

Transnational Lives: Colonial Immigration Restrictions and the White Australia Policy in the Riverina District of New South Wales, 1860–1960

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Abstract: In Australia the historical debate on the effects of immigration restrictions on the Chinese people has focused largely on the White Australia Policy. By contrast, in this paper I focus on the relatively neglected topic of intercolonial migration and compare the impact of the colonial immigration restrictions of the 1880s and the White Australia Policy, using as an example the Riverina district of New South Wales. Many Chinese people were severely disadvantaged by the colonial immigration restrictions, particularly if they had strong commercial links on both sides of the NSW–Victorian border or needed special assistance from their compatriots. The local reaction in the Riverina to the tightening of anti-Chinese restrictions in 1888 in particular sits at odds with the popular impression of unrelenting animosity towards Chinese people in the pre-Federation period. Many white residents of the Riverina viewed the legislation with disdain and pleaded the case for change.

Federation solved the problem of intercolonial migration, but it created many other difficulties for Chinese residents and this time the Riverina press was silent. With the same resilience and initiative of their forebears, however, many Chinese worked around these new impositions. Influence, money and friendship were, however, critical and those less well connected or affluent were at a much greater disadvantage. Intimidation from officials with its attendant risks of resentment and bitterness may have been of little concern in the colonial and post-colonial period, but today it should be, for the stakes are much higher.

Keywords: transnational, Riverina, immigration restrictions, Quong Tart, Federation

Introduction

In Australia the historical debate on the effects of immigration restrictions on the Chinese people has focused largely on the White Australia Policy.¹ There are understandable reasons for this. Its central piece of legislation, the Immigration (Restriction) Act, was on the statute books longer than any other comparable law and is the legislation with which most people are familiar.² Perhaps more importantly, the adverse impact of the White Australia Policy on Chinese people and other people of “coloured descent” is still within living memory. Its colonial precursors also strongly disadvantaged Chinese people, but these earlier laws have been discussed much less, and where they have, the focus has been on the effects of restrictions on the movement of the Chinese people between China and Australia. By contrast, this paper focuses on the relatively neglected topic of intercolonial migration. I discuss and contrast the impact of the colonial immigration restrictions of the 1880s and the White Australia Policy, using as an example the Riverina district of New South Wales (NSW).³ I give particular attention to community attitudes and the ability of the Chinese people to cope with the restrictions.

As I write now the question of Australia’s immigration and refugee policy is once more in the spotlight at home and abroad. It is, therefore, timely to look at our past

¹ Sophie Couchman, John Fitzgerald & Paul Macgregor, *After the Rush: Regulation, Participation and Chinese Communities in Australia 1860–1940* (Melbourne: Otherland Literary Journal No. 9, 2004). Six of the essays in this excellent and informative publication focus on the period immediately before and after Federation. One of these (by Rod Lancashire) discusses in part the impact of colonial immigration restrictions; two other essays discuss various aspects of the White Australia Policy.

² The term White Australia Policy comprises various historical policies that intentionally favoured immigration to Australia by white people from Britain and strongly discouraged non-whites. It came into fruition with Federation in 1901 and was progressively dismantled between 1949 and 1973.

³ I have defined the Riverina by its river systems – in particular, the Murray, Murrumbidgee and Lachlan Rivers and their tributaries, such as the Tumut River and Hillas Creek – and the historic links between the different towns and sub-regions. Tumut and its Chinese population were closely linked to Gundagai, Junee and Wagga, and Booligal, Hillston and their Chinese communities were linked to Hay. Despite the importance of its Chinese history, Lambing Flat (present day Young) was excluded because it did not have these links.

The Background to Exclusion

Race relationships in rural Australia differed from those in the metropolis, for town and country life allowed for a greater familiarity than in the cities.⁸ Many white residents knew Chinese people as gardeners, labourers or storekeepers, and were familiar with their various festivals and customs. Class relationships also differed, for many rural Chinese were self employed or employed by contract and shared the same aspirations as many self-employed or contracted European workers. They fell into historian John Ferry's "susceptible" or "nervous" middling class, aware that failure meant not just poverty but separation from their kin with no prospect of marriage or return to their homeland.⁹ In the Riverina most Chinese pastoral labourers were engaged in ringbarking and scrub clearing and were hired by Chinese contractors who bargained for rates with the pastoralists and took a percentage of the contract rate.¹⁰

Other Chinese were engaged in market gardening, an almost wholly Chinese enterprise. Some Chinese were storekeepers and others were tenant farmers, growing tobacco on land rented mainly from European landowners and usually paying a higher rate than Europeans. These farmers were financed by Chinese merchants, who helped set up their farms and insure their crops, taking a share as payment and bargaining with the landowners and tobacco buyers on their behalf.¹¹

The economic value of Chinese pastoral labour was undisputed. One correspondent stated in 1890 that it was not because their labour was cheaper, for in many case they were paid the same wages or even more than Europeans, but it was because they were steadier and more reliable.¹² Chinese market gardeners were equally valued, with a writer in 1893 stating that if it were not for the Chinese it would be hard to say how people would fare in regard to fruit and vegetables, for they "are the only people who can make arid wastes smile by their patient industry".¹³

The following comments of a Victorian visitor to Wagga in 1879 illustrate the extent of this economic co-dependence:

Chinese cooks ... Chinese labourers, Chinese servants are everywhere ... Most of the "ringing" on the surrounding runs and selections is in the hands of Chinamen, who, be it noted, have so far advanced in the civilisation of the west as to understand fully the advantage of a fair day's pay for a fair day's work. Chinese cheap labour is unknown here. The Celestial business establishments seem well patronised by Europeans as well as by their compatriots ... The sleek appearance of the Celestial business firm is most noticeable.¹⁴

⁸ Robyn Atherton, *They Were More Than Just Gold Diggers: The Chinese of Murrumburrah and Surrounding Districts 1860s–1960s* (Harden: Harden–Murrumburrah Historical Society, 2010); Alan Mayne, *Hill End: An Historic Australian Goldfields Landscape* (Melbourne: Melbourne University Press, 2003), pp. 70–2, 82–107; Barry McGowan, "From Fraternities to Families: The Evolution of Chinese Life in the Braidwood District of New South Wales (NSW) 1850s–1890s", *Chinese Southern Diaspora Studies*, 2 (2008): 4–33; Joanna Boileau, *Families of Fortune: Chinese People in the Tweed* (Sydney: Migration Heritage Centre, 2009); Cathie May, *Topsawyers: The Chinese in Cairns 1870 to 1920* (Townsville: Studies in North Queensland History No.6, James Cook University, 1984); Henry Reynolds, *North of Capricorn: The Untold Story of Australia's North*, (Sydney: Allen & Unwin, 2003), pp. 61–85, 105–179; Barbara Moore, *Eurasian Roots. The Story of the Life and Times of George Ah Kin and Mary Higgins and their Descendants* (Canberra: the author, 1994); Jocelyn Groom, *Chinese Pioneers of the King Valley* (Wangaratta: Centre for Continuing Education, 2001).

⁹ Barry McGowan, *Dust and Dreams: Mining Communities in South-East New South Wales* (Sydney: UNSW Press, 2010), pp. 110–13.

¹⁰ McGowan, *Tracking the Dragon*, pp. 10–14. The contractors worked closely with the Chinese merchants, who also took a share of the contract rate and supplied the labourers with food and provisions.

¹¹ McGowan, *Tracking the Dragon*, pp. 16–39.

¹² *Sydney Morning Herald*, 30 December 1890.

¹³ Harold M. Mackenzie, *Mackenzie's Riverina: A Tour of the Hay District Pastoral Holdings of the 1890s* (Hay: Hay Historical Society Inc., 2008) p. 114.

¹⁴ *Daily Advertiser*, 26 March 1879.

By the 1870s anti-Chinese sentiments in NSW were becoming more strident as a result of increased Chinese migration to the Australian colonies, the successful entry of the Chinese into the furniture trade, and their distinct and overcrowded community life in Sydney. The Chinese were often criticised for their alleged immorality and unsanitary living conditions and subject to vilification from politicians such as Sir Henry Parkes, who played the race card for all it was worth.¹⁵ The main point of contention in the 1870s, however, was the decision in 1878 by the Australian Steam Navigation Company to replace Australian crews with Chinese crews from Hong Kong at less than half the standard wage, a move that was strongly opposed by the Seamen's Union, the Sydney Trades and Labour Council and the Political Reform League. Strike action commenced in NSW and Queensland in November 1878 and a demonstration in Sydney in December was attended by 10,000 people, with some demonstrators storming into the city streets, threatening to seriously damage Chinese shops and homes and assaulting several Chinese men.¹⁶

Historian Ann Curthoys has stated that "there had been little anti-Chinese sentiment in country areas prior to the strike, but recent events had awoken the feelings of economic competition and racial inferiority which had been so strong in the gold rush era".¹⁷ Reflecting these new developments, a protest meeting in support of the strikers was held at Wagga in December 1878 with about 300 people attending. But it was a pale imitation of its Sydney counterparts and "appeared more disposed for fun than the consideration of the serious objects before it".¹⁸

The racial views of the conservative Riverina press were generally benign, the editors sometimes expressing their disapproval of the Chinese as a race but conceding their economic value and insisting on their right to protection as residents of the colony.¹⁹ For instance, in early June 1880 the editor of the *Wagga Wagga Daily Advertiser* (hereafter, *Daily Advertiser*) remarked that because there were not all that many Chinese in Wagga, there was "not that intense feeling against them which is engendered in towns where they are more thickly settled down." He conceded their value as market gardeners but argued whether there were not "already a sufficient number for this purpose, and, consequently, had not any greater influx be prevented?"²⁰ Yet just a few weeks later, his tone was very different when he gave voice to the popular and unfavourable stereotype of the Chinese male, referring to the "thousands of instances" he had "polluted our young growing girls", lowered "the amount of wages to the working man", lowered "the tone of

¹⁵ Andrew Markus, *Fear and Hatred: Purifying Australia & California 1850–1901* (Sydney: Hale & Iremonger, 1979), pp. 78–81. In 1875–1876 investigations were made into conditions in the Chinese quarter of Sydney by the Sydney City and Suburban Sewage and Health Board and later by a Select Committee on Common Lodging Houses. Markus has remarked that the general picture painted by the witnesses was one of debauchery by the Chinese of young women and children and the proffering of the opium pipe to their "victims". Also see Alan Mayne, *Fever, Squalor and Vice: Sanitation and Social Policy in Victorian Sydney* (St Lucia: University of Queensland Press, 1982), pp. 107–187; Jane Lydon, "Many Inventions": *The Chinese in the Rocks, Sydney 1890–1930* (Melbourne: Monash Publications in History, Department of History, 1999), pp. 67–177; and Shirley Fitzgerald, *Red Tape, Gold Scissors: The Story of Sydney's Chinese* (Sydney: State Library of New South Wales Press, 1996), pp. 63–107.

¹⁶ Eventual resolution of the strike allowed for the re-employment of striking union members and a gradual reduction in the number of Chinese employed by the Australian Steam Navigation Company. Ann Curthoys, "Conflict and Consensus", in *Who are our Enemies? Racism and the Working Class in Australia*, eds. Ann Curthoys & Andrew Markus (Sydney: Hale and Iremonger, 1978), pp. 48–65; Markus, *Fear and Hatred*, pp. 78–95.

¹⁷ Curthoys, "Conflict and Consensus", p. 62.

¹⁸ *Sydney Morning Herald*, 17 December 1878; *Wagga Wagga Daily Advertiser* (hereafter *Daily Advertiser*), 18 December 1878. There were difficulties in finding a chairman and, when one was found, he disavowed himself of some of the sentiments in the resolutions. More farcical yet, the promoters were not ready with the movers and seconders of the resolutions and a substitute speaker had to be found. At the conclusion of the meeting a subscription list was opened in support of the strikers and £25 was donated.

¹⁹ R.B. Walker, *The Newspaper Press in New South Wales 1803–1920* (Sydney: Sydney University Press, pp. 176–7.

²⁰ *Daily Advertiser*, 10 June 1880.

morality in the colony” and introduced “nameless abominations to which we dare not allude”.²¹

The 1881 and 1888 Immigration Restrictions

Immigration restrictions were introduced by the NSW and Victorian governments in July and August 1881 respectively. The legislation included a tonnage restriction on ships in the ratio of one Chinese person for every 100 tons of cargo and a poll tax of £20 on Chinese entering or re-entering either colony. Many Chinese had business and kinship ties on both sides of the border. Up until 1881 they could move freely between the other colonies and NSW – after that date it was no longer possible, for the poll tax was costly, particularly for frequent visits.

The impact of the new restrictions was immediate. In the Albury district six Chinese men were arrested for evading payment of the tax, but because these were the first prosecutions under the new law, the sub-collector of Customs said he would not press charges if the defendants returned to Victoria, which they did. In another instance, a Wodonga-based Chinese market gardener, who sold vegetables in Albury, was prevented from crossing the river unless he paid the tax, which he refused to do.²²

These restrictions stemmed the flow of Chinese across the border to some extent, but before long anti-Chinese feelings rose again, fomented by increased Chinese migration to the rich tin fields in northeast NSW, continued concerns about the use of Chinese labour by some shipping companies, and further substantial increases in the Chinese population in the Northern Territory. The mindset of journals such as the *Bulletin* was critical. In 1886 it featured a sensationalist and highly provocative special issue in which the Chinese were presented in the worst possible light. Many other newspapers and journals expressed similar sentiments, invoking the spectre of a Chinese invasion and using derogatory language such as “the yellow agony”.²³ It was inevitable that the Riverina newspapers would again be overwhelmed by this general wave of hysteria and xenophobia, some of them trenching close to the *Bulletin's* tirades and misrepresentations.

It wasn't just the newspaper editors who were becoming agitated though. In December 1887 an Anti-Chinese League was formed at Tumut, with 170 members and paid officers to canvass for new members.²⁴ In March 1888 the league sent a circular to European landholders requesting them not to renew leases to the Chinese or let fresh land to them, and a petition was signed asking Parliament to take action on Chinese immigration.²⁵ A unanimous vote of thanks was also given to the owner of Brungle estate for not letting his land to the Chinese.²⁶ However, the league's effectiveness was blunted by the unwillingness of many landowners to co-operate, for many of them regarded the Chinese farmers as their bread and butter. Following the promulgation of the *Influx of Chinese Restriction Act 1888*, support for the league began to waiver. In August the league sought to procure another resident doctor in Tumut because the current doctor, originally a league supporter, had since let land to the Chinese. The same month a committee member resigned after he allowed three Chinese men to erect huts on his land for £1 a week, which he “thought would be better to him than remaining a member of the League”.²⁷

²¹ *Daily Advertiser*, 26 June 1881.

²² *Riverine Grazier*, 14 December 1881.

²³ Markus, *Fear and Hatred*, pp.121–7, 136–9. In September 1887 anti-Chinese feelings were further incited by the reorganisation of the Anti-Chinese League, which distributed 20,000 handbills outlining its objectives. Barry McGowan, “The Economics and Organisation of Chinese Mining in Colonial Australia”, *Australian Economic History Review*, 45.2 (2005): pp. 119–38.

²⁴ *Town and Country Journal*, 24 December 1887; *Sydney Mail*, 4 February 1888.

²⁵ *Town and Country Journal*, 24 March 1888.

²⁶ *Sydney Mail*, 24 March 1888.

²⁷ *Riverine Grazier*, 14 August 1888.

This “backsliding” did not impress some residents, however, for that same month a local correspondent with the *Gundagai Times* complained about the Chinese “Bread Robbers” at Hillas Creek, stating that:

The intruders monopolise all the best lands on the creek, growing tobacco, which industry is ruining the European farmer and poor man. The proprietors of these lands rent them to the yellow pest ... The time is approaching when we must boycott the owners of land let to Chinkies.²⁸

Throughout 1888 the “Chinese question” was the issue of the day. It reflected a deep-seated fear of a resurgent China and racial xenophobia, sentiments unblushingly fomented by the Premier, Sir Henry Parkes. Earlier the Riverina press had welcomed the imposition of restrictions, often using emotive and intemperate language to persuade their readers to believe, as did Parkes, in an imminent “Asiatic invasion”.²⁹ However, Parkes’s hysterical outbursts, his unconstitutional actions against Chinese passengers wishing to disembark from the *Afghan*, and his harsh and hurried legislation proved too much for many people. The Riverina press now pleaded the case for British justice and criticised the extreme measures in the legislation.³⁰

One example of these contrary views is provided by the editor of the *Riverine Grazier*, who, on 18 April 1888, stated that although the Chinese may not be in competition with the Europeans in Hay, their “depravity and filth” and “their low civilization and comparative pagan habits” made them “undesirable fellow-colonists under any circumstances”. He viewed the prospects of the Chinese equalling or perhaps outnumbering the European population with great alarm and supported the speedy introduction of immigration restrictions. A little over a month later, however, he criticised Sir Henry Parkes’s “hysterical demonstrations”, stating that:

His utterances in the House on the Chinese Restriction Bill on Wednesday evening last stands unprecedented, and coming from the lips of a Premier, are calculated to breed the most dangerous discord ... The introduction of the Bill at all was the prime error and the gravest one, and it was aggravated by the provisions which it contained – a combination of defects which should have made its rejection sure.³¹

These contrary sentiments were expressed by almost every newspaper editor in the Riverina. The editor of the reform-minded *Narrandera Ensign* concluded his condemnation of the Premier by stating that although the Chinese were “a menace to our civilisation”, the fault rested “with ourselves”, and that before

abusing the poor Chinaman, let us alter the conditions of life which render him formidable. For the causes which make this semi-barbarian superior to the civilised European are at work all over the world ... the distribution

²⁸ *Gundagai Times*, 25 August 1888.

²⁹ *Riverine Grazier*, 13 April 1888; *Daily Advertiser*, 8 March, 5 April 1888; *Albury Border Post*, 3 February 1888.

³⁰ The *Afghan* arrived in Sydney in early May 1888 with several hundred Chinese passengers, who had earlier been prevented from landing in Melbourne. On 3 May, before the arrival of the *Afghan*, a public meeting was held in the Sydney Town Hall, which was attended by 5000 people, and a second meeting held on the streets for those who could not gain admission. Following the meeting there was a march to Parliament. The next day Premier Henry Parkes set aside the existing legislation under which Chinese without naturalisation papers could disembark on payment of the then £20 poll tax, and proceeded to rush his new retrospective legislation through Parliament. The Supreme Court invalidated these actions by ruling that Chinese possessing exemption certificates and those willing to pay the £20 poll tax could land. Popular agitation continued for some time, however. In June 1888 a grand national anti-Chinese demonstration attracted about 50,000 people and protests soon commenced against the employment of Chinese on the Sydney to San Francisco run, accompanied by serious boycotts of Chinese businesses, including vegetable sellers. On 30 June the league organised a demonstration which attracted between 6000 and 50,000 people. However, the Anti-Chinese League failed to attract sufficient financial support from the unions and the public and by August it was largely inactive. Markus, *Fear and Hatred*, pp. 81–148; *Riverine Grazier*, 22 May 1888; *Daily Advertiser*, 19 May 1888; *Gundagai Times*, 22 May 1888; *Albury Banner and Wodonga Express* (hereafter *Albury Banner*), 1 and 8 June 1888.

³¹ *Riverine Grazier*, 22 May 1888.

of wealth, the relations between labor and capital, the training and improvement of the masses and above all the tenure of lands.³²

The most objectionable provisions of the Bill were removed by the Legislative Council, but the remaining restrictions were harsh and included an increase in the tonnage ratio to 500 tons for each Chinese passenger and an increase in the poll tax to a prohibitive £100. Children and wives of Chinese naturalized in NSW were exempt from the poll tax and could enter freely but, these exemptions aside, Chinese immigration was all but prohibited – other than by people smuggling, both from overseas and other colonies. An increase in the Chinese gaol population was all but assured (figure 2).³³

This form to be carefully folded in six parts. 119

No. _____ Name Willie Ah Poy

Date when Portrait was taken 23 Sept 1896.

Native place China
 Year of birth 1875
 Arrived in Ship Not known
 Colony Year 1894
 Trade or occupation previous to conviction None
 Religion Buddhism
 Education, degree or Chinese
 Height, without shoes, 5 feet 5 1/2 inches
 Weight On committal 134
 in lb. On discharge _____
 Colour of hair Black
 Colour of eyes Brown
 Marks or special features Pale
4 foot marked.



(No. of previous Portrait _____)

CONVICTIONS. 81 24

Where and When.	Offence.	Sentence.
<u>Corona P.C. 1 7 96</u>	<u>Evading poll tax</u>	<u>£150 or 2 years Impr</u>

Figure 2. Willie Ah Poy, Albury gaol photographs, p. 79, State Records NSW

³² *Narrandera Ensign*, 21 May 1888; Bill Gammage, *Narrandera Shire* (Narranderra: Narrandera Shire Council, Narrandera, 1986), p. 139.

³³ Markus, *Fear and Hatred*, pp. 81–148.

Some people, such as the owners of Baxter's store in Hay (figure 3), saw a lighter side to the restrictions, suggesting tongue in cheek that the main reason the Chinese were coming to NSW was to take advantage of Baxter's low prices and save enough money to allow them to return to China. The bottom line was that discerning Europeans should also take advantage of these low prices! Some white residents disagreed strongly with the restrictions, the editor of the *Corowa Free Press* commenting in July 1888 that:

To say that a Chinaman living in Corowa, and possessed of duly authenticated naturalisation papers for the colony of New South Wales, and who has occasion to go to Wahgunyah, cannot return to his home without paying £100 poll tax, or running the risk of two years imprisonment, is to make our legislation the laughing stock of the whole world.³⁴

THE INFLUX OF CHINESE
IS
Now Commanding the Attention of Australia,
AS THE
CELESTIALS ARE ABSOLUTELY SWARMING
TO THIS COUNTRY.

The Question Arises, "Why do they Come?"
THEY come because they hope to raise themselves to positions of affluence and return to their native land to spend their wealth, and the ways to do this are to earn money and to save money. The opportunities for the former are numerous, but

THE WAY PAR EXCELLENCE TO SAVE MONEY
IS TO

BUY DRAPERY AT J. P. BAXTER & CO'S.

And it is the knowledge of this that stimulates immigration from all parts of the world.
What applies to the Chinamen applies to all sorts and conditions of men, so that in the interests of yourself, your families, and posterity, come and see

J. P. BAXTER'S
Celebrated Clothing for Winter.
The Latest Fashions, Suits made to order.
The Newest Tweed Patterns to Order.
Boots and Shoes of all Descriptions,
See the Ladies' Balmorals. See the shooting boots

DRESSMAKING :
The Ladies' attention is invited to our new style in Dressmaking in which fit is guaranteed.
Winter Goods of all kinds now on view.

Figure 3. Advertisement for Baxter's store, *Riverina Grazier*, May 1888

Wholesale evasion of the poll tax soon became commonplace, as did the large number of police and customs officers and informers needed to enforce it. The main point of evasion was near Wahgunyah. The Chinese first made their way to that town, then proceeded along the Murray River on the Victorian side to a place owned by a compatriot, where they remained some time as labourers before crossing in the night by boat.³⁵ Albury-based historian Bruce Pennay has commented that several police court reports from Moama, Deniliquin, Albury and Corowa indicate quite clear sympathy with long-time Chinese residents who were caught by an "uncaring bureaucracy". In August 1893 the press reported that a "close watch" was being kept on the Chinese in the Rutherglen and Corowa camps. About 200 Chinese were said to have been waiting at Wahgunyah for the

³⁴ *Corowa Free Press*, 20 July 1888.

³⁵ *Daily Advertiser*, 31 August 1893, 18 October 1894; Michael Williams, *Chinese Settlement in NSW: A Thematic History* (Sydney: unpublished report for the NSW Heritage Office, 1999), p. 32.

opportunity to cross into NSW, but the bridges were guarded, the river bank patrolled by police day and night, and private detectives employed in the camps'.³⁶

By the mid-1890s much of the Riverina press had become impatient with the absurdity of the border restrictions and the farcical arrangements for enforcing them.³⁷ The restrictions aroused particular ire when prosperous merchants and other well-known Chinese men were caught in its web. One such case involved Way Lee, the "untitled Chinese mandarin of Adelaide", who planned to visit NSW in 1889 following the destruction of one of his businesses in Broken Hill by a fire. He was only allowed to enter the colony without paying the poll tax after the personal intervention of the South Australian and Victorian premiers to Sir Henry Parkes.³⁸

Even more infamous was a case involving the Rev. Chue, a clergyman from Ballarat, who was on his way to China via Sydney. Renowned as "an indefatigable worker in the cause of morals and religion" in Victoria, he was also a naturalized citizen of that colony. The editor of the *Sydney Morning Herald* was irate. "There is something extremely unmanly in this sort of persecution of colour", he fumed, adding that "the continuance of worrying legislation such as this, over a quiet and thoughtful period, is entirely discreditable". His sentiments were echoed by Lippon Dairn, a writer for the *Albury Banner*. Once in Sydney, the Rev. Chue was entertained by prominent clergymen and Sydney Chinese merchants at Quong Tart's city premises. Quong Tart stated that a petition was to be presented to the NSW Parliament by the leading Chinese residents of Sydney, who would not just plead the harmful effects of the legislation on their businesses but also the sadder instances where their dying countrymen could not be visited and consoled by their friends and relatives in other colonies.³⁹

After the arrest of three longstanding Chinese residents of the Corowa Wahgunyah area in 1893, Dairn made an impassioned plea for fairness and equity and appealed for "federal action". He argued that under federation men would be free to go to any colony, and that

The whole trouble shows the difficulty in the working of the Restriction Act ... and points to an urgent necessity for joint action among the colonies regarding the admittance of alien races from other countries, without punishing unoffending foreigners, who in any case are bona fide residents in one or the other of the two principal colonies.⁴⁰

In February 1894 Dairn again went on the attack following the death in gaol of a Chinese man imprisoned for evading the poll tax. He stated that, regardless of whether in the next century the colonies would get federation or a custom union, there was "one thing that in the interests of decency ought to be arranged for with as little delay as possible, and that is-intercolonial free trade in Chinamen". He argued that once in Australia Chinese should be allowed to roam at free will. "At the worst they are self-supporting and sober".⁴¹

³⁶ Rod Lancashire, "Wahgunyah: A Pre-Federation Australian Chinese Community", in *After the Rush. Regulation, Participation and Chinese Communities in Australia 1860-1940*, p. 200; *Rutherglen and Wahgunyah News*, 11 August 1893. David Day has recounted the appeal by the Victorian Customs Department to its NSW counterpart in 1859 to alert them of the details of all vessels with Chinese passengers and to telegraph when they were aware of large parties of Chinese moving south towards the Victorian border. Whether the same vigilance was requested by the NSW Customs Department, and in existence in the 1890s, is however unclear. David Day, *Smugglers and Sailors. The Customs History of Australia 1788-1901* (Canberra: AGPS Press, 1992), pp. 406-14.

³⁷ Bruce Pennay, *From Colonial to State Border* (Albury: Charles Sturt University, 2001), pp. 37-9.

³⁸ *Albury Banner*, 15 February, 10 March 1889. Way Lee met Sir Henry Parkes in Melbourne, both men later crossing the border on the same train but in different carriages.

³⁹ *Albury Banner*, 29 February, 10 March 1893; *Sydney Morning Herald*, 27 and 28 February 1893. His visit coincided, ironically, with a visit to China by Way Lee, who intended to present a petition to the Governor of Hong Kong for transmission to the Chinese authorities on the injustices of the current legislation.

⁴⁰ *Albury Banner*, 18 August 1893.

⁴¹ *Albury Banner*, 1 December 1893.

Dairn had another opportunity to question the legislation in 1894 when a Chinese man, a former servant of a Mr Stuckey for more than 15 years, was denied entry into NSW as part of Mr Stuckey's funeral cortege unless he paid the £100 poll tax, despite several people giving their personal guarantee that he would return the same evening into Victoria. Dairn commented that "surely this is carrying out the provisions of the Chinese Restriction Act to a degree never contemplated by its authors".⁴² No less ridiculous was the inability of the Rev. Cheok Hong Cheong, superintendent of missions to the Chinese in Victoria, to visit Albury from Victoria in 1896 to hold a short mission among his countrymen unless he paid the poll tax – at least his copies of the Bible were exempt!⁴³ The same year charges were brought against Ah Why, who had been a resident of NSW for thirty-five years but was returning to the colony after living in Victoria for five years. The authorities only withdrew the case against him when he agreed to return to Victoria.⁴⁴ After the arrest of several Chinese men at Deniliquin in 1898 Dairn stated that in Albury there had been numerous incidents of well-known local Chinese men being sentenced to imprisonment only to be discharged a few weeks later. He argued that the law was in urgent need of amendment and that the "rights of Chinese long domiciled in the colony should be properly defined and protected".⁴⁵

It wasn't only the Riverina press that vented its spleen. Historian Rod Lancashire has commented that the Rutherglen and Wahgunyah communities in northeast Victoria were very sympathetic towards the Chinese and their attempts to avoid the poll tax. He stated that these sentiments placed in doubt the "widespread belief that strong racial antagonism towards the Chinese was universal in the decade immediately preceding Federation".⁴⁶ One obvious explanation for this attitude was the importance of Chinese labour to the local wine industry. For instance, on 18 August 1893 the *Rutherglen and Wahgunyah News* stated that:

here on the border the law is thought to press with undue severity on Chinese who have been many years in the district, and are reputable and law-abiding men ... The law so sternly fixes the terms of imprisonment at two years that the local magistrates are not willing to administer it, seeing that it is unreasonable and arbitrary in its conditions, in imposing this heavy penalty on a hapless Chinaman who may chance to temporarily leave his domicile in the morning to work in Victoria and find himself liable to a poll tax should he wish to return for his evening meal.

One very well-known Chinese businessman to be severely affected by the colonial immigration restrictions was John Egge, a riverboat captain on the Murray. Under the 1881 legislation Egge had to pay £20 every time he entered NSW from either South Australia or Victoria, which, in the latter case was frequent as he made many trips to Echuca and from Echuca to places in the Riverina such as Albury. After 1888 it was a very expensive £100 every time he did so. According to historian Morag Loh, Egge was eventually granted an exemption from the poll tax when the governments of Victoria, South Australia and NSW agreed to recognise him as an Australian merchant.⁴⁷

The White Australia Policy

The *Immigration Restriction Act 1901* and the broader White Australia Policy had their basis in the earlier colonial immigration restrictions, and were a continuing fear of the alien "Other" and a resurgent Japan and perceptions of unfair economic competition. But, as historians A.T. Yarwood and Ann Curthoys have so effectively argued, the underlying

⁴² *Daily Advertiser*, 1 February 1894; *Narrandera Ensign*, 2 February 1894; *Albury Banner*, 1 December 1893, 2 February 1894.

⁴³ *Albury Banner*, 25 December 1896.

⁴⁴ *Albury Banner*, 3 January 1896.

⁴⁵ *Albury Banner*, 11 November 1898.

⁴⁶ Rod Lancashire, "Wahgunyah: A Pre-Federation Australian Chinese Community", pp. 197–8.

⁴⁷ Morag Loh, "John Egge: A Champion of the Rivers", *Hemisphere*, 28 (1983): 35–9; *Adelaide Observer*, 21 September 1901.

motivation was again a deep-seated racism which saw all coloured people as distinctly inferior to whites and the need therefore to promote the ideal of racial homogeneity.⁴⁸ The legislation disadvantaged Chinese males more than any other non-European group. True, no longer did they have to pay the poll tax if they wished to travel between the former colonies but, bar a brief interregnum of 15 months in the early 1900s, they could not as a rule admit family members to Australia, other than on a temporary basis. By this measure it was hoped that the Chinese population would gradually decrease.⁴⁹ Yarwood has remarked that the authorities, and in particular labour politicians, strictly administered and scrutinised the immigration regulations for Chinese people; any major concessions would have been a serious breach of policy.⁵⁰

The colonial immigration restrictions were only abandoned following the passage of the constitutional requirement for free trade, commerce and other exchanges between the states and the Commonwealth on 21 October 1902, at which time NSW finally abandoned its poll tax for Chinese arriving by land, the tax remaining for ships' passengers (other than naturalised Chinese) for another six months. Under the Immigration Restriction Act, any Chinese person domiciled in Australia who wished to leave temporarily could apply for a Certificate of Domicile.⁵¹ In December 1905 a new system of verification known as the Certificate Exempting from Dictation Test (CEDT) replaced the Certificate of Domicile. CEDTs could be made available to residents deemed of good character who had lived in Australia for five years.

The bureaucratic needs for administering CEDTs were complex and involved photographs, hand prints and character references, including one from the local police, who also had to verify the accuracy of the photographs. Although the Chinese were legal residents of Australia, they were not on the same footing as white residents, and were aware that any slip-up on their part could mean that their CEDT application would be refused. Possession of a court record or bad character reference from the local police ensured it.⁵²

Many Riverina Chinese applied successfully for Certificates of Domicile and CEDTs, but not so the Narrandera storekeeper George Hock Shung (figure 4). In December 1912 he obtained four good references and applied for a CEDT. The Mayor of Narrandera described him as a straightforward, reliable and peaceful citizen, and S. Richards, a local merchant, said that he was a "good citizen, and a very straight going fellow". The manager of the Bank of NSW remarked that he was "very reliable and honest", and the manager of Hill Clark & Co., stock agents, referred to him as "thoroughly reliable and trustworthy in his dealings". But Senior Constable Toohey from Narrandera had other ideas, describing Hock Shung as a "well known sly grog seller, and opium dealer". He said that he was a "Chinaman of good appearance, and is in comfortable circumstances, but he certainly does not bear a good character". Toohey also accused Hock Shung of renting out houses to women of ill-repute, a matter on which he had been cautioned but not prosecuted. Hock Shung's uncle intervened in proceedings on his nephew's behalf, stating that the main reason Hock Shung wished to go to China was to visit his eighty-year-old mother whom he had not seen for twenty years, but to no avail. Hock Shung went to China anyway and applied for permission to re-enter Australia on his return in October 1913. This was granted on the basis that "he be of better behaviour in the future",

⁴⁸ A.T. Yarwood, *Asian Immigration to Australia. The Background to Exclusion 1896–1923* (Melbourne: Melbourne University Press, 1964), pp. 19–41; Curthoys, "Conflict and Consensus", p. 56; Charles A. Price, *The Great White Walls are Built: Restrictive Immigration to North America and Australasia, 1836–1888* (Canberra: Australian Institute of International Affairs in association with Australian National University Press, 1974), pp. 145–98.

⁴⁹ Yarwood, *Asian Immigration to Australia*, pp. 68–82; Williams, *Chinese Settlement in NSW*, p. 33.

⁵⁰ Yarwood, *Asian Immigration to Australia*, pp. 115–18.

⁵¹ Paul Jones, *Chinese-Australian Journeys: Records on Travel, Migration and Settlement, 1860–1975*, (Canberra: National Archives of Australia, 2005), p. 19.

⁵² Paul Jones, *Chinese-Australian Journeys: Records on Travel, Migration and Settlement, 1860–1975*, p. 21.

suggesting that political influence, perhaps through a local parliamentarian, may have been a factor in the final decision.⁵³

The views of Hock Shung's referees, all of whom were Europeans of high standing in the community, stand in stark contrast to the views of Constable Toohey, the "outsider". Similar referee's reports were given by Europeans of high standing to other Chinese people in the Riverina, suggesting that the friendly attitudes of many Europeans in the pre-Federation years were still evident after Federation. We should not be surprised at this, for many Chinese people were longstanding residents in their local communities. These references provide a different perspective on the nature of Australian racism in these years, suggesting that local attitudes were often very different from official ones.



Figure 4. George Hock Shung, c. 1912

Courtesy Shung family, Narrandera

Like their colonial predecessors, Chinese people living in the Riverina in the White Australia period found ways to cope with the restrictions, including by evasion and other methods such as the purchase of naturalisation certificates and CEDTs. Desertion by ship's crew and the smuggling of people on ships also occurred. Court cases and other legal challenges were supported by members of the Chinese community and were often successful in limiting the powers of administrators, who were wary of taking a case to court if they felt there was any chance of an adverse, and precedent setting, decision.⁵⁴

The cases of Florrie Ching and Esther Doon illustrate some of the above issues. Florrie Ching sought entry to Australia in 1917 based on a birth certificate in the name of Florence Matilda Ah Gow, who was born at Mundarlo, near Gundagai, on 11 November

⁵³ National Archives of Australia (hereafter NAA) Sydney: SP42/1, C1913/5044.

⁵⁴ Williams, *Chinese Settlement in NSW*, pp. 32–3.

1886. She claimed that she was identical with Florence Ah Gow and had gone to China in 1894 with her parents and remained there ever since. About eight years before she had married Charlie Ching, who was in possession of a CEDT and allowed to land in Australia. On her arrival in Australia, her husband and two Chinese residents of NSW provided statutory declarations affirming her identity as Florence Ah Gow. She claimed that her brothers, Charlie, Thomas and Kenneth Ah Gow, had re-entered Australia in 1904, 1906 and 1908 respectively. A departmental memorandum dated 27 December 1906 stated that their father, known only as Ah Gow, had taken his wife and six children to China in 1894 “at the desire of the grandparents ... in order that the children might familiarise themselves with the Chinese language”. Ah Gow returned to NSW shortly after. He had been a storekeeper at Mundarlo for about 25 years and a commission agent in Sydney since 1902.

The Collector of Customs in Sydney remarked that in cases like Florrie Ching’s it was “exceedingly difficult” to establish beyond doubt the identity of the immigrant, particularly where there was a gap of twenty-three years between the photographs. In the past he had tried to prevent the admission of Chinese immigrants because he was unable to satisfy himself as to their identity, but

as the immigrant usually had no difficulty in obtaining as many witnesses as necessary (usually Chinese) to swear that he or she was identical with the person who left Australia, the Magistrates, in the absence of rebutting evidence by the Department, dismissed the charge.

In the absence of evidence that Mrs Ching was not identical with Florence Ah Gow, he had no option but to admit her.⁵⁵

A first twist to this story involves Esther Doon, the wife of Dang Charles Doon from Tumut (figure 5). Three of Esther’s children, Ted (now deceased), Johnny and Grace, were adamant that their mother was born in China and had married their father there (figure 6). But Esther Doon arrived in Australia fourteen years after her marriage (c. 1925), with an Australian birth certificate in the name of Gow. Historian Paul Macgregor has commented that “a few Chinese brides adopted the name and Australian birth certificate of Chinese children who had been born in Australia, but had returned to China while still young and died”. He further remarked that “women who came with these false identities had to maintain them for the rest of their lives in Australia”.⁵⁶ To allow her entry into Australia Esther had therefore been given an assumed identity as one of Ah Gow’s daughters – all she had needed was a valid birth certificate showing her as Australian born. Her surviving children are adamant that political contacts in government and possibly the Customs department helped facilitate her entry into Australia with a purchased or re-issued birth certificate. Family informants have advised me that both Esther Doon and Florrie Ching used the birth certificates of two of the Gow family’s daughters, and as a consequence had become sisters despite not being related by blood.

⁵⁵ NAA Canberra: A1, 1917/16652.

⁵⁶ Paul Macgregor, “Dreams of Jade and Gold: Chinese Families in Australian History”, in *The Australian Family: Images and Essays*, ed. Anna Epstein (Melbourne: Scribe Publications, 1998), pp. 25–8; information from Ted and Johnny Doon, June and August 2010, and Grace Ching, October 2011; Birth Certificate 15658/1891, NSW Registry of Births, Deaths and Marriages.



Figure 5. Dang Charles Doon, Esther and four of their children, c. 1930s

Courtesy Johnny Doon, Tumut

Charles Doon's frustrations with the White Australia Policy did not stop with the arrival of Esther, for the family was under constant surveillance and pressure from Immigration authorities, who made home visits to test the assimilability of the family, in particular Esther, hinting that she was only there on a temporary basis. Charles's attitude was that "there had to be a new face at the table every year" – Esther's pregnancies ensuring that she could not be deported. Family elders recall the Immigration official's forlorn statement after every visit of "Oh, you're pregnant, I'll come back next year". Furthermore, Charles and Esther Doon's son Richard was still in China, where he had a wife, Chen, and two children. He migrated to Australia in 1938 under exemptions that allowed for hiring of store assistants and worked in his father's store in Tumut. But he could not bring out Chen or the children, who had to remain in China during World War II. Richard brought out his son Danny in 1950 under the student exemption provisions, but it was not until 1952 that the whole family was reunited.⁵⁷

The final twist to the case of Florrie Ching and Esther Doon concerns Florrie Ching and her Australian-born son Raymond, who were visiting their village in China when Raymond died. His birth certificate was then given to Ng Gock On, who migrated to Australia under his new identity and later married Grace Doon, one of Esther's daughters. By coincidence, and unbeknown to each other at the time, the new Raymond came out to Australia on the same boat as Richard Doon.⁵⁸

⁵⁷ Andrew Junor, *Chung On: Moonee Ponds and the Lemon Chicken Long Boom*, Honours Thesis (Melbourne: University of Melbourne, 2010), pp. 20–33.

⁵⁸ Information provided by Grace Ching, October 2011.

REGISTRATION NUMBER
1891/015658

NEW SOUTH WALES


BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995

BIRTH CERTIFICATE

Date and place of birth of child	Name and whether present or not	Sex	Father's name, occupation, age and birthplace	Date and place of marriage-previous issue	Mother's name and maiden surname, age and birthplace
24 th March 1891	Esther	(1) F	Ah Gow	(1) 16 th March 1891 Sydney	(1) Ah Lim
172		Female	(2) Gaudagar	(2) Living 3 Males 1 Female	(2) 30
Grandmother	Not Present		(3) 33		(3) China
			(4) China		(4) China

Informant	Witness	Particulars of registration	Name if added after Registration of birth
certified by Ah Gow Father Grandmother	(1) _____ (2) Mr Paton (3) _____	Deanna A. Edwards 19 th May 1891 Gaudagar	

Before accepting copies, sight unaltered original. The original has a coloured background.



REGISTRY OF BIRTHS
DEATHS AND MARRIAGES
SYDNEY 01 Sep 2010

I hereby certify that this is a true copy of particulars recorded in a Register in the State of New South Wales, in the Commonwealth of Australia

Corey Cherry


Registrar 

Figure 6. Esther Gow's birth certificate, 1891
 NSW Registry of Births, Deaths and Marriages, 15658/1891

No. 570

Form No. 21. COMMONWEALTH OF AUSTRALIA. No.
 Immigration Restriction Acts 1901-1905 and Regulations.

CERTIFICATE EXEMPTING FROM DICTATION TEST.

I, John Baxter actg the Collector of Customs
 for the State of New South Wales in the said Commonwealth,
 hereby certify that Willie Shai Hee
 hereinafter described, who is leaving the Commonwealth temporarily, will be excepted
 from the provisions of paragraph (a) of Section 3 of the Act if he returns to the Com-
 monwealth within a period of three years from this date.

Date 29 Nov 07 Baxter actg Collector of Customs

DESCRIPTION.

Nationality Chinese Birthplace Canton
 Age 28 years Complexion Dark
 Height 5ft 8in in Boots Hair Dark
 Build Medium Eyes Brown
 Particular marks Scar on left cheek bone
 (For impression of hand see back of this document.)

PHOTOGRAPHS.

Full Face:— Profile:—

Date of departure Dec 07 Destination China
 Ship Kurko Maru
 Date of return 30. 5. 10 Ship Aldenham
 Port Sydney

S. S. 30/10
J. M. Chances
 Customs Officer

By Authority: ROBE S. BRAN, Government Printer, Melbourne.

Figure 7. One of William Shai Hee's four CEDTs, 1907
 Courtesy National Archives of Australia, Sydney

The Shai Hee family also faced challenges with Immigration authorities. William Shai Hee was a well-to-do businessman in Tumut with business interests in China (figure 7). On one of his trips to China, William married Chin See, but then had to return to Australia to attend to his businesses. He left Chin See in his home village, Hem-Ning, Hoe-Sun (Heshan) where his first son, Ted, was born in 1925 (figure 8). In 1927 Chin See and Ted came to Australia and they lived at Tumut for six years, where more children were born. In 1933 the family returned to China for the children's education (figure 9). Once again William had to return to Australia. He took Ted back with him, but the rest of the family remained behind, including the new-born Joe. After the Japanese invasion of China the family went to Hong Kong and later arrived in Australia.⁵⁹



Figure 8. William Shai Hee (second from right), Chin See (third from left) with William Shai Hee's mother and children from William's first marriage, China, early 1920s

Courtesy Chris Shai Hee

In the period after World War II, continued concerns over the possible deportation of his family led William Shai Hee to approach Rose Chuey, the widow of James Wong Chuey, for assistance. Wong Chuey was related to the Shai Hee family and an important Chinese community leader in NSW, with economic and political contacts at the highest levels of white Australia. In 1916, for example, Wong Chuey called upon the services of the then Premier of NSW, William Holman, to help rescue his adopted son who had been kidnapped in China by bandits. Rose Chuey approached a neighbour, Clarrie Hogue, who in 1952 wrote to the then federal Liberal Party member for Warringah, Professor F. A. Bland, and the Minister for Immigration, Harold Holt, to ask that Chin See, Ted and Joe be granted permanent exemption to live in Australia. Hogue said that it seemed to be "very harsh treatment of this family and a shocking waste of time by the Department having to review the case every few years or so". He described the family as "fine citizens", stating that they were "one of our pioneers" and had "done very fine work". He

⁵⁹ "An Anecdote on the Life of Chin See Shai-Hee", unpublished reminiscences provided to the author by Pam Archer, Tumut, 2004.

had known the family for many years, and cited their relationship with the Chuey family as an important point in their favour.⁶⁰



Figure 9. The Shai Hee family prior to departure for China in 1933: (left to right) William with Allan, Anita (the nanny) holding Eva, Chin See with baby Reg, Jean and Ted

Courtesy Chris Shai Hee

Holt as Minister for Immigration agreed that Chin See and the two boys should be granted permanent exemption to remain in Australia.⁶¹ In a letter to Hogue, Bland stated that:

I wish we could have people with the reasonableness of Harold Holt. You have got to remember, however, that this White Australia country looks askance at every "furriner".

I have been arguing that the world is full enough of hardship and misery without our deliberately adding to the volume by refusing families the joy of re-union, when all their world had been destroyed by circumstances over which they had no control.⁶²

⁶⁰ Letter from Clarrie Hogue to Harold Holt, Minister for Immigration, November 1952 (courtesy of Chris Shai Hee).

⁶¹ Letter from Harold Holt, Minister for Immigration, to F.A. Bland, 5 December 1952 (courtesy of Chris Shai Hee).

⁶² Letter from F.A. Bland to Clarrie Hogue, 15 December 1952 (courtesy of Chris Shai Hee).

Conclusion

Many Chinese people were severely disadvantaged by the colonial immigration restrictions, particularly if they had strong commercial links on both sides of the NSW–Victorian border or needed special assistance from their compatriots. The local reaction in the Riverina to the tightening of anti-Chinese restrictions in 1888 in particular sits at odds with the popular impression of unrelenting animosity towards Chinese people in the pre-Federation period. Many white residents of the Riverina viewed the legislation with disdain and pleaded the case for change but, by the late 1890s, it was too late as racial attitudes had already hardened.

Federation solved the problem of intercolonial migration, but it created many other difficulties for Chinese residents and this time the Riverina press was silent.⁶³ With the same resilience and initiative of their forebears, however, many Chinese worked around these new impositions. Influence, money and friendship were, however, critical, and those less well connected or affluent were at a much greater disadvantage. Even less edifying is the clear evidence of intimidation by Immigration officials and their exploitation of the ever-present fear of deportation.

The foregoing suggests strongly that while the wielding of unrelenting power and severe authority in Australia's immigration policy may please some parliamentarians, bureaucrats and elements of contemporary society, it does not win hearts and minds and can ensure a legacy of bitterness that can last for generations. This outcome may not have been of much concern in the colonial and post-colonial period, but today it should be – the stakes are much higher.

⁶³ Yarwood, *Asian Immigration to Australia*, pp. 68–82; Michael Williams, *Chinese Settlement in NSW*, p. 33.