

# MARRIAGE, MORALS, AND MEN:

## *Re/defining Victoria's Chinese Rescue Home*

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**I**N 1886, NEARLY THREE THOUSAND Chinese lived in Victoria, British Columbia, making up nearly 18 percent of the population of some sixteen thousand.<sup>1</sup> The vast majority of these Chinese residents were men, and the few women among them were targets of both suspicion and concern. According to legal historian John McLaren, “in a minority community that was overwhelmingly male and in which women were regularly bought and sold, it was assumed by their detractors that, with limited exceptions, any Chinese girl or woman who came to Canada must already be a prostitute or destined for that role.”<sup>2</sup> On such assumptions the Chinese Rescue Home (hereafter the Home) was founded.<sup>3</sup>

Located in the heart of Victoria, the Home was initially envisioned as a safe haven for Chinese prostitutes, slave girls, or those who were thought to be at risk of falling into these roles. Later, its mission was broadened to include “at risk” Japanese women and children. Here it was anticipated that Asian women would be transformed through the intervention of white missionaries. Before the Home acquired its own property, the women were housed temporarily in the homes of their male “rescuers.” Once a building was acquired, a matron was hired and the Methodist Woman’s Missionary Society (wms) began running the Home in 1888. Especially in the formative and foundational years (1886 to 1901) on which this article focuses, white women taught domestic skills and Christian morality to their charges in the Home. The success (or

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<sup>1</sup> David Chuenyan Lai, *The Forbidden City within Victoria* (Victoria: Orca, 1991), 5; Patrick A. Dunae, “Making the 1891 Census in British Columbia,” *Histoire sociale/Social History* 31, 62 (1998): 234.

<sup>2</sup> John McLaren, “Race and the Criminal Justice System in British Columbia, 1892-1920: Constructing Chinese Crimes,” in *Essays in the History of Canadian Law: In Honour of R.C.B. Risk*, ed. G. Blaine Baker and Jim Phillips (Toronto: University of Toronto Press, 1999), 407.

<sup>3</sup> The Chinese Rescue Home was renamed the Oriental Home and School in 1909.

failure) of the mission was measured by how well Chinese and Japanese women embraced the ideals of whiteness, femininity, and Christianity as they adopted new roles as wives, mothers, and (sometimes) missionaries. Marriage and domesticity played crucial roles in transforming these women from foreign objects into domestic (and domesticated) subjects. White women's moral authority was a crucial aspect of these endeavours.

Much has been written about white women's moral reform work in national contexts as it was directed at Aboriginal women or at other white women, primarily those of working-class backgrounds.<sup>4</sup> Numerous scholars have discussed the imperial nature of women's reform movements as they were extended beyond the nation.<sup>5</sup> Building on this scholarship, I examine the moral reform projects of white women in Victoria and how these intersected in meaningful ways with discourses of white domesticity. Using the Home as a case study provides insights into the ways that domestic spaces produced domesticated subjects through the enactment of racial and gendered performances.

A high profile "kidnapping" case that occurred in 1888 lies near the heart of this discussion. This case illustrates how white women, state, and civil agents worked together to police domesticity and cross-racial encounters. Walter Menzies, once a "friend" of the Home, was accused of kidnapping two of its residents and then selling them. The charges were levelled against him by one of the Home's founders, John Gardiner (sometimes called "Gardner" or "Vrooman"), after the two young women left (or were evicted) from the institution. Menzies and his wife took the young women in, creating controversy and sparking accusations of kidnapping, although these charges would later be amended. By providing a discursive analysis of newspaper coverage of this case in the *Victoria Daily Times* and the *British Colonist* between May and August 1888, I examine the policing of racial and gendered boundaries in what was seen to be an instance of unsanctioned cross-racial contact. The Home's emphasis on marriage as a moral regulatory project is here juxtaposed with the court's treatment of it in order to draw attention

<sup>4</sup> Dorothy Chunn, *From Punishment to Doing Good: Family Courts and Socialized Justice in Ontario, 1880-1940* (Toronto: University of Toronto Press, 1992); Adele Perry, "Fair Ones of a Purer Caste: White Women and Colonialism in Nineteenth-Century British Columbia," *Feminist Studies* 23, 3 (1997): 501-25; Mariana Valverde, *The Age of Light, Soap, and Water: Moral Reform in English Canada, 1885-1925* (Toronto: McClelland and Stewart, 1991).

<sup>5</sup> See, for instance, Antoinette Burton, *Burdens of History: British Feminists, Indian women, and Imperial Culture, 1865-1925* (Chapel Hill: University of North Carolina Press, 1994); Rhonda Ann Semple, *Missionary Women: Gender, Professionalism and the Victorian Idea of Christian Mission* (Woodbridge: Boydell Press, 2003); Maina Chawla Singh, *Gender, Religion, and "Heathen Lands": American Missionary Women in South Asia, 1860s-1940s* (New York: Garland, 2000).

to the shifting meaning of “rescue work” and the ways in which it was legitimized through its association with women. This case highlights just how important discourses of the domestic and domesticity were to moral regulatory work not just for women but also for men.

#### METHODOLOGY

Although the stories of Japanese and Chinese women are certainly worthy of attention, my focus is on the roles of white citizens and state representations. There are two reasons for this. First, the sources are largely silent about the experiences of Japanese and Chinese women. Although, by reading the documentary record “against the grain,” or subversively, Marilyn Whiteley reveals the agency of Chinese women who resided in the Home, this is no substitute for reading “with the grain.”<sup>6</sup> As Ann Laura Stoler contends in her discussion of the colonial archive, we also need to read the archive “for its regularities, for its logic of recall, for its densities and distributions, for its consistencies of misinformation, omission, and mistake – *along* the archival grain.”<sup>7</sup> All archival collections depend, to a greater or lesser degree, on hierarchies of power, and they can and should be read as reflecting and producing hierarchies of race, gender, class, and sexuality.

Second, critical attention must be paid to how racial projects functioned through the *production* of discourse. As Foucault points out, “what makes power hold good, what makes it accepted, is simply the fact that it doesn’t only weigh on us as a force that says no; it also traverses and produces things, it induces pleasure, forms knowledge, produces discourse.”<sup>8</sup> My research is guided by a framework that Foucault refers to as “effective history,” which “involves ... ‘historical sense’ – a strategic awareness of points of emergence or ‘possibilities’ existing at particular historical moments in the formation of particular discourses.”<sup>9</sup> The importance of understanding race relations has tended to focus on the moral regulatory *practices* that were directed at racialized groups. Here, my goal is to focus on the complexity and ambivalences of gendered and racial discourses that informed these practices. Rather than recounting

<sup>6</sup> Marilyn F. Whiteley, “Allee Samee Melican Lady’: Imperialisms and Negotiation at the Chinese Rescue Home: Women Missionary Societies Set up the Chinese Rescue Home to Save Chinese Women from Prostitution.” *Resources for Feminist Research* 22, 3/4 (1992–93): 1–45.

<sup>7</sup> Ann Laura Stoler, “Colonial Archives and the Arts of Governance.” *Archival Science* 2 (2002): 100 (emphasis in original).

<sup>8</sup> Michel Foucault, “Nietzsche, Genealogy, History.” In *The Essential Foucault*, ed. Paul Rabinow and Nikolas Rose (New York: The New Press, 2003), 308.

<sup>9</sup> *Ibid.*, 360; Jennifer Terry, “Theorizing Deviant Historiography,” *differences* 3, 2 (1991): 56.

the history of the Home and its inhabitants, I interrogate the ways in which moral regulatory projects were *produced*. While many of these projects were enacted and tested on the bodies of Japanese and Chinese women, they must also be understood as embedded in and informed by a rhizomatic network of discourses that were directed in complex and ambivalent ways at white men and women.

#### WOMEN, THE HOME, AND MARRIAGE

The space of the Home was exceptional in allowing carefully managed and intimate cross-racial contact.<sup>10</sup> Although many scholars have argued that cross-racial contact in British Columbia was discouraged in Victoria, Dunae, Lutz, Lafreniere, and Gilliland insist that there is a “gap between actual lived realities and discursive and often hyperbolic racial constructions of the period.”<sup>11</sup> They encourage us to understand cross-racial contact as complex and fluid. This was certainly the case in the Home, where cross-racial contact was not only acceptable but also considered desirable and necessary to fulfill the project of Christian conversion and transformation. Ideologies of nation coalesced with discourses of gender, whiteness, and Christianity to produce domestic spaces of moral and racial transformation. It was precisely their gendered and domestic nature that made these spaces acceptable. Marriage was crucial to the reproduction of such domestic discourses.

While the Home was unique in that its racial projects were framed around inclusion, this inclusion could only come after conversion – to Christianity *and* middle-class values.<sup>12</sup> In the Home, these values were feminized, taking the form of domesticity and marriage. In 1885, a Royal Commission on Chinese Immigration had reported to Canadians that the “position of women in China is deplorable; the oppression of the system of concubinage ... is so great that affianced maidens have committed suicide to save themselves from marriage with its tyrannies and jealousies ... They can be discarded; sold; and made the slaves of keepers of houses of prostitution.”<sup>13</sup> With this understanding, it seemed

<sup>10</sup> Etienne Balibar, “At the Borders of Citizenship: A Democracy in Translation,” *European Journal of Social Theory* 13, 3 (2010): 315–22.

<sup>11</sup> P.A. Dunae, J.S. Lutz, D.J. Lafreniere, and J.A. Gilliland, “Making the Inscrutable, Scrutable: Race and Space in Victoria’s Chinatown, 1891,” *BC Studies* 169 (2011): 79.

<sup>12</sup> See Derek Chang, “Marked in Body, Mind, and Spirit: Home Missionaries and the Remaking of Race and Nation.” In *Race, Nation, and Religion in the Americas*, ed. Henry Goldschmidt and Elizabeth McAlister (New York: Oxford University Press, 2004), 137.

<sup>13</sup> *Report of the Royal Commission on Chinese Immigration: Report and Evidence* (Ottawa: printed by Order of the Commission, 1885), liii.

that Chinese, and later Japanese, women needed to be transformed from (domestically) delinquent into domestic subjects, and the prevailing conviction was that this could best be achieved through the institution of Christian marriage.

For those young girls or women who remained in the Home for months, or even years, respectable departure usually meant going into service work or being married, preferably to a Christian Chinese or Christian Japanese man. Marriage, thus, became a dominant concern among those who were involved in the running of the Home. Finding suitable partners for the “girls” was one of the many concerns of the matron and the Home’s advisory board. One young Chinese woman entered the Home at seventeen and stayed for four years. She left on the day of her marriage (in the Home) to a baker from Ladysmith, a town over eighty kilometres north of Victoria. This marriage was probably arranged by the women who ran the Home, whose moral authority determined who was a worthy husband and who was not. Advisory Board minutes record at least two instances in which Chinese men approached the board in search of a wife. Testifying at the Royal Commission on Chinese and Japanese Immigration in 1902, F. Kate Morgan, a teacher and evangelist associated with the Home, discussed the suspicion with which these applications were viewed. She testified that “A Chinaman will profess to become a Christian to get a wife.”<sup>14</sup>

In January 1901, the board met to discuss the future of one particularly disruptive girl. Although a “Chinaman had applied to the home for a wife,” he was not deemed suitable for her.<sup>15</sup> Three months later it was reported that “a suitable husband had been found” for the young woman and that “she had been married from the home to a professedly Christian Chinese merchant of Nanaimo.” This, noted the board, was a relief to all involved as “the conduct of the girls . . . very much improved” thereafter.<sup>16</sup> Marriage was not only a respectable way of leaving the Home but also an important means of removing disruptive or uncooperative women in a way that would not result in their returning to their “immoral” lives. That not all of the young women found husbands while residents in the Home suggests that the board members were very particular in choosing men for “their girls” to marry.

<sup>14</sup> “Report of the Royal Commission on Chinese and Japanese Immigration,” sessional paper no. 54, session 1902 (Ottawa, printed by Order of Parliament by S.E. Dawson, printer to the King’s Most Excellent Majesty), 38.

<sup>15</sup> “Minutes of the Oriental Home and School Advisory Committee,” January and March 1901, Oriental Home and School Fonds, 1896–1914, MS-2439, British Columbia Archives.

<sup>16</sup> *Ibid.*

Chinese women used the Home's investment in marriage to empower themselves in other ways.<sup>17</sup> Claiming that she was badly treated by her mother-in-law, one young woman of twenty was brought to the Home by her father, for shelter. Nine days later, she left the Home after signing a contract with her husband and her father-in-law. The four-page document, kept within a folder marked "Miscellaneous" in the Home's records, promised that the father-in-law would "provide a home and domestic arrangements" for his son and the young woman, including "furniture, furnishings and equipment . . . as will be approved of by the party of the third part as sufficient and satisfactory." Further, the document promised a monthly stipend would be paid to the couple. Under these conditions and upon promises that they would be free from interference and cruelty, the woman returned to her husband.<sup>18</sup> Whiteley provides other examples of how Chinese women utilized white women's preoccupation with proper marriage to improve their own lives.<sup>19</sup>

Some women who entered the Home were already married but were placed there at the request of husbands or brothers because of the danger of possible or perceived immorality. This included suspicion of infidelity. Most of the women who entered the Home were seen as potentially dangerous, some by virtue of their ignorance but most because they were viewed as sexual or moral threats. This threat was best addressed through domestic interventions, Christian conversion, and, in some instances, legal marriage. Legal marriage alone was not enough, however. Proper *Christian* marriage was an imperative. According to the Home's register, one woman was deported after being married (in the Home) because she was thought to be "living a doubtful life,"<sup>20</sup> likely because it was suspected that she was sexually promiscuous and/or unfaithful to her husband.

Training residents for proper Christian marriage was, thus, an important function of the Home. One of its formal goals was to prepare the girls for "household duties in case of marriage."<sup>21</sup> Cooking, cleaning, sewing, and mending were necessary not only to the running and maintenance of the Home but also as training for the role of wife. As a domestic space, the Home provided the ideal site for training women to

<sup>17</sup> "Agreement" in (Miscellaneous) Oriental Home and School Fonds, United Church BC Conference Archives, Vancouver (Bob Stewart Archives).

<sup>18</sup> Ibid.

<sup>19</sup> Whiteley, "Allee Samee Melican Lady," 1-45.

<sup>20</sup> "Record 191," *Oriental Home Record Book and Register, 1886-1929*, Oriental Home and School Fonds, United Church BC Conference Archives, Vancouver (Bob Stewart Archives), 67.

<sup>21</sup> J.E. Starr to E.S. Strachan, September 1887, Oriental Home and School Fonds, United Church BC Conference Archives, Vancouver (Bob Stewart Archives).

be wives and mothers. It was also often used by Chinese and Japanese community members who wanted a Western marriage. Later, weddings became an important source of revenue for the Home.

Weddings in the Home also resulted in prestige for the women who ran it and who used creative strategies to earn the recognition they desired. One marriage announcement in a local newspaper not only described the dress of the bride and groom and identified those in attendance but also said much about the Home and its mandate:

Mr. and Mrs. Sam are the eighteenth couple married from the Home, all of whom are comfortably settled and in the enjoyment of the blessings of Christian citizenship. This speaks well for the work of the Home and affords a strong claim for the continued support and sympathy on the part of the Christian people of this city and province at large. Every one of the 18 women thus settled in peaceful and reputable homes of their own, have been won from a state of slavery to which death itself would have been infinitely preferable.<sup>22</sup>

The evangelistic project of the Home depended on white women's ability to juxtapose these newly transformed Chinese and Japanese women with the foreign Others whom they once were through the equation of Christianity with citizenship. The record includes other such clippings of events at the Home. This strategic form of advertising drew on and promoted skills that women, as social planners, had acquired through a lifetime of domesticity. By utilizing avenues that were typically the domain of women, such as wedding announcements and other social events, the WMS was able to publicize its work, subverting, but not entirely disrupting, gender boundaries.

The early history of the Home demonstrates that white women's moral authority was crucial to the transformation of Japanese and Chinese women from domestic delinquents into proper Christian subjects. In the absence of the (Christian) moral authority of white women,<sup>23</sup> similar forms of cross-racial contact were treated with fear and suspicion. This fear and suspicion required that more force be applied (and from more directions) to police the boundaries of race and gender, and those who crossed these boundaries were subject to moral regulatory projects in the forms of both public censure and state intervention.

<sup>22</sup> *Victoria Daily Times*, 26 December 1895.

<sup>23</sup> For a discussion of female moral authority, see Peggy Pascoe, *Relations of Rescue: The Search for Female Moral Authority in the American West, 1874-1939* (New York: Oxford University Press, 1990).

## MASCULINITY AND MORAL ENTREPRENEURS

Discourses of domesticity and proper Christian marriage were central to the kidnapping case that placed the Home and Walter Menzies at the centre of a city scandal. The case centred around two men, Walter Menzies and John Gardiner. Little is known of Walter Menzies, but by all accounts he appeared to be a well-respected member of the Victoria community.<sup>24</sup> Usually addressed as “Professor Menzies,” he represented himself as a magnetic healer.<sup>25</sup> He was also active in the church community and was an avid supporter of the Home. In fact, his mother-in-law, Mrs. Hopkins, was one of the early matrons of the Home before the WMS assumed its administration. Gardiner, the co-founder of the Home, was the son of missionaries and a deeply religious man,<sup>26</sup> who, in addition to being a “missionary of the Methodist Church among the Chinese,”<sup>27</sup> described himself as employed in the customs house: “I [taught] the Chinese, and was the principal person to start the home for Chinese girls,” he claimed.<sup>28</sup> Gardiner also acted as an interpreter and translator; in one instance, he translated court documents that were subsequently used as evidence in a case in which he was the purported victim. In his capacity as collector of customs, Gardiner had the “power to refuse the landing of a prostitute.”<sup>29</sup> His authority over the entry of Chinese immigrants as well as his practice of “spiriting” women away from “prostitution dens” made him an enemy to some Chinese community members. In fact, two Chinese men were accused (then acquitted) of conspiring to murder Gardiner.

In May 1888, Menzies was accused of kidnapping and selling two Chinese residents of the Home. Some said that the young women

<sup>24</sup> Subsequent to the case, only one mention of Walter Menzies occurred in the *British Colonist*. On 30 July 1896, it was reported that an attempt was made on his life by an unknown assailant. No mention of the kidnapping case was made, and Menzies was described only as a “vendor of nostrums” and as a “magnetic healer.” See “Magnetic Healer Assaulted,” *British Colonist*, 30 July 1896.

<sup>25</sup> Although the term “magnetic healer” might easily suggest Menzies was a charlatan, prior to this case, Menzies’ trade seemed to be well respected. For instance, one article published in May 1886 stated that, although the many marvellous cures cited by Menzies may have seemed impossible, “the facts remain unchallenged, and the persons whose statements have been made public have fully verified every case presented; many of the people are well-known residents, and their testimony cannot be denied.” See “Seeming Impossibilities,” *British Colonist*, 13 May 1886.

<sup>26</sup> Both of Gardiner’s parents were missionaries for the American Board of Commissioners for Foreign Missions (ABCFM) in China.

<sup>27</sup> J.E. Starr to E.S. Strachan, September 1887, Oriental Home and School Fonds, United Church BC Conference Archives, Vancouver (Bob Stewart Archives).

<sup>28</sup> “Police Court,” *British Colonist*, 18 January 1888.

<sup>29</sup> *Ibid.*

had been evicted; others said they had run away of their own accord.<sup>30</sup> According to a newspaper article entitled “Trafficking in Girls,” which appeared on 30 May 1888, Gardiner alleged that, some time after the young women left the Home, Menzies kidnapped them and sold one of them in the United States and the other in Victoria (to be the wife of a Chinese man).<sup>31</sup> The police inquiry that followed revealed that the story had been brought forward not only by Gardiner but also by Reverend Starr (also a co-founder of the home) and Reverend Fraser. Despite these accusations, the police neither arrested Menzies nor prevented him from leaving the city.

A formal investigation to probe “the alleged failure of the police to do their duty” was initiated in June 1888.<sup>32</sup> Gardiner, Starr, and Fraser were asked why they failed to take their concerns to the police instead of to the press, but the investigation quickly turned to the failure of the police to arrest Menzies. Although police commissioner Bloomfield was accused of letting Menzies leave the country, the investigation concluded that the police were not to be blamed.<sup>33</sup> While instrumental in exposing Menzies, the press could not bring him to trial. Although Gardiner and his colleagues acted in concert with the newspaper in order to publicly expose Menzies, the police refused to intervene. The subsequent, almost unrelenting, attention that the press paid to this case was nonetheless instrumental in convincing Menzies that he had no recourse but to return and face the charges.

#### TRANSFORMATION OR TRAFFICKING: THE SEARCH FOR (MALE) MORAL AUTHORITY

The *Daily Times* had exposed Menzies and his alleged crimes with sensational headlines: “Trafficking in Girls” led the story, but it was followed by two even more sensational subheads: “A Trafficker in Human Flesh – A Magnetic Healer Turned Slave Dealer”; and “An Unprecedented Case of Villainy – Details of the Plot Laid Bare.”<sup>34</sup> Throughout, the newspaper portrayed Menzies as an opportunistic magnetic healer, driven by greed to kidnap and sell Chinese girls, upon whom his “magnetism was being exerted with more than usual vigor.”<sup>35</sup> This description not only called

<sup>30</sup> “Trafficking in Girls,” *Daily Times*, 30 May 1888.

<sup>31</sup> *Ibid.*

<sup>32</sup> “The Menzies Affair,” *British Colonist*, 5 June 1888.

<sup>33</sup> “Board of Aldermen,” *British Colonist*, 7 June 1888.

<sup>34</sup> “Trafficking in Girls,” *Daily Times*, 30 May 1888.

<sup>35</sup> *Ibid.*

into question the legitimacy of his profession but also hinted that he might have had sexual relationships with these girls, and it exacerbated existing anxieties surrounding sexuality and racial mixing.

Gender was an important element in the unfolding story. On 4 July 1888, the *British Colonist* pointed out that Menzies' actions were, according to "some people who claim to be well-informed on the matter," not substantially different from the actions of John Gardiner, his accuser. The article claimed that "Mr. Gardner [*sic*] has been in the habit of demanding and receiving from Chinese who married girls out of the house monies on account of board, etc."<sup>36</sup> It was Menzies' wife who sent a letter to the paper (dated 26 June 1888) defending her husband's actions and making similar claims. By Jennie Menzies' account, she aided her husband's "rescue" of one of the Chinese girls around whom this case revolved and was "much surprised to see ... an account of the inveigling – so-called – of two girls from the 'Chinese Home' by Professor Menzies."<sup>37</sup> Jennie Menzies also asserted that there "[were] many people in Victoria who kn[e]w how untruthful that statement [was], none better than Mr. Gardiner himself."<sup>38</sup> Given Gardiner's involvement in the matters of the Home, Menzies drew on her moral authority as a woman to question the Home's integrity. Her version of events began with the following account:

On the 14th of January last the two girls in question ran away from the Home to Mrs. L.M. Fowler's house. They complained of having been terribly beaten and nothing would induce them to return to the Home. That was Saturday. Mrs. Fowler waited all afternoon and up to midnight, expecting someone to come to see if they were there. She had been their matron. No one came or made any inquiry whatever about them.<sup>39</sup>

Here, Menzies not only implicated the Home in charges of physical abuse but also implied that those who ran it were unconcerned about the absence of these two girls. According to Menzies, she and her husband had spoken to Gardiner after the incident and had informed him that they would take one of the girls and find someone else to take the other, thus implying not only an association with the Home but also its consent.

By accusing the Home of misconduct and neglect, Jennie Menzies reinforced her own moral authority and placed herself and her husband

<sup>36</sup> "The Menzies Affair," *British Colonist*, 4 July 1888.

<sup>37</sup> "Traffic in Chinese," *British Colonist*, 4 July 1888.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*

in the role of rescuers. The letter attempted to negate allegations of sexual depravity by framing the Menzies' home as a substitute rescue home. The domestic space of their home, infused as it was with a white woman's moral authority, helped to legitimize the Menzies' interventions. Jennie Menzies' letter also directed numerous charges against the Home in general and against Gardiner in particular. Among these was the aforementioned abuse as well as claims that the young girls were turned away from both Gardiner's home and from the "Rescue Home" even though they were barefoot in the snow. Menzies also charged Gardiner with *pretending* to rescue a young woman from Chinatown, subsequently charging the woman's husband for her board and clothing and then having them remarried. This, she claimed, was evidence that Gardiner was marrying Chinese women to Chinese men who were willing to pay. If Jennie Menzies' moral condemnation was ironic, given that she was responding to allegations of similar actions on the part of her husband, it was also evidence of the power of women to intervene in matters of morality. Although Walter Menzies' actions were not substantially different than those routinely practised within the walls of the Home, he lacked the moral authority afforded females to "transform" the young women and was therefore accused of trafficking them. The scandal that followed was premised on an important distinction between transformation and trafficking that was instrumental in defining the limits and possibilities of the Home.

The newspaper used various tactics to draw its readers into the scandal. By calling attention to the "slavery and shame" from which the two Chinese women were rescued by John Gardiner, the *Daily Times* legitimated the existence of the Home and authorized his cross-racial contact with the women by invoking his role as its administrator. Gardiner's contact with the women he rescued was characterized as short-term and as always buffered by the Home's matron.

Gardiner's work was contrasted with Menzies' actions in lurid headlines: "MARRY THE CHINAMAN," "HAVE THE GIRL FOR \$150," and "SMUGGLING LOI HO."<sup>40</sup> After accusing Walter Menzies of *selling* the Chinese girl Ah Lin to the "Chinaman" for \$150, the newspaper indicated that the Reverend Starr, another founder of the Home, had uncovered the plot to sell her under the guise of marriage. According to this account, Reverend Starr "refused to perform the ceremony, unless Mr. Gardiner or some trustworthy interpreter could be present, giving as his reason that the majority of Chinese marriages

<sup>40</sup> "Trafficking in Girls," *Daily Times*, 30 May 1888.

in this country had been farcical in the extreme.<sup>41</sup> However, given that Ah Lin had claimed to have been abused in the Home, avoiding contact with Gardiner was likely an important consideration. The Chinese man, Ah Chee, and the two women, Loi Ho and Ah Lin, were framed as victims of Menzies, but the greater problem seemed to be the propensity of the Chinese (and Menzies) to disregard or, worse yet, misuse the sanctity of Christian marriage. Menzies did not prepare the Chinese parties for Christian marriage through domestication or Christian evangelism. Menzies' crime, then, was that he facilitated what was seen as an already inherent Chinese depravity. The sensational nature of this article rested on the newspaper's ability to create the problem as a foreign, dangerous, and exotic one, which posed a real and present danger to its white readers.

The *Times* account of the Menzies case began by explaining that it was the editor's "painful *duty* to publish the detailed account of certain operations, the like of which is not in the memory of the oldest resident of this province, and for vileness of purpose, for the audacity of the operator, and the utterly revolting nature of the crime, has never been surpassed."<sup>42</sup> Yet Menzies' alleged crimes were no more heinous than behaviours that were frequently attributed to the Chinese population in Victoria. Selling young Chinese women into the slave trade or into a false marriage were actions routinely attributed to Chinese men. Indeed, the Home found its rationale in seeking to prevent such actions. It was not the nature of the crimes but, rather, the fact that they were allegedly committed by a supposedly respectable white citizen that stirred the anger of Victoria's residents. Menzies, it seemed, had not only challenged racial boundaries but had also violated sexual and gendered ones.

This violation took place not through *contact* with Chinese women but, rather, through unsanctioned contact with Chinese women and the facilitation and perversion of *white* rites of marriage. Menzies' contact with the women was not part of the transformative project in which the Home was believed to be engaged; rather, it was construed as a *relationship* between a white man and Chinese women that perverted the Christian institution of marriage. Gender and gender boundaries were central to this case. The "Chinese girls" were first described as "two young girls of this city" and only belatedly as *Chinese* girls. In fact, the newspaper account references the Chinese-ness of these girls in an almost apologetic way, explaining that they were "Chinese girls, to

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<sup>41</sup> Ibid.

<sup>42</sup> Ibid. (emphasis mine).

be sure, but girls nonetheless.<sup>43</sup> The newspapers, by emphasizing the gendered nature of the crime, implied that the risk was not isolated to the Chinese community. White readers, the newspaper implied, were at risk because their trust in Menzies was misdirected; even his “legitimate art of healing” had to be questioned so that white readers would not be duped by him. Second, the newspaper’s readers were at risk from the Chinese population as well. The crimes were framed as having their origin in the Chinese community, implying that white citizens needed to be educated about the threat posed by this purportedly deviant population.<sup>44</sup> In sum, Chinese attitudes towards marriage, and the rebellious nature of the Chinese girls themselves, were at the root of this crime. The newspaper explained that, after Gardiner had rescued the Chinese girls from their lives of shame, “these two[,] disliking the rules and discipline of all well regulated institutions of a like reformatory nature, preferred leaving the ‘Home’ and hiring themselves to two European families in this city.” It was partly their greed and rebellion, therefore, that caused them to be “taken advantage of by the ‘Professor.’”<sup>45</sup>

Although presented as ingratitude, the motivations of these two young women can also be understood as strategic. Once freed from their former lives as “prostitutes” or “slave girls,” these young women were likely not content to be subjected to new forms of domination and domestication. Their freedom won, these young women were determined to make the most of it, even if it meant leaving the security of the Home. Yet their chances of success outside the Home were far from certain. By moving beyond the Home the girls put both themselves and Victoria’s white populace at risk. By characterizing Menzies’ crimes as “a terrible outrage upon society, an infamous wrong upon humanity, and a scandal and disgrace to the community in which, in the broad glare of day and under the very noses of the guardians and enforcers of the law, it has so brazenly been enacted,”<sup>46</sup> the newspaper underscored the “scandal and disgrace” that it caused the white population. White society was at risk not only from exposure to Menzies’ vile crimes but also from contamination of the white community through the intermixing of Chinese and European populations and the abasement of Western marriage. These types of concerns around miscegenation in colonial contexts have been

<sup>43</sup> “Trafficking in Girls,” *Daily Times*, 30 May 1888.

<sup>44</sup> For a discussion of how Chinese communities were created as outsiders, see Kay Anderson, *Vancouver’s Chinatown: Racial Discourse in Canada, 1875-1980* (Montreal and Kingston: McGill-Queen’s University Press, 1991); Nayan Shah, *Contagious Divides: Epidemics and Race in San Francisco’s Chinatown* (Berkeley: University of California Press, 2001).

<sup>45</sup> “Trafficking in Girls,” *Daily Times*, 30 May 1888.

<sup>46</sup> *Ibid.*

well documented by scholars such as Robert Young and Ann Laura Stoler as well as by Renisa Mawani, who focuses her analysis on British Columbia.<sup>47</sup>

#### THE STATE OF MARRIAGE

When Menzies returned to Victoria on 26 July 1888, he was quickly arrested and charged with “feloniously causing Loi Ho, under the age of sixteen, to be secretly confined and taken out of Canada against her will,” although this was quickly amended to “kidnapping with intent.”<sup>48</sup> On 3 August 1888, a second charge of “obtaining \$150 from Ah Chee under false pretences” was added to the original charges, but the kidnapping charges were dropped the following day.<sup>49</sup> On 21 August, Menzies was arraigned in the Supreme Court on the charge of “procuring a girl under 21 years of age to have carnal dealings with a Chinaman named Ah Chee.”<sup>50</sup> This was an important distinction as it rested entirely on how the state was to define what constituted marriage. If Ah Chee and Ah Lin were to be considered married, the charges would fall.

The state’s interest in the case of *Regina v. Menzies* became clear as the charges shifted away from crimes against the Chinese and towards a concern with policing the bounds of intimacy and morality. The *Colonist* carried detailed accounts of proceedings, dealing with the testimony of five witnesses on day one and three on day two, by which time the diversity of voices and the contestation over facts was becoming evident. Justice John Gray made no secret of his attitudes towards the Chinese in general and towards their presence in his courtroom. According to the *Times*: “His Lordship during the time the evidence was in progress said the testimony given by the Chinese was a mockery of justice. The papers before the court were the most important evidence.”<sup>51</sup> That his disdain for the Chinese went unquestioned suggests that his attitude was commonplace and acceptable. The *Colonist* report opened with the testimony of Ah Chee, which was interrupted several times by Justice Gray. Early in Ah Chee’s testimony, the judge interjected: “The court for

<sup>47</sup> Robert Young, *Colonial Desire: Hybridity in Theory, Culture and Race* (New York: Routledge, 1995); Ann Laura Stoler, “Sexual Affronts and Racial Frontiers: European Identities and the Cultural Politics of Exclusions in Colonial Southeast Asia,” *Comparative Studies in Society and History* 34, 3 (1992): 514–51; Renisa Mawani, *Colonial Proximities: Cross Racial Encounters and Juridical Truths in British Columbia, 1871–1921* (Vancouver: UBC Press, 2009).

<sup>48</sup> “Is It a Conspiracy?,” *Victoria Times*, 27 July 1888.

<sup>49</sup> “The Menzies Case,” *British Colonist*, 4 August 1888.

<sup>50</sup> “The Menzies Case,” *British Colonist*, 21 August 1888.

<sup>51</sup> “The Menzies Case,” *Victoria Times*, 21 August 1888.

the trial of Chinese cases is, it seems to me, the greatest burlesque in the country.”<sup>52</sup> Note Justice Gray’s reference to this as a “Chinese case,” even though the defendant was a white man. Clearly, the judge viewed race as a central component of this case. Further, his reference to burlesque likened the courtroom and the trial to the theatre and to performance. In fact, Gray’s own “performance” reveals that his role was not only to preside over and pass judgment but also to narrate this elaborate piece of theatre. Consider the following exchange between the prosecutor (Irving), the defence attorney (Drake), and Justice Gray regarding the testimony of Ah Chee:

Mr. Irving – He answered that question.

Mr. Drake – I want to get that answer from the witness myself.

His Lordship – You will accomplish a great feat if you do so.<sup>53</sup>

Here, Justice Gray openly derides the testimony of Ah Chee. Later in the case, he would go even further in discrediting this witness and Chinese witnesses more generally.

In opining that this trial was the “greatest burlesque” in the country, Justice Gray sought not only to deride Chinese witnesses but also to suggest that the “performances” they gave were to be enjoyed as a type of amusement. Here, the implication is that Chinese are not to be taken seriously and that their role is to serve the needs of the white population. Last, given that burlesque is associated with parody and exaggeration, Gray’s comments suggest that Chinese witnesses are seen not only as mimickers of whiteness but also as comic in their mimicking, their performances mockeries of a white tradition.<sup>54</sup>

Upon hearing one witness testify that Menzies and Gardiner had each tried to arrange the marriage of Ah Chee and Ah Lin, Justice Gray interrupted, exclaiming: “It is a perfect mockery of justice. How can we believe these people? A marriage certificate should never be issued to such persons. The act never contemplated any such thing.”<sup>55</sup> To this, defence counsel Drake replied: “I wish to know the marriage ceremonies of the Chinese law.” His Lordship was quick to reply: “They sell them.”<sup>56</sup> Here, the judge emphasizes not only the untrustworthiness of Chinese

<sup>52</sup> “The Menzies Case,” *British Colonist*, 22 August 1888.

<sup>53</sup> *Ibid.*

<sup>54</sup> For a compelling discussion of racial burlesque, see Renisa Mawani, *Colonial Proximities*, especially chap. 1.

<sup>55</sup> “The Menzies Case,” *British Colonist*, 22 August 1888.

<sup>56</sup> *Ibid.*

witnesses but also their inherent immorality. In fact, although the courtroom was framed as a place in which the facts were to be evaluated and questioned, morality was a central concern for Judge Gray in this case, especially as it was to be applied to marriage.

When Reverend Fraser was called to testify that he had refused to marry the two victims without an interpreter, Judge Gray again interjected his own moral judgment, commenting: "It has struck me as abnormally wrong that these people who have not the slightest conception of the solemn rights of matrimony and Christianity should be married by a Christian Clergyman."<sup>57</sup> While the sanctity of Christian marriage might be violated by whites, for Chinese, this violation is linked to their "abnormality." When the witness replied, "It has not struck me that way. I look upon the heathen as God's children," Gray weighed in on the matter again, stating: "I think it would be better if they should go before the civic authorities rather than to a clergyman."<sup>58</sup> His comments had no bearing on the case but only served to once more discredit Chinese people as unable to understand or to perform Christian morality. Thus, the state was clear in its condemnation of those who might tarnish such a Christian institution.

Regardless of how the court might have felt about Chinese marriage, the defence claimed that the marriage between Ah Chee and Ah Lin was, in fact, legal and that, therefore, no "illicit intercourse" took place. The prosecution, however, claimed that, because of Ah Lin's age, the marriage could not be recognized. In order to support its claim that Ah Lin was too young to be legally married, the prosecution called an expert witness to determine her age. Dr. Jackson concluded that Ah Lin, based on her "general appearance and physical development,"<sup>59</sup> was about fourteen years old. Here, the doctor's testimony was framed as "expert evidence" in order to provide what Ah Lin herself could not be trusted to provide – the truth.

On 24 August 1888, Justice Gray pronounced the defendant guilty. Again the judge was quick to point out that he "attached very little importance to the evidence of the two Chinese witnesses. The turning point of the matter was that Menzies gave a receipt and worded it as he did, which to his mind was conclusive evidence of having deceived the Chinese. The Chinese evidence was valueless, except so far as it corroborated the evidence of other witnesses."<sup>60</sup> Although the exact wording

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<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

of the receipt is not evident from the newspaper accounts, testimony indicates that the receipt in question was for the marriage of the couple, a marriage that did not take place. The only way to evaluate the truth in this case was to measure the testimony of Chinese witnesses against the truth of white witnesses. This logic guaranteed that, in cases in which Chinese testimony was at odds with that of white witnesses, it would be deemed false and thus discredited.

The judge's investment in policing the boundaries of the domestic, of intimacy, and of morality, and his disdain for Victoria's Chinese population, became even more evident in his concluding remarks. Throughout the case, Ah Lin was portrayed by the prosecution as a hapless victim, a child of fourteen who had been victimized first by the Chinese men, who turned her into a prostitute, and then by Menzies, who allegedly sold her to Ah Chee. The defence, however, painted her as a troubled and troublesome prostitute whom Menzies attempted to rehabilitate but who could not and should not be trusted. The judge clearly saw her in a light that was even worse than that portrayed by the defence. His remarks were scathing. He condemned Menzies for prostituting the girl, whom he described as "a notoriously bad character, a Chinese prostitute." But what offended him even more was that it was with this knowledge of her bad character that Menzies had traded "her off to a man as a *wife*."<sup>61</sup> The judge felt that it was an insult to the institution of marriage to have proposed a matrimonial relationship between such unfit parties. He continued: "I am bound to say nothing can justify you, with a full knowledge of the utter unfitness of the parties, going around to Christian ministers of the different churches in this city to ask them to perform the solemn service of their church."<sup>62</sup> The issue for Judge Gray was not the deception of the two Chinese victims. There was something far greater at stake: the sanctity of Christian marriage.

In the case of *Regina v. Menzies*, the state attempted to prove that Menzies had, in effect, prostituted Ah Lin by selling her to Ah Chee under false pretences, thus "promoting illicit intercourse between Ah Lin and Ah Chee."<sup>63</sup> The outcome of this case was dependent on two questions: first, whether Menzies *promoted* the illicit intercourse and, second, whether the illicit intercourse had taken place. The defence argued that Menzies had not, in fact, sold Ah Lin but had only asked to be reimbursed by Ah Chee for expenses incurred while Ah Lin was in

<sup>61</sup> Ibid. (emphasis mine).

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

his care. The money that he received, therefore, could not be understood as promoting relations between Ah Lin and Ah Chee. Despite the fact that the receipt was seen as damning evidence that Ah Chee paid for his marriage to Ah Lin, selling Ah Lin to Ah Chee in marriage did not constitute the promotion of illicit intercourse. The case was, thus, contingent on whether the couple had consummated a marriage for, if they had, then “illicit intercourse” could not be understood to have taken place. Thus, the case hinged not on whether Menzies had sold Ah Lin to Ah Chee but, rather, on whether a legitimate marriage had taken place.

The court decided that no such marriage had taken place and, therefore, that when Menzies told the couple that they were married, his deceit *caused* them to engage in illicit intercourse. Thus, the prisoner was found guilty as charged. Although Justice Gray saw the crime itself as a “particularly offensive one, leading a young girl by false representation to prostitution,”<sup>64</sup> the greater crime – and the one to which he devoted most of his comments – was the disregard and disrespect paid to the sanctity of Christian marriage. It was the contamination of white domesticity that was at stake in this trial, not the virtue of a Chinese woman. Although the case was contingent on the fact that Ah Chee and Ah Lin were *not* married, Judge Gray did not view Christian marriage as the answer. Indeed, he was clear that Menzies’ crime was *not* having failed to have the couple married; rather, it was that he had had the audacity to attempt to have them married in a Christian church.

Gray chastised Menzies for degrading the Christian office by asking Christian ministers to marry these two, who “had neither knowledge of what the ceremony meant, or the language in which it was to be performed, of the mutuality of affection or contemplation of the future, in accordance with the views of any Christian church.”<sup>65</sup> Here, Gray was clear that Menzies should have had the couple married according to their own customs, or that “they should go before the civic authorities rather than to a clergyman.”<sup>66</sup> He continued: “I cannot understand the sacred service of a Christian church being so *prostituted* and dishonoured.”<sup>67</sup> It was not only Ah Lin who was prostituted but also the Christian church. And clearly, Gray viewed the church as the greater victim. The Home had earlier received support from the community (and later from the courts) whereas Menzies did not. This was because the Home insisted that a process of domestication had to take place under the apt tutelage of white

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid. (emphasis mine).

women before marriages could be arranged and because it ensured that couples who were married were first converted to Christianity. Menzies had failed to ensure that either of these criteria was fulfilled.

In his sentencing, Gray condemned Menzies for this “dirty business.” Further, he did so in a way that underscored the racial hierarchy that favoured whiteness. Whites, he argued, were to be held to an even higher standard under the law than were non-whites. “It is no answer to say the Chinese buy and sell these women and do not regard marriage in the light we do,”<sup>68</sup> argued Gray. Addressing Menzies, he opined: “You belong to what we believe a higher scale of civilization. You are either English or American, and ought to feel that bartering children for prostitution, whether under the form of marriage or otherwise, is a disgrace as well as a crime.”<sup>69</sup> Here, a higher moral calling was attached to whiteness, and a higher standard of conduct was demanded. It was this racial hierarchy – equating whiteness with truth and morality – that was responsible for the disregard of Chinese testimonies. Further, it was this same hierarchy – and, in particular, his inability or unwillingness to live up to it – that caused Menzies to be sentenced to eight months in jail, a harsh penalty meant to protect the racial hierarchy that he had violated by prostituting both Ah Lin and the church.

## CONCLUSION

Victoria’s Chinese Rescue Home functioned as a domestic space, and women’s moral authority was used to legitimize the practices that took place there. Marriage, in particular, was part of women’s domain, especially as it pertained to Christian unions. By drawing on a case that had close ties to those who ran the Home as well as to those within it, this article shows that moral entrepreneurs functioned in complex ways as each tried to carve out and map the contours of the moral landscape, even as it applied to the domestic realm.<sup>70</sup> Here, the ambivalence of the state to the work of the Home is revealed through an examination of the Menzies case. Despite the initial failure to apprehend Menzies, once he had been arrested, the state quickly delineated the boundaries of race and gender. Moral entrepreneurs such as Gardiner and Starr, both key players in the founding of the Home, used the press as a way to further their own vision of Victoria’s moral geography and to attempt to expel

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<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> Lawrence J. Taylor, “Moral Entrepreneurs and Moral Geographies on the US/Mexico Border,” *Social and Legal Studies* 19, 3 (2010): 299–310.

Menzies from it. State interventions contributed to the moral landscape by defining the boundaries not only of cross-racial contact but also of the domestic realm, particularly as it pertained to marriage. The harsh penalty meted out to Menzies sent a clear message that men should not intervene in what was seen as the legitimate work of women.

The importance of discourses of domesticity becomes clearer through this discussion of how they were applied to women in the Home as well as to men and women outside of it. Moral entrepreneurs provided competing visions of what Victoria's moral landscape should look like. Yet, domesticity was central to all of these projects. Understanding how moral landscapes were forged through the interactions of state and non-state actors can facilitate a greater understanding of how women's moral authority was buttressed through discourses that equated moral authority with white, Christian femininity. While Victoria's citizens were divided on the subject of Menzies' (and Gardiner's) guilt or innocence, what was clear was that the Home was not without controversy. It was regarded with both reverence and suspicion not only by the white community but also by the Chinese community. Much was at stake in allowing cross-racial intimacies such as those that took place within the Home. Even more was at stake should men be allowed to intervene without the legitimacy lent to the project by women's moral authority.