

GRETTA WONG GRANT: CANADA'S FIRST CHINESE-CANADIAN FEMALE LAWYER

by
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This article considers the life and career of Gretta Wong Grant, the first woman of Chinese heritage to become a lawyer in Canada. Called to the bar of the Law Society of Upper Canada in 1946, she came from a prominent Chinese-Canadian family in London, Ontario. The article discusses Gretta Wong Grant's family background, education, marriage to a white lawyer and legal career. It explores the social and legal context in which this woman grew up, and considers how racism was manifested against the Chinese in Canada. The author also attempts to provide a comprehensive account of the Canadian legislation and case law relevant to issues of racial discrimination against the Chinese prior to 1950.

Gretta Wong Grant, la première avocate canadienne de descendance chinoise

Cet article trace la vie et la carrière de Gretta Wong Grant, la première femme de descendance chinoise à devenir avocate au Canada. Reçue au barreau en 1946 par la Société du barreau du Haut-Canada, elle est sortie d'une famille canadienne-chinoise bien en vue de London (Ontario). L'auteure présente les origines de Mme Grant, son éducation, son mariage à un avocat blanc et sa carrière juridique. Elle examine le contexte social et juridique où cette femme a grandi et rappelle les formes qu'a prises, à cette époque, le racisme anti-chinois au Canada. Elle tente enfin de décrire de façon compréhensive la législation et la jurisprudence canadiennes pertinentes à la question de la discrimination raciale contre les Chinois, telles qu'elles étaient avant 1950.

At the Law Society of Upper Canada's fall Convocation in Toronto in 1946, Gretta Jean Wong stood to receive her call to the bar. In doing so, she appears to have become the first woman of Chinese descent to join the profession of law in Canada.¹ She did so one year after Kew Dock Yip's

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¹ "Gretta Grant: A Front-Row Spectator for Changing Times", *London Free Press "Encounter Magazine"* (24 August 1986) at 3-4. Several factors make it difficult to claim certainty about this. No one purported to keep racial data on bar admission candidates in any of the provinces, so there is no way to obtain any "official" designation. In addition, racial designations are complex and subject to changing social and historical constructions: for a more detailed discussion, see C. Backhouse, "The White Women's Labour Laws: Anti-Chinese Racism in Early Twentieth-Century Canada" (forthcoming) *Law and History Rev.* From all we have been able to determine, Gretta Wong Grant and I currently believe she was the first female Chinese-Canadian lawyer. There may have been others who preceded Gretta Wong Grant, but to date no one has made similar claims.

call to the bar in Toronto made him Canada's first male Chinese lawyer.²

The first Chinese immigrants had arrived in Canada in the mid-19th century.³ The first woman was called to the bar in Canada in 1897.⁴ Why it took until the middle of the 20th century for a Chinese-Canadian woman (and a Chinese-Canadian man) to obtain entry into the profession of law is a question requiring further scrutiny. In an attempt to provide some answers, this article will consider the life and career of Gretta Wong Grant



against the pervasive legal and social framework of racial discrimination directed against the Chinese in Canada. Utilizing a narrative style of writing intended to make the material more accessible to the general or interdisciplinary reader, the text of the article tells the story of Gretta Wong Grant's parentage, childhood, education, legal training, legal career and family life. The extensive footnotes, which attempt to compile a comprehensive reference to all relevant Canadian legislation and case law from this period, may prove useful to the more specialized scholarly researcher.

GRETTA WONG GRANT'S FAMILY

Gretta Wong's father, Lem Wong, was born in 1881 in a small village near Canton. From the mid 19th century, China's fragile economy had been disintegrating under the pressure of penetration from foreign industrializing powers. Despite imperial edicts which imposed stiff penalties on those leaving China, many sought to emigrate to seek a better living.⁵ There was little to hold Lem Wong to the country of his birth, and at the age of fifteen, in 1896, he took passage from China to Vancouver, along with his uncle.⁶

2 "First Chinese Called to Bar: In Dark About His Odd Name" *Toronto Star* (20 September 1945), clipping held in Law Society of Upper Canada Archives.

3 For a more detailed description of the timing and nature of Chinese immigration, see W.P. Ward, *White Canada Forever: Popular Attitudes and Public Policy Toward Orientals in British Columbia*, 2d ed. (Montreal: McGill-Queen's University Press, 1990); P. Roy, *A White Man's Province: British Columbia Politicians and Chinese and Japanese Immigrants, 1858-1914* (Vancouver: University of British Columbia Press, 1989).

4 See C. Backhouse, "To Open the Way for Others of My Sex: Clara Brett Martin's Career as Canada's First Woman Lawyer" (1985) 1 *C.J.W.L.*, 1-41 and C. Backhouse, *Petticoats and Prejudice: Women and Law in Nineteenth-Century Canada* (Toronto: Women's Press/Osgoode Society, 1991), c.10.

5 B.S. Bolaria & P.S. Li, *Racial Oppression in Canada*, 2d ed. (Toronto: Garamond Press, 1988) at 102-5.

6 After the early death of his father, Lem Wong had become a child labourer, employed as a wood-cutter. "The Wong Family of London", Citizenship Branch, Department of Citizenship and Immigration, Ottawa, pamphlet in collection of Gretta Wong Grant at 4. It is

His age, sex, background and destination made him typical of most of the Chinese immigrants bound for Canada.

The Chinese first began to arrive in Canada in 1858, following the Fraser Valley gold rush in British Columbia. Larger numbers arrived in the early 1880s to work as contract labourers on the western construction of the Canadian Pacific Railway. Additional waves of Chinese immigration occurred during the boom years of the 1890s and into the decade of the 1910s. By 1911 there would be 27,774 people of Chinese descent living in Canada, 19,568 of whom resided in British Columbia.⁷ Most of the immigrants were in their late teens or early twenties, with little formal schooling and practically no English.⁸ Almost all were men. Gendered cultural mores inhibited the emigration of women from China and Chinese men were generally assumed to be "sojourners", whose goal was to make their fortunes in Canada and then return to their homeland. The racial hostility of white Canadians and restrictive immigration laws combined to deter those Chinese men who might have wished to bring wives and children with them.⁹

Responding to pressure from the organized labour movement which was fearful of wage competition from Asian immigrants, British Columbia legislators had passed two explicitly anti-Chinese immigration statutes in 1884 and 1885.¹⁰ Both statutes were later disallowed by the federal government, not out of concern over racial inequality, but because of a desire to

difficult to be certain about the complete accuracy of the dates, since other sources give his age on arrival at Canada as "fourteen or sixteen", THE OSGOODE SOCIETY, "Oral History Transcript of Gretta Grant" by Christine Kates (30 November 1990) (hereinafter Osgoode Society Transcript) at 1.

7 Roy, *supra* note 3 at x-xi and Table 1B at 269.

8 P.S. Li, "Chinese Immigrants on the Canadian Prairie 1910-1947" (1982) 19 *Can. Rev. Sociology & Anthropology* 527 at 531-2.

9 T. Adilman, "A Preliminary Sketch of Chinese Women and Work in British Columbia 1858-1950" in B.K. Latham & R.J. Pazdro, eds. *Not Just Pin Money* (Victoria: Camosun College, 1984) 53 at 55-61; Roy, *supra* note 3 at xi. But see also A.B. Chan, "The Myth of the Chinese Sojourner in Canada" in K.V. Ujimoto & G. Hirabayashi, eds., *Visible Minorities and Multiculturalism: Asians in Canada* (Toronto: Butterworths, 1980) at 33-42. See also V. Agnew, "Canadian Feminism and Women of Color" (1993) 16:3 *Women's Studies Int. Forum* at 217-27.

10 *An Act to prevent the Immigration of Chinese*, S.B.C. 1884, c.3 prohibited the entry of Chinese individuals into the province, with a penalty of \$50 or six months' imprisonment. *An Act to prevent the Immigration of Chinese*, S.B.C. 1885, c.13 contained similar provisions. For discussion of the genesis of the legislation, see Roy, *supra* note 3 at 54-69. See also V. Lee, "The Laws of Gold Mountain: A Sampling of Early Canadian Laws and Cases that Affected People of Chinese Ancestry" (1992) 21 *Man. J.J.* 301, for details on immigration legislation. For details regarding the subsequent disallowance of this legislation by the federal government, see G.V. La Forest, *Disallowance and Reservation of Provincial Legislation* (Ottawa: Department of Justice, 1955) at 89-90. Additional anti-Chinese legislation, *An Act to Regulate the Chinese Population of British Columbia*, S.B.C. 1884, c.4, imposed an annual ten dollar tax on all Chinese residents, prohibited the exhumation of Chinese bodies, prohibited the issuance of licenses for various occupations to the Chinese, banned the use of opium for non-medical purposes, and specified the minimum size and ventilation of rooms inhabited by Chinese people. This was held *ultra vires*: Roy, *supra* note 3 at 55. See also *Crown Land Act*, S.B.C. 1884, c.2, and S.B.C. 1908, c.30, s.127 preventing the Chinese from acquiring Crown lands. Earlier taxation statutes were directed explicitly against the Chinese: S.B.C. 1878, c.35 (disallowed). See also *Tai Sing v. Maguire* (1878), 1 B.C.R. 101; *R. v. Wing Chong* (1885), 1 B.C.R. 150; *R. v. Gold Commissioner of Victoria District* (1886), 1 B.C.R. 260.

obtain access to low-cost Chinese labourers who could assist with the construction of the C.P.R.¹¹

After the completion of the railway in 1885, the federal government enacted anti-Chinese legislation of its own, imposing a head tax of \$50 on all Chinese immigrants.¹² Only five classes were exempt: diplomats, tourists, "men of science", students, and merchants.¹³ Lem Wong, a labourer, would have been unable to claim exemption from the head tax system. He, along with 1,761 other Chinese immigrants paid the \$50 in 1896, generating tax revenues of over \$88,000.¹⁴ Had he come later, the cost would have been even greater. In 1900, the federal government bowed to increasing racist agitation in Canada and raised the head tax on Chinese immigrants to \$100.¹⁵ A Royal Commission on Asian immigration in 1902 recommended a bar to further entry,¹⁶ and in 1903, the head tax was increased to \$500.¹⁷

11 Bolaria & Li, *supra* note 5 at 105-6.

12 *Chinese Immigration Act*, S.C. 1885, c.71, s.4.

13 S.4. Ships were also held to a limit of one Chinese immigrant for every fifty tons of tonnage: s.5. Chinese female prostitutes were specifically identified as prohibited immigrants: s.9.

14 In 1896, there were 1,786 Chinese immigrants admitted; 24 were exempt from the head tax: see Roy, *supra* note 3, Table 2 at 270. Gretta Wong Grant noted that despite her father's payment of the tax, when the issue of reparation for Asian-Canadians became a matter of public debate in the 1980s, her family did not participate in the campaign. "That was in the past," she explained. "We don't feel there should be anything from the government, except maybe an apology." With care, however, she emphasizes that she does not wish to speak for the Japanese-Canadian community, whose perspectives on reparation might be different: "Oral History Interview with Gretta Grant", conducted by Constance Backhouse and Anna Feltracco, 11 July 1991 & 17 September 1991 (hereinafter, 1991 Interview) at 59. For a more detailed account of the Japanese-Canadian campaign for reparation, see M. Omatsu, *Bittersweet Passage: Redress and the Japanese Canadian Experience* (Toronto: Between the Lines, 1992).

15 *An Act respecting and restricting Chinese Immigration*, S.C. 1900, c.32. Section 6 set out the exempted classes:

(a) The members of the diplomatic corps, or other government representatives, their suites and their servants, and consuls and consular agents;

(b) The children born in Canada of parents of Chinese origin and who have left Canada for educational or other purposes, on substantiating their identity to the satisfaction of the controller at the port or place where they seek to enter on their return;

(c) Merchants, their wives and children, the wives and children of clergymen, tourists, men of science and students, who shall substantiate their status to the satisfaction of the controller, subject to the approval of the Minister, or who are bearers of certificates of identity, specifying their occupation and their object in coming into Canada, or other similar documents issued by the Government or by a recognized official or representative of the Government whose subjects they are.

16 Report of the Royal Commission to Investigate Chinese and Japanese Immigration into British Columbia", Sessional Paper No. 54, (Ottawa: King's Printer, 1902) republished as *Report of the Royal Commission on Chinese and Japanese Immigration* (NY: Arno Press, 1978) at 35. T.C. Thom, who had come to Canada from China in the 1880s and who became a Christian minister in New Westminster, was one of the few to testify against the Chinese head tax: "I think it a great sin to any government to put a head tax on any nationality coming into the country. It is not righteous in the law...."

17 *An Act respecting and restricting Chinese Immigration*, S.C. 1903, v.I, c.8. Section 6(d) added one new class to the exempted list: "In the case of a person of Chinese origin who is the personal attendant or servant of a British subject visiting Canada, the tax payable under the first subsection of this section may be refunded to the person paying the same, upon his furnishing satisfactory evidence that such Chinese attendant or servant is leaving the port of entry with his employer or master, on his return to China, if within twelve months of the date of his arrival in Canada, and upon returning to the controller of such port the certificate granted under section 13."

Similar legislation applied in Newfoundland, which was at this time a separate and independent colony.¹⁸

Still dissatisfied over the number of Chinese immigrants arriving, the British Columbia legislature would enact eight additional statutes between 1900 and 1908, all designed to eliminate Asian immigration by barring entry for immigrants who could not complete a "European language test."¹⁹

An Act to amend the Chinese Immigration Act, S.C. 1908, c.14 restricted the admission of children of merchants and clergymen to "minor children": s.3. In order to be exempt, students now had to be registered to study in a recognized university or some other approved educational institution for a period of one year: s.2. "Duly certified teachers" were also added to the list in s.2, in an effort to accommodate efforts by British Columbia school authorities to segregate Chinese from white students in the public schools: see Ward, *supra* note 3 at 62-4; D.C. Lai, "The Issue of Discrimination in Education in Victoria, 1901-23" (1987) 19:3 *Canadian Ethnic Studies* at 47-67.

Two more groups would be added in *An Act to amend the Chinese Immigration Act*, S.C. 1917, c.7, s.1: clergymen and "students coming to Canada for the purpose of securing a higher education in any Canadian college or university or other educational institution approved by the Minister."

For some examples of Chinese individuals prosecuted for failure to pay the entry tax, see *R. v. Chak (No. 1)* (1907), 42 N.S.R. 372; 12 C.C.C. 495 (N.S.S.C.); *R. v. Chak (No. 2)* (1907), 42 N.S.R. 374; 12 C.C.C. 498; 4 E.L.R. 381 (N.S.S.C.); *A.-G. (Canada) v. Chak* (1909), 7 E.L.R. 416; 44 N.S.R. 19 (N.S.S.C.); *Chak v. Campbell* (1909), 44 N.S.R. 25 (N.S.S.C.); *R. v. Seventeen Chinamen* (1907), 3 E.L.R. 551 (N.S.S.C.); *Chen Fun et al. v. Campbell* (1909), 16 C.C.C. 508; 7 E.L.R. 146; 7 E.L.R. 421; 44 N.S.R. 51 (N.S.S.C.); *Shee* (1921), 59 D.L.R. 626; 36 C.C.C. 405; 30 B.C.R. 70 (B.C.S.C.); overruled in *Immigration Act v. Shee* (1922), 66 D.L.R. 485; [1922] 2 W.W.R. 156; (1922), 37 C.C.C. 371; 31 B.C.R. 145 (B.C.C.A.).

- 18 *An Act respecting the Immigration of Chinese Persons*, S.Nfld. 1906, c.2, s.1 established a head tax of \$300, with the following exemptions:

(a) The members of the Diplomatic Corps, or other Government representatives, their suites and their servants, and Consuls and Consular Agents;

(b) Clergymen, the wives and children of clergymen, tourists, men of science and students, who shall substantiate their status to the satisfaction of the Sub-Collector of Customs, subject to the approval of the Minister of Finance and Customs, or who are bearers of certificates of identity, specifying their occupation and their object in coming into this Colony, or other similar documents issued by the Government or by a recognized official or representative of the Government whose subjects they are;

(c) In the case of a person of Chinese origin who is the personal attendant or servant of a British subject visiting this Colony, the tax payable under the first sub-section of this section may be refunded to the person paying the same, upon his furnishing satisfactory evidence that such Chinese attendant or servant is leaving the port of entry with his employer or master on his return to China, if within twelve months of the date of his arrival in this Colony, and upon returning to the Sub-Collector of such port the certificate referred to in the sixth section hereof.

Section 2 provided that no vessel carrying Chinese immigrants could carry more than one such individual for every fifty tons of its tonnage.

An Act to amend 6 Edward VII, Cap. 2, entitled "*An Act respecting the Immigration of Chinese Persons*", S.Nfld. 1907, c.14, s.1 added an additional exempted class: "merchants, and the wives and children of merchants".

See also "Of the Immigration of Chinese Persons" C.S.Nfld. 1916, c.79; "An Act Respecting Immigration" S.Nfld. 1926, c.29.

- 19 *An Act to Regulate Immigration into British Columbia*, S.B.C. 1900, c.11, made it unlawful for individuals to immigrate into British Columbia if they could not write out and sign an application "in the characters of some language of Europe": s.3. Contravention could result in a fine of \$500, which could be levied by a sale of the goods and chattels of the offender: s.4. Modelled upon an earlier statute passed in the British colony of Natal, this legislative design had been suggested by British Secretary of State for the Colonies, Joseph Chamberlain. Chamberlain believed that subterfuge was useful, and assured Canadian legislators that such language could accomplish the goal of excluding Asian immigrants while avoiding "giving offence to friendly nations by declaring their people undesirable",

Each of these Acts was eventually disallowed by a federal government increasingly anxious not to jeopardize its diplomatic relations with the commercially powerful, military nation of Japan, whose citizens were equally disadvantaged by the new laws.²⁰ The time lag between enactment and disallowance, however, meant that in actual practice the anti-Asian -

Ward, *supra* note 3 at 57. B. Ryder, "Racism and the Constitution: The Constitutional Fate of British Columbia Anti-Asian Immigration Legislation, 1884-1909" (1991) 29 *Osgoode Hall L.J.* 619 notes at 658 that this Act primarily affected Japanese immigrants, since s.2(f) provided that the Act did not apply to "any persons the terms of whose entry into Canada have been fixed...by any act of the Parliament of Canada," and Parliament had already passed two Chinese immigration statutes. However, Ryder also notes at 661 that immigration officers apparently expelled both Chinese and Japanese immigrants who could not meet the language test until it was disallowed on 11 September 1901.

The 1900 British Columbia statute had also made it an offence for a corporation or an individual to "willfully assist any immigrant to contravene" the act: s.6. *An Act to amend the 'British Columbia Immigration Act, 1900'*, S.B.C. 1901, c.28, amended this to remove the word "wilfully", although the amendment seems to have been a moot point, since the entire act was shortly disallowed by the federal government: *Canada Gazette*, vol. xxxv, at 455, as reported on 5 January 1901 and 4 September 1901, as noted in Table of Provincial Acts Disallowed and Bills Reserved, 1867-1920, S.C. 1922, at 255.

An Act to Regulate Immigration into British Columbia, S.B.C. 1902, c.34, s.4, reenacted British Columbia's "European language test", with a new dimension. Now an immigrant could be required to fill out an application "in the characters of some language of Europe" as well as "read any test submitted to him" by any officer appointed under the Act. Corporations or persons who assisted an immigrant to contravene the act (willingly or otherwise) were also liable: s.7. Despite its disallowance [*Canada Gazette*, vol. xxxvi, p. 1046, as reported on 14 November 1902, Table of Provincial Acts Disallowed and Bills Reserved 1867-1920, S.C. 1922, at 255], the entire statute was passed again in 1903. *An Act to Regulate Immigration into British Columbia*, S.B.C. 1903, c.12, attracted yet another disallowance from the federal government: *Canada Gazette*, vol. xxxvii, at 1919, as reported on 1 October 1903, Table of Provincial Acts Disallowed and Bills Reserved 1867-1920, S.C. 1922, at 255.

In 1904, British Columbia tried again, with a new version of the "European language test". *An Act to Regulate Immigration into British Columbia*, S.B.C. 1903-4, c.26, s.3 (given royal assent 10 February 1904), prohibited the immigration of any person who could not "write out at dictation, in the characters of some language of Europe, and sign in the presence of the officer, a passage of fifty words in length, in an European language directed by the officer." The Act also attempted to penalize masters, owners or charters of vessels who brought prohibited immigrants: s.9, 15-18. This too was disallowed: *Canada Gazette*, vol. xxxviii, at 1538, as reported 16 November 1904, Table of Provincial Acts Disallowed and Bills Reserved 1867-1920, S.C. 1922, at 255, as was a 1905 version of similar provisions: *An Act to regulate Immigration into British Columbia*, S.B.C. 1905, c.28, disallowed *Canada Gazette*, vol. xxxix, at 853, as reported on 30 March 1905, Table of Provincial Acts Disallowed and Bills Reserved 1867-1920, S.C. 1922, at 255.

A 1907 British Columbia statute added the ability to read "in the English language or any language of Europe" to the list: *An Act to Regulate Immigration into British Columbia*, S.B.C. 1907, c.21A, s.4 (assent reserved). It was also disallowed: See La Forest, *supra* note 10 at 114, 27 November 1907; see also Table of Provincial Acts Disallowed and Bills Reserved 1867-1920, S.C. 1922, at 255. This process was duplicated again in 1908: *An Act to Regulate Immigration into British Columbia*, S.B.C. 1908, c.23, disallowed *Canada Gazette*, vol. xlii, at 2469, as reported on 19 November 1908, Table of Provincial Acts Disallowed and Bills Reserved 1867-1920, S.C. 1922, at 255. In addition to disallowance, British Columbia courts held the 1908 legislation inoperative as inconsistent with paramount federal legislation: see *Nakane v. Okazake* (1908), 8 W.I.R. 19; 13 B.C.R. 370 (B.C.S.C.) and *Rex v. Narain* (1908), 7 W.I.R. 781; 8 W.I.R. 790 (B.C.S.C.); *Singh et al.* (1908), 13 B.C.R. 477 (B.C.S.C.).

²⁰ Britain had recognized the growing military and commercial might of Japan by signing a *Treaty of Commerce and Navigation* in 1894. This provided the citizens of both countries with the full right to enter, travel and reside in either country. Canada declared this treaty in force in 1907. For a full discussion of the motivation behind the disallowance, see Ryder, *supra* note 19 at 619.

legislation was in force in British Columbia more often than not during the years from 1900 to 1908.²¹ Nor was the federal government adverse to passing explicitly racial immigration rules during this period. An order in council passed in 1908 singled out "Asiatic immigrants", requiring them to be in possession of \$200 spending money upon entry.²²

Lem Wong successfully surmounted the immigration barriers and landed in Vancouver in 1896. His first job was with a Vancouver laundry. The earliest Chinese arrivals had been employed in mining, railway construction, canning and manufacturing, but racist hiring practices soon squeezed the Chinese out of the core labour market. The Chinese sought refuge in lines of work related to domestic service, laundries and restaurants, occupations of low social status for which there was little white competition.²³ After five months Lem Wong left British Columbia, and worked his way eastward across the country, obtaining employment at various laundries in London, Montreal, Springhill and Cape Breton Island.²⁴

Lem Wong accumulated his laundry wages until he had amassed sufficient capital to set up his own small business. Selecting southwestern Ontario as the most promising area, partly because of the presence of relatives and partly because of its "friendliness", he first opened a hand wash laundry on 469 Dundas Street in London in 1903.²⁵ After several relatively "unsuc-

21 *Id.* at 664.

22 Order in Council, 3 June 1908, *Canada Gazette* vol. xii, at 3276, passed under *An Act respecting Immigration and Immigrants*, S.C. 1906, c.19, s.20 explained the motivation: And whereas Canada is looking primarily for immigrants of an agricultural class to occupy vacant lands, and as immigrants from Asia belong as a rule to laboring classes, and their language and mode of life render them unsuited for settlement in Canada where there are no colonies of their own people to insure their maintenance in case of their inability to secure employment, it is necessary that provision be made so that such immigrants may be possessed of sufficient money to make them temporarily independent of unfavorable industrial conditions when coming into Canada.

S. Andracki suggests in *Immigration of Orientals into Canada, with Special Reference to Chinese* (NY: Arno Press, 1978) at 104 that this order in council was primarily intended to impede the entry of South Asian immigrants, and that the Chinese may have been excluded as a group already dealt with under "special statutory regulations". It is not clear whether the Chinese were actually excluded in the enforcement of the act.

The 1906 statute also authorized the Governor in Council, by order or proclamation, to prohibit the landing in Canada "of any specified class of immigrants", whenever it was considered "necessary or expedient", s.30.

23 For a more detailed discussion of the racial stratification in the late 19th and early 20th-century Canadian labour market, see G. Creese, "Organizing Against Racism in the Workplace: Chinese Workers in Vancouver Before the Second World War" (1987) 19:3 *Canadian Ethnic Studies* at 35-46; G. Creese, "Exclusion or Solidarity? Vancouver Workers Confront the 'Oriental Problem'" (1988-89) 80 *BC Studies* at 24-49; G. Baureiss, "Chinese Immigration, Chinese Stereotypes and Chinese Labour" (1987) 19:3 *Canadian Ethnic Studies* at 15-34; Ward, *supra* note 3; P.S. Li, "The Economic Cost of Racism to Chinese-Canadians" (1987) 19:3 *Canadian Ethnic Studies* at 102-113; H. Palmer, *Patterns of Prejudice: A History of Nativism in Alberta* (Toronto: McClelland and Stewart, 1982); J. Tan, "Chinese Labour and the Reconstituted Social Order of British Columbia" (1987) 19:3 *Canadian Ethnic Studies* 68 at 80-1; J.D. Belshaw, "The British Collier in British Columbia: Another Archetype Reconsidered" (1994) 34 *Labour/Le Travail* 11-36.

24 "The Wong Family of London", *supra* note 6 at 4. The Osgoode Society Transcript, *supra* note 6 at 1-2, notes that Lem Wong had an uncle working in a Nova Scotia laundry, which was one of the factors drawing him eastward.

25 *Foster's London City and Middlesex County Directory, 1903, 1904* (Toronto: Foster & Co.) shows Lem Wong operating a hand laundry, "Reliable Hand Laundry" at 469 Dundas Street. On the motivation for settling in London, see "The Wong Family of London", *supra*

cessful business ventures" in London and nearby St. Thomas, he finally achieved success with a restaurant opened in London, Ontario in 1914.²⁶ Relatively little capital was needed to set up restaurants, and they made attractive investments for Chinese entrepreneurs, since a combination of low wages and long hours could eventually produce profits. Initially more expensive to start up than hand wash laundries, restaurants generated relatively higher profit levels. Laundries were less profitable, but less risky in that they were not significantly affected by economic downturns. Lem Wong's choice to operate a restaurant would prove lucrative in good years, but extremely difficult in poorer times.²⁷

Once established in London, Lem Wong considered himself sufficiently settled to begin a family. However, he was at a considerable disadvantage in finding a marriage partner close to home. In 1911, women made up only 2.9 per cent of the Chinese population in Ontario, and 3.5 per cent of the Chinese population across Canada.²⁸ Intermarriage between the Chinese and other races was rare, and Lem Wong, like most Chinese men, returned to China to seek a bride.²⁹

Given the racial intricacies of Canadian immigration law, his return visit had to be carefully arranged. In order not to attract another Chinese head tax assessment, Lem Wong would have had to register with immigration officials at the port of departure, return within twelve months, and be able to establish his identity upon return "to the satisfaction of the Controller".³⁰

note 6 at 4; Osgoode Society Transcript, *supra* note 6 at 2. On the "friendliness" of south-western Ontario, see also D. Nipp, "'But Women Did Come': Working Chinese Women in the Interwar Years" in J. Brunet, ed., *Looking Into My Sister's Eyes* (Toronto: Multicultural History Society of Ontario, 1986) 179 at 180: "many migrated to the urban centres of Ontario, which did not display the same degree of xenophobia found on the west coast."

26 "The Wong Family of London", *supra* note 6 at 4 notes the early "unsuccessful business ventures". *Foster's London City and Middlesex County Directory, id.*, shows Lem Wong as running the Reliable Hand Laundry from 1903-1909, moving to the Star Laundry at 314 1/2 Dundas from 1910-1912, and then back to Reliable Hand Laundry at 469 Dundas from 1913-1916. The date for the opening of Wong's Cafe is given as 1914 in *The Women's Book Committee, Chinese Canadian National Council, Jin Guo: Voices of Chinese Canadian Women* (Toronto: Women's Press, 1992) at 61. "Gretta Grant: A Front-Row Spectator" gives the opening date of Wong's Cafe as 1915, *supra* note 1 at 3-4. Personal communication between the author and Gretta Wong Grant, 16 February 1993, dates the opening at 1912; copy on file with the author. *Foster's London City and Middlesex County Directory, supra* note 25 shows the first entry for "Wong's Cafe" at 434 Richmond in 1916. "Wong's Cafe" in London, Lem Wong's most successful venture, operated for over thirty-five years at 434 Richmond Street.

27 Li, *supra* note 23 at 102-113; Li, *supra* note 8 at 527; Nipp, *supra* note 25 at 182-3.

28 By 1921, the proportion had increased modestly to 4.6 per cent but not until the 1960s did the sex ratio begin to reach a balance: Roy, *supra* note 3 at xi; Nipp, *supra* note 25 at 179-80.

29 See Backhouse, *supra* note 1 for a more detailed discussion of the social climate surrounding the intermarriage of Chinese men and white women.

30 Initially, Chinese residents of Canada had the right to return to Canada from a temporary sojourn abroad, without payment of the head tax: *Chinese Immigration Act, S.C. 1885, c.71, s.14*. After 1892, *S.C. 1892, c.25, s.13* provided that any Chinese person wishing to re-enter the country would have to register at the port of departure and give full particulars to facilitate identification. On returning, provided that the re-entry took place within six months, the Chinese individual had the head tax of \$50 refunded if s/he satisfactorily proved to the controller that s/he was the person who had registered on leaving. Prior to the 1892 amendment, the possession of a certificate of return was considered as *prima facie* proof of the right to re-enter without the payment of the tax. Under the new law, the right

This gave him only a brief interlude in which to find a wife, and Lem Wong returned to his home village where he transacted marriage through a Chinese marriage broker.

Toye Chin, the woman he chose, was a young peasant from the same village as Lem Wong. Toye Chin was initially unimpressed with her suitor, who was described by the other young women in the village as "a short shrimp". Toye Chin had no formal schooling, and was unable to read or write, but she was considered a beauty of some repute. Despite her peasant origins, her unusual physical attractiveness had marked her out as a candidate for potential upward mobility. In order to increase her social status and value on the marriage market, she had been compelled to have her feet bound, something which was then viewed as a symbol of "femininity". Lem Wong was ultimately successful in pressing his suit, but he was singularly unimpressed with his bride's bound feet, and he ordered them unbound shortly after their marriage. Highly critical of the Ching dynasty custom of foot-binding, Lem Wong "thought it was ridiculous to see women struggling when they walked." In time, Toye Chin's feet recovered sufficiently to allow walking, but never running. Her children would later recall that she suffered from the binding for the rest of her life.³¹

After his marriage, Lem Wong returned to his restaurant business in London, leaving his wife behind in China. There Toye Chin gave birth to their first son in 1907.³² Lem Wong must have struggled with the question of whether to bring his family to Canada. Racial violence had erupted sporadically throughout these years, culminating in the vicious anti-Asian Vancouver Riot in 1907. White mobs often vented their racism on Chinese

of return depended upon proving identity "to the satisfaction of the Controller" and on the basis of the register kept and maintained by the controller. *An Act respecting and restricting Chinese Immigration*, S.C. 1903, v.I, c.8 permitted the re-entry of Chinese persons from a visit abroad, without payment of tax, so long as they registered before leaving and returned within twelve months of date of registration. The period of return to Canada without payment of head tax was increased to two years in 1921: *An Act to amend the Chinese Immigration Act*, S.C. 1921, c.21, s.4. In 1923, *An Act respecting Chinese Immigration*, S.C. 1923, c.38 provided that failure to return within the specified time period completely forfeited the Chinese person's right to re-enter Canada. In 1931, the time period was extended to four years from the date of "registering out": Order in Council, P.C. 3173, 29 December 1931. See Andracki, *supra* note 22 at 56, 66-69 and 164-6. For some examples of cases in which re-entry was denied to Chinese individuals, see *Yuk v. Chinese Immigration Act* (1901), 8 B.C.R. 118 (B.C.S.C.); *Foo et al.*, [1925] 2 D.I.R. 1131; (1925), 56 O.I.R. 669; 28 O.W.N. 25; 44 C.C.C. 17 (Ont. C.A.). See also *Chin Chee* (1905), 11 B.C.R. 400; 2 W.I.R. 237 (B.C.S.C.); *Brown* (1910), 8 E.I.R. 137 (N.B.S.C.); *Him* (1910), 16 C.C.C. 383; 15 B.C.R. 163; *Him* (No. 2) (1910), 17 C.C.C. 19; 15 B.C.R. 390 (B.C.C.A.); *R. v. Soon* (1919), 45 D.I.R. 78; [1919] 1 W.W.R. 486; (1919), 31 C.C.C. 78; 26 B.C.R. 450 (B.C.C.A.); *R. v. Sack*, [1928] 1 D.I.R. 779; 1 W.W.R. 618; (1927), 39 B.C.R. 223; 49 C.C.C. 43 (B.C.C.A.); *Chinese Immigration Act v. Sack* (1931), 45 B.C.R. 3 (B.C.S.C.).

31 "I can remember my mother's feet were almost deformed. She had very high arches and wore only a size one shoe. Her feet were always very tired and we always had trouble buying her shoes": "Gretta Grant..." *supra* note 1 at 3-4; Osgoode Society Transcript, *supra* note 6 at 2; 1991 Interview, *supra* note 14 at 1-2 and 56.

32 Date of birth given in personal communication from Gretta Wong Grant to the author, 16 February 1993: copy on file with the author. The Osgoode Society Transcript, *supra* note 6 at 9 notes that Victor was about five years old when he arrived in Canada. He would have been given a Chinese name, as were all the Wong children, but was known as Victor in Canada.

businesses, destroying property and physically injuring the owners.³³ Furthermore, there was still the question of the burdensome head tax, now set at \$500. Despite all of these concerns, Lem Wong decided to gamble on setting up a permanent family home in London, Ontario.

His first step was to consult with a London lawyer named J.W.G. Winnett about the prospects of bringing his wife and child to Canada.³⁴ Entry was becoming more and more difficult. The "Immigration Act" of 1910 empowered the federal Cabinet to prohibit the admission of immigrants "belonging to any race deemed unsuited to the climate or requirements of Canada".³⁵ The Chinese were still arriving in reasonably large numbers,³⁶ but the head tax remained a serious obstacle. Lem Wong was advised that in order to avoid a payment of \$1000 in head tax for his wife and son, he could try to obtain exemption as a "merchant", whose wives and children were entitled to enter tax-free.³⁷

Attaining the status of "merchant" under the *Chinese Immigration Act* was a somewhat complicated matter. Winnett would have advised Lem Wong that the act expressly ruled out "any merchant's clerk, or other employee, mechanic, huckster, pedlar or person engaged in taking, drying or otherwise preserving fish for home consumption or exportation".³⁸ Since there was some concern that even his proprietorship of a restaurant might not qualify, Lem Wong temporarily opened a stall in the London Market where he sold butter and eggs. This seems to have sufficed, and in 1911 Toye Chin and her son, Victor, joined her husband in London.³⁹ What Toye

33 For a discussion of the Vancouver Riot, see Roy, *supra* note 3 at 185-226. Physical violence was directed against several Chinese laundries in Calgary in 1892, and against a Chinese restaurant in 1907 in Lethbridge: Palmer, *supra* note 23 at 20, 32-4; J.B. Dawson, "The Chinese Experience in Frontier Calgary 1885-1910" in A.W. Rasporich & H. Klassen, eds., *Frontier Calgary: 1875-1914* (Calgary: University of Calgary Press, 1975) 124; G. Baureiss, "The Chinese Community in Calgary" (1978) 22:2 *Alberta History* 1-8. For an account of the psychological cost of leaving behind families in China, see D. Chong, *The Concubine's Children: Portrait of a Family Divided* (Toronto: Penguin, 1994).

34 1991 Interview, *supra* note 14 at 5-10.

35 *An Act respecting Immigration*, S.C. 1910, c.27, s.38(c). See also *An Act to amend The Immigration Act*, S.C. 1919, c.25, s.13, which expanded upon the rationale. Now the Cabinet was empowered to prohibit the landing "of immigrants belonging to any nationality or race or of immigrants of any specified class or occupation, by reason of any economic, industrial or other condition temporarily existing in Canada or because such immigrants are deemed unsuitable having regard to the climatic, industrial, social, educational, labour or other conditions or requirements of Canada or because such immigrants are deemed undesirable owing to their peculiar customs, habits, modes of life and methods of holding property, and because of their probable inability to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship within a reasonable time after their entry."

36 Chinese immigrants legally entering Canada numbered 2,234 in 1908, 2,106 in 1909, 2,302 in 1910, 5,320 in 1911 and 6,581 in 1912, Roy, *supra* note 3, Table 2 at 270.

37 *An Act respecting and restricting Chinese immigration*, S.C. 1903, v. I, c.8, s. 6(c).

38 S.C. 1903, c.8, s.6(5).

39 Date of immigration given by Gretta Wong Grant in personal communication to the author, 16 February 1993: copy on file with the author; Osgoode Transcript, *supra* note 6 at 3. In 1911, 805 of the 5,320 Chinese immigrants admitted fell within the exempt categories: Roy, *supra* note 3, Table 2 at 270.

In 1917 the federal government passed *An Act to amend the Chinese Immigration Act*, S.C. 1917, c.7, which provided in s.2 that any Chinese person who had been admitted as exempt from the tax, "who ceases to belong to one of the exempt classes", was then liable to forfeit the tax or become subject to deportation. Although Lem Wong did not continue

Chin's feelings were unclear. She was apparently "frightened" of the move, but believed it was "expected" of her, and never expressed her own views on the matter. Neither Toyé Chin nor her husband would ever return to China again. Although she kept in touch with her parents, upon their deaths she lost all further contact with her homeland.⁴⁰

In some respects, it was fortunate Toyé Chin and her son came when they did. After 1914, the number of Chinese immigrants admitted dropped dramatically,⁴¹ and with the passage of the Chinese Exclusion Act in 1923, Parliament virtually eliminated all further entry.⁴² Merchants continued to be an admissible class (although their wives and children were no longer allowed in), but the government constructed a definition of "merchant"⁴³

his market endeavour, there seem to have been no further difficulties in this regard. This was fortunate, since the 1917 statute added stringent deportation sections: "Whenever any officer appointed under this Act or under *The Immigration Act* has reason to believe that any person of Chinese origin is illegally in Canada, he may without a warrant apprehend such person, and, if such person is unable to prove to the satisfaction of the officer that he has been properly admitted into and is legally in Canada, the officer may detain such person in custody and charge him before a magistrate with being illegally in Canada...and the burden of proof of such person's right to be in Canada shall rest upon such person." See also *An Act to amend the Chinese Immigration Act*, S.C. 1921, c.21.

40 Gretta Wong Grant recalled that her mother "was really frightened, but she was brought up to do what was expected. I guess she trusted my dad. She never told us she didn't want to come. She never let us feel she was hard done by.... I am sure she [missed China], but she never ever told us that", 1991 Interview, *supra* note 14 at 2, 55-7.

41 The numbers admitted were 5,512 in 1914; 1,258 in 1915; 88 in 1916; 393 in 1917; 769 in 1918; 4,333 in 1919; 544 in 1920; 2,435 in 1921, 1,746 in 1922; 711 in 1923 and 674 in 1924; Bolaria & Li, *supra* note 5, Table 5.3 at 115. Order in Council, P.C. 1202, (1919) 52 *Canada Gazette* at 3824 prohibited the landing in British Columbia of "any immigrant of the following classes or occupations, viz., skilled and unskilled labour."

42 *An Act Respecting Chinese Immigration*, S.C. 1923, c.38.

All Chinese immigrants were barred except those classes listed in s.5:

(a) The members of the diplomatic corps, or other government representatives, their suites and their servants, and consuls and consular agents;

(b) The children born in Canada of parents of Chinese race or descent, who have left Canada for educational or other purposes, on substantiating their identity to the satisfaction of the controller at the port or place where they seek to enter on their return;

(c) (1) Merchants as defined by such regulations as the Minister may prescribe;

(2) Students coming to Canada for the purpose of attendance, and while in actual attendance, at any Canadian university or college authorized by statute or charter to confer degrees, who shall substantiate their status to the satisfaction of the Controller at the port of entry subject to the approval of the Minister, whose decision shall be final and conclusive; provided that no Chinese person belonging to any of the two classes referred to in this paragraph shall be allowed to enter or land in Canada, who is not in possession of a valid passport issued in and by the Government of China and endorsed (*visé*) by a Canadian Immigration Officer at the place where he was granted such passport or at the port or place of departure.

Section 19 provided that no vessel carrying Chinese immigrants to any port in Canada could carry "more than one such immigrant for every two hundred and fifty tons of its tonnage."

The Act was so effective an exclusionary device that only forty-four Chinese individuals entered Canada over the next two dozen years, causing Chinese populations to age, and Chinatowns across the country to wither and decline: J. Barman, *The West Beyond the West: A History of British Columbia* (Toronto: University of Toronto Press, 1991) at 233.

In addition, Order in Council P.C. 1923-1272, *Canada Gazette* 1923, LVII at 277, 10 July 1923, required all Chinese people living in Canada to be registered.

43 The following definition was constructed by the department of Immigration and Colonisation (P.C. 1276, 10 July 1923, s.5(c)):

Merchants, as used in this Act, shall not include any person who does not devote his undivided attention to mercantile pursuits and who has less than \$2,500 invested in a

that was so narrow that only eight individuals managed to attain entry in this manner⁴⁴ until the repeal of the statute in 1947.⁴⁵ Toye Chin's half-brother, who came to London after she did, was one of those caught by the restrictive laws, unable to bring his wife and family over to Canada for decades.⁴⁶

For Toye Chin, who spoke no English, living in London must have been a very isolating experience.⁴⁷ There was a small Chinese community in London, composed exclusively of men, but the Wongs formed the only family of Chinese origin in the city for decades.⁴⁸ Toye Chin gave birth to

business dealing exclusively in goods grown, produced or manufactured in China or in exporting to China goods grown, produced or manufactured in Canada, and who has not conducted such business for a period of at least three years; any merchant's clerk or other employee; tailor; mechanic; huckster; peddler or person engaged in taking, drying or otherwise conserving fish for home consumption or exportation, or having any connexion whatever with a restaurant, laundry or rooming house.

A critical observer, Henry F. Angus, noted: "As an exercise in logic this definition is not very good, but as an exclusionist measure it is effective. Not many Chinese have carried on, as their sole occupation, with a capital exceeding \$2,500 for a period of three years or more, a purely exporting or a purely importing trade with Canada, refraining from any dealings in goods which are not of Chinese origin in the first case or Canadian origin in the second." ["Canadian Immigration: The Law and Its Administration" in N. MacKenzie, ed., *The Legal Status of Aliens in Pacific Countries* (London: Oxford University Press, 1937) 58 at 64.]

The exclusion of wives and children of merchants was objected to by J.S. Woodsworth during the 1923 Debate (Debates of the House of Commons, 1923, at 2485) and Senator Wellington Bartley Willoughby unsuccessfully moved an amendment in the Senate calling for the inclusion of merchants' wives and children into admissible classes (Debates of the Senate 1923, at 1121).

- 44 Between 1923 and 1946, only eight Chinese merchants were admitted to Canada under s.9 of the *Chinese Immigration Act of 1923*: Andracki, *supra* note 22 at 162.
- 45 *An Act to amend the Immigration Act and to repeal the Chinese Immigration Act*, S.C. 1947, c.19. For discussion of the rationale behind the repeal, see F.J. McEvoy, "A Symbol of Racial Discrimination: The *Chinese Immigration Act* and Canada's Relations with China, 1942-1947" (1982) 14:3 *Canadian Ethnic Studies* at 24-42. Discriminatory immigration rules continued to impede Chinese entry even after 1947. Until 1956, Chinese individuals had to be Canadian citizens to bring in dependent wives and children, whereas other Canadians only had to qualify as residents: see Ward, *supra* note 4 at 165; Adilman, *supra* note 9 at 71; and E. Wickberg et al., *From China to Canada: A History of the Chinese Communities in Canada* (Toronto: McClelland and Stewart, 1982) at 212.
- 46 Toye Chin's half-brother, who lived in London, Ontario, went back to China every two or three years. Forced to return to Canada after brief visits in order not to lose his own status, he sent money back faithfully to his family in China, unable to bring them to Canada until the early 1980s: 1991 Transcript at 57.
- 47 For a more detailed discussion of the experience of the first Chinese women in Ontario, see Nipp, *supra* note 25 at 179-94. Nipp concludes at 192: "Caught between the conflicting demands of children who wished to become more Canadian and husbands who saw them as their link with traditional Chinese culture, these women were ultimately responsible for resolving those demands and establishing what it meant to be Chinese Canadian." See also Women's Book Committee, *supra* note 26.
- 48 A. Chan, *Gold Mountain: The Chinese in the New World* (Vancouver: New Star Books, 1983) notes at 70 that London had a small Chinese community. Some evidence of its presence was adverted to, although in a very stereotypical manner, in *R. v. A. & N.* (1909), 15 O.W.R. 339; 16 C.C.C. 381 (Ont. Co. Ct.), in which Middlesex County Court Judge MacBeth convicted two London druggists of selling crude opium "for other than medicinal purposes." The evidence showed that the defendants, (unnamed in the case report), "kept crude opium for sale to the Chinese residents of the city, and sold it to them, because they (the Chinese) said they must have it to work." See also D.C. Lai, *Chinatowns: Towns Within Cities in Canada* (Vancouver: University of British Columbia Press, 1988) who notes at 97 and 116 that Ontario's major Chinatowns were in Toronto, Ottawa and Hamilton; in 1971, London still had only 820 Chinese residents.

seven more children within the first years of her arrival. Mary, Clara, Norman, George and Bill all preceded Gretta, the seventh child, who was born on 31 July 1921. Esther, slightly younger than Gretta, would be the last born. The family resided successively on Hyman, Fullarton, and Waterloo Streets, living above the restaurant for a few years in between.⁴⁹

Toye Chin's days and evenings were taken up with child care, sewing, shopping and the endless laundry generated by the family and the restaurant. Although she did all the cooking for the family, she did not cook in the restaurant. While the children were young, Lem Wong managed to hire several Chinese women from Toronto to come in to provide some assistance and companionship for his wife, but they never stayed very long since they found the small Chinese community made London substantially less attractive than Toronto.⁵⁰

Lem Wong's restaurant business flourished during the first two decades after his family's arrival. None of the restaurants run by Chinese proprietors served "Chinese food" in that era, since the white population had as yet developed little interest in Asian cuisine. Most Chinese restaurants were small, poorly decorated, open from first thing in the morning until well into the night, specializing in simple fried food at rock-bottom prices.⁵¹ Lem Wong, however, wanted to establish a restaurant that was a cut above the typical neighbourhood café. He invested in linen tablecloths, linen serviettes, silver plate serving dishes and finger bowls. He hired only Chinese waiters who were proficient in English, and trained them to carry the dishes on large serving trays above shoulder level.⁵² His menu specialized in lobster, shrimp, scallops, and Winnipeg gold-eye. Wong's Café was the first in the city to introduce supper music and Saturday night dancing, featuring the likes of another Londoner, Guy Lombardo and his five-man band. Lem Wong's became the most elegant restaurant in London, catering to a wealthy, powerful, predominantly professional class of diners. The investment paid off well, providing a comfortable family income until competition from the newly liquor-licensed Hotel London caused a downturn in customers in the 1920s.⁵³ The depression of the 1930s also put a major dent in business, devastating many of the clientele accustomed to dining at Wong's Café.⁵⁴ Even in the good times, however, Lem Wong worked very

49 All of the children were given both Chinese and Anglicized names. Gretta Wong Grant's Chinese name was Chun Li. The children used their Chinese names within the Chinese community, but Gretta recalls that "it wasn't very popular" to use these names with non-Chinese people. "They couldn't understand who you were," she explained. So the Wong children were named after various people in the church that the family attended: Osgoode Society Transcript, *supra* note 6 at 1-4 and 9-17; 1991 Interview, *supra* note 14 at 58.

50 Osgoode Society Transcript, *supra* note 6 at 20; 1991 Interview, *supra* note 14 at 1-3; 55.

51 For a more detailed description of the early Chinese restaurants on the prairies, see Li, *supra* note 8 at 534.

52 Gretta Wong Grant's brother recalls that Lem Wong sent some of his waiters to New York to train in elaborate methods of table service: Osgoode Society Transcript, *supra* note 6 at 11; 1991 Interview, *supra* note 14 at 6 and 10; "The Wong Family of London", *supra* note 6 at 4.

53 Women's Book Committee, *supra* note 26 at 61.

54 1991 Interview, *supra* note 14 at 3-4. During the depression era, the Wong children helped their father out by working many hours in the restaurant, taking cash and waiting on tables.

long hours, and there were no vacations. The occasional day trip for fishing was the sole family recreation.⁵⁵

Lem Wong was very anxious that the children be integrated as completely as possible into the white community of London. He actively pursued membership in the First St. Andrews United Church, which had set up a Chinese Sunday school on Sunday afternoons. At their father's insistence, all eight children were present at church service every Sunday morning, the regular Sunday school classes after the service, and the special Chinese Sunday school classes in the afternoon. At the latter, Toye Chin and Lem Wong joined their children. Gretta Wong Grant remembers the attention that London's only Chinese family attracted at church: "We were the little heathen kids," she laughs. "They took us in...and they embraced us."⁵⁶

Sports was another avenue of acculturation, and Lem Wong encouraged all of his children to participate on local community teams, which they did with notable success.⁵⁷ Gretta attributes her family's successful assimilation in part to their participation on football, basketball, soccer, hockey and volleyball teams, and in part to her father's successful efforts to make a name for himself within the community.⁵⁸ Lem Wong was gregarious by nature, and convinced that his business success required him to make as many contacts in the community as possible.⁵⁹ He would later join all three political parties in Ontario "because he felt this was the thing he should do, [that] he shouldn't insult anybody."⁶⁰ In the province of Ontario, Lem Wong was eligible to vote after obtaining naturalization status. Toye Chin would not have been eligible to vote until 1917, when Ontario women obtained the franchise.⁶¹ The only

55 *Id.* at 2, 55.

56 She explained further: "They used to give you a pin if you had gone for seven years and then a bar for each...a gold bar and then they gave you a gold medal after you had been in all those years. And every year there would be one of the Wongs go up (laughter) to get their bars or medals. I remember one of the chaps that I went to school with, he said to me later on... 'so what did you do with all that gold you got?' Because we all had these gold bars and they were supposed to be ten carat gold." The children were apparently less enamoured of the double Sunday school attendance than their father: "We were getting quite rebellious because we had the same lesson twice...on the same day." Osgoode Society Transcript, *supra* note 6 at 6-9; 1991 Interview, *supra* note 14 at 56.

57 Osgoode Society Transcript, *supra* note 6 at 11, 21. In contrast, see S. Chan, *Asian Americans: An Interpretive History* (Boston: Twayne Publishers, 1991) 102 at 113, who notes that Asian Americans "who participated in athletics usually had to join teams composed entirely of members of their own ethnic groups."

58 Osgoode Society Transcript, *supra* note 6 at 13; 1991

59 Francis Wong, a close friend of Gretta Wong Grant's family, would later describe Lem Wong in Women's Book Committee, *supra* note 26 at 166, as "very modern. The Chinese community used to say that he had 'gone Canadian'. They didn't like that. He'd go to church, eat Canadian food, read their newspapers. He just fit in with the Canadians, shaking their hands and patting them on the back, just like a Westerner would do."

60 Gretta Wong Grant advised that her father's concerns about declaring himself for one party over the others continued for years. "In the recent past he once put up an NDP sign on his lawn," she stated, "and then he worried that the neighbours wouldn't speak to him." Osgoode Society Transcript, *supra* note 6 at 6; 1991 Interview, *supra* note 14 at 58.

61 See *An Act respecting Elections of Members of the Legislative Assembly*, S.O. 1908, c.3, s. 14, which provided that "no woman shall be entitled to vote." See also *An Act Respecting Elections of Members of the Legislative Assembly*, R.S.O. 1914, c.8, s.14. Women were included as voters in *An Act to provide for the preparation of Lists of Voters at Elections to the Assembly*, S.O. 1917, c.5, s.4(1).

people then excluded from the franchise by race were First Nations' men and women.⁶²

Other provinces were not so inclusive. British Columbia restricted the Chinese, Japanese, "Hindu" and "other Asiatics" from exercising the vote.⁶³

62 *An Act respecting Elections of Members of the Legislative Assembly*, S.O. 1908, c.3, s.11 provided that "any male person, of the full age of twenty-one years and a British subject by birth or naturalization resident in Ontario...shall be qualified to be a candidate." Section 22 provided: "An unenfranchised Indian of whole or part Indian blood residing or having his domicile among Indians or on an Indian Reserve, shall not be entitled to have his name entered on the voters' list or to vote. See also *An Act respecting Elections of Members of the Legislative Assembly*, R.S.O. 1914, c.8, ss.11 and 22. "Indian" soldiers were enfranchised by *An Act to provide for the preparation of Lists of Voters at Elections to the Assembly*, S.O. 1917, c.5, s.6. See also *An Act respecting Elections to the Assembly*, S.O. 1918, c.3; *An Act respecting Elections and the Preparation of Provincial Voters' Lists*, S.O. 1920, c.2; *An Act respecting Voters' Lists*, S.O. 1922, c.4; *An Act to revise and amend the Election Laws*, S.O. 1926, c.4; *The Election Act*, R.S.O. 1927, c.8; *The Election Act*, R.S.O. 1937, c.8; *The Statute Law Amendment Act, 1939 (No. 2)*, S.O. 1939, 2nd Session, c.47; *An Act to amend The Election Act*, S.O. 1942, c.13; *The Election Act*, R.S.O. 1950, c.112.

63 I am indebted to Bruce Ryder who has collected the details regarding these statutes and discusses in greater depth their historical significance in "Racism and the Constitution", *supra* note 19, c.5. Most provinces excluded First Nations' voters as well, although no attempt will be made here to catalogue fully their electoral restrictions.

In its first session in 1872, the British Columbia legislature amended the *Qualification and Registration of Voters Act*, S.B.C. 1872, c.39, s.13 to exclude "Chinese" and "Indians" from the provincial vote. See also *An Act relating to an Act to make better provision for the Qualification and Registration of Voters*, S.B.C. 1875, c.2, s. 1 and 2; *An Act to Regulate Immigration into British Columbia*, S.B.C. 1900, c. 11, s.5; S.B.C. 1902, c.34, s.6; S.B.C. 1903, c.12, s.6; S.B.C. 1907, c.21A, s.6; S.B.C. 1908, c.23, s.6. "Japanese" and "Hindu" individuals were added to the excluded classes by *Provincial Voters' Act Amendment Act*, S.B.C. 1895, c.20, s.2; *Provincial Elections Act*, S.B.C. 1903-4, c.17, s.6; *Provincial Elections Act Amendment Act*, S.B.C. 1907, c.16, s.3; *Provincial Elections Act*, S.B.C. 1920, c.27, s.5(1)(a); R.S.B.C. 1924, c.76; S.B.C. 1931, c.20; R.S.B.C. 1936, c.84; *Provincial Elections Act*, S.B.C. 1939, c.16, s.5. The *Provincial Elections Act Amendment Act*, S.B.C. 1947, c.28 gave the franchise to all except the Japanese and "Indians", but took it from the Doukhobors, the Hutterites, and the Mennonites, unless they had been in the Armed Forces. See also R.S.B.C. 1948, c.106.

The Chinese, Japanese, "other Asiatics" and First Nations were also excluded from the municipal franchise: see *Municipality Amendment Act*, S.B.C. 1876, c.1, s.9; *Vancouver City Incorporation Act*, S.B.C. 1886, c.32, s.8; *New Westminster Incorporation Amendment Act*, S.B.C. 1895, c.65, s.3; *Municipal Elections Act*, S.B.C. 1896, c.38, s.7; *Vancouver Incorporation Act*, S.B.C. 1900, c.54, s.7; *Municipal Elections Act*, S.B.C. 1908, c.14, s.13(1); *Municipal Elections Act*, R.S.B.C. 1911, c.71, s.4; R.S.B.C. 1924, c.75; R.S.B.C. 1936, c.83; R.S.B.C. 1948, c.105.

Asians and First Nations' people were also denied the right to vote in elections for school trustees: *Public Schools Amendment Act*, S.B.C. 1884, c.27, s.10; *Public Schools Act*, S.B.C. 1885, c.25, s.19; *Public Schools Act*, R.S.B.C. 1897, c.170, s.19; *Public Schools Act*, S.B.C. 1905, c.44, s.25; *Public Schools Act*, R.S.B.C. 1911, c.206, s.31; S.B.C. 1922, c.64; R.S.B.C. 1924, c.226; R.S.B.C. 1936, c.253, s.93(4). See also *An Act to amend the "Public Schools Act"*, S.B.C. 1948, c.80, s.31, and R.S.B.C. 1948, c.297, s.92(4), which removed "Hindus" from the list, but continued to disqualify "Chinese, Japanese and Indians". Chinese, Japanese, "other Asiatics" and First Nations' people were also barred from voting in elections of trustees for an improvement district under the *Water Act*: *Water Act*, S.B.C. 1914, c.81, s.187(l); S.B.C. 1920, c.102, s.27; R.S.B.C. 1924, c.271, s.199. Similar restrictions applied to signing petitions regarding liquor licences: *An Act to amend the "Municipal Clauses Act"*, S.B.C. 1908, c.36, s.26-27; *An Act Respecting Liquor Licences and the Traffic in Intoxicating Liquors*, S.B.C. 1910, c.30; R.S.B.C. 1911, c.142; R.S.B.C. 1911, c.170.

Since the right to hold public or professional office was limited to those on the provincial voting list, these groups were consequently barred from jury service: *Jurors' Act*, S.B.C. 1883, c.15, s.5. They were also denied the right to run for election to the provincial legislature: *Qualification and Registration of Voters Act*, S.B.C. 1876, c.5, s.3; *Constitution Act*, C.S.B.C. 1888, c.22, s.30; or for municipal government: *Municipal Clauses Act*, S.B.C.

Saskatchewan excluded the Chinese expressly,⁶⁴ while Manitoba impeded their ability to exercise the franchise through means of a more indirect language test.⁶⁵ Between 1885 and 1898, the federal government explicitly denied the right to vote to anyone of "Mongolian or Chinese race".⁶⁶ Subsequently the federal government re-enforced racial restrictions, piggy-backing on racist provincial statutes through the adoption of provincial voters' lists for federal elections.⁶⁷

Although some public school districts on the west coast attempted to segregate Chinese from white students,⁶⁸ the Wong children enrolled side

1896, c.37, ss.14-18; *Municipal Clauses Act*, S.B.C. 1906, c.32, s.14-18; *Municipal Act*, S.B.C. 1914, c.52, ss.16-19; *Municipal Election Act*, S.B.C. 1896, c.38, s.36; or for school trustee: *Public Schools Act*, S.B.C. 1885, c.25, ss.19 and 30; *Public Schools Act*, S.B.C. 1891, c.40, ss.19 and 40; *Public Schools Act*, R.S.B.C. 1897, c.170, ss.19, 24 and 28; *Public Schools Act*, S.B.C. 1905, c.44, ss.25 and 32; *Public Schools Act*, R.S.B.C. 1911, c.206, ss.31 and 38; *Public Schools Act*, S.B.C. 1922, c.64, s.37.

The case of *the Provincial Elections Act v. Homma, A Japanese* (1900), 7 B.C.R. 368 (Co. Ct.) held these electoral exclusions to be *ultra vires*. This was upheld in (1901), 8 B.C.1.R. 76 (B.C.S.C.), but reversed on appeal to the Privy Council: *Cunningham v. Homma*, [1903] A.C. 151.

Women other than First Nations' or Asian women obtained the right to vote in British Columbia in 1917: *Provincial Elections Act Amendment Act*, S.B.C. 1917, c.23. Chinese and South Asian men and women received the right to vote in 1947: *Provincial Elections Act Amendment Act*, S.B.C. 1947, c.28, s.14. Japanese and First Nations' men and women did so in 1949: *Provincial Elections Act Amendment Act*, S.B.C. 1949, c.19, s.3.

64 *An Act respecting Elections of Members of the Legislative Assembly*, S.S. 1908, c.2, s.11 excluded "persons of the Chinese race" and "Indians". See also R.S.S. 1909, c.3, s.11; R.S.S. 1920, c.3, s.12; R.S.S. 1930, c.4, s.12; R.S.S. 1940, c.4, s.12. *An Act to amend The Liquor License Act*, S.S. 1909, c.38, s.12 prohibited the Chinese and Indians from voting on local by-law options. The electoral disqualification of the Chinese was removed by S.S. 1944, c.2, s.2. "Indians" who had served in the war were allowed to vote in 1946: *An Act to amend the Saskatchewan Election Act*, S.S.1946, c.3, s.1. See also *An Act to protect Certain Civil Rights*, S.S. 1947, c.35, s.7 and *An Act to amend the Saskatchewan Election Act*, S.S. 1948, c.4, s.13.

65 Manitoba directly disenfranchised the First Nations (see R.S.M. 1892, c.49, s.14(b); S.M. 1901, c.11, s.17(b)), but resorted to a language test to retard the access of some other groups to the franchise. *An Act respecting Elections of Members of the Legislative Assembly*, S.M. 1901, c.11, s.17(e) disqualified "any person not a British subject by birth who has not resided in some portion of the Dominion of Canada for at least seven years...unless such person is able to read any selected portion or portions of *The Manitoba Act* in one of the following languages, that is to say, English, French, German, Icelandic or any Scandinavian language..." Since those who could meet the language test could vote after one year of residence (s.16), this meant a potential delay of six years. See also R.S.M. 1902, c.52, s.19(e). This test was deleted by *An Act to amend "The Manitoba Election Act"* S.M. 1904, c.13, s.2.

66 *An Act respecting the Electoral Franchise*, S.C. 1885, c.40, s.2.

67 *The Franchise Act 1898*, S.C. 1898, c.14, s.5(a) stated: "The qualifications necessary to entitle any person to vote thereat shall be those established by the laws of that province as necessary to entitle such person to vote in the same part of the province at a provincial election." See also *Dominion Elections Act*, S.C. 1900, c.12; *Dominion Elections Act*, R.S.C. 1906, c.6, ss.6 and 10; *Dominion Elections Act*, S.C. 1920, c.46, s.30(g); *Dominion Elections Act*, R.S.C. 1927, c.53, s.30(g); *Dominion Elections Act*, S.C. 1938, c.46, s.14(2)(i). The federal government removed its provincial piggy-backing race provisions in 1948, providing that provincial disqualification was no longer a reason for disqualification from the federal franchise: *Dominion Election Act*, S.C. 1948, c.46, s.6. First Nations' men and women did not receive the federal vote until 1960: *Canada Elections Act*, S.C. 1960, c.39.

68 See T.J. Stanley, "Defining the Chinese Other: White Supremacy, Schooling and Social Structure in British Columbia before 1923" (Ph.D. Thesis, University of British Columbia). Despite court challenges from Chinese parents, Chinese students enrolled in the primary

by side with their white neighbours. There they stood out as “the only visible minority” in the London school system, notes Gretta Wong Grant, adding that while the overwhelming numerical imbalance created problems, it also provided some protection. There were incidents of racist name-calling and occasional social activities to which some of the Wong children were not invited.⁶⁹ “But because we were the only family...because there weren’t the numbers, there wasn’t the fear of us taking over. [W]e were well accepted”, she explains, describing London as a “secluded space”. “Everybody got used to us in a sense, because we were the only Chinese family here.”⁷⁰

Lem Wong used to urge his children “to be proud of [their] heritage”, advice they took to heart. When one of the older Wong daughters was refused admission to the Wonderland dance hall one night during the early 1940s, Gretta remembers that her sister challenged the gate keeper with great dignity. “She drew herself up (and she was barely five feet tall), and said: ‘I am one of the Wongs of London. Why can’t I come in?’”⁷¹ Although this sort of treatment rarely confronted the Chinese in London,⁷² it was not uncommon elsewhere. During the first half of the 20th century, many Canadian theatres, dance halls, public pools, restaurants and other places of public accommodation discriminated in admissions and seating practices on the basis of race.⁷³

grades were compelled by the school board to study in segregated classes in Victoria until the 1940s: see D.C. Lai, “Discrimination in Education in Victoria”, *supra* note 17; Ward, *supra* note 3 at 49, 62-4. Roy, *supra* note 3 at 24-7, also discusses consideration of segregated schools in Nanaimo and Vancouver.

69 Victor Wong, who played hockey, was not “welcomed at his teammates’ homes nor included in team social functions”: “Gretta Grant: A Front-Row Spectator” at 3-4. For a more detailed discussion of childhood incidents of racial discrimination, see M. Yee, “Chinese Canadian Women: Our Common Struggle” (1987) 19:3 *Canadian Ethnic Studies* at 174-84; Women’s Book Committee, *supra* note 3.

70 Osgoode Society Transcript, *supra* note 6 at 4, 6, 21; 1991 Interview, *supra* note 14 at 59. Gretta Wong Grant recalls her astonishment while watching an episode of the popular TV show “Bonanza”, involving Hop Sing, the Chinese cook. Hop Sing had met a blonde woman whom he wished to marry, but was stopped from doing so by laws prohibiting inter-marriage between the Chinese and Caucasians: 1991 Interview, *supra* note 14 at 10.

71 Osgoode Society Transcript, *supra* note 6 at 21.

72 Gretta Wong Grant notes that this incident took place during World War II, when discrimination was frequently displayed toward the Japanese, Germans and Italians. She also notes that it was rare to find such behaviour directed against the Chinese in London, where it was more common to find Jewish and Black individuals barred by golf courses, private clubs and by means of restrictive covenants in deeds: private communication between Gretta Wong Grant and the author, on file with the author.

73 Barman, *supra* note 42 at 233 notes that it was common knowledge that Vancouver’s White Lunch restaurants “didn’t allow Orientals to eat there.” Vancouver’s Parks Board imposed policies of racial segregation at city-owned pools until 1945: C.F. Lee, “The Road to Enfranchisement: Chinese and Japanese in B.C.” (Summer 1976) 30 *BC Studies* 44 at 51. G. Baureiss, “The Chinese Community in Calgary” (Spring 1974) 22:2 *Alberta Historical Rev.* 1 at 8 notes that some barbers would refuse to cut the hair of Chinese patrons. Women’s Book Committee, *supra* note 26 at 31 that a Halifax hotel refused to rent rooms to a Chinese family in the 1940s, at 107 that the Chinese were barred from purchasing property in the Shaughnessey area of Vancouver up to the 1930s, at 206 that a restaurant in Dresden, Ontario refused service to a Chinese woman who came in with a group of Blacks, and at 209 that Chinese customers were charged higher entrance fees than whites at a disco bar in Vancouver in 1980. See also G. Baureiss, “Discrimination and Response: The Chinese in Canada” in R.M. Bienvenue & J.E. Goldstein, eds., *Ethnicity and Ethnic*

Recognizing that his family would be "noticed", Lem Wong impressed upon his children that they should try to "do [things] a little better" than others if they could. Inspired by this exhortation, all but one of the Wong children would attend university,⁷⁴ with the majority obtaining graduate or professional degrees.⁷⁵ Although some members of the Chinese community criticized Lem Wong for it, he insisted that his daughters be given equal opportunity with his sons.⁷⁶ Both of Gretta's older sisters graduated from medical school at the University of Western Ontario (where they constituted 50% of the women in the class), and her youngest sister obtained a Ph.D. in biochemistry. All credit their father's strong desire to see his children obtain high levels of education. "My father thought...that we should go into professions where we could work on our own," explains Gretta Wong Grant, "in case there was discrimination."⁷⁷

Lem Wong's concern was well founded. A complex web of racist employment practices, provincial statutes and municipal regulations restricted the occupational opportunities of the Chinese. Employers across Canada routinely discriminated against Asian job seekers as a matter of custom and unchallenged practice.⁷⁸ Not infrequently, they were bolstered by legal

Relations in Canada, 2d ed. (Toronto: Butterworths, 1985) 241 at 251; *Victoria Colonist* (23 February 1904); Ward, *supra* note 3 at 49; Yee, *supra* note 69 at 174-84. V. Strong-Boag & K. McPherson, "The Confinement of Women: Childbirth and Hospitalization in Vancouver, 1919-1939" in K. Arnup et al., eds., *Delivering Motherhood: Maternal Ideologies and Practices in the 19th and 20th Centuries* (London: Routledge, 1990) 75 at 102 note that there is some evidence that Asian-Canadian women were treated differently during childbirth: "For some years, oriental maternity patients were regularly released some days sooner after childbirth than their sisters of European origin. See PABC GR749, B.C. Provincial Secretary, Health Insurance Research, *Report on Information Collected and Compiled in Reference to Certain Phases of Hospital Work in British Columbia*, 1934 at 17."

74 Norm Wong was side-tracked into the Canadian army during World War II, where he served with the special Chinese Unit. He later took business training and worked for General Motors.

75 Victor, who as the eldest child seems to have borne the brunt of the stigma associated with racial difference, did not excel in school, but was sent back to China to study at a university there. He subsequently returned to Canada, married a French-Canadian woman in Toronto (which was to prove socially unacceptable to many in the London community), and took up cooking in his father's restaurant. Mary and Clara studied medicine together at the University of Western Ontario. Mary won the gold medal in medicine in 1937, and was also the first woman to win an Athletic Letter at the U.W.O.; she practised obstetrics for ten years in London. Clara practised chest surgery in Hamilton. Bill became an internist, practising in Sarnia. Esther became a professor of biochemistry at the University of Manitoba, George went into business, and Norman attained a junior management position in the Industrial Engineering Department at General Motors after serving in the war: Osgoode Society Transcript, *supra* note 6 at 9-16; "The Wong Family of London", *supra* note 6 at 2; personal communication between Gretta Wong Grant and the author, 16 February 1993, copy on file with the author.

76 In response to those who queried Lem Wong on the wisdom of sending his daughters to school, he would reply: "They can learn as well as anyone else." According to Gretta, her father emphasized sex equality in education: "My father said, 'you do what you think you can do, and if you want to go on, the opportunity is there.' [E]ven if he didn't have the money, he'd see that we could go...." Osgoode Society Transcript, *supra* note 6 at 23; 1991 Interview, *supra* note 14 at 6, 8, 60-1.

77 On the importance of economic self-sufficiency, see Women's Book Committee, *supra* note 26 at 129: "They felt it was best for us girls to be as self-sufficient as possible. Don't forget, when you grow up, there's no white people going to hire you."

78 See, for example, H.F. Angus, "The Legal Status in British Columbia of Residents of

edicts mandating and condoning such behaviour. The province of British Columbia, which had the largest concentration of Chinese workers, had enacted sweeping prohibitions against their employment in mines,⁷⁹ in the public sector,⁸⁰ and in private companies incorporated by the legisla-

Oriental Race and Their Descendants" in N. MacKenzie, ed., *The Legal Status of Aliens in Pacific Countries* (London: Oxford University Press, 1937) 77 at 81-2: "Employment in the public service in British Columbia is restricted to British subjects, with an exception for specialists. There is a *de facto* exclusion of British subjects of Oriental race and the employment of one of them, while not illegal, would occasion general amazement. From municipal service there is also a *de facto* exclusion." See also K.J. Anderson, *Vancouver's Chinatown: Racial Discourse in Canada, 1875-1980* (Montreal: McGill-Queen's University Press, 1991) who notes at 128 that in Vancouver occupational closure against people of Chinese origin extended *de facto* to jobs in banking, in the department stores, and in nursing at the Vancouver General Hospital, an institution where in the 1920s sick Chinese patients were treated only in the basement. Adilman, *supra* note 9 at 53-78 notes that it was not until the 1950s and 60s that Chinese-Canadian women gained more than token entry into white-dominated and white-run businesses. Prior to this they were restricted to positions in fruit and vegetable markets, restaurants, laundries, garment making, and seasonal farm labouring. Offices, department stores, nursing, teaching, and other professional lines of work were virtually closed to Asian women. See also Nipp, *supra* note 25 at 190, where she notes that in British Columbia, Chinese women were refused admission into the health professions. On the informal barriers to obtaining jobs in factories, offices and banks, see Women's Book Committee, *supra* note 26 at 141-2, 146. For American comparisons, see J. Yung, "The Social Awakening of Chinese American Women as Reported in *Chung Sai Yat Po*, 1900-II" and E.N. Glenn, "The Dialectics of Wage Work: Japanese-American Women and Domestic Service, 1905-40" in E.C. Dubois & V.I. Ruiz, eds., *Unequal Sisters* (NY: Routledge, 1990) at 195-207 & 345-72.

79 Some provisions barred the Chinese (and Japanese) specifically, while others used more indirect language requirements. See various enactments relating to coal mines, metalliferous mines, quarries, metallurgical works and placer mines: S.B.C. 1877, c.15, s.46, Rule 33; S.B.C. 1888, c.84, s.7; C.S.B.C. 1888, c. 84, s.79, Rule 34; S.B.C. 1890, c.33, s.4; S.B.C. 1894, c.5, s.2; S.B.C. 1895, c.38; S.B.C. 1897, c.27, s.12 and 14; R.S.B.C. 1897, c.138, s.82, Rule 34; R.S.B.C. 1897, c.134, s.12; S.B.C. 1899, c.46, s.1-2 (disallowed); S.B.C. 1899, c.50 (disallowed); S.B.C. 1901, c.36, s.2; S.B.C. 1902, c.48, s.2, Rule 34 (disallowed); S.B.C. 1903, c.17, s.2, Rule 34 (disallowed); S.B.C. 1903-4, c.39, s.2; S.B.C. 1905, c.36, s.2, Rule 34 (disallowed); S.B.C. 1911, c.33, s.87, Rule 42; R.S.B.C. 1911, c.160, s.91, Rule 42; R.S.B.C. 1911, c.164, s.15, Rules 13 and 15; R.S.B.C. 1924, c.171, s.101, Rule 42; R.S.B.C. 1936, c.188, ss. 6 and 101, Rule 42; S.B.C. 1948, c.55, s.15(5). See also *In re The Coal Mines Regulation Amendment Act, 1890* (1896), 5 B.C.R. 306 (S.C.); *R. v. Little* (1897), 6 B.C.R. 78; *R. v. Little* (1898), 6 B.C.R. 321; *Union Colliery Co. v. Bryden*, [1899] A.C. 583; *A.-G. v. Wellington Colliery Co.* (1903), 10 B.C.R. 397 (C.A.); *In re the Coal Mines Regulation Act and Amendment Act, 1903* (1904), 10 B.C.R. 408 (C.A.); *Re the Coal Mines Regulation Act* (1904), 10 B.C.R. 408; *R. v. Priest* (1904), 8 C.C.C. 265; 10 B.C.R. 436 (S.C.). See also A. Grove & R. Lambertson, "Pawns of the Powerful: The Politics of Litigation in the Union Colliery Case" (1994) 3 *BC Studies* 103.

I am indebted to Bruce Ryder for sharing his detailed legislative research on the province of British Columbia with me. For more detailed analysis of the British Columbia legislation and its reception in the courts, see Ryder, "Racism and the Constitution", *supra* note 19.

80 British Columbia passed some of the earliest "contract compliance" legislation in the country, in this case designed not to reduce racial discrimination against minority populations but to enhance it. Various statutes prohibited the employment of Asian workers by companies or persons that received "any property, rights or privileges" from the legislature. Others barred provincial assistance to businesses hiring workers unable to read in a language of Europe. See S.B.C. 1878, c.35; S.B.C. 1897, c.1 (assent reserved); S.B.C. 1898, c.28 (disallowed); S.B.C. 1900, c.14 (disallowed); S.B.C. 1902, c.38 (disallowed); S.B.C. 1903, c.14 (disallowed); S.B.C. 1905, c.30 (disallowed).

Orders in council stipulated that in all contracts, leases and concessions entered into by the government, provision must be made barring the employment of Chinese or Japanese workers: see Resolution, 15 April 1902, reproduced in the schedule to *Oriental Orders in Council Validation Act* S.B.C. 1921, First Session, c.49 (disallowed). These affected timber licences, mining leases, railway contracts on public lands, public works contracts affecting

ture.⁸¹ A series of British Columbia statutes and by-laws impeded the Chinese from obtaining licences for laundries, liquor, mining, pawn-broking, building and hand-logging.⁸² Professions such as law and pharmacy,

roads, telegraphs, telephone lines, harbours, canals and dams, and all instruments issued under the *Land Act*, *Coal Mines Act*, *Water Clauses Consolidation Act*, and the *Placer Mining Act*. See also *Re the Japanese Treaty Act, 1913*, [1920] 3 W.W.R. 937, (1920), 56 D.I.R. 69, 29 B.C.R. 136 (C.A.); *Re Oriental Orders in Council Validation Act* (1922), 63 S.C.R. 293; 65 D.I.R. 577 (S.C.C.); appealed [1923] 4 D.I.R. 698; 3 W.W.R. 945 (P.C.); *A.-G. (British Columbia) v. Brooks-Bidlake and Whittall Ltd.* (1922), 63 S.C.R. 466; 66 D.I.R. 475; [1922] 3 W.W.R. 9 (S.C.C.); appealed [1923] 1 W.W.R. 1150; 2 D.I.R. 189 (P.C.); *A.-G. (British Columbia) v. A.-G. (Canada) (Japanese Treaty Case)*, [1924] A.C. 203.

For more details see Ryder "Racism and the Constitution", *supra* note 19.

- 81 For a thorough analysis see Ryder, "Racism and the Constitution", *supra* note 19, who notes at 125 that between 1885 and 1907, the British Columbia legislature inserted a clause prohibiting the hiring of Asian labour in fifty-seven acts incorporating private companies, of which only a few were disallowed. See S.B.C. 1885, c.30, s.32; S.B.C. 1885, c.31, s.38; S.B.C. 1886, c.16, s.4; S.B.C. 1886, c.22, s.8; S.B.C. 1886, c.25, s.27-30; S.B.C. 1886, c.26, s.8, 11-14; S.B.C. 1886, c.27, s.16-19; S.B.C. 1886, c.29, s.19-22; S.B.C. 1886, c.30, s.10-13; S.B.C. 1886, c.31, s.16-19; S.B.C. 1886, c.33, s.35-8; S.B.C. 1886, c.34, s.3-6; S.B.C. 1886, c.35, s.36-9; S.B.C. 1890, c.50, s.27-30; S.B.C. 1891, c.48, s.58-61; S.B.C. 1891, c.69, s.20-3; S.B.C. 1894, c.3, s.2; S.B.C. 1894, c.19, s.2; S.B.C. 1895, c.59, s.3-6; S.B.C. 1896, c.56, s.4; S.B.C. 1896, c.51, s.6; S.B.C. 1896, c.6, s.3; S.B.C. 1897, c.1 (assent reserved); S.B.C. 1898, c.10, s.30; S.B.C. 1898, c.30, s.7; S.B.C. 1898, c.46, s.21; S.B.C. 1898, c.47, s.29; S.B.C. 1898, c.48, s.17; S.B.C. 1898, c.50, s.39; S.B.C. 1898, c.51, s.10; S.B.C. 1898, c.52, s.35; S.B.C. 1898, c.53, s.20; S.B.C. 1898, c.54, s.25; S.B.C. 1898, c.55, s.49; S.B.C. 1898, c.56, s.27; S.B.C. 1898, c.57, s.11; S.B.C. 1898, c.58, s.39; S.B.C. 1898, c.59, s.43; S.B.C. 1898, c.60, s.34; S.B.C. 1898, c.61, s.44; S.B.C. 1898, c.62, s.23; S.B.C. 1898, c.63, s.12; S.B.C. 1898, c.64, s.24; S.B.C. 1898, c.44, s.7 (disallowed); S.B.C. 1898, c.28 (disallowed); S.B.C. 1899, c.44, s.6 (disallowed); S.B.C. 1899, c.78, s.35; S.B.C. 1899, c.79, s.15; S.B.C. 1899, c.80, s.38; S.B.C. 1899, c.81, s.39; S.B.C. 1899, c.83, s.18; S.B.C. 1899, c.84, s.7; S.B.C. 1899, c.85, s.5; S.B.C. 1899, c.86, s.5; S.B.C. 1899, c.87, s.31; S.B.C. 1899, c.88, s.22; S.B.C. 1899, c.89, s.37; S.B.C. 1900, c.14 (disallowed); S.B.C. 1901, c.65, s.2; S.B.C. 1901, c.69, s.27; S.B.C. 1901, s.70, s.2; S.B.C. 1901, c.71, s.21; S.B.C. 1901, c.72, s.21; S.B.C. 1901, c.73, s.23; S.B.C. 1901, c.77, s.24; S.B.C. 1901, c.78, s.22; S.B.C. 1901, c.79, s.20; S.B.C. 1901, c.81, s.23; S.B.C. 1901, c.83, s.32; S.B.C. 1901, c.84, s.22; S.B.C. 1901, c.85, s.25; S.B.C. 1901, c.86, s.26; S.B.C. 1901, c.87, s.24; S.B.C. 1902, c.57 (disallowed). *The Companies Act* S.B.C. 1897, c.2, s.145 prohibited any Chinese company from doing business in British Columbia.
- 82 Some required higher licensing fees from Chinese applicants than from others. Some expressly denied licences to the Chinese, while still others did so indirectly through a discriminatory application of facially neutral policies. Others operated by restricting licences to persons on the voters' list, from which Asians were omitted. See, for example, S.B.C. 1881, c.16, s.104, s.110(10); S.B.C. 1884, c.4, s.14 and 16; S.B.C. 1885, c.21, s.11; S.B.C. 1894, c.29, s.5; S.B.C. 1899, c.39, s.22-3 and 36 (disallowed); S.B.C. 1902, c.40, s.2 (disallowed); S.B.C. 1909, c.28, s.7; S.B.C. 1910, c.30, s.26; R.S.B.C. 1911, c.129, s.108(2); R.S.B.C. 1911, c.142, s.25; S.B.C. 1912, c.17, s.31(b); S.B.C. 1915, c.50 (assent reserved); S.B.C. 1919, c.27, s.2; S.B.C. 1922, c.25, s.3; S.B.C. 1923, c.17, s.22(l)(b); R.S.B.C. 1924, c.84, s.3(2), s.4(2); S.B.C. 1928, c.49. See also *Tai Sing v. Macguire* (1878), 1 B.C.R. 101; *Wing Fong's Case* (1885), 1 B.C.R. 150; *R. v. Gold (Commissioner of Victoria District)* (1886), 1 B.C.R. 260; *R. v. Mee Wah* (1886), 3 B.C.R. 403 (Co.Ct.); *Re Glover v. Sam Kee* (1914), 20 B.C.R. 219; *R. v. Corporation of Victoria* (1888), 1 B.C.R. 331; *Re Kanamura* (1904), 10 B.C.R. 354 (S.C.); *Re the Municipal Clauses Act v. Re Wah Yung & Co.* (1904), 11 B.C.R. 154 (S.C.); *Sing Kee v. Johnston* (1902), 5 C.C.C. 454 (B.C.Co. Ct.); *Loo Gee Wing v. Amor* (1909), 10 W.1.R. 383 (B.C. Co. Ct.); *R. v. Snag Chong* (1909), 11 W.1.R. 231; 14 B.C.R. 275 (B.C.S.C.); *Glover v. Sam Kee*, [1914] 5 W.W.R. 1276; (1914), 20 B.C.R. 219; 27 W.1.R. 886 (B.C.S.C.); *R. v. Low Chung* (1919), 27 B.C.R. 469 (B.C.S.C.). In the township of Richmond, a Chinese farmer was convicted of violating the Lord's Day by working on a Sunday: *R. v. Sam Bow*, [1919] 3 W.W.R. 315; (1919), 31 C.C.C. 269; 27 B.C.R. 234 (B.C.S.C.); appealed *R. v. Lam Joy*; *R. v. Sam Bow*, [1920] 2 W.W.R. 1006; (1920), 28 B.C.R. 253 (B.C.C.A.). See also attempts to convict

which required candidates to be on the voters' list, were also barred to Asians in British Columbia.⁸³

Licensing statutes passed in Quebec were designed to impose cumbersome inspection fees on Chinese laundries, while leaving their competitors untouched.⁸⁴ Various municipalities across the country, Hamilton and Lethbridge being among the leaders, passed other by-laws intended to constrict business opportunities for Chinese laundries.⁸⁵ Saskatchewan,

Chinese laundrymen under factory legislation: *R. v. Chow Chin*, [1920] 2 W.W.R. 997 (B.C.S.C.); *R. v. Chong Kee et al.* (1920), 37 C.C.C. 22; 29 B.C.R. 165 (B.C.C.A.); *Wong Sam et al. v. Hamilton (City of)* (1929), 52 C.C.C. 357; 42 B.C.R. 133 (B.C. Co. Ct.). In this context, it is perhaps not surprising that Chinese businessmen were some of the first to challenge provincial marketing board schemes: see *R. v. Chung Chuck*, [1928] 4 D.I.R. 659; 3 W.W.R. 129; (1928), 50 C.C.C. 235; 40 B.C.R. 352 (B.C.S.C.); (1929), 42 B.C.R. 116 (B.C.S.C.); *R. v. Wong Kit*, [1928] 3 W.W.R. 401; (1928), 4 B.C.R. 424 (B.C.S.C.); reversed on appeal *sub nom. Chung Chuck v. R.; Wong Kit v. R.*, [1929] 1 D.I.R. 756; 1 W.W.R. 394; (1929), 51 C.C.C. 260; 40 B.C.R. 512; (1930), 54 C.C.C. 174; 43 B.C.R. 125 (B.C.C.A.); [1930] 2 D.I.R. 97; 1 W.W.R. 129; (1929), 53 C.C.C. 14 (P.C.); *R. v. Wong York*, [1929] 3 W.W.R. 199; (1929), 52 C.C.C. 196; 42 B.C.R. 64 (B.C.S.C.); reversed [1930] 2 D.I.R. 552; 1 W.W.R. 388; (1930), 53 C.C.C. 68; 42 B.C.R. 246 (B.C.C.A.); *Mainland Potato Committee of Direction v. Yee* (1931), 43 B.C.R. 453 (B.C.C.A.); *Chung Chuck & Mah Lai v. Gilmore et al.*, [1937] 1 D.I.R. 119; [1936] 3 W.W.R. 575; (1936), 67 C.C.C. 264; 51 B.C.R. 189 (B.C.C.A.); *R. v. Chin Hong*, [1936] 3 D.I.R. 307; 1 W.W.R. 711; (1936), 65 C.C.C. 334; 50 B.C.R. 423 (B.C.S.C.); *Lowe Chong et al. v. Gilmore et al.*, [1937] 1 W.W.R. 410; 3 W.W.R. 406; (1936), 51 B.C.R. 157 (B.C.S.C.); (1937), 51 B.C.R. 559 (B.C.C.A.); *R. v. Lee Sha Fong*, [1939] 3 W.W.R. 459; (1939), 54 B.C.R. 380 (B.C.S.C.); reversed on appeal [1940] 3 D.I.R. 317; 2 W.W.R. 160; (1940), 73 C.C.C. 375; 55 B.C.R. 129 (B.C.C.A.). See also discussion of the attempts by the federal Department of Fisheries to restrict the number of commercial fishing licenses issued to the Japanese in Ward, *supra* note 3 at 122; and discussion of the decision of the Vancouver board of licence commissioners to exclude Chinese workers from all liquor-licensed premises in 1916 as well as the requirement in 1935 for Chinese cooks in Western restaurants to undergo a physical examination for infectious diseases: Anderson, *supra* note 78 at 116 and 164.

- 83 Enrolment as a student-at-law and articled law clerk, and registration as a certified pharmacist's apprentice were both limited to those entitled to be placed on the voters' list under the *Provincial Elections Act*: Rule 39 of the Law Society of British Columbia, passed pursuant to the *Legal Professions Act* S.B.C. 1895, c.29, s.37; s.15 of the *Pharmacy By-Laws*, passed pursuant to the *Pharmacy Act* S.B.C. 1891, c.33. The law society rule resulted from a petition in 1918 by Vancouver law students seeking to prohibit "Asiatics" from becoming lawyers: see Lee, *supra* note 10 at 312, citing A. Watts, *Lex Liberorum Rex: History of the Law Society of British Columbia 1869-1973* (Vancouver: Law Society of British Columbia, 1973) at 36. See also Ryder, "Racism and the Constitution", *supra* note 19 and Angus, *supra* note 78 at 83.
- 84 *An Act to amend the Quebec License Law relating to public laundries*, S.Q. 1915, c.22 increased licence and inspection fees for public laundries. While laundries operated by charitable organizations, corporate enterprises and those run by "a laundress...alone or with members of her family" were exempt, others (including those of Chinese men) were initially subject to fees as high as fifty dollars: J.F. Krauter & M. Davis, *Minority Canadians: Ethnic Groups* (Toronto: Methuen, 1978). See the unsuccessful attempt to challenge a Quebec city municipal by-law which required Chinese laundries to obtain a licence of \$75, while other laundries paid only \$50: *Sun Ling v. Recorder's Court* (1921), 37 C.C.C. 117 (Quebec Superior Court). See also *Tum Sing v. La Cour de Recorder de la Cite de Quebec et al.* (1921), 23 R.P. Que. 104 (C.S.).
- 85 In 1911, Lethbridge City Council passed by-law no. 83, permitting Chinese laundries to operate only within a restricted area. Hamilton by-laws prohibited the Chinese from operating laundries, stores or factories in the central business district, and requiring them to take out licence renewals annually. Renewals could be denied if residents objected, and in 1913, fifteen Chinese laundry proprietors were refused the right to relocate after Hamilton residents objected. See Lai, *supra* note 48 at 90, 99; Palmer, *supra* note 23 at 32-4; G. Wenxiong, "Hamilton: The Chinatown That Died" (1978) 1 *The Asianadian: An*

Manitoba, Ontario and British Columbia all passed enactments making it a crime for Asian male employers to hire white female employees.⁸⁶ Entitlement to unemployment relief was also affected by race, and jobless Chinese applicants in both British Columbia and Alberta were denied assistance provided to whites.⁸⁷

THE DECISION TO ENTER LAW

Gretta Wong graduated from Central Collegiate High School in 1939, and enrolled in a program of economics and political science at the University of Western Ontario from 1939 to 1943.⁸⁸ Family resources had been stretched to the limit during the economically depressed 1930s, and the children were pressed into service at the restaurant, waiting tables part-time and taking cash. With so many children in university, however, the Wongs could only afford to pay their fees by instalment. Some years they could not scrape up enough money to make the final payments until well after the end of the academic year. "We couldn't get our marks until we had paid our

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- Asian Canadian Magazine* 15-17. See also *Re Song Lee v. Edmonton (Town of)* (1903), 5 T.I.R. 466 (Alta. S.C.), quashing a by-law that imposed a licence fee of \$25 per annum on laundries; *Re Pang Sing v. Chatham (City of)* (1909), 1 O.W.N. 238, on appeal (1910), 1 O.W.N. 1003, 16 O.W.R. 338 (Divisional Court) discussing a Chatham by-law impeding the operation of Chinese laundries; *Re By-Law No. 304 of Town of Minnedosa; Wong Sing v. Minnedosa (Town of)*, [1918] 3 W.W.R. 181 (Man. K.B.), upholding a licensing by-law that forced the Chinese plaintiff to close one of his two restaurants; *R. v. Wah Kee*, [1920] 3 W.W.R. 656; (1920), 35 C.C.C. 101 (Alta. S.C.) quashing a conviction of a Chinese laundry under an Edmonton early closing by-law; *R. v. Lee* (1921), 66 D.I.R. 492; 36 C.C.C. 189; 31 Man. R. 375; [1922] 1 W.W.R. 126 (Man. C.A.) dismissing charges against a Chinese shop owner under early closing laws; *Re Lem Yuk v. Kingston (CITY OF)* (1926), 31 O.W.N. 14; confirmed on appeal (1926), 31 O.W.N. 159 (Ont. Divisional Ct.), upholding the refusal of Barrie City Council to issue a laundry licence to a Chinese proprietor; *McCorquodale v. Wong*, [1937] 1 D.I.R. 347; (1936), 67 C.C.C. 288 (Man. K.B.), upholding the conviction of a Chinese businessman who permitted dancing in his restaurant for failing to obtain a "dance hall licence", reversed on appeal [1937] 1 W.W.R. 552; (1937), 68 C.C.C. 236; 45 Man. R. 137 (Man. C.A.). See also *Lee Yee v. Durand*, [1939] 2 D.I.R. 167 (N.S.S.C.), at 169 in which the court suggests that it might be fraudulent, as a matter of law, for a landlady to represent to a tenant that the Halifax City Health Board would treat Chinese and English applicants for laundry licences on an equal footing.
- 86 The Saskatchewan statutes included S.S. 1912, c.17; S.S. 1912-13, c.18; S.S. 1918-19, c.85; S.S. 1925-26, c.53; R.S.S. 1930, c.257; R.S.S. 1940, c.309. The Manitoba statutes included S.M. 1913, c.19; repealed in S.M. 1940, c.35. The Ontario statutes included S.O. 1914, c.40, s.2; R.S.O. 1927, c.275, s.30; S.O. 1929, c.72, s.5; S.O. 1932, c.35, s.29; R.S.O. 1937, c.194, s.28, repealed in S.O. 1947, c.102, s.1. British Columbia passed similar legislation, later including Indian women and girls in the protected category as well: S.B.C. 1919, c.63, s.13(1); S.B.C. 1923, c.76; R.S.B.C. 1924, c.275; R.S.B.C. 1936, c.309; R.S.B.C. 1948, c.366. See Backhouse, *supra* note 1 for a more detailed analysis.
- 87 In some cases the rates of assistance were less, and in other cases Chinese workers were ruled completely ineligible. See Palmer, *supra* note 23 at 145-8; Creese, "Exclusion or Solidarity?", *supra* note 23 at 44. But see also early legislative attempts to eliminate race discrimination in unemployment relief: S.B.C. 1932, c.58; S.B.C. 1933, c.71; S.B.C. 1945, c.62, s.8.
- 88 Women's Book Committee, *supra* note 26, quotes Gretta Wong Grant at 63 regarding sororities at the University of Western Ontario:

There was discrimination in the university sororities as well. This friend of mine knew I really didn't want to join, but she wanted to test the tolerance of her own group. So I agreed to go through the process of applying. Eventually, they accepted me, but there was some discussion about whether or not they could let in "coloured." Then I turned them down (laugh). That would be about 1941.

fees," remembers Gretta. "So we would go by the office and they would say, 'you are okay, but we can't give you the numbers.' And we would know [at least] that we had passed."⁸⁹

Long before she reached university Gretta had already made up her mind to embark on a career in law. She made a deliberate decision not to follow her sisters and an older brother into medicine. "I wasn't a science person," she advises, adding with laughter: "I used to faint at the sight of blood." She had briefly toyed with the idea of pharmacy, but law finally took precedence. "I used to argue a lot", explains Gretta. "My family used to tease me. They always said 'you should be a lawyer.'"⁹⁰

Gretta and her family knew many of the lawyers in London, since they often dined at "Wong's Café".⁹¹ One in particular had become a close friend. Given the intricacies of the restrictive laws which burdened Chinese individuals and businesses, Lem Wong needed to consult with J.W.G. Winnett so frequently that the children grew up regarding him as the "family lawyer." A single man who lived with his two spinster sisters, Winnett had conducted a general law practice in London since 1892. He invited the Wong family to his home, and when he learned of Gretta's interest in a legal career, he showed her around his law office premises that Gretta later described as "like [something] out of Dickens." Winnett's considerable role in her father's life and business was highly influential in Gretta's sense of the importance of law.⁹²

In 1943, when Gretta Wong was accepted as a student-at-law by the Law Society of Upper Canada, there were no Chinese-Canadian lawyers in the country.⁹³ Kew Dock Yip had come from Vancouver to study law at Osgoode Hall one year earlier, but Gretta's first contact with him came when she arrived at the school. There were very few women lawyers, and

89 Osgoode Society Transcript, *supra* note 6 at 22-25; 1991 Interview, *supra* note 14, "Chronology".

90 Osgoode Society Transcript, *supra* note 6 at 22-5; 1991 Interview, *supra* note 14 at 5-7.

91 "And then, through the restaurant, there would be a lot of lawyers and their families coming up. And I think my father felt it was an accepted profession.... He met a lot of professional people through the business, and they weren't maybe his friends but, you know, they were acquaintances, and he met them and he got to admire some of them", 1991 Interview, *supra* note 14 at 6.

92 1991 Interview, *supra* note 14 at 5-7. In describing Winnett's influence, Gretta Wong Grant, at 9, states:

As I said to Mr. Winnett, I knew that there were certain things that you needed lawyers for. I thought probably it was a happy kind of profession, that they called on you.... Because I would just remember my father, whenever he needed something, he would always call Mr. Winnett, even if he was going across the border or something like that.[...] So, I think it was because my dad had needed somebody like that. I thought it was a good profession to go into.

Joseph Wearing, the Senior County Court Judge for Middlesex County, who signed her character reference for application for admission to the Law Society, was another individual who encouraged Gretta to apply.

93 On American attitudes toward Asian lawyers, see S. Chan, *Asian Americans: An Interpretive History* (Boston: Twayne Publishers, 1991) 102 at 113-14, where she discusses a study done by several Stanford University professors between 1929 and 1933 on occupational choices of second-generation Japanese-Americans. They expressly cautioned against law, noting that "there seems to be a widespread feeling...that white judges and jurors are prejudiced against a Japanese lawyer."

Gretta made her decision to enter law knowing none of them.⁹⁴ She must have been aware that the profession was predominantly white and male. Gretta was not conscious, however, of being the first Chinese-Canadian woman to study law in Canada until long after she graduated. In retrospect, she emphasizes that being the first had little concrete significance for her:

You don't have it in your head, "Gee, I want to be the first." (Laughter) When we were going to university, nearly everything we did we were the first, because there were no others here! But we didn't think of doing it because we were *Chinese*. We were Canadian-born, just following opportunities that were available. That I was the first woman also did not dawn on me. It did not enter into whether you were going to do it or not.⁹⁵

STUDENT-AT-LAW

At the outset of her legal training, Gretta Wong was required to move to Toronto. Legal education in Ontario in the 1940s consisted of three years of articling supplemented by part-time lectures offered only at Osgoode Hall in Toronto.⁹⁶ There she found herself somewhat estranged from the Chinese community. "I didn't speak Chinese [well]...so...I got [a] sort of reverse discrimination because they couldn't figure out who I was or what I was doing," she explains.⁹⁷ Gretta also experienced Toronto as distinctly more racist than London. "If you weren't WASP, Toronto was a pretty closed shop," she recalls.⁹⁸ One landlord refused to rent an apartment when he learned the prospective tenant's name was "Gretta Wong".⁹⁹ Eventually, Gretta chose to live in a cooperative student residence on Huron Street, which catered to graduate students and housed many international students of different races.¹⁰⁰

94 1991 Interview, *supra* note 14 at 8.

95 *Id.* at 60.

96 For those who became students at law without a university degree, an extra two years of articling experience was required, Osgoode Transcript, *supra* note 6 at 27-8.

97 Osgoode Transcript, *supra* note 6 at 33. Women's Book Committee, *supra* note 26, quotes Gretta Wong Grant at 63 concerning her loss of the Chinese language: "There was no Chinese school for us in London. I think my father felt badly about this. He hired a private tutor to help us with our Chinese, but it just went by the wayside because we were so busy with all the other things and my parents were both trying to learn English."

98 Osgoode Transcript, *supra* note 6 at 21, 29. She elaborated: "I must tell you that when I went to Toronto, that was when I really felt discrimination more than at any other time, just because there was more of a Chinatown, there was more segregation. I was always used to mingling with everybody. In Toronto the Chinese used to go back into their own, much more than I was ever used to do. The non-Chinese wouldn't accept you much as they did when I was here in London." See Yee, *supra* note 69 at 180.

99 For her first year, Gretta Wong shared an apartment with a friend from London, Ruth Drummond, who was attending teachers' college. Ruth Drummond had preceded Gretta to Toronto and found an apartment, but when the owners learned that her roommate was Gretta Wong, they reneged on the deal. Hoping to spare Gretta from embarrassment, Ruth Drummond did not reveal any of this to her roommate, but found another apartment. Osgoode Transcript, *supra* note 6 at 32.

100 The cooperative residence housed medical, engineering, art, dental and law students from the University of Toronto, the art college, and Osgoode Hall. There were students from Jamaica, India, and a number of Jewish students. Gretta chose to live there because there "was less prejudice within that group", it was "cheaper", and she "agreed with the coopera-

Securing an articling position had proven to be a serious barrier for women and students of colour in the past. Delos Rogest Davis, one of Canada's earliest Black lawyers, had been forced to obtain a special statute admitting him to the practice of law in 1885, since he was unable to find a white lawyer willing to hire a Black legal apprentice.¹⁰¹ Clara Brett Martin, Canada's first woman lawyer, had needed the connections of her class to land an articling job with Sir William Mulock, the father of one of her long-time friends.¹⁰² Gretta Wong confesses that she was a bit naive about the potential difficulties:

You had to have a place to article and you had to have some recommendations from people to get in. [But] I was going along not thinking too much about Toronto, because I wasn't aware of some of the prejudices about women and visible minorities....¹⁰³

In the end it was her family's culinary reputation that enabled Gretta Wong to attract an articling offer from McCarthy and McCarthy in Toronto, one of the largest and most prestigious law firms in the country. Leighton McCarthy, the senior partner in the firm, maintained an elaborate summer residence in Muskoka off Honey Harbour. The family lodge was located on an island, surrounded by smaller guest cottages, with separate children's and nursemaid's quarters. Mrs. McCarthy was in the habit of hiring a male Chinese cook and a Chinese student to assist her for the summer. The Chinese cook from Toronto who was scheduled to go up for the summer contacted the Wongs to determine whether one of Gretta's brothers would work as his assistant. Norm was selected, and when the cook was unexpectedly called back to Toronto early, Norm was pressed into service as chief cook, despite his lack of training. His sister recalls with great humour that her brother had "never cooked before in his life", and he urgently requested his brother Bill to help. Bill Wong followed his brother up to the resort, and the pair of them seem to have managed to more than satisfy the McCarthys. The McCarthys developed a great interest in the Wong family, inviting them to sojourn in one of the guest cottages that summer. When he discovered that Gretta planned to go into law, Leighton McCarthy responded without hesitation: "She has a place in my firm."¹⁰⁴

One of two new articling students, Gretta Wong entered the McCarthy and McCarthy law office in 1943. It was then a firm of approximately thirty lawyers, located in the Canada Life Building on University Avenue. Leigh-

tive philosophy." Osgoode Transcript, *supra* note 6 at 53-4; 1991 Interview, *supra* note 14 at 18-19, 60.

101 See I.C. Talbot, "History of Blacks in the Law Society of Upper Canada" (1990) 24:1 Law Society of Upper Canada *Gazette* 65; R.W. Winks, *The Blacks in Canada: A History* (New Haven: Yale University Press, 1971) 328. But see also I. Malcolm, "Robert Sutherland: The First Black Lawyer in Canada?" (1992) 26:2 Law Society of Upper Canada *Gazette* 183, which describes Robert Sutherland as apparently called to the bar in Ontario in the normal manner in 1855. Sutherland subsequently set up a practice in Walkerton, Ontario, an area which sustained a sizeable Black community.

102 See Backhouse, *Petticoats and Prejudice*, *supra* note 4 at 309.

103 Osgoode Transcript, *supra* note 6 at 28.

104 *Id.* at 29-31.

ton McCarthy had been appointed as the Canadian Ambassador to the United States, and was not actually practising, but once a month he would "summon" Gretta Wong to his office to ask her how she was getting along. In Gretta's view, she never encountered any anti-Chinese discrimination within the law firm because of this sponsorship. "I think because Leighton McCarthy had brought me in and he was the senior guy upstairs, I don't think anybody would dare discriminate against me."¹⁰⁵

Inside the McCarthy law firm, it was Gretta Wong's gender which marked her out for differential treatment. Assigned by Leighton McCarthy to work for senior partner, William R. West, Gretta describes her first and only meeting with West as perfunctory. "Hello, how are you? Okay. Okay.' And that's all I ever saw of him. I never ever worked with him." A "gruff" bachelor, who resided at the University Club just down the street from his office, West specialized in corporate litigation. There was prevailing agreement among most of the firm members that women should be relegated to real estate work, which even Leighton McCarthy's assignment of Gretta to West did little to ruffle.¹⁰⁶

During Gretta Wong's stay at McCarthy's, there were three other women associated with the firm. She quickly became close friends with Jean Oldrieve, originally from St. Thomas, Ontario and the only other female articling student, who was a year ahead of Gretta. Jean Oldrieve was a brilliant scholar who excelled in her bar admission exams. When Gretta consistently performed less spectacularly herself, she laughingly recalls the consoling words she received from members of the staff of McCarthy's: "Well, maybe you don't do as well, but we think you have more fun."¹⁰⁷ Marion Dart, whom Gretta remembers as "very tailored" and "extremely intelligent", and June Ryan, recalled as "a beautiful blonde and fluffier...she used to wear frills and things", were the other two women lawyers. Both of them were confined to real estate practices, although Marion Dart, the more senior, also did some estate work.¹⁰⁸

Gretta Wong found her first year at McCarthy's exclusively devoted to running errands and searching titles. Although the pay was higher than at most other firms, she recollects that it was not enough to live on, and her father and sisters provided additional financial assistance. Not once during her entire three years, did she ever meet a client. Towards the end of her articling, she was able to branch out into researching certain estate matters, but the focus was always on paper work, never on court appearances.¹⁰⁹ In contrast, the male articling students used to go to court with Senator Hayden, the senior litigator. Their role was mainly to carry his bags, but it was

105 1991 Interview, *supra* note 14 at 27, 29.

106 Osgoode Transcript, *supra* note 6 at 40.

107 Osgoode Transcript, *supra* note 6 at 35. Jean Oldrieve was invited to stay on at McCarthy's after her call, where she was placed in a strictly research position for a year or so. Dissatisfied with these restrictions, she contacted Gretta upon her call to the bar to see if she was interested in setting up in practice together. Gretta was not "prepared to do that at the time". Jean Oldrieve married a doctor, settled in Toronto and dropped out of the practice of law: 1991 Interview, *supra* note 14 at 24-5; Osgoode Transcript, *supra* note 6 at 52.

108 Osgoode Transcript, *supra* note 6 at 41; 1991 Interview, *supra* note 14 at 24.

109 Osgoode Transcript, *supra* note 6 at 31; 1991 Interview, *supra* note 14 at 28-30.

training of a sort. Gretta recounts with laughter the day she almost toppled the traditional gender divide:

I remember one day the woman at the switchboard called back for a student. I was the only one who happened to be in. "Come up here, Senator Hayden wants a student." So I said, "fine." And he had headed off, and there was this little purple bag, and I knew I was to carry his robes over, but I was sure that he didn't want me. (laughter) Well, he had already left and I was to follow, you see. She said, "you had better go" and I said, "he doesn't want me." "He called for a student, and you are the only one here, you go." So I took the bag and started running down, and when we got to the robing room, of course, he took one look at me and grabbed the bag and sent me back to the office.¹¹⁰

The four women from McCarthy's socialized together, with Marion Dart occasionally taking them to dine at the Granite Club. "Of course we thought this was marvellous, to go to the Granite Club," recalls Gretta. Noting the discomfort of some of her fellow students, who were unaccustomed to formal dining service, Gretta was relieved to find herself quite at ease in these surroundings. Years of watching her father serve in the restaurant had familiarized her with the intricacies of "haute cuisine".¹¹¹

All four women were active in the Women's Law Association of Ontario, which had been founded in Toronto in 1919 as a professional support network for women lawyers. Despite the rigidly defined gender distinctions, having four women in one firm made McCarthy's something of a pace-setter, and Gretta recalls that the other members of the W.L.A.O. soon christened them "The McCarthy's Harem". At W.L.A.O. meetings they listened to guest speakers such as Helen Kinnear, Canada's first female superior court judge, and Margaret Hyndman, perhaps the leading legal advocate for women's rights. Although Gretta emphasizes that there was never "any militancy", at these meetings the women lawyers used to talk about "how they were being treated in firms", and the lack of access to certain kinds of work in particular:

They were very determined women...and they thought they should try to make things better for women if they could, within their firm. They were so few, really, compared to the men. They always thought that we were lucky to be at McCarthy's because we at least had some company. A lot of them were the only woman in a firm. I think the women felt they had to be brighter to get in than the men.¹¹²

Gretta's overall perspective was that "McCarthy's was really a very pleasant place to work, in spite of the fact that it was male chauvinist dominated."¹¹³

Her sense of the lecturers at Osgoode Hall was similar:

110 Osgoode Transcript, *supra* note 6 at 38; 1991 Interview, *supra* note 14 at 30.

111 Osgoode Transcript, *supra* note 6 at 11; 1991 Interview, *supra* note 14 at 25.

112 1991 Interview, *supra* note 14 at 25-6; Osgoode Transcript, *supra* note 6 at 37.

113 Osgoode Transcript, *supra* note 6 at 40.

I think some of them felt that we would never become judges and the great advocates...you know, that there was a place for women. [But] they tolerated us, and they were pleasant. I think they thought we were a pleasant change....¹¹⁴

Between 1943 and 1946, when Gretta Wong attended these lectures, the Second World War wreaked havoc with the size of the class. Military service abruptly ended thoughts of law school for many men, and only thirty-two students graduated in 1946, the smallest class ever. Women stepped forward to fill some of the openings, and in Gretta's entering year, six of the students-at-law were female.¹¹⁵

Gretta's female classmates were Margaret Dufresne, Ann Brown, Margaret Bennett, Margaret Grimshaw and Helen Carefoot.¹¹⁶ They quickly banded together to form the Osgoode Women's Legal Society, "the OWLS". Getting together to dine in nearby restaurants at least once a month, the six "would sit around and talk about things at the school and how things were going and bolster each other up if we needed." In time they invited the women students from the other classes to join them, but the offer was declined. Gretta attributes this to the "seriousness" of the other women: "I think some of the other women thought that we were being flighty or something, but we did have a lot of fun." And she admits with a grin, "I must say, we enjoyed ourselves."¹¹⁷ The latter point is one that Gretta stresses in retrospect: "[I would hate for it to] appear that I or any woman in those times had no fun. In spite of the difficulties we faced, it was fun to be at law school and we did enjoy it."¹¹⁸

Despite their reputation, the OWLS became far more than a social group, for they collectively launched some of the first concerted attacks against sex discrimination at Osgoode Hall. Gretta tends to attribute the driving force behind these efforts to Helen Carefoot, a "renegade" who had run for the NDP while a student, and was "always stirring up the crowd and doing

¹¹⁴ *Id.* at 42.

¹¹⁵ Gretta Wong Grant recalls that there were "between forty and fifty" students in the entering class. Due to the demands of military service, some of the men left before completing their legal studies, and two or three returned from the war to join the class. At graduation, there were twenty-eight in the class. Osgoode Transcript, *supra* note 6 at 27-29; personal communication from Gretta Wong Grant to the author, 16 February 1993; copy on file with the author.

¹¹⁶ Ann Brown, a "highly motivated" woman from Toronto, dropped out in her first year. Margaret Dufresne, who entered without a university degree, was married with grown children and a husband in the military. She had to article longer than the others, and graduated after the group, later practising in Toronto. Margaret Bennett, "a very quiet, very pleasant person" graduated and entered practice with her father in Toronto. Margaret Grimshaw practised in Toronto after graduation. Helen Carefoot practised law in Windsor. 1991 Interview, *supra* note 14 at 11-14.

¹¹⁷ 1991 Interview, *supra* note 14 at 19, 21-2.

¹¹⁸ Gretta Wong Grant made this remark after reading an earlier draft of this article: "I am impressed with your draft. The only remark I have to make at this time is that it does not appear that I or any woman in those times had any fun. In spite of the difficulties we faced, it was fun to be at law school and we did enjoy it. That feeling does not come through in the draft." Personal communication from Gretta Wong Grant to the author, 16 February 1993; copy on file with the author.

things."¹¹⁹ While Helen has been designated as "the feminist in the group at that time", Gretta emphasizes that "we all supported her."¹²⁰ Gretta's own role was not inconsiderable. From her father, she had been taught to expect gender equality in education. From her sisters' success in medical school, she had learned that sex differences ought not to stand in the way of professional achievement.¹²¹ The combination of an unprecedented number of women in law, the unique group of individuals involved, and Osgoode Hall's overt discrimination against women fused together in 1946 to create an explosive force.

The first protest erupted over the moot court program. Each year the law students showcased a mock jury trial in which they postured as lawyers, jurors and witnesses. The senior students took the more important roles, leaving the first and second year students to fill the lesser positions. The culmination was a public presentation before friends and relatives against the backdrop of Osgoode Hall's stately arches and stained glass windows. At issue was the composition of the jury. Since women were still prohibited from serving on juries in Ontario, the moot court rules banned them from the mock jury trial as well.¹²²

The OWLS were outraged over their exclusion. Believing that women ought to serve on juries, they thought the law itself unjust. That the law school should pander to such obviously unfair practices in its educational program struck them as ludicrous. "But here, it isn't **legal**, it's a moot court," exclaimed Gretta. When informal protests met with no response, the OWLS decided to picket.¹²³

The six women drew up placards and stationed themselves around Osgoode Hall just as the moot court began to get underway. Their posters were plastered with slogans such as "Women should be on the jury", "Why don't you want women as much as men?", and "Why can't the women students serve?". They turned the pompous proceedings into ensuing chaos as they marched around and around the moot court room. Finally, the presiding judge, barrister George Walsh, called a halt to the formal program. He conceded that the women's point was fair, and invited them to sit on the jury. "And so we got to sit on the jury," laughs Gretta.¹²⁴

119 In addition to Helen Carefoot, Gretta also credits Margaret Dufresne for inspiring many of the feminist activities, 1991 Interview, *supra* note 14 at 13, 21.

120 Osgoode Transcript, *supra* note 6 at 43-4.

121 1991 Interview, *supra* note 14 at 8.

122 *An Act respecting Jurors and Juries*, R.S.O. 1914, c.64, s.3 read:

Subject to the provisions of s.44, unless exempted or disqualified, every male person of the age of twenty-one years or upwards, being a British subject by birth or naturalization, and in the possession of his natural faculties, and not infirm or decrepit, who or whose wife is assessed upon the last revised assessment roll as owner or tenant in respect of real property of the value of not less than \$600 in cities or \$400 in towns, villages and townships shall be qualified and liable to serve as a juror on grand and petit juries in the High Court Division, and in all courts of civil and criminal jurisdiction within the county in which he resides.

See also R.S.O. 1927, c. 96, s.2; R.S.O. 1937, c.108, s.2; R.S.O. 1950, c.191, s.2. Women were first permitted to serve on juries in Ontario by *An Act to amend the Jurors Act* S.O. 1951, c.41.

123 1991 Interview, *supra* note 14 at 20-21.

124 *Id.* at 19-24.

The next year, the OWLS protested against the policy stipulating the gender of the representatives elected to the students' legal society. The by-laws of the society provided that the president must be male, although the secretary could be either male or female. Affronted by this artificial barrier, the OWLS asked themselves, "Why shouldn't we run?" On the day of nominations, the OWLS placarded the area with signs reading "Why can't we be president?" Some of the male students "got a little annoyed" over the protest, but in the end, they caved in and changed the by-law.¹²⁵

"And then we nominated a man," chortles Gretta. Confronted by their perplexed male colleagues, who asked them how the women could nominate a man for president after all their efforts, the OWLS insisted that it was a matter of "principle". "None of us wanted to be president", recalls Gretta. "It wasn't that we thought we should always have women, [but that] the most qualified person should be elected."¹²⁶

In the classroom, by way of contrast, the women felt that they were accorded the same treatment as the male students. Caesar Wright taught them torts out of the first casebook used at Osgoode, Dr. Donald Alexander MacRae taught them the history of English law "from sheriffs...to shires", J.S. Tory Senior taught them company law, John Delatre Falconbridge taught contracts, Arthur Martin lectured on criminal law, and Bora Laskin delivered the first labour law course ever offered. Long, tedious examinations were written on the third floor of Osgoode Hall, under the watchful gaze of the menacing gargoyles carved in the rafters above.¹²⁷

In many ways it was a fine line that the women law students walked at Osgoode Hall. Although the male students were friendly, Gretta remembers that they used to insist on the importance of women's femininity. "That was one thing the men used to say to us: 'Don't be like us, be feminine.'" This advice rubbed one of the women students the wrong way. Gretta explains:

She was a very serious girl and she really wanted to be a lawyer and to do well. She dressed more mannishly than the rest of us. I think that she was the one that maybe offended them more than any of us.... She didn't laugh as much, maybe, as the rest of us did. And she was much more serious and she was more of a threat. [M]aybe they thought she was more of a threat than we were.¹²⁸

The concern with women lawyers' "femininity" had a long history in Canada. Clara Brett Martin had attracted great attention as Canada's first woman lawyer, with countless newspaper reporters competing to reassure the public that she had not become "masculinized" in attire, deportment, or office decor. Juxtaposed with "charming photos" of Clara Brett Martin in elegant ballgowns and full-length gloves came the insistent refrain that "professional success is not incompatible with the treasured feminine

125 *Id.* at 22-3; Osgoode Interview, *supra* note 6 at 44.

126 1991 Interview, *id.* at 23; Osgoode Transcript, *id.* at 44.

127 1991 Interview, *id.* at 14-16; Osgoode Transcript, *id.* at 44-7.

128 1991 Interview, *id.* at 12.

charms." For those who would not conform to these narrowly restrictive cultural constructs, social and professional ostracism ensued.¹²⁹

Gretta Wong's Chinese heritage appears to have excited less controversy at Osgoode Hall than her sex. "People would make remarks", she recalls, but the fact that she was enrolled in a professional school seemed to offer "a certain protection".¹³⁰ It was the Jewish students, in Gretta's view, who experienced much greater adversity. Anti-Semitism was rife among the Osgoode Hall student body, and Jewish students who wished to find articling positions outside of Jewish firms had an almost impossible task. When a Jewish classmate invited Gretta out on a date, one of her colleagues at McCarthy's expressed astonishment. "You wouldn't go out with him, would you?" he exclaimed. "Why not?" replied Gretta, and did.¹³¹

To the extent that Gretta Wong's racial background became an issue, it seemed to focus on the contrast she presented to Kew Dock Yip. During her first year, a third year student complimented Gretta Wong on her ability to speak English. "Well, I am from the same school system as you," she retorted, realizing only later that he had been drawing a comparison between her and Kew Dock Yip. "They knew Dock Yip, you see," she explains, "and he didn't speak English as clearly as I did."¹³² Gretta had met Kew Dock Yip at Osgoode, but did not have much contact with him. Her chief recollection of him, apart from his difficulty in speaking English, was that "he introduced the students to rice wine", with some resulting inebriation on the part of the new initiates.¹³³

Kew Dock Yip was also Canadian born, the son of a wealthy Chinese-Canadian merchant, but he had grown up in Vancouver, where the large Chinese community was significantly more ghettoized.¹³⁴ The Vancouver Riot in 1907, in which violent white racists had indiscriminately attacked Asian homes, property and individuals, had forcibly funnelled the energies of that city's Asian population inward. "It had this great effect," Kew Dock Yip would later recount, "[it] showed that we were not Canadian, we were not recognized as Canadians. So we knew that sooner or later we had to go [back] to China."¹³⁵ In response, the Chinese community concentrated its resources on Chinese language education for their children. Consequently Kew Dock Yip could speak three Chinese dialects, but his English remained

129 Backhouse, *Petticoats and Prejudice*, *supra* note 4 at 321-3.

130 Osgoode Transcript, *supra* note 6 at 32-3.

131 1991 Interview, *supra* note 14 at 16-17.

132 Osgoode Transcript, *supra* note 6 at 47.

133 1991 Interview, *supra* note 14 at 8.

134 The population of Vancouver's Chinatown first outstripped Victoria's in 1911, rising rapidly to 6,484 in 1921, and 13,011 in 1931. The numbers began to wither after the 1923 *Chinese Exclusion Act*, and Vancouver's Chinatown declined in population to 7,174 in 1941. It remained, however, the largest Chinese community in Canada. Lai, *supra* note 48 at 63, 84-5. Kew Dock Yip's father had immigrated to the United States in the 1860s, as a labourer, moving to Canada in the 1880s where he served as the head paymaster for railway labour contractor Onderdonk in the 1880s. By the time of Kew Dock Yip's birth, his father had become an affluent merchant, builder and community leader in Vancouver: "Oral History Transcript", Interview with Kew Dock Yip by Christine Kates, 22 May and 29 June, 1990, hereafter Osgoode, Transcript (Kew Dock Yip) at 1-13.

135 Osgoode Transcript (Kew Dock Yip), *id.* at 23.

only passable. Forced to attend racially segregated public schools in Vancouver, he had little opportunity to improve it.¹³⁶

Kew Dock Yip was anxious to break out of the ghettoized Vancouver Chinatown, and at the age of twenty-one he left to study at Columbia University and then at the University of Michigan, graduating with a bachelor of science (in pharmacy).¹³⁷ During his year at Columbia, which he described as a "cosmopolitan" experience, he decided to become a lawyer. Barred from law in his home province of British Columbia, he resolved to embark upon legal studies at Osgoode Hall.¹³⁸ When he learned that his American university degree would not be recognized there, he returned to Vancouver and took a bachelor of arts at the University of British Columbia, while working part-time at the Chinese consulate, graduating in 1941.¹³⁹

When he applied to become a student at law at Osgoode in 1941, Kew Dock Yip knew little about legal education and even less about the profession of law. "I came to Toronto, I came to Osgoode Hall, I didn't know what I was doing. I just walked in and registered."¹⁴⁰ He perceived little racial hostility over his registration: "The Law Society was not prejudice[d] against me, because there was the Second World War, the holocaust in the Second World War, the people felt that they shouldn't discriminate." Some of his classmates, however, were less accepting. Although Kew Dock Yip remembers that many of their comments were made in jest, he still recalls the type of questions he was asked. "Dock, is it true that they don't let Chinese into Osgoode Hall?" asked one. "Yes, it is true," replied Kew Dock Yip, "but I am not a Chinese, I am a Canadian." "Dock, I often wonder why they didn't flunk you," speculated another. "Why flunk me, I passed," retorted Kew Dock Yip. "Because you are a Chinese," was the reply. To this comment, Kew Dock Yip remembers his insistent response: "I am not a Chinese, I am a Canadian."¹⁴¹

To some degree, Kew Dock Yip also faced similar discouragement from members of the Chinese community.

In Chinatown, [they] were kind of shocked by my studying law. They knew for Chinese to practice law is difficult. It used to be that [in] Toronto, law [was] confined to certain families. Among the upper-class Chinese, they were

136 Osgoode Transcript (Kew Dock Yip), *id.* at 19-23.

137 Osgoode Transcript (Kew Dock Yip), *id.* at 34-38.

138 Joan Brockman has unearthed at least five unsuccessful inquiries from Chinese, Japanese and Aboriginal applicants seeking admission to the Law Society of British Columbia between 1918 and 1945: J. Brockman, "Exclusionary Tactics: The History of Women and Visible Minorities in the Legal Profession in British Columbia" in H. Foster & J. McLaren, *Essays in the History of Canadian Law, vol. 6, British Columbia and the Yukon* (Toronto: The Osgoode Society, 1995) at 508.

139 Osgoode Transcript (Kew Dock Yip), *supra* note 134 at 35, 39, 41-3, 50.

140 "Osgoode Hall to Honor Crusading Lawyer" [Toronto] *Star* (15 June 1991), clipping held in Law Society of Upper Canada Archives.

141 Osgoode Transcript (Kew Dock Yip), *supra* note 134 at 51-2. For some analysis of the difficulties experienced by Asians attending law school in more recent decades, see D. Quan, "Asian Americans and the Law: Fighting the Myth of Success" (1988) 38 *J. Legal Education* 619-28.

surprised that I went into law. One of them suggested that I...go into something else.¹⁴²

Given his lack of knowledge about the profession of law, Kew Dock Yip was also faced with the difficult prospect of finding an articling position. He sought an audience with an Irish lawyer who ran a solo practice in Toronto, J. Wilfrid Teskey. This was an astute choice, for Kew Dock Yip's brother-in-law had been a client of Teskey's, and when Kew Dock Yip requested an articling position, he got it. Like Gretta Wong, his articles were primarily confined to real estate, although he made some appearances in police court and soon found himself in demand as a court interpreter. Throughout his legal studies, Kew Dock Yip continued to work part-time in a restaurant on Yonge Street, which he owned jointly with several other Chinese men.¹⁴³

Kew Dock Yip's call to the bar in 1945 became the focus of great public attention, with three newspapers proclaiming him the first Asian lawyer in Canada.¹⁴⁴ Gretta Wong's call, one year later, was remarkably less dramatic. For technical reasons, she was unable to take her call to the bar at the same time as the rest of her class in the spring of 1946. She had originally been registered for a four year honours program at the University of Western Ontario, but decided at the last minute to go to Osgoode after three years rather than complete the extended degree. Due to her late decision, she missed the June convocation at UWO and did not actually receive her degree until the fall. Because the Law Society required a full three year interval between the granting of the candidate's university degree and the call, she was forced to wait until the fall of 1946.¹⁴⁵

The final ceremony was rather anti-climactic. The court took a brief intermission from its regular duties to administer a quick call to the bar for Gretta Wong and two out-of-province lawyers. Gretta had rented the requisite barrister's gown, which she wore over "a regular dress". "We got all dressed up and went in...and they just interrupted the regular court, it wasn't a special one set up for us. They just interrupted and we went in and came out and that was it. Very quick. So it wasn't very momentous as far as that goes."¹⁴⁶ None of Gretta's family was able to be present for the occasion.¹⁴⁷ No pictures were taken.¹⁴⁸ No one seemed to take any notice that Gretta

142 Osgoode Transcript (Kew Dock Yip), *supra* note 134 at 58-60.

143 Osgoode Transcript (Kew Dock Yip), *supra* note 134 at 59-64.

144 Osgoode Transcript (Kew Dock Yip), *supra* note 134 at 52; "First Chinese Called to Bar In Dark About His Odd Name" *The [Toronto] Star* (20 September 1945) 12; "Call First Chinese to Ontario Bar" *The [Toronto] Evening Telegram* (20 September 1945) at 3.

145 Gretta Wong Grant explained her decision not to continue in the honours program as a result of the secondment of some of the leading UWO professors to the army or the government: 1991 Interview, *supra* note 14 at 31.

146 Gretta Wong Grant explained her decision to rent rather than purchase a barrister's gown: "Well, the women didn't go to court for one thing, so there wasn't much point in buying a gown, and they were fairly costly too and we didn't have the money." Osgoode Transcript, *supra* note 6 at 49-50; 1991 Interview, *supra* note 14 at 32.

147 The absence of family related to the fact that "it was just such a short ceremony, that we didn't think it was all that worthwhile." 1991 Interview, *supra* note 14 at 32.

148 The only celebratory aspect to the day was a dinner at a Toronto restaurant with some friends from the cooperative residence, including Alan Grant, who would later become Gretta's husband, 1991 Interview, *supra* note 14 at 32.

Wong, graduating one year after Kew Dock Yip, could claim to be the first Chinese-Canadian woman lawyer.¹⁴⁹ Not even Gretta. Asked whether she thought of herself as "a Chinese woman lawyer", she replies without hesitation, "No, we never thought about it."¹⁵⁰

Kew Dock Yip's and Gretta Jean Wong's admission to the bar signalled the beginning of the Asian-Canadian community's entry into professional occupations, a process which would not commence in discernible numbers until the 1950s and 60s.¹⁵¹ As Kew Dock Yip had speculated, the breakthrough coincided in some degree with the horrified reaction of Canadians and others to the Nazi-orchestrated Holocaust, shockingly revealed to the international community towards the end of World War II. During the final years of the war, Canadian legislators began to dismantle much of the earlier legislation which had been overtly discriminatory towards the Chinese.¹⁵² In 1947, the province of Saskatchewan enacted Canada's first comprehensive human rights statute.¹⁵³ For the first time, this legislation made acts of

149 Gretta's first effort to claim publicly to be the "first Chinese-Canadian woman lawyer" came years later, when she read a newspaper article (the details of which she cannot recall) which purported to announce the admission of the first Chinese-Canadian woman to the legal profession in Vancouver. Alan Grant, her husband, apparently wrote the reporter in an attempt to correct the mistake. Osgoode Society Transcript, *supra* note 6 at 50; 1991 Interview, *supra* note 14 at 32-3.

150 1991 Interview at 33; Osgoode Transcript at 51. Expanding upon her answer, Gretta described how racial differences seemed to evaporate during her high school and university years in London. In particular, she mentioned her very close relationship with her high school friend from London, Betty Green. Since Betty was an only child, the Greens used to invite Gretta to come with them for summer vacations:

And Mrs. Green used to call me her other daughter. And I was [Betty's] bridesmaid. [When] we went down to get the bridesmaid dresses, [we went] into this store, and Mrs. Green says, "I want dresses for my two daughters", and here I would be standing there and they would all look at me. [When Betty] came to stay with me for one of our class reunions...she came back and when she saw me, she said, "Gee, you are Chinese, aren't you?" Because at that time you just didn't think about it. And it was after she hadn't seen me for a few years that it struck her again that I was. So that's really the way we kind of grew up here.

Osgoode Transcript, *supra* note 6 at 50-52.

151 Adilman, *supra* note 9 at 53-78 notes that prior to the 1950s and 60s, nursing, teaching, and other professional opportunities were virtually closed to Asian women. See also Nipp, *supra* note 25 at 190, where she notes that in British Columbia, Chinese women were refused admission into the health professions. Li, *supra* note 23 at 106 notes that it was not until 1971 that professional and technical occupations constituted eighteen per cent of all employed Chinese-Canadians. For American comparisons, see Yung, *supra* note 78 at 201 and Glenn, *supra* note 78 at 345-69.

152 Parliament repealed the *Chinese Exclusion Act* in 1947, [An Act to amend the *Immigration Act* and to repeal the *Chinese Immigration Act* S.C. 1947, c.19], and by the late fifties, most of the discriminatory clauses against the Chinese were removed from provincial and federal statutes. The electoral disqualification of the Chinese in Saskatchewan was removed by S.S. 1944, c.2, s.2. The electoral disqualification of the Chinese was removed in British Columbia in 1947, by the "Provincial Elections Act Amendment Act" S.B.C. 1947, c.28, which gave the franchise to all except the Japanese and "Indians", but took it from the Douk hobos, the Hutterites, and the Mennonites, unless they had been in the Armed Forces. The federal government removed its provincial piggy-backing race provisions in 1948, providing that provincial disqualification was no longer a reason for disqualification from the federal franchise: *Dominion Election Act* S.C. 1948, c.46, s.6.

153 *Saskatchewan Bill of Rights Act* S.S. 1947, c.35; as amended by S.S. 1949, c.29. Earlier statutes passed in the 1930s and 40s, which contained some anti-discrimination provisions and might arguably be seen as forerunners of *The Saskatchewan Act* have been described in W.S. Tarnopolsky & W.F. Pentney, *Discrimination and the Law*, 1st ed. (Don Mills,

racial discrimination in areas affecting education and employment a quasi-criminal offence.¹⁵⁴

NEW CAREER DIRECTIONS

Finally a full-fledged member of the bar, Gretta Wong needed to consider her employment prospects. "I was never invited to go back to McCarthy's", she explains, "I think they knew I wasn't interested. I wanted to pick something that was certainly better than just real estate."¹⁵⁵ Nor did she opt for setting up in practice by herself, which was the route Kew Dock Yip had followed one year earlier.¹⁵⁶ Jean Oldrieve apparently proposed setting up a joint practice with Gretta, but Gretta declined.¹⁵⁷ Sam Weir, Q.C. had offered her a position with his firm in London, but Gretta Wong refused the offer, since she had resolved to go back to school.¹⁵⁸ Fascinated with the newly emerging profession of psychology, she found herself powerfully drawn towards the study of juvenile delinquency. "I...just felt that there was something in life that I should do. I thought I should...save all the juvenile delinquents, you know." With a combination of law and psychology, Gretta felt that many avenues would open to her. The juvenile court in London was one of the most promising potential options.¹⁵⁹

She intended to enroll at the University of Toronto to study for a masters degree in psychology, but had to take a year out because her father was no longer able to support her financially. In the time-honoured tradition of

Ontario: Richard De Boo Publishers, 1985) c 2. *The Insurance Act* S.O. 1932, c.24, s.4 made it an offence for insurers to discriminate unfairly on the basis of "the race or religion of the insured". *The Libel Act* S.M. 1934, c.23, s.13A authorized courts to issue injunctions against "the publication of a libel against a race or creed likely to expose persons belonging to the race or creed to hatred, contempt or ridicule, and tending to raise unrest or disorder among the people." The *Racial Discrimination Act* S.O. 1944, c.51 prohibited the publication or displaying of signs, symbols, or other representations expressing racial or religious discrimination. See also S.M. 1950, c.33; R.S.O. 1950, c.328.

154 Section 8(1) read: "Every person and every class of persons shall enjoy the right to obtain and retain employment without discrimination with respect to the compensation, terms, conditions or privileges of employment because of the race, creed, religion, colour or ethnic or national origin of such person or class of persons." Section 9 read: "Every person and every class of persons shall enjoy the right to engage in and carry on any occupation, business or enterprise under the law without discrimination because of the race, creed, religion, colour or ethnic or national origin of such person or class of persons." Section 13(1) read: "Every person and every class of persons shall enjoy the right to education in any school, college, university or other institution or place of learning, vocational training or apprenticeship without discrimination because of the race, creed, religion, colour or ethnic or national origin of such person or class of persons."

155 Osgoode Transcript, *supra* note 6 at 52; 1991 Interview, *supra* note 14 at 27, 36.

156 After his call, Kew Dock Yip gave up his restaurant business and opened a store front law office as a solo practitioner on Elizabeth Street, at the edge of Toronto's Chinatown. He shared office space with a Chinese insurance agent, and most of his clients would be drawn from the Chinese community. Kew Dock Yip would devote a great deal of energy to organizing the Chinese community to lobby for the repeal of the *Chinese Exclusion Act* in 1947. Ultimately he would be elected as a Toronto school trustee in the 1970s, finishing off his career with a brief interlude as a movie actor, Osgoode Transcript (Kew Dock Yip), *supra* note 134 at 57, 70, 88, 98-106.

157 Osgoode Transcript, *supra* note 6 at 52.

158 Personal communication between Gretta Wong Grant and the author, 16 February 1993, copy on file with the author.

159 Osgoode Transcript, *supra* note 6 at 52; 1991 Interview, *supra* note 14 at 33, 36.

minority law graduates, she took on the job of writing case notes for the CCH law publishers and editing cases for the *Ontario Reports*. Jewish law graduate, Bora Laskin, a brilliant legal scholar with two masters degrees to his credit, who returned to Toronto from Harvard Law School in 1937, had also found himself consigned to write headnotes for a law publisher at 50c a note.¹⁶⁰ Gretta stresses, however, that to her mind, this was “the perfect position for me for my requirements.”¹⁶¹

One year later, she embarked upon graduate studies in clinical psychology at the University of Toronto, under the supervision of Dr. Mary Salter. Her main focus was the Rorschach “ink blot” test, and her thesis proposed to use psychological data to evaluate the performance of juvenile delinquents within the school system. Before the thesis was complete, in 1948 Gretta was offered a job with the Ontario Department of Corrections, as the staff psychologist at the Andrew Mercer Reformatory for Women.¹⁶²

The Toronto women’s reformatory had been built on King Street near Dufferin in 1880, with a grant of ninety-thousand dollars from the estate of wealthy philanthropist, Andrew Mercer. Graced with “ornamental towers” to provide a “softer design” and originally conceived as more “maternal” than “punitive” in orientation, the Mercer housed several hundred female convicts during Gretta Wong’s tenure.¹⁶³ Gretta’s overwhelming impression of the institution was its shine. It was “very highly polished,” she emphasizes, “you could slide along the hall. You could lose your life walking down those waxed floors.” The inmates were the ones responsible for the polishing, as well as for washing and ironing the bales of laundry that came in from all of the other prisons and reformatories across the province.¹⁶⁴

Gretta found the prisoners’ facilities and working conditions “horrible”, with corporal punishment administered so severely that it had sparked a huge riot just before her arrival. The inmates had set fire to their cells, plugged up all the toilets, and completely disrupted the reformatory routine. Gretta Wong’s appointment was part of the effort to turn the disastrous situation around, to provide the prisoners with rehabilitative psychological counselling. But she soon found herself locked in a power struggle with the Matron, who disap-

160 Gretta emphasizes that she never actually applied to any law firms for work, because she “wanted to be able to get out of it soon”. She learned about the headnote writing position from another woman lawyer who was reporting on the cases in the Ontario Court of Appeal, Osgoode Transcript, *supra* note 6 at 52-57; 1991 Interview, *supra* note 14 at 33-5. On Bora Laskin’s difficulties finding a position in law, see I. Abella, “The Making of a Chief Justice: Bora Laskin, the Early Years” (1990) XXIV:3 Law Society of Upper Canada Gazette 187.

161 Personal communication between Gretta Wong Grant and the author (16 February 1993); copy on file with the author.

162 Osgoode Transcript, *supra* note 6 at 58-9; 1991 Interview, *supra* note 14 at 36-7.

163 Osgoode Transcript, *supra* note 6 at 59-60. For information on the Mercer Reformatory, see C. Strange, “The Criminal and Fallen of Their Sex: The Establishment of Canada’s First Women’s Prison 1874-1901” (1985) C.J.W.J. 79; C. Strange, “The Velvet Glove: Maternalistic Reform at the Andrew Mercer Ontario Reformatory for Females 1874-1927” (M.A. Thesis, University of Ottawa, 1983); P. Oliver, “To Govern by Kindness: The First Two Decades of the Mercer Reformatory for Women”, in J. Phillips et al. eds. *Essays in the History of Canadian Law: Crime and Criminal Justice* (Toronto: The Osgoode Society, 1994) 516.

164 Osgoode Transcript, *supra* note 6 at 59; 1991 Interview, *supra* note 14 at 38.

proved of the new psychological strategy. When Gretta would request that an inmate be brought up for interviewing, the Matron would overrule her order, insisting that prisoners had no time for such frivolity.¹⁶⁵

Gretta countered by refusing to release her reports of the interviews to the Matron. Recognizing the subversive purposes to which they might be put, Gretta submitted only "superficial" notes, clandestinely spiriting the real reports out of the prison. "There was a real lack of knowledge about rights," she explains. "Inside the penal institutions, there was little understanding of why women got into trouble, and the penalties meted out were not rehabilitative." Within the Mercer Reformatory, Gretta Wong sometimes found that her Chinese features were mistaken for First Nations' heritage, "even by some of the native women." To a certain extent, she explains that this caused her to identify with the large number of First Nations' inmates. "I could see if that could happen to them, it could happen to me," she concluded.¹⁶⁶

Pressure intensified when Gretta was directed to provide similar services to the Cobourg Training School for Girls, which housed juvenile delinquents, children's aid wards, and pregnant teenagers, most of whom were serving indefinite terms. Duties there varied from searching all night for runaways to attempting to calm suicidal children. "I learned a lot about street life," offers Gretta in retrospect. "I learned more than they did." Even at the Cobourg, however, incessant staff in-fighting curtailed the level of services that could be offered to the residents. "It would have been a really challenging job, if I could have done my work just with the inmates," regrets Gretta.¹⁶⁷

MARRIAGE AND A FAMILY

During her second year at Osgoode Hall, Gretta had begun dating a first year law student, James Alan R. Grant. Alan Grant had grown up in Beaverton, on Lake Simcoe, Ontario, born in Canada of Scottish parents. Gretta met Alan at the cooperative residence, where he boarded in the men's quarters, the only other law student in the residence. There he, like Gretta, had been exposed to the broadening influence of a racially, ethnically, and religiously mixed group of graduate students.¹⁶⁸

Inter-racial dating between whites and the Chinese still disturbed many Canadians.¹⁶⁹ Gretta recalls that there was some concern, even within the

165 Osgoode Transcript, *supra* note 6 at 59-71, 1991 Interview, *supra* note 14 at 37-8.

166 Osgoode Transcript, *supra* note 6 at 59-71, 1991 Interview, *supra* note 14 at 37-8, 61.

167 Osgoode Transcript, *supra* note 6 at 59-71, 1991 Interview, *supra* note 14 at 37-8.

168 Alan's father, Angus Grant, had been initially educated in Scotland, subsequently studying agriculture at the University of Guelph, and taking up farming around Lake Simcoe. Alan Grant was attending Osgoode Hall Law School after having been rejected from active war service because of asthma, Osgoode Transcript, *supra* note 6 at 29, 71; 1991 Interview, *supra* note 14 at 17-18.

169 Prime Minister John A. Macdonald had predicted in the House of Commons as early as 1883 that the "Mongolian" and white races could never combine, citing the Chinese as a "semi-barbari[c]", "inferior race": *House of Commons Debates* (12 May 1882) at 1471, 30 April 1883, at 905. Occasional instances of mixed race marriages attracted horrified criticism. One British Columbia journal summed it up:

relatively cloistered community of London, voiced as frequently by the Chinese as by whites. But being the only Chinese family in the city had forced the Wongs to come to terms with the issue. Gretta had dated non-Chinese boys from adolescence, which she explains was a matter of necessity: "There were no Chinese to date. I would otherwise have stayed home." Her father, in particular, supported his children's decision. "He was a true Christian," claims Gretta, "he thought everybody was equal."¹⁷⁰

Gretta Wong and Alan Grant were seriously involved by the time of Alan's graduation from Osgoode Hall in 1947. Their relationship withstood the strain of a lengthy episode of nephritis, which forced Alan to take a year off from his career almost immediately after his call. It also withstood a year's separation, while Alan practised law with his classmate Jack Sullivan in Hamilton. Ultimately, the couple resolved to marry and to move back to London, where Alan intended to set up in law practice with his former University of Toronto classmate, John M.B. Davis.¹⁷¹

The wedding was held at First St. Andrews United Church in London, on 9 December 1950.¹⁷² Alan's father, Angus Grant, apparently had "no difficulty" with his son's inter-racial marriage, but Alan's mother and at least one of his aunts were somewhat more apprehensive. "You have to remember," chides Gretta, "that even the Irish were foreigners in Beaverton." Although Mrs. Grant never shied away from inviting her son's new wife to the farm, "she found it easier if we went into town with Mr. Grant." But the situation was alleviated to some extent by Gretta's education and occupation. "I think having a profession helped," recalls Gretta. "They could say, 'oh well, she's a lawyer.'"¹⁷³

It is when we contemplate these unnatural unions that we find the kernel of the Asiatic problem — the mixing of the races. Race mixture is the essential danger of the Asiatic occupation of this country for race mixture means race deterioration.

See Roy, *supra* note 3 at 18, who cites the [Nanaimo] *Free Press* (5 April 1904); [Nanaimo] *Herald* (11 December 1910); [New Westminster] *Daily News* (20 May 1908), and *Saturday Sunset* (17 April 1909).

See also the testimony of Sir Matthew Begbie, Chief Justice of British Columbia, *Report of the Royal Commission on Chinese Immigration* (Ottawa, 1885), republished (NY: Arno Press, 1978) at 80, who claimed that "whites who have evil [sexual] communications with Chinese must themselves be lamentably depraved beforehand...." Arguments for racially segregated schools in British Columbia were predicated on inter-marriage fears: "If little Jim Ling is her chum at school, why may not he seek to be her suitor when she is a woman?": see D.C. Lai, "Discrimination in Education in Victoria", *supra* note 68 at 47-67 and Roy, *supra* note 3 at 26-7. For an example of similar concerns, expressed in a more delicate fashion and out of a professed interest in racial equality, see I. Fewster, *Lengthening Shadows* (New York: Pageant Press, 1957), a Saskatchewan novel which comments negatively at 79-83 on the implications of mixed race marriages between Chinese men and white women. See also Backhouse, *supra* note 1, "White Women versus Chinese Men".

170 1991 Interview, *supra* note 14 at 58-9. She explains that it was her eldest brother who had the greatest problems, and notes that her sisters-in-law were extremely concerned about their children dating non-Chinese individuals, motivated in large part over fears that the children would lose their facility with the Chinese language.

171 Osgoode Transcript, *supra* note 6 at 71, 76; 1991 Interview, *supra* note 14 at 40, 58-9.

172 "Saturday Bridals of Interest", undated newspaper clipping, in possession of author. The clipping read: "Another London wedding of interest on Saturday united Mr. and Mrs. James R. Grant (pictured right). Mrs. Grant is Gretta Jean, daughter of Mr. and Mrs. Lem Wong, Waterloo Street. Her husband's parents are Mr. and Mrs. Angus Grant of Beaverton. Mr. and Mrs. Grant will also make their home in London."

173 1991 Interview, *supra* note 14 at 58.

Alan's decision to open a law practice in London was based at least partly on Gretta's father's advice. Lem Wong convinced his son-in-law and John Davis to open their offices in East London, an area which London lawyers had traditionally neglected. A heavily industrialized, working-class neighbourhood, this community generated a solidly respectable stream of clients for the new firm of "Davis and Grant", with legal work encompassing real estate, wills, estates, and small business concerns. Gretta chose not to join the two men in practice, but to continue her psychological work. She took a position in London's Westminster Hospital, with the Department of Veterans' Affairs, treating returned soldiers in the neurotic ward. She served there briefly, until the birth of her first child.¹⁷⁴

Gretchen Jennifer Anne was born on 11 October 1951, George Alan Ross on 21 November 1953, James William Angus on 23 June 1955, and Hugh Murray Kenneth on 14 December 1956. "How do you like these Scotch names," laughs Gretta years afterward.¹⁷⁵ The decision to leave her career and stay home with her children was not a difficult one. "Day care and that sort of thing wasn't available," Gretta explains. "We couldn't have afforded to hire somebody...like a nanny or anything. And when we had the children...we both felt that it would be better for me at the time to be home. I think that we felt that it was an essential part of child-rearing, particularly when they were very young."¹⁷⁶

Throughout these years at home, Gretta continued to keep up her membership in the Law Society of Upper Canada: "All we had to do was to pay our solicitor's fee, and it was only ten dollars," she recalls. Despite her willingness to retire from active practice, Gretta took to hanging her membership receipt "up inside the kitchen cupboard," to serve as a constant reminder of her professional affiliation. She read the *Ontario Reports* as they came in, and assisted her husband with his practice on an informal, part-time basis. "I used to go in and help him, or he would bring things home, just to keep me involved in it," she notes. Through her husband's assistance, she was able to keep current with law in a way she was not able to do in psychology. Consequently, when it came time to return to the paid labour force, it was law which beckoned. And it was Gretta's husband who suggested she get back to practice in the late 1950s. "He had read an advertisement in the paper for an Assistant City Solicitor in London", and he encouraged his under-confident wife to apply. "I [thought I] would never get it," she admits, "I d[id]n't know anything about municipal law." Alan's retort, that "nobody else does either," turned out to be right. Gretta landed the job.¹⁷⁷

174 Osgoode Transcript, *supra* note 6 at 71-9; 1991 Interview, *supra* note 14 at 38-9.

175 1991 Interview, *supra* note 14 "Chronology".

176 Osgoode Transcript, *supra* note 6 at 79-80; 1991 Interview, *supra* note 14 at 41.

177 During her years at home, Gretta provided volunteer services for the Children's Psychiatric Research Institute, was an active member of the London Council of Women and the Women's Canadian Club, and made a number of public presentations when women lawyers were asked to serve at meetings or on panels, Osgoode Transcript, *supra* note 6 at 79-82; 1991 Interview, *supra* note 14 at 41, 49.

A LAW CAREER RESUMED

The City Solicitor position entailed a great deal of real estate work, something for which her articling experience had trained her well. She was able to restrict her hours of work to a manageable load, and with a great deal of pre-arranged family organization, Gretta managed to coordinate her professional work with her home responsibilities. "It wasn't quite like in the army," she laughs, "but we were marshalling.... We put a list up on the refrigerator and they all had certain chores. Like who was to set the table and who was to clear the table, and who was to make the bed and who was to be the dishwasher and who was to take the garbage out and this sort of thing." However, after Gretta had been three years in that job, Alan Grant's nephritis flared up again, and his failing health forced him to dissolve his law partnership with John Davis. Gretta then left her City Solicitor position to join her husband's practice, and the firm of "Grant and Grant" was born.¹⁷⁸

In the 1960s, there was only a handful of women lawyers in London, and not all were in active practice. Beth (Betty) Underhill, one of the most senior, was with the firm of "Underhill and Underhill", in partnership with her husband, as were many of the other practising female lawyers.¹⁷⁹ Betty Underhill and Gretta Wong Grant made serious efforts to keep in touch with other women lawyers by attending some of the Toronto meetings of the Women's Law Association of Ontario. They also organized informal get-togethers for the women lawyers in London, which solidified at some point during the 1960s into the London-based Middlesex Women's Law Association.¹⁸⁰

The Middlesex Women's Law Association initially met on a very informal basis and was composed of three or four members, who took turns serving as president. As more women lawyers arrived in London, it would evolve into an ambitious, wide-ranging professional organization. Complete with formal constitution and by-laws, it was structured to function with a president and five vice-presidents, and designed to encompass study groups on forthcoming legislation and research, as well as social activities. The focus was to allow the women to get together and talk about their work, to provide the support network that was not available in the larger, male-dominated Middlesex Law Association.¹⁸¹

One of the earliest events involved an extraordinarily successful exchange visit that the London women hosted for other women lawyers across the

178 Osgoode Transcript, *supra* note 6 at 82-85.

179 The membership lists for the Middlesex Law Association show Efleda Louise Clark as the first female lawyer, called in 1918. Evelyn Harrison followed in 1921; Elizabeth Newton in 1923; Gretta Jean Grant and Vivian N. Weekes in 1946 (Vivian N. Weekes would be listed again under her married name of Scott in 1962); Margaret W. Spaulding in 1951; Laura I. Gray in 1957; Enid Irma Lesser and Betty R. Underhill in 1960; Carol M. Creighton in 1964; M. Sandra Oosterhoff in 1966; Sarah M. MacLean and Janet E. Stewart in 1969. "Original Members Middlesex Law Association, 1879 and Additional Members to 1969". List on file with the author.

180 1991 Interview, *supra* note 14 at 44.

181 *Id.* at 44-7.

province. In 1962, the Middlesex Women's Law Association issued an invitation to the members of its larger sister organization, the Women's Law Association of Ontario, to attend a day's meeting in London. More than fifty women, some from Windsor and Chatham, but mostly from Toronto, descended on London for the occasion. There was a formal luncheon at the Hotel London, sponsored by a local trust company, followed by afternoon meetings. Laura Gray, whose clients included the Skinner Bus Company, had arranged for a bus to transport the group throughout London. After a full-scale, fully narrated tour of the city, the bus pulled up to Gretta Wong Grant's home, where the dinner was scheduled to be served. Gretta describes the surprise and consternation with which the neighbourhood and her family greeted the over-sized gathering:

We didn't think all these women would come, but they did. And [t]hen the bus showed up [in front of our house] and Al was just hurrying the kids down to the neighbour's. And the kids looked around and saw this big bus arrive and all these women about to go into our house.... That was such a shock... (laughs). I had just moved into this house and they all came....

Fortunately, the food had been catered, and the wine provided by another of the city's trust companies. Gretta Wong Grant describes the day's events as "a most interesting time," concluding that it started the Middlesex Women's Law Association "off with a bang."¹⁸²

It was difficult to keep up this level of enthusiasm, however, especially given the hectic lives of most of the women members. After a while, it became apparent that the women's organization was needlessly duplicating some of the activities of the larger Middlesex Law Association. And in time, the Middlesex Women's Law Association was downscaled to two or three meetings a year. It would not be until the 1970s, when larger numbers of women began to graduate from law, that it reorganized and refocused on the sex discrimination that some of its members were experiencing within their practices.¹⁸³

Meanwhile, Alan Grant's health was again deteriorating, and Gretta was shouldering more and more of their joint office responsibilities. When a part-time opening became available in 1967 with London's first legal aid office, Alan urged Gretta to apply for it. "His condition was more serious than I knew," explains Gretta, "and I think he was looking to the day that he

¹⁸² *Id.* at 44-7.

¹⁸³ Gretta describes the 1970s as devoted to discussions of sexual harassment and other restrictions affecting women's law practices. "[The women] were being asked questions which were offensive...when they applied for articling jobs. The men were feeling threatened [by the larger number of women in law], and some of these things show up. Also, what kinds of jobs women would have, and what areas were open to them...women being relegated to family law, and also how they'd deal with some of the men, because I think that some of the men were embarrassing them. Or they treated them differently. And even up to a few years ago, women would find in the big firms that they didn't get the advancement. That they weren't privy to some of the consultations that men of their stature were involved in. And they weren't invited to lunch with the clients. You know, all these things have gradually evolved over the years. It started with a bit of sexual harassment and lack of opportunities." *Id.* at 46-7.

wouldn't be with me. He was trying to prepare for a job that was going to be easier with the children. If I had that part-time job, it was really set hours, and the[re weren't] the clients to deal with, that would be much easier." Again, Gretta was unsure about applying, but bolstered by her husband's positive encouragement, she put her name in. She received the backing of the Middlesex Law Association, and was appointed the successful candidate.¹⁸⁴

The legal aid job, officially designated as "Area Director, Legal Aid", involved interviewing all prospective legal aid recipients to determine whether they qualified for assistance. Prior to 1967, lawyers had volunteered their time on an informal basis to represent impoverished clients. With the establishment of the Ontario legal aid program in March 1967, the province and the profession became jointly involved in a more structured operation, which was to provide a formal assessment of all legal aid applicants, and some payment to lawyers who took on legal aid cases. The guidelines were "pretty sketchy" in the beginning, and the job involved a lot of discretionary decision-making. For Gretta, it also required her to become conversant with criminal law, an area in which she had had virtually no experience. "I don't think people realized that it was going to be as big a job as it turned out to be," explains Gretta.¹⁸⁵

Alan Grant died in 1967, when Gretta's youngest child was still only ten years old. She continued to run the family law practice until 1969, when the combination of family and professional responsibilities became "too onerous." After selling the law practice, she went full-time with legal aid, expanding her areas of responsibility to include Stratford and Woodstock. One of the most interesting aspects of the job entailed the overlap of social work counselling with law. Gretta was particularly concerned about the large number of First Nations' clients from surrounding reserves. "There were not a lot of organizations at that time to deal with prejudice in the legal system," she explains. "Many natives would just plead guilty to avoid confrontation...whether they were guilty or not."¹⁸⁶ She is also credited with pushing the legal aid program to make substantial efforts to reach beyond clients who were able to make application on their own initiative, to attempt to make the system more accessible to those less knowledgeable about the law.¹⁸⁷

184 Osgoode Transcript, *supra* note 6 at 87.

185 *Id.* at 88-105.

186 *Id.* at 102-5; 1991 Interview, *supra* note 14 at 61. Gretta Wong Grant also recalls trying to assist a young First Nations' woman "who had a legitimate claim against her landlord." Because she did not want "any trouble", the client destroyed the relevant receipts: personal communication between Gretta Wong Grant and the author, 16 February 1993; copy on file with the author.

187 Mary Jane Mossman has written that Gretta Wong Grant "very early on conducted outreach activities as an Area Director," which is something Mossman attributes to Grant's "own sense of being somewhat 'outside' the mainstream in the legal profession." According to Mossman:

Not only did she do exceptional outreach work in a number of communities around London, but she also created a unique relationship at the University of Western Ontario for students in relation to legal aid services; there is no doubt that the relationship between the student legal aid society and the Area Director in London was closer and more sophisticated than anywhere else in the province. She was an outstanding manager,

The year that Gretta Wong Grant sold her law practice, she was also made a Q.C. The honour surprised Gretta greatly, who had not applied for the position. "I found out later that it was Betty Underhill who thought I should have one," she confides. "I think she got one of the women's groups to apply on my behalf, and she never told me."¹⁸⁸ Gretta also became the first female trustee of the Middlesex Law Association, and in 1981, she was elected its first woman president. The regional law association was responsible for the county law library, as well as representing the London area at province-wide meetings in Toronto to determine law society policy on such matters as bar admissions and specialization. Here Gretta's sex marked her out as something of an outsider; in Gretta's view, she was more isolated at the province-wide meetings in Toronto, where she constituted one of only two female presidents, than she was in London.

I think I had a harder time being accepted in Toronto. Everybody else would get a chance to speak, and sometimes you would get elbowed out. I guess I could have stood up and done a little more screaming and yelling to be heard, but it became very difficult because the men always stepped forward, and they would be recognized before me.¹⁸⁹

Gretta Wong Grant continued her work as Area Director of Legal Aid, with a brief stint in Toronto as the York County Director of Legal Aid, until her retirement in 1988, at the age of sixty-seven. "I guess I could have stayed on to seventy, but things were changing at Legal Aid," she explains. "[There] was much more bureaucracy, and [it was] much more impersonal. It was time to go. There is always a time to go, when you are still ahead of the game, I think."¹⁹⁰

Retirement did not decrease Gretta's community involvement. The influx of Chinese immigrants from Hong Kong in the 1970s had profoundly changed the Asian racial composition of London. Gretta explains that there is some distance between her family and the newcomers, due to differing perspectives on integration, language, and culture. "The new people initially looked on me as being, I don't know, really not Chinese. Of course they know I am of Chinese origin, but I had no trouble speaking English, and I had grown up in London and had no difficulty with the larger community," she muses. Despite the barriers, she has made a point of becoming active with the Chinese-Canadian Council in London, in which she served as the director of the London chapter. She was appointed to the City of London's Race Relations Advisory Committee in 1989. During elections, she organizes all candidates meetings for the ethnic community in London. On the complex question of ethnic integration, she is cautious in response:

a woman who had a rare combination of tough judgment and compassionate understanding, and her legal aid office in London was regarded by many people as the standard to be replicated throughout the province.

Personal Correspondence to the Author (7 October 1993).

188 1991 Interview, *supra* note 14 at 47-8.

189 Osgoode Transcript, *supra* note 6 at 105-8.

190 *Id.* at 109-19.

Some of the ethnic groups don't want to become assimilated. I think when you say "assimilation", ethnic groups fear that you are trying to take away their background, their heritage, their culture. But I think it's important to decide how you live in Canada, what contribution ethnic groups can make. As well as maintaining some of their culture, heritage, language. It's a difficult question.¹⁹¹

Gretta Wong Grant maintains an active membership in the Middlesex Women's Law Association, as well as with the Law Society of Upper Canada. Occasionally she receives "some offers" to return to the paid work force, all of which she has refused. "They want me to work too hard," she laughs. Her four children have gone on to successful careers in law, medicine, biology and economics, and Gretta now has several grandchildren.¹⁹² Asked if she had it all to do over again, would she still have gone to law school and become a lawyer, Gretta Wong Grant replies: "Oh, I think so. I have enjoyed what I have done. I think I have had a really interesting life."¹⁹³

191 Osgoode Transcript, *supra* note 6 at 119-20; 1991 Interview, *supra* note 14 at 49, 51-2, 62.

192 Gretchen obtained her medical degree at the University of Toronto, married a physicist of English background, and practices part time in Hawaii. George graduated from law school at the University of Western Ontario, and practices criminal law in London. James obtained his doctorate in biology at the University of Guelph, married a Canadian of Croatian background, and holds a post-doctoral appointment at McGill and Concordia. Hugh obtained his doctorate in economics at University of Toronto, and teaches economic history at the University of Winnipeg, 1991 Interview, *supra* note 14 at 51-3.

193 Osgoode Transcript, *supra* note 6 at 119-20.