

Chapter 10
The Foundations of
White Australia
1888-1914

In June 1888 Duncan Gillies and Alfred Deakin went to Sydney as the Victorian delegates to the Intercolonial Conference on the Chinese Question that laid the foundations for what was to become, following Federation in 1901, the foundation of a national White Australia Policy.¹ The conference met from 12-15 June 1888. It concluded with the resolution below, drafted by Victoria's Alfred Deakin and reflecting the restrictions proposed in the abortive NSW legislation introduced by Parkes and rejected by London:

1. That in the opinion of this Conference the further restriction of Chinese immigration is essential to the welfare of the people of Australasia.
2. That this Conference is of opinion that the necessary restriction can best be secured through the diplomatic action of the Imperial Government, and by uniform Australasian legislation.
3. That this Conference resolves to consider a joint representation to the Imperial Government for the purpose of obtaining the desired diplomatic action.
4. That this Conference is of opinion that the desired Australasian legislation should contain the following provisions.:
 1. That it shall apply to all Chinese, with specified exceptions.
 2. That the restriction should be limitation of the number of Chinese which any vessel may bring into any Australasian port to one passenger for every 500 tons of the ship's burthen.
 3. That the passage of Chinese from one Colony to another without consent of the Colony which they enter be made a misdemeanour.

In 1888 Chinese-Australians reflected the general parochial colonialism of the period. The Chinese had no national consultative process and three uncoordinated Chinese petitions were presented to the conference. The Chinese merchants of Sydney echoed the questionable claim, rejected by the British Government, that Chinese rights in Australia were secured by the treaties signed by Britain and China and gave their self-interested objections to the new restrictions. Quong Tart, Sydney's (and perhaps Australia's) most

¹ Among the matters raised at Intercolonial Conferences were: uniform tariffs and trade 1863, 1870; Uniform postal services 1867), Exclusion of Chinese immigrants 1881, 1888); Establishment of a Federal Council 1883.

individualistic Chinese, submitted a separate petition, reflecting his increasing isolation from the Chinese majority and his own self-conceit. The Victorian Chinese Residents Committee sent a petition drafted by Cheong.² Unlike the arguments advanced by the Sydney merchants, including Quong Tart, Cheong characteristically focused on longer-term principles, not only for relations between China and Australia but also for the future of Australian democracy. It is a short document of extraordinary political insight and vision and worthy of inclusion among the most important Australian historical documents (see Appendix 3) not because of its relevance to immigration policy but rather its insights into the foundations of democratic government. Cheong began with a simple reminder that:

The question whether a few stragglers should emigrate from such a stupendous empire like China is one of perfect indifference to her Government and her people.

It might be noted, incidentally, that in that one sentence he undermined everything that he, and other Chinese and their European sympathisers, had threatened about the future of Sino-Australian relations. If the fate of the Chinese in Australia was a matter of perfect indifference to the authorities in China the many statements about the risks of invoking the potential wrath of China were empty threats. Similarly, he weakened the earlier arguments about treaty rights and the comity of nations by declaring that, irrespective of restrictive and discriminatory laws, the Chinese had little interest in migrating to Australia. Later in the petition he wrote:

The stringency of the laws at present regulating immigration from China effectually preclude many being added to the population even if it were much desired. We, however, do not hesitate to confidently affirm that were the ports open and free, the Chinese population of Australia would always remain an insignificant portion of the whole.

Cheong had made the point in the 1879 paper with Lowe Kong Meng and Louis Ah Mouy, that Australia was never a favoured destination for Chinese emigration. While immigration restrictions might have had some discouraging effect successive anti-Chinese legislation was largely a wasted effort. The reality was that disinterest provided all the protection Australia needed against an influx of Chinese labourers. Poor men, dependent on the credit ticket system of emigration, needed more than Australia could offer once the chance of easy gold had been exhausted.

Despite Chinese official and popular disinterest in Australia Cheong did point, and

² See Appendix 3. Petition of the Victorian Chinese Residents Committee to the Intercolonial Conference on the Chinese Question, Sydney 1888.

rightly, to the offence that anti-Chinese sentiments gave at a family and district level when Chinese-Australians wrote home about the discriminatory laws applied to them in Australia:

But the evil treatment of the few that are here or who have been recently turned away from these shores is a different matter altogether. We hope it may not be, but fear it may, that a deep wound has been inflicted that will rankle and bear evil fruit in the near future. Our late Ambassador in London spoke wise words when he said before a British audience, "we look to you and the representatives of your Colonial possessions now in London, to see that these returning Chinese bring nothing home with them but what will promote peace and good will between the two countries – no memories of suffering, injustice, or exceptional treatment." And we commend these words to the thoughtful consideration of the Conference.³

Cheong prophesied, correctly, that in time Australians would be heartily ashamed of their treatment of the Chinese.⁴ He said that the American Revolution was the result of a failure by political leaders to negotiate honestly and effectively and as a result, a permanent split resulted:

We draw the moral from the American incident just referred to, that it is much easier to plant a thorn in the national feeling than to withdraw it, or heal the wound.⁵

He continued, as he did in all his comments on the immigration issue, to insist on the duty of Australia, as a British colony, to honour the treaties forced upon China by Britain. The fundamental difference of opinion between the British interpretation of the rights of Chinese immigrants and the views expressed by Cheong, and to a lesser extent, the Chinese Government, has already been mentioned.

Cheong made his contempt even clearer, and his comments all the more relevant, when he asserted that colonial pride in the British-based justice system was not justified when people reflected on the anti-Chinese discrimination enshrined in 19th century Australia colonial legislation and administrative practices. Cheong's position now rested on what he had learned from Madden's arguments in *Ah Toy v Musgrave* (Chapter 8). He was arguing the matter as an issue within a wider framework of international law and the comity of nations:

Finally, it is our belief that the matter your honorable Conference has in hand is weighty – no mere family quarrel, but one that touches most intimately international rights and obligations – dealing as it does with the stranger within your gates. It cannot be decided by a wave of the hand, nor by heated public

3 *Petition*, op cit.

4 He made an almost identical remark in Cheong Cheok Hong, (1888), *Chinese Remonstrance to the Parliament and People of Victoria*, Melbourne, Wm Marshall and Co. See Appendix 4.

5 *Petition*, op cit.

orations.⁶

Cheong was not alone in identifying the international dimension. The same issue was raised in the British House of Commons, where the Member for Canterbury, Kent, Henniker Heaton, a former Australian resident, warned the House that the Chinese Question was seriously straining relationships between Britain and Australia, let alone British relations with China.⁷

The treatment of the Chinese in Australia was not only a matter affecting international relations – it was a reflection of a deeper problem that the colonies would face in the future. The Anti-Chinese Leagues and their misleading public orations were feeding the uninformed prejudices of many European Australians and encouraging the larrikins in their anti-social behaviour. The substitution of vilification for reasoned, principled public policy risked surrendering good government to the rule of the mob. ‘Heated public orations’ did little to confirm that the colonists were committed to justice in their relationships one with another.

Cheong’s summary statement of the annoyance caused to the Chinese by colonial restrictions rested on three key points:

1. That the laws have been strained and tortured to oppress them.
2. That the laws have been broken to inflict harsh treatment and injustice.
3. That the conduct of various Colonial Governments has incited sections of the European population to show contempt and hatred towards the Chinese.⁸

Point 1 was a reference to the abuse of the quarantine laws by the Victorian Government in the *Afghan/Burrunbeet* matter (Chapter 4). Point 2 referred to the illegality pursued by Henry Parkes in trying to ignore a NSW Supreme Court decision that acknowledged the legal right of the Afghan passengers to disembark in Sydney (Chapter 8). Point 3 was a reference to the Anti-Chinese Leagues that were formed, at the instigation of a small minority of unions, in the eastern Australian colonies.

As Cheong had told the Imperial Commissioners, the anti-Chinese movement had never represented more than a small minority of the population of the colonies. It was not the labour movement that had produced the injustices done to the Chinese but the failure of those who exercised leadership in colonial society. Cheong placed the responsibility for anti-Chinese legislation with colonial politicians and the unthinking acquiescence of the

6 *Petition*, op cit.

7 *The Daily Telegraph*, 1 June 1888.

8 *Petition*, op cit.

overwhelming majority of European colonists. The colonial majority had disregarded the consequences of injustice against a small minority of the population and had failed to understand the wider social and political impact of laws that legitimated injustice. Statesmen, rather than politicians, were needed. He wrote:

Men actuated by statesmenlike views, and superior to the desire of snatching a fleeting popularity at the expense of a few strangers, would have sought for and obtained sound information . . . and the result would have allayed their fears (if they really had any) regarding a great influx of Chinese population.⁹

As Cheong stated, injustice to the Chinese set a precedent for other bad laws and unjust administration that threatened everyone.¹⁰ Adopting an editorial in *The Daily Telegraph*, he said that a citizenry that tolerated government illegality was risking the loss of its freedoms.¹¹

Under the new Australia-wide arrangements adopted by the Intercolonial Conference the colonies agreed that ships bringing Chinese immigrant were to be restricted to one Chinese for every 500 tons of a ship's tonnage – a long step backwards from the one man for every five tons of 1854-1855 or the ten tons of 1857. Taken on the average of shipping tonnage of vessels trading between China and Australia it amounted to less than five Chinese per ship, an effective ban. The parallels between this legislation and that drafted by Parkes (Chapter 9) is an indication of the influence that Parkes exercised but at least the Conference did not embark on social segregation or the denial of other legal rights enjoyed by aliens. By agreeing to the resolutions given at the start of this chapter, colonial politicians had made it clear to the British Government that the colonies were determined to have their way over the Chinese Question.¹²

The Conference was dealing with more than relations between Europeans and Chinese in Australia, obvious as that was in providing the focus for the Conference. Underlying the 1888 Conference was the a recognition of the economic and other common interests of the colonies. If Australia was to control its own destiny it would need constitutional independence from the United Kingdom. In retrospect, it was as Cheong had warned, to

9 *Remonstrance*, op cit.

10 *Minutes of Proceedings on the Chinese Question*, Intercolonial Conference held in the Legislative Council Chamber at Sydney 12-14 June 1888 to consider A Bill for the Restriction of Chinese Immigration. Appendix 4.

11 *The Daily Telegraph*, 6 June 1888.

12 See the discussion on pre-conference messages between London and the Australian colonies in Griffiths, Phil, (2002). 'Towards White Australia: The shadow of Mill and the spectre of slavery in the 1880s debates on Chinese immigration', Paper presented to the 11th Biennial National Conference of the Australian Historical Association, Brisbane, 4 July 2002.

be an enduring shame that Federation institutionalised racial discrimination in Australia's national identity.

Within a week of the issue of the Intercolonial Conference Report the Victorian Chinese Residents Committee, (i.e., Cheong) called a Chinese community meeting. The press report stated:

The following resolutions were passed at a meeting of the Chinese Residents Committee held on 28th June, 1888:

1. Having examined the proceedings of the Conference in Sydney called to consider the relations that exist between our people and the various Governments of the Australian colonies, we solemnly protest against its decisions as being inconsistent with treaty rights, harsh and arbitrary in their nature, and if carried out will oppress many of our countrymen at present in Australia.
2. That in view of a Bill being introduced into the Victorian Parliament to give effect to the decisions of the Conference, this meeting is of opinion that the circumstances are of such importance that the Chinese Ambassador at London, and the Imperial Government at Peking, should be advised of them by cable and by letter.
3. That the views and feelings of the Chinese residents be embodied in a "Remonstrance" addressed to the Parliament and people of Victoria.
4. That a copy of the foregoing resolution be forwarded to the Government of Victoria.¹³

The Victorian Chinese Residents Committee published the Remonstrance (Appendix 4), written by Cheong, as part of a pamphlet including the Committee's letters to the Victorian Government and a public address by Cheong in defence of Chinese culture and civilisation.¹⁴ It is not known how many copies were printed or how widely the pamphlet circulated.

The opening statement of the Remonstrance provides another of Cheong's warnings to Victorians grounded partly upon his Christian beliefs and indirectly, upon the Chinese tradition of bad governments collapsing through the withdrawal of divine approval (the Mandate of Heaven).¹⁵ People familiar with China and the theory of the Mandate of Heaven would have understood his accusation that the Victorian Government lacked

13 *The Daily Telegraph*, 28 June 1888.

14 Cheong Cheok Hong, (1888), *Chinese Remonstrance to the Parliament and People of Victoria*, Melbourne, Wm Marshall and Co. See Appendix 4.

15 This theory emerged about 1100BC at the beginning of the Chou Dynasty. 'Heaven they said, elected or commanded certain men to be rulers over the tribes of the world, and their heirs might continue to exercise the Heaven-sanctioned power for as long they carried out their religious and administrative duties with piety, wisdom and justice. But if the worth of the ruling family decline, if the rulers . . . abandoned the virtuous ways that originally marked them as worthy of the mandate to rule, then Heaven might discard them and elect a new family or tribe to be the destined rulers of the world.' de Bary, W T, Wing-Tsit Chan and Burton Watson, (1967), *Sources of Chinese Tradition, Vol I*, New York, Columbia University Press, p 4.

moral authority, and with it the right to govern, because of its handling of the *Afghan/Burrumbet* matter:

It cannot be the desire of the majority of the people of this colony to outrage the common feelings of humanity by giving countenance to harshness and injustice towards us.¹⁶

Cheong said that the government had listened to ‘the speeches and actions of agitators’ but had, in denial of an elementary principle of justice, refused to receive a delegation from the Chinese community. Cheong acknowledged that his countrymen were well aware of the limited effect of their protests, especially when the authorities would not deign to give a hearing to the representatives of the Chinese community:

That from what has since transpired, we are not so sanguine as to suppose that anything we could have urged would have been forcible enough to have stayed the recent outbreak of fanaticism.¹⁷

Cheong tried to deal with the accusations of immorality that were directed at the Chinese (See Chapter 7). He acknowledged some of these criticisms but added that the insanitary nature of many parts of inner Melbourne and the social problems of prostitution, gambling and drugs, were not created by or restricted to, the Chinese:

The reflection forced upon us at this point is that the same complex social problems that baffle and pain all good men are met with, not surely amongst the Chinese alone, but in all races, European and others.¹⁸

By denying basic civil rights to the Chinese the Gillies Government isolated Victoria’s executive from the parliament and so from the people. Cheong’s was not an isolated opinion. The Leader of the Opposition in the Victorian Parliament, Thomas Bent, had expressed similar concerns (Chapter 8). Cheong deserves praise for recognising, when others allowed prejudice to blind them, that the struggle of the Chinese for social justice was inseparable from the framework of future colonial, and Australian, democracy, i.e., acceptance of discrimination against one section of society created a precedent for the oppression of others.

Victorian colonial politicians and officials were well aware of the unjust nature of the legislation required to implement the decisions of the Intercolonial Conference and knew, from Cheong’s letters to the newspapers, that the Chinese were still smarting from the knew that the Chinese, a community lacking any voting power, represented no threat to

16 *Remonstrance*, op cit.

17 *Remonstrance*, op cit.

18 *Remonstrance*, op cit.

the colony or its government. Gillies and his colleagues, as Deakin was to later, looked to the ethnic makeup of the Australian population ignoring their discourtesy to the Chinese. The Tasmanian Government simply ignored the recommendations of the Conference and did nothing.¹⁹

Perhaps conscience was at work. Inaction reigned for more than six months after the Sydney Conference. It was not until December that the Victorian Parliament approved a bill to put the recommendations of the intercolonial meeting into effect. Cheong wrote:

When, from the speeches and actions of agitators, we saw that the passions and prejudices of the unthinking might be aroused, we, as early as December last, thought it advisable to request . . . that the Government would afford us the courtesy of receiving a deputation. . . To this request, after a second application, a reply was tardily given, but some reason, as yet not explained, the request itself was never granted.²⁰

Cheong denounced the legislation as unworthy of the higher aspirations of colonial democracy. He described it as 'barbarous', pointing out, and not for the first time, that other immigrants who were just as alien as the Chinese were not penalised, a point that was not lost in 1901 when the Federal immigration restrictions were enacted without reference to any specific ethnic group.²¹ In a telling final thrust he stated that restrictions were not forced by any failing of the Chinese but by domestic political opportunism:

There is a sentence in the cablegram sent from the Sydney conference to the Secretary of State, London, which is so unctuous we cannot forbear quoting it. It reads as follows:-"In conclusion, the conference would call attention to the fact that the treatment of the Chinese in the Australasian colonies has been invariably humane and considerate." Well, we are sometimes perplexed by words in the English language, and there is one word called 'hypocrisy', the full meaning of which we may not understand, but if we do, then we care not to search either the pages of history or elsewhere for a better example than this.

The Chinese Residents Committee called another public meeting in December 1888 to discuss the Chinese Restriction Bill that had finally been introduced into the Victorian Parliament. Cheong sent a report to the newspapers outlining the bill and the feelings of the Chinese:²²

**THE CHINESE QUESTION
A CHINESE INDIGNATION MEETING**

The following report is supplied to us by Mr. C H Cheong.

19 Price, Charles, (1974), *The Great White Walls are Built*, Canberra, Australian National University Press, pp 167 ff

20 *Remonstrance*, op cit.

21 See Appendix 5 for Cheong's defence of the culture and civilisation of China.

22 *The Daily Telegraph*, 14 December 1888.

At a meeting of the committee of Chinese residents held yesterday in the King Chow [*Kong Chew*] assembly-hall, Little Bourke-street, the position of the Chinese question was keenly discussed. The taunt of the Government that we had shown apathy was bitterly resented. An interview with the Government had been requested as far back as December 1887, and then in May 1888; but though a promise was made to enable the Chinese residents to lay their views before it, the promise was broken, at any rate unfulfilled. It was further expressed, as they had been badly treated over the Afghan and Burrumbeet affairs, that it was almost hopeless to apply to such a cruel and unjust Government for relief, and such being the case, the charge of apathy made by Mr Cuthbert only adds a sting to the contumely being heaped upon us. The following resolutions were passed unanimously:

1. That Clause 6 of the Bill for the Further Restriction of Chinese Immigration, which provides that no vessel shall enter any port or place in Victoria having a greater number of Chinese than one for every 500 tons of the tonnage of such vessel, is harsh and unjust, and is a virtual prohibition not only against Chinese immigration as a whole, but against us who are residents from returning, if, in the pursuit of our legitimate business, we should require to visit China or adjacent colonies.

2. That Clause 9 of the Bill, which provides that should any Chinese enter Victoria, by land without a permit, (ie a ticket of leave), he shall be liable to a fine of £50 or imprisonment for 6 months, is degrading, and in our opinion quite unworthy of a civilised community, and though we feel ourselves too weak to arrest its progress, yet we protest with all our might against it, and also against the whole spirit of the Bill as an outrage to our feelings and interests.

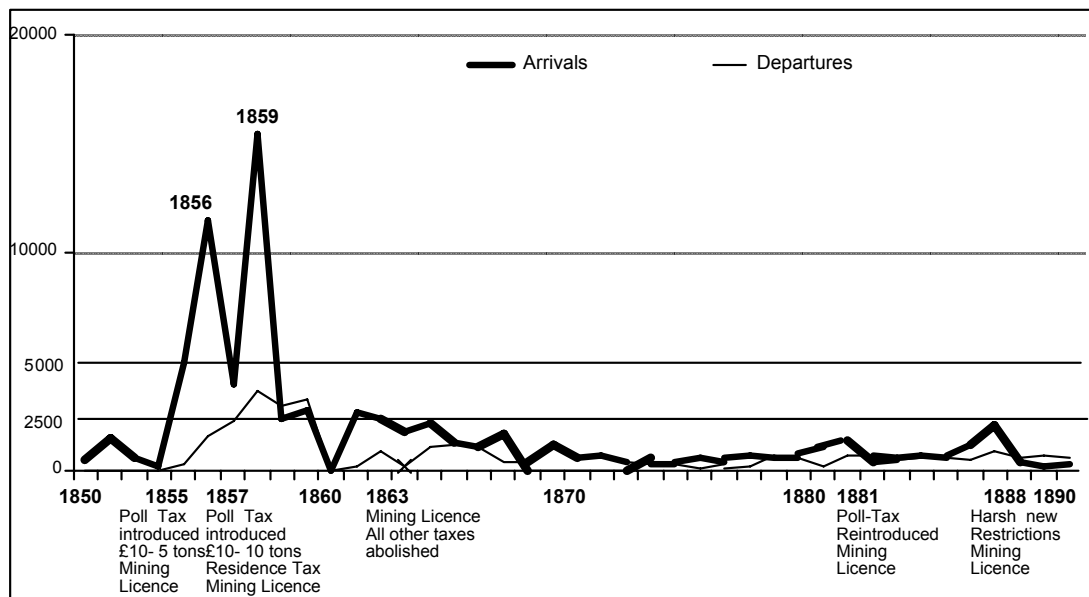
3. That having come to Australia under existing laws, we challenge comparison with the other inhabitants, either as contributors to the revenue or in obedience to law and order, and therefore on these grounds and as subjects of a great and friendly power, we have the right to demand protection and fair treatment.

The new 'national' tonnage limit was seen by the Victorian Chinese Residents Committee, correctly, as closing the door to future Chinese immigration by dishonest legal means that had, when used in the Parkes legislation in 1887, been disallowed by the British Government. By adopting an already discredited principle it was encouraging the Chinese to disobey what was by any Christian, democratic and egalitarian standard, a thoroughly unjust law.

Table 10.1 below sums up the limited effect on Chinese arrivals and departures of the new and previous Victorian restrictions. The essential point of the table is that arrivals and departures were not significantly affected by racially discriminatory legislation. Following the decline in the recovery of alluvial gold already mentioned earlier in this thesis Victoria ceased to be a favoured destination for people other than those, mostly engaged in commerce, who were already established in the Colony and whose interests, it must be said, were those chiefly represented by Cheong's efforts as a spokesman for the Chinese

community in Victoria.

Table 10.1
Victoria: Chinese Arrivals and Departures 1850-1890



The close correlation between the decline in the Chinese population and the decline in the recovery of alluvial gold, discussed in Chapter 1 and elsewhere, is shown after the peaks in the early part of Table 10.1. Although nearly 25,000 Chinese came to the Colony between 1854 and 1859-1860, the rate of new arrivals dropped markedly to average around 1500 across the years from 1863 to 1890.

Table 10.1, (from Victorian Government statistics), shows the continuing decline in new arrivals and the balancing rate of departures, leaving a net decline in the Chinese population across the second half of the century. The one exception is 1887 when, anticipating the harsher restrictions introduced in December 1888, there was a small increase in new arrivals as people sought to avoid whatever harsher restrictions the new law would inevitably include.

The major impact of the post 1888 situation was the requirement that all Chinese in Victoria had to have in their possession a naturalisation certificate or a poll-tax certificate or as Cheong labelled it, a ticket-of-leave, a reference to the certificates that had to be carried by convicts released on parole in Australia during the transportation era. Victoria continued to recognise naturalisation certificates issued prior to 1888 but from then

onward no further certificates were issued. Chinese arrivals and departures 1901 to 1939 can be seen in Table 10.2.²³

Table 10.2
Australia Chinese Exclusions and Admissions
1901-1939

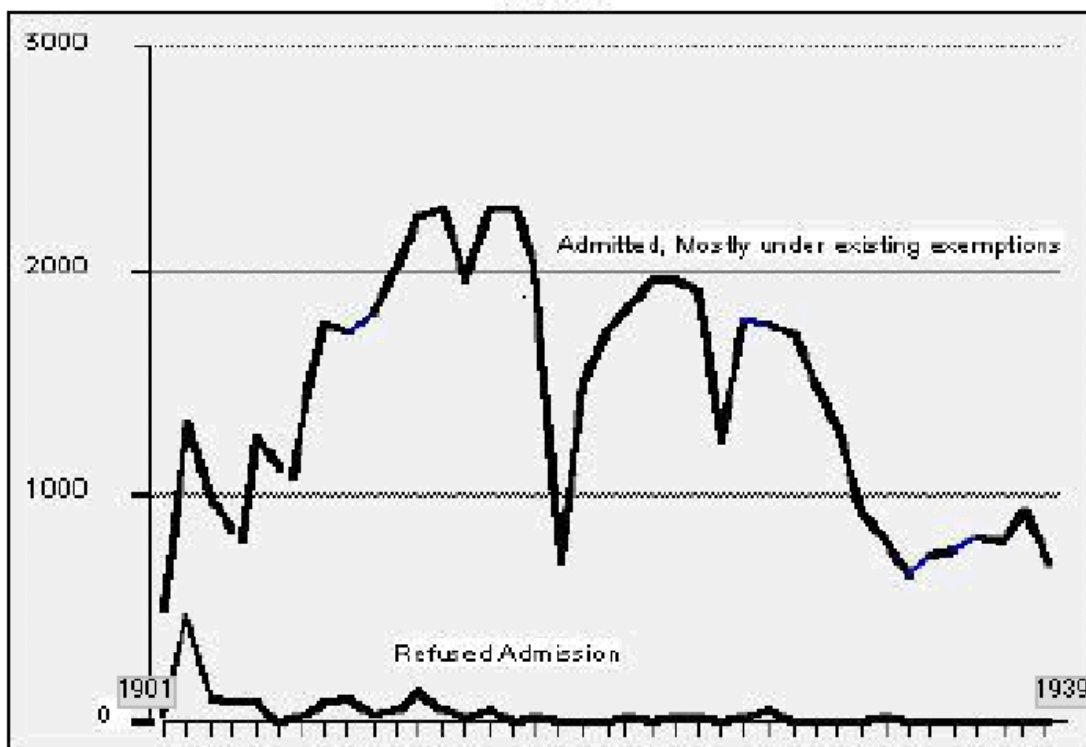


Table 10.2 shows that Chinese resident in Australia, and possessing relevant papers, such as naturalisation papers, British citizenship by birth, or Certificates of Exemption, were able to come and go with reasonable ease provided they paid whatever charges were imposed.

In the absence of research, other than that of C F Yong, into Chinese business operations in Australia, it is impossible to quantify the numbers of businesses affected or the extent of the financial costs involved. The majority of resident Chinese, as Cheong said repeatedly, had come voluntarily, had committed no crimes, yet were expected, uniquely, to pay a tax every time they entered or left a colony.²⁴ The only solution for the Chinese, and there is no doubt that Cheong tended to turn a blind eye to the practice, was to subvert the rules when possible.²⁵ From the New South Wales perspective, it seems that

²⁴ See Cheong's comment on this matter in the Petition to the Chinese Imperial Commissioners, Appendix 1 and the discussion in Chapter 9.

²⁵ Considerable ingenuity was demonstrated in using every opportunity offered by the restrictive legislation. See Wilton, Janis, (1997), 'Chinese whispers in New South Wales. (how Chinese

few Chinese were actually affected by such charges. When naturalisation ended in 1888, as a result of the Intercolonial Conference, just under 1000 Chinese had taken out naturalisation. In Victoria, the total was 1178.²⁶

Another insight into Cheong's personal feelings about the treatment of the Chinese can be seen in his protest about the treatment he, and others, received at the Melbourne docks when farewelling friends leaving for China. It reveals the racist nature of some officials of the Australasian colonies at the time. Cheong described his feelings to the Commissioner for Customs:

Sir, I am sorry to have to report the gross insult which an officer of the Customs subjected me and several of the leading merchants and other Chinese residents of Melbourne.

In company with some of my merchant friends I went on Board the SS Airlie at No 3 South Wharf this evening to bid two members of my congregation good-bye and God-bye, but on returning therefrom a man without intimating who he was seized one of my friends, unbuttoned his coat and felt all over his person, besides inserting his hands into his coat-pockets and trouser pockets. I, thinking that he might be some drunken scoundrel tried to push him off but he caught hold on another friend and repeated the process and then came on to me. I said to him, "You dare to insult me in that way!" and demanded his name and authority, which on his declining to give, I applied to Constable No 3699 who was on duty there to know what the man's name was. The constable however replied that he did not know but that he knew he was a customs officer. After repeated requests he gave his name as M Murphy. And though I pushed him off two or three times he succeeded in unbuttoning my coat and feeling all over me, notwithstanding my protests at the gross indignity and my threat to report him. My friends are all thoroughly incensed at his conduct still they believe that under the administration of one so just and honorable as yourself such barbarity has neither sanction nor encouragement.²⁷

Exemption certificates were a diabolical device. It was mentioned earlier that a certificate was required each time a Chinese wished to visit another colony, or to leave Australia and intending to return. A separate certificate was needed from each colony they wished to enter, a process that could take weeks or months or be refused altogether.²⁸ New South Wales was charging £100 for 'transit' certificates or around \$A6000-7000 in today's prices.²⁹ The practice was thoroughly discriminatory and unjust and, as Cheong had counselled in 1888, became a national shame and an international embarrassment.

legislation. See Wilton, Janis, (1997), 'Chinese whispers in New South Wales. (how Chinese immigrants to Australia expanded through sponsorship and economic activity)'; *History Today*; January 1997.

26 *The Daily Telegraph*, 17 April 1888. National Archives of Australia, !!1911/14641, Ext Affairs 1911 6947: C&E 1911 070

27 Cheok Hong Cheong to the Hon J B Patterson, Commissioner of Customs, 28th July 1889.

28 This is a topic requiring further research.

29 British Parliamentary Research Service, Report 99/20.

Chinese Exemption Certificates (CEDT)

Book No. 412
 Form No. 11. COMMONWEALTH OF AUSTRALIA. No. 99
Immigration Act 1901-1902 and Regulations.

CERTIFICATE EXEMPTING FROM DICTATION TEST.



I, *Walter McConachy* the Collector of Customs for the State of *Victoria* in the said Commonwealth, hereby certify that *Yang Sun* hereinafter described, who is leaving the Commonwealth temporarily, will be exempted from the provisions of paragraph (a) of Section 3 of the Act if he returns to the Commonwealth within a period of *2 years* from this date.

Date *10/11/1928*
Walter McConachy
Collector of Customs

DESCRIPTION.	
Nativity <i>Chinese</i>	Birthplace <i>Canton</i>
Age <i>27 years</i>	Complexion <i>Yellow</i>
Height <i>5 feet 7 inches</i>	Hair <i>Black</i>
Build <i>Medium</i>	Eyes <i>Brown</i>
Particular marks <i>None left eyebrow</i>	

(For impressions of hand, see back of this document.)

PHOTOGRAPHS.

Full Face	Profile
	

Date of departure *31/10/28* Port of Embarkation *Adelaide*
 Ship *Adelaide* Destination *China*
 Date of return *6 DEC 1928* Ship *Adelaide*
 Port *Melbourne*

Walter McConachy
Collector of Customs

National Archives of Australia, Melbourne

Book No. 89
 Form No. 11. COMMONWEALTH OF AUSTRALIA. No. 007
Immigration Act 1901-1902 and Regulations.

CERTIFICATE EXEMPTING FROM DICTATION TEST.



I, *Percy W. Gillon* the Collector of Customs for the State of *Victoria* in the said Commonwealth, hereby certify that *Chai Hui* hereinafter described, who is leaving the Commonwealth temporarily, will be exempted from the provisions of paragraph (a) of Section 3 of the Act if he returns to the Commonwealth within a period of *2 years* from this date.

Date *31/10/28*
Percy W. Gillon
Collector of Customs

DESCRIPTION.	
Nativity <i>Chinese</i>	Birthplace <i>Canton</i>
Age <i>27 years</i>	Complexion <i>Yellow</i>
Height <i>5 feet 6 inches</i>	Hair <i>Black</i>
Build <i>Medium</i>	Eyes <i>Brown</i>
Particular marks <i>None</i>	

(For impressions of hand see back of this document.)

PHOTOGRAPHS.

Full Face	Profile
	

Date of departure *31/10/28* Destination *China*
 Ship *Adelaide*
 Date of return _____ Ship _____
 Port _____

Percy W. Gillon
Collector of Customs

The exemption process affected Cheong personally. In 1891 he sought permission to visit his father's grave in Hobart although he had never previously shown any interest in such a visit. The real purpose of the journey was to address a missionary meeting in Hobart. The Tasmanian Government insisted he pay the poll-tax, unchanged from the old pre-1888 Tasmanian regulations, but, in a gesture of compromise, offered to refund the £10 fee when he left: ³⁰

Hon. P.O. Fysh. Premier of Tasmania Sir . . .

I have been needing a holiday to recruit my strength and give rest to my wearied brains and I fixed upon Tasmania not only on account of its far-famed beauty and verdure but also because it is the place of my Father's sepulchre.³¹

May I then crave the favor of an Order of the Governor-in-Council to enable me to visit Tasmania at any time. . .

(Cablegram in reply) 23/2/91 Come and welcome, Captain responsible for ten pounds but upon your returning it will be refunded. P.O. Fysh, Premier

Cheong refused to pay the poll-tax, repeated his request for exemption without charge but was refused. Two years later he asked the NSW Premier, Sir George Dibbs, for permission to visit Sydney to address an anti-opium meeting, with a similar result.³²

Dear Sir, Many thanks for your cable message of yesterday conveying invitation and welcome. One condition however which it contains that of depositing £10 in lieu of poll-tax although only for the space of my temporary sojourn I feel it to be such a sore reproach to my Sovereign the Emperor of China, that as a loyal subject of the same and one moreover who is a Minister of the Gospel I cannot well comply.

May I again crave the favor of an Order of the Governor-in-Council which shall

30 Cheok Hong Cheong to Hon P O Fysh, Premier of Tasmania, 19 February 1891 and 24 February 1891. Cheong Peng-nam is believed to be buried in the Newtown cemetery in Hobart but this has not been confirmed. It is somewhat odd, given Cheong's almost obsessive insistence on filial piety from his own children that he allowed his father to be buried without any family attendance and there is no record of his ever visiting Tasmania. His son, the Rev. James Cheong, did spend some time in Tasmania in the early 1900s and it is possible that he visited his grandfather's grave.

31 The reason for his visit to Tasmania is unknown but he would have had See Yup and Christian contacts from Victoria.

32 Cheok Hong Cheong to Sir George Dibbs, Premier of New South Wales, 29 June 1893.

exempt me from the said obnoxious condition.

Cheong was always able to distinguish between political posturing and pragmatic reality. As a Chinese Subject it was a matter of principle to refuse to pay a discriminatory tax. His reference to being a 'Minister of the Gospel' was based on the convention of granting exemptions to Chinese Christian clergy. In the capitalised form he chose, 'Minister of the Gospel' he was implying that he was an ordained clergyman of the Church of England, a status he did not have. He refused to pay colonial poll-taxes but took advantage of the Victorian *Chinese Act 1891* to secure a permanent exemption for himself and his family from the Victorian restrictions.³³ He was planning to go to England to lecture for the British Anti-Opium Society and took this precautionary step just in case changes to Victorian immigration law might prevent him from re-entering Australia.

Cheong was in regular contact with the immigration authorities on behalf of members of his own family as well as friends. An exchange of letters on behalf of the Rev. James Cheong is important for the insights they show into the treatment of Chinese by the new federal authorities, and highlights the kind of experiences Chinese had when they arrived in an Australian port. While James Cheong was unquestionably a British subject by birth and his legal rights were acknowledged he was still forced to undergo interrogation that was not required of Europeans.³⁴

Joshua Cheong also experienced the visual judgement exercised by Customs officials. When Joshua returned to Sydney after making a business visit to Fiji and New Zealand on behalf of the On Cheong Company, the Customs official who reported Joshua's return stated that he knew him by sight and also knew that he was Cheong's Australian born son. Nonetheless, he was interviewed in the same inappropriate way as all Chinese arrivals.³⁵

The continuing discrimination experienced by Chinese is shown in official documents in the National Archives in Melbourne relating to visits made to China by Caleb and Benjamin Cheong in the 1930s.³⁶ In the first document (A—next page) an immigration officer recorded Benjamin's arrival in Melbourne and noted him as being an Australian-Chinese. He was appraised by his appearance, not his status as revealed by his passport, i.e., a British subject. The certificate recorded his date and place of birth and his Australian

33 See reports in *The Age*, 1 October 1891 and *The Daily Telegraph*, 1 October 1891.

34 See Cheong's Letterbook for 1904.

35 See Appendix 17.

36 National Archives of Australia, Melbourne.

passport number. In the second document (B—next page) Caleb was incorrectly identified as a Chinese national despite his passport. In the third (C—next page) he is identified, correctly, as being of British nationality. The documents all recorded that thumb prints were not required.³⁷ The Cheongs had good reason for feeling offended. As Australian-born British subjects, presenting British passports issued by the Australian authorities, there was no reason for any of the Cheong family to be treated in any way different to other British subjects resident in Australia. It could have been worse. Applicants of Chinese ethnicity lacking a British passport who wished to leave Australia temporarily had to provide references and endure an investigation into their bona fides. Regulations under the 1901 federal legislation required them to provide photographs and have their left hand inked and a print taken on the back of the exemption certificate.

37 National Archives of Australia, Melbourne

Immigration Act, Certificate of Examination of Arrival

A *James G.*

19036 20000000
MELBOURNE

IMMIGRATION ACT 1901-1925.

We certify that we have this day examined *Benjamin Cheong*
of *China* nationality, ex *Change*
and have permitted him to land for the reasons that he has satisfied us —
That he is the person named in Certificate No. *133467*
issued at *Melbourne 2/2/1933*

B *James G.*

92546 20000000
No. 32
MELBOURNE

IMMIGRATION ACT 1901-1925.

We certify that we have this day examined *Carl Cheong*
of *Russia* nationality, ex *Taipei*

That he is the beneficiary holder of *133467*
issued by *Melbourne 2/2/1933*

C *James G.*

VIC.
15209 28 NOV 1932
No. 32
MELBOURNE

IMMIGRATION ACT 1901-1925.

We certify that we have this day examined *Mr. Carl Cheong*
of *British* nationality, ex *Hankin*
and have permitted him to land for the reasons that he has satisfied us —

Any official had authority to check the handprint that required the person presenting the certificate to the indignity of being inked again if the official was not satisfied. It is not surprising that Chinese objected to a procedure imposed on no other travellers and in Australian usage, was used only for criminal suspects.

Left Hand Print with Exemption Certificate



Fingerprints on an

National Archives of Australia, Melbourne

Cheong wrote many letters to the immigration authorities on behalf of Chinese residents. The letter following is one of many in his letterbooks. It was written in 1909 for a merchant friend in which he indicates that the authorities could and did vary the requirements:

Melb 19/2/09

The Secretary, External Affairs

Dear Sir, Mr Yee Chack, Managing Partner in the firm of Fook On Cheong & Co Importers and General Merchants 131 L Bourke St purposes paying China a visit with wife & family per S.S. Eastern and wishes me to apply for a letter enabling him & family to do so.

I need hardly add he is a well known merchant in our community & has during the 22 years of his residence & trade at this Port paid some £70 000 in Customs duty as Managing Partner in the firms successively of Quan Hang Shing & Fook On Cheong & Co.

His eldest son William Yen Gum (in Registrars books as William Kum Hing) has

been educated successively at the Model School St Peters & during the last 3 years at the Church of England Grammar School. The 2nd boy at St Peters and the daughters at the Mission School of the Presbyterian Women's Missionary Union.

Though revisiting his native land with wife & family for a couple of years or so he leaves behind him business interests of the value of some £2000.

He has very strong objections to the indignity of giving an imprint of his hand & desires me to apply on his behalf for a letter similar to that which a few years ago you gave to Mr. David O'Young a Chinese merchant of Sydney. I enclose under separate cover a few letters (6) from some of his European friends & a photo group of himself, wife & family 8 children with the names & ages of the latter as taken from the Registrar of Births Certificate.

All of Cheong's surviving letters on immigration issues, apart from those involving his family, were on behalf of merchants correlating with Yarwood's analysis of the exemption process that it mostly affected businessmen engaged in overseas trade.³⁸ Yarwood stated that the Chinese were,

By far the most persistent and resourceful evaders of the law. They were, after all, Coloured Persons of Superior Standing whose intellectual gifts were as good, if not considerably better, than those normally enforcing bureaucratic rules against them.

³⁹

His conclusion is supported by Wilton's report on the use of exemption by Chinese merchants in the New England region of New South Wales.⁴⁰

The case of a leading Melbourne furniture manufacturer, Lew Tye Shing, illustrates the unpleasantness imposed on reputable people. Tye Shing applied for permission to bring his son to assist him in the management of his furniture manufacturing business. His application failed after investigation by Inspector Gleeson.⁴¹

19 Punch Lane, Melbourne, 12th March 1924

The Secretary, Home and Territories Department

Dear Sir

I beg to apply for permission to bring my son, Chun Din, of San Woy (Xinhui) Canton, from China, to take charge of my business during my absence in China.

There is no one in Australia to whom I could trust to carry on my business during my projected absence.

I am a manufacturer carrying on business at the above address. My assets are of the value of between £2000 and £3000 and I constantly employ ten men in my factory.

Trusting to have your early approval,

38 Yarwood, A, (1964), *Asian Migration to Australia: The background to exclusion, 1896-1923*, Carlton, Vic, Melbourne University Press, pp 110-111. Yarwood, A, (1961), The "White Australia" Policy, Some administrative problems 1901-1920, *The Australian Journal of Politics and History*, Vol VII, No 2, November 1961, pp 245-260.

39 Ibid, 121.

40 Wilton, Janis, (1997), 'Chinese whispers in New South Wales. (how Chinese immigrants to Australia expanded through sponsorship and economic activity)'; *History Today*; January 1997.

41 National Archives of Australia, Melbourne, File 1924/6066.

Yours Faithfully
Tye Shing

Applications were investigated for men whose only 'fault' was their ethnic background and were universally recognised as being of 'good character and standing'.

INSPECTOR GLEESON'S REPORT

I have to report that Tye Shing is a man of good character and standing. He carries on a cabinet-making business in Punch Lane, off Little Bourke St. He states that he has been in Victoria 40 years. He employs 10 Chinese workmen in his shop. He states that his stock is worth £5000, and his turnover about £2000 per annum and his outstanding debts amount to £1200.

2. Tye Shing has a son named Chin Man, aged 38 years in the business. He suffers from asthma and is frequently absent. At present he is recuperating in the country.

3. Chun Din is 23 years of age and is present employed by Yet Wah Quong, Chinese merchants, Hong Kong. If permission be granted Tye Shing would like him to remain here for 2 or 3 years.

4. Tye Shing informs me that he does not intend going to China as he thinks he is too old; therefore, the question of a substitute falls flat.

Det Insp Gleeson 7/4/24

The injustice does not lie simply in Gleeson's dismissive remark, although that is lacking in courtesy – there was no freedom of information legislation in those days to expose bias by public officials. It is the contemptuous disregard implicit in the comment that justifies the indignation that the Chinese felt when subjected to this kind of intrusive investigation. Having acknowledged that the administrative process was flawed the permanent and unchanging objection lies in the existence of an unjust law that required such an inquiry in the first place.

Secret instructions that were issued in 1901 reveal the highly discriminatory administrative processes and show the racist purpose of the Immigration Restriction Acts.⁴² The instructions included the following paragraph:

It may be taken that, unless otherwise exempted, all aboriginal inhabitants of Africa, Asia and Polynesia will be subjected to the [dictation] test. In the case of white races, it will be applied only under some special circumstances.

In 1890 Cheong was the owner of 'Montgomery Villa', 269 Gore Street, Fitzroy. As a property owner and ratepayer, he had secured the right to vote for the Legislative Council under Victorian colonial law despite the clauses of the Victorian *Chinese Act 1881* that denied Chinese the right to vote at municipal and colonial elections – perhaps another example of the selective enforcement of the laws mentioned earlier in relation to

42 National Archives of Australia, CRSA8 02/52 (Part 3).

exemption certificates.⁴³ By sharing subsequent property titles with the Australian-born members of his family he secured municipal voting rights for Caleb and Joshua and later the other children who reached voting age but would, although Australian-born, have been refused, before post World War II reforms, municipal voting rights unless property-owners. Apart from the property restriction, a person could obtain the right to vote under an education provision that granted the franchise for the Upper House of the Victorian Parliament to Matriculants of the University of Melbourne. His colonial rights secured Cheong the right to vote at Federal elections after 1901 under Section 41 of the Constitution of the Commonwealth of Australia.⁴⁴ In practice Cheong enjoyed all the rights and privileges of a British subject, at least in Victoria, other than the right to a British passport but even that, as mentioned in the cases of Benjamin and Caleb, would not have excused him from interrogation by Customs Officers.⁴⁵ Cheong's 1904 letters on behalf of James, seeking to have him exempted from interrogation, show that Chinese could be excused but it took a lot of effort. When James arrived in Fremantle, before instructions arrived from Melbourne, he was

interviewed by two Customs officials one before the other after breakfast neither of whom seemed to know anything of the instructions you have sent and while very courteous in their manners made reference to the new laws in such a way as to make him feel quite hurt. 'I felt hurt', he said, 'that I hadn't free ingress into the land of my birth and education and training, where I had hoped to spend the best years of my life. I have a feeling now that I am a sort of exile from my native land and that it would take very little to cause one to turn my back upon it for elsewhere.'⁴⁶

James was travelling on a British passport, issued by the Victorian colonial authorities. To secure it he had to follow the usual conventions and produce his birth certificate and other relevant documents. It seems that was not enough, at least initially, for the new federal officers (most of whom in Melbourne were former colonial officials). Cheok Hong Cheong was asked to 'furnish some particulars respecting your son, eg as to age, where he was born etc'.⁴⁷ Cheong's responded:

I subjoin particulars which you ask for in regard to my son.

He was born in Ballarat in the State of Victoria in 1871. After graduating with honours at the Melbourne University and taken his Master's degree he proceeded to

43 This is a complex issue discussed in Price, Charles, (1974), *The Great White Walls are Built*, Canberra, Australian National University Press pp 174-180. The *Daily Telegraph*, 3 August 1888, contains a specific statement that a person holding freehold property was entitled, in Victoria, to vote for both Houses of Parliament.

44 Cheok Hong Cheong to the Shire Secretary, Shire of Lillydale, 12/5/09.

45 Price, Charles, (1974), *The Great White Walls are Built*, Canberra, Australian National University Press.

46 Cheok Hong Cheong to the Secretary, External Affairs, 26 September 1904.

47 Collector of Customs, Melbourne, to Cheok Hong Cheong, 12 September 1904.

China with the view of applying for admission to the diplomatic service of his Fatherland . . . he refrained from sending in his application and accepted an educational appointment under the British government at Hong Kong whence after about four years service he proceeded to Oxford to take his theological course. He was ordained to the Ministry in June of the present year and immediately thereafter was offered Curacies by the Rectors of Southampton, Leeds and Nugent St. George and likewise a Chaplaincy on the voyage out . . .

I enclose herewith copy of his testimonials printed prior to his leaving Australia.

I may add in conclusion that by an Order of the Governor-in-Council issued in 1891 and signed by Lord Hopetoun and Sir George Turner I and my wife and family have been exempted from the operation of the Chinese Immigration Restriction Act for all time and that the Governments of N.S.W. and New Zealand, notwithstanding their drastic measures have before the Commonwealth was instituted give me and my son freedom of ingress and egress and to respectfully remind you that the Commonwealth government itself has shown its courtesy to Missionaries of admitting them without question.⁴⁸

It is interesting to read Atlee Hunt's response to Cheong's letter and in particular, to his claim for exemption under the Victorian colonial *Chinese Act 1891*.

Sir – I have the honour to acknowledge the receipt of your letter of the 15th September forwarding particulars respecting your son who is expected to return to Australia per the "Oldenburg" about the 28th inst., and to inform you that the necessary instructions have been issued to the authorities to permit his landing without restriction.⁴⁹

The Department was not aware of any such exemptions as that mentioned by you having been issued in your favour, but, as the privilege was granted, it will be honoured under the Commonwealth, and there will be no necessity for you to obtain a Certificate of Domicile.

As a person who met the Federal definition of a 'domiciled' person, there is no doubt that a 'domiciled' Chinese with Cheong's colonial exemptions would have been re-admitted to Australia after an overseas journey, i.e., there was no intention to exclude resident Chinese from Australia (See Table 10.2, p 254). A Victorian customs officer's enquiry seeking clarity on the re-admission of Chinese, received this reply from 'head office':

Question;

Chinese formerly domiciled in Victoria and exempted from operation of Victorian Chinese Acts, may they be re-admitted?

Answer:

Yes. I direct your attention however to the importance of the word 'domiciled' . . . As applied to persons of foreign birth the following may be regarded as a definition –

"A man is domiciled in that place in which he had voluntarily fixed the habitation of himself and his family, not for a mere special and temporary purpose, but with the intention of making it his permanent home."

The presentation by an in-coming Chinese of permits issued by the Victorian

48 Cheok Hong Cheong to the Secretary, External Affairs, 15 September 1904.

49 Atlee Hunt, Secretary, Department of External Affairs to Cheok Hong Cheong, 16 September 1904.

Government will be evidence on which to exempt him from the operation of the Immigration Restriction Act, if he is clearly identified as being the person to whom the permit was issued. . .

The following are among the tests which may be usefully employed to ascertain the bona fides of the intention of making a permanent home: –

The presence of wife and family, possession of land, fixed place of business, amount of debts due to such persons . . .⁵⁰

The racially discriminatory policies implemented in Australia to control the non-existent threat of mass Chinese immigration reflects the prejudice generated during the 19th century by fear of invasion from the north and maintained by the kind of demonising outlined in Chapter 7.⁵¹ As Cheong had commented more than once: ‘there is but little disposition on the part of my countrymen to emigrate.’⁵² There is not a single reference in the testimonies or the journals of the Chinese missionaries that indicates any widespread interest in China in permanent settlement in Australia. Indeed, the opposite is clear – the goal was to gain capital and return home. The See Yup rules reported by William Young were specific – the objective of emigration to Australia was to ‘gather gold for China’.⁵³ In short, no gold, no Chinese.

Jennifer Cushman observed twenty years ago that Australia’s Chinese community was essentially a goldrush phenomenon.⁵⁴ Cheong was never in doubt that the small proportion of Chinese who stayed in Australia, apart from merchants, did so because they could not save enough to go home. He invariably used the term sojourner to describe the Chinese in Australia:⁵⁵

The vast majority, if not all, of the Chinese residents here, are but sojourners having not the slightest intention of settling down which the bringing of their wives and families necessarily involves.⁵⁶

It is an interesting contrast with his 1879 claim that the reason that the Chinese did not settle in Australia was fear for the safety of themselves and their families (Chapter 4).

The naturalisation and exemption certificates insisted upon by colonial governments

50 National Archives of Australia, CRSA8 02/52 (Part 1).

51 A good example of the kind of racist novel in circulation in the early years of Federation is: Kirmess, C H, (1909), *The Australian Crisis*, Melbourne, George Robertson and Co. (A novel outlining a Japanese conquest of Northern Australia).

52 See Appendix 4 for full text of a Public Address given by Cheong in 1888.

53 Papers Presented to Parliament, Legislative Assembly, Victoria, 1867, Rev William Young, *Report on the Condition of the Chinese Population of Victoria*.

54 Cushman, J W, (1984), ‘A Colonial Casualty: The Chinese Community in Australian Historiography’, pp 100-102 in *Asian Studies Association of Australia Review*, April 1984, Vol 7, No 3.

55 Cheok Hong Cheong to Mrs R of Rokewood 17 June 1889; Sir James Munro, Premier of Victoria 21 June 1891; the Dean of Melbourne 8 November 1897; the Bishop of Melbourne 9 November 1904; Moriarty, 28 November 1907.

56 Cheok Hong Cheong to Sir James Munro, Premier of Victoria, 21 June 1891.

even before 1888 had proved a two-edged sword. Certificates became valuable items for sale.⁵⁷ Borrowed, tampered, and forged papers presented by Chinese immigrants plagued colonial (see Chapter 8) and federal immigration officers. In the confidential instructions issued to federal immigration officers in 1902 it was stated: 'It will be within the knowledge of all Officers of Customs that amongst certain foreign races a considerable trade has been done in the sale and transfer of exemption papers.'⁵⁸

A leading Sydney merchant, James Yinson Lee, wrote to the famous Australian journalist and political adviser to the Chinese Government, George 'Chinese' Morrison, asking him to intercede with the Australian Government in relation to the immigration issue.⁵⁹ Lee admitted that the Chinese evaded the law but justified it on the grounds that their actions were provoked by the difficulties of family reunion and the offensive requirement for a hand print.⁶⁰ There is no evidence that Morrison took any action to assist the Sydney merchants.⁶¹

Letters written by Cheong on behalf of Peter Ng Hong Nam illustrate the difficulties for a naturalised Chinese businessman wishing to travel between Australia and New Zealand. Despite Hong Nam's naturalisation in Victoria and its recognition as valid for the Commonwealth of Australia after 1901 he still faced difficulties in trying to enter New Zealand which had not joined the Australian Federation and did not accept Hong Nam's status as a British subject. Cheong wrote a string of letters to the Chinese Consul-General in Melbourne, to the Chinese Consul in Wellington and to the Australian immigration authorities. In the exchange of letters Cheong identified Hong Nam as the President of the Victorian branch of the Chinese Empire Reform Association.

Australian Archives File 18/3053 incorporating Foreign Affairs file 10/1737 includes the extraordinary information that immigration officers were to check on Chinese who returned to Australia in less than six months with the suggestion that as most Chinese

57 This was not unique to Australia> Ng Sheryl Wudunn, a Chinese-American, visited her grandparents' village in Taishan District. She was aware that her grandfather had purchased an American certificate to enter the US. Kristof, Nicholas and Sheryl Wudunn, (1994), 'Title: China Wakes: The Struggle for the Soul of a Rising Power'. Copyright © 1997 National Cable Satellite Corp.

58 National Archives of Australia, CRS A8, 02/52 (Part 3).

59 Yinson Lee was a leader in the Chinese Masonic Society or Yee Hing, the dominant Chinese community organisation. Yong, Ching-fatt (1977), *The New Gold Mountain*, Richmond SA, Raphael Arts, pp 157-168.

60 William Yinson Lee to Dr Morrison, 13 December 1917. *G E Morrison Correspondence*, Vol 96, Item 287, Mitchell Library, New South Wales. William Yinson Lee was the President (1912) of the Australian Chinese Association. He was also a founding member of the Australian branch of the Chinese Nationalist Party (Kuomintang). See Yong op cit.

61 Morrison, G E., (1895). *An Australian in China: being the narrative of a quiet journey across China to Burma*, London, Horace Cox.

went for much longer, the people who stayed away for only a short time must have been up to no good. The report specifically mentioned Hong Nam's visit to New Zealand.

Reverend Cheok Hong Cheong wrote stating Hong Nam wished to visit New Zealand on business and expected to be absent from the Commonwealth for about a month or six weeks. A reply was sent stating that it would be necessary for Hong Nam to obtain a Certificate exempting from the Dictation Test. An application was submitted by Hong Nam in which he stated his desire to visit New Zealand for 3 years. He first arrived in Melbourne in 1881. Certificate for 3 years was issued.⁶² Landed in Sydney on return.

An additional hand written note adds to the above – About one month [absent from Australia].

Cheong's mention of Hong Nam's role in the Victorian branch of the Chinese Empire Reform Association was not just a passing matter. Cheong was a supporter of the Association and spoke on its behalf in Melbourne and Sydney. His usual vehicle was the lectures he had originally prepared for mission deputation work but as shown in the following reproduction of a Sydney CERA promotional leaflet, he was prepared to put the material to a broader Chinese community purpose.

In 1899, Cheong was invited to lecture on behalf of the Sydney branch of the CERA. This was the presentation mentioned in Chapter 5 that the New South Wales branch of the Church Missionary Association tried to prevent.

62 Hong Nam sought the right to enter and leave New Zealand without restriction for the period stated. This is a distinct improvement on the 1888 arrangements discussed earlier and suggests that the New Zealand Government was more liberal than the Australians. Note the letter of 7 August 1909 above that required Hong Nam to pay the poll-tax upon his return to Australia with the implication that each time he went to New Zealand he would have had to pay the tax.

Chinese Empire Reform Association

CENTENARY HALL, YORK STREET.

Thursday, August 30th

at 7.45 pm

À Pictorial Tour Thro China, Ó

Descriptive LECTURE with magnificent specially prepared
Lime-Light Views of the Scenery, Architecture,
Manners, Customs and Religion,

by

CHEOK HONG CHEONG

(Superintending Missionary to the Chinese, Victoria: Corresponding Member of the Executive
and sometime special lecturer, Society for the Suppression of the Opium Trade.)

HON. SIR G. K. DIBBS, K.C.M.G., Will Preside

Doors Open 7 p.m.

Organ Recital 7:15

Admission One Shilling

Reserved Seats Two Shillings

Entire Proceeds in aid of Indian Famine Fund and Chinese Mission

A. H. Fine Chedign. Treas.

D. O'Young H. Chong Jowe

Hon. Secs

The Views will show the Extent of China's Dominions - The Varied Beauty and Picturesqueness
of her Scenery - The Magnificent System of Waterways - Her Landscape Gardening - Her
Agricultural Manufacturing and other Industries - The Vastness of Her Engineering
Works - The Peculiar and Wonderful Architecture of Her Pagodas, Undoubtedly the best
constructed and noblest buildings in all the East - Her Temples, Palaces, and Pavilions with
Portraits of the Emperor and Empress, Notable Princes and Statesmen, and Grand Review of
the Imperial Guards by the Emperor Taou-Kwong in person - The Social Customs of Her
People

Cheong was a member of the Victorian CERA but the two distinct organisations had fallen out and there was little contact. This breach prevented the presentation of a united Chinese position in relation to immigration and the other discriminatory issues that affected all Chinese residents in Australia. Cheong had maintained a link with the NSW body through his old Presbyterian friend, the Rev. John Young Wai. He was subsequently presented with an illuminated address by the NSW CERA. An appreciative, even fulsome, item also appeared in the local Chinese newspaper.

A noble character Zhang Zhuoxiong [Cheong Cheok Hong]

Mr Zhang Zhuoxiong, a native from Sihui [*Siyi-See Yup*] of Canton, studied in Nanyang when he was young. He was a genius and got better school performance than his Western schoolmates. More importantly Mr Zhang hated to be a

businessman. He wanted to save the world with his noble aspirations and his profound knowledge. An Anglican Church in Melbourne invited him to be Chinese missionary supervisor. Fourteen years have passed. He was followed by several hundred Chinese natives. Among them, some had become missionary workers teaching the Gospel in the Chinese community. Mr Wang Jiesheng from Foshan is one of the most outstanding, whose aunt is Mr Zhang Zhuoxiong's wife.

Mr Zhang has five sons and two daughters. The eldest son, Jinchao, [James] another genius, was studying hard like his father and **more polite to others**.⁶³ He passed the imperial examination held in Melbourne last autumn and sailed for China earlier this February from Sydney. The second and third sons have also secured their professions already.

Mr Zhang loves to do charitable deeds. For example, in 1875, Shanxi, Henan and other North China provinces saw serious drought. The people there had to eat grass roots and barks. Cannibalism was found in many places. Chinese charitable institutions in Australia called for donations . . . Mr Zhang organised quite a few functions in Melbourne for such donations. He had wide connections with the Westerners, collected a huge amount of money and sent to China. In 1892, he went to London to lobby the British government to stop opium trade with China. The result was, however, not satisfactory. From time to time he published articles criticising the Australian local governments for the poll tax imposed upon arriving Chinese nationals. He persuaded his Chinese fellows here to learn modern Western knowledge. Sometimes there were Chinese arrived but were detained or arrested due to failure of paying landing tax. He would go to mediate. In most cases the Chinese would be released.

Last month Mr Zhang came to Sydney for the construction of a church in Melbourne. Many Chinese merchants were very generous to donate for such a charitable work. This is actually blessing for the whole Chinese community here.⁶⁴

In 1909 Cheong was involved in an unsuccessful attempt to persuade the Australian Government to allow the Chinese nationalist reformer, Kang Yu-wei, to visit Australia. By this stage, the Chinese movement for reform within the historic Imperial system was losing ground to a growing sentiment for a republican China. There is no indication in any of his surviving correspondence that Cheong had any sympathy with the revolutionary republican movement (Guomintang) led by Sun Yat-sen.

The Honorable the Minister for External Affairs

Dear Sir, Allow me to bring before you the application of the Chinese Empire Reform Association of Sydney for permission to Kang Yu-wei the great Leader of Reform in China to visit Australia and to say that since I wrote the Prime Minister on the 29th Oct last & the Secretary for External Affairs on the 15th Jany of the present year I have found nothing in the newspapers, missionary periodicals & correspondence from China & among others a letter received a fortnight ago from Dr Timothy Richard (a Mandarin of the highest rank) reflecting on the moral character

⁶³ The emphasis is made as an indication of the much gentler style of James that was mentioned in Chapter 6.

⁶⁴ *Tung Wah Times*, 29 March 1899, p. 3. Translation courtesy Dr Paul Jones and the Chinese History at Australian Federation Project, Latrobe University, Bundoora, Victoria.

of the said Reform Leader. On the contrary every mention made of his name has been a favorable one. Indeed as I have said to your Chief Clerk in the course of conversation 2 months ago the recall of the Reformers is a matter of certainty in the immediate future.

Already the question has been submitted to the Great Council by the Prince Regent and in a note on Peking affairs in the North China Herald of the 2nd ult it is recorded Grand Cr. Chang Chi-tung strenuously recommends that the question of a pardon to the Reformers should be deferred as the granting of it too hastily would be tantamount to exposing the errors of the Empress Hsiao Chin at once & with greater emphasis. Commenting on this the same paper in a leading article on the following morning observed: The Manchus however were biding their time while undermining Prince Yuan's influence & his refusal, in which he was supported by Prince Ching, to sign an edict for the recall of Kang Yu-wei gave them the handle for action. (i.e. Yuan's dismissal).

Our Sydney friends are anxiously longing to have a visit from their illustrious leader ere the pressure of State affairs make it impossible for him to do so. May I crave your consideration of this matter as one of special urgency.⁶⁵

The letter and the other representations indicate that Cheong was an active supporter of the Chinese Empire Reform Association. His knowledge of the internal affairs of the Chinese community was mentioned earlier in relation to opium smuggling. In another context he knew of the activities of a group of Chinese Christians, associated with the Melbourne CERA and the Chinese Christian Union,⁶⁶ who were accused of being co-conspirators in a scheme to provide Chinese with forged papers.

The accused included Lew Goot Chee, a Christian, and the editor of the *Chinese Times* newspaper.⁶⁷ The others were the Methodist missionary, David Soong, and Harry Hoyling, a member of the Churches of Christ whose grandfather had arrived at the Mount Alexander diggings in 1854. The scheme was uncovered during a visit to Hong Kong by Inspector F M Gabriel, described as the 'shock trooper' of the investigative branch.⁶⁸ Gabriel named the three men as the ringleaders in Victoria.⁶⁹ The upper floor of the building at 189 Russell Street, from which the scheme was managed, contained the offices of the Chinese Empire Reform Association and Goot Chee's newspaper.

Customs Inspector Gabriel described Cheong's unhelpful attitude to the authorities on immigration matters: 'From my own personal experience of the latter I know that he cannot be relied upon.' Before the case went to court, David Soong committed suicide by

65 Cheok Hong Cheong to the Minister for External Affairs, 18 March 1909.

66 See note about the Chinese Christian Union at Appendix 16.

67 *The Weekly Times*, 2 September 1899, pp 14-15.

68 Yarwood, A, (1961), 'The "White Australia" Policy, Some administrative problems 1901-1920', *The Australian Journal of Politics and History*, Vol VII, No 2, November 1961, p 255.

69 Inspector F W Gabriel to Secretary, Department of Customs, 11 February 1915. National Archives of Australia CRS A8 15/13159 (15/2392).

hanging himself in the Methodist Chinese Church in Little Bourke Street. Gabriel wrote:

Mr Goot Chee was well aware of the frauds that were being carried on by his country people by introducing Chinese into the Commonwealth illicitly, also by false papers, and that Bribery was rife amongst them, this is confirmed by his publication of the case of the Chinese Parson David Soong who committed suicide after I had discovered that he was deeply connected in the Illicit traffic of introducing Chinese on false papers. He was summonsed by me for Bribery but hanged himself in his Church before the hearing of the case, had he lived he would have been charged as one of the Conspirators.⁷⁰

Although he avoided conviction, Goot Chee was deported to the United States on 6 June 1914. Soong's death, and Goot Chee's deportation, points to a failure in the prosecution's case rather than being evidence of innocence. Cheong later opposed the employment of Harry Hoyling as an interpreter and accused him of charging excessive amounts for his services and promising outcomes that he could not guarantee.⁷¹

Cheong's knowledge of the activities of David Soong and his colleagues was shown in a letter to the Assistant Secretary of the Church Missionary Association in Sydney.

David Soong's was a very sad end. I little thought he would have come to that though I knew he was too intent upon things material & temporal & too little time given to those which are spiritual and eternal. On a/c of his connections with the Customs the Presby Foreign Missions Committee wanted to shift him to Beechworth some years ago but he refused and came to me to ask for employment in our Mission but I advised him to obey the Committee's orders which I said was really for his own good as well as that of the Mission. Finding that I would not take him over he moved his friends to petition the Comtee for his extension at Brunswick and succeeded. Then when Moy Ling died he so won himself into the good graces of the Methodist Mission Secretary that he got himself appointed to succeed Moy Ling to the intense grief and chagrin of practically the whole body of the Chinese converts who petitioned the Mission authorities in Sydney against the appointment.⁷²

Harry Hoyling attempted, unsuccessfully, to resume his role as an interpreter. He later went to Queensland where he successfully organised Chinese labourers clearing the Atherton Tablelands.⁷³

Cheong was subsequently involved with the editors of the *Chinese Republic News*. Two men, Ng Hung-pui and Chiu Kwok-chun, both Christians, came to Australia in 1908 under provisions in the 1901 immigration restriction law that allowed short term entry to clergy, journalists, doctors and others who serviced particular needs in the Chinese

70 F M Gabriel to Secretary, External Affairs, 15 January 1914.

71 Cheok Hong Cheong to Chinese Consul-General Wang, 1 August 1911.

72 Cheok Hong Cheong to Mrs Mickleburgh, Sydney, 30 November 1912. Cheok Hong Cheong to Miss Isabel Willis, 6 June 1912.

73 Private communication from Mr John Kehrer, a descendant of Harry Hoyling. Kehrer is possibly the best informed Australian on the genealogy of Taishan immigrants to Australia.

community. Ann Pang⁷⁴ and C F Yong⁷⁵ agree that the two were known Cantonese revolutionaries who came to Australia to escape arrest and imprisonment in China. Cheong's first letter to the Minister for External Affairs asked for exemption for Ng because he was showing interest in becoming a missionary to the Chinese.⁷⁶ It was a strategem he apparently used more than once when trying to help men avoid deportation. Inspector Gabriel had no time for Cheong's representation and commented:

Ng Hung Poi was recently in Melbourne endeavouring to work up sympathetic countrymen to make representations on his behalf, hence Mr Cheok Hong Cheong's letter.⁷⁷

Sir Robert Best, a leading Victorian barrister and future senator, was retained to represent the two men.⁷⁸ The Chinese community declared that if the two were sent back to China they would be executed as political agitators. Cheong and other members of the Chinese Christian Union asked the Rev. Dr E J Keely, parish priest at St Brigid's Catholic Church, North Fitzroy, to write to his parishioner, the Minister for Internal Affairs, Hugh Mahan, to plead the case of the two young men. He was persuaded, wrote Dr Keely to Mahan, that the men were innocent of any wrongdoing.⁷⁹ Cheong also enlisted the Chinese Consul-General, T K Tseng, who sought a review of the minister's ruling but later wrote indicating that the men had decided not to stay in Australia.

In another instance, Cheong took what seems to have been a somewhat reluctant role in relation to a government decision to deport a woman who had overstayed her residence permit.⁸⁰ Hop oon Gooley was a successful fruiterer at Geelong and popular with all sections of the community. He left Victoria in June 1910 as a 'single man.' His China-born wife aged 28 years and pregnant, arrived with him on 21 November 1910 for a 'temporary

74 Pang, Anne, (1980), *The Chinese Times*, BA (Hons) thesis, University of Melbourne, School of History, (unpublished). See also Poon, Yu-lan, (1995), 'The two-way mirror: contemporary issues as seen through the eyes of the Chinese language press, 1901-1911', pp 50-65 in Fitzgerald, Shirley and Garry Wotherspoon, (1995), *Minorities: Cultural Diversity in Sydney*, Sydney, State Library of NSW Press.

75 Yong, C F, (1977), *The New Gold Mountain*, Richmond SA, Raphael Arts.

76 Cheok Hong Cheong to the Minister for External Affairs, 18 February 1915. National Archives of Australia, CRS A8 15/13159. See also the Melbourne *Herald*, 17 and 20 February 1915.

77 National Archives of Australia 15/13159.

78 Cheok Hong Cheong to the Minister for External Affairs, 18 February, 1915. File note 10 July 1914. National Archives of Australia CRS A8 13/17950. Cheok Hong Cheong to the Minister for External Affairs, 27 May 1915. CRS A8 No 15/13159 (15/08941).

79 Rev Dr E J Keely to the Minister for Internal Affairs, 29 May 1915. National Archives of Australia CRS A8 15/13159 (15/9130).

80 Cheong's reluctance was grounded in the attempt by Poon whose account of the child's procreation and marriage arrangements were untrue and were presented as part of a scheme to gain his wife permanent residence. Yarwood, A, (1961), 'The "White Australia" Policy, Some administrative problems 1901-1920', *The Australian Journal of Politics and History*, Vol VII, No 2, November 1961, p 250 ff.

conjugal' visit. She received permission to stay in Australia for six months. Mrs Poon stayed in Australia for more than three years and became a national *cause-celebre*. In 1911, with her first six months extension expired, a petition signed by 34 European citizens of Horsham requested that she be given permission to remain permanently in Australia. They were reminded that the Poon's had given solemn undertakings that she would leave after six months.⁸¹ An additional extension of time for her departure was sought and granted after the birth of a daughter at 268 Moorabool Street, Geelong, on 5th June 1910. Yarwood states that women were invariably allowed to stay in excess of the initial six months..⁸²

By the time his wife's deportation was ordered in mid-1911, Poon had obtained 754 signatures on a petition requesting that his wife and daughter be allowed to stay. Cheong, as the President of the Chinese Christian Union, organised a mass meeting on 7th August 1911 in the Anglican Mission Church to protest the Government's determination to deport her. The Secretary of the Union, Samuel Wong, a Baptist layman and member of the Chinese Residents Association, wrote to the Minister requesting that the deportation order be revoked. Yarwood gives the following outcomes of the meeting:

1. Protested against the cruelty of the acting Minister in refusing to allow Poon Gooley's wife to live with him. They pointed to the ill-feeling that would be created between two friendly powers, and to the hindrance that would result 'to our missionary enterprise here and in China';
2. Argued that the refusal of the federal government to permit 'law-abiding Chinese citizens to bring their wives out to Australia is subversive to the maintenance of racial purity for which the 'White Australia' party contend.'
3. Decided to send copies of the resolutions to the acting Minister, the Chinese Consul-General (who took little part in the controversy) the President of the Council of Churches, and other religious bodies.⁸³

On the 14th, at Cheong's request, the Anglican Archbishop and the Presbyterian Missions Committee appealed for clemency. On the 5th September Hop Poon Gooley was given a further three months extension and on 2 July 1912 a further six months. On the 3rd July, the Department wrote to Poon saying that the entire family was required to leave Australia within six months. On the same day, a Methodist minister, the Rev. Robert Kelly, wrote in outrage against an unethical order that required Poon, a hardworking and respectable man, to choose between his family and his business. The Mayor of Geelong also wrote in

78 Yarwood, op cit, p 249. Yarwood notes that the people of Horsham made a distinction between the Poons as individuals and ordinary Chinese.

82 Ibid, p 248.

83 Ibid, p 253.

support of the Poons. *The Argus* revealed that Poon had business interests in Melbourne, Brisbane and Sydney, as well as Geelong and Horsham, all of which were at risk. The Hon James Balfour, now in his declining years, joined the battle to help the Poons. On 13 August 1912, the Victorian Council of Churches called on the federal government to rescind the deportation order. Women electors from the Riverina area of New South Wales expressed support for a woman suffering at the hands of uncaring male oppressors. At the request of the far-distant Queensland Chinese community the Mayor of Brisbane wrote to support the Poons. Chinese business leaders in Sydney wrote to the newspapers. The *Sydney Daily Telegraph* carried the following report outlining an interview with Ping Nam, a leading businessman and the president of the Sydney branch of the Chinese Empire Reform Association. Ping Nam spoke out strongly and like Cheong, preferred to ground his remarks in the immorality of a policy of discrimination being practiced by a democratic government and people:⁸⁴

**RACIAL PURITY.
HOP GOOEY'S CHINESE WIFE.
WHAT IF CHINA RETALIATED?**

The refusal of the Acting-Minister for External Affairs to allow the wife of Hop Poon Gooley, a Chinese resident of Geelong, a further extension of time in the Commonwealth (as reported in yesterday's *Daily Telegraph*) has aroused indignation among the Chinese of this State.

Mr. Ping Nam, president of the Chinese Empire Reform Association, speaking yesterday on behalf of the Chinese community, said:- The arguments aduced by Senator Findley are evidently based on prejudice so strong that it seems to have wrecked his discretionary powers as a Minister. The Minister admits that Mr. Gooley is a reputable citizen, and having satisfied himself on this point what better guarantee could Gooley give in support of his claim to have his wife with him. The attitude Senator Findley takes of the 'White Australia' policy is mere moonshine. He fears that if the Chinese are allowed to bring their wives to this country it would imperil this policy. The 'White Australia' policy is based, according to the party which the Minister represents on racial purity. This should strengthen our argument in favor of allowing respectable Chinese to have wives of their own nationality with them in this country. The legislation of Australia, may I say it, leads to immorality. Statesmen of the Commonwealth are incurring a serious responsibility in penalising and harassing respectable Chinese out here, as it will have the effect of jeopardising British trade in China. Probably some Australians argue, What has British trade to do with Australia? I answer that it has much to do with Australia. The protection they now get, as the people of this country know, is British, and the amount of trade that China gives to Great Britain annually enables the United Kingdom to maintain to a certain extent her proud position as mistress of the seas. The destiny of this country to-day is committed to men whose chief card is 'humanity,' and it is of great interest to the Chinese now studying the western systems of government to observe

84 *The Daily Telegraph* (Sydney), 4 September 1911.

the principles of a Government which is supposed to be based on humanitarian ideals. Our people have been promised a National Parliament in 1913. Should we copy, for arguments sake, the ideals of humanity as administered by the Commonwealth Government and deal out the same to Britishers and Australians who may then be residing in China? In such case would the politicians of this country say we were conforming to the principles of humanity? I feel confident that the fair and generous minded people of this country have no desire that those in power should harass and oppress any Chinese who have conformed to Australian ideas, and who have proved by their daily lives that they are capable of taking upon themselves the responsibility of having women of their own nationality as wives."

Cheong's letter to a business friend mentions the efforts of the Chinese Christian Union to assist the Poon Gooley family:

Dear Mr. Shelley, I owe you an apology for not acknowledging sooner your kindly courtesy in sending not one cup but very many cups of that beverage which cheers but does not inebriate. It was simply pressure of business arising out of the decision of the External Affairs Department re the case of Mrs Poon Gooley of Geelong. Our Chinese Christian Union of which I am President has taken the matter very much to heart that added on to my ordinary duties causes the apparent tardiness of acknowledgement. I enclose under separate cover a pamphlet published years ago embodying the principles upon which we act in matters political & another setting forth the views and principles in matters ecclesiastical.⁸⁵

The Poon Gooleys left for China in January 1914 with Poon vowing never to return. He was back by 15 July 1914 although the rest of the family remained in China. This Poon Gooley case, more than almost any other event in Cheong's long life, was symbolic of the racism that permeated Australian immigration policy for so many years. The widespread support offered to the Poon Gooleys by a wide cross-section of the European-Australian community as well as the defence offered by the Chinese shows that some Australians saw individual rights as being as important as upholding a law that allowed such an injustice to occur to a family group.

The White Australia Policy is central to any discussion of Cheong's involvement in immigration matters. Cheong was a social and political conservative, and any form of radical or illegal action would, in most circumstances, have been unacceptable to him. He was also unwilling to back anything that might have placed at risk all that he had achieved in terms of his family's well-being and his own place in Victorian society.

Twenty years earlier Cheong had told Victorians that the Chinese were aware of the limitations on protest by a marginalised minority. The Chinese were a small community most of whom lived in poverty. Few were able, or prepared to put their personal security

85 Cheok Hong Cheong to Shelley, 13 September 1911.

at risk or to accept financial responsibilities on behalf of strangers, as Kong Meng had shown in relation to the *Burrumbeet* detainees (Chapter 8).

Cheong did not avoid all confrontation with the authorities, as he showed in his strongly worded exchange of letters with Premier Duncan Gillies over the *Afghan/Burrumbeet* affair. His comment to Howat about his duty to lead men to repentance may have been evasive but it reflected the reality of his situation. Inspector Gabriel confirmed that Cheong was not an informer against his own countrymen. Cheong understood very clearly that any society that tolerates injustice to one or two runs the risk of injustice to all. It was a very Christian position and reflects, yet again, his position as a genuinely Christian man who followed his principles wherever they might lead him.