

TWO CHINESE DOMESTIC MURDERS

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'Johnson called the East-Indians barbarians. Boswell. "You will except the Chinese, Sir?" Johnson. "No, Sir". Boswell. "Have they not arts?" Johnson. "They have pottery". Boswell. "What do you say to the written characters of their language? ". Johnson. "Sir, they have not an alphabet. They have not been able to form what all other nations have formed".'

Boswell's Life of Johnson

George Orwell wrote a celebrated short essay on murder in which he argued that the great classic English murders were mostly domestic and concerned ordinary people.¹ He went on to argue that the violence of external events, such as World War II, had made conventional murder seem unimportant.² Orwell's essay was published in 1946. A latter-day criminologist is likely to argue that the abolition of the death penalty in 1965 has 'demeaned' murder as a fine art. Before 1965, a murder trial was often an awesome contest — the issue was a matter of life and death. Today a convicted murderer in Britain, or Hong Kong, is likely to experience, on the average, between 7 to 10 years of incarceration. The two cases discussed below, in which both principals were Chinese, raise a number of interesting legal and sociological questions, together with problems of cultural 'confusion'. In each case, the judge and jury had great difficulties in interpreting Chinese behaviour and in understanding the motivation for the crime.

Lock Ah Tam: the man who ran 'amok'?

Lock Ah Tam was born in 1872 in Canton, the capital city of Kwangtung province. Kwangtung was then one of the major areas for Chinese emigration and a territory from which over half of China's seamen hailed. As a young man, he went to sea as a ship's-steward. In 1895 he settled in Liverpool and stayed there for the rest of his life, marrying a Welsh girl. Before 1914,

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it should be remembered, travellers to England needed no passport or travel document, so that Lock had no problems about residence or work. Liverpool, as a great port, had a long-established Chinese colony — a small 'China-town' as it would now be termed — so one infers the young Lock did not feel too cut off from his homeland.

Because of his maritime experience, he became the European representative of the Chinese Seamen's Mutual Benefit Society, formed in 1914 among Chinese seamen on ocean-going vessels.³ This society was registered in Hong Kong under the name of the 'Seamen's Philanthropic Society'. It was more than a mutual-aid society; it had political aims. Lock was also a member of the T'ung-meng-hui (Sworn League), the secret revolutionary party organised by Sun Yat-sen and others in 1905, which later became the Kuo-min-tang.⁴ Sun used seamen as couriers in his revolutionary activities and, it is claimed, Lock worked for Sun as a secret service agent in England. Lock also founded the Chinese Republic Progress Club (a significant designation) in Liverpool in 1918 and became the leading figure in the Liverpool Chinese community. At his trial it became known he had convened a secret court to punish a Chinese for beating his English wife (but we do not know what punishment, if any, was meted out to the callous husband). Lock was thus highly respected in both the English and Chinese communities and was a spokesman for his compatriots. He became that well-known figure: a Chinese community leader. He was also a British subject: a naturalised Englishman.

Edward Marjoribanks affirms that '. . . he was not the sinister "King of Chinatown" of detective romance; a kindly, gentle person, he distributed much in charity and hospitality, giving Christmas treats to the poor children of Birkenhead and Liverpool, and renting a shoot where he entertained his English friends'.⁵ All his affairs prospered until 1923 when he launched out on a large commercial undertaking and lost most of his investment. As a consequence, he was forced to file his own petition in bankruptcy, although he continued to live with his wife and children in some style. Friends said that after these events he became moody and his behaviour erratic, flying into sudden rages and weeping uncontrollably. He also began to drink heavily,

unusual for a Chinese in those days.

On December 1, 1925 Lock gave a dinner party to celebrate his son's coming of age. This young man, Lock Ling Tam, had just returned after nine years of education in China. The evening was convivial and speeches were made in the only son's honour by both father and mother. Before his guests departed, Lock said to one of them: 'Ring me up tomorrow morning, and let me know how your daughter is' (Lock was always concerned about his friends.) In the early hours of December 2, 1925, a call came through to the Liverpool Telephone Exchange with the message, in broken English, 'I have shot my wife and child'. The mysterious caller was immediately put through to the Police and a constable recorded the words: 'Tam — shot — kill wife and child'. The caller further stated that he was Lock Ah Tam and that his home was at 122 Price Street, Birkenhead.

The chain of events, as reconstructed by the police and affirmed by the prosecution, was never seriously questioned by the defence. Soon after all the guests had gone, Lock Ling Tam heard his father abusing his mother and stamping his feet. The young Lock intervened and told his father to leave her alone. The father then left the room and asked the maid, a Eurasian girl, to fetch his boots. The maid caught a glimpse in a mirror of Lock loading a revolver. Next, Lock loaded his shotgun and immediately went to the kitchen where he killed his wife and youngest daughter. After that he seized his revolver and shot his eldest daughter who was cowering behind a door with the maid (the latter was not fired at). The son, terrified by the first explosion had fled the house. While he was seeking help from neighbours, Lock, as related above, phoned the police and admitted responsibility for the murders. Such were the stark facts — but how to interpret them?

As soon as Lock's story became known in the Chinese community, his friends opened a defence fund and subscriptions flowed in from all over Britain and from other parts. Altogether, more than a thousand pounds were raised (a large sum in those days). His solicitor instructed the famous Sir Edward Marshall Hall K.C. to defend him. Marshall Hall was then probably the best-known English advocate. A flamboyant, histrionic, and

emotional man, he was the darling of the public but less popular with Judges and members of the English Bar.⁶

It was not easy, given the facts outlined above, for Marshall Hall to establish a sound defence, one that would save the unfortunate man from the gallows.⁷ The three murders — that of his Welsh wife (born Catherine Morgan) and of his two daughters, Doris (20) and Cecilia (18) — appeared to be unmotivated. Since Marshall Hall could not understand why Lock went berserk, he concluded he must have been insane when he committed the crimes. In 1925 a plea of insanity had to satisfy the M'Naghten Rules. These rules declared:

' . . . to establish a defence on the ground of insanity it must be clearly proved that, at the time of committing the act, the accused was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing, or, if he did know it, that he did not know he was doing what was wrong'.⁸

But when Lock phoned the Liverpool police and reported the murders, it was clear he knew what he had done and that it was wrong, and that he expected to be punished.⁹

If the case were tried today, it seems likely his counsel would plead 'diminished responsibility'.¹⁰ In 1925, needless to say, such a plea was not available to the defence, so Marshall Hall fell back on a rather dubious argument, supported by questionable medical and psychiatric evidence, that Lock acted as he did in a state of 'unconscious automatism', brought on by an epileptic fit.¹¹

In 1918 some drunken Russian sailors had attempted to enter the Chinese Republic Progress Club, run by Lock; a fight had broken out when he attempted to eject them and he had been stunned by a billiard cue. Witnesses for the defence averred that his behaviour started to change afterwards, that he began to drink heavily at times, but more so when, in 1923, he lost much of his fortune — £10,000 — in an unsuccessful shipping venture. As Marshall Hall argued: 'Some minute happening in the brain caused a change for which none of us can account. It turned a man — a mild, lovable, peaceable man — into a raving madman . . . Absolutely and entirely motiveless, he killed those

he loved best . . . Yes, there is no doubt he did it, but at the time he did it he was insane'.¹²

That Marshall Hall was baffled by Lock's behaviour is evident. He developed a subsidiary defence that his client had run amok (a line of defence that quickly fizzled out when Lock's son said, in cross-examination, that he had never seen a Chinese behaving in that way). It was also clear that Marshall Hall, like many of his countrymen in 1925, had no firm grasp or understanding of the sociology or anthropology of Chinese society. To run 'amok' or 'amuck' is a Malay phenomenon; the Chinese have never been accused of this type of behaviour. The Malay word refers to a person who unexpectedly and frenziedly attacks with a kris anyone found in his track, and is only stopped when cut down or otherwise overcome.¹³ Rather lamely, the eminent K.C. concluded: 'I do not think we can get into the mind of an Oriental'. It was plain that Marshall Hall could not do so.

The counsel for the prosecution, Sir Ellis Griffith,¹⁴ said in reply to Marshall Hall's impassioned oratory, 'The upraised hand and uplifted voice is not for the prosecution'. The jury was out for only twelve minutes before they returned a verdict of 'Guilty'. Mr. Justice MacKinnon was greatly distressed when he came to pass sentence, for this was his first murder trial.¹⁵ 'You have been convicted by your adopted countrymen of this crime', the Judge said. He exhorted Lock to meet death 'with the bravery that a man should'. Since Lock had sat impassively — poker-faced — throughout his trial at the Chester Assizes in 1926 and had asked his friends, before his trial, to see that he was buried next to his wife, the Judge's words have an odd ring. Marshall Hall lodged an appeal but Lock did not bother to attend in London, as was his right.

Sir Travers Humphreys writes:

'English juries undoubtedly attach great importance to proof of motive where the evidence against the accused, of having done the act charged, is not very strong; while on the other hand, and particularly in charges of murder, they are quite ready to accept the direction of the trial judge to the effect that if the killing is clearly brought home to the accused, proof of motive

is unnecessary, though, of course, always useful. What has to be proved by the prosecution, before there is a verdict of guilty, is that the accused committed the act in circumstances amounting to murder, not *why* he did so'.¹⁶

As there was no reason to doubt that Lock committed the three murders — he never denied that — and it was certain he was not legally insane under the M'Naghten Rules, the verdict was a proper one. So Lock was executed on March 23, 1926, at Walton Gaol, Liverpool. A French court would have spent much time exploring the problem of motivation; and in the pre-trial period, a French examining magistrate would have rigorously questioned Lock, and other witnesses and parties, and prepared a dossier on the history of the crime. But this is not English legal practice: an English court is concerned primarily with evidence, less so with obscure problems of why men act as they do.

Tennyson Jesse maintains that all murders may be reduced to one of six types: murder for gain, for revenge, for elimination, for jealousy, or as a result of lust of killing, or from conviction (such as Orsini's attempt to assassinate Napoleon III, which failed, but led to the death of a number of bystanders).¹⁷ She does not include insanity in her typology because a madman is presumed to act irrationally, and it is not easy to unscramble a deranged mind.¹⁸ But if we accept her classification, then we must exclude Lock: he does not fit apparently into any of her divisions.

If we return to Lock's biography, we may discover clues that could account for his behaviour. As outlined above, Lock settled in England when he was twenty-three; worked for a time as clerk or assistant for a shipping agency until he became an independent businessman and an agent for three British shipping lines employing Chinese scamen. By hard work and frugal living, he amassed a small fortune, and became a spokesman — community leader — for the Liverpool Chinese community and, later, a spokesman for all Chinese in England. By 1924, when he was to lose most of his fortune, he was the most respected Chinese in England, certainly on Merseyside where he saw to it

that destitute or disreputable Chinese were shipped back to their homeland without expense to the British taxpayer. All in all, a model citizen of his adopted country.

One surmises that Lock settled down in England in 1895 without experiencing an acute degree of cultural 'dislocation'; it was after all his elected country and must have appeared a land of opportunity to the young Cantonese. But he remained Chinese, enmeshed in the themes of Chinese society and culture — a migrant, a marginal man. Since wealth and status are closely linked in Chinese society, particularly so in overseas Chinese communities which then lacked a Chinese scholar class, once his fortune disappeared as a result of injudicious speculation, he must have experienced a shameful loss of 'face', a loss of standing within the Chinese Liverpool community. His bankruptcy was temporarily masked by maintaining a high degree of conspicuous consumption (how did he do it?). Lock was 52 in 1925, and to recoup his finances would have been difficult at that time, when the British economy was listing and shipping trade with China interrupted by the great strike and boycott of Hong Kong and the Treaty Ports. It is plausible to suggest, then, that Lock felt disgraced, ashamed of what the future might bring his wife and three grown-up children, victims of his middle-aged ineptitude, or bad luck. It is possible to point to a number of English, let alone Chinese murders, motivated by the same impulse: fear of the future.¹⁹

All this is speculation, need it be said. The writer has not seen the transcript of the trial — has it survived? — and Lock's case is not included in the eighty-three volumes of the Notable British Trials Series.²⁰ It seems sensible, though, to argue that Lock's friends, all those giving evidence for the defence, would tend to over-emphasise his bouts of ill-temper and any episodes which might suggest he was mentally sick. This type of retrospective interpretation or evaluation is common in many murder trials. We do not know what precisely triggered off Lock's murderous assault in the early hours of December 2, 1925. Did some chance remark made by his wife drive him into a frenzy? Did she, perhaps unwittingly, make him aware of the shame he had brought upon his family — did she awaken the tiger? That,

unfortunately, we shall never know. We could, perhaps, tentatively add a seventh motive for murder to Tennyson Jesse's list — murder born of pride or 'face', murder from shame.²¹

An earlier Chinese murder had not baffled an English judge and jury; this was a 'murder for profit', to use William Bolitho's phrase.²² At the Worcester Assizes in 1919, a Chinese Birmingham factory worker, Sung Djang Djing, was accused of murdering a fellow countryman, Zee Ming Wu, on June 23, 1919, in Warley Park on the Warwickshire-Worcestershire border. The victim's head had been savagely battered. Sung was accused of luring Zee to the woods, murdering him, and then stealing his Post Office Savings Book, which had a £240 credit. Sung admitted stealing the Savings Book — found in his possession — but denied murder, accusing another Chinese of the crime. The evidence was too strong; the motive too obvious. Sung was hanged in Worcester Prison (where, curiously, he was converted to Anglicanism in the weeks before execution). Sung was one of a number of Chinese attracted to the Midlands by the prospect of high wages during the war. It is not clear whether he was, like Lock, a former seaman, or had been a member of the Chinese Labour Corps, recruited in China, especially Weihaiwei, to work behind the lines on the Western Front, or in Britain's war industries. The problem of special 'Oriental motivation' did not arise in this trial, it was a commonplace murder.²³

The Chinese in Britain

In 1925 there were three main areas of Chinese settlement in Britain — Liverpool, Cardiff, and Limehouse in the East End of London. These communities had been formed primarily by Chinese seamen who had either jumped ship or been paid off in England, from the 1850s onwards; for once shipping routes were opened up between Britain and the Far East, the demand for Chinese seamen steadily grew, especially as they, like Lascars, were then a source of cheap maritime labour. Many of those who settled in Britain started small businesses, especially laundries (as did their compatriots in Canada, Australia and the United States). It should be emphasised, though, that the Chinese restaurant business did not expand markedly, or flourish, until

the 1950s, when the British had acquired more sophisticated tastes in food and had travelled more. After 1950, the Hong Kong Chinese, in particular, exploited this new market.²⁴ But, in the 1920s, although there were a few Chinese restaurants, especially in Soho, they tended to cater more for Asians than Europeans.

At an early date, these Chinese settlements acquired a reputation as places where the curious, or addicted, could smoke opium. Opium-smoking and gambling were traditional Chinese pastimes and, on the whole, did not create problems for British policemen. Such Chinese communities governed themselves and concealed their delinquencies from the outside world. Inevitably, secret societies (tongs) flourished.

Sir Montagu Williams Q.C. describes a visit to what he calls London's 'Chinese quarter' in the 1870s. It was situated in Limehouse, off the Ratcliff Highway. 'During the evening', he writes, 'we went to the Chinese quarter, where are to be found the opium dens. . . .' As they emerged from an exploratory visit to one, Williams and his party heard cries of 'Amok! Amok!'. It appeared that some Chinese had been drinking with Englishwomen in a public house and a dispute had broken out with some foreigners (probably sailors). The Chinese had drawn knives, to defend themselves, and 'rushed upon all they met, stabbing, and cutting men, women, and children, indiscriminately'. The Police arrested the Chinese. 'Subsequently', Williams concludes, 'I had the satisfaction of seeing (as magistrate) the culprits tried and convicted'.²⁵ On the whole, as Scotland Yard detectives were wont to affirm, the Chinese formed a peaceful community in the East End, unless of course they were driven to defend themselves, as, perhaps, in the incident given above. Since there were few nubile Chinese women in England, Chinese tended to marry Europeans or acquire common-law wives of the same stock (i.e., British women). Having inherited strong familial sentiments — a cornerstone of Chinese society as it once was — they made good husbands, a fact confirmed by the devotion of their wives (Mrs. Lock adored her husband, according to all accounts).

In most reports of the Chinese in England, from the 1850s to the 1930s, there is a considerable degree of stereotyping.

Part of this, at a later date, was due to the influence of the popular novelist Sax Rohmer who invented the sinister but suave Dr. Fu Manchu, perennially at war with the tight-lipped, establishment Nayland Smith (Ian Fleming's *Dr. No* revives this stale mythology).²⁶ The British public came to believe, as a result of press reports, that the insidious Doctor had become incarnate in the person of 'Brilliant' Chang, a Chinese restaurateur and 'dope-king', whose premises were located in Gerrard Street, London, opposite the Forty Three Club, Mrs. Kate Meyrick's notorious night-club.²⁷ Chang was a member, and supplied the club's rich clientele with narcotics, especially cocaine, until April 1924, when he was sentenced to fourteen months imprisonment, followed by deportation.²⁸ Although the great majority of Britain's Chinese population were hard-working, intent on bettering their lot by economic enterprise, a constant process of stereotyping caricatured Chinese as inscrutable and complex, unknowable and different, sly and dangerous, separated by a vast cultural chasm from Englishmen. This, I believe, is suggested by Marshall Hall's comments in the Lock Ah Tam case and, as we shall see, by Sir Travers Humphreys' animadversions on Miao Chung-yi, whose case will now be examined.

Dr. Miao Chun-yi: a murder for profit?

Miss Siu Wai-sheung married Miao Chung-yi, a doctor of law or jurisprudence, in New York on May 12, 1928.²⁹ Born in 1899, she was the eldest daughter of Siu Ying-chau, a rich Macau merchant with business interests also in Hong Kong. Her mother was Siu's primary wife (tsai), but there were other children born to Siu's concubines (tsip). As a girl she was clever and able, and when her mother died in 1910 she helped run her father's household. She was educated at St. Stephen's Girls' College, Hong Kong, which she left in 1917 to further her education at Emerson College, Boston, U.S.A., and graduated in 1922. Then she returned home. In 1924 her father died. She was named sole executrix in his will — he left over a million dollars — an unusual event in those days when unmarried Chinese women had few, if any, testamentary rights. Moreover, she inherited much of his wealth, although she had a younger brother, and several half-brothers and half-sisters. Soon after

she opened a shop in Hong Kong, selling curios and objets-d'art. In 1927 she took a consignment of Chinese antiques, many from her late father's collection, to New York to sell. On October 10, 1927, she met her future husband in that city. Sir Travers Humphreys avers she was not, to English eyes, good-looking; others claimed she was attractive.³⁰ But all agree she was charming and good-natured, much involved in charitable work.

Less is known about Dr. Miao. Wai-sheung's relatives and friends never met him. He was a year younger than his wife. He was born in Chekiang (Chiang Kai-shek's native province) and, at the time of his trial, had a mother and sister living in Shanghai in the Chinese city. He claimed his father was a member of the Chinese Legislative Council (sic) and a Justice of the Peace. Miao studied law in China and later at Loyola University, Chicago. He was described as being extremely tall and slim, fluent in inaccurate English. His wife, a Cantonese, was petite, under five feet tall; so they were a noticeable couple together. They were married according to the rites of the American Episcopal Church. Siu was a devout Christian. Miao was probably a Christian, for Christianity was a sign of modernism in the early 1920s among the westernised, educated elite in Shanghai (later Marxism or Nationalism was to largely supplant all forms of religion and YMCA fraternalism among Chinese students and intellectuals). A newspaper report stated, in any case, that Miao 'professed Christianity before he died' (i.e., was hanged).³¹

After marrying in New York, they honeymooned in Buffalo, then Albany where the bride had a minor operation to facilitate sexual relations (probably dilation of the hymen). About four or five weeks after their wedding, they left for a two-months' vacation in Europe before returning to China. They landed at Glasgow, stayed in Edinburgh a day or two, and on June 17, 1928, stopped at Grange-in-Borrowdale, a Cumberland village, close to Derwentwater. On the next day, January 18, they went for a walk in the morning, returned for lunch, and left for another walk, hand-in-hand, at two o'clock. Miao returned home at about 4 p.m. and said his wife had gone to Keswick, about four miles away, to buy some warmer underwear. She did not return

for dinner and Miao dined alone. A Miss Crossley, the owner of the Borrowdale Gates Private Hotel, where they stayed, told Miao that a bus from Keswick was due at 9 p.m., and offered to meet it for him, since he claimed he had a cold and had been told by his wife to stay indoors. Miao told Miss Crossley his wife would not come by bus but by hired car, since she disliked buses. At 10.30 p.m. he asked the hotel maid whether he should inform the local police that his wife had not returned from her shopping expedition to Keswick. Apparently he did not do so: he went to bed.

Already her body had been found. At 7.30 p.m. a farmer had seen her lying in a lakeland wood, apparently asleep. She was on her back, her legs apart, an open umbrella shading her head. The farmer mentioned what he had seen to a detective-constable on leave, who, his suspicions aroused, went back to the spot and found Mrs. Miao dead. She had been strangled by three cords wound tightly around her neck. Her skirt was above her thighs, and her knickers torn. It was later argued that the murderer had attempted to simulate a rape or sexual assault. In fact, there was no medical evidence of any form of sexual violence.

It is not easy for a murderer to rape a woman unless the inspiration for his crime is sexual. A husband, who hates his wife enough to murder her, is not likely to achieve sufficient tumescence prior to, or just after, his crime. It was also not likely that a wandering necrophiliac, a Cumberland shepherd, let us say, had stumbled upon the corpse and violated it.³² One must assume the body was so arranged as to suggest sexual assault. If that were so, what was the motive?

At 11 p.m. Inspector Graham of the local police, informed of what the vacationing Southport detective had found, went to the hotel and discovered Miao in bed. He cautioned Miao, then arrested him. It is alleged that Miao asked the curious question: 'Had she knickers on?' Later, he claimed what he really said was 'Had she necklace on?' (There was no translator present at the trial, for Miao was inordinately proud of his legal knowledge and voluble half-command of English, although his ungrammatical discourse at times presented problems both for

the defence and prosecution). Miao was taken to the local police station for further questioning.

Miao's trial at the Carlisle Assizes lasted three days — October 22-24, 1928.³³ The prosecution's case was purely circumstantial (as it so often is in murder trials), but nonetheless a strong one. The presiding judge was Sir Travers Humphreys, an experienced criminal lawyer recently raised to the Bench.³⁴ No attempt will be made here to reconstruct the three-day trial in detail, only a few salient points will be discussed.

When Miao's wife was found, her left hand was gloveless — the glove had been torn off and lay by her side. The two rings she wore that day had been removed. When Miao's hotel room was searched two spools of film were found in cartons. The police decided to have them developed. On doing so, out popped the missing rings from the cassettes. Who could have hidden them but the murderer? The keys to Mrs. Miao's jewel-case were also found hidden in Miao's rolled-up dress-shirt. The jewel-case contained jewellery valued at over £3,000. Why were the keys concealed in that way? A point that also told strongly against Miao was his behaviour when his wife did not return promptly from her shopping expedition to Keswick. Would a recently married man calmly go to bed when his wife was missing in a strange town, in a strange country? (He was asleep, or at least in bed, when the police came to his bedroom at around 11 p.m.).

An enigmatic piece of evidence was obtained from Scotland. The couple had stayed at an Edinburgh hotel before they arrived in the Lake District. After they vacated the hotel, a chambermaid cleaned up their room, as is the custom, and found on top of a wardrobe three slips of paper with Chinese characters on each. For some reason she did not dispose of the slips but kept them, which was providential. The characters, when translated, read:

Be sure to do it on the ship
Don't do it on the ship
Again consider on arrival in Europe

Miao did not deny writing these words but claimed he did not now remember to what they referred. Mr. Justice Humphreys

was deeply concerned to do justice to the defendant — a Chinese, a foreigner, a stranger in Britain — and instructed the jury to disregard the matter since it had not been conclusively proved that the slips of paper were relevant to the murder charge. But the sinister import of the Chinese characters must have impressed itself upon the jurymen and it would be too much to expect that they did not speculate among themselves as to the evidential value of the translated sentences. If, in fact, the words did refer to Mrs. Miao's contemplated destruction (which seems likely), then her husband must have had murder in his heart *before* he left America, not long after his marriage to Siu Wai-sheung, a rich woman. Again, if this is so, it was a premeditated murder, not one born of impulse or passion, like most domestic murders in Europe and China, yesterday or today.

Miao, Travers Humphreys tells us, was ably defended by Mr. J. C. Jackson K.C., but he had little to go on.³⁵ The circumstantial evidence was overwhelming in its assemblage; the case for the defence speculative and insubstantial. Miao, through his counsel, argued that he and his wife had been followed by a gang of Oriental jewel thieves; and evidence was obtained from a few persons that two Oriental gentlemen, Chinese or Japanese, had been seen in the Derwentwater area at the time of the crime. These shadowy figures were neither identified nor located. The jury was left with the following puzzle: if members of an international gang, specialising in the theft of jewellery, had robbed and killed Mrs. Miao, why did one, or both, then attempt to sexually assault the victim of their greed? That was certainly not professional criminal practice. And, furthermore, forensic scientists had already demonstrated, convincingly, that the assault upon poor Mrs. Miao had been faked. There were, for example, no bruises upon her body. Who, then, would benefit from the murder, if we dismiss the shadowy robbers? Surely only the bereft husband.

The defence was not able to weaken the structure of circumstantial evidence deployed by the prosecution. The jury was out for an hour and a half and brought in a verdict of guilty. Mr. Justice Humphreys then sentenced Miao to death, on which he cried out 'I am not guilty!' and embarked on a voluble defence of his actions until stopped by the Judge.

His appeal was heard at the Court of Criminal Appeal,

London, on November 19-20, 1928.³⁶ Miao's counsel (J. C. Jackson) withdrew from the case when Miao insisted on addressing the Court himself, but was allowed, should any question of law arise, to make a statement later as *amicus curiae*. Miao argued his case before the Court for over four hours and called three new witnesses who deposed that other Orientals had been seen near the scene of the crime on the day it took place. The Court, remarking that special indulgence had been shown to the applicant as he was a foreigner, dismissed the appeal. Dr. Miao Chung-yi was hanged at Manchester's Strangeways Gaol on December 6, 1928. Ironically, on that day his wife's body was shipped back to Hong Kong for re-burial in the Chinese Christian Cemetery, Hong Kong. No one has seriously disputed that Miao killed his wife, but the reason why he did so has baffled Sir Travers Humphreys and a number of other commentators.

Sir Travers Humphreys (1867-1956) was a product of late Victorian England, the era of British Imperialism. He was sixty-one when he presided over Miao's trial and eighty-six when he wrote an account in *A Book of Trials* (1953), a volume of legal reminiscence. Miao's story is to be found therein under the somewhat dramatic heading 'The Chinese Murder'. Travers Humphreys declares that 'The interesting feature of Miao's case is, perhaps, the fact that, in the absence of any direct proof against him, the circumstantial evidence was overwhelming, while the suggested motive for the crime, though proved to some extent, seemed to many people absolutely inadequate'.³⁷ He comments, later on, that the trial was 'quite the most puzzling I have ever come across, on the question, why did he do it?'³⁸ and concludes, 'I am satisfied that Miao murdered his wife and was rightly hanged, but I was and still am unable to answer to my own satisfaction the question, "Why did he do it?"'³⁹

It seems that Travers Humphreys' perplexity owed much to the fact that the accused was a Chinese, whose mind therefore must be extraordinarily difficult to fathom. (Even a noted sinologist like Dyer Ball had argued that Chinese do everything in reverse, or eccentrically, compared with Europeans).⁴⁰ This is further suggested by the quatrain containing the line 'The Heathen Chinese is peculiar', which heads Travers Humphreys' chapter on the trial.⁴¹ Mrs. Miao, as we already know, was

strangled by three pieces of string or cord. Travers Humphreys asserts: 'The method is peculiarly Oriental, and indicated that she had been sitting on the ground when someone, with the string held in both hands, had suddenly drawn it tightly round her throat and knotted it behind'.⁴² Strangulation by this method — a ligature — is not, surely, 'peculiarly Oriental'? It was adopted, for example, by the murderer in the celebrated Yarmouth case of 1900, where the victim was strangled by a mohair bootlace.⁴³ Another source of perplexity, to repeat, was language: people who do not speak your language are apt to be regarded as dense or odd. Miao often declared he had been misunderstood. Thus at first he believed his wife's body had been found by Miss Crossley, and he is alleged to have asked 'Did she go to the place where they bathe?' (indicating that he knew where she had been murdered). Later, Miao's counsel urged that what he really said was, had she gone to look for his wife 'at the place where people take the bus'.

The three pieces of paper, with the cabbalistic or arcane questions on them, also worried Travers Humphreys. 'One of the statements made by Miao', he relates, 'to the Appeal Court was that he was in the habit of asking God which of two or more courses he should take, when he would put the alternatives on separate pieces of paper, would then pray for guidance and decide by drawing a lot. Does not that statement indicate a confusion of mind sufficient to account for almost any action?'⁴⁴ But the art of divination — the drawing of lots — has a long history in China; so, too, has fortune telling, once a normal custom when a marriage was projected between families. The mysterious *I Ching* has also been widely used by Chinese for centuries as a means of grasping the future. One should also refer to a widely-held belief in the efficacy of feng-shui, certainly in the 1920s. The rational Travers Humphreys, in the quotation given above, was suggesting, of course, that Miao was suffering from religious mania or acute superstition; but, if so, why should this provide a motive for the crime unless he believed his wife was the Antichrist?

On balance, it seems obvious that Miao's crime was a murder for profit. He had little money in his possession when he married; the planned two-months vacation appears to have been financed

by Mrs. Miao. Miao was not in employment, having just finished his studies in America, though he did state he had been offered a legal post in China and was to take it up when he returned from his lengthy honeymoon. Little is known about his father's finances. Presumably he was an official, but had he lost his post when the Nationalists seized power in 1927, or was he dead by then? It was not only a murder for profit, but a premeditated one, planned before he left America. Miao wanted not only his wife's inheritance but her jewellery and other possessions.

It has been argued that the real motive for the crime was Mrs. Miao's infertility. She had been told at Albany, so it is alleged, that she would be unable to bear children, and the knowledge depressed her husband. An article in *The Sunday Express* of March 24, 1929, quotes Miao as saying his wife died willingly to allow him to remarry and have heirs. This story sounds implausible. Divorce was not impossible in China in 1928; in any case, it would have been legitimate for Miao to have taken a secondary wife (tsip), as his wife's father, the Macau merchant, had done on several occasions.⁴⁵ Adoption was, and is, a common practice in China and often utilised when a married man has no male heir. Even if Miao had been barred by his devotion to Christianity, a monogamous religion, from either divorcing his wife or taking a concubine, religious scrupulousness does not seem to provide a realistic motive for his crime. One surmises that if the statement were in fact made by Miao, it was an afterthought, a justification for a cruel murder and theft. One would agree with Travers Humphreys that Miao was an 'odd fellow'; but to the non-murderous most murderers must appear odd, simply because they have indulged in, rather than daydreamed about, murder — they have crossed the line that separates the good and the not-so-good from the truly bad.

Narrowing the gap

Lock Ah Tam and Dr. Miao Chung-yi exemplify, broadly speaking, the two strands of Chinese migration into Britain: uneducated or lower-class Chinese and educated or upper class Chinese. In 1901, according to MacNair, there were only 387 Chinese reported as resident in England and Wales; 1,319 in

1911.⁴⁰ After the First World War, the number had risen to over 2,000. (These figures do not include several thousand seamen, mostly firemen, stokers and stewards, without permanent domicile). At the beginning of the century, it is claimed, Chinese tended to 'avoid Scotland and Wales', but were strongly attracted to London, especially Limehouse. With such small numbers present in Britain, it seems certain British judges and lawyers rarely came in contact with Chinese, only very occasionally perhaps in certain Liverpool or London courts; but never, one surmises, in normal social intercourse. In the 1920s, then, the Chinese in Britain were still a mysterious, but minute, social entity, habitually caricatured in the press and by novelists as 'vellee' strange people who spoke a particularly difficult and dissonant language and wrote, as Dr. Johnson noted, a script that was perversely pictorial to alphabet-lovers. Even professors of Chinese, sinologues and sinologists, were regarded at that time with as much wry amusement as were Assyriologists or Egyptologists, seekers after equally rarefied knowledge of no great practical importance.

The first mass movement of Chinese to the outside world occurred in the nineteenth century. It was mostly 'coolie emigration', to use Campbell's descriptive term,⁴⁷ the drift of mainly uneducated and relatively unskilled, though hard-working, Chinese to places where opportunities appeared to be brighter than in the homeland (a territory then much wracked by rebellion, foreign wars, famine and other afflictions). Lock Ah Tam, as mentioned above, is representative of the first wave, an emigrant who did well in his adopted country. As China was forced reluctantly into the modern world and into normal diplomatic relations with foreign powers, a different type of Chinese was becoming known abroad — the educated Chinese, a member of the 'Mandarin class', as Europeans were wont to describe him. In 1876 Kuo Sung-tao was appointed as the first Chinese minister in England.⁴⁸ A Legation was then established in London, in 1877, with a normal complement of officials and secretaries. Chinese diplomatic staff became a common sight in Whitehall although, until the 1911 Revolution, most wore traditional Chinese attire and sported the queue. (After 1911, they took to frock-coat and top-hat and adopted European hair-styles).

Of the forty-eight Chinese sent to Europe in 1876 by the Foochow Arsenal in order to acquire knowledge of modern shipbuilding and allied skills, the majority went to Britain. Another party came in 1881 to study naval and military science and technology. Increasingly, numbers of privately-supported students started to arrive to further their education. In 1916, there were over 300 Chinese students in Britain, of whom approximately a quarter were financed by the Chinese Government and the rest private students. Favoured disciplines were medicine, law, and economics; engineering, mining, and chemistry were also popular. At the older British universities, Chinese students were no longer absent or rare but formed a normal component of the student population, together with Indians and Africans. They were still 'exotics' in the 1920s but their presence in small packets in various university towns must have convinced some that the gap between the races was not unbridgeable, that each had many points in common. Moreover, they spoke English (some imperfectly), but not pidgin English, the *lingua franca* of the coolie class. The changing composition of the Chinese population in Britain must have influenced, one surmises, English attitudes to Chinese, have weakened stereotypes to some degree, although this process of normalisation was to take several decades before it made a significant impact, in the post-1945 period.⁴⁹

Miao Chung-yi was neither a student in Britain nor did that country become his domicile; but he may be selected as representative of the student or educated class. Hong Kong Chinese, and Chinese from the former British possessions in South-East Asia, tended to study in Britain; those from Shanghai and especially northern China, where there were many America-supported universities and institutions, were likely to go to the United States (as Miao did). The number of Chinese studying abroad has grown greatly since the 1920s; the trend, until recent times, has been ever upward. According to Ng Kwee Choo, in 1968 there were about 45,000 overseas Chinese in Britain, of whom 30,000 (mainly from the New Territories) were immigrant workers, and the rest — 15,000 — mostly students or nurses, etc. (these figures do not include British-born Chinese; so the figure given by Ng greatly underestimates the number of people recognizably Chinese in Britain).⁵⁰

What these crude figures — estimates — suggest is that Chinese are a familiar sight in most British cities. They are less exotic, less strange; as a group, more acculturated, more Westernised. They also symbolise the regeneration of a great nation, reinvigorated China, one of the world's great powers. Chinese behaviour is no longer obscurely difficult to interpret; its motivation understandable.

Conclusions

The two cases discussed above have, one would think, intrinsic interest for criminologists and criminal lawyers: each is curious, fascinating. When capital punishment was a legal penalty, a verdict of guilt resulted in a mandatory death sentence in most cases (although only some of those convicted finally met the hangman).⁵¹ The last executions in Britain took place on August 13, 1964, when Gwynne Owen Evans and Peter Anthony Allen were hanged, the one at Manchester's Strangeways Gaol, the other at Liverpool's Walton Prison (both were convicted of the same crime).⁵² In Hong Kong, the last to hang suffered at Stanley Prison on November 16, 1966. Since that date it has become customary in Hong Kong to commute a death sentence into imprisonment for life, despite the fact that the Murder (Abolition of Death Penalty) Act, 1965, has not become law in the Colony. Because murder trials have become less final, less gladiatorial, largely as a result of the amelioration of punishment, public interest in such events appears to have waned (noticeably in Britain).⁵³ The great era of domestic murder, as public dramaturgy, is over, overwhelmed by other forms of violence, horror, brutality, of which the media provides daily a surfeit for the public.

This article focuses mostly on problems of cultural understanding and misunderstanding. A younger generation of Englishmen is less likely to be as puzzled by Chinese murder as were Marshall Hall and Travers Humphreys. The change has come about from a number of factors — demographic (more Chinese in Britain, many of superior education), cultural (a better understanding of Chinese culture and society, at least among the educated or sophisticated), and political (the vastly improved

status of China in the world polity and of Chinese in general as citizens of the world).

No one believes today that Chinese motivation needs a separate system of explanation, that the Chinese mind has its own eccentric circuitry.⁵⁴ Freud, that Columbus of the Mind, revealed that in the unconscious — the deep, dark, oceanic underworld of the individual — human beings are very much alike in their mechanisms. This great step forward in social perception has helped to bridge the gap between the races (still opposed of course by politics) and has made murder less incomprehensible, less inexplicable when committed by foreigners; and judges, counsel and juries (perhaps) less perplexed by the act.

NOTES

¹ George Orwell, *Decline of the English Murder and Other Essays* (Harmondsworth, Middlesex: Penguin Books, 1965) 9.

² 'Our great period in murder', Orwell writes, 'our Elizabethan period, so to speak, seems to have been roughly 1850-1925'. Orwell was writing in 1946, but with hindsight it is plausible to suggest the 'great period' could be extended to the eve of World War II.

³ See: Jean Chesneaux, *The Chinese Labour Movement 1919-1927* (Stanford, California: Stanford University Press, 1968) 122.

⁴ See, in particular, Harold Z. Schriffirin, *Sun Yat-sen and the Origins of the Chinese Revolution* (Berkeley and Los Angeles: University of California Press, 1970). Also Nym Wales, *The Chinese Labor Movement* (New York: John Day, 1945), which contains the biographies of some revolutionary seamen.

⁵ Edward Marjoribanks, *Famous Trials of Marshall Hall* (Harmondsworth, Middlesex: Penguin Books, 1950) 384. At his trial Lock was described as a 'Chinese shipping agent'.

⁶ Sir Henry Dickens in *The Recollections of Sir Henry Dickens, K.C.* (London: Heinemann, 1934) 244-245, writes: 'He was a good advocate but it cannot be truly said that he was a great one. He had not the gift of far-seeing discretion which is required in a great advocate. He was much too ready to talk at length when addressing a jury, without having previously weighed the possible consequences of what he said'. An old lag once called from the dock to Sir Henry (1849-1933): 'You ain't a patch on your father!', which greatly amused him.

⁷ See Marjoribanks, op cit. Doris Lock did not die from her wounds until January 28, 1926. See *The Times* of January 29, 1926.

⁸ There is a full discussion of the origin of the M'Naghten Rules in Nigel Walker, *Crime and Insanity in England*, vol 1 (Edinburgh: Edinburgh University Press, 1968).

⁹ Marjoribanks, op cit, 383. See also *The Times* February 4 and 8, 1926.

¹⁰ The Homicide Act of 1957 extended to the English courts the Scottish doctrine of Diminished Responsibility. S. 2 of the Homicide Act, 1957, reads that the accused can be found guilty not of murder but manslaughter, 'if he was suffering from such abnormality of the mind (whether arising from a condition of arrested or retarded development of mind or any inherent causes or induced by disease or injury) as substantially impaired his mental responsibility for his acts and omissions in doing or being a party to the killing'.

¹¹ Marjoribanks, *op cit*, 388. The police stated in evidence that Lock was drinking one-and-a-half to two bottles of whisky a day.

¹² *Op cit*, 389.

¹³ There is an excellent discussion of 'running amok' in Isabella Bird, *The Golden Chersonese and the Way Thither* (London: John Murray, 1883) 355-357.

¹⁴ Sir Ellis Griffith (1896-1934). Called to the Bar, 1925.

¹⁵ Sir Frank MacKinnon (1871-1946), afterwards Lord Justice MacKinnon, 1937. MacKinnon had little or no experience of the criminal courts before his appointment to the Bench.

¹⁶ Sir Travers Humphreys, *A Book of Trials* (London: Heinemann, 1953) 162.

¹⁷ F. Tennyson Jesse, *Murder and Its Motives* (London: Harrap, 1924) 11.

¹⁸ In R.D. Laing and A. Esterton, *Sanity, Madness and the Family* (London: Tavistock, 1964), the authors attempt to discover meaning in madness. They argue that schizophrenia, for example, is not something that comes out of the blue but is a product of family interaction: the sources of schizophrenia are to be found in the family environment, family life.

¹⁹ See, for example, the tragic 1938 case of Sidney Paul in E. Spencer Shew, *A Second Companion to Murder* (London: Cassell, 1961) 168-170. Paul killed his wife because he had lately lost his job. 'This he had concealed from his wife to save her anxiety, and day after day he had left home as if to go to work as a salesman in the city'. At last, in desperation, he killed his wife to save her from destitution.

²⁰ This celebrated and unique series was founded in 1905 by Harry Hodge (1872-1947), the Glasgow Publisher.

²¹ Homicide and suicide are both forms of aggression: one turned outside, the other inside. Loss of standing or position, related to feelings of shame or injured pride often motivate suicide.

²² See William Bolitho, *Murder for Profit* (London: Jonathan Cape, 1926).

²³ See *The Times* for September 8, October 23, and December 4, 1919. Also E. Spencer Shew, *A Second Companion to Murder*. (London: Cassell, 1961) 221.

²⁴ A good account of this development, especially of *Man-owned* restaurants, is given in James L. Watson, *Emigration and the Chinese Lineage: The Mans in Hong Kong and London* (Berkeley, Cal.: University of California Press, 1975).

²⁵ Montagu Williams, Q.C., *Round London: Down East and Up West* (London: Macmillan, 1893) 76-78. It is possible that Williams mistook a party of Malays or Lascars for Chinese. It is also not likely that a group of Chinese would charge into the street shouting 'Amok!'. Williams' account is retrospective and written many years after the events were witnessed by him.

²⁶ Sax Rohmer, pseudonym of A.S. Ward (1886-1959). Rohmer's Chinese master-villain first appeared in *Dr. Fu Manchu* (1913), the start of a series of thrillers about Fu.

²⁷ His real name was Chang Wan but he was known as Brilliant Chang to police and public.

²⁸ *The Times* for April 10 and 11, 1924. See also Robert Graves and Alan Hodge, *The Long Week-end* (London: Faber, 1941). One of Chang's clients was Brenda Dean Paul, a notorious upper-class drug-addict, daughter of Sir Aubrey Dean Paul, a former Lord Mayor of London.

²⁹ Some information about Miss Siu is given in the *South China Morning Post* on October 26, 1928. See also the *Hongkong Telegraph* for June 23, 1928.

³⁰ Travers Humphreys, *op. cit.*, p. 163.

³¹ *South China Morning Post*, December 7, 1928.

³² Necrophiliacs are rare but now unknown. The most famous was surely Sergeant (Sergeant) Bertrand, whose activities are discussed in Marcel Montarron, *Histoire des crimes sexuels* (Paris: Presses de la Cité, 1971) 113-13. Another extraordinary necrophiliac—Henri Blot, 'Le vampire de Saint-Ouen'—is discussed in Daniel Riche, *Histoires criminelles de Paris/Ile-de-France* (Paris: Presses de la Renaissance, 1980) 407-416.

³³ The case is examined in Sir Travers Humphreys' *A Book of Trials*, *op. cit.* But see also Christmas Humphreys, *Seven Murders* (London: Hodder & Stoughton, 1946); E. Spencer Shew, *A Companion to Murder* (London: Cassell, 1960); and C.E. Bechhofer-Roberts, *Sir Travers Humphreys: His Career and Cases* (London: John Lane, 1936).

³⁴ Sir Travers Humphreys (1867-1956). Called to the Bar, 1889. He was a distinguished criminal lawyer before becoming a Judge of the King's Bench Division of the High Court, 1928-1951.

³⁵ Joseph Cooksey Jackson K.C. (1879-1938) of the Northern Circuit.

³⁶ *Criminal Appeal Reports*, vol. 21, 1930.

³⁷ Travers Humphreys, *op. cit.*, 162-163.

³⁸ *Ibid.*, 167.

³⁹ *Ibid.*, 168.

⁴⁰ J. Dyer Ball, *Things Chinese; or, Notes Connected With China* (Shanghai: Kelly and Walsh, 1925, fifth edition). Dyer Ball writes: 'The Chinese are not only remote from us as regard to position on the globe, but they are our opposites in almost every action and thought' (668).

⁴¹ The late Victorians were much amused by Pidgin English. See Charles Godfrey Leland, *Pidgin-English Sing-Song; or Songs and Stories in the China-English Dialect* (London: Trubner, 1876).

⁴² *Op. cit.*, 164.

⁴³ Herbert John Bennett was accused of strangling his wife on Yarmouth Beach. The body was left in such a position as to suggest attempted rape. See Julian Symons, *A Reasonable Doubt* (London: Cresset Press, 1962).

⁴⁴ *Op. cit.*, 168.

⁴⁵ A son and a daughter (Wai-sheung) were born to his primary wife. His other wives produced over ten children, two of whom were later returned students from the United States. See the *South China Morning Post*, June 25, 1928.

⁴⁶ H.F. MacNair, *The Chinese Abroad* (Shanghai: Kelly and Walsh, 1925) 57.

⁴⁷ P.C. Campbell, *Chinese Coolie Emigration to Countries Within the British Empire* (London: P.S. King, 1923).

⁴⁸ See A.W. Hummel (ed.), *Eminent Chinese of the Ch'ing Period* (Washington, D.C.: Government Printing Office, 1943).

⁴⁹ Charlie Chan, the Hollywood Chinese detective, who frequently quoted Confucian aphorisms, was accepted as a lifelike Chinese by filmgoers in the 1930s and 1940s. The sleeky, enigmatic, deadpan Anna May Wong represented, for Westerners, the Oriental belle or siren.

⁵⁰ Ng Kwee Choo, *The Chinese in London* (London: Oxford University Press, 1962) 2. Ng takes these figures from a study by L. Wong, *Overseas Chinese in Britain* (unidentified by the writer). Ng believes Wong's figure is an overestimate and prefers a lower one: 30,000. In the 1901 Census of England and Wales, 61 percent of the Chinese recorded were seamen; in 1911, 36 percent; in 1921, 26 percent. This trend has continued to the present day. Laundrymen overtook seamen in the 1920s and 1930s; now restaurant workers represent a significant proportion of Chinese in Britain.

⁵¹ Only a small proportion of murder suspects are actually convicted of murder; in the past, only a relatively small number were eventually hanged; many are discovered to be mentally disturbed, or commit suicide.

⁵² See Elwyn Jones, *The Last Two to Hang* (London: Macmillan, 1966).

⁵³ Public interest awakens with a spectacular and brutal case, such as that of the Black Panther or the Yorkshire Ripper cases.

⁵⁴ Needless to say, definitions of normal and abnormal behaviour are not necessarily the same in two different cultures. See, for example, Arthur Kleinman and Tsung-Yi Lin (eds.), *Normal and Abnormal Behaviour in Chinese Culture* (Dordrecht: Reidel, 1981). Such differences are usually an expression of cultural differences, which may be comprehended, and of different social definitions, which may be grasped.