisation of the Philippines in 1898.<sup>30</sup> These concerns about undesirable white mobility did not dissipate, eventually prompting a 1924 Foreign Office circular addressed to British consuls in Asia instructing them to cease issuing Hong Kong visas to destitute persons.<sup>31</sup> None of these measures appear to have been effective at curbing the circulation of destitute foreigners to Hong Kong; in 1935, almost 40 years after the introduction of the ordinance, 15 foreign vagrants appeared before the courts and a further 38 “destitutes” were dealt with by the Hong Kong police.<sup>32</sup>

In the treaty ports begging and vagrancy also constituted a high proportion of cases heard at the consular courts and the Mixed Court. The transnational colonialism of Shanghai, however, meant that legislation in this area was piecemeal. Although the Charity Organization Committee, a body which was established under the auspices of the Shanghai Municipal Council to coordinate welfare work in the International Settlement, urged foreign consuls to establish a Hong Kong-style “Vagrancy Act” to deal with “men who live on public charity, who will not work,” none was forthcoming.<sup>33</sup> What is more, official responses to “foreign” vagrancy increasingly centred on destitute Russians. While poor settler populations had been the focus of handwringing about the socio-economic status of the foreign community in the early twentieth century, the marginalisation of refugees from Eastern Europe by other foreign communities enabled officials and commentators to deflect these concerns onto the Russian community.<sup>34</sup> In contrast to the disquiet with which manual labour performed by white men was viewed in Hong Kong, the Shanghai Municipal Council had no compunction about introducing a work shelter for mostly Russian foreign men, who were expected to perform hard labour in exchange for a bed and meal tickets.<sup>35</sup>

The free mobility of beachcombers and other “undesirables” was considered problematic because it enabled them to slip between the gaps in colonial authority, thereby weakening the hold of colonial governments on social order.<sup>36</sup> Contradictorily, colonial attempts at managing foreign “undesirables” also propelled these movements, particularly intercolonial deportation systems. In the British case, late nineteenth-century legislation such as the 1884 Colonial Prisoners Removal Act, which made provisions for the removal of prisoners or “criminal lunatics” from places in which Britain exercised jurisdiction to carry out their sentences in better equipped British territories, formed the statutory bedrock of intercolonial convict removals.<sup>37</sup> Hong Kong, too, introduced a slew of territory-specific Deportation Ordinances in the early twentieth century designed

<sup>29</sup> “Against Beachcombers,” *Hongkong Telegraph*, 15 July 1905.

<sup>30</sup> “Beachcombers,” *Hong Kong Weekly Press*, 6 March 1905.

<sup>31</sup> See, for example, TNA, FO 798/56, Registers of correspondence, Japan, 1923–28. FO Circular, 24 March 1924.

<sup>32</sup> Report of the Inspector General of Police for the Year 1935, Hong Kong, 10.

<sup>33</sup> Shanghai Municipal Archives, U1-2-563, Archives of the Secretariat, SMC, Report of the Charity Organization Committee of the King’s Daughters’ Society, 24 January 1919.

<sup>34</sup> For the treatment of Russian refugee communities in Shanghai see Marcia Reynders Ristaino, *Port of Last Resort: The Diaspora Communities of Shanghai* (Stanford, Calif.: Stanford University Press, 2003).

<sup>35</sup> *Municipal Gazette*, 5 March 1925, no. 961, Charity Organization Committee report for 1924, written by Ada When, 82.

<sup>36</sup> For examples of marginal mobility and the evasion of criminal conviction see Anderson, *Subaltern Lives*. On the management of cross-border mobility in China’s western regions by British consuls see Emily Whewell, *Law Across Imperial Borders: British Consuls and Colonial Connections on China’s Western Frontiers, 1880–1943* (Manchester: Manchester University Press, 2019), chapter 2, 49–71.

<sup>37</sup> Colonial Prisoners Removal Act, S. 15.

to expel “undesirables,” which gave the governor powers to issue deportation orders to aliens convicted of criminal offences, people who had been sent to Hong Kong to serve out their sentences by consular courts in China, and British subjects whose actions were deemed “prejudicial to the public safety, or to the defence, peace, or security of His Majesty’s dominions.”<sup>38</sup> Other colonial authorities similarly contributed to the inter-colonial circulations of deportees. British subject George Johnson, for example, stowed away from Shanghai to Saigon but was promptly deported back to Shanghai by the French colonial authorities in 1933.<sup>39</sup> Ten years earlier, a former Swedish subject and “beachcomber of a confirmed type,” Alexander Warnick, was deported by the Japanese authorities from Dairen (Dalian) in the Japanese-occupied Kwantung Leased Territory. On investigation, the British consulate found that Warnick, who claimed to have been naturalised as a British subject in Canada in 1903, had circulated between Hong Kong, Manila, Korea, Yokohama, and several Chinese treaty ports since arriving in East Asia two years earlier.<sup>40</sup>

In extraterritorialised enclaves beyond the former territorial boundaries of empire, which attracted large numbers of disorderly foreigners precisely because of their laxness in administering justice, determining the exact deportation powers of the consular, British, and American courts was a complex but imperative task. Besides expunging undesirables from the treaty ports, the managed transportation of prisoners convicted in consular courts was also necessary to relieve smaller consular outposts of the burden of facilitating long-term imprisonment. This was a strategy employed by the American courts in China, which frequently transported convicts to Bilibid Prison in Manila to serve out their sentences after 1898.<sup>41</sup> In the British case the Foreign Jurisdiction Act of 1843, which was initially introduced to enable consuls to exercise control over unruly subjects living in Ottoman territories, established the principle that Britons could be held accountable for criminal actions overseas.<sup>42</sup> An East Asia-specific Order in Council that followed in 1865 defined Britain’s judicial jurisdiction over its subjects in China and Japan, permitted Britons charged with crimes in the treaty ports to be sent to Hong Kong for trial and punishment, and established Hong Kong and England as places to which British subjects likely to “commit a breach of the public peace” in the treaty ports could be deported without their consent.<sup>43</sup> As a result, in the second half of the nineteenth century, many of the men convicted of begging or other types of “disorderly conduct” in British courts in Japan or in small outposts in China were transported to Hong Kong to serve out their sentences in Victoria Prison.<sup>44</sup> A further Foreign Jurisdiction Act passed in 1890 enabled people charged in British courts overseas to be sent to a “British possession” for trial or punishment, thereby providing further statutory ballast for subsequent China legislation. This included a 1904 Order in Council, which granted the British Supreme Court for China powers to approve or deny deportation orders issued

<sup>38</sup> The Deportation Ordinance, 1917, Hong Kong, S. 14 (d).

<sup>39</sup> TNA, FO 671/466, fn. 5101/33/667, memo, British Consulate-General, Shanghai, 1 September 1933.

<sup>40</sup> TNA, FO 671/459, fn. 6171/23/61, despatch from W. B. Cunningham, British Consul-General, Seoul, to Sir Sidney Barton, British Consul-General, Shanghai, 7 August 1923.

<sup>41</sup> See, for example, the 1924 case of American seaman James Wiggan, who had left his ship in Qingdao, spent all his wages, and found himself destitute in Shanghai. He was sentenced to three months and ten days’ imprisonment in Bilibid Prison, Manila, after which he would be deported back to the United States. *NCDN*, 14 August 1924.

<sup>42</sup> See Pennell, “Origins of the Foreign Jurisdiction Act.”

<sup>43</sup> China and Japan Order in Council 1865, articles 106–13. The British Supreme Court in Shanghai was required to approve deportation orders made in provincial consular courts before they could be enacted.

<sup>44</sup> See, for example, the outcomes of many cases in TNA, FO 796/7, Consular Court Records, 1880–1893: Judge’s Minute Book, Nagasaki: Criminal Cases.

by consular courts and also specified that the 1884 Colonial Prisoners Removal Act should be applied to China “as if that place were a British possession.”<sup>45</sup>

With the legislative framework for deportation in place, troublesome British subjects could be expelled from China soon after their prison sentences were completed.<sup>46</sup> The challenges of policing the behaviour of disorderly whites in multi-jurisdictional treaty ports with small consular establishments meant that deportation orders were meted out even for relatively minor offences. In 1926, for instance, the British Supreme Court in Shanghai endorsed the sentence of six months’ imprisonment followed by deportation to England handed by the Provincial Court at Peking to Norman Barrymaine, who had been convicted of fraud for the second time.<sup>47</sup> Orchestrating movements of “undesirables” between different treaty ports was more difficult and did not have a clear legislative basis. Shanghai may have possessed the prison, consular, welfare, and court infrastructure necessary to receive large numbers of transplants from the outports, but these movements were engineered through informal pressure from consular and welfare organisations rather than court rulings. As the British consul-general in Kobe wrote apologetically to his Shanghai counterpart about Edith Brentnall and her husband Lionel Waller, “I am sorry to pass the buck like this, but if we can bait these people out of this country it will be a lot gained, while on your side you can deal much more effectively with such types.”<sup>48</sup> For several months Brentnall resisted consular attempts to coerce her into agreeing to the removal of her three children from schools in Japan to Catholic orphanages in Shanghai, but the consul could do nothing until Brentnall finally consented after she was arrested and briefly imprisoned by the Japanese police at Nara.<sup>49</sup> Official attempts to limit and manage mobility often targeted impoverished people as well as convicts, further blurring the boundary between destitution and criminality. In an effort to limit this inter-treaty port itinerancy, the Charity Organization Committee in Shanghai resolved in 1926 to refuse to send people to the outports unless they had a definite offer of work.<sup>50</sup> At the same time, in an attempt to unburden the charitable homes, such as the Foreign Women’s Home and the Hanbury Institute, which were intended to provide temporary refuge, welfare organisations also funded the overseas migrations of destitute foreigners. Each year, for instance, the Charity Organization Committee funded overseas passages for people who, in the eyes of the committee, had little hope of achieving self-sufficiency in Shanghai and were therefore likely to become a burden on the foreign community. Shanghai’s foreign community attempted unsuccessfully to expatriate Edith Brentnall, too. After her first Shanghai trial in March 1926, during which she expressed a desire to go to England, members of the public subscribed almost \$400, a sum which was managed by the St George’s Society, in order to pay for her passage to England. Brentnall, however, “flatly refused to leave,” perhaps unwilling to abandon her children,

<sup>45</sup> Foreign Jurisdiction Act 1890, S. 6–8; China Order in Council 1904, S. 83–4. For more details of British consular deportations and their legislative basis see Whewell, *Law Across Imperial Borders*, 54–9.

<sup>46</sup> See, for example, many of the sentences detailed in TNA, FO 656/184, Correspondence from the British Supreme Court, Shanghai, to the British Minister to China, Beijing, vol. 2, 239, 1926.

<sup>47</sup> TNA, FO 656/184, despatch No. 22 from Judge Peter Grain, British Supreme Court to China, Shanghai, to the British Minister to China, Peking, 13 December 1926.

<sup>48</sup> TNA, FO 671/459, letter from Ralph G. E. Forster, British Consul-General, Kobe, to G. S. Moss, British Consul, Shanghai, 24 January 1924.

<sup>49</sup> TNA, FO 671/459, letter from Ralph G. E. Forster, British Consul-General, Kobe, to G. S. Moss, British Consul-General, Shanghai, 30 October 1923, enclosing a draft deed of renunciation of guardianship.

<sup>50</sup> *Municipal Gazette* 19, no. 1,013 (Shanghai), Charity Organization Committee report for 1925, by Mabel Jansen, chairwoman, 18 March 1926, 77.

who were still residents of Catholic orphanages in Shanghai, and social connections on the China coast for a country in which she had no family or connections.<sup>51</sup>

Histories of the cross-colonial, unfree movements of marginal or criminalised populations have explored how these removals served the political and material needs of colonial governments, by, for example, servicing colonial labour requirements or assuaging colonial anxieties by putting distance between “subversive” prisoners and their supporters.<sup>52</sup> By contrast, the movements of “white” Europeans and Americans around the British colonial world in the late nineteenth and twentieth centuries are usually depicted as a free exploitation of the opportunities presented by colonial networks.<sup>53</sup> Removals of Europeans and Americans convicted of “public nuisance” crimes, such as disorderly conduct or begging, and their transportation to other colonial enclaves in Asia tell a different story, of the consular-managed movements of misbehaving foreigners around the empire world. Attempting to remove poor settlers and sojourners from East Asia was a convenient solution to the perceived problem of destitute, rootless, and sometimes criminal foreigners moving between the Chinese treaty ports, Hong Kong, and Japan, whose increasingly visible circulations threatened race-based claims to cultural, political, and moral superiority.

### Nationality and Extraterritoriality on the China Coast

“Curious Problem of Nationality: American Born Woman Married in Childhood,” ran the headline of a *North-China Daily News* article reporting on Edith Brentnall’s appearance in H. M. Police Court in Shanghai in March 1926 on charges of obtaining goods under false pretences. The prosecutor, E. T. Maitland, began the proceedings by attempting to verify that Brentnall was a British subject, who was eligible to be tried in a British court. Sensing an opportunity to delay her trial, Brentnall claimed that she was, in fact, an American citizen, who was registered as such at the U.S. consulates in Tokyo and Yokohama under her birth name of Magdalena. On being interrogated, Brentnall was evasive about the details of her parentage, claiming that she had “lived very little with her mother” as a child. She did not acquire British nationality from her marriage to British subject Lionel Waller, Brentnall argued, because she had married him “by proxy for my sister.” Exasperated, the magistrate adjourned the proceedings subject to further investigations, commenting that it would be necessary to try Brentnall in the Shanghai Mixed Court, a court which dealt with Chinese defendants and non-treaty-port foreign nationals according to Chinese law, if her nationality could not be established. Much to the magistrate’s frustration, a marriage certificate purportedly demonstrating Brentnall’s marriage to Hong Kong-born British subject Lionel Waller at St. John’s Cathedral, Hong Kong, in 1922, which was hastily produced later the same day, did not provide incontrovertible proof of nationality. The bride’s name was recorded as Edith Dorothea Eileen Lucy Brentnall, an amalgamation of the names of Edith and her younger half-sister, and she was documented as being seven years younger than her actual age.<sup>54</sup> Nonetheless, when presented with this uncertain evidence, Brentnall agreed that she had been the bride in question

<sup>51</sup> NCDN, anonymous letter to the editor and editor’s reply, 7 August 1926, 4.

<sup>52</sup> See Clare Anderson, ed., *A Global History of Convicts and Penal Colonies* (London: Bloomsbury, 2020) and Anderson, *Legible Bodies*.

<sup>53</sup> See, for example, David Lambert and Alan Lester, *Colonial Lives Across the British Empire: Imperial Careering in the Long Nineteenth-Century* (Cambridge: Cambridge University Press, 2006).

<sup>54</sup> TNA, FO 671/459, certified copy of St. John’s Cathedral marriage certificate no. 640, Register of Marriages in the Colony of Hong Kong, 1922, enclosed in letter from the Deputy Registrar of Marriages to the Hong Kong Secretariat for Chinese Affairs, 7 January 1924.

and that, therefore, she was a British subject through marriage.<sup>55</sup> “You are quite certain? You will not change your mind again?,” questioned the magistrate, who was no doubt anxious to avoid further obstructions to the trial.<sup>56</sup>

The magistrate’s concerns spoke to the problem of ambiguous nationality, which was a constant thorn in the side of the consuls and magistrates charged with administering the extraterritorial judicial and policing systems of the China coast. The exemption of treaty power nationals from Chinese legal jurisdiction which was established in China’s mid-nineteenth-century treaties with Britain and America generated a plethora of consular and other national courts in which to try extraterritorialised subjects. By 1926 there were 32 British, 18 American, and 18 French courts in China, among others, which added an additional layer of complexity to China’s pluralistic legal system.<sup>57</sup> As in other colonial edge places, individuals often attempted to exploit the gaps in this piecemeal system of extraterritorial justice. Lysa Hong, for instance, has shown how the provision of consular protection to subjects of neighbouring states worked to destabilise the extraterritorial judicial system in Bangkok. At the same time, the indiscriminate extension of extraterritorial protection to diverse inhabitants of Bangkok and their businesses became a powerful means of shoring up French influence in Siam at the expense of the British.<sup>58</sup> In China, extraterritoriality had its own place-specific contentions, chief among which was Britain’s extension of subjecthood to the “Straits Chinese,” a term which referred to ethnically Chinese people who born in the Straits Settlements, over whom successive Chinese governments since the Qing also claimed jurisdiction.<sup>59</sup> An increasingly broad interpretation of extraterritorial protection adopted by some consuls and foreign residents, which went beyond the original judicial meaning laid down in the treaties to encompass protection for foreign property and businesses and even, in some cases, impunity from prosecution, frequently prompted protests from the Chinese government.<sup>60</sup> While the desire to avoid unnecessarily antagonising the Chinese authorities meant that British consuls did not usually extend extraterritorial protection indiscriminately, individuals like Brentnall took advantage of the ambiguities of establishing national identity in the cosmopolitan environments of the treaty ports.

“Shopping” for nationalities was made possible by the mobility of marginal Europeans and Americans, which enabled them to evade the coordinated scrutiny of consular and colonial officials. Certain colonial and consular establishments unwittingly abetted this practice by issuing passports, which were increasingly necessary for international travel, without checking the applicant’s credentials.<sup>61</sup> In response to a 1933 enquiry about Elias

<sup>55</sup> At this time, British nationality law stipulated that British women lost their citizenship on marriage to foreign nationals and that women marrying British nationals gained British status. M. Page Baldwin, “Subject to Empire: Married Women and the British Nationality and Status of Aliens Act,” *Journal of British Studies* 40:1 (2001), 522–56.

<sup>56</sup> “A Curious Problem of Nationality,” *NCDN*, 9 March 1926, 12.

<sup>57</sup> Turan Kayaoglu, “Introduction,” in *Legal Imperialism: Sovereignty and Extraterritoriality in Japan, the Ottoman Empire, and China* (Cambridge: Cambridge University Press, 2010), 1–16. For traditions of legal pluralism in dealing with foreigners see Pär Kristoffer Cassel, *Grounds of Judgment: Extraterritoriality and Imperial Power in Nineteenth-Century China and Japan* (Oxford: Oxford University Press, 2012).

<sup>58</sup> Lysa Hong, “Extraterritoriality in Bangkok in the Reign of Chulalongkorn, 1868–1910: The Cacophonies of Colonial Cosmopolitanism,” *Itinerario* 27:2 (2003), 125–46.

<sup>59</sup> For a case study of a controversy over the national status of Straits Chinese see Siew-Min Sai, “Dressing Up Subjecthood: Straits Chinese, the Queue, and Contested Citizenship in Colonial Singapore,” *Journal of Imperial and Commonwealth History* 47:3 (2019), 446–73.

<sup>60</sup> See Catherine Ladds, “Charles Mason, the ‘King of China’: British Imperial Adventuring in the Late Nineteenth Century,” *Historical Research* 90:249 (2017), 567–90.

<sup>61</sup> On the development of the passport as an identification document in the United States see Craig Robertson, *The Passport in America: The History of a Document* (Oxford: Oxford University Press, 2012).

David Sykes's national status from the British consulate in Shanghai, to which he had recently applied for a passport, the Singapore passport office warned that Sykes was a "Persian Jew, a fluent linguist, and a plausible rogue," who had been sentenced to hard labour twice on charges of "cheating" and would not be permitted to land in Singapore should he attempt to return. Despite doubting Sykes's claim that he had been born in Singapore and was therefore a British subject, Singapore granted him a passport in the hopes of ejecting him from the colony permanently. On enquiry from Shanghai, the Bombay Police Department, which had issued Sykes a British passport in 1923, admitted that it had not asked him to furnish proof of his nationality.<sup>62</sup> Likewise, putative British national and "adventurer" Jacob Martin Cilin lived in Harbin and Tianjin for a number of years after 1918, where he joined forces with a British mining engineer in a range of "nefarious schemes," including profiteering from transporting aid to Russia, operating a gambling den, arms running, and dealing "cocaine, morphia, and opium." Cilin and his associate "employed their British nationality *cum privilegio*" to evade arrest by the Chinese police. At the same time, Cilin also exploited the lack of coordination between consular police and court systems by traveling between Harbin, Dairen (Dalian), Tianjin, and Shenyang in the north and Shanghai further south, in addition to making frequent trips to Siberia.<sup>63</sup> An investigation into American-born Cilin's antecedents in 1930 found that he had been naturalised in Australia as a British subject, but his naturalisation certificate had been revoked at the behest of the British Legation in Peking in 1925. His recent claims to British protection had been made on the strength of a passport obtained at the Nagasaki consulate in 1916, which fraudulently stated his birthplace as Hong Kong.<sup>64</sup> Even after official attempts to curtail their mobility and criminal activities through the revocation of British nationality, some "undesirables" were adept at exploiting the holes in consular paperwork and communications.

Discussions of colonial "criminality" tend to centre their discussion on prisons, internment camps, and policing and judicial systems as violent tools of imperial ideologies, which sought to discipline the bodies and minds of colonised subjects in service of imperial political and social exigencies.<sup>65</sup> Colonial discourses of race, class, and gender were expressed and worked out through police investigative reports and court judgments.<sup>66</sup> Where they exist, the life narratives produced by accused criminals instead point to the ways in which marginal settlers and sojourners actively attempted to shape their own historical record and interpretations of their behaviour.<sup>67</sup> Shortly after his release from prison in Hong Kong in 1930, where he had served a three-year sentence for defrauding American Express by forging letters of credit and traveller's cheques in Singapore and Hong Kong, Quebec-born Richard Williams wrote a highly embellished summary of his life history in a letter to the dean of Shanghai's Holy Trinity Cathedral. After a brief mention of his education in France, a spell "roughing it" as a farm labourer in Australia, and his misadventures across Europe after deserting from the Australian Army during the

<sup>62</sup> TNA, FO 671/466, fn. 5667/33/674, memorandum from the Singapore Passport Office, 11 September 1933 and letter from the Office of the Commissioner of the Police, Bombay, to the British Consulate, Shanghai, 20 September 1933.

<sup>63</sup> TNA, FO 671/464, fn. 6217/30/546, despatch from C. F. Garstin, British consul, Harbin to J. F. Brenan, British consul-general, Shanghai, 5 September 1930.

<sup>64</sup> TNA, FO 671/464, fn. 6224/30/547, despatch from J. F. Brenan, British consul-general, Shanghai, to W. B. Cunningham, British consul, Dairen, 12 September 1930.

<sup>65</sup> See Anderson, *Legible Bodies*; Forth, *Barbed-Wire Imperialism*; Kolsky, *Colonial Justice in British India*; Satadru Sen, "A Separate Punishment: Juvenile Offenders in Colonial India," *Journal of Asian Studies* 63:1 (2004), 81–104.

<sup>66</sup> See Will Jackson, "Immoral Habits: Delinquent White Girls in 1920s Cape Town and the Distribution of Blame," *South African Historical Journal* 72:1 (2020), 29–50.

<sup>67</sup> See, for example, Anderson, *Subaltern Lives*.

First World War, Williams described, with more than a hint of pride, how he became “an international crook, a skunk, glorifying in my ability to swindle, proud of my acquired popularity among the underworld of Continental thieves, rejoicing in the number of my lady friends.” In another cross-continental shift, he claimed to have been detained by the Chilean police and deported before making his way to Asia. After his conviction in Hong Kong, unable to stand the “enervating climate” and the conditions in Victoria Prison, Williams unsuccessfully attempted to “claim French citizenship in the hope of being transferred to a French prison.” The Shanghai consul noted that he had also periodically posed as Spanish, in addition to assuming aliases. Rather than continuing his life of crime, Williams vowed to “show criminologists that even a hardened criminal... can still redeem himself.”<sup>68</sup> While he purported to be contrite, it is clear that he revelled in his international trickster past, particularly the ease with which he assumed new identities to elude police detection. Williams now proposed to parlay his multilingualism, which had been a key asset in his criminal career, into establishing a language school in Harbin, for the purposes of which he was now applying for a passport with the dean’s support. While the Shanghai consul expressed reservations about handing a passport to a convicted forger and “saddling an outpost with this undesirable,” he was nonetheless eager to remove Williams from Shanghai, where, the consul surmised, he was sure to get into trouble again.<sup>69</sup> The consul eventually informed Williams that, as the Quebec archives could not produce evidence of his birth in Canada, he was unable to issue a British passport, only to find that Williams had travelled to Harbin months earlier on a Chinese passport.<sup>70</sup>

Patterns of regional mobility were replicated in the life histories of many European and American criminals on the China coast. Frequent circulations between Chinese treaty ports, Japan, Singapore, and even further afield, to Bombay, Manila, and Australia, enabled “undesirables” to slip in and out of the gaps in colonial and consular bureaucracy, which in turn facilitated the opportunistic assumption and divestment of multiple nationalities. This was not always evidence of a calculated attempt to secure legal and professional advantages, but rather was often the consequence of the complexities of determining national status among the mobile, cosmopolitan settler populations of the China coast, whose cross-jurisdictional movements created difficulties in obtaining clear documentary proof of nationality as well as vacillating sentiments of national belonging. Brentnall’s early life, for instance, had been at once itinerant and rooted in the social and familial networks of the East Asian treaty ports. Born in 1893 to unmarried British parents, a Eurasian woman named Katherine Mooney (b. Hong Kong 1874) and John Herbert Humphries (Bertie) Grimble (b. Hong Kong 1872), Brentnall was second-generation Hong Kong born.<sup>71</sup> Although British nationality could only be passed down overseas through the “legitimate male line” until 1983, meaning that the children of unmarried women born outside of British territory were not British subjects, Brentnall’s birth on colonial territory meant that she acquired British nationality at birth and thus escaped the affliction of statelessness suffered by children born in similar circumstances in the treaty ports.<sup>72</sup> At the age of seven she accompanied her mother,

<sup>68</sup> TNA, FO 671/464, letter from Richard Williams to Mr Trivett, dean of the Holy Trinity Cathedral, Shanghai, 21 May 1930.

<sup>69</sup> TNA, FO 671/464, “Memorandum: Richard Charles Williams” and margin notes, British consulate, Shanghai, 20 May 1930 and Williams’s passport application, 16 May 1930.

<sup>70</sup> TNA, FO 671/464, despatch from British consulate, Shanghai, to the British consulate, Harbin, 23 January 1931. For a similar, albeit more famous, story of an international confidence man see Bernard Wasserstein, “Chasing a Chameleon: Trebitsch Lincoln,” *History Today* 38:4 (1988), 10–6.

<sup>71</sup> For Herbert Grimble’s brief biographical information see his obituary in the *South China Morning Post*, 10 February 1913, 6.

<sup>72</sup> See the 1914 British Nationality and Status of Aliens Act and the British Nationality Act 1981, S. 4C.

stepfathers, and younger half-siblings to Yokohama, where she spent a significant part of her childhood and learned to speak Japanese. This was followed by spells in Hankou and Shanghai and established a pattern of regional circulations that she repeated in her adulthood. Although her biological father was British, as was her stepfather, Percy Brentnall, from whom she usually took her name, her mother's second husband, a former medical student and soldier named Morley Detlor, had registered her as his daughter at the American consulate in Yokohama. This was despite the fact that Detlor himself was Canadian by birth.<sup>73</sup> Women, particularly those who, like Brentnall, married multiple times, often experienced further difficulties in reaching a clear determination of their national status. Until 1948, a woman's nationality was tied to her marital status under British law, meaning that women lost their British nationality and were assumed to have adopted their husband's upon marriage. Yet, the legitimacy of reported marital ties was often hard to prove.<sup>74</sup> While the court accepted Brentnall's 1922 Hong Kong marriage as proof of British nationality, the magistrate also took at face value her statement that her first husband, Frederick Mann, was dead, when in fact he was alive and well in the United States.<sup>75</sup> Growing up far from her putative homeland in the cosmopolitan environments of the treaty ports where multi-national and multiracial genealogies were the norm in settler families, Brentnall's apparent confusion on the question of her nationality was not necessarily disingenuous.

### Surveilling Female "Delinquency" in the Treaty Ports

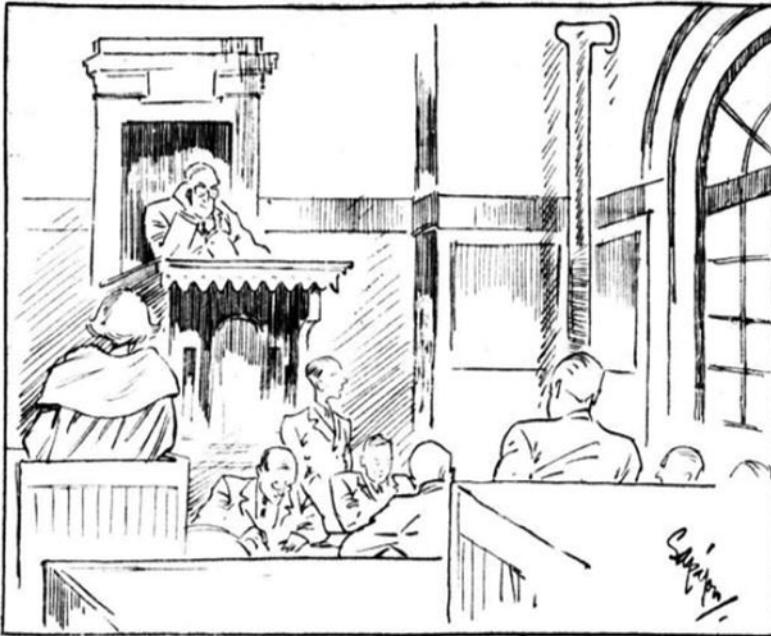
In an effort to shore up consular sympathy for her case, Brentnall wrote down her life story in a twelve-page handwritten letter penned in the Amoy Road Gaol on 9 March 1926 while awaiting her first Shanghai trial. Male "undesirables," such as Williams, tended to cast themselves as daring adventurers in similar statements. Brentnall, on the other hand, emphasised her victimhood at the hands of predatory men and the morally degenerate treaty-port environment which facilitated her exploitation. She explained in detail how she was blackmailed at the age of seventeen into a sexual relationship with her then-husband's employer and creditor, a Shanghai businessman and the father of her two sons named William Brandt, only to be paid off and exiled to Hong Kong when he tired of her. Her purported second husband died shortly after their marriage, while her third husband Lionel Waller's drug addiction propelled their crimes in Japan. Desperate, unwell, and let down by her friends on her return to Shanghai in 1926, Brentnall was duped by her male companion into signing fraudulent cheques. In many ways this testimony was a sincere outpouring intended to document the circumstances which contributed to her arrest. It was also calibrated to stimulate the consul's and the court's explicitly gendered sympathies through references to Brentnall's youth and guilelessness, her ignorance due to a lack of education, and her motherly dedication. "I was only a child then and didn't know this was only a threat as from penny novels I had read I had an awful horror of jail and then I had my little daughter to think of who was delicate and always sickly," she wrote, explaining her compliance with Brandt's blackmail. At the same time, Brentnall documented her attempts to improve her own and her children's circumstances, by, for example, attending night school in Hong Kong, earning a living by teaching English to Japanese residents of Hong Kong, and marrying Waller to provide "a name" for her children.<sup>76</sup>

<sup>73</sup> TNA, FO 671/461, fn. 967/26/336, statement written by Edith Brentnall, Amoy Road Gaol, Shanghai, 9 March 1926; WO 97/2658, Royal Hospital Chelsea: Soldiers Service Documents, record no. 20,499.

<sup>74</sup> Baldwin, "Subject to Empire." An amendment in 1933 permitted British women to retain their nationality if they married stateless persons.

<sup>75</sup> *San Bernardino County Sun*, 5 June 1956.

<sup>76</sup> TNA, FO 671/461, fn. 967/26/336, statement written by Edith Brentnall, Amoy Road Gaol, Shanghai, 9 March 1926.



**Figure 1.** The Trial of Dorothea Brentnall.

Source: *North-China Daily News*, 12 March 1926, 14. Reproduced with the kind permission of the Shanghai Library.

Consular and police investigations into disorderly women often dissected the life histories of their subjects, with particular scrutiny reserved for evidence of “immorality” or illicit sexual behaviour. The consular establishment, the courts, and the press all intimately documented the details of Brentnall’s life story. Together these accounts produced a double-edged understanding of white female criminality on the edges of empire as evidence of both moral corruption and vulnerability. The consular and police records compiled after Brentnall’s arrest in Japan with the intention of legitimising Brentnall’s separation from her children are censorious, forming a body of evidence about her poor mothering, multiple husbands, and children born outside of marriage. By contrast, the magistrate’s judgment and press reporting on her first Shanghai trial in 1926 were sympathetic, interpreting Brentnall’s financial crimes as a product of inadequate parenting, spousal abandonment, and, it was implied, the corrupting effect of immersion in the broader treaty-port environment. “A Woman Without a Chance” and “Unfortunate from the Beginning: Childhood Marriage,” read the headlines reporting on Brentnall’s March 1926 trial for fraud at Shanghai’s H. M. Police Court. A *North-China Daily News* sketch of the hearing, in which Brentnall, depicted from behind standing in the witness box, is shown as the sole woman in a courtroom of eight men, also emphasised the defendant’s vulnerability (see [figure 1](#)). “Right through your life, with an unfortunate start, it was hopeless for you to have any chance in life,” the magistrate surmised in his judgment, noting her mother’s neglectful behaviour and her early marriage to a feckless husband.<sup>77</sup> Meanwhile, the foreign community, whose sympathies were roused by the breathless coverage of Brentnall’s trial, organised a collection to enable her to leave Shanghai and

<sup>77</sup> “A Woman Without a Chance,” *NCDN*, 12 March 1926, 14.

travel to England: the donations totalled \$394 by the time of her death.<sup>78</sup> Brentnall's life story elicited public and court compassion because it spoke to deeper fears about the perceived vulnerability of white and "Eurasian" women and children, particularly those who were born and brought up on the China coast. This portrayal of threatened white womanhood and vulnerable European children was not primarily an expression of racial anxiety born out of proximity to the city's Chinese population, although it did speak to broader concerns about the erosion of "white prestige" brought about by the degradation of the settler population.<sup>79</sup> Rather, settlers who grew up in the treaty ports, and especially Shanghai with its reputation for vice and hedonism, were considered deficient in appropriate moral and cultural tutelage. A particular problem was the transience of the China coast's mobile populations and the consequent ease with which European and American men could abandon their paternal and spousal responsibilities, which, in the eyes of treaty-port elites, made settler women particularly susceptible to "immoral" influences. These concerns about the deleterious effects of the China coast environment on poor "white" women, which were expressed in the public and official reporting on Brentnall's case, highlight a third facet of the management of white criminality: a pre-occupation with monitoring the sexual behaviour of white and Eurasian women by the police, the consular establishment, and welfare organisations. As in Brentnall's case, women and adolescent girls, and especially Eurasians, were often considered as simultaneous sources and victims of moral pollution.

Although statistics about incidences of "juvenile delinquency" among Chinese children and youths appeared regularly on the pages of the *Shanghai Times* in the late 1930s and 1940s, the word *delinquent* was not used to describe white or Eurasian children in the media or public reports.<sup>80</sup> By contrast, Shanghai Municipal Police (SMP) character reports on individuals, which were provided on request to prospective employers and local government authorities overseas, recorded evidence of female "delinquency" in direct and detailed terms.<sup>81</sup> An SMP report in response to an enquiry from the Tientsin Municipal Police in 1936, which is notable for both its length and vehemence, described Sarah Becker, an eighteen-year-old German Eurasian girl, as having "signs of abnormality" from an early age and as being "little better than a prostitute" from the age of fifteen. Becker had been "disowned by her parents" several years earlier on account of her "immoral mode of life," the report continued. This and other similar police reports contributed to a prevailing discourse of female sexuality which constructed adolescent girls as potential carriers of moral contagion, yet they also provide insights into the efforts of girls and women to confront the intrusions of policing and welfare work in the International Settlement. Becker had been "given up as incorrigible" after rejecting attempts by the Amoy Road Gaol and various welfare organisations to "induce her to reform." Moreover, she had been a "constant menace to the other girls" at The Haven, a home for destitute foreign girls from which she had been expelled after teaching a pregnant fellow inmate to induce an abortion.<sup>82</sup> Like Edith Brentnall, who had resisted the

<sup>78</sup> "The Late Dorothea Brentnall," *NCDN*, 17 August 1926, 4.

<sup>79</sup> On the variegated colonial ideologies regarding the vulnerability of white and mixed-race children in Asia, see David Pomfret, *Youth and Empire: Trans-colonial Childhoods in British and French Asia* (Stanford, Calif.: Stanford University Press, 2015).

<sup>80</sup> See, for example, *Shanghai Times*, 5 October 1939, 11; *Shanghai Times*, 4 February 1941, 9.

<sup>81</sup> All names in this section have been changed to protect anonymity.

<sup>82</sup> The National Archives and Records Administration of the United States (NARA), RG 263.2.3, D-7544, letter no. 800/36, from R. H. Dennis, Chief of Police, British Municipal Council, Tientsin, to Col. Gerrard, Commissioner of Police, Shanghai Municipal Council, Sept. 22, 1936; letter from Gerrard to Dennis, Oct. 1, 1936, enclosing report by Inspector D. S. Jones, SMP Special Branch.

stifling ministrations of the Foreign Women's Home, Becker defied official attempts to "reform" her character.

Police reports on female sexuality in the treaty ports were not simply artefacts of colonial anxiety; they had tangible personal consequences for women and girls by restricting employment opportunities, access to charitable resources, and even immigration opportunities. The Australian government, for example, sometimes requested police character certificates for would-be émigrés in the late 1930s and 1940s.<sup>83</sup> Financial resources could also be cut as a result of the SMP's willingness to surveil women for evidence of sexual activity on behalf of estranged husbands who wished to justify the termination of spousal maintenance payments. In 1939, for example, an able seaman in the Royal Navy, who was now living in Britain, requested that the SMP substantiate his suspicions that his wife in Shanghai was "leading an immoral life." "Discreet observation in the vicinity of the premises was kept," promised the subsequent Special Branch report, while noting apologetically that "no foreign male was noticed to enter or leave" her house.<sup>84</sup> Attempts to eject "delinquent" girls and women from the treaty ports was a further strategy employed to manage undesirable female behaviour. The Ladies Benevolent Society of Tianjin, the city to which Sarah Becker had relocated in the hopes of a fresh start, offered to pay her passage back to Shanghai after learning about her "character."<sup>85</sup> Anxious to remove Ireland-born Helen Robinson, who was described a "woman of ill-fame and manageress of a brothel" who had taken to sending "indecent" letters to members of the British community, from the inland port of Hankow, the British consul claimed that his American counterpart was willing to "assume jurisdiction over her and expel her as a dangerous and undesirable person" if Robinson could not furnish proof of her eligibility for British protection. Robinson instead moved to Shanghai.<sup>86</sup> Brentnall, too, resisted the foreign community's attempts to remove her from the treaty ports by raising funds for her passage to England.<sup>87</sup>

Official responses to white female "delinquency" in the British Empire were variegated, shifting according to local manifestations of colonial anxiety. Will Jackson's discussion of attempts to discipline "uncontrollable" white girls in 1920s Cape Town, for example, suggests that adolescent female sexuality was blamed for broader social problems, such as the breakdown of poor white families.<sup>88</sup> In Salisbury, Rhodesia, however, the local government considered white female prostitution a "necessary evil," which could alleviate the perceived greater moral problem of sex between white men and African women.<sup>89</sup> As Philippa Levine has contended, "unrestrained sexuality was an unending threat to empire," but this perceived threat took on specific local textures.<sup>90</sup> In the treaty ports, disorderly white and Eurasian women needed to be managed because they undermined the foreign community's claims to moral authority. At the same time, in the press and

<sup>83</sup> See, for example, the references contained in NARA, RG 263.2.3, D-8264, "Certificates of good character: applications and background sketches."

<sup>84</sup> NARA, RG 263.2.3, D-9079, confidential report by D. S. I. Prokofiev, 30 March 1939.

<sup>85</sup> NARA, RG 263.2.3, D-7544. letter no. 800/36, from R. H. Dennis, Chief of Police, British Municipal Council, Tientsin, to Col. Gerrard, Commissioner of Police, Shanghai Municipal Council, 22 September 1936; letter from Gerrard to Dennis, 1 October 1936, enclosing report by Inspector D. S. Jones, SMP Special Branch.

<sup>86</sup> TNA, FO 671/456, fn. 20757/18, despatch from W. Russell Brown, acting British consul-general, Hankow, to H. P. Wilkinson, H. M. Crown Advocate, Shanghai, 27 August 1918.

<sup>87</sup> "The Late Dorothea Brentnall," *NCDN*, 17 August 1926, 4.

<sup>88</sup> Jackson, "Immoral Habits."

<sup>89</sup> Ushehwedu Kufakurinani, "Empire and Sexual Deviance: Debating White Women's Prostitution in Early 20th Century Salisbury, Southern Rhodesia," in Jackson and Manktelow, eds., *Subverting Empire*, 205–25. For white prostitution in Shanghai see Scully, "Prostitution as Privilege."

<sup>90</sup> Philippa Levine, "Gender, Sexuality, and Empire," in *Gender and Empire*, ed. Philippa Levine (Oxford: Oxford University Press, 2004), 134.

in court judgments censoriousness was often tempered with sympathy for women who, reports implied, were victims of the demographically mobile and morally unsound urban environments of East Asia's port cities.

## Conclusion

The confluence of white criminality and “immoral” behaviour was troubling for colonial elites because it undermined the claims to white moral superiority on which their authority rested, especially when imperial insiders were involved. In 1918, for instance, the SMP investigated allegations that the assistant British assessor at the Shanghai Mixed Court, Irishman G. P. Byrne, who was also a consular officer, had been soliciting bribes in return for reduced sentences, while his “moral character does not bear investigation.” Besides sexually harassing female witnesses in court, “he has often been seen in company on the public streets, with Eurasian girls, and his association with prostitutes both foreign and Chinese is well known,” while “all Chinese” were aware of the “great intimacy that exists between him and his butler.” Byrne's professional and personal conduct were concerning to the SMP and British consular establishment chiefly because “the faith the Chinese had in British justice ... has severely suffered” because of his actions. Such was the impact of his conduct that many members of the Chinese business community were considering abandoning their British allegiances and registering their property and businesses at a different consulate.<sup>91</sup> Byrnes did not go quietly, but eventually the British minister to China engineered his exit from China under the pretence of sick leave in London, where he was persuaded to request retirement from the consular service.<sup>92</sup> Byrnes's unprofessional and undesirable behaviour cut to the heart of elite anxieties about the viability of colonial power on the China coast. In the extraterritorialised enclaves of the treaty ports, where the administration of justice was a cornerstone of colonial power, the destabilising effects of undesirable white behaviour, in both the public and private lives of individuals, were amplified.

The biographical turn in imperial history has generated histories which place the life stories of marginal subjects at the centre of processes of historical change and continuity. Clare Anderson's work, for instance, examines subaltern biographies to develop new perspectives on colonial networks in the Indian Ocean world.<sup>93</sup> Similarly, Kirsten McKenzie demonstrates how the scandals and controversies generated by marginal figures propelled the legal and political transformation of the British Empire in the early nineteenth century.<sup>94</sup> The stories of “undesirable” settlers and sojourners in East Asia reveal how the colonial management of disorderly whites, while prompted by empire-wide concerns about their potential to undermine colonial political and social orders, took on specific local textures. As the treatment of Brentnall's case suggests, the intra-port mobility of individuals and the cosmopolitan, multi-jurisdictional milieu of East Asia's port cities lent a slipperiness to the national and racial identities of settlers and long-term residents of the treaty ports, often enabling them to circumvent patchwork colonial justice systems. Undesirable white and Eurasian women came under police and consular scrutiny, as both

<sup>91</sup> TNA, FO 671/446, confidential Shanghai Municipal Police report on the British assessor, Mr Byrne, by detective inspector Percy Reeves, 18 November 1918.

<sup>92</sup> TNA, FO 671/446, private letter from Sir John Jordan, British Minister to China, Peking, to Sir Everard Fraser, Shanghai Consul-General, 28 February 1919.

<sup>93</sup> Anderson, *Subaltern Lives*. See also Robert Bickers, *Empire Made Me: An Englishman Adrift in Shanghai* (London: Allen Lane, 2003) and Gregor Muller, *Colonial Cambodia's "Bad Frenchmen": The Rise of French Rule and the Life of Thomas Caraman, 1840–87* (London: Routledge, 2009).

<sup>94</sup> Kirsten McKenzie, *Imperial Underworld: An Escaped Convict and the Transformation of the British Colonial Order* (Cambridge: Cambridge University Press, 2016).

victims and agents of fractured families and social systems, and immoral influences in the liminal environments of the treaty ports. Finally, while official attempts to manage disorderly whites had tangible individual and political consequences, the fragmented biographies collected in this article demonstrate how marginal historical actors endeavoured to determine their own histories, by resisting philanthropic and consular attempts to restrain their behaviour, by adopting flexible identities, and by shaping the historical records of their lives.

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