

# THE JANET SMITH BILL OF 1924 AND THE LANGUAGE OF RACE AND NATION IN BRITISH COLUMBIA

---

SCOTT KERWIN

**I**N THE FALL OF 1924, the BC Legislature debated whether to ban the employment of White women and “Oriental” men as domestic servants in the same household. The suspicious death of a young White woman named Janet Smith during the previous summer,<sup>1</sup> while she was employed as a nanny in a wealthy Vancouver home, was the main source of inspiration for this legislative scheme. The “Janet Smith Bill,” however, was the product of larger intellectual and political forces at work in the province. Its goal of “protecting” White women was infused with complex meanings about race and nation that intimate the sexual dimensions of racism in 1920s British Columbia. The public discussion that surrounded the bill revealed how postwar ideas about eugenics, racial biology, and motherhood had transformed the endless debate about race and the place of the Asian community in British Columbia. Scientific conclusions of the day that warned about the dangers of race-mixing shaped the thinking of British Columbia’s White elite and set the ground rules for the debate over the Janet Smith Bill.

Reconstructing the story of the Janet Smith Bill, as well as the intellectual and political world that surrounded it, illuminates these impulses in nationalist thought. A focus on the language used by various public figures demonstrates how their understanding of racial and nationalist questions was inherently limited by larger systems of knowledge.<sup>2</sup> Conclusions about racial biology that would be considered

<sup>1</sup> The best reconstruction of this story can be found in Edward Starkins, *Who Killed Janet Smith? The 1924 Vancouver Killing that Remains Canada’s Most Intriguing Unsolved Murder* (Toronto: Macmillan, 1984).

<sup>2</sup> My primary sources of “theory” for this article come from recent literature on the subject of race and nation. See Edward W. Said, *Orientalism* (New York: Vintage, 1978); Ann Laura Stoler, *Race and the Education of Desire: Foucault’s History of Sexuality and the Colonial*

abhorrent today were plain “common sense” to postwar reformers and informed many of their actions. Individuals working within the constraints of this dominant nationalist paradigm became gravely concerned about matters of reproduction, and they openly wondered whether Asians and Europeans had the biological capacity to intermarry. Indeed, many White nationalists wondered whether the Asian peoples of British Columbia could ever “amalgamate” into the body politic of the province. The main players in the story of the Janet Smith Bill drew similar connections between race, nation, and sexual reproduction. The bill’s goal of “protecting” White women meant protecting their ability to produce White babies, to ensure the reproduction of a “White British Columbia.” The bill attempted to combat miscegenation in the province by keeping young White women and Asian men apart, thereby preventing British Columbia from being “mongrelized” at an individual level. The debate over the Janet Smith Bill, therefore, became a debate over how British Columbia’s history was unfolding and what its identity would ultimately be.

#### THE JANET SMITH MURDER MYSTERY

Sometime during the Saturday morning of 26 July 1924, Janet Smith died in a “most unnatural way” in Shaughnessy Heights. The Point Grey Police found the twenty-two-year-old nanny’s lifeless body in the laundry room of an Osler Avenue house, where she had apparently been ironing baby clothes, with a bullet wound through her head and a gun near her hand. The first arriving officer on the scene, Constable James Green, reportedly called it one of the most obvious cases of suicide that he had seen in his long career of police work. The following day, the coroner for the City of Vancouver concurred with PC Green by concluding that the Scottish-born woman died a “self-inflicted but accidental death.”<sup>3</sup> Despite such mundane beginnings, the death of Janet Smith inspired an extraordinary set of

---

*Order of Things* (Durham, NC: Duke University Press, 1995); Homi K. Bhabha, “DissemiNation: Time, Narrative and the Margins of the Modern Nation,” in *Nation and Narration*, edited by H. Bhabha (London and New York: Routledge, 1990); Benedict Anderson, *Imagined Communities: Reflection on the Origin and Spread of Nationalism*, 2d. rev. ed. (New York: Verso, 1991).

<sup>3</sup> Starkins, *Who Killed Janet Smith?*, 1-23; Sky Lee, *Disappearing Moon Cafe: A Novel* (Vancouver: Douglas and McIntyre, 1990), 70; Department of Attorney-General, *Report of the Superintendent of Provincial Police for the Year Ended December 31st, 1924* (Victoria: Legislative Assembly, 1925), X-15; Martin Robin, “The Houseboy,” in *The Saga of Red Ryan and Other Tales of Violence From Canada’s Past* (Saskatoon: Western Producer Prairie Books, 1982), 128-9.

events in Vancouver over the next few weeks. The local papers and the general public alike would repudiate the official verdict of suicide and declare that young Janet had been murdered.<sup>4</sup> Responding to such public pressures, city officials would exhume Janet Smith's body on 28 August and hold a second inquest at the downtown Vancouver courthouse during the first week of September. The inquest jury's verdict, delivered on 10 September, was by then anti-climactic: "Janet Smith was wilfully murdered in the course of her employment in the laundry basement of 3851 Osler Avenue by being shot through the head with a revolver, but by whom fired we have no evidence to show."<sup>5</sup>

What "actually happened" in the Shaughnessy Heights home on that sweltering Saturday morning in July 1924 remains the stuff of local legend. The Crown did not convict anybody for the "murder," despite fifteen frustrating months of investigation and an unsuccessful prosecution of Janet Smith's co-worker, Wong Foon Sing.<sup>6</sup> Recent attempts by writers, most notably Edward Starkins, to uncover the "truth" of this episode become easily bogged down by rumour and conjecture.<sup>7</sup> There is no shortage of plausible stories to explain what happened to the "Scottish nightingale." One narrative, which would be the most popular by the spring of 1925, speculated that Janet Smith was raped and murdered at a "wild party" the night before by playboy bachelors among Vancouver's elite. These rich men then paid off the Point Grey Police and the coroners to get away with their evil doings.<sup>8</sup> Another story portrays Janet as a young innocent who was murdered after stumbling upon her employer's drug-trafficking schemes.<sup>9</sup> However, the narrative that first became dominant during the summer of

<sup>4</sup> By the end of August, the *Point Grey Gazette* would mock the verdict of suicide by stating that women, who "understand the psychology of [other] women," could not "imagine one of their sex doing such an unromantic act as committing suicide at the ironing-board." See "Hold New Inquest Probably Tuesday," *Point Grey Gazette*, 30 August 1924, 1.

<sup>5</sup> Attorney General, *Report of the Superintendent of Provincial Police*, X-15.

<sup>6</sup> The Point Grey Police arrested Wong Foon Sing in May 1925 for the murder of Janet Smith. He was released in October 1925 when a grand jury concluded that there was no evidence to proceed with a murder trial. Wong eventually returned to China. See "Wong Sing Goes Free!," *Vancouver Sun*, 9 October 1925, 1; *Rex v. Wong Foon Sing* (1925), 36 B.C.R. 120, 44 C.C.C. 133.

<sup>7</sup> See Starkins, *Who Killed Janet Smith?*; Robin, "The Houseboy"; Frank James, "Who Shot the Scottish Nightingale?," in *Trail of Blood: A Canadian Murder Odyssey* (Toronto: McGraw-Hill Ryerson, 1981).

<sup>8</sup> The coroner embalmed Janet Smith's body before an autopsy could be performed, which led perfectly to rumours of a cover-up. Since he had plugged her vagina with cotton, the coroner was later unable to discern whether or not she had been raped. Starkins, *Who Killed Janet Smith?*, 168.

<sup>9</sup> There was also a popular "narrative" that Janet Smith was pregnant with her employer F.L. Baker's child when she was murdered. The repeating of this rumour, along with the "wild party" story, in the periodical *Saturday Tribune* led to Baker filing a libel charge against its

1924 was (perhaps unsurprisingly) the most clichéd story of all: the butler did it.

The butler in this murder mystery was twenty-five-year-old “houseboy” Wong Foon Sing. He was the only person in the Osler Avenue home (other than the baby, Rosemary) when Janet Smith’s death allegedly occurred. Wong’s alibi – that he was peeling potatoes in the kitchen when he heard a loud noise and then went down to the basement to find something terrible had happened to “Nursey” – satisfied the Point Grey Police but not Janet’s friends. On the night of 27 July 1924, a Shaughnessy Heights nanny named Mary Jones went to see Reverend Duncan McDougall of the Highland Presbyterian Church on East 11th Avenue and Guelph Street in Vancouver. She refused to believe that her friend had killed herself and began spinning a web of stories, portraying Janet Smith as a “good girl” who lived in fear of the Chinese houseboy. Reverend McDougall, whose magazine, *The Beacon*, would devote prime attention to the case, sensed something sinister was afoot and quickly notified friends on the United Council of Scottish Societies.<sup>10</sup> This line of events would prove to be crucial to understanding how the young nanny’s death became such a cause célèbre. Writer Eric Nicol colourfully wrote that “nothing more would have been heard about the unfortunate Miss Smith had not the united Scottish Societies persisted in muttering darkly in their porridge about ‘Orientals’ and the bizarre pastimes of the wealthy.”<sup>11</sup>

The recently founded United Council, which served as an umbrella organization for the numerous Scottish societies in Vancouver, would become the leading advocate of the theory that Janet Smith had been murdered. Its motives for taking up the case of the “young Scotswoman of blameless character”<sup>12</sup> were a complex amalgam of racial, social, and political concerns. The United Council’s actions over the next year, particularly its involvement in Wong Foon Sing’s “lynching” during the spring of 1925, deserve further study by Vancouver historians. An obvious motive of this middle-class organization was the familiar bourgeois concern to maintain social stability and “law

---

publisher, J.S. Cowper, in the spring of 1925. Baker eventually won the suit. See Starkins, *Who Killed Janet Smith?*, 228–35; “J.S. Cowper Guilty,” *Vancouver Sun*, 3 October 1925, 1.

<sup>10</sup> Starkins, *Who Killed Janet Smith?*, 24–5.

<sup>11</sup> Eric Nicol, *Vancouver* (Toronto: Doubleday, 1970), 153.

<sup>12</sup> “Editorial,” *British Columbia Monthly* 23 (September 1924), 3. Janet Kennedy Smith was actually a “salad of racial genes”: her mother was Norwegian and her father was of Irish, English, and Scottish ancestry.

and order.”<sup>13</sup> Its public statements throughout the next year focused on the state of law enforcement in British Columbia and the apparent bungling of the case by the Point Grey Police. On 6 August 1924, United Council president David Paterson sent an angry telegram to Attorney General Alexander Manson in Victoria, stating that his group was “very dissatisfied with the apparent improper investigation” conducted by the local police.<sup>14</sup>

The United Council found a valuable ally in its pursuit of “justice” in local newspaper editor, politician, and war hero Brigadier General Victor W. Odlum. The recently elected Liberal MLA for Vancouver Centre praised the “city Scots” for their “public spirit in prosecuting the case of their ill-fated fellow-countrywoman.”<sup>15</sup> As publisher of the *Vancouver Star*, Odlum would prove to be the primary author of the “Janet Smith murder mystery.” He seized on the opportunity to lure readers away from the more established Vancouver dailies, the *Sun* and the *Province*, serving up tales of scandal and squalor in the city’s most fashionable area. The *Star*’s first story on the case, hitting the newsstands on the Monday morning of 28 July, was a rather timid foray into yellow journalism, merely stating that the death of Janet Smith was “puzzling.” The following day, the *Star* printed a story throwing suspicion on Wong Foon Sing by its inclusion of nanny Mary Jones’s statement that Janet Smith complained about “being left alone with a Chinaman.” On Friday, 2 August, the *Star* clearly fingered Wong as the likely culprit by reporting that, in talking to her friends, Janet had “confided grave fears that she would be murdered” by the Chinese houseboy.<sup>16</sup>

<sup>13</sup> On the founding of the council, see “A Scottish Centre,” *British Columbia Monthly* 18 (October–November 1921), 11. On the kidnapping of Wong Foon Sing, see Starkins, *Who Killed Janet Smith?*, 136–57.

<sup>14</sup> “Scots Demand Inquiry Into Tragedy,” *Vancouver Star*, 7 August 1924, 1. Reverend McDougall, who viewed this case in more apocalyptic terms than did others, wrote that “the blood of Janet Smith is at the door of every man in this Province, and especially at the door of the Churches, so long as they make no protest against allowing the murderer to walk the streets as a free man.” See “The Janet Smith Case,” *Beacon* 1, no. 9 (August 1925), 12.

<sup>15</sup> Victor W. Odlum, “Chinese and White Girls,” *Vancouver Star*, 9 October 1924, 4. On Odlum’s early life, see *Who’s Who in Canada, 1925–26*, ed. B.M. Greene (Toronto: International, 1925), 900.

<sup>16</sup> “Nurse’s Death Puzzles,” *Vancouver Star*, 28 July 1924, 1; “City Scots to Probe Death of Nurse,” *Vancouver Star*, 29 July 1924, 1; “Janet Smith Feared Chinese Friends State,” *Vancouver Star*, 2 August 1924, 1. During the second inquest in early September, the storyline that pegged Wong as the culprit was repeatedly reinforced. According to Janet Smith’s friends, Wong had laid his hands on Janet, made “improper suggestions” that left her speechless, and squeezed her hand. One of the nursemaids stated that after the hand-squeezing incident, “Janet told her the Chinese had said that some day he would see Janet [pregnant].” See “Witnesses Tell of Janet Smith’s Fear of Chinese Servant,” *Vancouver Sun*, 6 September 1924, 1.

Through its coverage of the case, the *Star* created a thrilling, albeit terribly unoriginal, story about what had happened to the Scottish nanny. Janet Smith was a naive young woman, separated from her loving parents in London, living in constant terror of her employer's other servant, Wong Foon Sing. Any pleas for protection from the Chinese houseboy were tragically ignored by her well-to-do employers, the Bakers. Finally, the "Chinaman" murdered Miss Smith on the Saturday morning of 26 July, but the Point Grey Police – through either incompetence or corruption – had not made an arrest. The nervous editors of the *Sun* and the *Province* followed General Odlum's lead by devoting front-page coverage to the Janet Smith case, but they refrained from making the same kinds of scathing attacks on the Point Grey Police that the *Star* relished. Smaller Vancouver papers would attempt to out-do the *Star* with its muckraking, with one paper going so far as hiring a fortune teller to name Janet's killer from amongst the province's elite.<sup>17</sup>

#### EARLY LOBBYING FOR THE JANET SMITH BILL

By early August 1924, the leaders of Vancouver's Scottish societies, along with Victor Odlum, transformed their suspicions about the Chinese houseboy into political action. They began advocating a law that would prohibit the employment of White women and Asian men as servants in the same household. On 5 August, in an editorial meant to criticize the Point Grey Police's sloppy handling of the case, Odlum wrote that "no young and pretty girl should be left alone and unprotected in a house with a Chinaman. It is against all rules of decency and safety."<sup>18</sup> The next night, Odlum's sentiments were echoed at a meeting of the United Council of Scottish Societies. One participant declared that employers "are morally and legally responsible for the well-being of [servant] girls, and they should be prepared to keep all white help or all Oriental help if they cannot guarantee [white girls'] proper protection."<sup>19</sup>

General Odlum's support for such racially charged legislation is not surprising. He was one of the most prominent "exclusionists" in Vancouver politics and ran on an anti-Asian platform in the 1921 federal election. Like many members of British Columbia's White elite, Odlum believed that Asian immigrants posed an economic

<sup>17</sup> See Starkins, *Who Killed Janet Smith?*, 114–5, 186–202.

<sup>18</sup> Victor W. Odlum, "Was Investigation Suppressed?," *Vancouver Star*, 5 August 1924, 5.

<sup>19</sup> "Scots Demand Inquiry Into Tragedy," *Vancouver Star*, 7 August 1924, 3.

threat due to immutable “biological” characteristics that allowed them to subsist on a standard of living that would “put the white man in his grave.” Such beliefs gave Odlum a particular hatred for the “coolie” class from southern China, which was immigrating to British Columbia during this period and “undermining” the wages of White working men.<sup>20</sup> He often pointed to the findings of modern “science” as the source of his views. Writing in the *Star*, General Odlum concluded that the main objection to Asians immigrating to British Columbia was the fact that Whites cannot “assimilate” with Asians because “such assimilation is biologically a failure.” Odlum contended that it “is no reflection upon the Mongolian race that it cannot assimilate with the Aryan race [but this] is simply a biological fact.”<sup>21</sup>

On Friday, 8 August 1924 – thirteen days after the death of Janet Smith – Victor Odlum published an editorial entitled “Should Chinese Work with White Girls?,” providing one of the clearest statements of the meaning of the Janet Smith Bill that was to come. Odlum claimed it was imperative that the BC Legislature pass a law to “preserve white girls of impressionable youth from the unnecessary wiles and villainies of low caste yellow men.” General Odlum continued:

The tragedy of Janet K. Smith, the lone Scotch girl who appears for some time before her tragic death in a Shaughnessy Heights home to have lived in terror of her Chinese fellow domestic, forces the question as to whether or not white girls and Orientals shall be allowed to share common employment ....

There are those who will rise in fury at the suggestion. Mixing of the races in the kitchen and in the basement has no terrors for some drawing-rooms. Let those who think that Chinese coolies are good enough companions for white girls in the kitchen surround themselves with their favored Orientals if they wish. But Janet K. Smith and her like deserve the protection that right thinking people and an intelligent Legislature can prescribe ...

<sup>20</sup> Victor W. Odlum, “Reply to a Chinese Critic,” *Vancouver Star*, 26 November 1924, 4; Victor W. Odlum, “Canada and Japan: The Only Way,” *Vancouver Star*, 19 December 1924, 4. Ironically, Odlum would become Canada’s first ambassador to China – serving in that post from 1943 to 1946. For some background on Odlum’s fascinating life, see a recent memoir by his son Roger Odlum, entitled *Victor Odlum, As I Saw Him and Knew Him and Some of His Letters: A Memoir* (West Vancouver: Petrokle-Tor, 1995).

<sup>21</sup> Odlum, “Canada and Japan: The Only Way,” *Vancouver Star*, 19 December 1924, 4.

We pass laws to protect deer, and grouse, and young crabs.  
Isn't it time we passed some laws to protect our young  
womanhood?<sup>22</sup>

The public search for Janet's killer overshadowed the lobbying for protective legislation during the following two months.<sup>23</sup> By early October 1924, the United Council of Scottish Societies resumed its campaign for what would become the Janet Smith Bill. Five women in the United Council of Scottish Societies' elite formed a committee that would present a petition to the government. Jessica Victoria Stratton, a mother of six children who acted as the committee's leader, stated:

We would have liked to include every place of business where white girls and Orientals are employed, but our chief concern is to eliminate working girls being compelled to work with Orientals in private homes and the intimacy which such a condition brings about.<sup>24</sup>

During the first weekend of October 1924, this committee met with several MLAs from the Vancouver area, including Mary Ellen Smith and Victor Odlum, to press for the introduction of such a law. A month later, a large group of women from the United Council of Scottish Societies travelled to Victoria to lobby in person. Once again, they sought the ear of popular Vancouver South MLA Mary Ellen Smith, whom they wanted to introduce the bill in the Legislature. Mary Ellen (as she was known to the BC public) was well aware of the events of the Janet Smith case and the Point Grey Police's apparent bungling of it. Later in the month, she would advocate calling in Scotland Yard to investigate Janet Smith's murder "so that desperadoes might imbibe a healthy respect for the law" in British Columbia.<sup>25</sup>

<sup>22</sup> Victor W. Odlum, "Should Chinese Work with White Girls?," *Vancouver Star*, 8 August 1924, 4. The full text of this editorial can be found in Michael Scott Kerwin, "Re/Producing a 'White British Columbia': The Meanings of the Janet Smith Bill" (MA thesis, University of British Columbia, 1996), 22-3.

<sup>23</sup> For details on the case, see Starkins's thorough book.

<sup>24</sup> "Bill to Restrict Chinese," *Vancouver Star*, 8 October 1924, 1. See also "Janet Smith Case Will be Pressed," *Point Grey Gazette*, 4 October 1924, 1; "Bai nuyong li shi bi [White Women's Employment Bill About to Be Resurrected]," *Tai Hon Kong Po*, 9 October 1924, 3. Stratton, along with eight other individuals, was arrested in June 1925 for her involvement in the kidnapping of Wong Foon Sing. She was later released without trial.

<sup>25</sup> See "Reorganization of Police Demanded by Lady Member," *Victoria Daily Times*, 15 November 1924, 1. On the meeting between Smith and the Scottish ladies, see "Would Put Boys Under Wage Act," *Vancouver Province*, 5 November 1924, 1; "Janet Smith Case May Be Brought Before Legislature," *Vancouver Province*, 4 November 1924, 1.

MARY ELLEN SMITH AND THE  
POLITICS OF POPULATION

The “hearty and motherly” Mary Ellen Smith was the United Council of Scottish societies’ logical choice as the person to introduce its proposed legislation.<sup>26</sup> She was one of the key agents for change in John Oliver’s Liberal government, piloting several “sadly needed” social reforms through the House since her election in 1918. Questions of race often lay at the heart of such reforms. Although she never made anti-Asian measures a major plank in her political platform (unlike her husband Ralph Smith), Mary Ellen devoted her time in the House to creating laws meant to strengthen and purify the White race in British Columbia. Like other “maternal feminists” of that generation, Smith’s politics focused on the production of “clean” children, targeting the bodies of young White women as the “mothers of the race.”<sup>27</sup> The numerous reforms that Mary Ellen navigated through the House during these years included new laws regarding infancy, mothers’ pensions, adoption, venereal diseases, and minimum wages for women and children.<sup>28</sup> Mary Ellen Smith also shared concerns with many White nationalists about the link between the sexual activities of individual British Columbians and the “health” of the province. Heavily influenced by then dominant eugenic ideas about heredity and geopolitics, Mary Ellen saw the scientific management of child-rearing as a cure to the social ills of the world and as a key link to the survival of “white British Columbia.” She was an early

<sup>26</sup> Elsie Gregory MacGill, *My Mother the Judge: A Biography of Justice Helen Gregory MacGill* (Toronto: Ryerson, 1955), 151. Although Victor Odlum was an MLA, he was not an obvious candidate to introduce this “women’s bill.” Also, Odlum was preoccupied with piloting the *United Church of Canada Act* (S.B.C. 1924, c. 50) through the House.

<sup>27</sup> On the powerful ideology of motherhood at this time, see Anna Davin’s brilliant essay “Imperialism and Motherhood,” *History Workshop* 5, Spring 1978, 13. For Mary Ellen Smith’s ideas, see Mrs. Ralph Smith, “Women and Economics,” *Vancouver Sun*, 6 October 1918, 4. Numerous organizations devoted to the question of children and child-rearing became influential during this time. David Brankin, the first president of the Children’s Welfare Association of British Columbia, advocated declaring “war on any custom, practises [*sic*], tradition, or false modesty that interferes in any way with the production of clean, healthy children ... [such] conditions will have a far-reaching effect upon our future race unless something is done.” See David Brankin, “Please Mind Your Own Business,” *Western Women’s Weekly*, 18 October 1919, 3, 18.

<sup>28</sup> On Mary Ellen Smith’s career, see Elizabeth Norcross, “Mary Ellen Smith: The Right Woman at the Right Place at the Right Time,” in *Not Just Pin Money*, edited by Barbara Latham and Roberta J. Pazdra (Victoria: Camosun College, 1984), 360-3; Diane Crossley, “The BC Liberal Party and Women’s Reforms, 1916-1928,” in *In Her Own Right: Selected Essays on Women’s History in BC*, edited by Barbara Latham and Cathy Kess (Victoria: Camosun College, 1980), 234-5, 242-4. On Ralph Smith’s racial views, see Patricia E. Roy, *A White Man’s Province: British Columbia Politicians and Chinese and Japanese Immigrants, 1858-1914* (Vancouver: UBC Press, 1989), 96-7, 112; *Hansard*, 16 December 1907, 702.

supporter of a sexual sterilization law in British Columbia, which would eventually be passed in 1933.<sup>29</sup>

Mary Ellen Smith was concerned not only about the quality of the children that were being born in British Columbia, but with the quantity of children as well. Smith shared the dominant nationalist belief that British Columbia was an “empty land” that would inevitably be filled by Asian immigrants if the White population did not increase.<sup>30</sup> Such questions about the racial identity of British Columbia had preoccupied the White settlers of the province for decades. However, a perceived “fertility crisis” in the 1920s – created by statistics showing that British Columbia’s fertility rate had gone from being one of the highest in Canada to the lowest by 1921 – heightened these concerns about the demographics of the province.<sup>31</sup> The perception that the birth rate among Whites in British Columbia was plummeting became particularly alarming when placed alongside reports that the opposite trend was occurring among the province’s Asian population, most notably the Japanese community. The Japanese birthrate in the province was “pyramiding at an alarming rate,” becoming almost double that of the White community. Such a demographic trend led one White nationalist, Tom MacInnes, to declare in 1927 that Orientals were “breeding themselves into possession” of British Columbia.<sup>32</sup>

In the 1920s, political leaders such as Mary Ellen Smith and Attorney General Alexander Manson shared the concern that British Columbia would soon be inundated by the Yellow Peril if the White population did not quickly increase. Manson, alarmed by the Japanese birthrate in British Columbia, warned a Victoria audience in 1923 that

<sup>29</sup> *Sexual Sterilization Act*, S.B.C. 1933, c. 59. For a good introduction to Anglo-American eugenics, see Daniel J. Kevles, *In the Name of Eugenics: Genetics and the Uses of Human Heredity* (New York: Knopf, 1985). On the links between child-rearing and the nation, see Davin, “Imperialism and Motherhood.” On Mary Ellen’s support for eugenics, see “Mrs. M.E. Smith Urges Members to Be Optimistic,” *Victoria Daily Colonist*, 2 December 1925, 13; Angus McLaren, *Our Own Master Race: Eugenics in Canada, 1885-1945* (Toronto: McClelland and Stewart, 1990), 95, 110.

<sup>30</sup> See Roy, *A White Man’s Province*, 186; Tom MacInnes, *Oriental Occupation of British Columbia* (Vancouver: Sun, 1927), 80.

<sup>31</sup> McLaren, *Our Own Master Race*, 43; Jean Barman, *The West Beyond the West: A History of British Columbia* (Toronto: University of Toronto, 1991), 229-30.

<sup>32</sup> MacInnes, *Oriental Occupation of British Columbia*, 25. On the White community’s perception of demographic trends in the province, see “British Columbia Sees Oriental Population Grow,” *Christian Science Monitor*, 2 April 1924 (UBC Library, Special Collections and University Archives Division, Alexander Manson Scrapbooks); W. Peter Ward, *White Canada Forever* (Montreal: McGill-Queen’s Press, 1990), 105; Margaret Hillyard Little, “Claiming a Unique Place: The Introduction of Mothers’ Pensions in B.C.,” *BC Studies* 105-6 (Spring/Summer 1995): 84-5, 91.

it is only a matter of time when the white man will have to give way, unless something more than exclusion is done ... [one] solution but, alas, I am afraid only a theoretical one is suggested. We can urge our white people to beget children, in other words to buck up the birthrate, but I am afraid that in that we shall fail.<sup>33</sup>

Mary Ellen Smith, influenced by her ideas about “race motherhood,” also identified natural increase as a solution to this population crisis. Such thinking led her to support such reforms as the *Mothers’ Pensions Act, 1920*,<sup>34</sup> which was designed to allow White women to better pursue their duty of motherhood.<sup>35</sup> These concerns about race, nationalism, and gender converged in legislation, introduced by Smith, that aimed at prohibiting the employment of White women in Oriental businesses. In a 1919 amendment to the *Municipal Act*, the BC Legislature made it an offence for businesses “owned, kept, or managed by any Chinese person” to employ “any white woman or girl.”<sup>36</sup> Four years later, the BC Legislature repealed this provision (which was harshly criticized by the Chinese consul in Vancouver) and replaced it with the *Women’s and Girls’ Protection Act*.<sup>37</sup> In its original form, this statute barred laundries and restaurants owned by Orientals from hiring White and “Indian” women.<sup>38</sup> The language of the bill led to a strong protest by the Chinese communities of the province, who called it an “insult to national pride and character defamation.” The text was amended before passing into law to delete the references to

<sup>33</sup> “Exclusion Not Enough to Keep Province White,” *Victoria Daily Times*, 14 September 1923, 4 (emphasis mine).

<sup>34</sup> S.B.C. 1920, c. 61. See Little, “Claiming a Unique Place,” for an analysis of this statute.

<sup>35</sup> See Mrs. Ralph Smith, MLA, “Public Responsibility,” *Western Women’s Weekly*, 15 November 1919, 3. Smith also advocated increased British immigration to solve this “crisis”: see “Canada for Britons Says Woman Member,” *Victoria Daily Colonist*, 28 September 1923, 7. Duncan Ross, the MP for Yale-Cariboo, articulated this point more frankly in the debates following the 1907 Anti-Asian riots. Citing Kipling, he told the House of Commons that it was necessary to “pump in the whites.” *Hansard*, 16 December 1907, 746.

<sup>36</sup> *Municipal Amendment Act*, S.B.C. 1919, c. 36, s. 13. The provision also made it an offence for an employer to permit a White woman or girl to reside or lodge in such places except as a bona fide customer. On a similar law in Saskatchewan, see James W. St. G. Walker, “Race,” *Rights and the Law in the Supreme Court of Canada* (Toronto: Osgoode Society for Canadian Legal History and Wilfrid Laurier University Press, 1997), chap. 2.

<sup>37</sup> S.B.C. 1923, c. 76. Correspondence between Premier John Oliver and MLA George Bell in 1920 reveals the complaints of Chinese consul Yih concerning the *Municipal Act*. Bell advised Oliver that “it is to safeguard our women and girls that these acts are passed[,] please say this when explaining this matter to the Chinese Consul.” See Bell to Oliver, 19 April 1920, box 9, file 23, Premier’s Correspondence, *Chinese Canadian Research Collection* (UBC Library, Special Collections and University Archives Division).

<sup>38</sup> Professor Walker notes that the reference to “Indian” women in the BC statute was unique among White women’s labour laws passed in Canada. See “Race,” *Rights and the Law in the Supreme Court of Canada*, 56.

"Orientals," a legislative move that infuriated women's groups and Victor Odlum.<sup>39</sup>

One perceived threat to White women posed by Orientals that these statutes sought to alleviate was the passing of the drug habit through casual contact (such as that brought about by employment). Popular culture in British Columbia and throughout the Western world had created stereotypical images of Chinese men as opium fiends who lure White women into lives of debauchery through drugs and sex. Contemporary fears about "White slavery" reinforced these concerns about the close association of White girls and Asian men. In 1908, the *Saturday Sunset* reported that "a regular traffic of women is conducted by the Chinese in Vancouver. The Chinese are the most persistent criminals against the person of any woman of any class in this country."<sup>40</sup> In the early 1920s, leading Canadian feminist Emily F. Murphy reproduced these images in her widely read exposé of the drug trade in the Dominion, entitled *The Black Candle*.<sup>41</sup> The use of drugs like opium, according to Judge Murphy, led to sterility, which, "in [the] face of persistently falling birthrates," was nothing short of alarming. If these "fallen" White women did become mothers, they produced wretched "half-caste infants" whom they often "farm[ed] out" and then went back to the opium den. These supposed consequences of drug use by White women made Judge Murphy "fearful for the future of the [White] race" in Canada.<sup>42</sup> Such fears were at the root of the *Women's and Girls' Protection Act* in British Columbia and similar legislative initiatives in other provinces. Keeping young White women and Asian men apart was part of a larger nationalist

<sup>39</sup> The convoluted wording of the statute made it unlawful for White and "Indian" women to work in places of businesses that the local police, "in the interest of morals," found it "advisable" that they avoid. The *Women's and Girls' Protection Act* was not repealed by the BC Legislature until 1968. See *Statute Law Amendment Act*, S.B.C. 1968, c. 53, s. 29. On the debate over the statute, see "Zhonghua Huiguan yikang nuyong'an [Chinese Benevolent Association Protests Women's Employment Bill]," *Tai Hon Kong Po*, 28 November 1923, 3; "Chinese Coming Here to Protest New Race 'Slur,'" *Victoria Daily Times*, 27 November 1923, 9; "Bill Practically Ineffective," *Western Women's Weekly*, 22 December 1923, 5; Victor Odlum, "Should Chinese Work with White Girls?," *Vancouver Star*, 8 August 1924, 4.

<sup>40</sup> See Kay J. Anderson, *Vancouver's Chinatown: Racial Discourse in Canada, 1875-1980* (Montreal and Kingston: McGill-Queen's Press, 1991), 98; Edgar Wickberg, ed. *From China to Canada: A History of the Chinese Communities in Canada* (Toronto: McClelland and Stewart, 1981), 98. The fears about White slavery were fictionalized in Hilda Glynn-Ward, *The Writing on the Wall*, intro. Patricia E. Roy (Toronto: University of Toronto Press, 1974), 86. See also "Toronto Girls and Chinese," *Danger: The Anti-Asiatic Weekly*, 1 December 1921, 22, 30; "Ogres From the Orient: White Girls and Chinese Brutes," *Beacon* 2, no. 1 (December 1925): 30-2.

<sup>41</sup> Emily F. Murphy, *The Black Candle* (1922; reprint, Toronto: Coles, 1973) 17, 70, 233.

<sup>42</sup> Murphy, *The Black Candle*, 17, 46-7, 306.

project to protect the White race. Young White women needed to become “mothers of the race,” not opium addicts in Chinatown producing Eurasian children. Strict gender roles, corresponding with bourgeois ideas of respectable motherhood, needed to be enforced to achieve these goals.<sup>43</sup> Mary Ellen Smith, while defending the *Women’s and Girls’ Protection Act* in November 1923, stressed the “common sense” nature of these ideas by declaring: “surely we have the right to protect our own race.”<sup>44</sup>

#### PLAYING TO THE GALLERY:

#### THE DEBATE OVER THE JANET SMITH BILL

The difficulties that Mary Ellen Smith faced in guiding the *Women’s and Girls’ Protection Act* through the House in 1923 made her quite sceptical about the prospects of the United Council of Scottish Societies’ proposed bill passing into law.<sup>45</sup> Nonetheless, Smith’s racial beliefs, along with practical political reasons, outweighed her initial reluctance, and she agreed to introduce the bill into the Legislature in November 1924. The committee sent by the United Council of Scottish Societies to Victoria continued to lobby other MLAs throughout the month, decorating each member’s desk with a petition supporting the bill along with sprigs of heather. Jessica Victoria Stratton and forty other women from the United Council of Scottish Societies were sitting in the Speaker’s Gallery overlooking the Legislature when Mary Ellen Smith arose from her seat on 24 November 1924 to introduce the bill. Their thunderous applause deafened the House, prompting the Speaker to call for silence.<sup>46</sup> After the noise had died down, Mary Ellen Smith had very little to say about the bill, known as Bill 24, except that it was meant to “broaden out” the *Women’s and Girls’ Protection Act*.<sup>47</sup> Mary Ellen, however, had something more dramatic

<sup>43</sup> As Ann Laura Stoler concluded in reference to the colonial experiences of the British and the Dutch: “the sexual choices of white women were at issue; they are desired objects, but unruly desiring subjects as well.” Stoler, *Race and the Education of Desire*, 41. For contemporary views about the dangers of female behaviour, see Murphy, *The Black Candle*, 233, 238.

<sup>44</sup> “Chinese Coming Here to Protest New Race ‘Slur,’” *Victoria Daily Times*, 27 November 1923, 9.

<sup>45</sup> “Would Put Boys Under Wage Act,” *Vancouver Province*, 5 November 1924, 1; “Janet Smith Case May Be Brought Before Legislature,” *Vancouver Province*, 4 November 1924, 1.

<sup>46</sup> *Journals of the Legislative Assembly of the Province of British Columbia from 3rd November to 19th December, Both Days Inclusive* [JLAPBC] (Victoria: C.F. Banfield, 1924), 61; “Women and Girl Protection Act Well Supported,” *Vancouver Star*, 25 November 1924, 2; “Oriental Servant Bill Is Prepared,” *Vancouver Star*, 14 November 1924, 1.

<sup>47</sup> The Janet Smith Bill was officially called *An Act to Amend the “Women’s and Girls’ Protection Act.”*

to say to reporters in the hallway outside the House. She claimed that she knew the names of twenty-eight White servant girls who had recently quit their homes in the Victoria area out of fear of their Oriental coworkers. She was further disturbed by reports that their employers would prefer to dismiss the White girls in favour of retaining Asian servants. "I do not know whether it is a panic among them or not," Mary Ellen stated in her characteristic "motherly" way, but "if such discrimination were pushed to extremes it would be serious for our own white women indeed."<sup>48</sup>

During Bill 24's second reading on 27 November 1924, Mary Ellen again made only a brief speech to the House.<sup>49</sup> She reportedly stated that "it may be argued that it is a discriminatory measure and a subject on which this house has no right to legislate ... but if there is any discrimination to be shown in British Columbia it should be in favour of our own British race."<sup>50</sup> The notably defensive tone of Mary Ellen's words indicates the political controversy that her bill had created. Although the bill had many supporters – Victoria mayor Reginald Hayward wanted the legislation to go even further – there were dissenting voices. One Conservative MLA, in decidedly British fashion, ridiculed Bill 24 as a "tempest in a teacup." Several members received complaints from their constituents about the bill's infringement upon their "private" sphere. Other reports indicated that many female servants feared that the bill would protect them out of a job, since their employers would opt for the cheaper, more "efficient" Asian servant.<sup>51</sup>

Most criticism of the Janet Smith Bill was directed at the perceived political opportunism that fostered it. The *Vancouver Province*, in a scathing editorial printed on 29 November, pointed out that the bill clearly violated the *Anglo-Japanese Treaty* of 1911, and it chastised Mary Ellen Smith and other politicians for debating a bill that was beyond the powers of the BC Legislature to pass. The bulk of the editorial, however, focused on how the bill condemns all Asian men for what Wong Foon Sing may have done. While careful to note that he "would

<sup>48</sup> "Servant Girls Quit Homes, Refusing to Work With Chinese," *Victoria Daily Times*, 24 November 1924, 1.

<sup>49</sup> *JLAPBC*, 74.

<sup>50</sup> "Strong Lobby Is Supporting Oriental Bill," *Vancouver Star*, 28 November 1924, 1. The *Daily Colonist* reported Mary Ellen as merely saying "our own race," whereas the *Province* claims she said "white race." See "Attorney-General to Join Debate Upon Mrs. Smith's Oriental Employment Bill," *Vancouver Province*, 28 November 1924, 7; "The Session," *Victoria Daily Colonist*, 28 November 1924, 3.

<sup>51</sup> Starkins, *Who Killed Janet Smith?*, 123; "Says Chinese Have Right in Homes," *Vancouver Province*, 26 November 1924, 1; "Bill Likely to Be Killed," *Vancouver Sun*, 25 November 1924, 6; "Housemaids Opposed to Oriental Ban Act," *Vancouver Star*, 29 November 1924, 1.

not shed a tear if the whole crowd of them were shipped back to Asia bag and baggage," the author wrote that while Asians are in British Columbia, "it is our duty to be fair to them [and] the Janet Smith bill is not fair." This editorial called Bill 24 an "obnoxious measure [and] one can only regard it as an attempt to humbug the public. It is time the Legislature dropped it and went on with the real work of the session."<sup>52</sup>

The most vocal critics of the Janet Smith Bill were to be found in British Columbia's Chinese community. The Chinese consul to Vancouver, Dr. Lin Pao Heng, immediately denounced the proposed bill as being unfair and discriminatory, and he allied with the Chinese Benevolent Association in Vancouver to oppose it. Material concerns were an obvious factor in this decision to protest the bill, since so many men in the Chinese community found work as domestic servants to earn a living. Leaders within the community feared that the "unlimited scope" of the bill could potentially leave the Chinese community "with no leg to stand on" throughout British Columbia and perhaps the Dominion.<sup>53</sup> An equally pressing reason for Chinese leaders like Dr. Lin Pao Heng to challenge the Janet Smith Bill was its perpetuation of insulting stereotypes of their community. The bill made "criminal suspects" of all Chinese men and reinforced the image of Chinatown as a haven for opium smoking and White slavery.

The Chinese-language newspaper in Vancouver, the *Chinese Times* [*Tai Hon Kong Po*], featured a front-page editorial on 27 November denouncing the Janet Smith Bill and calling upon all members of the community to help defeat it. The *Times* called the bill under consideration "a serious insult to national pride ... discriminatory and unreasonable [and] even more harsh" than previous laws, with its depiction of Chinese men as "poisonous snakes, scorpions and wild animals."<sup>54</sup> Another voice from the Chinese community found its way into the Letters to the Editor section of General Odlum's *Vancouver Star*. An individual identified as "Pertinax" wrote that if the Janet Smith Bill passed into law:

<sup>52</sup> "Playing Politics," *Vancouver Province*, 29 November 1924, 6; see also "Kumtuks Discuss Janet Smith Bill," *Victoria Daily Times*, 2 December 1924, 6.

<sup>53</sup> See Paul Yee, *Saltwater City: An Illustrated History of the Chinese in Vancouver* (Vancouver: Douglas and McIntyre, 1988), 54-7; "Lin kangyi nuyong'an [Lin Protests Women Servants' Bill]," *Tai Hon Kong Po*, 27 November 1924, 3.

<sup>54</sup> "Choukang nuyong ke li [Plan to Protest Harsh Women Servants' Law]," *Tai Hon Kong Po*, 27 November 1924, 1.

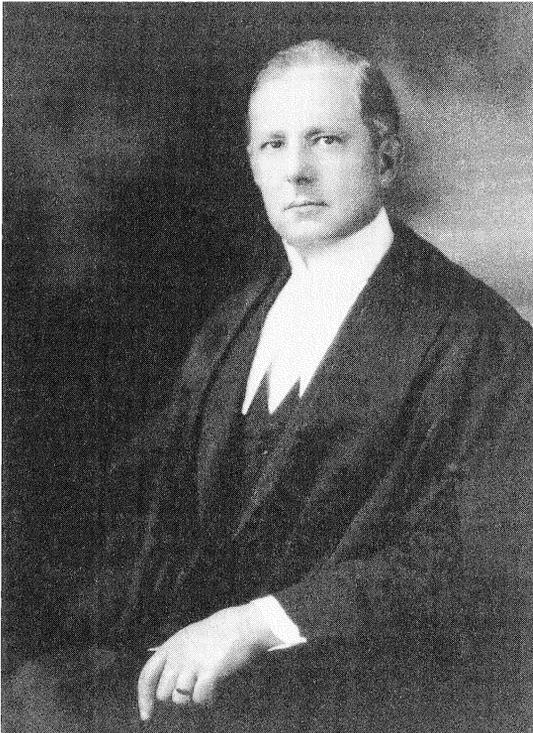
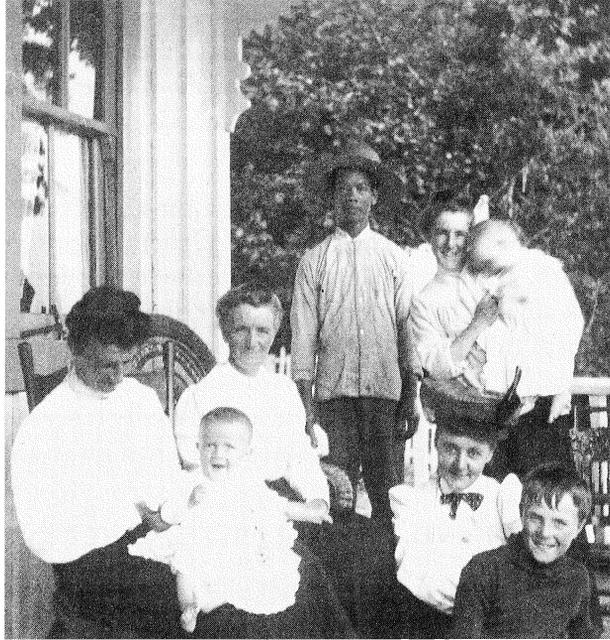


**Victor W. Odlum (1880-1971):** General Odlum's *Vancouver Star* largely created the phenomenon surrounding the death of Janet Smith with its brand of yellow journalism. Odlum's intolerance of the Chinese community of BC made it easy for him to pin the murder on Wong Foon Sing. In a strange twist of history, Odlum would become Canada's first ambassador to China in 1943. Photo source: *The Western Recorder*, November 1925, p. 5.

**Mary Ellen Smith (1862-1933):** Although scholars have relegated Mary Ellen to a footnote to BC's history as the first woman elected in the province, the "lady Member" was actually the key agent for social reform in BC during the decade following the First World War. Her introduction of the Janet Smith Bill in 1924 was part of a larger movement to strengthen the White race in BC and solve the province's population crisis. Photo source: BCARS B-01563.



**A Chinese Houseboy** (c. 1900): Like the Chinese servant in this photograph, “houseboys” were central to the daily life of many White British Columbian families. Emily Carr (in *The Book of Small*) fondly remembers the “raw, neat pig-tailed, homesick China boys” who were like “rain drops rolling down new paint – learning our ways, keeping their own.” Photo source: Vancouver Public Library 35474.



**Alexander Malcolm Manson, KC (1883-1964):** Missouri-born Manson believed that there was “no reason why we should become excited and lose our poise in a discussion about public questions than [we should] in discussing with our wives the purchase of a piece of furniture.” After the Janet Smith case irreparably damaged his political career, Manson served three decades as a justice on the Supreme Court of British Columbia. While in this post, he considered the reputation as a “hanging judge” a compliment. Photo source: BCARS F-05907.

it surely would be a disgrace to the August law-making body of this fair province of British Columbia ... there are [only] a very few families of this province who can afford to employ an Occidental girl in addition to an Oriental man (who is generally preferable). Then why all this fuss?<sup>55</sup>

Consul Lin travelled to Victoria on 24 November 1924 to consult with Premier Oliver, Attorney General Manson, and Mary Ellen Smith. Although Mary Ellen declined to speak with him, Dr. Lin was able to have meetings with Oliver and Manson. The Chinese consul told the premier and the attorney general that not only was the bill discriminatory, but it did not “correspond with reality.” Oliver’s response is unknown, but he undoubtedly repeated his concern about the evil influence that Chinese men had on young White women.<sup>56</sup>

#### MANSON AND THE FATE OF THE JANET SMITH BILL

The passionate debate about the merits and meanings of the Janet Smith Bill was still raging when its second reading resumed on 4 December 1924.<sup>57</sup> At this point, the “cool, detached member from Omineca,” Alexander Malcolm Manson, KC, took centre stage of the political drama. The attorney general had already taken the reins of the Janet Smith murder investigation, calling in a special investigator to find out what happened to the “girl from the Old Country.” Ultimately, Manson’s role in the murder investigation and his complicity in Wong Foon Sing’s kidnapping in March 1925 would sully his reputation and bring a promising political career to an end. Prior to such events, however, Manson held considerable clout in his position as attorney general, and he would ultimately decide the fate of the Janet Smith Bill.<sup>58</sup>

<sup>55</sup> “Chinese View Expressed,” *Vancouver Star*, 26 November 1924, 4.

<sup>56</sup> A year earlier, when Dr. Lin arrived in Victoria to protest the *Women’s and Girls’ Protection Act*, Oliver told the Chinese consul that it was the danger of narcotics – so “poisonous” to young girls – that made such legislation necessary. “Lin kangyi nuyong’an [Lin Protests Women Servants’ Bill],” *Tai Hon Kong Po*, 27 November 1924, 3; “Yejian sheng dangzhu bo nuyongli ji [Report on Delegation to Legislature to Refute Women’s Employment Bill],” *Tai Hon Kong Po*, 5 December 1923, 5.

<sup>57</sup> *JLAPBC*, 103.

<sup>58</sup> For descriptions of Manson’s style, see MacGill, *My Mother the Judge*, 177; Russell R. Walker, *Politicians of a Pioneering Province* (Vancouver: Mitchell, 1969), 38; Starkins, *Who Killed Janet Smith?*, 52-3. On his early role in the murder investigation, see “Grand Jury Is Held on Order from Victoria,” *Vancouver Star*, 27 October 1924, 1; “Attorney-General Issues Statement,” *Point Grey Gazette*, 1 November 1924, 1.

During the afternoon session on 4 December, Manson spoke for over an hour about the Janet Smith Bill and about the murder investigation as a whole. He began by objecting quite forcefully to the presumption underlying Bill 24 that Wong Foon Sing was the Scottish nanny's killer. He pointed out that Wong's guilt had not been proven, so "the bill therefore cannot rightly have any foundation in that case." Manson, however, did not let the debate over the bill's merits stop there. He came to the House armed with statistics about sex crimes committed against women, suggesting that men of "our own race" were more of a threat than Asian men. Such facts challenged one meaning of the bill, that "Orientals had greater influence for evil upon white girls than did men of any other race." The attorney general then provided the House with a short history of similar legislation passed in previous years. More energy had been expended to pass these laws, Manson claimed, than there had been to enforce them. Despite efforts to combat Asian crime and its effects upon White women, all attempts had proven ineffective.<sup>59</sup>

Although Manson was unsure about the physical danger of Asian men, he was convinced that the widespread use of drugs by Orientals posed a considerable threat to young White women. Earlier in the fall, the attorney general told the House that there was evidence that the "Chinese had control of [White] high school girls through their subjection to narcotics." Such beliefs led him to praise Bill 24 because it was not in the best moral interests for White girls and Orientals to work in "close proximity," as the drug habit "might be contracted by white girls through the influence of the Oriental."<sup>60</sup> Manson's own views about the "ethnological differences" between Asians and Europeans and the dire consequences of race-mixing were also completely in harmony with the intents of the Janet Smith Bill.<sup>61</sup>

<sup>59</sup> "Sidelights on Proceedings in Legislature of Province," *Vancouver Province*, 5 December 1924, 2; "Domestics Bill in House," *Vancouver Province*, 5 December 1924, 7; "Tells of White Girls' Danger from the Orientals," *Victoria Daily Times*, 5 December 1924, 6.

<sup>60</sup> "Domestics Bill in House," *Vancouver Province*, 5 December 1924, 7; "Would Protect Girls from Dope," *Victoria Daily Colonist*, 5 December 1924, 5; "Members Sink Politics in Unanimous Demand that Lash be Used on Drug Peddlers," *Victoria Daily Times*, 19 November 1924, 7; "High School Girls Taught Drug Habit," *Vancouver Star*, 19 November 1924, 1.

<sup>61</sup> See "House Asks Industries to Oust All Orientals and Help to End Unemployment," *Victoria Daily Times*, 18 December 1924, 3; "Domestics Bill in House," *Vancouver Province*, 5 December 1924, 7. See also Anderson, *Vancouver's Chinatown*, 113; Patricia E. Roy, "Educating the 'East': British Columbia and the Oriental Question in the Interwar Years," *BC Studies* 18 (1973): 59; Patricia E. Roy, "British Columbia's Fear of Asians," in *British Columbia: Historical Readings*, edited by W. Peter Ward and Robert A.J. McDonald (Vancouver: Douglas and McIntyre, 1981), 666.

Despite his obvious sympathy for the goals of Bill 24, the attorney general knew that it was beyond the powers of the BC Legislature to pass such a measure. All provinces in Canada had to comply with the *Anglo-Japanese Treaty* of 1911, which protected Japanese nationals from discriminatory legislation.<sup>62</sup> The use of the term "Oriental" in Bill 24 discriminated against people of Japanese descent as well as those of Chinese descent, making it a clear violation of the treaty. Furthermore, Manson knew that the substance of the Janet Smith Bill itself violated Canadian constitutional law. Two decisions of the imperial Privy Council, *Union Colliery v. Bryden* (1899) and *Cunningham v. Tomey Homma* (1902), established that the BC government did not have the constitutional power to enact laws depriving Asians of the ability to take up wage labour.<sup>63</sup> Such laws, according to the courts, interfered with the exclusive power of the federal government to enact laws in relation to "aliens and naturalization." The Supreme Court of Canada had recently confirmed these rulings by holding that a BC statute that restricted the employment of Orientals denied them "the right of residence within the province" and was, therefore, *ultra vires*.<sup>64</sup> Fully aware of this jurisprudence, Attorney General Manson warned the House that, without amendments, the Janet Smith Bill

<sup>62</sup> Bruce Ryder, "Racism and the Constitution: The Constitutional Fate of British Columbia Anti-Asian Immigration Legislation, 1884-1909," *Osgoode Hall Law Journal* 29, no. 3 (1991): 636. Treaties signed between Great Britain and China at the close of the Opium Wars of the 1840s and 1850s contained measures similar to those found in the Anglo-Japanese treaties, but they were consistently ignored by Canadian courts.

<sup>63</sup> See *Union Colliery v. Bryden* (1899), A.C. 580; *Cunningham v. Tomey Homma* (1902), A.C. 151 at 157. These cases were premised on the notion that prohibiting the ability of Asians to earn a living in Canada meant interfering with their "continued residence" in the country. Such anti-Asian laws, therefore, interfered with the Dominion government's exclusive power over "aliens and naturalization," found in section 91 (25) of the *British North America Act*. Wage labour was an "ordinary right" with which the provinces could not interfere, whereas voting was not. Consequently, the *Tomey Homma* case upheld the BC government's ability to pass laws prohibiting Asians from voting. See Bruce Ryder, *Racism and the Constitution: The Constitutional Fate of British Columbia Anti-Asian Legislation, 1872-1922* (Toronto: Osgoode Hall Law School, 1990), 81, 99-100. For a contemporary view of the law, see Henry F. Angus, "The Legal Status in British Columbia of Residents of Oriental Race and Their Descendants," in *The Legal Status of Aliens in Pacific Countries*, edited by Norman MacKenzie (Oxford: Oxford University Press, 1937), 78-9.

<sup>64</sup> See *In re Employment of Aliens* (1922), 63 S.C.R. 293 at 319 per Mr. Justice Lyman Duff. In the case of *Quong-Wing v. The Queen* [(1914), 49 S.C.R. 440], the Supreme Court of Canada upheld the validity of a Saskatchewan statute that prohibited "Chinese" owners of restaurants and laundries from hiring White women. The Court concluded that, because the dominant purpose of the statute was to suppress a local evil, it fell within the jurisdiction of a provincial head of power. The statute did not prevent people of Chinese ancestry from earning a living within the province, so it did not offend the reasoning of *Tomey Homma* and *Bryden*. On the Saskatchewan law, see Walker, "Race," *Rights and the Law in the Supreme Court of Canada*, chap. 2; Constance Backhouse, "The White Women's Labor Laws: Anti-Chinese Racism in Early Twentieth-Century Canada," *Law and History Review* 14, no. 2 (1996): 345-6, 365-6

would be found invalid, since its dominant purpose was to affect the ability of Asian men to find work as servants.<sup>65</sup>

A few days after the attorney general's speech, Mary Ellen Smith became concerned that her bill was doomed. Although she demanded an "immediate verdict" on its merits, she sensed that Bill 24 would not be given a mandatory third reading before the Legislature's session was scheduled to end on 19 December. She became philosophical about the bill's impending defeat, proudly declaring that:

[the bill] has already focused attention on the problem of Oriental servants in the home more than ever before and awakened the employers of servants to the danger of keeping Orientals who do not live up to proper standards. In addition, it has put the white servant girls on their guard. On the whole, whether it is endorsed or not, the bill will do a great deal of good.<sup>66</sup>

Eight days later, on 16 December, Attorney General Manson instructed that Bill 24 be dropped from the Order Paper because it was beyond the powers of the BC Legislature to pass.<sup>67</sup> Unlike BC politicians in previous decades, Manson and others in the Oliver government were weary of constant constitutional wrangling with the Dominion government over anti-Asian laws. The *Bryden* and *Tomey Homma* decisions were well-entrenched by 1924, and Manson knew it would be futile to pursue such an obviously *ultra vires* measure as the Janet Smith Bill.<sup>68</sup>

<sup>65</sup> Manson declined to comment on a suggestion made the day before by Conservative MLA Thomas G. Coventry that a \$500 annual tax be imposed on male servants (except those in country clubs) so that there would be no need for race-specific legislation. See "Male House Servants May Be Taxed \$500," *Vancouver Star*, 4 December 1924, 1; "Xiugai nuyongli yu dula [Amendments to Women Servants' Bill Becoming Sinister]," *Tai Hon Kong Po*, 5 December 1924, 3.

<sup>66</sup> "Ask House to Urge Repeal of Treaties Restricting Canada's Oriental Control," *Victoria Daily Times*, 9 December 1924, 1.

<sup>67</sup> *JLAPBC*, 151; "Domestics Bill Is Dropped in House," *Vancouver Province*, 17 December 1924, 29; "Janet Smith Bill Finally Dropped: Is Contrary to Canada's Pact with Japan," *Victoria Daily Times*, 17 December 1924, 18; "Janet K. Smith Bill Is Dropped in Legislature," *Vancouver Star*, 17 December 1924, 7. Discussion of the Janet Smith Bill did, however, continue in the newspapers. A political observer from the *Vancouver Sun*, in a stinging review of the "do-nothing" session, singled out Mary Ellen's bill for scorn. He cruelly wrote:

At no time in parliamentary history has a bunch of pseudo-public champions been so thoroughly revealed as plain four-flushers standing on a clay pedestal of cheap publicity. There was sobbing Mary Ellen with her Janet Smith bill, which she and everybody else knew perfectly well the Legislature had no power to pass. But it made a strong hit with the "poor working girl," and even the "poor working girls" have votes, my dear.

See "Political Hokum," *Vancouver Sun*, 21 December 1924 (Alexander Manson Scrapbooks).

<sup>68</sup> Ward, *White Canada Forever*, 131; Roy, "Educating the 'East,'" 58.

## MEANINGS OF THE JANET SMITH BILL

Even though the Janet Smith Bill did not become law, the debate that surrounded it offers a fascinating opportunity to explore the language of race and nation used by British Columbia's White elite during the 1920s. Indeed, it is because these politicians were "playing to the gallery" and quite conscious that they were participating in a moral drama that their actions are so meaningful. The Janet Smith murder case as a whole was not mere tabloid fodder but, rather, a social drama for the young metropolis of Vancouver and White British Columbia. It was the sort of liminal event that social theorists argue leads communities to explore complex issues of identity and how they "see themselves."<sup>69</sup> The death of the young nanny raised questions that went to the heart of the identity of Vancouver and White British Columbia. What was the nature of the relationship between the Scottish woman and the Chinese houseboy? How could the "friendless servant-girl" be "murdered in cold blood, presumably in broad daylight, in the most fashionable part of the city"?<sup>70</sup> How could the police let her murderer get away with it? What was wrong with British Columbia? Analyzing how individuals such as Odlum and Manson confronted such questions illuminates how many White British Columbians in the 1920s "imagined" themselves and their province.<sup>71</sup>

A reconstruction of the intellectual world in which these individuals lived becomes crucial to understanding how they made sense of the Janet Smith case.<sup>72</sup> Contemporary knowledge (or "discourses") about racial biology, the effects of race-mixing, and the ability of two races to live within the same nation limited the vocabulary of the major players in this story, setting the ground rules for the debate. Scientific knowledge of the day, which concluded that miscegenation between Europeans and Asians was biologically disastrous, was common sense to people like Victor Odlum and Mary Ellen Smith. Dominant understandings of British Columbia's history, constructed through various narratives, further shaped interpretations of the Janet Smith case and the "problem" of miscegenation.

<sup>69</sup> See Victor Turner, "Social Dramas and Stories About Them," *Critical Inquiry* 7 (Autumn 1980): 150-3, 156-7.

<sup>70</sup> "The Janet Smith Case," *Beacon* 1, no. 9 (August 1925): 12.

<sup>71</sup> Anderson, *Imagined Communities*. On the advisability of using the ideas of Anderson and others to understand how past actors "imagined" British Columbia, see Kerwin, "Re/Producing a 'White British Columbia,'" 8-10.

<sup>72</sup> Anderson, *Vancouver's Chinatown*, 72; Timothy J. Stanley, "Defining the Chinese Other: White Supremacy, Schooling and Social Structure in British Columbia Before 1923" (PhD diss., University of British Columbia, 1991), 172.

The Janet Smith Bill had two primary meanings, each of which was informed by contemporary ideas about race and nation. First, the bill was meant to prevent the production of Eurasian children in British Columbia by keeping young White women and Asian men apart. As Victor Odlum wrote in one of his editorials in the *Star*,

The matter under consideration is a psychological one. There can be no question that the intimacy which such a condition as the employment of white girls and Chinamen in the same home brings about leaves the door open to all sorts of possibilities. It is a racial as well as a moral question.<sup>73</sup>

The second goal of the bill, inseparable from the first, was to protect the opportunity and ability of young White women to produce healthy White babies. Popular stereotypes of the Chinese community as a haven for drugs and White slavery led to fears that young White women would become opium addicts or disappear into a life of debauchery in British Columbia's Chinatowns if exposed to the "daily personal touch"<sup>74</sup> of Asian coworkers. If young White women "fell" to such depths, according to the wisdom of the day, then the White birth rate would continue to fall, and, eventually, British Columbia would no longer be a White province. These two meanings of the Janet Smith Bill, when read together, indicate how questions of racial biology and the spectre of race-mixing lay at the heart of racial and nationalist discourse in 1920s British Columbia. In order to produce and reproduce a White British Columbia, politicians and reformers wanted to monitor the racial boundaries of the province at its most intimate level, making the sexual choices of men and women a public racial concern.

## THE LANGUAGE OF RACE AND NATION IN 1920S BRITISH COLUMBIA

### *The Organic Paradigm*

Central to racial and nationalist thought during the 1920s was the manner of "imagining" British Columbia (and the larger Dominion) in biological terms: as a "living body" with traits like skin colour and blood.<sup>75</sup> The White elite's use of such organic metaphors was not

<sup>73</sup> Victor W. Odlum, "Chinese and White Girls," *Vancouver Star*, 9 October 1924, 4.

<sup>74</sup> *Ibid.*

<sup>75</sup> On the symbolic use of the body, see Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (London: Routledge and Kegan Paul, 1966), 115. On the use of metaphors by nationalists, see Allan Smith, "Metaphor and Nationality" in *Canada: An*

merely a colourful way of talking but had profound implications with regard to what individuals could and could not think about racial and national matters. Such language fundamentally structured the way that British Columbia's White elite thought about the "Oriental menace," the "Indian question," and the "health" of the White race in the province. Using such familiar symbols as "blood" and "body" allowed individuals to comprehend complex demographic processes better than did any other competing model.<sup>76</sup>

This organic paradigm interpreted the settlement of various racial groups within the province in almost sexual terms – as the mixing of the blood between the races to create a hybrid, or mongrel, nation. Compare how this way of thinking interpreted, respectively, the nature of the European, First Nations, and Asian populations in British Columbia. Vancouver journalist John Nelson, writing in *Maclean's* magazine in 1922, imagined British Columbia as the land where

an original British stock has been vitalized by the young life of eastern Canada, and broadened and energized by a liberal infusion of western American blood. They have all mingled in proportions which, while increasing the vigor, have not imperiled the maintenance of the original type.<sup>77</sup>

In a similar vein, Duncan Campbell Scott, the Dominion's superintendent of Indian affairs during these years, believed that the various First Nations were being slowly "absorbed" into the body politic through "great forces of intermarriage and education."<sup>78</sup> In stark contrast to these conclusions, the organic paradigm interpreted the "absorption" of Asians into the body politic as disastrous. For example, longtime Vancouver Centre MP H.H. Stevens based his anti-Asian views on the "fact" that "neither their best interests nor ours, in my opinion, are to be sought in amalgamation. For amalgamation means biological loss, sociological confusion, political strife and economic

---

*American Nation? Essays on Continentalism, Identity and the Canadian Frame of Mind* (Montreal and Kingston: McGill-Queen's University Press, 1994), 127-8.

<sup>76</sup> On paradigms, see Thomas S. Kuhn, *The Structure of Scientific Revolutions*, 2nd rev. ed. (Chicago: University of Chicago Press, 1970), 2-3, 205-7. The power of these metaphors can be demonstrated by their continued use today. In the fall of 1993, the American magazine *Time* published a special issue about the impact of immigration on the United States. For its cover photograph, the editors used the latest computer technology to "morph" the faces of various individuals (corresponding with the ethnic make-up of the United States) to create the "new face of America." Once again, people used the same kinds of organic metaphors (albeit in a very "high-tech" manner) to understand complex social processes.

<sup>77</sup> John Nelson, "Shall We Bar the Yellow Race?," *Maclean's*, 15 May 1922, 13. Nelson was the former editor of the *Vancouver Daily World*.

retrogression. Ethically I think we have a right to perpetuate ourselves undiluted and unchanged as have our coloured world neighbours.”<sup>79</sup>

A striking disparity, therefore, existed between the organic paradigm’s interpretation of the “Oriental menace” to British Columbia and its rather optimistic views about European immigration and the “absorption” of the First Nations. The sheer numerical difference between the Aboriginal population of the province and the potential number of Asian immigrants partly explains this contradiction. The First Nations population was declining, seemingly “vanishing,” as it composed only 4 per cent of the population by 1921. Using the metaphors of the day, the Aboriginal population could easily be “absorbed” into the bloodstream of British Columbia without “imperiling” the “original type.”<sup>80</sup> The dominant stereotype of the Asian population as the “Yellow Peril” was the polar opposite of the metaphor of the “Vanishing American.” British Columbia’s White elite feared that a massive influx of Asian immigrants would “dilute” the bloodstream of the body politic and literally change the face of the nation.<sup>81</sup>

Such fears about the impact of Asian immigration to Canada were expressed often during the public debate prior to the *Chinese Immigration Act* of 1923. Politicians and reformers concluded that the Dominion needed immigrants who would “become not only with us, but of us,” and Asians were “not of our body politic” but remained “an unassimilable clot in our civilization.”<sup>82</sup> Law-makers, working within the constraints of this organic paradigm, could perceive only three options for British Columbia and the rest of Canada: it could remain “White” by closing the door to Asian immigration; it could become “Yellow” (or “Orientalized”) by allowing the Yellow Peril to drive out the White population; or it could become “mongrelized” by the metaphorical mixing of Asian and European bloods. The

<sup>78</sup> The quote from Scott, who served as deputy superintendent of Indian affairs from 1913 to 1932, is from 1920. See John Leslie and Ron Maguire, eds. *The Historical Development of the Indian Act* (Ottawa: Department of Indian Affairs and Northern Development, Treaties and Historical Research Centre, R.E. Group, 1978), 114.

<sup>79</sup> “Whites Pioneered and Will Retain British Columbia,” *Vancouver Province*, 1 March 1925, 15.

<sup>80</sup> See Barman, *The West Beyond the West*, 155–6, 363. On the powerful metaphor of the “Vanishing American,” see Brian W. Dippie’s excellent *The Vanishing American: White Attitudes and US Indian Policy* (Lawrence, KN: University Press of Kansas, 1982).

<sup>81</sup> On the Yellow Peril, see Ward, *White Canada Forever*, 6, 91; H.H. Stevens, “The Oriental Problem: Dealing with Canada as Affected by the Immigration of Japanese, Hindu, Chinese” (Victoria: Provincial Library, 1912), 17–9.

<sup>82</sup> *Hansard*, 8 May 1922, 1521 (George Black); Ward, *White Canada Forever*, 60; E.D. McLaren and George C. Pidgeon, “East Indian Immigration,” *Westminster Hall Magazine* 1, no. 8 (January 1912), 26.

enactment of the *Chinese Immigration Act* was the “common sense” choice for MPs and lobby groups because it was “desirable that we have a white Canada and that we should not become a yellow or mongrel nation.”<sup>83</sup>

*“An Unnatural Thing”: The Biology of Race-Mixing*

Constantly blurring with the metaphorical ideas of race-mixing was the debate over whether Europeans and Asians could literally mix through miscegenation.<sup>84</sup> For instance, a Prince Rupert observer wrote in 1921 that

there is bound to be mixing of the race when there is social intercourse, for one leads to the other as naturally as night follows day. The only way to ensure the perpetuation of a white race in this country is to make it impossible for the Oriental to come here to settle.<sup>85</sup>

The question of whether it was biologically possible for Asians and Europeans to intermarry was at the centre of racial discourse prior to 1950. Indeed, the debate over “assimilation” – which usually concluded that Asians were “unassimilable” – was conducted in the language of biology and reproduction.<sup>86</sup> White nationalists commonly equated the term assimilation with the ability to intermarry and the biological fusion of peoples rather than, as we do today, with the adoption of cultural practices. For instance, General Odlum deployed such language when he declared that it “is no reflection upon the Mongolian race that it cannot assimilate with the Aryan race [but this] is simply a biological fact.”<sup>87</sup> Odlum’s opponent in the 1921

<sup>83</sup> New Westminster MP W.G. McQuarrie, quoted in *Hansard*, 8 May 1922, 1516. The National Council of Women used the identical phrase when supporting Asian exclusion. See “Official Report of the National Convention,” *Western Women’s Weekly*, 16 December 1922, 2, 11. British Columbia MPs used similar language in the debates following the 1907 riots in Vancouver. See *Hansard*, 16 December 1907, 702, 722, 737 [*Official Report of the Debates of the House of Commons of the Dominion of Canada*, vol. 72. (Ottawa: S.F. Dawson, 1908)].

<sup>84</sup> On this debate throughout the colonial world, see Robert J.C. Young, *Colonial Desire: Hybridity in Theory, Culture and Race* (New York: Routledge, 1995), 9; Ronald Hyam, *Empire and Sexuality: The British Experience* (Manchester: Manchester University Press, 1990), 203.

<sup>85</sup> “Editorial,” *Prince Rupert Daily News*, 29 October 1921, 2.

<sup>86</sup> On the “obsession” with the “unassimilable Asian,” see Ward, *White Canada Forever*, 12–3. Even those who opposed immigration restriction, such as individuals of Asian descent, used the same biological arguments. See the remarkable comments of E.C. Banno in Charles H. Young and Helen R.Y. Reid, *The Japanese Canadians* (Toronto: University of Toronto Press, 1938), 94; Cheng Tien-fang, *Oriental Immigration in Canada* (Shanghai: Commercial, 1931), 236–7. See also Charles H. Young, *The Ukrainian-Canadians: A Study in Assimilation* (Toronto: Nelson, 1931), 289.

<sup>87</sup> See note 21. Edward Odlum, the general’s father, held similar views about the effects of race-mixing on a nation. In his regular column in the *Star*, “Professor” Odlum concluded

federal election, H.H. Stevens, used similar language. Stevens frequently made blunt assertions that “assimilation means intermarriage” and questioned whether immigrants from Southern and Eastern Europe, as well as Asians, could effectively “fuse” with the biological whole.<sup>88</sup>

These dominant views about race-mixing did not arise from “irrational fears”<sup>89</sup> but, rather, from the decidedly rational application of current scientific knowledge. Scientists throughout the Western world had declared the mixing of vastly different races (such as Europeans and Asians) to be a biological and social disaster. Prominent Victorian thinker Herbert Spencer pointed to the examples of Mexico and Brazil to justify his contention that widespread miscegenation between “unallied” races brought political, economic, and biological chaos to a state.<sup>90</sup> Such scientific findings were well known among British Columbia’s White elite, particularly among voracious readers like Mary Ellen Smith and Victor Odlum. In 1908, the booster magazine *Westward Ho* ran an editorial about Asian exclusion, stating that “the history of the world furnishes no instance of the commingling of such [disparate] races [as Europeans and Asians], and the profoundest students of anthropology are a unit in concluding that it would be disastrous.”<sup>91</sup> By the 1920s, the fear of race-mixing would be further entrenched by the writings of leaders in the American eugenics movement. Madison Grant declared in his widely read *The Passing of the Great Race* (1916) that “to bring half-breeds into the world will be regarded as a social and racial crime of the first magnitude.” His student, Lothrop Stoddard, concluded that the offspring of mixed-race unions are a “walking chaos ... every cell of whose bodies is a battle-ground of jarring heredities” and “quite worthless.”<sup>92</sup> Such ideas

---

that Americans “have been breeding down” due to their immigration policies and that Canada was “wildly journeying in the same direction” by allowing “the mongrel mixing of humans.” He shared the “scientific” opinion that “Occidentals” and “Orientals” could not “interbreed.” See “Professor Odlum’s Corner,” *Vancouver Star*, 26 August 1924, 4.

<sup>88</sup> See “Minister Deals With Orientals,” *Victoria Daily Colonist*, 2 December 1921, 1; “Xianzhi yiminli zhi yu [Extremist Speech on Immigration Restriction],” *Tai Hon Kong Po*, 15 April 1922, 3.

<sup>89</sup> Patricia E. Roy, “The Oriental ‘Menace’ in British Columbia,” in *Historical Essays on British Columbia*, edited by J. Friesen and H. K. Ralston (Toronto: McClelland and Stewart, 1976), 243.

<sup>90</sup> Herbert Spencer, *Principles of Sociology* (Hamden, CT: Archon, 1969), 131-2; Nancy Leys Stepan, *The Idea of Race in Science: Great Britain, 1800-1960* (London: Macmillan, 1982), 105-6; Young, *Colonial Desire*, 18.

<sup>91</sup> “Asiatic Question,” *Westward Ho Magazine* 2, no. 3 (March 1908), 2.

<sup>92</sup> Madison Grant, *The Passing of the Great Race, or The Racial Basis of European History*, 4th rev. ed. (New York: Scribner’s, 1921), 60; Lothrop Stoddard, *The Rising Tide of Color Against White World-Supremacy* (New York: Scribner’s, 1920), 120, 166. A famous discussion of the

greatly influenced public figures in the United States such as Calvin Coolidge (elected president in November 1924), who believed that “biological laws tell us that certain divergent people will not mix or blend. The Nordics propagate themselves successfully. With other races, the outcome shows deterioration on both sides. Quality of mind and body suggests that observance of ethnic law is as great a necessity to a nation as immigration law.”<sup>93</sup>

Such insights of racial biology permeated popular culture and became plain common sense to White British Columbians in the 1920s.<sup>94</sup> Warnings about intermarriage between Europeans and Asians were found in everything from judicial decisions to theatre reviews.<sup>95</sup> Hilda Glynn-Ward, whose novel *The Writing on the Wall* (1921) capitalized on fears about an Asian takeover of British Columbia, wrote that any attempted mixing of the races “can result in nothing but disaster” because intermarriage between Asians and Europeans is “an unnatural thing.” A *Maclean’s* article in 1930 claimed that a child born of European and Asian parents “is a type of humanity that loathes itself as much as it is loathed by others. Why permit the creation of that race here in our white British Columbia?”<sup>96</sup> These dominant ideas also shaped the thinking of political leaders, providing actors such as Mary Ellen Smith “with a vocabulary, imagery, rhetoric, and figures” to construct public policy.<sup>97</sup> For instance, Alexander Manson confidently stated in 1927 that it was not intended that there should be “an intermingling of Oriental and European blood” because it is “well established that the Eurasian is a very unsatisfactory product.” General Odlum, when supporting the Janet Smith Bill, alluded to the fears of miscegenation that were central to the bill:

It is not morally in the eternal fitness of things that a white girl or woman should be placed in a position where she is constantly coming into daily personal touch with a Chinaman under the same

---

“tribal twenties” can be found in John Higham’s *Strangers in the Land* (New York: Atheneum, 1978), 264–324. On the eugenists’ obsession with race-mixing, see William B. Provine, “Geneticists and the Biology of Race Crossing,” *Science*, 23 November 1973, 793.

<sup>93</sup> Kenneth M. Ludmerer, *Genetics and American Society* (Baltimore: Johns Hopkins University Press, 1972), 104.

<sup>94</sup> Walker, “Race,” *Rights and the Law in the Supreme Court of Canada*, 16.

<sup>95</sup> See “No Citizenship for Japanese,” *Vancouver Province*, 10 January 1928, 18; “Review of ‘East Is West,’” *Western Women’s Weekly*, 30 September 1922, 4.

<sup>96</sup> Glynn-Ward is quoted by W.G. McQuarrie in *Hansard*, 8 May 1922, 1516; L.M.F. Beytagh, “British Columbia’s Racial Problem,” *Maclean’s*, 1 June 1930, 30. See also “Keep Canada White,” *Vancouver Sun*, 18 May 1925, 8.

<sup>97</sup> Said, *Orientalism*, 41.

roof. Such a measure as that proposed would render this impossible.<sup>98</sup>

It was the *biological* “fear of Asians,” produced by scientific conclusions about race-mixing, that, as much as any other factor during these years, obsessed White nationalists. University of British Columbia economist Theodore H. Boggs came to a similar conclusion in 1925, after analyzing how factors such as wage competition contribute to racial conflicts in British Columbia. According to Boggs, “[if] the Oriental had a white skin and therefore was as readily capable as the Irishman and Italian of being assimilated through intermarriage, the economic argument would be no more sound when applied to him than it was when applied to cheap labourers from Europe.”<sup>99</sup>

#### CONCLUSION: NATIONS AND HISTORY

The fixation held by so many White nationalists regarding matters of reproduction must be understood within a larger process of nation-building. Dominant nationalist ideas in the 1920s – which drew close links between race, gender, sexuality, and the nation – portrayed young women as being “pregnant with the destiny of races” and being, at the most intimate level, the producers of the nation. Historian Nancy Leys Stepan described a similar process under way in Latin America during this period:

The desire to “imagine” the nation in biological terms, to “purify” the reproduction of populations to fit hereditary norms, to regulate the flow of peoples across national boundaries, to define in novel terms who could belong to the nation and who could not – all these aspects of eugenics turned on issues of gender and race, and produced intrusive proposals or prescriptions for new state policies toward individuals.<sup>100</sup>

The Janet Smith Bill demonstrates that a similar process was under way in 1920s British Columbia. The bill’s goal of preventing the production of Eurasian children and ensuring the production of healthy White babies was a part of defining “who could” and “who could not” belong to British Columbia. In order to produce and re-

<sup>98</sup> “Oriental Bills Called Out of Province Scope,” *Victoria Daily Times*, 25 February 1927, 2; Victor W. Odium, “Chinese and White Girls,” *Vancouver Star*, 13 November 1924, 4.

<sup>99</sup> See Stanley, “Defining the Chinese Other,” 192-3.

<sup>100</sup> Nancy Leys Stepan, *The Hour of Eugenics: Race, Gender, and Nation in Latin America* (Ithaca: Cornell University Press, 1991), 105.

produce a White British Columbia, social reformers and politicians targeted young White women as “mothers of the race,” carrying the destiny of the province in their wombs. Policing their behaviour – preventing them from becoming fallen women in opium dens or producing “half-caste” babies – was vitally important to this larger nationalist project.

The biological fears held by British Columbia’s White elite make more sense when read along with their understandings of the province’s history.<sup>101</sup> In the 1920s, the dominant historical narrative portrayed British Columbia as a land populated by the Whites who “pioneered” it, who are now struggling to retain it as a home for the “White race” in the face of rising tides of Asian immigration and an apathetic Dominion government.<sup>102</sup> There was also the widespread belief that British Columbia was still an “empty land” at this time, as the First Nations of the province were marginalized within this nationalist paradigm.<sup>103</sup> The impact of the writings of American eugenicists after the Great War gave these fears a new geopolitical impetus. John Nelson, a Vancouver newspaper editor, imagined British Columbia as “one of the last frontiers of the white race against the yellow and the brown.”<sup>104</sup> Attorney General Manson, alarmed by demographic trends in the province, stated in 1923 that “it was never intended that there should be a mixture of bloods and we will not submit to a British Province being Orientalized ... If British Columbia be Orientalized[,] we had better give it to Japan and China and vacate.”<sup>105</sup> Such ideas help to explain the passion that surrounded the debate over the Janet Smith Bill. The mixing of races, either metaphorically or literally, would change the narrative of British Columbia’s history from a heroic epic about pioneers to a “tragedy” for the White race.<sup>106</sup> British Columbia would either be “mongrelized” or its empty lands would be filled entirely by Asian immigrants,

<sup>101</sup> On the relationship between nationalism and historical narratives, see Bhabha, “DissemiNation,” 292–320.

<sup>102</sup> See H.H. Stevens’s remarks in “Whites Pioneered and Will Retain British Columbia,” *Vancouver Province*, 1 March 1925, 15; MacInnes, *Oriental Occupation*, 57, 71, 80; “In the Sunset Glow,” *Saturday Sunset*, 6 July 1907, 1.

<sup>103</sup> See the discussion following note 30.

<sup>104</sup> John Nelson, “The Problems of British Columbia,” in *The Canadian Provinces: Their Problems and Policies* (Toronto: Musson, 1924), 171.

<sup>105</sup> “Exclusion Not Enough to Keep Province White,” *Victoria Daily Times*, 15 September 1923,

4.  
<sup>106</sup> A recent observer, journalist Gwynne Dyer, used organic metaphors to write about British Columbia’s racial future, but he came to a strikingly different conclusion than did historical actors in the 1920s. Dyer stood at the corner of Robson and Howe Streets in downtown Vancouver, kept mental track of the percentage of interracial couples that walked by (he

irrevocably changing the “complexion” of British Columbia.<sup>107</sup>

While this understanding of how British Columbia’s history was unfolding remained dominant during the 1920s, there were certainly opposing ideas about the identity of the province, which manifested themselves during the debate over the Janet Smith Bill. For instance, many individuals challenged the stereotypical thinking about the Chinese community of British Columbia embedded in the bill by reinterpreting their historical role within the province.<sup>108</sup> Others challenged the harsh implications of the bill by imagining British Columbia as a land built as much on high ideals of justice as it was on archaic notions of blood and kin.<sup>109</sup> In other words, the Janet Smith murder mystery, like any other historical event, only acquires significance when placed within a larger narrative. What the Janet Smith case or the bill it produced *means* within the “BC narrative” depends on whose story (or history) it is.<sup>110</sup> According to the narrator of Sky Lee’s *Disappearing Moon Cafe*, the defeat of the Janet Smith Bill in December 1924 was “Chinatown’s first real success story.” However, Wong Foon Sing’s kidnapping the following spring quickly tarnished that “dazzling victory,” turning the Janet Smith case into a familiar tale of racial oppression.<sup>111</sup> In the United Council of Scottish Societies’ narrative of the case, the inability of the Point Grey Police to find Janet’s murderer intimated that there was a tear in the social fabric of British Columbia, prompting them to take the law into their own hands. Other White British Columbians interpreted such events, particularly the kidnapping of Wong Foon Sing in March 1925, as being very “un-British” and implying the loss of law and

---

estimated 30 per cent), and somewhat optimistically concluded that “the future is light brown.” See Dyer, “Everyone Into the Pot,” *Calgary Herald*, 7 May 1997, A19.

<sup>107</sup>Roy, *A White Man’s Province*, 186. Alexander Manson feared that if current trends continued, then the future British Columbia would “really be a fringe of the country across the Pacific” (“Oriental Bills Called Out of Province Scope,” 25 February 1927, *Victoria Daily Times*,) 2. See also the comments of Premier John Oliver in Thomas R. Berger, *Fragile Freedoms: Human Rights and Dissent in Canada* (Toronto/Vancouver: Clarke, Irwin, 1981), 101.

<sup>108</sup>See also “Lin lingshi wei kangyi nuyong’an shi zhi sheng dushu [Consul Lin Sends Letter of Protest Over Women Employment Bill],” *Dahan gongbao*, 10 December 1923, 3.

<sup>109</sup>“Playing Politics,” *Vancouver Province*, 29 November 1924, 6. UBC student (and future poet) Earle Birney had a similar reaction while covering the trial of Wong Foon Sing for the *Point Grey Gazette* in the summer of 1925. See Birney, *Spreading Time* (Montreal: Véhicule, 1980), 18.

<sup>110</sup>See Hayden White, “The Value of Narrativity in the Representation of Reality,” in *The Content of the Form: Narrative Discourse and Historical Representation* (Baltimore: Johns Hopkins University Press, 1987).

<sup>111</sup>Lee, *Disappearing Moon Cafe*, 227; Yee, *Saltwater City*, 76–7. Wong Foon Sing’s personal name means “dazzling victory.”

order.<sup>112</sup> Alexander Manson, whose political star quickly fell in the wake of the Janet Smith case, would have preferred that this story be edited from the British Columbia “narrative” altogether. As the top law officer in the province, the attorney general paid the political costs for the perceived loss of law and order in a British province. In 1925, Manson (with one eye on the history books) would sum up his role in the Janet Smith saga by sighing: “I have tried to maintain the administration of justice untarnished in the Province. I would with all my heart that these pages in our history had not been written.”<sup>113</sup>

<sup>112</sup>On the reaction among Whites to the kidnapping of Wong, see the *British Columbia Monthly* (May 1925), 13. According to a popular columnist, the events surrounding Wong’s kidnapping reveal what happens when “Klan methods take the place of properly enforced laws.”

<sup>113</sup>Manson, quoted in the *Canadian Annual Review of Public Affairs, 1925-6*, edited by Rodolphe Lemieux et al. (Toronto: Canadian Review, 1926), 528.