

## The Traveling Show Menace: Contested Regulation in Turn-of-the-Century Ontario

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The authors apply recent work on regulation to anthropological analyses of community. In Ontario, Canada, the Provincial Police, community leaders, and the traveling show industry itself regulated shows, albeit to different ends and through different means. For rural Ontarians, invoking the law to combat crooked American carnivals articulated and reinforced local and national identity. Distinctions between insiders and outsiders were amplified because circus folk were quintessential others—itinerants and even “freaks.” Unlike most outsiders, however, carnies reveled in their difference and saw through the moral hypocrisy of regulation.

**I**n common parlance, we use “circus” metaphorically, to mean an unruly affair, a riot of excess and disorientation. Yet a trip to the literal circus reveals something else altogether. An array of clowns, acrobats, daredevils, and animals assaults the senses with nonstop action; however, the acts unfold with clock-like precision: the ringmaster coordinates the rehearsed antics of performers, while animal trainers exert their mastery over wild beasts. The modern circus is a resolutely managed business—a kind of traveling musical review with wildlife (Bouissac 1976). When we talk of circus-like scenarios, then, we refer not to the circus of today but to its carnivalesque heritage.

Contemporary circuses and related traveling shows are rooted both in the Roman circus and in medieval fairs, where buskers entertained crowds with bawdy spectacles and the local peasantry caroused, flouting civic and religious authorities. Bakhtin celebrated these festivities as spontaneous, counterhegemonic outbursts, and he mourned their suppression at the hands of the church and the state (Bakhtin 1984; Eagleton

A version of this article was presented at the Social Science History Association Conference, Atlanta, 13–16 Oct. 1994. We thank Fred Dahlinger, Jr., of the Circus World Museum and Archives, Baraboo, WI, for his assistance and the anonymous reviewers of the *Review* for helpful comments. Address correspondence to Tina Loo, Department of History, Simon Fraser University, Burnaby, British Columbia V5A 1S6 Canada; or Carolyn Strange, Centre of Criminology, University of Toronto, Toronto, Ontario M5S 1A1, Canada.

1981). Most cultural historians have modified Bakhtin's gloomy account of the carnivalesque's demise and argued that its spirit did survive, albeit in commodified, politically neutered guises, including the circus.

Although debates persist over the precise timing and extent of the carnivalesque's displacement and sublimation, historians agree that the 19th century was a period of significant mobilization against working-class profane and disorderly conduct (Stallybrass & White 1986; Malcolmson 1973; Rosenzweig 1983). In Europe and North America, traveling shows were one of many targets of bourgeois efforts to civilize plebian entertainment and rough amusements. By the late 19th century, when large circuses like Barnum and Bailey's emerged, they were governed not only by the licensing provisions that leisure reformers had demanded, but by the logic of capitalist business practices. The carnivalesque spirit did survive, yet in relatively sterile acts stripped of their capacity to offend. By the early 20th century, only acrobats, and not "the world," were turned upside down. Thus, the emergence of the modern circus reinforces the Foucauldian insight that power is productive rather than repressive, inspiring new relations of power, accommodation, and resistance.<sup>1</sup>

Circus regulation in the early 20th century also suggests that state power is uneven and inconsistent in its effects. During that period, a new branch of the provincial state, the Ontario Provincial Police (OPP), was instrumental in enforcing an ever broadening array of rules designed to exert control over traveling shows and to impose strict codes of conduct on show operators and patrons. Like other Progressive Era attempts at regulation, the enforcement of the Traveling Shows Act was patchy, as small communities often complained. An account of circus regulation in Ontario could be summarized, like virtually any account of official regulation, as a tale of sporadic compliance and frequent failure, thus speaking to the dangers, as Elizabeth Mertz (1994: 1246) points out, of conflating rules with practice and power with its effects.

The regulatory framework of circus licensing alone tells us nothing about the meanings of regulation, however. As Carol Greenhouse, Barbara Yngvesson, and David Engel point out in their ethnographies, discussions of law and order might be considered a trope—a shorthand for a variety of broader social, economic, and political concerns (Greenhouse et al. 1994). At the micro level of Ontario communities, the regulation of traveling shows tapped deeper cultural anxieties embedded in fears of

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<sup>1</sup> Corrigan & Sayer 1985. Corrigan and Sayer's work contrasts with Marxist and social control studies, which emphasize the state's repressive powers. See Melossi & Pavarini 1981; Cohen 1985. For a critique of Corrigan & Sayer's *The Great Arch* and Corrigan's later work as an approach that fails to break with this state-centered approach to the study of rule, see Dean 1994.

moral and economic decline in the rural regions. When small-town spokesmen agitated over the lackluster enforcement of rules governing circuses and similar traveling shows, they voiced those fears; simultaneously, they articulated rural identity by distinguishing between local interests and those of itinerant and allegedly immoral enterprises. As anthropologists observe, the myth of "community" tends to be articulated and elaborated "in dialogues with specific others and in contexts at specific historical moments." Community is best understood as local space, infused with moral meaning and an historically grounded sense of a way of life, under threat from outsiders (*ibid.*, p. 3). When insiders invoke the law to resist the disruptive threat of outsiders, they mobilize a potent form of symbolic power that, in Bourdieu's words, creates the social world (Bourdieu 1987:814–53, 838).

Like other places in North America, early 20th-century Ontario was a jurisdiction where small-town community leaders, anxious about the declining economic and political clout of rural areas, identified traveling shows as invasions of outsiders into village life. The literal foreignness of these shows was amplified symbolically in their association with values (namely, materialism, vice, and sexual immorality) alien to rural dwellers' self-image. Townsfolk may have differed in their receptivity to traveling shows (many, after all, greeted the arrival of colorful caravans eagerly), but business and religious leaders transcended those differences by appealing to myths of egalitarianism and harmony, the very foundations of "community" (Greenhouse et al. 1994:174–84).

Because of the American origins of most circuses and traveling shows that trouped through the province, however, the traveling show menace took on nationalist dimensions in small-town Ontario. Canadians, so the story went, were cooperative, modest, and religiously observant; Americans were competitive, materialistic, and amoral. Anti-traveling show rhetoric knit country folk's fears to anxieties that Canadian identity was at risk. The metonymy of country and nation lent gravity to local campaigns, draping local business and civic leaders' campaigns in the flag of patriotism (Williams 1973). For lobbyists who named traveling shows as threats to the Canadian "way of life," bylaws and licenses were insufficient safeguards: by the 1920s, business, religious, and civic leaders called for the outright banning of American shows in Ontario.

This confluence of moral and economic concerns was not new. In the earliest licensing provisions that targeted traveling shows, economic regulations were attempts to construct "moral subjects," in that crooked games, gambling, and prostitution were prohibited (Rose 1990). In a bid to attract larger family audiences, the biggest shows usually complied with regulations,

but the emergence of carnivals (offshoots of circuses that featured rides and games, without animal or big-top performances) refueled concerns of illegal and immoral practices. The “carnival menace,” as it was dubbed in the 1910s, threatened local businesses and, even more disturbingly, the moral fiber of Canadians who might easily find themselves swindled, seduced, or corrupted by disreputable Americans.

In mapping out the nature and meanings of regulatory practices in a specific economic, political, and national context, we proceed with the understanding that regulation is a pattern of organization that has no single sponsor (such as the state or hegemonic groups). The regulation of circuses and traveling shows illustrates that the mechanisms of regulation are dispersed and often dissonant: communications breakdown; individual agents pursue conflicting agendas; fly-by-night operations evade detection.<sup>2</sup> By moving beyond the stated aims of regulatory agents and examining regulation as it actually operated, we challenge top-down accounts which assume that objects of regulation ultimately conform to rules. Furthermore, while recognizing that illegal activities did occur in some shows, we do not assume a direct relationship between the traveling show menace and the regulatory response. Community concerns expressed in criticisms of inadequate state regulation suggest that the apparent objects of regulation (in this case, traveling shows) stood in for a range of collateral anxieties, including the fear of “foreigners” and the rise of secularism. Finally, as scholars of organized crime remind us, regulation should not be confused with lawfulness or law enforcement, since illegitimate activities (such as prostitution or gambling) are often tightly organized by persons who consciously violate the law. From carnival “bunco men” to “hoochie koochie” dancers, even the crooked had agendas for regulation.

### **Sunday School Shows and Grift Operations: The Self-regulating Circus and Traveling Show**

For townsfolk all over Ontario, the traveling show and those in its employ embodied all they were not. It was “a little leaven in their doughy lives,” arriving with great fanfare, bringing the exotic to the mundane, and then magically disappearing—often in the middle of the night—leaving nothing behind but a sawdust-flecked, flattened field of grass and mud (Davies 1977:109). For the short time the traveling show was in town, however, the mysterious “races” of the world, the largest and the smallest, from its

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<sup>2</sup> For Mitchell Dean (1994:153), simply flagging the contradictions in moral regulation fails to “do justice to the dispersion of both strategies, their intended consequences, and their range of (intended, semi-intended, unintended, and indeed perverse) effects, and the dissonance within and between specific strategies, programs, policies, and their consequences.”

deepest and darkest parts, could all be seen under the canvas of the big top and sideshow. If the traveling show transcended the physical distance separating the peoples and species of the world, it also seemed a place in which the laws of physics and nature were held in abeyance. Whether it was the death-defying acts of the trapeze artists or the mere living and breathing presence of a two-headed goat or Siamese twins, the circus seemed ungoverned by the rules of everyday existence. As alluring as the spectacular sights and sounds of the traveling show were, much of its appeal lay in the audience's anticipation of the unexpected and the potential for the carnivalesque to break out of the rings and canvas and engulf all who watched—to capture not just the imaginations of spectators but their bodies and souls as well.

Though running away with the circus became an apocryphal tale of escape from the strictures of small-town life, showfolks' liberty had a dark side. Not everyone who ran away with the circus did so willingly. For instance, Paul Dempster, the protagonist of novelist Robertson Davies's *World of Wonders*, claimed the circus had run away with him. In the novel, the ten-year old steals 25 cents from his mother and visits an American traveling show—"Wanless' World of Wonders"—during its stop at the Deptford village fair. For the price of admission, the boy is raped and then abducted by Willard the Wizard, the show's headliner. Reincarnated as "Abdullah" the card-playing automaton, Paul quickly learns the ins and outs of "gaffing" (rigging the games and human attractions) and "grifting" (cheating townsfolk), soon surpassing his master and keeping the Wanless show solvent.

Though fictional, the story of Paul's corruption and descent into a life of crime was consistent with small-town Ontarians' longstanding concerns about American traveling shows. From the moment patrons entered show grounds they were confronted by a variety of schemes designed to rid them of their money quickly and sometimes illegally. Even before the locals—or "Rubes," as showfolk called them—had an opportunity to try their luck at the games of skill and chance (which were gaffed, of course), they had likely already fallen victim to the ticket sellers and food concessionaires who routinely shortchanged, overcharged, and pickpocketed their obliging and unsuspecting customers.

In addition to grift, the arrival of a traveling show was often a signal for local young men to run riot. Though circus "clems," or fights with the locals, could be instigated by suckers who had been taken, the troupers' outsider status was often sufficient to make them targets for young roughs out for some sport, and—ironically—for the blame afterwards.<sup>3</sup> When the J. B. Howe Cir-

<sup>3</sup> The outsider status of some circus workers was reinforced by race—something which made them even more vulnerable to attack. The blacks who performed much of

cus Company visited Toronto in 1855, for instance, some of the talent went to a downtown house of ill fame to familiarize themselves with particular aspects of local culture. During their visit one of the clowns ran afoul of some of the regular customers, among them several firemen. No doubt a cry of "Hey Rube!" went up among the troupers, and soon a full-fledged riot was underway.<sup>4</sup> The locals attacked the company, setting their tent, trunk, and wardrobe ablaze (*Toronto Examiner*, 18 July 1855). Thirteen of Toronto's finest responded, along with one of the city's hook and ladder companies—not to put down the riot and extinguish the fire but to join in the melee! "Such scenes may be anticipated amidst the brutalizing influences of the Southern slave power, or under the darkness and debasement of Popery," opined the *Toronto Examiner* (24 July 1855), "but that they should be found in the free Protestant North is an indelible disgrace to our city, and to the Upper Province."

The fact that the Toronto riot was instigated by a visit to a house of ill fame only reinforced commonly held views that the traveling show, in addition to provoking violence, was immoral. Not only could traveling show patrons be "skinned" by the grifters, but they could also, it was rumored, partake of the "skin trade." Behind the dark folds of some sideshow curtains were "Men Only" shows featuring hoochie koochie or "oriental" dancers whose gyrations, one gathers, were enough to send local menfolk into orbit, and to fill the traveling show's coffers in the bargain. Traveling showmen did not just live off the avails of prostitution, however, for there were also fears that they were active participants in the white slave trade. Paul Dempster's abduction and containment in the mechanical body of Abdullah stood for just such fears. Traveling shows, then, were a moral danger, capable of despoiling the flowers of Canada's youth even as it corrupted its adults.

Not surprisingly, the grifting, gaffing, violence, and immorality associated with the traveling show provoked a reaction from the state—a reaction we pursue below. Less apparent, however, was the regulatory response it provoked from some showfolk. As the literature in legal anthropology reminds us, the state, or more specifically, its formal law, is only one of a number of factors involved in regulation or "social ordering," and it is not al-

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the unskilled labor with the shows were usually the targets. In 1920, for instance, three black workers from the John Robinson Show were lynched in Duluth, MN, for allegedly raping a white girl. The perpetrators did not flee the scene but, like smug trophy hunters, remained and had their photograph taken in front of the dangling bodies. Such violence was not limited to the United States, for six years later a small riot and near lynching took place outside Mellville, Sask., after a black circus worker allegedly made advances to a white woman. See Vertical Files: "Afro-Americans," Circus World Museum & Archives, Baraboo, WI.

<sup>4</sup> For descriptions of circus clowns in the same period and extending to the 1920s, see Robinson (1925:63–76); and Chipman (1933:pt. I). Chipman's book contains descriptions of clowns in Canada as well.

ways the most important one (Greenhouse 1986:28). Defining regulation in terms of its particular institutional form is less useful than analyzing it as a process that constitutes social order (Roberts 1979). With regard to the traveling show industry, the state's attempts to order social life often occurred in concert with those of private individuals and organizations, including the objects of formal regulation themselves, who imposed sanctions and rewards for compliance in much the same way the state did, and often with greater consistency and effect.

For many of the larger circuses and traveling shows, grifting simply became bad business by the early 20th century. Rumors of shortchange artists, pickpockets, or crooked games not only brought in the law but provoked rubes to violence and wasted months of expensive advance work and advertising. Public tolerance of grift and disorder waned over the 19th century. While showmen like P. T. Barnum had relied on a steady supply of suckers in the 1880s, the premier circuses of the 20th century contended with audiences who demanded truth in advertising, regarding not only food and drugs but "sacred white elephants" (one of Barnum's famous early hoaxes). As a result of economic concerns and public pressure, the Ringling Brothers, like their contemporaries in respectable vaudeville, led the way in catering to a broader audience that included women, children, and middle-class patrons. Their boast of conducting the circus as a "Sunday School Show" was supported by their willingness to fire employees who did not meet strict codes of business conduct or sexual propriety. The Ringling Brothers set the industry standard by trumpeting clean shows and high-class acts as attractions almost as alluring as tigers and tightrope artists. Their takeover of Barnum and Bailey in 1906 confirmed that self-regulation could be highly profitable.

It would be a mistake, however, to think of self-regulation as simply complementing the state's efforts at governance. Though the Ringling Brothers' initiatives did so, the regulatory efforts of other showmen did not and, in fact, were antithetical to them. As the dynamics of organized crime suggest, self-regulation can create a rival *illegal* social order in which people's behavior is nonetheless rule-bound. Thus, just as we must separate the form of regulation from its function to appreciate the variety of regulatory agents, so too must we decenter the notion of legality to see the diversity of social orders that can be created and the "oppositional" social visions of which they are a part (Lazarus-Black & Hirsch 1994:10–13, 15–16; Hay 1975; Thompson 1975).

From the perspective of the state and big showmen like the Ringlings, the grift that characterized many traveling shows in the early 20th century was disorderly, illegal, and hence the legitimate target of regulatory efforts. From another angle, grift was an orderly enterprise, the *product* of a system of self-regulation in

an industry undergoing rapid change. Ironically, the Ringlings' success at marketing their own respectability precipitated wider changes in the traveling show industry, including an increase in gifting. As other monopolies swallowed competitors, the great circuses in the early 20th century consumed rivals and drove smaller operations out of business. The show-going public came to expect only the biggest and most stupendous acts on offer. One small operator attributed his poor showing in the 1910 season to his audience's higher expectations: "the people are used to a much larger show."<sup>5</sup> From the hundreds of circuses that criss-crossed North America at the turn of the century, only a handful survived—only to face further challenges from the movie industry (Truzzi 1968:312–22). By the 1910s, giant railroad circuses such as Ringling Brothers, Barnum and Bailey's Combined Shows, and Sells Floto blazed through the biggest cities on their Canadian whistle stops, leaving the leftovers, the "Pumpkin Centres" of the province, to the smaller operations that might still hope to impress yokels. For them, gifting became a matter of economic survival.

While increases in economies of scale contributed to a rise in gift in the marginal shows, the emergence of a new entertainment form, the carnival, which seemed to operate according to a different ethic from circuses, contributed to negative perceptions of traveling shows and showfolk. Although they sometimes displayed animal and human curiosities similar to the oddities featured in circus menageries and sideshows, carnivals also offered rides and games that called for active audience participation, unlike circuses with their skilled performances under the big top (Easto & Truzzi 1972:550–66, 551–52). The traveling carnival was inspired by the Coney Island amusement park, taking its brash and quintessentially American brand of commercial amusement on the road (*ibid.*, p. 554). Carnivals were more than reminiscent of American-style entertainment; in fact, the Superintendent of the Ontario Provincial Police claimed in 1921 that *all* carnivals were American.<sup>6</sup> The carnival's merry-go-rounds and Tilt-a-Whirls extracted thrills from up-to-the-minute industrial technology; at the same time, its bold use of midway hucksterism and titillating girlie shows harkened back to the boisterous and bawdy

<sup>5</sup> Ernest Haag, proprietor of Mighty Haag Shows, to Rogers, 25 June 1910, Circuses—Travelling Shows, Public Archives of Ontario, Ontario Provincial Police, R.G. 23, Series E-20 (hereinafter cited as PAO). Joe McKennon (1980:9), while professing admiration for the Ringlings, had reservations about their business methods:

I admire them for their high standards of conduct, and for their success in turning circus business Sunday School. I, like other circus troupers, admired their circus as being really, "The Greatest, the Grandest and the God Damnest." Many of us had no desire to work in it as it no longer represented real circus trouping to us. I despised their methods of buying up successful opposition shows and taking them off the road. This, not the big depression, I believe was the major cause of the decline of the big railroad shows in the Thirties.

<sup>6</sup> Superintendent Rogers to the Ontario Provincial Treasurer, 24 Sept. 1921, PAO.



medieval street fair. The carnival's popular appeal fueled an expansion of the industry, from 17 shows in 1902 to 119 by 1934 (Inciardi & Peterson 1972:599).<sup>7</sup> Thus, while the circus industry was consolidating and cloaking itself in a mantle of respectability, the upstart American carnival business was aggressively carving a new niche in the commercial amusement market.

Though grifting had long been a feature of traveling shows, the consolidation of capital and the emergence of the carnival revived the problem. Unlike big-name circuses, smaller dog and pony shows and carnivals that operated on the economic and moral margins of the industry depended more on the quick buck and the fast getaway than on audience loyalty and name recognition. Crooked small-scale proprietors actually *changed* the names of their shows to dupe authorities, while showmen in their employ used aliases and exploited their anonymity and transiency to criminal advantage (Inciardi & Petersen 1972:596).

The fly-by-night quality of these shows on the fringes obscured the highly organized nature of their grifting operations, which matched the bigger shows in their intricacy and attention to detail. Whereas the Ringling Brothers organized themselves as a Sunday School Show, other operations were organized to produce grift. Nevertheless, the object of both systems of self-regulation was the same: profit. As Joe McKennon (1980:42), "a man who was there," proclaimed: "the games never work on any show or fair grounds anywhere until the 'go ahead' has been given by someone with authority to give that permission." Each traveling show had a professional "fixer" or "patch," a legal adjuster who did just that: he took care of the licensing of the shows, dealt with any claims, and made arrangements to run the crooked joints, guarding against the prosecution of the traveling show's employees (*ibid.*, pp. 34, 68; Anon. 1909; Sharpe 1970:31–36; Lewiston 1968:282–87). "When the show struck town," recalled an old fixer in 1909, "I saw the chief of police first—he was generally easy. I have bribed them with tickets alone."

Next I fixed the justices of the peace, and once in a while I attended the mayor. Ten or Twenty dollars a piece would usually satisfy the officials of a small town. I'd explain carefully that we didn't intend to take any big money from anyone. All we wanted was permission to run a few legitimate games of chance. There should be a little licence allowed on circus day. Mayors that I couldn't buy I worked on in another way. I could always give them free tickets for themselves and their families. When the mayor's party arrived my assistant would take them in hand, and keep them entertained in the big top until supper time. (Anon. 1909:16)

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<sup>7</sup> Carnivals were first mentioned explicitly in the 1920 Act Respecting Travelling Shows.

Even the most heavily bribed official would eventually close a joint down when enough of the “skinned suckers” complained. In those cases, traveling showmen allowed police to arrest a few dealers, knowing that the justices of the peace they had bribed would likely let the guilty parties go with a fine (*ibid.*).

The system of self-regulation that characterized the traveling show also included rules for dividing the take, or “profit-sharing,” as one grifter called it. At the end of each day the returns of all the joints were pooled and the expenses, or “nut,” removed. The fixer received his 10% for squaring things with the authorities, and whatever remained was divided between the show (35%) and the grifters (55%), who also had to pay for their own help as well as their board and transportation (*ibid.*). Thus, despite its allure, gifting did not make its practitioners rich. “There used to be a little money in stealing,” recalled Eddie Martin in 1906, “but not any more. My nut is too high.”

I have to pay Frank \$10.00 a day to fix for me and then I have to pay the circus \$100.00 a week for the right to work here and then I have to pay the law for the right to steal and they want just about all I can get and they all want it in advance so you see there won't anyone trust me, so some days I don't have anything left for myself. (Sharpe 1970:32)

Not that Martin was likely to complain and blow the gaff: only rarely did employees (like Side Show Shorty, who murdered a fellow circusman and claimed the Pan American Circus was “a fake”) dare to air the traveling show's dirty laundry (Strange & Loo 1994:2). The traveling show's secrets, just like its gaffed games and performers, were rarely revealed publicly, for to do so would be a breach of solidarity and would only invite unwelcome intervention from local authorities as well as a disruptive loss of control over their own affairs. Travelers preferred to conduct themselves according to their own rules. For instance, Harry Lewiston reported that he was not allowed to practice shortchanging at the Howes Great London Shows in the 1920s until he had learned the shortchangers' “code of honor” to the satisfaction of the head grifter: an honorable paper or silver man would never shortchange “a child, a woman, a cripple, a man with a child in his arms, an elderly person, or a man we didn't think could afford the loss” (Lewiston 1968:90).

From the perspective of men “who were there” like Joe McKennon and Harry Lewiston, gifting shows were as orderly and honorable as the Sunday School ones. Indeed, if anyone were acting dishonorably, it was the Ringlings, whose move to consolidate the industry denied smaller showfolk their livelihoods and probably contributed to an increase in gifting in the carnivals that emerged to take their place. For McKennon and Lewiston, legality and illegality, order and disorder, were distinct ideological positions, not natural or transparent conditions. The fact they

were able to articulate these oppositional views speaks to the limits of law's hegemony and highlights the importance of decentering legality from our notions of order.

Regardless of how and why it was created, grift was increasing, forcing the Ontario government to take a more active role in policing traveling shows. When their efforts proved less than satisfactory, local municipalities added their voices to the calls for more stringent regulation. The revenge of the rubes had begun.

### **Matters of Money and Morals: Policing Traveling Shows**

The rapid expansion of the traveling show industry in the 1880s and 1890s prompted the province to step in and reinforce the patchwork of municipal regulations and, more important, to supply a mobile police force to keep pace with an industry always on the move. For this job, Provincial Detectives, later the Ontario Provincial Police (OPP), were empowered to "see that the law is obeyed and to protect the public from fraud and imposture."<sup>8</sup> The preamble of the 1896 Travelling Shows Act made clear the rationale for tighter, province-wide regulation: in the interest of protecting the public from "the numerous class of professional criminals" associated with traveling shows, detectives would be dispatched to travel with and monitor their conduct, and licenses would be purchased to pay for such services (*An Act Respecting Travelling Shows, Circuses and Other Exhibitions 1896:sec. 3*). But licensing required adherence to codes of propriety, not simply paying the \$50 per day then required for permission to exhibit. As historians of the Progressive period have argued, attempts to impose order on civic life were conducted largely through the licensing of public activities, particularly those devoted to working-class pleasures. The province's regulation of traveling shows complemented parallel efforts to modify a range of commercial amusements, from burlesque theaters to skating rinks, by monitoring them and shaping their character (Boritch 1985; Peiss 1986).

The enforcement of traveling show legislation in Ontario proved, like most official attempts at regulation, to be a matter of high ideals, ironic achievements, and embarrassing failures. Despite the fact that a trained, professional, and uniformed police force—a hallmark of modern governance—had been deployed against the traveling show, state regulation retained a distinctly premodern cast, being largely reactive and uneven in its effects. The blanket of surveillance and control thrown over the province was, it seemed, more loosely woven than the official rhetoric

<sup>8</sup> Ontario, Public Records and Archives Department (Newspaper Hansard), 16 March 1896.

might lead us to believe, reminding us of the dangers of conflating regulatory intent with its effects.

The province never supplied enough officers to travel with every show that came through, leaving the Provincial Detectives in the dark when complaints about gaffed shows crossed their desks. The official requirement that shows register their itineraries and apply for a provincial license prior to seeking municipal licenses proved so awkward to enforce that local officials often violated the law themselves to facilitate business dealings by issuing municipal permits independently of the OPP. Local police chiefs rarely informed provincial authorities when they shut down shows which violated local laws, leaving the next town on a carnival's route vulnerable to the same grifters. Although the Provincial Detectives did manage to shut down operations that ran gambling concessions or featured off-color girlie shows, regulatory statutes were more symbolic than practical when it came to protecting the Canadian public.

Had resources been forthcoming, provincial laws regulating traveling shows might have protected Ontarians. The Travelling Shows Act empowered detectives on the provincial payroll to become traveling troupe of entertainment regulators. Although their practice of riding the rails along with clowns and freaks may seem remote from routine police duties, the surveillance of traveling shows actually built on existing practices of traveling, often under cover, to nab counterfeiters, labor agitators, and white slavers. The force remained disparate and loosely organized until 1909, when the Ontario Provincial Police were organized through the office of the Attorney General and administered under tighter, centralized authority (Higley 1984:44–74 *passim*).<sup>9</sup> There was little difference, then, between closing a gambling house in a Northern Ontario mining town and ordering a circus owner to drop a fixed shell game: the operation of the OPP expressed the provincial government's aim to assert its sovereignty over its entire territory, to rule literally and figuratively "at a distance."

Regulating the operation of circuses and carnivals must have provided OPP officers welcome relief from the force's routine encounters with violence and disorder, but the mobility and number of traveling shows presented a challenge all the same. The OPP's establishment coincided with the heyday of the traveling show in North America, and even the expanded force of 80 men, most of whom were stationed in the sparsely settled north and west, found it difficult to maintain vigilance. Very few officers actually traveled with shows and, ironically, most who did rode along with the biggest circuses, which generally adhered to

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<sup>9</sup> The Constables Act (1877) dictated that every county and district of Ontario be provided with a constable in addition to a local constabulary. It was superseded by a 13 Oct. 1909 Order-in-Council which created the Ontario Provincial Police Force.

the laws.<sup>10</sup> In practice, the OPP's involvement consisted principally of issuing licenses to show proprietors and dispatching officers to investigate alleged irregularities. Thus, in spite of the new, overarching system of police surveillance, restricted resources hamstrung the detectives and placed them in a reactive mode. While the licensing process required show owners to obey laws prohibiting gambling and sexual immorality, enforcing the laws proved a taller order.

On a quotidian basis, regulating traveling shows was more explicitly an issue of money than morals, for the most common infractions of the laws were refusals to pay the license fee. The correspondence of Joseph Rogers, the first Superintendent of the OPP, is peppered with letters to and from traveling show owners who claimed that the licensing requirements were too complex or, if that failed, that the rates of taxation were too high to comply with. The Travelling Shows Act had always allowed for discretion in setting fees for smaller shows, and owners constantly requested special consideration, particularly if bad weather prevented them from holding shows. Wall's Great London Shows, "A Strictly Clean and Legitimate Amusement Enterprise," was one of a growing number of circuses that embraced the new code of morality extolled by the Ringling Brothers; unfortunately, as a small-scale show, it could barely afford to pay for its legitimacy.<sup>11</sup> When heavy rains washed out two shows in 1916, show owner A. J. Johnston implored Superintendent Rogers to do anything "in the way of fixing for the two stands [they] lost." Other proprietors preferred to cheat rather than grovel. The owner of Downie's Dog and Pony Show, for instance, typified many small-time operators who tried to weasel out of licensing requirements: showing without a license, claiming ignorance of the law, or assuring authorities that the money order was in the mail were among the common ploys. In such cases, threats of immediate closure miraculously produced the cash required to purchase a license.<sup>12</sup>

Licensing did not guarantee that a traveling show would conduct itself legally, but it did provide the OPP with considerable leverage if infractions were reported. Superintendent Rogers toyed with show owners, extracting promises that every aspect of their operations be squeaky clean if they hoped to continue on

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<sup>10</sup> Traveling show licenses, issued under the Travelling Show Act, provided that proprietors pay a set fee, in accord to the size of the show and the number of intended exhibit days. Furthermore, it bound licensees to "well and truly observe and keep all laws of the Province." Gambling and games of chance were specifically prohibited at the risk of revocation. PAO.

<sup>11</sup> Traveling shows striving for legitimacy used the same key phrases when seeking new employees. Jones Brothers Shows of Cleveland, for instance, advertised (most likely in *Bandwagon*) that they were hiring "A Few More Clean, Moral Shows of Merit." PAO, n.d.

<sup>12</sup> Johnston to Rogers, 18 May 1916; Inspector Miller to Rogers, 7 May 1910, PAO.

their route through the province. While some owners were bosses of the grift operations, many claimed that illegalities occurred without their knowledge. The traveling show business necessarily brought together groups of strangers, hired on contract, sight unseen; only elite big-top performers were hired with any advance knowledge of their reputations. Proprietor H. J. Pierson faced an uphill battle when he tried to renew his license for 1916. Over the previous season, three of his men had been arrested for shoplifting and another was charged with running a gambling device. Acknowledging that he should have taken greater care to monitor his employees, he guaranteed that “absolutely nothing with or around this show . . . will not be absolutely on the square.”<sup>13</sup> Although Rogers’s decision in this case is not recorded, his ability to intimidate owners into promising security bonds on top of licenses suggests the coercive potential of the traveling show licensing scheme. Rogers’s collection of fruit baskets, hams, and animal skins donated by grateful owners suggests that proprietors recognized the utility of favors when conducting official business with the state.<sup>14</sup>

Where money and morals merged was in the regulation of gambling and grift. Traveling show licenses explicitly prohibited games of chance and gambling, and the OPP was quick to order an end to such games, whether or not they were fixed. The police deemed “Hanky panks,” such as shooting galleries or fish ponds, as innocent fun because they were considered games of skill. Games of chance, in contrast, rewarded luck and tempted patrons to part with their hard-earned money. Whether or not citizens felt that they stepped up to the roulette wheel with their eyes open, the state assumed they were blind to the moral dangers of gambling. OPP officers, if not the local constabulary, were also well aware that slick promoters could dupe carnival goers with rigged games. Shell games, where patrons bet on the location of a concealed pebble, and spindles, which players spun in the hopes of landing on a money prize, were often fixed. The midway of the Canadian National Exhibition was reportedly a fertile ground for “fakes, swindles, gambling or confidence games,” but the only violation that the OPP actually confirmed was the “boosters’ ” practice of displaying money to lure gullible customers to their concessions. Discrete reminders about antigambling laws quieted the spielers, at least when the police were within earshot.<sup>15</sup>

Citizen complaints usually generated more dramatic responses. When a rube complained to the Belleville police in 1921 that he had lost \$40 playing a game in the John Robinson Show,

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<sup>13</sup> Pierson to Rogers, 25 March 1916, PAO.

<sup>14</sup> Rogers to Kennedy, 26 Jan. 1917; Rogers to Kent, 22 Aug. 1917; Traffic Manager to Rogers, 18 Oct. 1920, PAO.

<sup>15</sup> Report of Constable C. P. O’Brien re games at midway, 27 Aug. 1913, PAO.

OPP Constable Boyd investigated and closed the show at once.<sup>16</sup> In spite of the officer's prompt enforcement of the law, the Robinson Show's grifters would likely have proceeded undetected had the local police not summoned the provincial force. The state's moral posturing over gambling and its declared responsibility to protect the public from its vices did not, by any means, eradicate games of chance: for the most part, OPP regulation was a kind of moral mop-up operation after the fact.

Circuses and carnivals presented a further danger in the guise of sexual immorality. When shows advertised "clean," "moral" shows, they laid claim to constructions of legitimacy predicated on business and sexual practices. While bigger circuses put barely dressed women on display, mincing along tightropes or draped in diaphanous "oriental" garb, they were presented as graceful athletes or as educational exhibits (Davis 1994). Hoochie koochie dancers in sideshows and carnivals were another matter altogether. In 1910, OPP Inspector Mains relayed his undercover surveillance report on the Mighty Haag Shows, after they had set up at their first Canadian stop in Welland:

After each performance the men were invited to pay 10 cents and go behind a curtain where they would see some performance that would be interesting to look at . . . [inside was] a person dressed in female attire on a platform who went through what is known as the houchie kouchie performance. The conversation carried on and part of the performance struck me as being out of place.

Mains's reference to "female attire" signaled that the dancer, in this case, was not a woman. Rogers ordered the act closed, but the female impersonator continued to appear as a transvestite exhibit. To supplement his reduced earnings, the performer sold seminude pictures of himself, unfortunately (for him) to an undercover OPP officer who arrested him.<sup>17</sup> Once again, the proprietor tried to assure the authorities that he knew nothing of the picture sale, but he also took the opportunity to point out the inconsistencies of moral regulation: "still, [the pictures] are not bad—plenty of art pictures hanging around on walls in public places and Art galleries." What was immoral, in this instance, was not the exposure of a man's bare legs but the context of his exposure: the fact that he transgressed gender boundaries, that he did so for profit, and that his body titillated rather than educated the audience.<sup>18</sup> As the OPP officer declared, the performance was distasteful precisely because it was "out of place" (Douglas 1966). The Mighty Haag owner's petulant comment that similar displays in respectable establishments failed to offend illustrates his keen understanding of the classist construction of good taste.

<sup>16</sup> Boyd to Rogers, 14 June 1921, PAO.

<sup>17</sup> The charge was not recorded.

<sup>18</sup> Mains to Rogers, 8 June 1910; Haag to Rogers, 15 July 1910, PAO; Davis 1994.

Showman Haag echoed the oppositional voice of the other showmen we heard earlier: moral regulation, he recognized, was a selective, discretionary, and ideological process, marked by hypocrisy. Of course, the annual reports of the OPP and Inspector Rogers's official correspondence reveals no such insights.

### **Patriotic Regulation**

When legal anthropologists and sociologists argue the importance of tracking the empirical basis of disputes, they call for close attention to the relation of law and society (Hunt 1987). The operation of the law—in this case, bylaws and statutes regulating traveling shows—is social in character, in the sense that it is imbricated in systems of power and authority that change over time. For instance, the gap between the stated aims of traveling show regulation and its actual practice did not become a political issue until the 1910s. The growth of the U.S. carnival industry, in a period when patriotic fervor and rural political organization were on the rise, provoked citizens to ask embarrassing questions about existing regulatory practices. For the first time, anti-Americanism fed into complaints about traveling show conduct, forging the initial links between regulation and community identity—links that would be reinforced in the following decade.

The Great War focused national pride and helped Anglo-Canadians articulate what it meant to be Canadian. No one failed to notice that Americans sat back for the first three years of conflict while Canadian men and women sacrificed themselves (and none in greater numbers than Ontarians). This distinctly anti-American gloss to Canadian national identity marked debates over the conduct of traveling shows in Ontario, particularly when it came to enforcing the province's amusement tax. In demanding stricter standards, Canadians drew on and reproduced a national mythology of propriety and circumspection.

In 1916, the provincial government introduced a new tax on commercial amusements to raise funds for the war effort (An Act to Increase the Supplementary Revenue of Ontario 1916). By linking commercial amusements to patriotism, the act continued an effort that Progressive reformers had begun a decade earlier to reform cheap amusements into pastimes that would foster health and spiritual growth (Cavallo 1981). Chipping in to help the war effort might not spring from noble aspirations if it meant attending a music hall, but it did transform otherwise frivolous diversions into acts of responsible citizenship.

Not suprisingly, the tax collectors' aims were not only ignored but appropriated and transformed by the objects of regu-



lation.<sup>19</sup> From a grifter's point of view, the amusement tax was a heaven-sent "skin game": ticket sellers were to collect the tax and turn over the amount to the Provincial Treasurer. Quite simply, the scheme was a shortchange artist's dream. It underscores once again the difference between regulatory intent and its effects, and illustrates, as John Comaroff (1994:x) points out, "the mysterious workings of power may implicate the law quite unpredictably in its means and ends."

Few were in a better position to observe the fraudulent collection of the Amusement Tax than show people, yet the code of silence generally ensured that lips remained sealed. What pushed some show people to break that code and invoke the coercive powers of the law was not a noble sense of propriety but a thirst for revenge. Finding himself stranded and broke in Trenton, magician J. C. Pevril decided to take action after a show owner seized his tent "to make room for some of his thieves." In his estimation, all of the shows in the carnival were "merely an excuse to carry the crooks and pickpockets in the first place." Although Pevril claimed that the Stratford Chief of Police had shut them down on account of their being "a gang of crooks and thieves," Superintendent Rogers had apparently not been informed. Beyond their usual grift practices, the magician added that the show had collected the amusement tax without turning over receipts. Concluding in tones that he rightly assumed would strike a sympathetic chord, he predicted: "you will find that the B. H. Patrick Shows are not fit to be in Canada for they are robbing the people under the guise of patriotism."<sup>20</sup> Once again, Rogers's investigation of the complaint revealed that police chiefs in several small towns had ordered certain games closed or, in some cases, shut the carnival down altogether without reporting to the OPP. The loopholes in the amusement tax further illustrated the irregularities and gaps that characterized the policing of traveling shows.<sup>21</sup>

The discretionary character of licensing and surveillance became more pronounced as third parties entered commercial agreements. In the 1910s, charitable organizations and traveling shows began to establish mutually beneficial relationships: charities made all the licensing and lot arrangements and guaranteed show dates in return for a cut, ranging from 12.5% to 50% of the combined proceeds from the gate, shows, and rides.<sup>22</sup> Although

<sup>19</sup> Bannerji (1994:211) notes that regulation studies consider not only the power of the state to exact acceptance of rules but also people's capacity to "subvert, resist, appropriate, or transform such powers."

<sup>20</sup> Pevril to Mr. Elliot, forwarded to Rogers, 25 Aug. 1917, PAO.

<sup>21</sup> One of the magician's claims was that the show owner had "fixed" a Provincial Constable who rode with the show. Rogers asserted in a 31 Aug. 1917 telegram to the Mayor of Trenton that none of his officers had ever ridden with the show. PAO.

<sup>22</sup> Rogers to Provincial Treasurer, 3 July 1916, PAO.

charities risked liability for any unpaid licenses or taxes, Rogers was usually prepared to waive fees when they were bilked.<sup>23</sup> Rogers's willingness to bend the rules for charities rose during the war, when the amusement tax was in effect. The Superintendent often told the Provincial Treasurer that charitable organizations wanted tax and licensing exemptions in order to hire traveling shows and contribute to the war effort. On 25 February 1919, for instance, a Hamilton local of the International Moulders' Union requested a reduced fee since the Francis Ferari Shows would be performing for the benefit of widows and disabled soldiers. The local Secretary requested that they be dealt with "as reasonable as possible." Again, this request resulted in the halving of the regular fee. Traveling show operators were less successful in manipulating government agents. When Inspector Greer visited the same show, Mr. Ferari claimed that the local societies and athletic clubs with whom he had contracted had paid for his license. Greer refused to buy his story, and he pocketed the fee, as usual, under threat of closure. Thus, while crooked showmen tried to line their pockets illicitly, charities could augment their profits legitimately, thanks to regulators' discretionary powers. In these cases, the selective nonenforcement of rules modified the character of regulation in response to higher community ideals.

### **A Menace to Canadian Youth: Rural Ontario Mobilizes**

Charities' tax evasion never became a political issue, but the fraudulent practices of traveling shows associated with charitable causes exploded into a political showdown between the OPP, local police authorities, and small towns in which a growing array of American carnivals set up shop. At first, the accusations touched on the traditional problems associated with traveling shows: gambling, grift, and sexual immorality. Once local communities banded together in the 1920s to fight the traveling show scourge, however, the character of those accusations changed. For rural Ontarians, represented in the legislature in 1919 by the United Farmers of Ontario (UFO), the campaign against carnivals touched off populist defenses of small-town Canadian identity, embattled as it was by the growth of big cities and commercial interests.<sup>24</sup> Traveling shows became emblematic of larger fears of Americans, as we have seen, but also of materialism, secularization, and urbanization. Discussions in the 1920s about the continuing need for regulation and the ensuing critique of the OPP's efforts were ways of "making claims about the legitimacy of

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<sup>23</sup> "Re Con T. Kennedy Shows" 1913, PAO.

<sup>24</sup> The UFO was formed in 1907 and assumed office in October 1919 after the defeat of the Conservative government. On the rise of the "rural problem," and the depopulation crisis in particular, see MacDougal (1973 [1913]). The 1921 census confirmed that, for the first time, the majority of Canadians lived in urban areas.

a particular way of life” and more broadly of articulating their sense of community (Greenhouse et al. 1994:10). The voices of urban Progressives were notably absent from these postwar campaigns; instead, evangelicals and town boosters led the way in striking a blow for Christian morality and virtuous citizenship.

Carnivals that played Ontario in the postwar period may indeed have been more corrupt than circuses or the earlier forms of traveling shows. Superintendent Rogers judged in 1921 that carnival companies had “deteriorated very much.”<sup>25</sup> The jump in licensing revenue certainly confirms that there were more of them than ever before.<sup>26</sup> However, in large cities like Toronto, which boasted the annual Canadian National Exhibition, several amusement parks, and scores of cinemas, burlesque houses, and dance halls, the arrival of a small carnival barely raised a civic eyebrow. In the smaller settlements of Ontario, like Robertson Davies’s fictional Deptford, a visit from a traveling show could turn a town on its ear, tempting young and old alike with the lure of Mammon and the irresistibility of dancing Delilahs.

Into this moral breach stepped the redoubtable Rev. T. Albert Moore, veteran of the war against white slavery. In July 1920, he wrote to UFO Attorney General Raney to complain about two shows traversing Ontario at the time. In his position as the Secretary of the Evangelism and Social Service Department of the Methodist Church, Moore had fielded numerous complaints that these shows had been selling pamphlets “which reveal nude women in most immorally suggestive attitudes.” Roulette wheels had allegedly been shut down by local police chiefs, but “whispers as to the practice of prostitution by women members of these shows” had not quieted. While Moore expressed his approval of OPP officers’ monitoring of the show, he underlined the necessity of employing men with strong moral convictions, obliquely suggesting that the current crop of officers might have been fixed. At risk was not so much a few dollars lost at ticket booths or shell games but something irreplaceable: “The complaints have come that these shows are a moral menace to Canadian Youth, and we earnestly request thorough investigation followed by elimination of the things which would prove injurious to the morals of our Ontario young people.”<sup>27</sup>

Superintendent Rogers scrambled to assert that his men were doing their job. In fact, the OPP had inspected one of the shows earlier in the season and closed a “girl show, not of the character

<sup>25</sup> Rogers to Provincial Secretary, 24 Sept. 1921, PAO.

<sup>26</sup> While the Provincial Treasurer had collected a meager \$258 in license fees in 1918, that figure skyrocketed to \$10,010 the following year. In 1920, it reached its all-time high of \$23,441. Figures taken from Ontario Public Accounts revenue charts, published in the *Sessional Papers*, vols. 51–53.

<sup>27</sup> Moore to Attorney General Raney, c. 29 July 1920, forwarded to Rogers, 30 July 1920, PAO.

that appealed to [Rogers].” The roulette wheel, he claimed, had been legal because customers played only for dolls or candy, not cash. Such fine legal distinctions did not impress Moore and his supporters, who saw the carnival itself as an immoral intruder into a quieter, Canadian way of life. It was not long before the finger was pointed directly at Rogers and the OPP for having allowed the traveling show menace to invade Ontario.

The populist paper *Jack Canuck* took over where Moore left off, in launching an attack against carnival swindlers and their supposed nemesis: the OPP. Under the headline, “Crooks’ Carnival Plagues Ontario,” the paper charged that gambling and “vile shows” had played throughout the province, under the nose of the OPP. The attack was precipitated by a disastrous set of shows organized by a prominent patriotic league. Although Superintendent Rogers had assured the Great War Veterans’ Association (GWVA) that the Victory Shows were “clean” and dispatched an officer to ensure that they remained law-abiding, police in Welland, Woodstock, Sarnia, and a host of towns along their route reported widespread grift and sexual immorality. *Jack Canuck* exonerated the GWVA but framed its criticism in anti-American and anti-Semitic terms.<sup>28</sup> The promoter, it pointed out, was “a New York Jew,” and the majority of gamblers associated with the show were Americans. All manner of improprieties were carried out under the “Jew’s” direction:

The vaudeville performances were made as spicy as the managers thought the authorities would stand for. There were invitations to stay for the after show (at two dollars a head) when the rubes were promised revelations of the female form unadorned. The gamblers played with loaded implements; they were well provided with “come-ons” who lured the unwary by pretending to win in order that the “suckers” might be induced to squander more of their hard earned moneys.

In short, this show, to the great embarrassment of the Veterans, was “nothing but a collection of tinhorn gamblers and women of easy virtue,” all of whom apparently operated with Superintendent Rogers’s stamp of approval. Local police chiefs were left to deal with scores of complaints from citizens who had been swindled or fleeced. The Chief of the Owen Sound police concluded with a statement that many shared: “shows of [this] kind should not be allowed into Canada.” A cartoon accompanying the story (see Exhibit 1), featuring a cigar-chomping showman, flanked by fancy women, graphically expressed the article’s underlying anti-

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<sup>28</sup> Ironically, Rogers seems to have been particularly suspicious of Jews as well. On 7 Aug. 1920, he sent a “confidential” letter to the Hamilton Police Chief to warn him about “Witt’s World Famous Shows” and to ask that he be kept informed of their activities. “I am creditably informed this is a strong Jew outfit who think they can do as they like in this Province.” Rogers to Chief Whatley, PAO. Witt appears to be the only proprietor to have been jailed. He was sentenced to six months and a \$50 fine by Hamilton Magistrate Jelfs on 12 Aug. 1929. PAO.

Americanism. As the trio marches back to the United States, the caption reads: "We sure get a lot of money out of these Canadian hicks, especially when endorsed by the Provincial Police" (*Jack Canuck*, 31 July 1920).



Whether police corruption or underfunded enforcement mechanisms had led to the traveling show menace, small-town Ontario seized the initiative to introduce new, community-based forms of regulation. Rule at a distance was superseded, in these efforts, by rule from the periphery, initiated by local elites who articulated community values. Spearheading this effort was the Brantford Municipal Council which, independently of the Provincial government, sent a circular to every municipal council in Ontario, asking whether or not they favored "carnivals as a type of entertainment and attraction."<sup>29</sup> Civic leaders from around the province responded that they objected to the "immense pollutive influence from the United States being focussed upon and intensified in Canadian communities."

<sup>29</sup> The Brantford Municipal Council tabulated the results of its civic referendum and reported that over 92% of respondents declared that they were "absolutely opposed to travelling carnivals." PAO, n.d.

Morality and money were linked anew in petitions that called for the stricter licensing of shows for the greater good of the Canadian economy and citizenry. The text of the Belleville Municipal Council summarized these concerns:

weekly shows of the traveling carnival type shown throughout Ontario bring into the Province undesirable "followers" and do not make for the upbuilding of character and are thereby detrimental to the best interests of citizenship . . . these undesirable shows from the United States take from the Province a large amount of money without giving a proper return and thereby have a serious effect on local trade generally, . . . through citizens spending their money at these places of questionable amusement.

The problem was that "amusement orgies and carnivals of inanity and vice" seemed to be more popular with locals than were the drab wares of local merchants who were at the forefront of the campaign to outlaw carnivals.<sup>30</sup> Every time the traveling show hit town, it drained the local economy of cash that would otherwise go toward sensible products, like groceries or farm implements. When the Con T. Kennedy Shows played in Brantford in 1916, for instance, they walked away after a one-week stand with reported earnings of \$5,607.<sup>31</sup> In the meantime, merchants fumed over the fact that these same rubes expected credit from local business. Weak-willed citizens, and youth in particular, were clearly making wrong moral choices when they put their money on a roulette wheel, whether or not it was rigged. The movement to outlaw traveling shows subsumed economic, political, and moral objectives, all under the rubric of small-town solidarity. Such lofty goals called for the law.

The two-tiered licensing system, in place since 1896, had always allowed local communities to prohibit shows from setting up in any municipality, but civic leaders nonetheless felt they deserved a stronger political voice on behalf of small-town Ontario values. Their efforts paid off in 1922 when the Provincial government amended the Travelling Shows Act by increasing license fees by about 50%.<sup>32</sup> The reduction in license revenues to less than \$7,000 in the 1922 season suggests that the grassroots campaign was effective in suppressing the carnival trade. More likely, however, the economic depression of the early 1920s and the growing competition between small shows had simply cut profits. As Superintendent Rogers surmised, "the only reason these shows come to Ontario is from the fact that conditions are so bad

<sup>30</sup> In the Brantford petition to the Premier, 100 local merchants added their name to the Council's resolution. 21 Feb. 1921, PAO.

<sup>31</sup> Manager of Con T. Kennedy, unaddressed, 19 Aug. 1916, PAO.

<sup>32</sup> From the 1922 season, shows with 20 cars or more had to pay \$150 per day; shows with 20 or fewer cars paid \$75; trained animal shows paid \$25; and each side show was to pay \$10. Travelling Shows Act (1922).

in their own county they come over here.”<sup>33</sup> Although the 1922 amendment failed to license carnivals out of existence, it did allow its sponsors to taste a moral victory. Invoking the law in the name of rural Ontario cemented small-town identity and breathed life into the myth of community.

Anticarnival lobbying efforts added a distinctive strand to the web of regulation designed to catch improprieties in the traveling show business. Because the OPP seemed to let so many companies—most of them American—wriggle out of or around existing regulations, small-town Ontarians established a united, community-based response to rid the province of entertainment they found to be of “a questionable character . . . detrimental to local trade, and . . . not in the best interests of the citizens.”<sup>34</sup> Their actions represented a significant departure from preexisting responses to traveling shows, from “fixed” officials’ tolerance, to angry rubes’ swipes at swindlers, to the OPP’s destruction of gambling devices. When the Peterborough Municipal Councilors declared that they objected to carnivals because they “do not tend to [provide] good education or the upbuilding of character,” they articulated an idealistic counterpoise to the undeniable attraction of commercial amusements operated by outsiders.

As a contribution to the fabrication of a rurally rooted, Canadian identity, traveling show regulation was a resounding success. Nowhere was this clearer than in Brantford, which invented myths of its golden past in the course of fighting the carnival menace. For the summer of 1921, the Brantford Municipal Council proposed replacing carnival days with “Old Home Week,” a “clean, constructive, wholesome programme” designed to celebrate the town’s past. If carnivals “endanger[ed] the morals of youth and [were] detrimental to business interests and to the welfare of the community,” Old Home Week would preserve God-fearing Ontarians from the evils of Americanization and secularization.<sup>35</sup> Not only did this “highly selective and mythicized construction” of the past erase the real history of white “outsiders’” expropriation of Native land in the Six Nations region, but it papered over the real economic disparities between businessmen on the Chamber of Commerce and Brantfordians who looked to them for credit. The campaign against traveling shows thus perpetuated the fiction that the world of money and self-interest lay outside the community, in the guise of American carnivals (Greenhouse et al. 1994:115, 176).

<sup>33</sup> Rogers to Provincial Secretary, 24 Sept. 1921, PAO.

<sup>34</sup> F. G. Morley, Secretary of the Board of Trade of the City of Toronto to Premier Drury, forwarded to Superintendent Joseph Rogers, 23 March 1921, PAO.

<sup>35</sup> Report of the Brantford Chamber of Commerce to Rogers, 24 Feb. 1921, PAO.

## The Meanings of Regulation

As we have seen, regulating the circus and the traveling show offered bourgeois and religious elements of small-town society an opportunity to consolidate their positions as the arbiters and defenders of respectability. American evangelicals were equally concerned about “the traveling carnival curse.” As one “fighting preacher” wrote:

In our long experience in fighting these evils we have never known a traveling carnival company which was not largely a combination of gamblers and lewd women. . . . All friends of decency, law and order and of good citizenship should do everything possible to prevent permission being given to have such a carnival come to their town. (Yarrow 1923:239–40)

Many Canadians voiced similar sentiments; however, north of the border, suppressing grift was synonymous with protecting the Canadian way of life—with keeping the forces of materialism, secularization, and, ultimately, Americanization at bay. Small-town boosters’ depictions of traveling showmen were not unlike Canadians’ views of Americans. Canadians were “rubes” compared to their American cousins, who possessed many “carnie”-like qualities: Americans were fast-talking hustlers quick to spot an opportunity and exploit it at any cost—except to themselves.

In crystallizing these distinctions in the form of law, traveling show regulation played an important role in constituting community. Simultaneously local and national in character, it derived its meanings from contrasts drawn between Canadianness and Americanness (Mertz 1994:1250). Ontarians’ idealized group identity depended, like all myths of identity, on a “symbolic distinction between insiders and outsiders”; between, in this case, rubes and carnies and Canadians and Americans (Greenhouse et al. 1994:2). The dualities of rube/carnie and Canadian/American were, in fact, mutually reinforcing. Canadians had long associated their neighbor to the south with lawlessness and disorder, and the grift, prostitution, and violence that came along with the traveling show was, in their view, just another manifestation of the contempt for authority and licentiousness that were born of its revolutionary origins and egalitarian traditions.<sup>36</sup> Grift and prostitution—and, indeed, the traveling show in general—also embodied another trait Canadians associated with Americans: hucksterism. In the Great Republic, everyone wanted to make a fast buck and everything was for sale. As none other than Friedrich Engels observed after visiting North America in 1888, Canada was different. It was much like Europe, devoid of the “feverish speculative spirit” that characterized the United States (Lipset

<sup>36</sup> For an introduction to these themes, see Berger 1970:ch. 6; Angus 1938; and Lipset 1990.



1990:119). The traveling show, then, stood for much that was American, and its regulation was, in part, an act of nationalism on the part of Ontarians in an age when such sentiments were ascendant.

If traveling show regulation was important in conferring “insider” status and building a sense of community for Ontarians, it also created a collective identity for showfolk. However, the invidious distinctions Ontarians made between themselves and the traveling outsiders were not necessarily reciprocated by the latter. Unlike other outsiders—other “Others”—trouper and carnies *celebrated* and reveled in their status as outsiders, constructing their difference as a source of superiority rather than inferiority. The last thing they wanted to be was insiders, when “inside” was Pumpkin Centre. Being a trouper or a carnie meant being in the know, worldly-wise, street-smart, and outside the mainstream. It meant being able to spot an opportunity, take advantage of it, and not get caught. Most important, it meant being able to “beat the system”—getting around the legal obstacles the rubes everywhere put in their paths. Thus, in both symbolic and instrumental terms, traveling show regulation defined and quite literally made a community of troupers and carnies.

While certainly annoying to showfolk, Ontarians’ efforts at regulation were nothing out of the ordinary for a group of people who were used to being harassed by the local constabulary and having to buy their cooperation. What angered American troupers and carnies was not so much the efforts to suppress grifting but the sanctimonious tone Canadians adopted in doing so—particularly when their actions belied their words. As one trouper with Barnum and Bailey put it in 1906, Canadians paraded their respectability, making what from the viewpoint of showfolk was a national fetish out of their strict sabbatarianism:

They’re good on Sunday, people are,  
Up in the Dominion;  
And down in Halifax, by gar!  
No matter who or what you are,  
It’s a crime to move a circus car  
That end of the Dominion.

On Sunday, too, it’s wrong to think,  
Up in the Dominion,  
Mustn’t bat your eye, or wink,  
And should you chance to get a drink  
You’re headed straight to Hell, they think,  
Up in the Dominion.

However, he continued, Canadians were not above behaving like the showfolk they despised, shortchanging and overcharging un-  
wary foreigners:

People are all honest there —  
Up in the Dominion.  
Shopmen hold their heads in air,  
And praise the Lord they're "on the square,"  
But of twenty-cent "quarters" have a care  
Up in the Dominion.

...

They love the tourist tenderly,  
Up in the Dominion.  
The hotel man—he laughs in glee  
And, bubbling over with ecstasy,  
He swells the rates from two to three,  
Up in the Dominion.

Indeed, when all was said and done, there really was little difference between Canadians and Americans:

To tell the truth, when all is told,  
Up in the Dominion;  
Altho' the streets ain't lined with gold  
And Sunday papers can't be sold,  
*They're much like Yankees, young and old,*  
Up in the Dominion.<sup>37</sup>

## Conclusion

As outsiders, showfolk were particularly well placed to see through "the veil of enchanted relations" that small-town Ontarians threw over their communities, exposing the inconsistencies and contradictions of regulation. They showed that the regulators' moral high ground was far less elevated than their rhetoric. As mentioned earlier, the Mighty Haag's owner could not understand why the OPP shut down his show in 1910 after the cross-dressing male hoochie koochie dancer in his employ was caught selling pictures of himself. From Haag's point of view, the pictures were no more immoral than the "art" hanging on the walls of state-funded galleries. As traveling show people realized, the difference between entertainment and immorality was negotiated on unequal terms, as class and locality defined taste (Mertz 1994:1246).

If, as Ernest Haag discovered, regulation was arbitrary, it was also a process whose effects were uncertain and uneven. Gifting continued despite the best hopes and efforts of Ontario's law men, clerics, and small-town merchants, for apart from the industry's Sunday School showmen, troupers and carnies considered their actions no worse than those of the rubes who assaulted, shortchanged, or overcharged them, or of the local police and

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<sup>37</sup> Emphasis added. Route and Miscellaneous Data of the Barnum and Bailey Greatest Show on Earth Entour Season Nineteen Hundred and Six, 1906:87, Vertical Files, Circus World Museum & Archives, Baraboo, WI.

magistracy who accepted their bribes. Indeed, as Harry Lewiston recalled, a code of honor existed among showfolk which regulated their illegal business practices just as formal statutes govern legal practices. Yet, even showmen's honor could break down whenever the possibility of lining pockets outweighed the probability of getting caught. Occasionally, the state stepped in to impose order if infractions were reported, but its efforts were piecemeal and readily criticized. More effective were local authorities bent on protecting themselves from immorality and economic competition. Thus, the state was only one (and perhaps the least effective) agent of regulation governing the conduct of traveling shows: small-town chambers of commerce, churchmen, and showfolk themselves all exercised regulatory powers to greater effect.

Despite these multiple and sometimes dissonant sources of control, we might think of regulation as a process that draws boundaries between acceptable and unacceptable behavior and delineates spaces where certain behaviors may legitimately occur. But far from being narrowly repressive, regulatory power is, as Foucault argued, creative and dynamic, capable of making identities. In that sense, regulation is a kind of mapmaking—a contested and uneven process of social, economic, and moral cartography, constitutive of communities.<sup>38</sup> In the case of traveling show mapping in turn-of-the-century Ontario, the lines of acceptable and unacceptable behavior were overlaid on preexisting national boundaries. More precisely, the moral cartography of regulation “up in the Dominion” reinscribed the contours of national identity on local scale.<sup>39</sup>

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<sup>38</sup> On the symbolic construction of community, see Cohen 1985.

<sup>39</sup> In this vein, the work of the critical legal geographers is useful, for they argue that we must recognize that law and space each, in part, “make” the other; that is, that law and space are mutually constitutive. Laws create particular spaces which may correspond or conflict with other kinds of social spaces. For an introduction to critical legal geography, see Blomley 1989, 1992.

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