

# THOMAS QUOI: A CHINESE RESTAURANTEUR WHO INVESTED IN TE AROHA MINING

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THE UNIVERSITY OF  
**WAIKATO**  
*Te Whare Wānanga o Waikato*

## THOMAS QUOI: A CHINESE RESTAURANTEUR WHO INVESTED IN TE AROHA MINING

**Abstract:** *After arriving in New Zealand, Thomas Quoi held a variety of jobs, from 1879 onwards being an Auckland restaurant owner and caterer. He was also an interpreter, especially in court cases, and in the twentieth century ran a bathhouse. Despite suffering abuse for being Chinese, he was notable for assisting charities to aid all races. Praised for being Anglicized – a ‘regular white man’ – he was a spokesman for the Chinese community, of which he was a leading member.*

*Quoi’s involvement in Te Aroha mining was limited to providing capital. Like so many other investors, he traded in shares and hoped to sell his mining properties to overseas capitalists. In 1890 he went bankrupt, in part because of losing money through his mining investments.*

*Quoi’s personal life became notorious. Accused of sexual immorality and of being a cruel husband to his first wife, an Irishwoman, court cases revealed lurid details of their behaviour. Her infidelity meant that he could obtain a divorce and soon remarried, this time to an Englishwoman, a marriage with a happier outcome. Socially, and especially through his gambling, until his last years he was a prominent member of the community.*

### FAMILY BACKGROUND

Thomas Quoi’s<sup>1</sup> Chinese name was Yuck Quoi, Thomas being added when he was baptized as a Methodist after he settled in New Zealand.<sup>2</sup> He was sometimes recorded as Thomas Ah Quoi.<sup>3</sup> According to what he told registrars of births, deaths and marriages he was born in Canton either in 1841, 1847, or 1856;<sup>4</sup> according to his declaration when seeking naturalization, he had been born at Hong Kong in 1852.<sup>5</sup> He

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<sup>1</sup> For sketches of him, see *Observer*, 15 April 1893, p. 7, 25 May 1895, p. 12; for photograph, see ‘Thomas Quoi’, Purewa Cemetery [online].

<sup>2</sup> Supreme Court, Judge’s Notebooks, Conolly J., Divorce and Matrimonial Notebook 1889-1900, p. 16, BBAE, A304/118, ANZ-A; Supreme Court, *Auckland Weekly News*, 18 July 1891, p. 30; Death Certificate of Thomas Quoi, 25 March 1906, 1906/1367, BDM.

<sup>3</sup> For example, *Auckland Weekly News*, 18 September 1886, p. 18.

<sup>4</sup> Marriage Certificate of Thomas Quoi, 15 November 1886, 1886/2701; Birth Certificate of Hilda Marion Quoi, 9 April 1905, 1905/12555; Death Certificate of Thomas Quoi, 25 March 1906, 1906/1367, BDM.

<sup>5</sup> Thomas Quoi, declaration of 1 August 1882, naturalization file, Internal Affairs Department, IA 1, 1882/3833, ANZ-W.

told a court hearing that he came from the Canton district.<sup>6</sup> His father was recorded in 1886 as being Lampak Hay, a master mariner, and his mother was given the same name, her maiden name being Comyung.<sup>7</sup> In 1892, his father's name was given as Pakhye, his occupation being described as a sea captain, and his mother's name as Cumyun.<sup>8</sup> According to his death certificate, he had arrived in New Zealand in 1876; according to his successful 1882 application for naturalisation, he had lived in the colony for 13 years, making his arrival date 1869.<sup>9</sup> In 1886, when he signed an address to Sir George Grey on his 74th birthday (an indication of his political leanings?) he was very precise about his date of arrival: 22 May 1872.<sup>10</sup> In May 1888 he said he had lived in 'the colonies' for 'about 16 years',<sup>11</sup> which would confirm that date. According to either a descendent or a genealogist, he had both Chinese and French ancestry,<sup>12</sup> but no contemporary source suggested this.

## OCCUPATIONS

His occupations are unknown until 1877, when he worked as a cook in two Whanganui hotels.<sup>13</sup> Until 1884 he also had some involvement in the opium trade, as indicated by a case in 1893 against another Chinese man for importing it. Quoi 'gave evidence as to the nature of opium stating that the price of this particular kind of opium was 25s wholesale, and 27s retail, but in cross-examination said that he had not dealt in opium for nine years'.<sup>14</sup> Despite having given up this trade, in 1902, like all Chinese

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<sup>6</sup> Police Court, *Auckland Star*, 7 March 1889, p. 8.

<sup>7</sup> Marriage Certificate of Thomas Quoi, 15 November 1886, 2660/1886; Death Certificate of Thomas Quoi, 25 March 1906, 1906/1367, BDM.

<sup>8</sup> Marriage Certificate of Thomas Quoi, 15 November 1886, 1892/2054, BDM.

<sup>9</sup> Death Certificate of Thomas Quoi, 25 March 1906, 1906/1367, BDM; declarations of Thomas Quoi, 1 August 1882, 14 July 1882, naturalization file, Internal Affairs Department, IA 1, 1882/3833, ANZ-W; *New Zealand Gazette*, 7 September 1882, p. 1228.

<sup>10</sup> 'Addresses Presented to Sir George Grey on his 74th Birthday, 14 April 1886, by European and Maori Residents of Auckland Province', p. 11, Grey New Zealand MS 275, Auckland Public Library.

<sup>11</sup> *Auckland Star*, 5 May 1888, p. 5.

<sup>12</sup> Mrs R.M. Fletcher to Reference Librarian, 28 May 1975, Turnbull Letters, TL 3/1/2, Alexander Turnbull Library.

<sup>13</sup> *Wanganui Herald*, 24 June 1890, p. 2; *Observer*, 5 July 1890, p. 5.

<sup>14</sup> *Thames Advertiser*, 6 December 1893, p. 3.

living in Auckland, he was given a copy of the law prohibiting the importation of opium for smoking.<sup>15</sup>

In 1879, when he lived in Mechanics Bay in Auckland, he became a restaurant keeper for the first time.<sup>16</sup> In April 1880 he was described as keeping ‘a small store’ and also sold goods from a handcart.<sup>17</sup> Six months later he published an advertisement after two men sought by the police were found ‘at the Chinaman’s oyster saloon near Arthur’s mart. I deny having any connection whatever with the said oyster saloon – not for this last five months’.<sup>18</sup> In October 1881, he leased five acres at Mechanics Bay.<sup>19</sup> He was attacked by would-be robbers in September 1882 when walking between Symonds Street and Grafton Road: he ‘generally takes that route on his way to his home in Mechanics Bay, and having the takings of the day at his two establishments on him, he would have been worth plucking’.<sup>20</sup>

In April 1883, when giving evidence about damage caused by cattle trespassing on Chinese market gardens at Arch Hill, Quoi stated that because of his experience as a restaurant owner he was ‘thoroughly acquainted with the value of garden produce. He further deposed that he had considerable proprietary interest in these gardens’, which covered five acres, and described ‘with much particularity’ all the vegetables which had been destroyed.<sup>21</sup> By then he had been the proprietor of the Thames Dining Rooms, situated in the Thames Hotel, for three years.<sup>22</sup> In the following month, he announced that he had left this hotel to take charge of the dining rooms of the Pacific Hotel in Queen Street, ‘where, by strict attention, cleanliness, and supplying everything in season and of first quality, he hopes to receive a fair share of public support’.<sup>23</sup>

In May 1884, Quoi advertised his latest venture:

THOMAS QUOI, formerly of the Thames Hotel Dining Rooms, and late chief cook to Mr Waters, Queen-street, begs to intimate to his many friends and former customers that he is now about to open

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<sup>15</sup> Secretary and Inspector, Department of Trade and Customs, to Collector of Customs, Auckland, 17 November 1902, Customs Department, BBAO 5544, box 212A, 1902/1150, ANZ-A.

<sup>16</sup> Naturalization file, 1 August 1882, Internal Affairs Department, IA 1, 1882/3833, ANZ-W; Supreme Court, *Auckland Weekly News*, 11 October 1890, p. 14, 18 July 1891, p. 31.

<sup>17</sup> Police Court, *Auckland Star*, 17 November 1880, p. 2.

<sup>18</sup> Advertisement, *Auckland Star*, 26 October 1880, p. 3.

<sup>19</sup> *New Zealand Herald*, 25 October 1881, p. 4.

<sup>20</sup> *New Zealand Herald*, 8 September 1882, p. 4.

<sup>21</sup> District Court, *New Zealand Herald*, 26 April 1883, p. 3; see also 2 May 1883, p. 3..

<sup>22</sup> District Court, *New Zealand Herald*, 26 April 1883, p. 3; *Freeman’s Journal*, 26 January 1883, p. 10; *Auckland Weekly News*, 24 May 1884, p. 24.

<sup>23</sup> Advertisement, *Auckland Star*, 15 May 1883, p. 3.

ONE OF THE MOST SPACIOUS AND  
COMFORTABLE RESTAURANTS  
IN AUCKLAND,  
ON MONDAY, 12<sup>TH</sup> MAY,  
at 173, Queen-St. (next the British Hotel).

And trusts his long experience of the trade will be sufficient guarantee that the Auckland public will find his restaurant well and ably conducted on the latest style for the comfort of those who will favour him with their patronage.<sup>24</sup>

He had transformed a hairdresser's premises into this restaurant,<sup>25</sup> and by adding an extension could now seat 50 customers at a time; the kitchen could handle 200 meals a day. The *New Zealand Herald* noted that 'as "the heathen Chinees" really gives a "square meal," he is making matters lively for his Caucasian competitors. A number of pot plants have been placed in the vestibule at the Queen-street entrance ... which gives it a pleasing if not aesthetic appearance'.<sup>26</sup> His British Restaurant, which he described as being a 'good Boarding Establishment and Restaurant, doing large business', was offered for sale in August 1885.<sup>27</sup> Earlier that year, one customer, a partner in a rival hotel, had claimed that his sausages had been 'resurrected', meaning recooked, prompting a bet that led to Quoi getting the critic arrested.<sup>28</sup>

In September 1885, the *New Zealand Herald* reported that there had been

a great complaint in Auckland of the lack of good restaurants and boarding-houses, where respectable tradesmen and other single men could obtain the comforts of a home life without the disadvantages inseparable from hotel life. Messrs Hesketh and Aitken<sup>29</sup> have just added one such establishment to the list of those coming under the above designation, by erecting spacious two-storey premises in Victoria-street East as a restaurant and boarding-house.... These have been leased by Mr Thomas Quoi and comprise every convenience. There are no less than 18 bedrooms, with sitting-rooms, bathroom, linen-closet, lavatories, &c, on the upper floor. On the ground floor is a spacious dining-room, billiard-room, with one of Thurston's billiard tables, sitting-rooms, servery, and kitchen, with [a] range capable of cooking for 500 people. The premises have been connected with the Telephone Exchange. Yesterday being opening day, a number of well-known citizens were invited to a luncheon. In the afternoon Superintendent

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<sup>24</sup> Advertisement, *Auckland Star*, 15 May 1884, p. 3.

<sup>25</sup> For the lease signed on 31 July 1884 between Hesketh and Aitken and Thomas Quoi, see Hesketh and Richmond Papers, box 57, 621/H, MS 440, Auckland Public Library.

<sup>26</sup> *New Zealand Herald*, 17 May 1884, p. 4.

<sup>27</sup> Advertisements, *Auckland Star*, 19 August 1885, p. 3, 24 September 1885, p. 3.

<sup>28</sup> *Auckland Star*, 13 May 1885, p. 3, 14 May 1885, p. 2; for a vastly more detailed account, see *New Zealand Herald*, 14 May 1885, p. 3.

<sup>29</sup> See *New Zealand Herald*, 25 April 1913, p. 8, 15 February 1930, p. 14.

Thomson, who takes an interest in connection with the licensing system and inspecting the boardinghouse accommodation provided for the travelling public, paid a visit to the premises, and was shown over them. He expressed himself as well pleased with the internal arrangements, and the provision made for the comfort and convenience of the public.<sup>30</sup>

By then Quoi was living at Park House, in Victoria Street East.<sup>31</sup> He had leased this two-storey temperance boarding house then containing 30 rooms, which was regarded as inadequate and so in late 1885 it was planned to add a third floor containing another 20 bedrooms.<sup>32</sup> Amongst other features was at least one billiard table.<sup>33</sup> In March the following year, he advertised that he had taken over the Star Boardinghouse, in Albert Street. 'Having re-furnished, boarders will find every comfort of a home. It will be conducted under Thomas Quoi's own supervision'.<sup>34</sup> Four months later, a banquet was held to celebrate the Metropolitan Club moving to its new premises in Victoria Street. 'The new premises of the club are those handsome buildings occupied as a restaurant and boardinghouse by Mr Thomas Quoi, the well-known caterer, who is now manager of the club'.<sup>35</sup> In December, he advertised his Park House:

THOMAS QUOI,  
PARK HOUSE,  
VICTORIA-STREET EAST, AUCKLAND.  
THOMAS QUOI has much pleasure in return-  
ing his most sincere thanks to the public of  
Auckland and its surroundings who, together  
with his numerous country friends, have so  
kindly supported him the past, and, at the  
same time, could assure his many patrons that  
no effort on his part will be spared to make the  
NOW WELL-KNOWN PARK HOUSE  
A still more favourite rendezvous with the  
local and travelling public. The position is a  
most healthful and central one, adjoining, as it  
does, the very heart of the city, and yet having  
the advantage of the pure air of the Albert Park  
Auckland's most beautiful and fashionable  
breathing space. The table will be found to be  
equal, if not superior to any in town, while the  
lodging accommodation is unsurpassed in the

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<sup>30</sup> *New Zealand Herald*, 18 September 1885, p. 5.

<sup>31</sup> City Council, *New Zealand Herald*, 18 September 1885, p. 6.

<sup>32</sup> *New Zealand Herald*, 2 October 1885, p. 4.

<sup>33</sup> *Auckland Star*, 7 January 1886, p. 2; Police Court, *New Zealand Herald*, 8 January 1886, p. 3.

<sup>34</sup> Advertisement, *Auckland Star*, 13 March 1886, p. 7.

<sup>35</sup> *New Zealand Herald*, 5 July 1886, p. 5.

city, everything being new and clean. Hot and cold baths. Prices to suit all pockets....<sup>36</sup>

Until 1887 it was also known as the Victoria Dining Rooms, being situated in the street of the same name; it provided a billiard room.<sup>37</sup> In March that year, Quoi, describing himself as being late of Park House, advertised that he had taken over the Anchor Hotel's restaurant, in Queen Street, 'Nothing shall be wanting on his part to please and satisfy his patrons'.<sup>38</sup>

In 1888, when he was the proprietor of both the Metropolitan Club and the Mutual Restaurant in Queen Street, Quoi was described as being 'a successful *restaurateur*'.<sup>39</sup> The *Auckland Star* described him as

one of the most intelligent of all the Chinese in this part of the colony. He is a shrewd businessman and talks English like a native.... He runs sixpenny dining-rooms at the lower end of Queen-street and receives a large amount of patronage. Quoi is married to an Auckland girl, and Mrs Quoi appears to transact the office business, while her husband superintends the culinary department. The dining rooms are scrupulously clean, and the attendants are obliging and active.

Quoi told a reporter that, compared with the Chinese, Europeans would not work hard enough.

I know of it in my own business. Europeans come to me time after time, say they are starving, and that they will work willingly for three meals a day and their board.

And I suppose you give them a chance at that?

Yes, and when I give them a show they work two days and then they are full up.

Asked whether he had made his fortune, he said he had 'lost £1,400 in the Metropolitan Club', the dining rooms in Victoria Street East. 'I was doing well when I shut out the public and let some gents rent the place. I was to get £21 for the dining room and £7 a week rental for the building, but I never got as many shillings. It was not

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<sup>36</sup> Advertisement, *Auckland Star*, 10 December 1886, p. 3.

<sup>37</sup> *New Zealand Police Gazette*, 23 December 1885, p. 220; Supreme Court, Judge's Notebooks, Gillies J., Criminal Notebook 1886-1889, p. 17, BBAE A304/258, ANZ-A; *Mercantile and Bankruptcy Gazette*, 1 March 1890, p. 58.

<sup>38</sup> Advertisement, *New Zealand Herald*, 9 March 1887, p. 1.

<sup>39</sup> *Otago Daily Times*, 7 May 1888, p. 2; *Star*, 7 May 1888, p. 3; *Te Aroha News*, 10 October 1888, p. 7; *Wise's New Zealand Directory 1887-1888*, p. 901.

a success'.<sup>40</sup> In 1890, he stated that 'up to three years ago I was prosperous. In 1887 I sold out of Park House, Victoria-street, where I had been doing well for some years'.<sup>41</sup>

In February 1889 he advertised his Mutual Restaurant, situated in Queen Street.<sup>42</sup> From October 1889 to January 1890 he owned a restaurant and boarding house on the eastern side of this street and for the first six months of 1890 had similar premises on the other side.<sup>43</sup> In January 1890 he advertised his latest venture:

THOMAS QUOI  
Begs to inform his numerous friends and  
the public that on and after January 22, he will  
open the  
WHARF HOTEL PREMISES,  
QUEEN-STREET  
(Opposite his old place of business),  
Which have been fitted with every convenience  
for Boarders. The bedrooms are large and well  
lighted. Plunge bath, with hot and cold water.  
Families can be accommodated with private  
Sitting-rooms, etc. The Dining-room is  
carried on at the same tariff, viz 6d per meal;  
and as the kitchen has been fitted with the most  
improved cooking apparatus, and is under my  
own personal supervision, the public may rely  
on everything being A1.  
A BILLIARD ROOM has been added, fitted  
with Alcock's Prize Billiard Table....  
Visitors will find this house the best and  
cheapest in the colony.<sup>44</sup>

Later that year he applied for a license for this now closed hotel, but withdrew his application, intending to reapply in the following year.<sup>45</sup> Because of his bankruptcy, this restaurant was auctioned, and instead, in October 1890, he became manager of the British Temperance Hotel.<sup>46</sup> Despite its name, a man was convicted of being drunk and

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<sup>40</sup> *Auckland Star*, 5 May 1888, p. 5.

<sup>41</sup> *Auckland Weekly News*, 11 October 1890, p. 14.

<sup>42</sup> Advertisement, *Auckland Star*, 28 February 1889, p. 2.

<sup>43</sup> Declaration of Thomas Quoi, 16 December 1890, Supreme Court, Divorce Files, BBAE 4984, D55/1890, ANZ-A; Supreme Court, *Auckland Weekly News*, 18 July 1891, p. 30.

<sup>44</sup> Advertisement, *Auckland Star*, 27 January 1890, p. 3.

<sup>45</sup> Licensing Meeting, *Auckland Star*, 2 June 1890, p. 4.

<sup>46</sup> *New Zealand Herald*, advertisement, 7 October 1890, p. 1, 17 October 1890, p. 6, 28 October 1890, p. 4.

trespassing on these premises in the following year.<sup>47</sup> He also owned a billiard room, in 1892 prosecuting a man who cut the cushions on a seat with a penknife.<sup>48</sup> In January the following year, John Hughes was sentenced to two months' imprisonment for striking him over the head with a stick after being told that there was no accommodation available.<sup>49</sup> Later that year, one man was convicted of stealing three blankets and two counterpanes and another was convicted of obtaining two meals from his restaurant without paying for them.<sup>50</sup> In December, when a Maori was charged with stealing two silver forks, Quoi told the court that this 'was the first time he had been robbed by Maoris. Generally, it was Europeans that troubled him'.<sup>51</sup> Another man was fined in February 1894 for refusing to leave his premises.<sup>52</sup>

In April 1895, Quoi complained that 15 sailors had broken five large and two small panes of glass plus two chairs in his Star Dining Rooms, in Albert Street, and had 'rushed the upstairs portion of the premises and turned the place upside down, besides causing a deal of other annoyance'; he had sought police assistance, unsuccessfully.<sup>53</sup> Also in 1895 he lost money by accepting a fraudulent cheque from his solicitor, Richard Laishley,<sup>54</sup> made out for £25.<sup>55</sup> When he took Laishley to court to obtain the £25, the case revealed that he was tricked by an unscrupulous clerk, and seemingly had been unconcerned about being told 'to keep his mouth shut':

Thos. Quoi ... deposed that defendant had acted as his solicitor for 16 or 17 years. He had cashed cheques of defendant sometimes after the banks had closed. Witness had seen the defendant sign his name many times. The cheque the subject of the present action was brought to witness by [Edmund] Otway, defendant's clerk. Witness believed the signature on the cheque to be Dr Laishley's. Witness discounted the cheque and gave the proceeds to Otway.... Witness presented the cheque at the Bank of New Zealand, and it was returned dishonoured....

Witness was cross-examined.... He said that he had cashed cheques for Dr Laishley personally, but only for small amounts, £3 or £4. These cheques were cashed after 3.30 or 4 o'clock, after the banks had closed. The biggest cheque he had ever cashed for Dr Laishley personally was for £5. The first

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<sup>47</sup> Police Court, *New Zealand Herald*, 13 February 1891, p. 3.

<sup>48</sup> Police Court, *Auckland Star*, 25 April 1892, p. 4.

<sup>49</sup> *Auckland Star*, 23 January 1893, p. 3.

<sup>50</sup> Police Court, *New Zealand Herald*, 28 June 1893, p. 3; Police Court, *Auckland Star*, 14 November 1893, p. 2.

<sup>51</sup> Police Court, *Auckland Star*, 19 December 1893, p. 2.

<sup>52</sup> Police Court, *Auckland Star*, 16 February 1894, p. 3.

<sup>53</sup> *Auckland Star*, 4 April 1895, p. 2; *Observer*, 9 March 1895, p. 12.

<sup>54</sup> See *Cyclopedia of New Zealand*, vol. 2, p. 279.

<sup>55</sup> *New Zealand Police Gazette*, 29 May 1895, p. 85.

time witness had had transactions with Otway was this year.... Witness said he thought there was no need to tell Dr Laishley that Otway was cashing cheques for large amounts purporting to be signed by Dr Laishley. Otway had told witness to keep his mouth shut, and he had done so. When Otway came to witness and cashed cheques witness took discount off. Witness had never taken discounts off small amounts. Witness admitted Dr Laishley had told him the signature was not his.

In his evidence, Laishley stated he had neither ‘discounted any cheques through Otway’ nor asked Quoi ‘to hold over his cheques. He had got change of cheques from plaintiff to send away notes and for other purposes. The only occasions on which he had asked plaintiff for change were times when the banks were closed. He had never paid plaintiff discount’. After Quoi had informed him that the cheque for £25 had been dishonoured, he responded that ‘it was not his signature to the cheque or something to that effect’. When Quoi ‘asked what course he should pursue’, Laishley said ‘he could not advise him. Quoi replied, “I suppose it is a matter for the police.” Witness told him to do as he thought best. The next he heard of the matter was receiving a summons on the following day’. He later discovered that several cheques were missing from the back of his cheque book, with Otway being the prime suspect. After judgment was given for Laishley, the question of costs was reserved.<sup>56</sup> After further consideration, the magistrate refused to award costs against Quoi, ‘as he considered that Dr Laishley had partly brought about the trouble by being so negligent with regard to his cheque-book’.<sup>57</sup> The *Observer*, which published three cartoons on the case, believed Quoi would in future ‘leave the science of banking severely alone’.<sup>58</sup>

In January 1896 it was reported that Quoi, ‘late of Queen-street, has taken over the Newton Baths and billiard room, and has now completely renovated that establishment. He has reduced the prices of baths.... The billiard-room as well as the baths has been renewed and fitted up in the latest style’.<sup>59</sup> In the following year Quoi failed to win a case accusing a man with stealing three billiard balls.<sup>60</sup> In August 1898 he acquired the former Shakespeare Hotel:

SHAKSPERE TEMPERANCE HOTEL  
(Late Shakspeare Hotel),  
WYNDHAM STREET, AUCKLAND,  
THOMAS QUOI  
(Late of British Temperance Hotel,

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<sup>56</sup> Magistrate’s Court, *Auckland Star*, 16 May 1895, p. 9.

<sup>57</sup> *New Zealand Herald*, 24 May 1895, p. 4.

<sup>58</sup> *Observer*, 25 May 1895, p. 5, plus three cartoons on p. 12.

<sup>59</sup> *Auckland Star*, 11 January 1896, p. 4.

<sup>60</sup> Police Court, *New Zealand Herald*, 18 September 1897, p. 3.

Queen-street)

Begs to announce that he has taken the above  
Premises, and his Restaurant and Board-  
ing-House in connection therewith is now  
open, with first-class Billiard room  
(Edward's Best Table).

The Business will be conducted personally  
by THOS. QUOI in his well-known style, every-  
thing being of first-class quality, so well ap-  
preciated by the Public of Auckland for years  
past.<sup>61</sup>

In 1901 and 1903, he recorded his occupation as that of an interpreter.<sup>62</sup> Until his death in 1906 he continued to operate the Newton Baths.<sup>63</sup> His sons must have considered being a bathkeeper to be a demeaning occupation, for his eldest son's death certificate described Quoi as an interpreter and another son's death certificate claimed he was a solicitor.<sup>64</sup>

(Quoi also tried to make money from owning property. In 1897, with two other Chinese, he acquired a section in an Auckland suburb.<sup>65</sup> Around this time a syndicate leased Cook's Buildings, his former boarding house, from him for £500 and converted the building into an auctioneer's rooms.<sup>66</sup> He also acquired two houses in Alexandra Street, which he intended to sell for a profit. As he 'practically did nothing' to them during the ten years he owned them, they were not sold: renovations would be needed, for they had shingle roofs and no conveniences.<sup>67</sup>)

## INTERPRETER

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<sup>61</sup> Advertisement, *New Zealand Herald*, 10 August 1898, p. 8.

<sup>62</sup> Birth Certificates of Ede May Quoi, 24 June 1901, 1901/20971; Edward Ernest Quoi, 4 March 1903, 1903/16984, BDM.

<sup>63</sup> Advertisement, *Auckland Star*, 21 May 1903, p. 8; advertisement, *New Zealand Herald*, 16 December 1903, p. 1; Birth Certificate of Hilda Marion Quoi, 9 April 1905, 1905/12555; Death Certificate of Thomas Yuck Quoi, 25 March 1906, 1906/1367, BDM; Probate of Thomas Quoi, BBAE 1569/5790, ANZ-A.

<sup>64</sup> Death Certificates of Henry William Quoi, 12 November 1918, 1918/7344; Charles Alexander Quoi, 12 June 1922, 1922/3041, BDM.

<sup>65</sup> Land Transfer Index, no. 7, p. 158, DOSLI, Auckland.

<sup>66</sup> *New Zealand Herald*, 9 September 1897, p. 3; *Auckland Star*, 9 September 1897, p. 2.

<sup>67</sup> Baker Bros. (auctioneers) to Hesketh and Richmond, 30 June 1906, Hesketh and Richmond Papers, box 109, 23/Q, MS 440, Auckland Public Library.

The *Observer* wrote in 1893 that ‘Tommy Quoi describes himself as a Klistian’ and ‘kisses the book’, meaning that he swore oaths on the Bible, ‘altee samee white man’,<sup>68</sup> but this was more an attempt at humour than an accurate rendition of his accent and knowledge of English. He was indeed a Christian; although he married in a Catholic church because of his first wife’s faith, he was a Wesleyan.<sup>69</sup> As for his knowledge of English, in 1888 he was described as being ‘remarkably intelligent’ and speaking English ‘fluently’.<sup>70</sup> Being a court interpreter was profitable for him, as he received 11s an hour.<sup>71</sup>

By 1880, Quoi was the main court interpreter in Auckland,<sup>72</sup> which created occasional conflict with other Chinese. He was accused in 1881 by one defendant of being biased.<sup>73</sup> In 1889, when several Chinese men were charged with mutilating cattle, their counsel objected to Quoi translating, ‘as he had been assisting the prosecution and was, he had reason to believe, prejudiced against them, in fact he had been instrumental in getting some of them arrested’. The police prosecutor responded that he knew Quoi ‘was averse to being mixed up in the case, but the crown had summonsed him, as he was the best English-speaking Chinaman in the place’, a view accepted by the Bench. Quoi explained ‘that he was personally acquainted with all the prisoners, as they all came from the Canton district, the same as himself’.<sup>74</sup> After the trial, he was accosted outside the courthouse, leading to his charging one man with striking him on the head and claiming that several others had threatened his life. He deposed that Chik Lin had threatened to kill him if he interpreted and said he feared that others might assault him; his assailant was ordered to keep the peace for three months.<sup>75</sup> Quoi stated that after he interpreted in a previous case ‘the Chinese made all sorts of threats against him, even saying that they would shoot him. As he was summoned to act as interpreter, he was forced to come to Court’.<sup>76</sup> The *Observer*, which published more about Quoi than about any other Chinese resident, as usual attempted to see the humorous side of this affray,

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<sup>68</sup> *Observer*, 5 August 1893, p. 11.

<sup>69</sup> Marriage Certificate of Thomas Quoi, 15 November 1886, 1886/2701; Death Certificate of Thomas Quoi, 25 March 1906, 1906/1367, BDM; Auckland Hospital, Register of Admissions and Discharges 1904-1908, folio 119, no. 24095, YCAB 15288/4a, ANZ-A.

<sup>70</sup> *Auckland Star*, 5 May 1888, p. 5.

<sup>71</sup> *Thames Star*, 27 June 1896, p. 2.

<sup>72</sup> *Auckland Star*, 17 October 1880, p. 2; *Thames Advertiser*, 5 July 1881, p. 3; District Court, *New Zealand Herald*, 26 April 1883, p. 3.

<sup>73</sup> *New Zealand Herald*, 30 November 1881, p. 4.

<sup>74</sup> Police Court, *Auckland Star*, 7 March 1889, p. 8.

<sup>75</sup> *New Zealand Herald*, 21 March 1889, p. 4, Police Court, 22 March 1889, p. 3.

<sup>76</sup> *Auckland Star*, 17 November 1880, p.2, 20 March 1888, p. 8.

printing a doggerel poem parodying a school rhyme, 'Ah Quoi et Adventure', a pun on 'a quiet adventure', in which 'Tom Quoi' was abused because he had 'helped to accuse them of axing Ah Kow'. 'Ah Chick' accused him of being a 'Turncoat Chinee' and challenged him to fight. 'Then Tommy for Bobby [a policeman] so loudly did bawl' and had Ah Chick bound over to keep the peace:

Quoi's feelings were hurt and he felt very sore,  
And Tommy said he would interpret no more!<sup>77</sup>

In the following month, the *New Zealand Herald* reported that the 'Kingsland "cow case"' has entered upon a new phase. Now that the Bench has dismissed the case, the Chinese are squabbling over the part taken in the affair by certain witnesses, and by the Court interpreter'. One witness had been assaulted in an opium den and threatened with a tomahawk, and Quoi informed the newspaper that late at night, when he was in Queen Street, a Chinese man, 'whom he identified, attempted to stab him', but he did 'not intend to press the affair further, as he has only a scratch or two on the back of his hand, when warding off the blow'.<sup>78</sup> He had 'been frequently threatened by the Chinese because he interpreted'.<sup>79</sup>

Despite these assaults, he continued to work as an interpreter.<sup>80</sup> Perhaps this explained the 'most mysterious case' of two plate glass windows of his restaurant being smashed in 1890.<sup>81</sup> In 1893, when two men were charged with assaulting a Chinese man, the lawyer for one of the accused

objected to Mr Quoi officiating as interpreter. He was in a position to know that Quoi had got the case up. That he had also instructed the solicitor who appeared for the prosecution. Quoi had also gone out to Archhill on Sunday morning and taken instructions from the complainant. He submitted that as Quoi had identified himself with the prosecution, he could not faithfully act as interpreter,

a view shared by the other defence lawyer. The prosecutor's lawyer responded that

the clerk of the Court had informed him that it was the duty of the prosecution to produce an interpreter, and Mr Quoi had been the recognized

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<sup>77</sup> 'Ah Quoi et Adventure', *Observer*, 30 March 1889, p. 9.

<sup>78</sup> *New Zealand Herald*, 16 April 1889, p. 5.

<sup>79</sup> *Waikato Times*, 16 April 1889, p. 2.

<sup>80</sup> For example, *Auckland Weekly News*, 29 July 1893, p. 10.

<sup>81</sup> *Auckland Weekly News*, 9 August 1890, p. 14.

interpreter of the Court for the last 16 years. It was true that Mr Quoi had brought the complainant to his office.

After considerable time being wasted in arguing over the matter, His Worship adjourned the Court to two p.m., so that Mr Ah Kew might be in attendance.

After the adjournment Ah Kew appeared and declined to officiate, on the grounds that he was not sufficiently conversant with the English language.

At which point one of the defence counsels announced that 'during the adjournment he had called at Ah Kew's and found the complainant there. He had also seen him with Mr Quoi' and accordingly recommended a further adjournment and the use of another interpreter. 'After considerable discussion', the magistrate agreed to this delay, but warned that if the defence did not find another interpreter, the case would proceed with Quoi in that position.<sup>82</sup> On the following day, Ah Chee<sup>83</sup> acted as interpreter, but when the first witness was sworn he told the magistrate 'he did not think he would be able to carry on, as witness spoke a different dialect. After considerable discussion, the case was proceeded with. Ah Chee endeavoured to elicit the particulars of the assault, but all his endeavours were useless'. At the end of each question, the prosecutor's council stated: 'That he had been advised by Quoi that the question had not been properly put, and quite a different answer was given by the witness than the question indicated'. After 'Ah Chee stated he did not wish to go on any further, as the witness was getting angry with him', on the defence's recommendation another Chinese man was asked to interpret, but as he was not in court, Quoi had to be used. After the first witness gave evidence, one of the defence lawyers 'declined to cross-examine the witness, saying he had no confidence in Mr Quoi as interpreter'. The men were convicted.<sup>84</sup>

In 1895, after 26 Chinese were arrested in a gambling house, Quoi's services 'were invoked as interpreter, and but for his aid the police would have been wrestling with the names of the accused', for some prisoners refused to give their correct names:

One man flatly refused at first to give any name, and Thomas Ah Quoi had to define his position to the recalcitrant and inform him that he (Quoi) had been appealed to by the Government authorities, and as standing between the two races he was going to see the little business through. If the objector thought he were a better man than he (Quoi) he had only to come outside the police station, and the doubt could be speedily determined.<sup>85</sup>

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<sup>82</sup> Police Court, *New Zealand Herald*, 26 July 1893, p. 6.

<sup>83</sup> See paper on Chinese at Te Aroha.

<sup>84</sup> Police Court, *New Zealand Herald*, 27 July 1893, p. 6.

<sup>85</sup> *New Zealand Herald*, 21 December 1896, p. 5.

In March 1900, when a lawyer criticized his interpreting, the judge responded that he was ‘honest and interpreted to the best of his ability’.<sup>86</sup> In that November, he was paid £3 3s ‘for services rendered in the prosecution of another Chinese for presenting false naturalization papers’.<sup>87</sup> In the following year he was sent to Wellington to interpret in a case involving Chinese, being well paid for his assistance.<sup>88</sup> Two years later, because of a feud within the Chinese community in Wellington, he was sent there once again to translate in a sly grog-selling case.<sup>89</sup> He also interpreted in the Thames and Waihi courts.<sup>90</sup>

## ASSAULTS AND SQUABBLES

In April 1880, John Conway was charged with throwing a stone at Quoi ‘with intent to do him grievous bodily harm’. After pleading guilty, Conway claimed Quoi had threatened him with a carving knife.

Complainant said that he kept an eating-house in Queen-street. Defendant came in and ordered the best he had – ham, eggs, pie, coffee, &c, and when he had eaten as much as he could he impertinently told complainant that he had no money, he must either trust him or do the best he could. He replied that he could not pay his rent by doing business in that way and went out for a policeman. Defendant then picked up a large stone and threw [it] at him. He immediately stooped or might have been seriously injured. The Bench considered defendant’s conduct as base and most reprehensible, and ordered him to pay £2 and costs, or in default 14 days’ imprisonment with hard labour, also to find sureties to keep the peace for three months, himself in £20, and two sureties in £10 each.<sup>91</sup>

Seven months later, after a 14-year-old boy was prosecuted in the police court for throwing stones, the report of the next case was headed:

## PELTING A CHINAMAN

George Dunn and Michael Head were charged with throwing stones at Thomas Quoi, Chinaman and interpreter, on the 18<sup>th</sup> instant.

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<sup>86</sup> *Auckland Star*, 8 March 1900, p. 4.

<sup>87</sup> Secretary and Inspector, Department of Trade and Customs, to Collector of Customs, Auckland, 12 November 1900, Customs Department, BBAO 5544, box 208A, 1900/926, ANZ-A.

<sup>88</sup> *Observer*, 5 January 1901, p. 14.

<sup>89</sup> *Evening Post*, 5 December 1903, p. 2.

<sup>90</sup> *Thames Advertiser*, 14 January 1890, p. 2, 6 December 1893, p. 3; Mrs R.M. Fletcher to Reference Librarian, 28 May 1975, Turnbull Letters, TL 3/1/2, Alexander Turnbull Library.

<sup>91</sup> Court of Petty Sessions, *Auckland Star*, 27 April 1880, p. 3.

Dunn said he threw a stone at the handcart without any intention of striking the Chinaman.

Mr Pardy [police prosecutor] said these were cases in which the defendants should be dealt more severely with. Mr Quoi, a native of China, was subjected to the grossest treatment from these boys. The Chinaman kept a small store, and these and other boys were continually pelting and abusing the poor man in every possible way; his life in fact was a misery to him.

The Bench commented severely upon the conduct of the boys, and imposed a fine of 10s each, the costs of witnesses, &c, being rather heavy, viz, £3 5s.

#### HOWLING AND HOOTING

Robert Taylor was charged under the Vagrant Act with howling and hooting at Thomas Quoi and otherwise annoying him.

The lad pleaded guilty.

The uncle of the defendant said the boy was fatherless, and he hoped, as this was the boy's first offence, that the bench would deal as leniently as possible with [him.]

Fined 10s and costs or in default seven days' imprisonment, as in the preceding cases.<sup>92</sup>

In May 1883, Ming Quong was obliged to publish an apology to Quoi 'for presuming to insinuate that Mr Quoi had so far demeaned himself as to abstract money from his pockets'.<sup>93</sup> Later that year he charged Ah Chincom with behaving in a way likely to cause a breach of the peace, a disturbance prompted by Ah Quoi opening a telegram belonging to the other man. 'Ah Quoi struck Chincom, in the house, and when Ah Quoi went outside, Chincom threw a bottle at him', for which he was fined ten shillings or, in default, seven days imprisonment. A second charge of assaulting Quoi was withdrawn.<sup>94</sup>

In 1889 an 'old cripple named John Freeman' pleaded guilty to having broken a pane of plate glass.

Constable Coghill deposed to arresting the man between seven and eight o'clock last night. The old man came to him and said, "I shall want you in about ten minutes, and I'll give you a job." Witness asked what he meant. He replied, "Oh, there's a Chinaman across there who gave me a month a little while ago, and I'm going to rip him up." Witness told him to be quiet and take care what he was doing. Prisoner then went into the hotel. Witness went away a short distance. Later on, witness saw Freeman going toward Quoi's. He hurried after him and was just in time to see him break the window with his crutch. Witness then took him into custody.

Thomas Quoi deposed that the value of the window was £10. He had not provoked the man in any way. In fact, he had not previously seen him.

The man said that he had nothing to say about it.

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<sup>92</sup> Police Court, *Auckland Star*, 17 November 1880, p. 2.

<sup>93</sup> 'Zamiel', 'Random Shots', *Auckland Star*, 19 May 1883, p. 1.

<sup>94</sup> *Auckland Star*, 31 October 1883, p. 2; Police Court, *New Zealand Herald*, 1 November 1883, p. 3.

Freeman was imprisoned for three months.<sup>95</sup> In the previous month, Freeman had been imprisoned for using obscene language, and, seemingly blaming Quoi for his being locked up, had taken ‘this method of vindicating himself’.<sup>96</sup> Three days later, James Gorman, an habitual drunkard,<sup>97</sup> was fined 10s (or 48 hours’ hard labour) for using insulting language against Quoi.<sup>98</sup>

In January 1893, John Hughes was charged with striking Quoi on the head with a stick.

The complainant gave evidence. He deposed that shortly before nine o’clock on Saturday night the accused came to his restaurant in Queen-street and asked for a bed. Witness replied that he was “full up” and had no rooms vacant, whereupon the accused called witness objectionable names and hit him on the head with a walking stick, inflicting a wound. The wound bled very freely and had to be dressed. Witness gave no provocation.

His attacker was imprisoned for two months.<sup>99</sup>

#### ASSISTING CHARITABLE CAUSES

Quoi was noted for his charitable nature. In 1883, for instance, he ‘collected from the Chinamen residing in Auckland a sum of £30 as a donation to the District Hospital’.<sup>100</sup> Three years later a newspaper columnist mentioned ‘the benevolence of Quoi, ‘that Chinese Peabody’, referring to a notable American philanthropist.<sup>101</sup> This mention was in response to his ‘generous proposal’ to assist the destitute, as outlined in his letter to the *New Zealand Herald*:

Sir, - Seeing the great distress now existing amongst the unemployed in Auckland, and recognizing it to be our duty to help our fellow-men in time of need, I beg to inform you that I am willing to give away 50 loaves of bread per day for one month, providing that others will come forward and contribute altogether between us sufficient bread to keep the unemployed poor provided with the staff of life for that time. Hoping to see this matter speedily taken up. – I am, &c, THOMAS QUOI. – Park Dining Rooms, Victoria street East.<sup>102</sup>

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<sup>95</sup> Police Court, *Auckland Star*, 17 April 1889, p. 5.

<sup>96</sup> *New Zealand Herald*, 15 March 1889, p. 5, 17 April 1889, p. 4.

<sup>97</sup> See Police Court, *Auckland Star*, 24 April 1875, p. 2, 3 August 1877, p. 3, 2 June 1887, p. 5.

<sup>98</sup> Police Court, *Auckland Star*, 20 April 1889, p. 4.

<sup>99</sup> Police Court, *Auckland Star*, 23 January 1893, p. 3.

<sup>100</sup> *Freeman’s Journal*, 26 January 1883, p. 10.

<sup>101</sup> ‘Mercutio’, ‘Local Gossip’, 14 August 1886, p. 1.

<sup>102</sup> Letter from Thomas Quoi, *New Zealand Herald*, 9 August 1886, p. 5.

Two weeks later, it was reported that he had

been fulfilling his offer for over a week, the average issue of loaves being from 40 to 50 daily. The check against imposition is very slender, as he has not the time to devote to see whether the applicants are deserving or not. None of the ladies of the Benevolent Society have aided in the work of supervision, the only assistance he is receiving is that of Miss O'Dowd, of Mount Roskill, who comes into town daily from twelve to five to assist him in the distribution and record the names of the applicants. Several applicants have been refused aid, as not being destitute, undeserving, or applying for bread while under the influence of liquor.<sup>103</sup>

In the following month, the same newspaper noted that Quoi, 'the Chinese philanthropist', had 'completed his promised issue of 50 loaves per diem for a month to the destitute of the city. He is now going to give Sergeant Macmahon', presumably a member of the Salvation Army, 'an opportunity of feeling that "it is more blessed to give than to receive" '. Macmahon had endorsed his 'liberal offer by promising to give 25 loaves per diem for the same object' once Quoi ceased his own distribution. Quoi had 'also collected some £9 or £10 among his fellow-countrymen' for the Benevolent Society.<sup>104</sup> The Trades and Labour Council formally thanked him for donating this bread.<sup>105</sup>

In March 1903, 'Mr Thos Quoi, the well-known Chinese interpreter', asked the *Auckland Star* to acknowledge the money subscribed

towards our local hospital funds, collected by him from his fellow-countrymen residing in Auckland. This is the second gift of the kind he has been instrumental in obtaining from the same contributors, and his zeal and disinterestedness is highly commendable. Mr Quoi points out to the donors that they derived the same advantages as Europeans from hospital treatment when occasion arose and consequently ought to assist in maintaining such a valuable free institution open to all classes, without distinction. This was the more necessary, he told the contributors, because they lived amongst and derived their livelihood from Europeans, and should show their gratitude in return according to their ability to subscribe. This they have done in a very liberal and commendable spirit.

£80 8s 6d had been contributed by 84 Chinese individuals and one firm.<sup>106</sup>

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<sup>103</sup> *Auckland Weekly News*, 28 August 1886, p. 17.

<sup>104</sup> *Auckland Weekly News*, 18 September 1886, p. 18.

<sup>105</sup> *Auckland Star*, 14 August 1886, p. 2.

<sup>106</sup> *Auckland Star*, 9 March 1903, p. 5, 11 March 1903, p. 5.

## A LEADING FIGURE IN, AND A SPOKESMAN FOR, THE CHINESE COMMUNITY

In 1893, an *Observer* sketch of Quoi commented on his prominence:

If you have ever been in the neighbourhood of the totalisator on race days, when [a] big dividend is being collected, you must have seen amongst the small knot of people round the pay window this figure - You don't know him? Well, that's strange. Why, it's Tommy Quoi, the best-known anglicised Chinaman in the provincial district of Auckland.<sup>107</sup>

Newspapers published several reports of his role as a leader of the Chinese community, assisting its members in a variety of ways and being its spokesman on issues large and small.<sup>108</sup> In 1888, he was the only Chinese amongst a long list of leading citizens and firms that requisitioned a candidate to stand for mayor of Auckland.<sup>109</sup> In that year, he was mentioned as taking 'a keen interest in the welfare of his brother Chinamen, and is looked up to by them as an authority in most matters'.<sup>110</sup> According to another Auckland journalist, the Chinese living in Auckland 'generally' got him 'to settle their legal difficulties'.<sup>111</sup> In May 1888, during a controversy over the number of Chinese arriving in New Zealand, a long interview with him revealed his knowledge of this community:

### THE TE ANAU'S CONSIGNMENT

Can you tell me something about the Chinese influx? Asked the reporter as he sat comfortably at a table with note-book spread open.

Oh, yes, replied the obliging Thomas, I can do that.

Do you know anything about the 100 Chinese coming by the Te Anau?

No; I know nothing about them. I heard about it.

Do you think any of them are coming to Auckland?

Not to my knowledge, and I generally hear when any new chums are coming out.

Do you know that the Chinese are likely to be prevented from landing in the colonies?

Well, now, look here (laughing). The Europeans are frightened that more Chinese should come here, ain't they?

Yes.

And our people more so.

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<sup>107</sup> *Observer*, 15 April 1893, p. 7.

<sup>108</sup> For example, *New Zealand Herald*, 25 January 1884, p. 5, 30 June 1887, p. 4; *Auckland Star*, 19 July 1887, p. 8, letter from Thomas Quoi, 11 December 1901, p. 2.

<sup>109</sup> Advertisement, *New Zealand Herald*, 17 November 1888, p. 1.

<sup>110</sup> *Auckland Star*, 5 May 1888, p. 5.

<sup>111</sup> Auckland Correspondent, *Otago Witness*, 11 May 1888, p. 16.

I see, a fellow feeling makes us wondrous kind. I suppose there's not enough work for the Chinamen already in the colony. Is that so?

#### CHINESE CAN BARELY GET A LIVING

That's so. The few Chinese that are here now can barely get a living.

How many Chinese are there in Auckland?

About 100.

How are they employed?

At gardening principally.

What do they earn by gardening as a rule?

They used to earn on an average from £2 to £3 a week. Now they do not earn 10s.

The new chums will fare badly then, I reckon.

They cannot get a living if they do come out. The Chinese at Arch Hill are in a very bad state just now. They are not earning tucker.

How is it that Chinese work is so much cheaper than Europeans?

As gardeners they work harder. They work from daylight to dark – they do not look at the clock to see when it is time to stop. You cannot get Europeans to work in gardens. The job is not good enough for them. They would rather loaf about the streets hungry....

#### THE POLL TAX

Now, said the reporter, what about the poll tax? I see £10 a head won't keep your people out.

Neither will £20 or £30 or ---

Oh, but £100 has been suggested. I suppose that would be a clincher?

No: £100 would not keep the Chinese out if they want to come here.

And yet you say the Chinese are starving in the colony?

That will not be for long, and times may get better.

But if the Chinese can raise these large sums of money, why do they not stay at home and enjoy themselves?

Some of them have to clear out, you see.

What! criminals?

No! Not criminals. No criminals have come to the colonies – well, except one or two.

Why have they to leave China then?

Well, I'll tell you. In China there are powerful people that come of distinct races. If one tribe is stronger than the other, then the weaker must suffer. These weaker ones are so persecuted that they prefer to come to the colonies to get greater liberty.

Then some of your immigrants may be monied men?

Yes, a great many that come out to Australia and New Zealand have heaps of money and come out here to start business.

Then where does the criminal class emigrate to?

Not to the colonies, but to some place near Honolulu – I forget the name; these people are mostly slaves bound in Hong Kong, and they go away 200 or 300 at a time in vessels. You'll only find one of these in New Zealand.

In Auckland?

No; at Otaki. He is frightened to go home.

Well, let's get back to the poll-tax.

I think it is a mistake.

Why?

Because, as I said before, no tax will keep the Chinese out if they want to come here.

### RATHER SELFISH

What would you suggest yourself now?

Why not say that no Chinese shall come to the colony?

I'm afraid you are selfish, Quoi.

Well, you say there are too many here now. Well, stop it.

You object to the poll-tax?

I think it is very wrong altogether. England and China are supposed to be friendly nations. England is a clever nation – I call her a clever rogue.

How is this, Mr Quoi?

We do not require to be protected from Europeans in China. We do not stop them coming into China with a £10 poll tax.

A very good argument Mr Quoi. But Europeans do not work so desperately cheap that you Chinese cannot get a living, do they?

Since the tax was raised to £10 a head in 1880 or 1881 thousands of Chinese have come to New Zealand and Australia.

How does a poor Chinaman manage to emigrate?

Oh, people can raise money at home and pay it back after they come out.

They have clubs at home for that purpose.

But if they starve here, how are they going to pay their money back?

Well, that game is played out now. It only means starvation for new chums.

### FALSE NATURALISATION PAPERS

Do you know anything about these false naturalization papers?

Yes, that's worked right enough. I blame the Custom-house officers. They're not smart enough.

But Custom-house officers find a difficulty in distinguishing one Chinaman from another, you see.

Nonsense! You tell me that if I went home any other Chinaman could come out here under my name?

Probably not, because you talk first-class English.

And every Chinaman that goes home can talk some English. The Chinamen that come out are nearly all brand-new chums.

Well, how would you trip the swindlers up?

I would ask them a few questions – what part of the colony they were in before, what people they knew there, and if they could not give sensible answers in English I would know that they were cheats. I know one set of naturalization papers that went from here to China and back again three times. Every time I expected the new chum to be collared, but he got in safe enough, and nobody was more surprised than myself.

I'm afraid we'll have to keep you all out.

Well, suppose all the Chinamen leave the colony, you'll find you'll be ten times worse off than you are now. You would not be able to buy a bit of greenstuff for love or money – the Europeans will now grow it. A few years ago, you had to pay 4s or 5s for a dozen of cabbages; now you can get a dozen for 1s, or even 6d.

### DIRTY PEOPLE IN ALL CLASSES

People say, continued Mr Quoi, that Chinamen are no good. They say that Chinamen are dirty. Good heavens! I have seen such dirty people amongst the Maories and amongst the Europeans that I can hardly credit it. I have seen Europeans living in a house with fowls in one corner, a pig in another, and the people looked as if they did not wash themselves once in twelve months. One day I was out shooting in the country near ---, and I became very hungry. I went into a farmhouse, and the people were so dirty that I

could not eat with them. I went out into a field and made a meal on turnips. You'll find dirty people in call classes. Once you "give a dog a bad name" – you know the rest – everybody goes for him and gives him a kick. The Chinaman has got a bad name.

#### WHY A CHINAMAN DON'T MARRY

"You hear people say," continued Mr Quoi, "Why don't Chinamen settle down and get married and spend their money in the country?" Chinamen have to pay their rent like other people, they have to buy clothes and tucker – is that not spending their money? And why will they not marry in the colonies? I'll tell you. Suppose a Chinaman gets acquainted with a nice European girl and he says to himself, "I'd like to marry that girl." He goes out with her for a walk, and all her friends jeer and laugh at her, and make her ashamed. How can a Chinaman get a wife when people act like that? The reporter "gave it up," and having obtained all that he wanted from Mr Quoi bade that courteous gentleman adieu.<sup>112</sup>

Responding to campaigns against Chinese immigration, in that year Quoi and 20 other Chinese residents petitioned parliament against any legislation imposing 'restrictions on the immigration and residence of Chinese in this colony, pleading that such legislation is not only unjust and impolitic in itself, but that it constitutes a violation of treaties now in force between the British and Chinese Empires'.<sup>113</sup> The petitioners prayed 'that no discredit might rest upon them on account of prejudice against their race'.<sup>114</sup> They insisted that there was less crime amongst Chinese, argued that they should be encouraged to settle and work the land, and that if Chinese immigrants caused prices and wages to go down, that was 'a state of things which should be welcomed, not dreaded'. And the British forced opium onto China.<sup>115</sup>

In July that year, when reports were received of an alleged Imperial edict ordering all Chinese living in Australasia to return to China within three years, the *New Zealand Herald* interviewed 'some of the leading Chinese residents in Auckland on the subject'. The only one named and quoted at length was Quoi, who said that an order from the Governor of Canton forbidding merchants to import goods from Hong Kong had been first received in Dunedin 'and was forwarded on to Auckland to Mr Ah Quoi, to be circulated amongst the Chinese residents' there. In a revealing comment about the Chinese community, Quoi said that, 'so far as returning to China is concerned, the trouble with most of us is, that we can't get away, not having money to pay our passages; but nearly every one of us would be willing to leave, and jump at the chance of doing so, if the Chinese Government would send ships for us'.<sup>116</sup> Two days later, the

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<sup>112</sup> *Auckland Star*, 5 May 1888, p. 5.

<sup>113</sup> *AJHR*, 1888, I-1, p. 3.

<sup>114</sup> *Evening Post*, 25 May 1888, p. 3.

<sup>115</sup> *Otago Witness*, 1 June 1888, p. 16.

<sup>116</sup> *New Zealand Herald*, 7 July 1888, p. 5.

newspaper was 'indebted to' Quoi for further information concerning the edict.<sup>117</sup> After translating the 'alleged' edict for journalists, he explained that it was not an Imperial edict but one from the Governor of Canton, who did not mention New Zealand nor require Chinese to return to China.<sup>118</sup>

In 1889, he attended a meeting opposing any restriction on Chinese immigration but did not speak.<sup>119</sup> In January the following year, he organized the Chinese participation in the Anniversary Day sports, offering a prize.<sup>120</sup>

When visiting Whanganui in June 1890 he was interviewed by the local newspaper, which described him as 'the unofficial head of the Chinese in Auckland' and 'well-known, at least by name, all through New Zealand, as one who, by his charity, has earned the name of being "a regular white man" '. He was first asked why so many Chinese were leaving the Australasian colonies and so few were arriving:

"They are going," said Mr Quoi, "from New Zealand because there's no money left in the colony." This was rather a shocker to one who had always been led to believe that the Chinese could live on the smell of an oil rag, and I shifted the ground a little. "Has their emigration anything to do with the edict which the Emperor of China is said to have issued, calling on all the Chinese to return?" Mr Quoi said he did not know of any such edict. There had been much misapprehension on this point. It was true that the Governor of Canton had sent out such an order at the request of the Chinese merchants there, but so far as he knew, the Emperor was not responsible for it. This led, of course, to the question as to the probabilities of China coming to blows with England or the colonies over the matter, but of this Mr Quoi thought there was no danger, although he does not seem to think that we have treated the Chinese fairly, considering the results of the Opium War, and the opening of the four free ports to English trade. "But

#### WHAT ABOUT CHINESE CHEAP LABOUR

Mr Quoi?" I asked. "Do you not see that there is a danger of our being flooded out by your people as they can live more cheaply than we?" To this his answer was that in New Zealand there was very little likelihood of anything of that sort happening, and for this reason our population is not large enough. For instance, he said, they cannot compete with you in trades, though in Melbourne they do compete in the cabinet making trade; here it would not pay them. "They might wash our shirts though." "Not at all, you have not enough people. Why, in 'Frisco it is nothing to see a thousand shirts out at a time, but where would you get the number here to make it pay? And mind you they can wash shirts and put a glaze on them just like new ones. Europeans cannot do that (I owned it with a sad shake of the head)." "Well, they will continue to compete with us in trade as grocers and fruiterers." "Yes, I expect that will happen, and also in vegetables, though

<sup>117</sup> *New Zealand Herald*, 9 July 1888, p. 5.

<sup>118</sup> Auckland Correspondent, *Evening Post*, 10 July 1888, p. 2.

<sup>119</sup> *New Zealand Herald*, 28 June 1889, p. 4.

<sup>120</sup> *Auckland Star*, 25 January 1890, p. 5, 26 January 1890, p. 5.

you may not believe me when I say that hundreds of Chinese now in New Zealand would be only too glad to leave it if they could raise the money. They can do better in China.” “You understand that the one great objection to your people is that they live too cheaply, do not marry, and take all their money away with them.” Mr Quoi (who by the way is married to an English lady) did a quiet smile at this and pointed out that others than Chinamen did the same thing. He denied, however, that the higher class of Chinamen live less luxuriously than their competitors. He says they are always having poultry and wine and like good things, though of course they do not all take to miscegenation like Mr Quoi. As to their

#### LOWERING WAGES

This is another point on which he does not agree, at any rate as far as cooks are concerned. He says that in his restaurant in Auckland he keeps nine and not a Chinaman among them. “When I was cooking, I never worked for less than £3 to £3 10s, and though times are not as good now as they used to be, whenever any of my countrymen come to me they want at least £3 a week. Now I can get European cooks at 35s to 40s a week, and they are contented, while my countrymen are always growling that wages are not high enough.” After that I began to think the question of Chinese labour was getting about exhausted, so far as Mr Quoi was concerned, and we branched off into several other matters of conversation, including

#### “WHAT THE CHINESE DO WITH FUNGUS”

Quoi explained that by sending it to Hong Kong, fungus bought for 3d a pound in New Zealand was sold for 2s in China. ‘They use it to flavour poultry and meats and Mr Quoi says he has on several occasions had some in Auckland and that the flavour when once the strangeness is overcome it is rather nice’. The interview then ended with Mrs Quoi bringing in ‘his bitters (no sherry), and having got to the end of a rather nice cigar, and of my conversational powers on the Flowery Land, we part with mutual congratulations, and on my part, respect for the Auckland sample of the Heathen Chinees’.<sup>121</sup>

In mid-1892 he both coached and captained the Chinese team competing, unsuccessfully, in tug-of-war contests.<sup>122</sup> Also in that year, having ‘interested himself in the matter’, he reported that a Chinese man believed to have leprosy had been completely cured (and of tuberculosis, not leprosy).<sup>123</sup> In 1894 he arranged for an injured Chinese market gardener to be taken to hospital.<sup>124</sup> In 1900, he collected money from ‘the Chinamen in and around Auckland’, making the largest contribution himself,

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<sup>121</sup> *Wanganui Herald*, 24 June 1890, p. 2.

<sup>122</sup> *New Zealand Herald*, 2 June 1892, p. 4, 4 June 1892, p. 5; *Auckland Star*, 6 June 1892, p. 3, 10 June 1892, p. 3; *Observer*, 11 June 1890, p. 12.

<sup>123</sup> *New Zealand Herald*, 5 July 1892, p. 4, letter from L.W. McGlashan & Co [advertisement], 6 July 1892, p. 3.

<sup>124</sup> *New Zealand Herald*, 18 June 1894, p. 5.

of £1 1s, for the Rough Riders' Contingent Fund;<sup>125</sup> this corps was fighting in the Boer War.

Two years later, when a ship, the *Ventnor*, carrying Chinese corpses to China for burial sank, several Chinese informed an Auckland newspaper about close family ties and the desire to be buried with ancestors; Quoi was the last to be interviewed:

Mr Thomas Quoi, the well-known Auckland merchant and Chinese interpreter, strongly confirmed the view taken by his compatriot. "A profound sentiment," he remarked, "underlay the removal of the bodies from New Zealand. And now, by the loss of the ship that was carrying them to China," he went on, "the hopes of the relatives of the dead are dashed to the ground. It is a greater misfortune than you Europeans can understand. You look at these things very differently. The loss of the *Ventnor* has caused great grief among the Chinese who reside in the colony and will be very keenly felt in China. In taking the bodies from the ground and sending them to China the Chinese people here were actuated by the best of motives. Nothing could be more unfortunate than the foundering of the vessel that had been chartered for the purpose of carrying out the pious wishes of the relatives."<sup>126</sup>

When reports were spread in November that year about Chinese rioting, his denials were accepted by the press.<sup>127</sup> When ceremonies to mark Queen Victoria's death were held in February 1901, he along with Ah Chee participated, laying a large wreath.<sup>128</sup> In the following month, he took the census of Chinese residents of Auckland.<sup>129</sup>

In August 1903, he was able to foil a confidence trickster who had offered to insure a fruit shop:

Mr Thomas Quoi was standing in the shop, and at once entered into conversation with the would-be insurer, telling him that the place had not been covered for the last three years. He asked the man what was the premium and was told 21/ [shillings]. Mr Quoi replied it was 10/6 before, because the premises were built in brick. The man asked to see the back of the premises, and after being shown round offered to take the risk at 15/ per £100, stating he represented a leading N.Z. office. Mr Quoi agreed for £400, and the man pulled out a paper, but probably was not aware that he was talking to a Chinese who could read and write in English. As soon as Mr Quoi saw the paper was not headed with the name of the company which the man claimed to represent his suspicions were aroused. Whether or not

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<sup>125</sup> *Auckland Star*, 21 February 1900, p. 5.

<sup>126</sup> *New Zealand Herald*, 31 October 1902, p. 5.

<sup>127</sup> *New Zealand Times*, 13 November 1900, p. 5.

<sup>128</sup> *New Zealand Herald*, 4 February 1901, p. 5.

<sup>129</sup> *Auckland Star*, 28 March 1901, p. 5.

this was noticed by the man it is impossible to say, but he hurriedly put the papers back in his pocket and said, "I will come back this afternoon," and Mr Quoi replied, "All right, my mate will be here." Mr Quoi waited until after 3 o'clock, and then went out, but first told the other Chinese to pay no money.

After the man returned and failed to obtain any money, he left, promising to return the following morning. 'As he did not keep his appointment Mr T. Quoi waited upon the company the name of which had been used later on and learned that no such man as the one described was authorized to canvass for that company'.<sup>130</sup>

### INVOLVEMENT IN TE AROHA MINING

In June 1888, it was rumoured that Quoi was 'about to establish a boarding house at Te Aroha, on a scale which has met with much success' in Auckland.<sup>131</sup> Instead of establishing this, he became a partner in the Montezuma, covering 50 acres 'situated near the Te Aroha township' and adjoining 'the Lord Nelson and Tui mines, on the Champion lode line'.<sup>132</sup> It was described as being an 'exceptionally long strip in a line with the Tui'.<sup>133</sup> Its original owners were two Te Aroha residents,<sup>134</sup> Pietro Faes, a tailor,<sup>135</sup> and Charles Henry Albert Tonge, a carpenter.<sup>136</sup> Quoi promised to provide sufficient capital to construct a treatment plant and to meet other expenses.<sup>137</sup>

Between March and May 1888, seven assays were made for Quoi by an Auckland chemist, James Alexander Pond,<sup>138</sup> from several reefs in this claim. These assays were hardly encouraging: although bullion was present, the amount of gold was too small to be quantified, being 'a trace' in two cases, 'a faint trace' in another two, and 'nil' in the

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<sup>130</sup> *Auckland Star*, 18 August 1903, p. 5.

<sup>131</sup> *Te Aroha News*, 27 June 1888, p. 2.

<sup>132</sup> *Auckland Weekly News*, 6 October 1888, p. 20.

<sup>133</sup> Warden's Court, *Waikato Times*, 4 May 1889, p. 2.

<sup>134</sup> Te Aroha Warden's Court, Register of Licensed Holdings and Special Claims 1887-1909, folio 40, BBAV 11500/8b, ANZ-A.

<sup>135</sup> See *Te Aroha News*, advertisement, 9 June 1883, p. 1, 25 June 1887, p. 3, 26 November 1887, p. 2, 4 April 1888, p. 2, 26 October 1889, p. 7, 3 August 1895, p. 2, 12 June 1924, p. 5.

<sup>136</sup> See *Te Aroha News*, 30 June 1883, p. 2, 29 September 1883, p. 2, 18 September 1889, p. 2; *Auckland Weekly News*, 12 March 1898, p. 23.

<sup>137</sup> Pietro Faes to Warden, note appended to application, June 1888, Te Aroha Warden's Court, Mining Applications 1888, BBAV 11289/12a, ANZ-A.

<sup>138</sup> See paper on his life.

last two.<sup>139</sup> Undiscouraged, Quoi sent another five samples in early September, and because of their ‘most satisfactory results’ displayed some of the ore in his restaurant. His enthusiasm was misplaced, because although there were over 14oz of bullion to the ton in the first sample, of ‘outsider bullion’, over 34oz in the second, of ‘loose stone bullion’, and 35oz in the third, the fourth produced only a trace, and the fifth just over 1oz; every sample contained only small amounts of gold.<sup>140</sup> Quoi sent three more samples during October, which were reportedly (but not necessarily) ‘very satisfactory’.<sup>141</sup>

Also in October that year, Quoi called tenders for driving 30 feet.<sup>142</sup> At that time the claim was believed to have ‘especially good prospects, as the reef containing some rich stuff’ that had been found recently in an adjoining claim had been traced into it.<sup>143</sup> In early November, Quoi inspected Alexander Parkes’ reduction works, at Karangahake,<sup>144</sup> on behalf of his partners.<sup>145</sup> Indicating that capital was short and that success still eluded the owners, Faes sought permission to work with only four men for three months, but as he did not appear at the warden’s court hearing the case was struck out.<sup>146</sup> By late November, these 30 feet had been driven and ‘some good ore’ reportedly extracted. Once Quoi arrived in Te Aroha, it was expected that more driving would be authorised.<sup>147</sup> An extra 50 feet were driven by the end of November, when the shareholders were to consider extending the adit.<sup>148</sup> During the next two years, Quoi, in his own words, ‘was frequently away at Te Aroha, where he held a large interest in mines’, leaving Auckland on Saturdays and returning ‘either on Monday or Wednesday’.<sup>149</sup>

Like so many owners of so many claims, the shareholders hoped to sell their ground for a quick profit. In September 1888, it was reported that a sale to a Melbourne syndicate for £5,000 was likely.<sup>150</sup> An ore sample was sent to Quoi, who had ‘the

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<sup>139</sup> J.A. Pond to Thomas Quoi, 9 March 1888, 5 April 1888, 2 May 1888, Te Aroha Warden’s Court, Mining Applications 1888, BBAV 11289/12a, ANZ-A [these letters are now misplaced].

<sup>140</sup> *New Zealand Herald*, 28 September 1888, p. 6.

<sup>141</sup> *Te Aroha News*, 10 October 1888, p. 2, 27 October 1888, p. 2, 24 November 1888, p. 2.

<sup>142</sup> *Te Aroha News*, 10 October 1888, p. 2.

<sup>143</sup> *Auckland Weekly News*, 27 October 1888, p. 37.

<sup>144</sup> For details of Parkes and his plant, see paper on the Tui district.

<sup>145</sup> *Waikato Times*, 6 November 1888, p. 2.

<sup>146</sup> *Te Aroha News*, 21 November 1888, p. 2.

<sup>147</sup> *Te Aroha News*, 24 November 1888, p. 2.

<sup>148</sup> *Waikato Times*, 29 November 1888, p. 2.

<sup>149</sup> Supreme Court, *Auckland Weekly News*, 18 July 1891, p. 30.

<sup>150</sup> *Waikato Times*, 29 November 1888, p. 2.

matter in hand'.<sup>151</sup> He informed a shareholders' meeting in the following January that he had been negotiating with 'some of his friends' for its purchase for this amount. According to one newspaper, 'there have been some excellent assays of the stone from this ground lately, and very probably it may pay well in the hands of capitalists'.<sup>152</sup>

At the end of April 1889, when hearing a suit seeking the ground's forfeiture, the warden was informed that Faes and Tonge had lately 'experienced great difficulty in getting payment of the calls. The shareholders had spent about £150 in driving, etc', and Quoi was 'negotiating to form it into a company'. The case was adjourned to see whether they would continue working.<sup>153</sup> Immediately afterwards, Faes called tenders for driving, and later in May the mining inspector informed the warden that 'some really good work' had been done.<sup>154</sup> When, three months later, the inspector sought the ground's forfeiture because it was not being worked, Faes responded that the shareholders were still trying to obtain more capital to enable them to continue prospecting.<sup>155</sup> According to one newspaper report of this hearing, 'it was shown that the shareholders are doing what their means will allow them to prospect the ground. The Warden stated he had no wish to forfeit ground which is being prospected', and the application for forfeiture was withdrawn.<sup>156</sup> Later that month, Quoi applied to work the ground with two men for three months; he was granted one month.<sup>157</sup>

At the end of September, Quoi again applied to work with two men for three months.<sup>158</sup> 'Considerable work had already been done', and the shareholders 'were still on the job, and had every desire to go on prospecting'. The warden granted protection on the condition that 'bona fide work was gone on with', which Quoi assured would be done.<sup>159</sup> In February 1890, once again he sought the same protection, but because of his technical mistake he was granted only 14 days.<sup>160</sup> In the following month, he applied for another three months; as he was not present at the hearing, his solicitor had to explain that about £400 had been spent since July 1888. After approval to work with two men for three months had been granted in the previous October,

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<sup>151</sup> *Te Aroha News*, 12 September 1888, p. 2.

<sup>152</sup> *Waikato Times*, 22 January 1889, p. 3.

<sup>153</sup> *Te Aroha News*, 1 May 1889, p. 2; Warden's Court, *Waikato Times*, 4 May 1889, p. 2.

<sup>154</sup> *Te Aroha News*, 4 May 1889, p. 2, Warden's Court, 29 May 1889, p. 2.

<sup>155</sup> Warden's Court, *Te Aroha News*, 7 August 1889, p. 2.

<sup>156</sup> Warden's Court, *Waikato Times*, 10 August 1889, p. 2.

<sup>157</sup> Te Aroha Warden's Court, Register of Applications 1883-1900, 60/1889, BBAV 11505/1a, ANZ-A.

<sup>158</sup> Te Aroha Warden's Court, Register of Applications 1883-1900, 71/1889, BBAV 11505/1a, ANZ-A.

<sup>159</sup> Warden's Court, *Waikato Times*, 31 October 1889, p. 2.

<sup>160</sup> Warden's Court, *Te Aroha News*, 5 February 1890, p. 2.

two men were put on and kept on but had apparently spent their time in idling about the ground, as only a fortnight's real work appeared to have been done. No doubt the proprietors of the claim are greatly to blame for this, but as they lived in Auckland it was difficult for them to look after those put on to work the ground.

The latest period of protection requested would be used to get out 'a proper crushing': if this was satisfactory, the claim would be developed, but if 'the stuff was too poor to pay' it would be abandoned. The warden granted the application after stating that, since the last sitting, he had gone over the ground and had asked the men to show him their work.

Any work they could show me that they had done, any two miners in my opinion could have accomplished in a fortnight. I have no reason to doubt the proprietors have expended the money they state on the ground or at least paid it away to have the work done. There is very little to show for it on the ground; and money simply frittered away in that fashion does more harm than good for the prospect of any claim, when there is practically nothing to show for it. It would be far better for the proprietors to have specifications prepared and let the work by contract; they would then know what they got for their money.<sup>161</sup>

After further prospecting was unsuccessful, the ground was surrendered in September.<sup>162</sup> Not until the boom of the mid-1890s was any more work done on this part of the field.<sup>163</sup>

## SHARE TRADING

Although in November 1888 Quoi was reported as being 'a large shareholder in the Montezuma',<sup>164</sup> at that date it was jointly owned by Tonge and Faes, with 25 shares each. Then, on 14 June 1889, Quoi purchased Tonge's interest for £19, and on 29 July he bought Faes' interest for the same price. The modest amounts paid may not reflect their perception of the low value of the ground but rather indicate an agreement between Quoi and his partners whereby he acquired the property cheaply in return for providing capital.

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<sup>161</sup> Warden's Court, *Te Aroha News*, 8 March 1890, p. 2.

<sup>162</sup> Te Aroha Warden's Court, Register of Licensed Holdings and Special Claims 1887-1909, folio 40, BBAV 11500/8b, ANZ-A.

<sup>163</sup> *Thames Advertiser*, 12 April 1897, p. 3; *Te Aroha News*, 29 January 1898, p. 3.

<sup>164</sup> *Waikato Times*, 6 November 1888, p. 2.

Quoi sold some of his shares to other Auckland investors. On 25 July 1889 he sold ten to Charles Hesketh, a leading solicitor,<sup>165</sup> for £9 4s, and seven to Herbert Goodwyn Archer, a naval officer who described himself as a clerk,<sup>166</sup> for £19. On 7 August he sold one share to Robert George Ward, an accountant who described himself as a clerk,<sup>167</sup> for £10, and another to John Hamon, who called himself an agent,<sup>168</sup> for the same amount: clearly an encouraging report had just been received from the prospectors. Ward bought another two in December, the price for which is not known because the transfer form has not survived, and Quoi's last sale, in January 1890, was of six shares to Ah Chee, an Auckland market gardener and merchant,<sup>169</sup> for £50.<sup>170</sup> (He had known Ah Chee at least as early as 1882, when they both were naturalized in Auckland on the same day.<sup>171</sup>) On these transactions, excluding whatever he obtained from the second sale to Ward, Quoi made a notional profit of £60 4s, a sum that does not take into account his having to pay prospectors and to obtain tests of the ore. In 1891 he claimed (correctly) to have lost money through this mining speculation and did not invest in any goldfield until the 1895 mining boom, when he invested in an (unsuccessful) Waihi company.<sup>172</sup>

## BANKRUPT

Although Quoi owned property in Queen Street in Auckland, valued at £130 in 1889,<sup>173</sup> and had run several restaurants and boarding houses, on 4 October 1890 he was forced to declare himself as being bankrupt.<sup>174</sup> He made a sworn statement to the assignee:

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<sup>165</sup> See *Cyclopedia of New Zealand*, vol. 2, p. 133; *New Zealand Herald*, 15 February 1930, p. 14.

<sup>166</sup> See *New Zealand Herald*, 27 July 1928, p. 14.

<sup>167</sup> See Supreme Court, *Otago Witness*, 23 January 1901, p. 18, 6 March 1901, p. 4.

<sup>168</sup> See advertisement, *Auckland Star*, 3 July 1896, p. 8.

<sup>169</sup> See paper on Chinese involvement in Te Aroha and its mining.

<sup>170</sup> Te Aroha Warden's Court, Register of Licensed Holdings and Special Claims 1887-1909, folio 40, BBAV 11500/8b; Certified Instruments 1889, BBAV 11581/10a; Certified Instruments 1890, BBAV 11581/11a, ANZ-A.

<sup>171</sup> *New Zealand Gazette*, 7 September 1882, p. 1228.

<sup>172</sup> Supreme Court, *Auckland Weekly News*, 11 October 1890, p. 14; see also 18 July 1891, p. 30; *New Zealand Gazette*, 10 October 1895, p. 1599.

<sup>173</sup> Assessment Court, *Auckland Star*, 4 March 1889, p. 8.

<sup>174</sup> Advertisement, *New Zealand Herald*, 7 October 1890, p. 1.

I am a restaurant keeper and have been so engaged since the year 1879. Up to three years ago I was prosperous. In 1887 I sold out of Park House, Victoria-street, where I had been doing well for some years. I have tried three places of business since but have lost money in gold mining whilst I was in business. I lost between £400 and £500 in these speculations after 1887. I did not keep proper books. I only kept a record of daily takings, and out of these paid weekly wages and small accounts, banking the surplus. Once, twice, and sometimes three times a week I paid large accounts, by cheque generally, but sometimes I paid large sums in cash. I consider that I have been in monetary difficulties for the last four months. These difficulties arose partly through a falling off in trade, but chiefly through my wife's misconduct. I have not been engaged in any speculation during the last four months.

In January 1890 he had taken out a three-year lease, at £3 per week, of 'the old Wharf Hotel premises', upon which he had spent over £100 in alterations. The immediate cause of his filing was because his wife had sought a divorce.

Having already spent upwards of £30, and made myself responsible for more, I deemed it a proper thing to file at once, in order to protect my trade creditors. My unsecured debts amount to £694 17s, and I owe a balance of £82 12s 1d to two unsecured creditors, making a total of £777 9s 1d. The assets, consisting of furniture, cutlery, crockery, kitchen utensils, billiard table, piano, &c, are valued by me at £400. Several things that my wife claims belong to the creditors. There is also a small sum to my credit in two banks. I have no shares or other property beyond what is disclosed. I am desirous of making some arrangement with my creditors and hope to be able to make a proposal of that nature at the first meeting.<sup>175</sup>

In an affidavit dated 12 September, his wife claimed that he earned £500 per annum, his furniture and stock in trade was worth from £600 to £700, and that he had 'considerable property or funds', the extent of which she did not know because she had been kept in ignorance.<sup>176</sup> Quoi denied her figures, stating that he had no property or funds apart from his restaurant and boarding house. For the year ending 1 August his net annual income had 'not amounted to anything', and as his business was still operating at a loss, the number of debts he was unable to pay was increasing. His total indebtedness was £375; whilst he valued the furniture and stock in trade at £400, there was a bill of sale over this, and he estimated that a forced sale of the furniture would not return more than £200.<sup>177</sup>

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<sup>175</sup> *New Zealand Herald*, 8 October 1890, p. 5.

<sup>176</sup> Affidavit of Mary Josephine Quoi, 12 September 1890, Supreme Court, Divorce Files, BBAE 4984, D55/1890, ANZ-A.

<sup>177</sup> Affidavit of Thomas Quoi, 18 September 1890, Supreme Court, Divorce Files, BBAE 4984, D55/1890, ANZ-A.

At the meeting with his creditors, a lawyer represented both Quoi and Samuel Quoi, who was an unsecured creditor owed £200.<sup>178</sup> Six other creditors were present, one being Ah Kew, an Auckland merchant.<sup>179</sup> The assignee advised them that the auction value of the furniture and effects was estimated as £212, although Quoi valued them at £400, stating that he had paid £120 for the billiard table alone. He hoped to be able 'to make an offer for the assets and business as a going concern but would require a little time. The meeting agreed to this proposal'.<sup>180</sup> As Quoi found himself 'unable to make an offer', the creditors determined that when his estate was sold, he should be discharged. 'The meeting expressed its desire that until the estate be sold Mr Quoi should remain in charge'.<sup>181</sup> Consequently, he continued to run the Wharf Restaurant.<sup>182</sup> As his assets realized only £124 18s net, his estranged wife had indeed over-estimated their value. The creditors agreed to sell the jewellery at not less than nine per cent below its valuation.<sup>183</sup> At another meeting, in March 1891, Quoi said: 'He had no desire to be discharged at present, and only wished to wait and pay his creditors, and at a future time to apply to them to facilitate his discharge'. It was agreed that his discharge would be facilitated, and because he desired to pay his creditors in full 'the remaining jewellery be voted to him, namely the stud and ring'.<sup>184</sup>

Instead of paying his creditors in full, as promised, two months later he paid 2s 2 1/2d in the pound as a first and final dividend, and nearly two years later he was discharged.<sup>185</sup> Nine months later, John Martin was charged with using insulting words to Quoi when they were on a ferry to the North Shore, but the charge was withdrawn after Martin signed a written apology and paid the legal costs. His insulting words were: 'You've done a nice trick to become a bankrupt and thereby doing me out of 30s for work done for you', and in his apology he admitted 'there was no ground whatsoever for what I said'.<sup>186</sup>

(Samuel (usually Sam) Quoi owned a dining room in Albert Street from the 1880s until at least 1918.<sup>187</sup> Despite his surname, he appears not to have been related to

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<sup>178</sup> *Mercantile and Bankruptcy Gazette*, 9 October 1890, p. 317.

<sup>179</sup> See *Observer*, 10 August 1889, p. 17.

<sup>180</sup> *Auckland Star*, 10 October 1890, p. 2; *Auckland Weekly News*, 18 October 1890, p. 30; *Mercantile and Bankruptcy Gazette*, 23 October 1890, p. 335.

<sup>181</sup> *New Zealand Herald*, 17 October 1890, p. 6.

<sup>182</sup> Advertisement, *New Zealand Herald*, 18 October 1890, p. 8.

<sup>183</sup> *Auckland Weekly News*, 1 November 1890, p. 30.

<sup>184</sup> *New Zealand Herald*, 6 March 1891, p. 3.

<sup>185</sup> Advertisement, *New Zealand Herald*, 9 May 1891, p. 1; *New Zealand Gazette*, 9 March 1893, p. 316.

<sup>186</sup> *Auckland Star*, 16 February 1892, Police Court, p. 5, advertisement, p. 8.

<sup>187</sup> *Wise's New Zealand Directory 1887-1888*, p. 901; *Auckland Star*, 7 March 1918, p. 4.

Thomas Quoi. In 1898, Edith Quoi was born in Auckland to Sam, her mother being Harriet, aged 26, recorded as ‘formerly George’ and married at Te Aroha in September 1894, although they were not married there or indeed anywhere else.<sup>188</sup> Samuel, a restaurant keeper born in Canton, was aged 39 in 1898.<sup>189</sup> Either the same or a different Sam Quoi was married in August 1901 to Edith Young Nelson Best, aged 23, the daughter of a coal merchant. He was recorded as ‘Ah Sam, known as Quoi’, and signed the marriage certificate as Ah Sam: a restaurant keeper, he was aged 40, and had been born in Hong Kong to Wong Sam, a butcher; his mother’s name was not recorded.<sup>190</sup> In 1909 he obtained a divorce because his wife, originally Edith Young according to the divorce files, had committed adultery and then deserted him for her Pakeha lover.<sup>191</sup> She died of cirrhosis of the liver in 1911 at an age recorded as 30 (either this or the date on her marriage certificate was incorrect); there were no children.<sup>192</sup> Sam died, aged 66, in 1922, when still a restaurant keeper in Albert Street; he had not remarried. This time no parents were listed; his birthplace was still recorded as Hong Kong, and his arrival in New Zealand was 1872,<sup>193</sup> the same year as Thomas Quoi arrived.)

#### PERSONAL LIFE

Quoi had blamed his wife’s ‘misconduct’ for causing his bankruptcy. Few details are available of his personal life before his marriage, although a fire in 1885 revealed that he was then living in Rokeby Street, off Upper Queen Street, ‘one of those narrow abominations’ created ‘by the greed of uncontrolled land speculators’.<sup>194</sup> It contained several brothels, and in previous weeks the prostitutes living there ‘had received notice from the police to clear out, owing to the repeated complaints of the more respectable residents in this unsavory thoroughfare’.<sup>195</sup> (It is possible that some of the residents of this street taught Quoi the exotic sexual practices that, it was later alleged, he tried to indulge in with his wife.<sup>196</sup>)

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<sup>188</sup> Index of Marriages, BDM.

<sup>189</sup> Birth Certificate of Edith Quoi, 27 November 1898, 1898/699, BDM.

<sup>190</sup> Marriage Certificate of Ah Sam AKA Quoi, 6 August 1901, 1901/2559, BDM.

<sup>191</sup> Supreme Court, Bankruptcy Files, BBAE 4984, box 49, no. 432, ANZ-A.

<sup>192</sup> Death Certificate of Edith Young Best Quoi, 3 October 1911, 1911/1513, BDM.

<sup>193</sup> Death Certificate of Sam Quoi, 27 June 1922, 1922/2924, BDM.

<sup>194</sup> *New Zealand Herald*, 2 March 1885, p. 5.

<sup>195</sup> *New Zealand Herald*, 3 March 1885, p. 5.

<sup>196</sup> *Observer*, 23 August 1890, p. 6; Affidavit of Mary Josephine Quoi, 20 November 1890, Supreme Court, Divorce Files, BBAE 4984, D55/1890, ANZ-A.

In the fire, Paddington Villa, a well-known brothel tenanted by Julia Wilson, commonly known as 'Black Julia',<sup>197</sup> was burnt down. 'There was no house on one side of Mrs Wilson's house; but close on the other side is the dwelling-house of Thomas Quoi, the restaurant-keeper. Mrs Wilson woke up Mrs Quoi when she got out of her own house'; Quoi had been sleeping at his restaurant.<sup>198</sup> The fire was viewed as 'exceedingly suspicious', because after 'repeated complaints' had been made to the police about the 'disorderly scenes', the occupants were ordered to quit Paddington Villa. 'The nightly scenes in the house are said to have been of a most shocking and abandoned character'. Madame Valentine, also known as Becquet,<sup>199</sup> the owner of the house, had returned from Sydney when she heard of the police action, which would mean a loss of £6 a week in rent, and was charged with having set fire to the house, but was acquitted.<sup>200</sup>

Quoi's house and furniture were insured and did not suffer 'much damage', according to the *New Zealand Herald*.<sup>201</sup> In contrast, the *Auckland Star* reported that his house was 'badly damaged' and his furniture was 'almost completely wrecked'. As there was only 'a very short space' between his house and Paddington Villa, the fire brigade's prompt action could not prevent 'almost the whole of one side' of his house being burnt. His house was insured for £200 and his furniture for £100. The loss of his neighbours would not have upset him, for 'the nightly scenes' in Paddington Villa were 'said to have been of a most shocking and abandoned character'.<sup>202</sup> A year later, Quoi purchased the section on which his house stood for £350, of which £212 10s was paid by way of a mortgage to the previous owner.<sup>203</sup>

But who was Mrs Quoi? In the following month, a disturbance in Rokeby Street revealed her first names:

Matthew Thornton and John Hays were charged with damaging a door, 3s 6d, the property of Thomas Quoi, restaurant keeper on the 4th inst., also with assaulting Mary and Thomas Quoi, by striking them. Mr Napier appeared for Hays. Thomas Quoi deposed that he resided in Rokeby-street.

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<sup>197</sup> For examples of her notoriety, see *Observer*, 5 February 1881, p. 207, 21 February 1891, p. 18, 20 June 1891, p. 6 [where it was implied she had African ancestry]; *Thames Star*, 2 May 1885, p. 2, 16 January 1891, p. 4, 24 January 1891, p. 4, 15 January 1896, p. 3, 18 February 1896, p. 2.

<sup>198</sup> *New Zealand Herald*, 2 March 1885, p. 5; confirmed in *Auckland Star*, 2 March 1885, p. 2.

<sup>199</sup> For an example of her keeping a brothel, see *New Zealand Herald*, 6 September 1877, p. 2.

<sup>200</sup> *Auckland Star*, 2 March 1885, p. 2, 7 March 1885, p. 2.

<sup>201</sup> *New Zealand Herald*, 2 March 1885, p. 5.

<sup>202</sup> *Auckland Star*, 2 March 1885, p. 2.

<sup>203</sup> Agreement and mortgage dated 3 March 1886 between William Henry Skinner and Thomas Quoi, BCAT A1009/42ay, A1009/42az, ANZ-A.

On Sunday morning, at one o'clock, the two prisoners knocked at the door of his house. Went to see who was there. The prisoners were close together, and the big man said he wanted a friend. Told him there was no one there. They were very noisy, and one of the men struck him in the face, and the other kicked Mrs Quoi on the knee. The damage to the door was 3s 6d. After annoying him for some time the men cleared. He went out and gave the men in charge. – To Mr Napier: He could swear to the men. It was moonlight. Shook a Maori club at prisoners. Had no doubt as to prisoner's identity; besides he was an Irishman, just like the tall prisoner. Mary Quoi gave her evidence in a very clear manner. She was struck by the tall prisoner and kicked by the shortest. Julia Wilson deposed to hearing a woman screaming in Rokeby-street. She ran out and saw two men. Mrs Quoi said she had been assaulted as described. Could not identify the prisoners as the men. – Mr Napier called evidence in defence, showing that Mr Quoi had made a mistake. It was impossible for an Asiatic to recognize one European from another.

After stressing this curious point and examining Hays and five witnesses to show that Hays had been in bed at the Seaman's Union at the time of the assault, the case was dismissed.<sup>204</sup> In another report of this case, Mrs Quoi's name was given as Mary Jane.<sup>205</sup> As he was not married, her being referred to as 'Mrs' Quoi was a politeness. The most likely explanation was that she was Annie O'Dowd, who upon marrying him in November the following year would adopt the first names of Mary Josephine; it seems she had moved in with him well before they were wed. As previously noted, when distributing bread to the destitute of Auckland in August 1886 Quoi was assisted by 'Miss O'Dowd, of Mount Roskill'.<sup>206</sup> Three months later, in a Catholic ceremony he married Annie O'Dowd, when he was aged 30 and she was 20.<sup>207</sup> (Both European and Chinese communities disapproved of such rare 'mixed marriages'.<sup>208</sup>) Ten months after their wedding, their only child, Thomas Joseph, was born.<sup>209</sup> When a reporter visited Quoi's business in 1888, he discovered that his wife did the office work, and noted a 'handsome piano and a variety of ornaments' in the office, because she was a musician.<sup>210</sup>

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<sup>204</sup> Police Court, *Auckland Star*, 7 April 1885, p. 2.

<sup>205</sup> Police Court, *New Zealand Herald*, 8 April 1885, p. 3.

<sup>206</sup> *Auckland Weekly News*, 28 August 1886, p. 17.

<sup>207</sup> Marriage Certificate of Thomas Quoi, 15 November 1886, 1886/2701, BDM.

<sup>208</sup> See James Ng, *Windows on a Chinese Past* (Dunedin, 1995), vol. 2, pp. 240, 248, 250-256; Julia Bradshaw, *Golden Prospects: Chinese on the West Coast of New Zealand* (Greymouth, 2009), pp. 141, 144.

<sup>209</sup> Birth Certificate of Thomas Joseph Quoi, 14 August 1887, 1887/3303, BDM.

<sup>210</sup> *Auckland Star*, 5 May 1888, p. 5.

Quoi's father-in-law, Peter O'Dowd, a farmer of Onehunga, would be before the court in 1888 for knocking down his son, Charles James, a ploughman, 'and trying to bite him'. Charles deposed that 'This kind of thing had been going on for the last three months, and the ill-treatment had been extended to his mother and the whole family'. A witness confirmed 'that occasionally the father treated his children rather roughly'. In his defence, O'Dowd claimed that his son refused to obey him because the property had been made over to his wife, and 'repeatedly told him since that he was only a loafer. He objected to his son breaking in a horse on a Sunday morning, as he did not wish them to be disgraced'. Quoi gave evidence that 'O'Dowd was not drunk and did not appear to have been drinking on that particular Sunday', implying that he was on other Sundays. He provided a surety of £20 for his father-in-law's good behaviour for three months.<sup>211</sup>

Two months before Quoi's marriage, Ellen Moxon, aged 17, gave birth to an illegitimate daughter named Ethel.<sup>212</sup> Ellen, who would marry in 1889,<sup>213</sup> in the following August in what was headlined as 'An Extraordinary Affiliation Case' sought money from Quoi for the maintenance of Ethel because, she claimed, Quoi was the father. As she was shortly to give birth, she requested an adjournment. Quoi's solicitor responded that his client 'had come to Court to prove that he was not guilty, and he entirely denied the paternity of the child'. After noting the delays in bringing the charge and the failure to have witnesses in attendance, he made the more technical defence that Quoi had not been charged, as required by law, with refusing to provide for the child. As the magistrate agreed, the case was dismissed.<sup>214</sup> Quoi 'denied all knowledge of the birth of the child, [insisting] that he did not know the mother, and had never been asked to support the child'.<sup>215</sup>

The *Observer*, in a sympathetic report, commented that 'as he has been happily married to a European wife for over three years Tom's feelings may be imagined. He was a bit gallant in his youth, he admits; but he thinks it is going too far to blame him with the paternity of every dark-complexioned child in the district'.<sup>216</sup> The 'gallant' comment was an admission by Quoi that he had been sexually active before marriage. The columnist 'Mercutio', who reproved politicians and a clergyman who opposed Chinese immigration and wanted Chinese merchants boycotted, considered that Quoi, 'our enterprising, industrious, and most charitable fellow-citizen, deserves compassion for the practical example of persecution to which it has been attempted to subject him'.

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<sup>211</sup> Police Court, *Auckland Star*, 20 February 1888, p. 5.

<sup>212</sup> Birth Certificate of Ethel Moxon, 20 September 1886, 1886/19075, BDM.

<sup>213</sup> Marriage Certificate of Ethel Moxon, 1889/2694, BDM.

<sup>214</sup> 'An Extraordinary Affiliation Case', *New Zealand Herald*, 20 August 1890, p. 6.

<sup>215</sup> Police Court, *New Zealand Herald*, 20 August 1890, p. 4.

<sup>216</sup> *Observer*, 23 August 1890, p.6.

As the case was not proceeded with, he assumed that Quoi was innocent and that it was 'a cruel attempt to blackmail a married man':

Why Mr Quoi should have been fixed on as defendant is, however, a problem. Mr Quoi complains bitterly of the attempt to ruin his character, and, as a married man, to create uneasiness in his wife's mind and dissension in his home. When he was served with the summons he was thunderstruck. He at first thought someone was playing a joke on him. Mr Quoi says that there was a combination to fix the paternity on him, expecting him to settle rather than go to court; but, feeling that he was innocent, he contested the claim, as he looked on it as an attempt to ruin him. The child he points out is now four years old, and no claim was ever made on him. At the time of its birth he was in good [financial] circumstances and single, and if there was a claim to be made against him that surely was the time to make it.<sup>217</sup>

Two months later, Ellen (now Thornton) herself was charged with not providing maintenance for her child, resulting in her being ordered to pay 7s a week;<sup>218</sup> clearly, she had placed Ethel in the care of another person. One week later, on 19 November, Quoi was charged with failing to support the child.<sup>219</sup>

Ellen Thornton deposed that she was in the employ of the defendant, as waitress, about four years ago, and was on very intimate terms with him. He was the father of the child. When she informed him that he had got her into trouble, he dismissed her forthwith. The child was born in September 1886, since which date she had been married. The reason for the delay in bringing the matter before the Court was that she had provided for the child as long as she could, but, being unable to do so any longer, she was compelled to take proceedings against the defendant. William Moxon, carpenter, Khyber Pass Road, and the father of the complainant,<sup>220</sup> deposed that his daughter had been in the employ of Quoi in December 1885. At the time he did not know why she had left the defendant's employ. She was confined at his house, the child being a female, and he identified the child produced as the same.

After Quoi's lawyer 'contended that the case must be dismissed, as there was no offence disclosed', and cited 'numerous authorities in support of his contention', the magistrate 'pointed out that the prosecution had produced no corroborative evidence.

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<sup>217</sup> 'Mercutio', 'Local Gossip', *New Zealand Herald*, 23 August 1890, p. 1.

<sup>218</sup> Police Court, *New Zealand Herald*, 15 October 1890, p. 3, 12 November 1890, p. 3.

<sup>219</sup> *New Zealand Herald*, 19 November 1890, p. 3.

<sup>220</sup> See *New Zealand Herald*, 12 September 1929, p. 8, 17 September 1937, p. 14.

The whole case seemed to rest entirely on the statement of the mother of the child, and, therefore, completely failed. He would dismiss the charge'.<sup>221</sup>

To add to Ellen's plight, her husband was unsympathetic. Two days after losing her second case against Quoi and six weeks after giving birth to her second child,<sup>222</sup> she had to appeal to the charitable aid board because her husband refused 'to provide for [her] illegitimate child'.<sup>223</sup> She stated that he 'would not let her to go home, since he would not maintain an illegitimate half-caste Chinese child to which she had given birth before her marriage'. She was 'without food and had been living on bread and water. She had already been punished more than she could bear'.<sup>224</sup> The *Observer's* comment on this 'Anglo-Chinese "responsibility"' suggested that Ethel Moxon had two possible fathers: either 'a well-known Celestial cook-shop boss', who by implication was Quoi, 'or the boss' Chinese cook', name unspecified.<sup>225</sup>

Annie Quoi, who after her marriage had adopted the 'religious name' Mary Josephine,<sup>226</sup> later gave evidence which, if true, suggested that Quoi may well have been Ethel's father. On 5 August 1890, she deposed, Quoi had 'asked her to procure evidence for him' in this case.

Witness replied that she did not think it was her duty to do so, whereupon Quoi struck her in the face. A struggle ensued in which her arm was knocked through a glass window. He called her a drunkard and a prostitute, and her mother told him that until he recalled these words, she would protect her. Witness went away with her mother.<sup>227</sup>

On 11 August, Mary Josephine sued for judicial separation on the grounds of cruelty.<sup>228</sup> In her petition she deposed that on 10 April and 5 August that year, as well as on 'various other occasions', Quoi had beaten her:

Shortly after their said marriage the said Thomas Quoi commenced to and has to the present time continued beating your Petitioner with great unkindness and cruelty; that he frequently in violent and offensive language abused your Petitioner and violently assaulted her and on one occasion in

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<sup>221</sup> Police Court, *New Zealand Herald*, 20 November 1890, p. 3.

<sup>222</sup> Birth Certificate of Robert Thornton, 1890/13063, BDM.

<sup>223</sup> Auckland Hospital and Charitable Aid Board, Applications for Relief 1888-1894, p. 705, no. 4912, YCAB 15245/1a, ANZ-A.

<sup>224</sup> Hospital and Charitable Aid Board, *New Zealand Herald*, 2 December 1890, p. 3.

<sup>225</sup> *Observer*, 29 November 1890, p. 2.

<sup>226</sup> Supreme Court, *Auckland Weekly News*, 18 July 1891, p. 30.

<sup>227</sup> *Auckland Weekly News*, 17 January 1891, p. 14.

<sup>228</sup> Supreme Court, *Auckland Weekly News*, 27 December 1890, p. 20.

the month of June 1890 struck your Petitioner on the face and that by reason of the said continued ill-treatment on the part of her said husband your Petitioner's health has been greatly impaired.

Because of his ill-treatment and threats, on 'diverse occasions' she had been forced to leave home to seek the protection of friends but had returned because of Quoi's 'solemn promise that he would treat her kindly for the future'.<sup>229</sup>

In his response, Quoi denied that he had assaulted or been unkind to her, or that she had sought refuge with friends and had only returned when he promised to behave properly. He then charged that, since shortly after September 1887, 'the Petitioner, notwithstanding the urgent protests remonstrances and entreaties of the Respondent, and to the great scandal and injury of the Respondent as a Restaurant-keeper, commenced to take alcoholic liquors in excess'. From that time onwards, she had 'been in the habit constantly of getting drunk and violently, without provocation on the part of the Respondent, misconducted herself towards the Respondent', including on occasions abusing and assaulting him in public. His version of their squabble on 5 August was that 'in the presence of several lodgers in, and other frequenters of', his restaurant, she had broken a glass door. Only after her 'gross misconduct' was there 'any assault unkindness cruelty ill-treatment or violent or offensive language' on his part. Had any such conduct occurred before 5 August, it was 'condoned' by their 'continuous cohabitation' until that date, and he requested that her petition be rejected and that he be awarded the restitution of conjugal rights.<sup>230</sup> In response, Mary Josephine categorically denied all his charges.<sup>231</sup>

Seventeen days after his first affidavit was sworn, Quoi swore another stating that, five days previously, Isaac Moore had informed him that after his wife had petitioned for divorce, she had committed adultery with Bertie Neal.<sup>232</sup> Moore, a gum digger, on the same day swore that he was a regular boarder at the restaurant and on several occasions had observed Mary Josephine being drunk. When Quoi was at Te Aroha at the end of 1889, she was alone with Neal in the evening and they 'appeared to be on very familiar terms'. Not being able to sleep, Moore had left his room at midnight to

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<sup>229</sup> Petition of Mary Josephine Quoi, 11 August 1890, Supreme Court, Divorce Files, BBAE 4984, D55/1890, ANZ-A.

<sup>230</sup> Answer of Thomas Quoi, 1 September 1890, Supreme Court, Divorce Files, BBAE 4984, D55/1890, ANZ-A.

<sup>231</sup> Affidavit by Mary Josephine Quoi, 11 September 1890, Supreme Court, Divorce Files, BBAE 4984, D55/1890, ANZ-A.

<sup>232</sup> Affidavit of Thomas Quoi, 17 September 1890, Supreme Court, Divorce Files, BBAE 4984, D55/1890, ANZ-A.

obtain a newspaper from the dining room. 'Upon passing the kitchen window I saw a light in the kitchen', and immediately Mary Josephine 'arose up apparently from off the floor', as did Neal. 'They were not and could not have been sitting on the chair or on anything else than the floor'. The following morning, he had spoken to Neal about what he had seen, and Neal 'substantially admitted that he had had sexual connection with her. The conversation took place in the presence of Ellen Carroll then a waitress at the said restaurant'. He added that Quoi's 'demeanour' to his wife had been 'habitually kind and considerate. I never heard any complaint by the Petitioner of any assault unkindness cruelty abuse ill-treatment or threatening on the part of the Respondent'.<sup>233</sup>

On the previous day, Ellen Carroll had sworn an affidavit that she had been a waitress at the restaurant from January 1888 until February 1890, when she left because Mary Josephine 'when drunk hit me on the face and abused me without any provocation on my part'. On one Sunday afternoon in 1889, when Quoi was at Te Aroha, his wife had left to go to the North Shore with a Mrs Spawn. A few minutes later, three little boys came in asking for Neal, who was a lodger, 'and said a lady down the street wanted him'. She told Neal, and with three other girls followed him; they saw him meet the two women and accompany them to the North Shore. Mary Josephine and a nurse girl did not return until the early evening, Neal returning shortly afterwards. Mary Josephine told her not to tell Quoi 'anything respecting the fact of her having been out with the said Bertie Neal and in consequence I did not do so'. She confirmed that Neal had admitted being sexually intimate with Mary Josephine and could 'positively say that I often saw the Petitioner drunk'. According to her evidence, Quoi had treated his wife 'with kindness and consideration', and she never saw any unkindness, bad language, or violence against her, nor did his wife complain of any such cruelty.<sup>234</sup> In her response, Mary Josephine denied this charge of adultery.<sup>235</sup>

Initial hearings in the Supreme Court were taken up with lengthy legal arguments from Quoi's counsel seeking to prevent the case going forward, all of which the judge deemed 'utterly frivolous'.<sup>236</sup> The *Observer* described Mary Josephine as 'an Auckland girl of Irish parentage - as nice a woman as one might wish to meet', and anticipated 'lively disclosures' if proceedings went ahead.<sup>237</sup> They did, at the end of September,

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<sup>233</sup> Affidavit of Isaac Moore, 17 September 1890, Supreme Court, Divorce Files, BBAE 4984, D55/1890, ANZ-A.

<sup>234</sup> Affidavit of Ellen Carroll, 16 September 1890, Supreme Court, Divorce Files, BBAE 4894, D55/1890, ANZ-A.

<sup>235</sup> Affidavit of Mary Josephine Quoi, 13 October 1890, Supreme Court, Divorce Files, BBAE 4984, D55/1890, ANZ-A.

<sup>236</sup> Supreme Court, *Auckland Weekly News*, 6 September 1890, p. 19.

<sup>237</sup> *Observer*, 25 October 1890, p. 6.

when Quoi obtained approval to amend his response to his wife's petition 'to add a plea of adultery on the part of the petitioner, the facts of which only came to the respondent's knowledge after the answer [to her petition] had been filed'.<sup>238</sup> When an application for alimony was heard, the facts of the case were not considered, Quoi having already consented to pay 16s a week.<sup>239</sup>

On 29 November, the *Observer* included the following snippet in its 'Gossip' column:

A NEWTON correspondent wants to know, you know, why a young butcher is so attentive to Tommy's wife, and why the piano-playing is allowed to disturb the people of Cross-street, and a lot of other things. I give it up as a Chinese puzzle.<sup>240</sup>

Mary Josephine, who was living with her mother in that street,<sup>241</sup> responded in the next issue:

Challenge:- Cross-Street, Newton, Dec 1st, 1890: I hereby challenge the contributor of the insulting and scurrilous paragraph appearing in last week's OBSERVER (Gossip column) relating to my personal character and integrity, to prove the statement contained therein, otherwise I shall ignore it as an attempt to slander. Mary Josephine Quoi.<sup>242</sup>

As there was no response, she did indeed ignore it; as the rumour was being spread by an unnamed person, she did not sue for slander nor (wisely) take legal action against the newspaper.

On 11 December, Mary Josephine applied, unsuccessfully, to amend her charges.<sup>243</sup> She justified this application by stating that the cruelty she was to allege was 'so gross and indecent that the Petitioner was reluctant to mention it to her Solicitor on instructing him to commence this cause'.<sup>244</sup> Her solicitor confirmed that she had never

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<sup>238</sup> Supreme Court, *New Zealand Herald*, 1 October 1890, p. 3.

<sup>239</sup> Supreme Court, *New Zealand Herald*, 4 October 1890, p. 3.

<sup>240</sup> 'Gossip', *Observer*, 29 November 1890, p. 6.

<sup>241</sup> Affidavit of Ellen Bridget O'Dowd, 20 November 1890, Supreme Court, Divorce Files, BBAE 4984, D55/1890, ANZ-A.

<sup>242</sup> *Observer*, 6 December 1890, p. 15.

<sup>243</sup> Supreme Court, Divorce Minute Books 1869-1908, p. 75, BBAE 5636/1a, ANZ-A.

<sup>244</sup> Affidavit of Mary Josephine Quoi, 11 December 1890, Supreme Court, Divorce Files, BBAE 4984, D55/1890, ANZ-A.

told him the new charges, details of which were provided by a doctor.<sup>245</sup> The judge was unimpressed: the case had been pending since August, and the cruelties should have been included in the original petition. She ‘had been guilty of unreasonable delay’ because, although she had told her mother about them at the end of August, ‘no move was made’ by her until 11 December. ‘It looked peculiar that she should have delayed bringing forward those charges until after the charge of adultery had been laid’ against her.<sup>246</sup>

The new charges were contained in an affidavit sworn on 20 November claiming that, from November 1889 onwards, Quoi ‘began to coerce me to submit to unnatural and grossly indecent acts and notwithstanding my strongest repugnance he repeatedly did the acts hereinafter set forth’. These ‘repeatedly’ occurred on Sunday afternoons, when Quoi compelled her ‘to undress and then he injected into my vaginal parts certain substances such as carrots sausages and other things continuing the process on each occasion until he was compelled to desist by my cries’. These practices caused ‘great pain and suffering’ during the six months that they took place, and ‘were so repugnant to my feelings that I strenuously opposed the Respondent’s wishes in the matter but he assured me that such practices were indulged in by all married people European as well as Chinese and were in nowise hurtful or wrong’. When she said she would consult her mother, ‘as I had never contemplated such things when I married’, he implored her not to do so ‘but to trust him who was my husband that the practices were not wrong’. Accordingly, she had not told her mother until after the proceedings had commenced and had been ashamed to inform her solicitor. Her final charge was that, in May 1890, Quoi ‘attempted to perpetrate the crime of Sodomy upon my person but I resisted so violently and cried so much that he desisted fearing that some of the lodgers in the house would be aroused and come to my assistance if he persisted in his attempts’.<sup>247</sup> Her mother confirmed that, with ‘the greatest difficulty’, she had extracted this information at the end of August. ‘It was only after repeated conversations that I was able to elicit the facts’, and her daughter had refused to inform either her solicitor or a doctor ‘(though requested to do so by me) on the ground that the facts were too revolting to be mentioned to strangers by her’. Subsequently, her mother had told her doctor, who then informed the solicitor.<sup>248</sup>

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<sup>245</sup> Affidavit of W.J. Napier, 11 December 1890, Supreme Court, Divorce Files, BBAE 4984, D55/1890, ANZ-A.

<sup>246</sup> Supreme Court, *New Zealand Herald*, 20 December 1890, p. 3.

<sup>247</sup> Affidavit of Mary Josephine Quoi, 20 November 1890, Supreme Court, Divorce Files, BBAE 4984, D55/1890, ANZ-A.

<sup>248</sup> Affidavit of Ellen Bridget O’Dowd, 20 November 1890, Supreme Court, Divorce Files, BBAE 4984, D55/1890, ANZ-A.

Quoi responded that the latest charges were ‘untrue in every respect and without any foundation whatsoever’. He pointed out that when the offences were alleged to have been committed the lodgers and servants in his boarding house would have heard ‘any cries alleged’, for their bedroom was next to rooms occupied by other people. As well, he was rarely at home on Sunday afternoons.<sup>249</sup> In her evidence, Ellen Carroll swore that she had used the rooms adjoining Quoi’s bedroom ‘for dressing sitting and lavatory purposes’ and had never heard any cries. When Quoi had owned the restaurant on the western side of Queen Street after January 1890, his cook had slept in the room adjoining that used by Quoi and his wife, and the room on the other side was a sitting room used by lodgers all day on every Sunday. ‘Up to the time I left the Respondent’s employ in February 1890 he was rarely at home on Sunday afternoons certainly not more than once in six weeks’.<sup>250</sup>

In January 1891, when Quoi was charged with having unlawfully deserted his wife on the previous 5 August, his solicitor complained that there had been such a short time between the serving of the summons and the hearing that he might not be able to produce witnesses on time. Mary Josephine’s counsel declared that Quoi’s conduct ‘had been of a very brutal nature and was most probably such as had never before been placed before a Court of Justice or perpetrated by any European’.<sup>251</sup> At his request, the court was cleared because of the nature of the evidence to be presented (one woman who did not leave ‘was requested to retire by a constable’).<sup>252</sup>

Mary Josephine, the first to give evidence, outlined their conflict on 5 August over the affiliation case, which had led to her leaving his house. She claimed that Quoi had ‘asked her to procure him some evidence’, and that when she refused ‘he asked if she called herself a wife. She replied that it was not her duty, whereupon he struck her in the face. She tried to ward the blow by making a rush at him’ and Quoi ‘knocked her arm through a glass window. He also used bad language to her and she answered him back’. When she sent for her mother, ‘he called her a drunkard, a disgrace and worse’, whereupon she departed with her mother, who had promised to protect her. The only mitigating factor she mentioned was that although Quoi was ‘occasionally’ drunk, he did not drink heavily’.<sup>253</sup>

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<sup>249</sup> Affidavit of Thomas Quoi, 16 December 1890, Supreme Court, Divorce Files, BBAE 4984, D55/1890, ANZ-A.

<sup>250</sup> Affidavit of Ellen Carroll, 16 December 1890, Supreme Court, Divorce Files, BBAE 4984, D55/1890, ANZ-A.

<sup>251</sup> *New Zealand Herald*, 12 January 1891, p. 5.

<sup>252</sup> *Auckland Star*, 10 January 1891, p. 5.

<sup>253</sup> *Auckland Star*, 10 January 1891, p. 5.

Defendant had frequently assaulted her, given her black eyes, and dragged her along the room by the hair of her head. She had on one occasion to seek the protection of the police. She had several times left him, but he had implored her to return, promising to behave better in future, and on one occasion sent Father [John] Downey to intercede for him. On one evening, when a Mrs McGill was present, he chased witness with a penknife and cut Mrs McGill's hand when she endeavoured to disarm him. He had often threatened to take witness's life with a revolver, which he carried with him during the day, and placed under his pillow at night. It was always loaded. [Written statements of assaults of a most disgusting nature were then handed in.]<sup>254</sup>

These written statements were never published, but they were read out in court, for the *Observer* gave a strong hint, which would not have been understood by anyone not previously enlightened by court gossip, by publishing a cartoon on 24 January captioned 'A Very Mixed Marriage: Mr and Mrs Thos. Quoi'. Arranged like a garland around their portraits were two strings of sausages with some carrots attached.<sup>255</sup>

Under cross-examination from her husband's lawyer, Mary Josephine denied that on the evening of 5 August she had been

under the influence of drink and was playing a duet with a certain Maori woman, although she remembered such a woman being present. This was in the dining-room. Her husband did not have to put the child out on this occasion, and he did not say to her, "Did you not ask me to forgive you at five o'clock, and now here you are drunk again."

She 'did not remember' Bertie Neal being 'ordered out of the place on account of his conduct towards her. She remembered slapping Ellen Carroll in the face but was not drunk at the time. She was never alone in the company of Neal [incorrectly printed as Neil] before the 5th August'.

Jane McConkey [not traced] deposed that she was a waitress and had been employed by Mr Quoi for about 12 months, having left last May. Quoi treated his wife in a most cruel manner, frequently striking her and inflicting various injuries. He also used language towards her not fit for anyone to hear. She had heard screams proceed from below in the middle of the night and had seen Quoi kick his wife in the stomach. Witness had also seen him drag his wife round the room by the hair. When these occurrences took place, Quoi was sometimes sober, and at other times drunk. She had never seen Mrs Quoi under the influence of liquor. She had never noticed anything improper between Mrs Quoi and Bertie Neal.<sup>256</sup>

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<sup>254</sup> Police Court, *New Zealand Herald*, 12 January 1891, p. 5.

<sup>255</sup> Cartoon, *Observer*, 24 January 1891, p. 16 [see Appendix].

<sup>256</sup> Police Court, *New Zealand Herald*, 12 January 1891, p. 5.

Another report of her evidence recorded her final statement that ‘she had heard Mrs Quoi screaming many a time’. Under cross-examination, she stated that Quoi had ‘not complained at her conniving with Bertie Neal to carry on with Mrs Quoi. The assaults and bad language often took place in the daytime, so that other persons must have seen and heard’. She named Neal and two unnamed ‘foreigners’ as having been present when Mary Josephine was kicked in the stomach, who had then rushed outside and met a constable ‘who came and spoke to Mr Quoi, and he told Mrs Quoi to go into the house, as her husband would not touch her again that night’. The witness named two women and the cook who had been in the house when Quoi ‘pulled his wife round the room by her hair. Witness had never seen Mrs Quoi drunk. She had seen Mr Quoi drunk’. As for Neal, ‘she had never seen any impropriety between him and Mrs Quoi’.<sup>257</sup>

Mary Josephine, recalled to the witness box after the weekend, insisted that ‘after the Court adjourned on Saturday, she did not spit upon three witnesses or use offensive language towards them. She did not say that they stank’. Two letters, which have not survived, were then read, ‘purporting to be from defendant to his wife, in which he implored her to come back to him. One of these letters was of a very affectionate nature, concluding with “four kisses from Tommy and the child”’. (As their dates were not given, possibly they were written after she had left on 5 August and therefore were not evidence of her having left him on previous occasions. As their son was living with his father, it seems she had left him behind when she left.)

Alfred Annerberg (of whom nothing has been traced), who often ate at the restaurant, deposed to having seen two scuffles between the couple, Quoi striking his wife on the shoulder. Norah Tuohey (also untraced), a nurse girl employed by Mary Josephine for seven months, stated that she ‘had often seen Quoi beat his wife, and use her very roughly, striking her with his fists, and was also in the habit of using bad language towards her. Witness had also heard defendant making a disturbance late at night. She had not seen Mrs Quoi drunk’. She explained that Quoi had dismissed her because she had taken his son’s photo without permission.

Herbert [otherwise Bertie] Neal, a tinsmith, deposed that he had boarded with Quoi from December 1887 until May 1890. ‘Witness thought the treatment complainant had received from Quoi was very cruel. He had seen him drag her out from beneath the bed by the hair and had noticed him kick her and assault her in various ways on several occasions’. (He did not say whether he had come to her defence.) Under cross-examination, he stated he

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<sup>257</sup> *Auckland Star*, 10 January 1891, p. 5.

was not aware that he was very intimate with Mrs Quoi and was never at the North Shore in her company - in fact, he had never been alone with Mrs Quoi previous to the 5th of August. No man ever surprised him with the complainant in his life. He had never helped to take Mrs Quoi to her room because she was drunk. He did not make it a habit not to have his tea without her presence but generally had tea with the girls. Witness was never ordered to leave the premises.

After two more men confirmed Quoi's cruelty, his mother-in-law was the final witness.

Her daughter had, since her marriage, frequently come home to her, sometimes more like an insane person, displaying marks all over her body and black eyes. On such occasions defendant had come after her, imploring her to come back and promising not to ill-treat her again. One night she came home with the child, the latter having only a nightdress on. Mr Quoi had complained to witness that his wife was drinking but did not let witness see her.

Quoi's solicitor pointed out that 'a case substantially of the same nature' was pending in the Supreme Court, and that as Quoi was bankrupt he might not be able to provide maintenance. 'If drunkenness or adultery could be proved, such would remove from the husband his liability to maintain his wife'. Mary Josephine's solicitor retorted that 'it was a very significant fact that Quoi became a bankrupt just a few days after the order for maintenance was made against him'.<sup>258</sup>

Considering that the charges would be best considered by the Supreme Court, the magistrate decided not to proceed with the case. Quoi's counsel stated that Quoi 'had collected some 15 witnesses from Puhipuhi, Thames, and Waikato. He considered the evidence to be produced for the defence to be simply overwhelming and would utterly overthrow the allegations'.<sup>259</sup>

## DIVORCED

After this inconclusive hearing, the *Observer* claimed that everybody was 'heartily sick of the Quoi case'.<sup>260</sup> More was to come, but not because Mary Josephine proceeded with her case, for she left New Zealand for Sydney in February 1891, reportedly 'for the benefit of her health', leaving her legal case 'hung up'.<sup>261</sup> In June,

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<sup>258</sup> Police Court, *New Zealand Herald*, 13 January 1891, p. 6.

<sup>259</sup> Police Court, *New Zealand Herald*, 17 January 1891, p. 6.

<sup>260</sup> *Observer*, 17 January 1891, p. 7.

<sup>261</sup> *Observer*, 14 February 1891, p. 7; *Auckland Star*, 17 June 1891, p. 4.

Quoi filed for divorce on the grounds of her adultery with Neal.<sup>262</sup> Mary Josephine was served with a notice of this action in Sydney, but it was not expected that either she or Neal would attend, as turned out to be the case, for unstated (but obvious) reasons.<sup>263</sup> The first witness in the July hearing was the priest who had solemnized their marriage, Father John Downey, who stated that, after being told by Quoi that his wife was taking legal action, he had seen the latter in an attempt to reconcile them. In his evidence, Quoi revealed that their son was in his custody. In implicit refutation of the claim of unnatural sexual attacks, he declared that during 1889 and 1890 he had been frequently at Te Aroha because of his mining interests, leaving Auckland on Saturday and returning either on Monday or Wednesday:

One night in the end of May or in June 1890, witness opened the dining room, and saw his wife and Neal inside, and he kicked up a row, and ordered Neal out of the house. Neal went from the house, and witness's wife also cleared out. Witness missed her and the child when he went to his bedroom at ten o'clock, and he went by the ferry boat to the North Shore, where her mother lived, thinking she might have gone there, but he found the house empty. Witness returned to Auckland and went to bed. Next day he made inquiries, but it was a couple of days before he found that his mother-in-law had removed to Cross-street, Newton, and he went and saw his wife there.... When he saw his wife at her mother's in Newton, and asked her why she went away, she said it was because he kicked up a row, that he had no right to kick up a row with Bertie Neal, who paid his way. She returned home with him then, and stopped two months, after which, on the 5th of August, she got drunk and smashed up the glass door. Witness sent for her mother, who took her away, and that was the last time she lived with him.

He had been first told about her adultery by Isaac Moore but gave the date when he was informed as two or more weeks later than stated in his affidavit. He denied being cruel: 'it was the other way'. When questioned by the judge, he admitted that he had not paid any maintenance. 'He remembered costs being taxed against him for £12 1s 4d, but he could not say whether it was paid'.

Moore repeated his earlier evidence, adding some further details. When breakfasting with Neal, the latter had started to laugh at his suggestion that he was very intimate with Mary Josephine, 'and made a statement inferring criminal intimacy, but he said he had enough of her, that he could not stand a woman who drank'. Moore 'had no doubt' that there had been adultery.<sup>264</sup> The notes recorded by Judge Conolly gave a cruder (but more accurate) version of part of his evidence. When Moore told him 'You

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<sup>262</sup> Supreme Court, Divorce Minute Books 1869-1908, p. 76, BBAE 5636/1a, ANZ-A.

<sup>263</sup> *New Zealand Herald*, 18 June 1891, p. 4; *Observer*, 27 June 1891, p. 12.

<sup>264</sup> Supreme Court, *New Zealand Herald*, 14 July 1891, p. 3.

seem to be very intimate with Mrs Quoi, he started to laugh & sd oh yes I have been there two or three times'.<sup>265</sup>

In repeating her evidence, Ellen Carroll stated that

Neal admitted being very intimate with Mrs Quoi, but he did not use the word "intimate." She could not, however, recollect the exact word he used. She had seen Neal coming out of Mrs Quoi's bedroom when Mrs Quoi was in it. It was on a Sunday morning when Mr Quoi was away to Te Aroha. Mrs Quoi and Bertie Neal were very "thick" with one another, more like a man and wife than anything else. She would not have tea till he came, and always waited for him, and their conduct was the subject of general talk amongst the servants in the house at the time.

Questioned by the judge, she explained that she had sworn the affidavit after Quoi, whom she had told all she knew, 'came to her about it'. The judge pointed out that earlier she had not mentioned having seen Neal coming out of the bedroom. Quoi then explained that all Ellen Carroll had told him before she left his employment was 'that his wife had been carrying on queerly with a boarder during his absence and referred him to Isaac Moore for information'. That concluded the evidence.

His Honor said he must grant the decree, but the case was a most unsatisfactory one, and had the parties been here very little would have broken it down. The evidence of adultery was very weak. Mrs Carroll in her evidence said she told the petitioner of the conversation she had overheard between Moore and Neal shortly after it occurred, and before she left his employment, but he took no action; and subsequently, in September, he got the whole facts from Moore, but he still took no action. The wife then took action for judicial separation on the ground of cruelty, which, however, was allowed to lapse, possibly because she had not the means to proceed with it, but there was nothing to prevent the husband from proceeding with it. He had disobeyed the order of the Court in regard to maintenance and costs and now came to ask a favour of the Court whilst he was in contempt. He should hesitate to grant the decree, but that he believed the wife would be better off by being away from the petitioner. The evidence was so very slight that, if he did not think it would be for the wife's benefit, he would not have granted the decree and disbelieved the whole story.<sup>266</sup>

Quite apart from the absence of the respondent and co-respondent, the 'stories' given by both husband and wife was weak. If others besides Ellen Carroll had seen Mary Josephine going to the North Shore in suspicious circumstances, why were they not called to corroborate her evidence? If the servants had been discussing her undue

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<sup>265</sup> Supreme Court, Judge's Notebooks, Conolly J, Divorce and Matrimonial Notebook 1889-1900, p.19, BBAE A304/118, ANZ-A.

<sup>266</sup> Supreme Court, *New Zealand Herald*, 14 July 1891, p. 3.

familiarity with Neal and how they ate their evening meal together like a married couple, they could have been called as witnesses. Was it possible that Ellen Carroll had a grudge against Mary Josephine after being struck by her? In the police court, there had been conflicting evidence about whether or not Mary Josephine was a drunkard; as she was allegedly often drunk in public, more witnesses could have been called to prove this. If Quoi really cut Mrs McGill's hand, she could have so testified. Did no doctor see this cut or Mary Josephine's black eyes and other (unspecified) injuries? (She was never admitted to hospital because of any mistreatment.) There was conflicting evidence about whether Quoi was unkind; but if his wife had fled to take refuge with friends, they could have confirmed this. Although her mother supported the claims that her daughter had taken refuge with her, no mention was made of her fleeing to other people. The dates of the letters quoted in court were not given and appear to be attempts at reconciliation when Mary Josephine was living with her mother after 5 August. Mary Josephine deposed that on one occasion she had sought the protection of the police against her violent husband; why then not call a police witness? Clearly a squabble on 5 August had led to the breaking of a glass door, but was this provoked because she was angry about his request that she provide fraudulent evidence to support his denial of the paternity of an illegitimate child, or was it because she was drunk again? As for the alleged use of instruments both animal and vegetable for sexual purposes, was this true or the product of a fertile imagination? Mary Josephine swore that these assaults happened only on Sunday afternoons (why only then?), but Quoi was usually visiting his Te Aroha mine then. If she had screamed and cried so loudly, would not the servants and boarders on the other side of the bedroom walls have heard her and been called to give supporting evidence? Jane McConkey stated that she had heard screaming, but the people she named as having been present when Mary Josephine was dragged around by her hair were not called to give evidence. As for the accusation of a sexual relationship with Bertie Neal, his failure to attend court to clear his name and hers may imply his inability to do so. It is impossible now to determine the truth of these claims and counterclaims, but clearly the judge was wise to grant the divorce, for they could never have lived together again.

Quoi's newly divorced wife was not happy about how her divorce had been obtained, writing from Sydney to the *Observer* 'deploring her inability to be in Auckland to give evidence' but not explaining why she had been prevented from travelling. Whilst 'thankful at being separated from her Chinese spouse', she was 'indignant at the evidence given against her character'. It was 'a very sad state of affairs' that Neal 'never even appeared on my behalf, or in his own defence', and she wanted a re-hearing.<sup>267</sup> Although she returned to New Zealand at the beginning of

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<sup>267</sup> *Observer*, 8 August 1891, p. 6.

September,<sup>268</sup> she was not heard from again. When the decree absolute was granted in March the following year, she did not seek custody of her son, who remained with his father.<sup>269</sup> She would not marry Bertie Neal, or anyone else, in New Zealand.<sup>270</sup> As she did not die in New Zealand,<sup>271</sup> she may have returned to Australia, but no remarriage or death has been traced there. Their son, who became a waterside worker, married Florence Hannah Sutcliffe; for unknown reasons he became commonly known as Howarth. In 1914, at the age of 26, he died after an accident when unloading cargo.<sup>272</sup>

## A SECOND MARRIAGE

Despite these allegations of being a cruel husband, Quoi remarried five months after his divorce was made absolute. He was aged 36, and his new bride, Elizabeth Sarah Ann Davis, was 21. She had been born in Auckland to John, a farmer, and Christina, née Hicks.<sup>273</sup> The wedding was a discreet affair, in the home of Pietro Faes at Te Aroha, the only witnesses being Faes and his daughter.<sup>274</sup> Afterwards the new bride stayed at Te Aroha, where, ten weeks after the wedding, she gave birth to Quoi's second son, Henry William.<sup>275</sup> The following year, Frederick was born, this time in Auckland.<sup>276</sup> Charles Alexander was born in 1896.<sup>277</sup> Their first daughter, Elizabeth Jane, was born in 1898,<sup>278</sup> Ede May was born three years later,<sup>279</sup> another son, Edward Ernest, in 1903,<sup>280</sup> and their last child, Hilda Marion, in April 1905.<sup>281</sup> If the number of children is evidence of a happy marriage, it was indeed a happy one. His death notice

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<sup>268</sup> *Observer*, 5 September 1891, p. 6.

<sup>269</sup> Supreme Court, Divorce Minute Book 1869-1908, p. 79, BBAE 5636/1a, ANZ-A; *Auckland Star*, 15 March 1892, p. 5.

<sup>270</sup> Index to Marriages, BDM.

<sup>271</sup> Index to Deaths, BDM.

<sup>272</sup> Marriage Certificate of Thomas Joseph Quoi, 1908/7652; Death Certificate of Thomas Joseph Quoi aka Howarth, 31 March 1914, 1914/610, BDM.

<sup>273</sup> Marriage Certificate of Thomas Quoi, 16 August 1892, 1892/2054; Birth Certificate of Elizabeth Sarah Ann Davis, 1871/2939, BDM.

<sup>274</sup> Marriage Certificate of Thomas Quoi, 16 August 1892, 1892/2054, BDM.

<sup>275</sup> Birth Certificate of Henry William Quoi, 30 October 1892, 1892/11973, BDM.

<sup>276</sup> Birth Certificate of Frederick Quoi, 20 September 1893, 1893/15700, BDM.

<sup>277</sup> Birth Certificate of Charles Alexander Quoi, 22 February 1896, 1896/15759, BDM.

<sup>278</sup> Birth Certificate of Elizabeth Jane Quoi, 20 September 1898, 1898/9699, BDM.

<sup>279</sup> Birth Certificate of Ede May Quoi, 24 June 1901, 1901/20971, BDM.

<sup>280</sup> Birth Certificate of Edward Ernest Quoi, 4 March 1903, 1903/16984, BDM.

<sup>281</sup> Birth Certificate of Hilda Marion Quoi, 9 April 1905, 1905/12555, BDM.

described him as ‘the beloved husband of Elizabeth Ann’.<sup>282</sup> Their eldest son married an English wife, and died when aged 26, the same age that Charles Alexander was when he died.<sup>283</sup>

### INVOLVEMENT IN COMMUNITY PASTIMES

In a contest held in an Auckland shooting gallery in August 1888, Quoi came second.<sup>284</sup> During September, he was involved in other shooting competitions,<sup>285</sup> and in November, in another competition in the same gallery, he and his rival tied after hitting the same number of bull’s eyes until he finally won by one point.

Considering that the target is only about the size of a threepenny-piece the scoring is remarkable. Mr Warren, whom Mr Quoi defeated, is perhaps one of the best riflemen in New Zealand, and some of the onlookers remarked that it would be a pity in the case of a war between England and China that the Chinese army should be composed of marksmen like Ah Quoi.<sup>286</sup>

He was first elected as one of several vice-presidents of the Newton Football Club in 1897.<sup>287</sup>

In August 1900, his dog ‘Spencer’ won first prize in the St Bernard section of the Auckland Kennel Club show.<sup>288</sup>

Quoi also liked to gamble,<sup>289</sup> usually on horse races. In 1901, the *Observer* quoted him saying ‘If you want to make money ... follow racehorses and leave mining alone’.<sup>290</sup> It had been noted earlier that he had attended races at Ellerslie ‘for years’.<sup>291</sup> At the end of the 1890s he owned the racehorse Parting Jenny and purchased an American racehorse.<sup>292</sup>

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<sup>282</sup> Death Notice, *Auckland Star*, 30 April 1906, p. 8.

<sup>283</sup> Death Certificates of Henry William Quoi, 12 November 1918, 1918/7344; Charles Alexander Quoi, 12 June 1922, 1922/3041, BDM.

<sup>284</sup> *New Zealand Herald*, 10 August 1888, p. 4.

<sup>285</sup> *New Zealand Herald*, 10 September 1888, p. 4, 24 September 1884, p. 4.

<sup>286</sup> *New Zealand Herald*, 2 November 1888, p. 4; see also *Observer*, 10 November 1888, p. 9.

<sup>287</sup> *Auckland Star*, 2 April 1897, p. 2.

<sup>288</sup> *New Zealand Herald*, 1 September 1900, p. 7.

<sup>289</sup> For example, *Observer*, 9 November 1895, p. 10.

<sup>290</sup> *Observer*, 5 January 1901, p. 12.

<sup>291</sup> *New Zealand Herald*, 26 June 1889, p. 6.

<sup>292</sup> *New Zealand Herald*, 7 November 1898, p. 3, 30 January 1899, p. 6; *Auckland Star*, 26 August 1899, p. 3.

In 1889 his gambling led to ‘a somewhat singular’ court case, when William Adams, ‘well-known in connection with the working of the totalisator on the Auckland racecourse, sued Thomas Quoi, the equally well-known Chinese restaurant keeper, for £2 11s’. After the hurdle race Quoi ‘presented a No. 3 ticket upon which he wrongfully received £3 11s’ instead of £1; when the mistake was discovered, he refused to return the extra amount. As well, the ticket he held ‘was on a scratched horse, for which he was entitled to receive £1’, not £3 11s. Quoi denied having received more than £1.<sup>293</sup> Evidence was given by Adams’ employee that ‘when he discovered his error he called out, but Quoi went away quickly. Witness afterwards saw Quoi in company with a policeman, and he asserted that witness paid him only £1, to which he was entitled’. After two other witnesses confirmed this evidence, Quoi’s lawyer was granted an adjournment, ‘as the evidence given had taken him completely by surprise’. After consulting Quoi, he had

decided not to proceed with the case. The affair seemed very complicated, for while the defendant’s witnesses were prepared to swear that they had seen him receive £1 1s and giving 1s change, this did not contradict the evidence of the plaintiff’s witnesses. At one time during the day Quoi did get a dividend of £3 11s but not at the time alleged. As this could not be proved in the face of the evidence given by the plaintiff’s witnesses, he thought it better not to proceed.

The magistrate had ‘no doubt’ that the lawyer had given Quoi ‘the wisest advice under the circumstances and gave judgment for plaintiff for the amount claimed and costs of £5 12s 4d.<sup>294</sup> Four years later, the *Observer* noted Quoi being seen at the pay window of the totalisator when big dividends were being collected:

Tommy is at every race meeting hereabouts, and wherever a substantial dividend is being struggled for, there you will find him in the thickest of the fray. There is a popular tradition that he, like others of his countrymen, back the whole of the horses in a race and take the chance, but this may or may not be true.<sup>295</sup>

In June 1895 he won a couple of hundred pounds by betting on an Ellerslie steeple race.<sup>296</sup> The *Observer* wondered in November whether it was ‘Tommy Quoi ... who won that cottage in the Eight Hours Demonstration gamble’.<sup>297</sup> (There was no

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<sup>293</sup> *Auckland Star*, 11 January 1889, p. 4.

<sup>294</sup> *Auckland Star*, 12 January 1889, p. 5.

<sup>295</sup> *Observer*, 15 April 1893, p. 7.

<sup>296</sup> *Thames Advertiser*, 11 June 1895, p. 2.

<sup>297</sup> *Observer*, 9 November 1895, p. 10.

report that he had been this lucky man.) Four years later he won £57 at the Takapuna Jockey Club's Summer Meeting.<sup>298</sup> Perhaps his well-known love of gambling was the reasoning behind a *Observer* snippet in 1901: 'Tommy Quoi and Ah Chee came in for some special attention from the crowd watching Saturday's procession, and were a bit nonplussed until, to their Celestial amusement and gratification, they noticed they were in the thick of the Salvation Army. Good converts'.<sup>299</sup>

Gambling led to a raid on his Shakespeare Temperance Hotel in 1898, after several complaints that a room in it was being used as a common gaming-house. Six detectives and two policemen entered at 11 o'clock at night, kicked down the locked door, and arrested the occupants. Packs of cards 'were found up the chimney and also in the grate. Small change was found on the floor, and all the men arrested had money on them'. Quoi, the only Chinese man present, was 'charged with being the occupier of a common gaming-house, and the others with being found therein'. Some of those arrested were labourers and the 'mode of living' of others was not known.<sup>300</sup> All eight English defendants pleaded guilty.<sup>301</sup> Quoi's counsel claimed that 'the facts of the case, as he was instructed' by Quoi, 'hardly justified the charge. A game of cards was being played for purely nominal stakes, so that, although gambling was going on, it was a single act of gambling, and he thought this could hardly justify a charge of keeping a common gaming-house'. Nevertheless, accepting that an offence had occurred, a guilty plea was entered, but he pointed out that Quoi 'was well known in Auckland, and bore a good character'. As the police did not press for a heavy penalty, the magistrate fined him £5, and ordered the gamblers not to 'play, haunt, or exercise at any gaming-house' in future.<sup>302</sup>

Quoi was very familiar with the Chinese gambling game known as fan tan,<sup>303</sup> but was never in trouble with the law for playing it.

## LAST YEARS

During the 1890s, as a prominent member of the Auckland community, Quoi continued to be the subject of occasional jocularities and cartoons in the *Observer*.<sup>304</sup>

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<sup>298</sup> *Auckland Star*, 9 February 1899, p. 3.

<sup>299</sup> *Observer*, 9 February 1901, p. 7.

<sup>300</sup> Police Court, *New Zealand Herald*, 17 October 1898, p. 5.

<sup>301</sup> Police Court, *New Zealand Herald*, 18 October 1898, p. 3.

<sup>302</sup> Police Court, *New Zealand Herald*, 25 October 1898, p. 7.

<sup>303</sup> *Auckland Star*, 9 May 1883, p. 2.

<sup>304</sup> For example, *Observer*, 4 August 1891, p. 11, 25 August 1894, p. 10, cartoon, 25 May 1895, p. 12, 5 August 1899, p. 9.

His health and finances declined in the early twentieth century, and he died in March 1906 from a ‘malignant disease of mouth’, meaning cancer. According to his death certificate, he was aged only 49;<sup>305</sup> according to the birth certificates of his last three children, he was 55.<sup>306</sup> His probate did not include an estimate of the value of his estate, which was left to his wife, but it must have been small.<sup>307</sup> He left debts totalling £182 11s 3d; he had attempted to sell his houses for over £700, but could only obtain £605.<sup>308</sup> His creditors discovered ‘that there was sufficient to pay all the creditors in full but ... in consideration for the widow, we agreed to forego two-thirds of our debt’. The sale of his property on the corner of Alexandra and Symonds Streets enabled them to receive three shillings in the pound.<sup>309</sup> The fact that the only obituary, in the *Auckland Star*, was so brief (he was ‘well-known’ and had ‘made numerous friends’),<sup>310</sup> suggests that he had faded into obscurity.

A footnote: three years after his death his widow remarried, this time choosing Andrew Carmichael, also aged 38, an Auckland contractor.<sup>311</sup> Seven months after their wedding, as they had separated, he was ordered to pay 10s weekly towards her maintenance; as he did not, after returning in 1915 after living in Sydney for five years, he was required to do so.<sup>312</sup> In 1922, because she had failed to comply with an order for the restitution of his conjugal rights, he was granted a divorce.<sup>313</sup>

## CONCLUSION

Quoi had been a prominent member of the community for many years, and was widely respected, at least until sensational reports were spread about his peculiar marital aids, as claimed by his first wife. That he was never financially secure was reflected by his regularly abandoning one venture to try another one, though his

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<sup>305</sup> Death Certificate of Thomas Quoi, 25 March 1906, 1906/1367, BDM.

<sup>306</sup> Birth Certificates of Ede May Quoi, 24 June 1901, 1901/20971; Edward Ernest Quoi, 4 March 1903, 1903/16984; Hilda Marion Quoi, 9 April 1905, 1905/12555, BDM.

<sup>307</sup> Probate of Thomas Quoi, BBAE 1569/5790, ANZ-A; *Auckland Star*, 24 April 1906, p. 2.

<sup>308</sup> Agreement between Creditors of late Thomas Quoi and Elizabeth Ann Quoi, 1 May 1906, Hesketh and Richmond Papers, box 109, 23/Q, MS 400, Auckland Public Library.

<sup>309</sup> L.D. Nathan to Hesketh and Richmond, 18 May 1906, Hesketh and Richmond Papers, box 109, 23/Q, MS 400, Auckland Public Library.

<sup>310</sup> *Auckland Star*, 30 April 1906, p. 8.

<sup>311</sup> Marriage Certificate of Andrew Carmichael, 24 November 1909, 1909/4553, BDM.

<sup>312</sup> *Auckland Star*, 1 July 1910, p. 2; *New Zealand Herald*, 3 February 1915, p. 6.

<sup>313</sup> Divorce File, BBAE 4984/2069, ANZ-A; Police Court, *Auckland Star*, 22 November 1922, p. 5.

bankruptcy was not unusual for the time. Like many another investor, he quickly learnt the perils of involvement in gold mining.

Until his relative obscurity in his last years, he was one of the leading representatives of the Chinese community, his status as a spokesman for his fellow countryman being based on his fluency in English, which also made him the principal interpreter in court hearings, but neither role made him universally popular with his compatriots. He was tolerated and even, for a time, admired by some Europeans for being a successful businessman, but despite behaving like a European, and even having two European wives, he was never fully accepted as an equal but always as somewhat exotic.

### *Appendix*

*Figure 1:* Extract from 'Pars About People', *Observer*, 15 April 1893, p. 7.

*Figure 2:* 'Tommy Quoi Does a Bit at Banking', *Observer*, 25 May 1895, p. 12.

*Figure 3:* 'A Very Mixed Marriage: Mr and Mrs Thos. Quoi', *Observer*, 24 January 1891, p. 16.



If you have ever been in the neighbourhood of the totalizator on race days, when big dividend is being collected, you must have seen amongst the small knot of people round the pay window this figure 

—You don't know him? Well, that's strange. Why, it's Tommy Quoi, the best known anglicised Chinaman in the provincial district of Auckland. Tommy is at every race meeting hereabouts, and wherever a substantial dividend is being struggled for, there you will find him in the thickest of the fray. There is a popular tradition that he, like others of his countrymen, back the whole of the horses in a race and take the chance, but this may or may not be true.



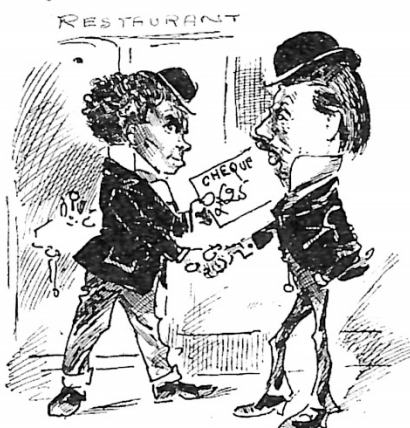
Figure 1: Extract from 'Pars About People', *Observer*, 15 April 1893, p. 7.



The eminent lawyer and his eminent clerk are the envy of the legal world of Auckland. And they are much alike in appearance as well as in handwriting.



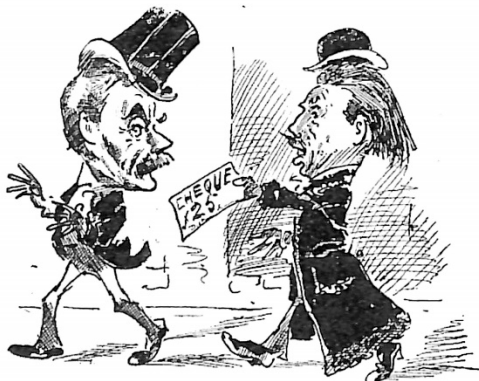
Occasionally, the eminent lawyer troubled his friend and client Mr Thomas Quoi to cash 'a little cheque' after banking hours. It was a convenience, you know.



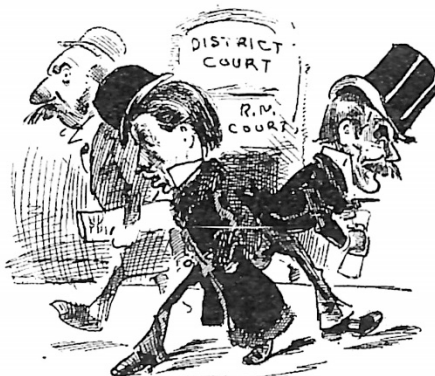
Also, the eminent clerk occasionally troubled Mr Thomas Quoi to cash a 'little' cheque after banking hours. It was 'such a convenience, you know'—to the eminent clerk. And then Mr Quoi was always ready to honour 'the doctor's name.'



And the eminent clerk 'blew' the proceeds of his cheque. One cannot keep a lady and a pair of horses on a few shillings a week.



'Tommy make room for your uncle, there's a little dear.' 'Oh, no, Mr Quoi, that is not my cheque. It is a forgery. Very sorry, but I cannot accept it.'



'The case is over. Clear the Court.' Mr Thomas Quoi realises that the game of banking doesn't pay when you cash forged £25 cheques.

### TOMMY QUOI DOES A BIT AT BANKING.

And it doesn't pay. A comedy in real life, introducing an eminent lawyer, an eminent clerk who is a bad hand at financing, and a Chinaman who has taken his first lessons concerning forgeries.

Figure 2: 'Tommy Quoi Does a Bit at Banking', *Observer*, 25 May 1895, p. 12.



### A VERY MIXED MARRIAGE

MR AND MRS THOS. QUOI.

Figure 3: 'A Very Mixed Marriage: Mr and Mrs Thos. Quoi', *Observer*, 24 January 1891, p. 16.