

# 1 The coming man: Chinese migration to the goldfields

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## **Lowe Kong Meng arrives in Melbourne to find prosperity and prejudice**

In 1853, Lowe Kong Meng, a young Chinese merchant and master of his own ship, arrived in the port of Melbourne, in the British colony of Victoria, carrying cargo from Mauritius. Gold had been discovered in the colony just two years earlier and the rush to be rich had begun. Immigrants poured in from around the world. The area around Melbourne was the traditional country of the Kulin people, but British settlers arriving across Bass Strait in 1835, proceeded, on the basis of a dubious treaty with the traditional owners, to occupy the land along the Yarra River and the rich pastoral country that lay beyond.

Within a couple of decades, local Indigenous communities were overwhelmed by the disease, dispossession and violence that accompanied colonial settlement. Survivors living near Melbourne were forced to reside on the swampland on the outskirts of the bustling new city. The logic of settler colonialism invariably meant displacement, if not extermination, of Indigenous peoples.<sup>1</sup> British colonists assumed a right of entitlement secured by the imperial relations of racial domination.

Melbourne residents had celebrated their separation from New South Wales with the passage of the Australian Colonies Government Act in 1850; with extensive rolling pastures and fertile agricultural land the colony's future looked assured. Then the discovery of vast new mineral wealth attracted hundreds of thousands of fortune-seekers, including merchants and traders, like Lowe Kong Meng, who were keen to provide goods and services to the rapidly expanding market. In just three years, between 1850 and 1853, the Victorian population quadrupled, shipping increased sevenfold and the value of imports twentyfold.<sup>2</sup>

<sup>1</sup> See Patrick Wolfe, 'Settler Colonialism and the Elimination of the Native', *Journal of Genocide Research* 8(4) (2006) pp.387–409.

<sup>2</sup> L. G. Churchward, *Australia and America: An Alternative History* (Sydney, Alternative Publishing Cooperative, 1979) p.52.

The United States joined Great Britain as a major source of imports and immigrants. In the year Lowe Kong Meng sailed into the port of Melbourne, 143 American ships anchored in Hobson's Bay and 40 per cent of imports came from the United States. American merchants, including George Francis Train, formerly a Boston shipping agent, helped revive the ailing Chamber of Commerce. Melbourne, he declared, 'though situated so far out of the way, cannot fail to be a great city'.<sup>3</sup>

Lowe Kong Meng also saw great commercial opportunities in this southern outpost, and for Chinese merchants, Australia was not so far out of the way. Though only twenty two years of age, Lowe Kong Meng was already a successful businessman, trading between Mauritius and Calcutta (Kolkata) in the Indian Ocean and Singapore and Canton (Guangzhou) in the South China Sea. After a brief tour of inspection of the goldfields, he departed for India, returning the following year with fresh merchandise, with which he set up shop. Kong Meng & Co. sold tea and other provisions from a building in Little Bourke Street, in the heart of Melbourne's Chinatown. Like several thousand other Chinese who arrived in the Australian colonies that year, Lowe Kong Meng came and went freely; no-one asked for papers or passport or proof of naturalisation.

Born in the Straits Settlements to Lowe A Quee, a merchant, and his wife, Chew Tay, Lowe Kong Meng was a British subject whose forbears, like the majority of Chinese who would seek gold in Victoria, came from the Sze Yap district near the port of Canton, long a centre of Arab, Malay, Siamese and European shipping and trade. Educated in Penang and Mauritius, Lowe Kong Meng was well read in world literature and could speak English and French fluently. A loyal son of the Sze Yap district, he was also a man of the world and an exponent of what he would call 'cosmopolitan friendship and sympathy'.<sup>4</sup> His sympathies only stretched so far, however. Family legend had it that on one occasion, when accosted on the goldfields by a ruffian, who addressed him in pidgin, he explained that he would be very pleased to converse in French, Chinese or English, but that he did not understand his assailant's peculiar lingo.<sup>5</sup>

Many languages, dialects and accents could be heard among the 'colourful medley of polyglot nationalities' that mingled on the

<sup>3</sup> G. Francis Train, *An American Merchant in Europe, Asia and Australasia*, quoted in Norman Harper (ed.) *Australia and the United States* (Melbourne, Nelson, 1971) p.22.

<sup>4</sup> Lowe Kong Meng, Cheok Hong Cheong and Louis Ah Mouy, *The Chinese Question in Australia 1878-79* (Melbourne, F. F. Bailliere, 1879) p.30.

<sup>5</sup> Isaac Selby, *The Old Pioneer's Memorial History of Melbourne: From the Discovery of Port Phillip Down to the World War* (Melbourne, Old Pioneer Memorial Fund, 1924) p.147.

Victorian goldfields in the 1850s.<sup>6</sup> Hundreds of thousands of people arrived from all over the world. By the end of the decade, the population of the colony had increased fivefold. Most newcomers sailed from Europe, the majority from Britain and Ireland, but there were also large numbers of Germans at the diggings and smaller groups of French and Italians, including Carboni Raffaello, whose book, *The Eureka Stockade*, provided one of the most lively accounts of goldfields politics.<sup>7</sup> The Swiss miners concentrated at Daylesford, while Scandinavians supported their own club and newspaper at Ballarat. Several thousand goldseekers also crossed the Pacific from California, where gold had been discovered in 1849. Many Australian prospectors lured to the Californian goldfields now returned. These were mobile, multicultural and largely masculine communities.

The Victorian goldfields, like those on the west coast of the United States, New South Wales and, later, Queensland, also attracted thousands of Chinese fortune-seekers keen to share in the bonanza. By 1852, according to the United States census, there were 25,000 Chinese miners in California, and, as in the case of Victoria, nearly all came from Guangdong Province.<sup>8</sup> During 1852 and 1853, a few hundred arrived in Victoria, then the number quickly increased, with around 10,000 Chinese landing in Melbourne in 1854. Most of those who left Canton for Victoria in the early 1850s were farmers and traders, mostly literate and with some money of their own.<sup>9</sup> Others made use of the so-called credit-ticket system whereby Chinese bankers and merchants lent money for fares that had to be repaid. The 'Gold Mountain' of California and the 'New Gold Mountain' of Australia promised sudden fortunes.

### **Victoria looks to California, but leads the way in immigration restriction**

In both Victoria and California there had been protests in the late 1840s against the attempted landing of convicts, a presumed source of moral contamination. The sudden arrival of large numbers of Chinese prompted discussions of a different kind of threat, the danger posed by aliens or foreigners. A tax on alien miners was introduced by the

<sup>6</sup> Geoffrey Serle, *The Golden Age: A History of the Colony of Victoria 1851–1861* (Melbourne, Melbourne University Press, 1977) p.75.

<sup>7</sup> Carboni Raffaello, *The Eureka Stockade* (Melbourne, Melbourne University Press, [1855] 1969).

<sup>8</sup> Elmer Clarence Sandmeyer, *The Anti-Chinese Movement in California* (Urbana, University of Illinois Press, 1973, first published 1939), p.12.

<sup>9</sup> Lowe Kong Meng, Minutes of Evidence, *Report of the Select Committee on Chinese Immigration* (Legislative Council, *Victorian Parliamentary Papers (VPP)*, 1857) p.10.

Californian legislature in 1850, disallowed the following year, and introduced again in 1852, the same year in which a landing tax was introduced, payable by the ship's master for each alien passenger.<sup>10</sup>

American miners also took direct action against the Chinese, forming numerous vigilante committees to drive the alien race away by force.<sup>11</sup> Possessed by 'a presumptuous spirit of monopoly', American miners were intent on clearing 'the entire mining region of Celestials' as one San Francisco newspaper noted.<sup>12</sup> As yields declined, Chinese labourers increasingly congregated in San Francisco, where they found success in the laundry and restaurant business. Anti-Chinese agitation began to centre on complaints of cheap labour, low wages and unfair competition.<sup>13</sup> Industrial employment as well as gold were claimed as the exclusive preserve of white men.

Agitation against the Chinese in Australia was frequently inspired by the example of California.<sup>14</sup> A significant proportion of the miners on the Victorian fields had come directly from the lawless districts of the Pacific Slope and they often carried their preference for direct action with them. The Americans were better armed than the majority of the diggers and more ready to use their guns to defend their property and interests. In Bendigo, in 1854, where 2,000 Chinese were digging among a group of 15,000 miners, agitators suggested that a mass action take place on American Independence Day: 'a general and unanimous uprising should take place in the various gullies of Bendigo the 4th July next ensuing, for the purpose of driving the Chinese population off the Bendigo gold-fields'.<sup>15</sup> Cooler heads prevailed and the demonstration was postponed, but hostility simmered. In Ballarat, the American propensity for guns was evident in the formation of the Independent Californian Rangers Rifle Brigade, about 200 strong, which was involved in organising military drill prior to the miners' revolt over licence fees, that culminated in the battle at the Eureka Stockade at the end of 1854.

On the Californian and Victorian goldfields, European miners criticised the Chinese because of their alien customs, clannishness, pagan

<sup>10</sup> Sandmeyer, *The Anti-Chinese Movement*, pp.41–2.

<sup>11</sup> Andrew Markus, *Fear and Hatred Purifying Australia and California 1850–1901* (Sydney, Hale and Iremonger, 1979) p.4.

<sup>12</sup> *Ibid.* pp.3–4.

<sup>13</sup> Charles Price, *The Great White Walls are Built: Restrictive Immigration to North America and Australasia, 1836–1888* (Canberra, Australian National University Press, 1974) p.62; Sandmeyer, *The Anti-Chinese Movement*, ch.2.

<sup>14</sup> For pioneering studies of comparisons and connections between Australian and American responses to Chinese on the goldfields, see Price, *The Great White Walls are Built* and Markus, *Fear and Hatred*.

<sup>15</sup> Serle, *The Golden Age*, pp.322–3.

rituals, lack of women, labour competition and fast increasing numbers.<sup>16</sup> Increasingly, their objections were couched in the language of race and colour. In a significant move, in 1854, the Californian government introduced a new tax on alien miners, that in exempting those eligible for naturalisation, effectively classified and targetted the Chinese as non-white.<sup>17</sup> (Under the United States law of 1790, naturalisation was restricted to 'free white persons'.) Invoking the same binary logic of white and not-white, the Californian Supreme Court ruled that Chinese could not give evidence against a white man, because the legislation providing that 'no Black, or Mulatto person, or Indian, shall be allowed to give evidence' also applied to the Chinese, being of the same 'Mongolian type' as Indians.<sup>18</sup> In categorising blacks, Indians and Chinese as not-white, the Californians were also defining themselves, not just as Americans, but as 'white men', invoking a sense of self with which miners in the Australian colonies quickly identified.

At the end of 1854, in Victoria, following the Eureka uprising in which several miners and soldiers were killed, the Victorian government appointed a Commission of Enquiry to investigate the turbulent conditions of the goldfields. It emphasised the part played by foreign elements in fomenting the rebellion: 'The foreigners formed a larger proportion among the disaffected than among the miners generally. It seems certain that some of their number acted a very prominent part in regard particularly to the drilling with firearms – a lawless form of demonstration'. The main 'foreigners' the Commission had in mind here were Irish, Americans and Germans, but another group also came to the Commission's attention: 'large numbers of a pagan and inferior race'. By that time, the Chinese comprised about one-sixth of all gold-diggers, but the reported statement by one of their number that 'all' his fellow countrymen were coming to Australia pointed to 'an unpleasant possibility of the future', warned the Commission. A 'comparative handful of colonists' would be 'buried in a countless throng of Chinamen'.<sup>19</sup> The radical newspaper, the *Age*, similarly alarmist, suggested that colonists faced an 'invading army'.<sup>20</sup>

<sup>16</sup> See, for example, Anon, *The Chinese Question Analyzed; with a Full Statement of Facts: By One Who Knows* (Melbourne, Steam Press, Fairfax and Co., 1857).

<sup>17</sup> Price, *The Great White Walls are Built*, p.63.

<sup>18</sup> *Ibid.*; Sandmeyer, *The Anti-Chinese Movement*, p.45; Charles J. McClain and Laurence Wu McClain, 'The Chinese Contribution to the Development of American Law', in Sucheng Chan (ed.) *Entry Denied: Exclusion and the Chinese Community in America, 1882-1943* (Philadelphia, Temple University Press, 1991) p.4.

<sup>19</sup> Legislative Council, Commission to enquire into the conditions of the goldfields of Victoria (Official Reports and Documents, *VPP*, 1855) p.6.

<sup>20</sup> Markus, *Fear and Hatred*, p.23.

The Commission of Enquiry deplored the ‘degrading customs’ and ‘vicious tendencies’ of the Chinese, including their ‘custom of acting in concert’ and their tendency to ‘cling strictly together as such a race is apt to do in the midst of its superiors’. Ironically, new regulations required all Chinese diggers to reside together in specially designated camps, thus confirming critics’ accusations that they failed to assimilate into the broader community. The Commission recommended a Californian-type tax to ‘check and diminish this influx’, but the Victorian government also introduced the first form of ‘immigration restriction’, utilising, at the suggestion of the Colonial Office, the British Passengers Act, that limited the number of passengers for health and safety reasons to one passenger for every two tons of ship’s burthen. In ‘An Act to make provision for certain Immigrants’ in 1855, the number of ‘immigrants’ permitted to land was restricted to one for every ten tons of ship’s burthen and ‘immigrant’ was defined as ‘any male adult native of China or its dependencies or any islands in the Chinese Seas or any person born of Chinese parents’. The lawlessness of the goldfields focussed attention on the dangers of difference and dissidence. In acting to exclude Chinese men from the colony, Victorian legislators were also affirming that the ideal colonist was European, civilised and a family man.

With the passage of the first Immigration Restriction Act in 1855, the Victorian government was also challenging prevailing British and international doctrines of freedom of movement and reciprocity of treaty rights. When the Victorian governor advised the Colonial Office that the law didn’t violate the Treaty of Nanking of 1842, because it neither prohibited Chinese from landing nor denied them full protection and liberty, British officials agreed, noting that the inflow was formidable enough to justify the measure.<sup>21</sup> Meanwhile, in California, efforts to implement similar immigration restrictions were frustrated when the Supreme Court ruled that legislation to restrict or prohibit Chinese immigration was unconstitutional, because it encroached on federal jurisdiction over foreign commerce and immigration.

In Victoria, the Immigration Restriction Act, though not disallowed, proved ineffective, because ships’ masters evaded the law by detouring to the neighbouring colony of South Australia, where Chinese passengers were off-loaded just over the border, thence to complete their long journey to the goldfields on foot. Many died on the arduous walk, but with thousands of Chinese fortune-seekers still arriving in Victoria, their

<sup>21</sup> Price, *The Great White Walls are Built*, pp.69–70; for a suggestion of British complicity, see Robert A. Huttenback, *Racism and Empire: White Settlers and Colored Immigrants in the British Self-Governing Colonies 1830–1910* (Ithaca, Cornell University Press, 1976) pp.61–2.

population on the goldfields continued to grow. When South Australia also passed restrictive legislation in 1857, Chinese gold-diggers travelled to Victoria via New South Wales and by the end of the decade their number in the southern colony had reached 45,000.<sup>22</sup>

Agitation against the Chinese continued. In 1857, for example, a public meeting at Geelong 'numbering not less than one thousand persons' sent a petition demanding the parliament 'check any further increase of the Chinese race in Victoria'; the Local Court at Castlemaine presented a Memorial against the 'Chinese influx' while miners at a goldfield named 'Jim Crow' near Ballarat collected 345 signatures in favour of Chinese exclusion.<sup>23</sup> Not all protest was so constitutional. In the same year, at Ararat in western Victoria, where Chinese overlanding from South Australia had discovered one of the richest alluvial leads in the colony, their tents and stores were burned by European competitors and they were forced to abandon their new ground.

Two months later, again on American Independence Day, a small group of white miners on the Buckland River determined to evict more than two thousand Chinese from the river valley in north eastern Victoria. With acts of 'brutal violence and base robbery', they drove the Chinese eight miles down the valley, leaving three dead from drowning and others injured. According to a local newspaper:

Eye-witnesses told of ruffianly behaviour, unmanly violence and unbounded rapacity. One said he had seen Chinamen knocked down and trampled on; another said he could have walked dry shod across the river on the piles of bedding with which its surface was covered and its current interrupted just before the Lower Flat.<sup>24</sup>

European miners once again asserted their presumed proprietorial rights to the land and its wondrous store of precious minerals.

Lowe Kong Meng had invested in and worked the Majorca goldmine, soon after his return to Victoria in 1854, but as he told the Select Committee into Chinese Immigration in 1857, his treatment at the hands of other miners was 'very bad'.<sup>25</sup> He suffered further misfortune when the Europeans burned the Chinese tents at Ararat, where he had stores, and he lost three to four hundred pounds. When the Select Committee asked him about the arson and violence at Ararat, suggesting that robbery must

<sup>22</sup> Estimates varied. See William Young, 'Report on the Condition of the Chinese Population in Victoria', *VPP* (56/1868) p.50; see also Geoffrey A. Oddie, 'The Chinese in Victoria, 1870–1890', M.A. thesis (School of History, University of Melbourne, 1959) p.9.

<sup>23</sup> Petitions, 15 July and 12 August 1857, *VPP* (1856–7).

<sup>24</sup> *Ovens and Murray Advertiser* (8 July 1857), quoted in Serle, *The Golden Age*, p.326.

<sup>25</sup> Lowe Kong Meng, Minutes of Evidence, p.12.

also occur in China, he replied: 'This is not robbery . . . They burnt all the tents to try and keep away the Chinese from that place'.<sup>26</sup>

Like many of his fellow countrymen settled into the Melbourne community, Lowe Kong Meng was a merchant turned migrant. By 1857, there were about forty Chinese merchants working in the city, mostly importing provisions – rice, tea and sugar – from China to sell to their compatriots as they headed to the goldfields. Most Chinese migrants left their wives and families at home and sent money back, hoping to commute at regular intervals. Their plans to return to China and come back again – 'to live both here and there' – took freedom of movement for granted.<sup>27</sup> If they stayed for ten years or so in the new country, they might bring their families to live with them, but in Victoria, by 1857, the Chinese diggers were too frightened to contemplate such a move. 'I do not think they would bring their families to settle here under any circumstances now', Lowe Kong Meng told the Select Committee.<sup>28</sup>

Writing later about the complaint that Chinese men weren't true colonists because they didn't bring their wives and families with them, Lowe Kong Meng, with co-authors Cheok Hong Cheong and Louis Ah Mouy, asked: 'Can it be wondered at?' Reports of the scandalous treatment of Chinese miners on the Buckland River had gone back to China. How could it be imagined, they asked:

when the news of this atrocity went home to China, any woman of average self-respect would expose herself to be chased through the country by a band of infuriated ruffians, and to see her children burnt to death, perhaps, in her husband's flaming tent? Treated as pariahs and outcasts by the people of this great, 'free' country, the Chinamen in Victoria have hitherto had but scanty encouragement to invite their wives to accompany or to follow them. Subject to be insulted and assaulted by the 'larrikins' of Australia, what Chinaman could be so destitute of consideration for the weaker sex as to render them liable to the same ignominious and contumelious treatment?<sup>29</sup>

In 1860, Lowe Kong Meng married a European woman, Mary Ann, the daughter of William Prussia from Tasmania, and they would eventually raise twelve Australian children. In 1863, in recognition of his service to the local Chinese community, the Chinese Emperor awarded Lowe Kong Meng the title of mandarin of the blue button, civil order. With fellow countryman Louis Ah Mouy, he was also a founding director and major

<sup>26</sup> *Ibid.*

<sup>27</sup> C. Y. Choi, 'Chinese Migration and Settlement in Australia with Special Reference to the Chinese in Melbourne', Ph.D. thesis (Australian National University, 1971) pp.40–1; on Chinese mobility see Adam McKeown, *Chinese Migration Networks and Cultural Change: Peru, Chicago, Hawaii, 1900–1936* (Chicago, University of Chicago, 2001).

<sup>28</sup> Lowe Kong Meng, Minutes of Evidence, p.11.

<sup>29</sup> Lowe Kong Meng *et al.*, *The Chinese Question in Australia*, p.19.



shareholder of the Commercial Bank of Australia. Both men were leading advocates for their community and encouraged their fellow countrymen to join them in their new land.<sup>30</sup>

### **Freedom of movement: international treaties and transnational solidarities**

The long nineteenth century was the great age of global mobility. According to Patrick Manning, the period between 1850 and 1930 was the most intensive period of migration in human history.<sup>31</sup> The burgeoning fortunes made possible by economic liberalism fostered remarkable freedom of movement, while the advent of steam ships and railways made travel cheaper and faster. Millions of people left Europe, China and India and travelled to North and South America, South East Asia, the East Indies, the West Indies, Australasia and the Pacific. Adventurous and ambitious, cowed or courageous, people travelled in pursuit of work, to make a new life, to provide fresh opportunities to their families or simply to satisfy their curiosity about foreign lands.

Modernity meant mobility. In the United States, future president Theodore Roosevelt's paean to nineteenth century progress focussed on the liberation afforded by modern travel. 'The ordinary man of adventurous tastes and a desire to get all out of life that can be gotten', he wrote, 'is beyond measure better off than were his forefathers of one, two, or three centuries back. He can travel round the world; he can dwell in any country he wishes; he can explore strange regions.'<sup>32</sup> Although the freedom to 'dwell in any country' was, as this book shows, a privilege increasingly reserved for whites, more than 50 million Chinese embarked for new lands in these decades, an equal number of Europeans and about 30 million Indians.<sup>33</sup>

With the abolition of slavery during the first half of the nineteenth century, new sources of cheap labour were needed for colonial plantations, mines and industry. Millions of Indians were recruited as contract labourers to work in British colonies in the Caribbean, South East Asia, South Africa and the Pacific, becoming effectively the global working class of the British Empire. But Indians also travelled individually, for education, to pursue their profession, to do business and to see the world.

<sup>30</sup> Madeline Yuan-yin Hsu, *Dreaming of Gold, Dreaming of Home: Transnationalism and Migration between the United States and South China, 1882–1943* (Stanford, Stanford University Press, 2000).

<sup>31</sup> Patrick Manning, *Migration in World History* (New York, Routledge, 2005) p.149.

<sup>32</sup> Theodore Roosevelt, 'National Life and Character' in Theodore Roosevelt, *American Ideals and Other Essays Social and Political* (New York, Publisher, 1897) pp.274–5.

<sup>33</sup> Manning, *Migration in World History*, p.149.

Millions of Chinese were also recruited to work in the British, Dutch and Spanish Empires. Although the Chinese Emperor formally prohibited the emigration of his subjects to barbarian lands, China had been forced to engage in trade and treaties with Western powers following the first Opium War in 1840–42.<sup>34</sup> Under the terms of the Treaty of Nanking, Britain opened five Treaty Ports – Amoy, Canton, Fuzhou, Ningbo and Shanghai – and Hong Kong became a Crown colony. In allowing the British to ‘hire any kind of Chinese person who may move about in the performance of their work or craft without the slightest obstruction of Chinese officials’, the Treaty effectively imposed freedom of movement.<sup>35</sup>

In their pamphlet *The Chinese Question in Australia*, written in 1879 to defend Chinese rights of migration and settlement, Lowe Kong Meng, Cheok Hong Cheong and Louis Ah Mouy referred to the significance of British imperial intervention. It was the British who had forced their way into China in pursuit of trade in opium and tea and who said, in effect: ‘We must come in, and you shall come out. We will not suffer you to shut yourselves up from the rest of the world.’<sup>36</sup> It was the British who had incited the Chinese to engage with the world and who invited them to travel and work in their colonies.

From the 1840s, Chinese merchants had themselves invested in plantations, tin mines and trade in South East Asia and recruited contract workers from home. From 1847, the Spanish began transporting labourers from the ports of Macau and Amoy to Cuba and Peru. During the next three decades, shiploads of so-called Chinese ‘coolies’ were sent across the seas to labour in Singapore, the Straits Settlements, the Americas, Hawaii and the West Indies, but contract labour was complemented by the credit ticket system and other modes of voluntary emigration, notably to Australasia and North America.

In the case of migration to settler societies, emigrants usually left overcrowded countries with a low standard of living for places where labour was scarce and resources abundant, lands where settlement was often made possible by the ongoing and taken for granted dispossession of Indigenous peoples. In their account of Chinese migration to Australia, Lowe Kong Meng, Cheok Hong Cheong and Louis Ah Mouy explained

<sup>34</sup> Yen Ching-Hwang, *Coolies and Mandarins: China's Protection of Overseas Chinese during the Late Ch'ing Period (1851–1911)* (Singapore, Singapore University Press, 1985) ch.1.

<sup>35</sup> Michael Godley, ‘China's Policy Towards Migrants, 1842–1949’, in Christine Inglis *et al.* (eds.) *Asians in Australia: The Dynamics of Migration and Settlement* (Singapore, Institute of Southeast Asian Studies, 1992) p.3. On the role of humiliation in British imperial domination of China, see James L. Hevia, *English Lessons: The Pedagogy of Imperialism in Nineteenth-Century China* (Durham/Hong Kong, Duke University Press/Hong Kong University Press, 2003) pp.74–118.

<sup>36</sup> Lowe Kong Meng *et al.*, *The Chinese Question in Australia*, p.4.

the decision in terms of the logic of taking up empty lands in their own region of the world. When they had heard that:

there was a great continent nearly half as large again as China, and containing only a few hundreds of thousands of civilized people thinly scattered around the coast; that it was rich in precious metals and very fertile; and that it was only a few weeks' sail from our own country, numbers of Chinese immigrants set out for this land of promise.<sup>37</sup>

In China, they advised, with a population of more than 400 million, many men, women and children died each year from starvation. Australia comprised an area of close to 3 million square miles, but its population was small: 'no more than 2,100,000 white people, and a few thousand blacks'. In the 'face of those facts', they asked their fellow colonists:

Would you seek to debar us from participating in the abundance with which a bountiful Providence – or, as our Master Confucius says, the most great and sovereign God – rewards the industrious and the prudent in this country? Did man create it, or did God?

Whoever had created Australia, white men were certain that 'this land of promise' belonged to them. It seemed fortuitous that the original inhabitants appeared destined to fade away before the superior forces of civilisation and progress.

In fact, the Aboriginal population had been decimated by the rapidity of dispossession in Victoria, where a lack of natural barriers meant that settlers moved onto Aboriginal lands 'as fast as any expansion in the history of European colonisation'.<sup>38</sup> By the end of the goldrush decade, the Aboriginal population had fallen to less than two thousand people, the survivors mostly living on reserves or missions. In Melbourne, one Chinese resident observed sorrowfully that: 'eight out of every ten of the Yarra Yarra tribe, the late possessors of the soil on which the great City of Melbourne is built . . . are dead'.<sup>39</sup> Alarmed by the possibility of teeming hordes coming from China, some Europeans feared that they, in turn, might be overwhelmed.

In this age of economic liberalism, international treaties provided the framework in which reciprocal rights of freedom of commerce and movement were claimed by the British, other Europeans, the United States and also by the Chinese.<sup>40</sup> In 1860, the Convention of Peking (Beijing)

<sup>37</sup> *Ibid.* p.5.

<sup>38</sup> Richard Broome, *Aboriginal Victorians: A History Since 1800* (Sydney, Allen and Unwin, 2005) p.97.

<sup>39</sup> Anon, *Brother Shem or the Wrongs of the Chinese* (Melbourne, Goodhugh and Hough, 1857) p.9.

<sup>40</sup> On the imperial context of international treaties, see Antony Anghie, *Imperialism, Sovereignty and International Law* (Cambridge, Cambridge University Press, 2005).

contracted between the British and Chinese governments extended rights of freedom of movement and guarantees of protection for persons and property in each other's Empires. British pressure on Australian colonists to adhere to the new treaty provisions led the colonies to repeal their initial discriminatory legislation, with Victoria complying in 1865 and New South Wales in 1867.

In 1868, the Burlingame Treaty between the United States and China went even further than the British treaties in recognising freedom of movement and migration as universal rights: 'the inherent and inalienable right of man to change his home and allegiance and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from one country to the other for purposes of curiosity, of trade or as permanent residents'.<sup>41</sup> In California, however, few citizens could see the mutual advantage of free migration and the ensuing campaign of opposition to the Treaty was relentless.

The struggle over free migration highlighted the contradictions inherent in political liberalism. Individual liberty and freedom of movement were heralded as universal rights, but only Europeans could exercise them.<sup>42</sup> The conflict also highlighted competing and changing understandings of sovereign rights. The Chinese cited the 'illustrious Vattel' to invoke their sovereign rights as a nation bound by treaty under international law. As John Fitzgerald has pointed out, to Chinese readers Emmerich de Vattel and other authorities on international law guaranteed the equality of nations and provided a framework in which they would demand equality of treatment.<sup>43</sup> Californians and Australians, by contrast, utilised a republican discourse on the rights of the sovereign male subject to insist on their democratic right to determine who could join their self-governing communities.

As the San Francisco *Daily Evening Bulletin* explained to its readers, of all those parts of the world where the Chinese had gained a footing, 'the Australian colonies most resemble California'. Thus, the experience of Australia 'becomes valuable to us':

<sup>41</sup> Sandmeyer, *The Anti-Chinese Movement*, pp.78–9.

<sup>42</sup> Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago, University of Chicago Press, 1999); Ann Curthoys, 'Liberalism and Exclusionism: A Prehistory of the White Australia Policy', in Laksiri Jayasuriya, David Walker and Jan Gothard (eds.) *Legacies of White Australia: Race, Culture and Nation* (Crawley, University of Western Australia Press, 2003).

<sup>43</sup> John Fitzgerald, 'Introduction', in Sechin Y. S. Chien and John Fitzgerald (eds.) *The Dignity of Nations: Equality, Competition and Honor in East Asian Nationalism* (Hong Kong, Hong Kong University Press, 2006); Emmerich de Vattel, *The Law of Nations or Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns: From the French of Monsieur de Vattel* (Philadelphia, Johnson and Co., [Leyden, 1758] 1883).

Though nominally under British rule, the six separate Australian colonies are practically, each of them, separate republics, electing their own legislatures by universal suffrage, levying and expending their own revenues and each one of them separately making their own laws subject only to the veto of the British authorities, when such laws are opposed to British treaties with other nations.

Importantly, however, whereas ‘in aristocratic forms of Government [such as in China] treaties may be maintained against popular wishes’, in democracies, ‘the power of the people is supreme and cannot be reduced or signed away in whole or in part’.<sup>44</sup>

Anti-Chinese campaigners in California and Australia also drew on the supporting discourse of Anglo-Saxonism to argue that the capacity for self-government was the preserve of the Anglo-Saxon race.<sup>45</sup> The Chinese, characterised collectively as contracted coolies and servile labour, were said to lack the manly independence and self-possession necessary to participate as individuals in a representative democracy. ‘The Chinaman is by tradition and education a monarchist’, declared the *Daily Evening Bulletin*, ‘regarding aristocracy as the only reasonable form of government; and he thrives best under its sway . . . For the elective franchise he is entirely unfit, not would he care for the privilege of exercising it if thrust upon him’.<sup>46</sup> When anti-Chinese activists thus campaigned against the Chinese as colonists, citizens and workers, they also impugned their manhood. ‘Rice-eating men’, declared Australians and Californians in chorus, had neither the rights nor responsibilities of masculine ‘beef-eating’ men.

International doctrines of freedom of movement thus collided with the ascendant democratic power of white manhood. In an age when ‘glorious manhood asserts its elevation’, in the words of republican Australian poet Daniel Deniehy, Chinese labour, represented as docile and servile, was cast as a profound threat to the new-found status of the independent, upright, working man, a figure increasingly coded as ‘white’.<sup>47</sup> The elevation of manhood in the democracies on the Pacific Coast was thus forged in the molten mix of global migration, class politics and a discourse on racial difference. International doctrines of freedom of movement and the treaties that guaranteed it provoked strong resistance from self-styled ‘white men’s countries’, a proprietorial formulation used successively against Indigenous peoples, Chinese, Indians and ultimately all those labelled as Asiatics.<sup>48</sup>

<sup>44</sup> *Daily Evening Bulletin*, 10 April, 29 July 1878.

<sup>45</sup> Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, Harvard University Press, 1998) pp.26–31.

<sup>46</sup> *Daily Evening Bulletin*, 26 September 1878.

<sup>47</sup> Daniel Deniehy, quoted in *Sydney Morning Herald*, 16 August 1853.

<sup>48</sup> Price, *The Great White Walls are Built*, p.62.

Nineteenth-century migration created new identities and new ways of being in the world. Opponents of Chinese migration forged a sense of transnational community, identifying as white men under siege, men whose sovereign right of self-government was threatened, not just by the Chinese, but by distant metropolitan centres of power. California was frustrated by the constitutional power of the United States federal government located in Washington and the 14th Amendment that required states to guarantee to all persons 'equal protection' of their laws. Victoria and the other Australian colonies were constrained by the imperial power of the British government centred in London. Newspapers and politicians on both sides of the Pacific Ocean seeking to make common cause repeatedly stressed the 'Similarity between Californian and Colonial Experience'.<sup>49</sup>

In California, Congressman Horace Davis, the owner of the Golden Gate Flour Mills and a noted radical in politics, kept a scrapbook of newspaper cuttings about Australian developments and referred to colonial laws as a guide to what could be achieved to restrict Chinese immigration to his own country, where local legislators were frustrated not only by their lack of constitutional power, but also the readiness and success of local Chinese in taking legal action to challenge discriminatory laws and ordinances.<sup>50</sup>

Davis' contribution to Congressional debate on the Chinese question was notable for his assiduous research into the global dimensions of Chinese migration, which enabled him to refer at length to Singapore, Siam (Thailand), Manila, Cochin China (Vietnam), Java and Australia. One admiring correspondent commended the impact of his global perspective:

Congressman Davis appears to have made a considerable impression upon the House by his speech on the Chinese question, and his success is due to the fact that he struck out a new line of argument, based upon independent research. Instead of repeating the familiar denunciations of the Chinese in America, which have ceased to appeal to Eastern audiences, he undertook to show how the same kind of immigration has affected other countries, and he succeeded in demonstrating that it has everywhere, and under all circumstances, been productive of evil.<sup>51</sup>

It was the 'Example and Experience of Australia', however, 'so nearly parallel to us' in history and culture, that provided, in its capitation taxes and

<sup>49</sup> Markus, *Fear and Hatred*, pp.64–6.

<sup>50</sup> Horace Davis scrapbooks, 89/151 (Bancroft Library, University of California, Berkeley); McClain and McClain, 'The Chinese Contribution', p.7.

<sup>51</sup> Horace Davis scrapbooks, vol.2, p.44.

tonnage restrictions recently introduced in new legislation in Queensland, an example of a solution to the Chinese question.<sup>52</sup>

In Washington, following ongoing demands from California that the Burlinghame Treaty be revoked, a Congressional Joint Special Committee was appointed in 1876 to investigate 'the character, extent, and effect of Chinese immigration to this country' and to examine at first hand the situation on the west coast. There were 129 witnesses, including lawyers, manufacturers, working men and women, policemen and public officials and spokesmen for the Six Companies, district-based organisations that represented the interests of Chinese residents. No subject received more coverage than the effect of Chinese labour on 'white labor'. Despite much evidence of the irreproachable conduct of the Chinese and their contribution to economic development, the Committee found that:

there was danger of the white population in California becoming outnumbered by the Chinese; that they came here under contract, in other words as coolies or a servile class; that they were subject to the jurisdiction of organized companies . . . that Chinese cheap labor deprived white labor of employment, lowered wages, and kept white immigrants from coming to the state.<sup>53</sup>

Its findings were widely publicised in Australia as well as in the United States and multiple copies placed on the shelves of parliamentary and public libraries. The *Sydney Morning Herald* suggested that British governments could learn from American experience: the Chinese problem was 'being worked out in the United States, and the experience gained there should not be thrown away either upon the Home or the Colonial authorities'.<sup>54</sup>

Newspaper accounts of the Congressional Committee Report provided the framework in which new Australian developments, such as the sudden arrival of thousands of Chinese on the Palmer River goldfields in Queensland and their entry into urban crafts such as furniture making in Melbourne, were understood. Reports of a worsening Chinese problem in California were important in fuelling Australian anxieties, even as the actual number of Chinese people living in Victoria and New South Wales declined. Andrew Markus has shown that of thirteen *Sydney Morning Herald* articles on the Chinese Question between 1875 and 1877, ten of them referred specifically to the experience of California or the United States more generally.<sup>55</sup> Australian newspapers employed their own correspondents in San Francisco and regularly received American files and personal

<sup>52</sup> Horace Davis Scrapbooks, 'The Chinese Question: Argument of Congressman on the Subject', Newspaper cutting, vol.2.

<sup>53</sup> Cited in Price, *The Great White Walls are Built*, p.129.

<sup>54</sup> Markus, *Fear and Hatred*, p.81. <sup>55</sup> *Ibid.* pp.80–1.

accounts from travellers taking the popular San Francisco–Sydney shipping route.<sup>56</sup>

The evils of San Francisco's Chinatown, depicted so graphically by witnesses to the Congressional Committee, became a common point of reference in Australia as well as in the United States and were cited in the debates on the new Queensland legislation, in 1877, to warn of the dire consequences of the recent Chinese influx of gold-diggers. Californian politicians and newspapers referred in turn to the Queensland legislation to urge the introduction of anti-Chinese laws in defiance of United States Treaty obligations.

In 1877, the Queensland government had introduced both an entry tax and immigration restriction on the Chinese, measures which, despite British treaty commitments, received royal assent. Californians were quick to seize on this initiative as a precedent and to question the power of international treaties to detract from citizens' sovereign democratic rights:

To hold that a nation cannot modify a treaty until it gets the consent of the other party is to admit that it had parted with a portion of its sovereignty. In our case the missing portion is located at Peking . . . The British, with their heavy lumbering monarchical form of government, it would also seem, can solve an unexpected difficulty much more speedily and satisfactorily than we can.<sup>57</sup>

### **Beef-eating men versus rice-eating men**

In the late 1870s, in both California and the Australian colonies, anti-Chinese agitation was given fresh vigour by newly powerful labour movements. Organised working men, armed with manhood suffrage, were determined to exercise their new-found electoral power, much to the disquiet of those, including Chinese community leaders, who were appalled at politicians seeking popularity by pandering to popular prejudice. In California, the short-lived Workingmen's Party, founded in 1877 and led by Denis Kearney, won one-third of the vote with the slogan: 'The Chinese Must Go'. 'We make no secret of our intentions', declared their Manifesto:

We make none. Before you and before the world we declare that the Chinaman must leave our shores. We declare that white men, and women, and boys, and girls, cannot live as the people of the great republic should and compete with the single Chinese Coolie in the labor market.<sup>58</sup>

Anti-Chinese sentiment dominated the State's Constitutional Convention held in 1878 and it issued not just from organised workers. 'This

<sup>56</sup> *Ibid.* p.80. <sup>57</sup> *Daily Evening Bulletin*, 26 August 1879.

<sup>58</sup> Sandmeyer, *The Anti-Chinese Movement*, p.65.



State should be a State for white men, without any respect to the treaty, or misinterpretation of any treaty', said a farmer from El Dorado County.

The State has the right of self-preservation. It is the same right that a man of family has to protect his house and home . . . We want no other race here. The future of this republic demands that it shall be a white man's government, and that all other races shall be excluded.<sup>59</sup>

As a result of this mobilisation, the state's Second Constitution, ratified in 1879, included an article prohibiting any corporation employing 'directly or indirectly, in any capacity, any Chinese or Mongolian' and prohibiting the employment of Chinese 'on any state, county, municipal, or other public work, except in punishment for crime'. The Constitution also excluded Chinese from the citizenship rights of owning land and voting.<sup>60</sup> All these provisions would be challenged in the courts.

In the Australian colonies, trade union protest over the employment of Chinese labour erupted in the Seamen's Strike of 1878, called in response to moves by the Australasian Steam Navigation Company to follow the Hong Kong Eastern Australian Mail Steamship Company in replacing European seamen by Chinese on its run to Fiji and New Caledonia at half the cost. The Seamen's Union, covering workers in Victoria, New South Wales and Queensland, received widespread support from the trade union movement, radical politicians and political reform groups in the capital cities and extensive coverage in Californian newspapers.<sup>61</sup> 'Foreign cheap labor seems to be the question of vital importance wherever the Chinese plant themselves', noted the *Star*.<sup>62</sup>

In 1879, the Intercolonial Trade Union Congress unanimously condemned any further importation of Chinese labour and called for the introduction of a heavy poll tax on those already resident in Australia. In Victoria, an Anti-Chinese League demanded 'the restriction, or if found necessary, the complete prohibition of immigration of Chinese to this colony'.<sup>63</sup> In demanding the exclusion of Chinese workers, the labour movement increasingly defined the white working man as a figure defined by his 'civilized' standard of living. The difference between the Chinese worker and the white worker, said one supporter in the Victorian parliament, sounding an international theme, was the difference

<sup>59</sup> *Ibid.* p.70.

<sup>60</sup> Matthew Frye Jacobson, *Barbarian Virtues: The United States Encounters Foreign Peoples at Home and Abroad 1876–1917* (New York, Hill and Wang, 2000) p.79; Sandmeyer, *The Anti-Chinese Movement*, pp.67–72.

<sup>61</sup> Ann Curthoys, 'Conflict and Consensus', in Ann Curthoys and Andrew Markus (eds.) *Who Are Our Enemies? Racism and the Working Class in Australia* (Sydney, Hale and Iremonger, 1978).

<sup>62</sup> *Star*, 1 January 1879.      <sup>63</sup> Price, *The Great White Walls are Built*, pp.163–4.

between ‘a rice-eating man and a beef-eating man’. ‘People who can subsist on a handful of rice and content themselves with the barest shelter are formidable opponents of European labor’, said a colleague.<sup>64</sup> Moreover, the ‘unfairness of the competition is added to by the intense industry of these Asiatics. They stand in as little need of rest and recreation, apparently, as they do of a generous diet or wholesome housing and they consequently offer their services for wages upon which European workmen could not subsist’.<sup>65</sup>

In both Australia and the United States, working class identities were constituted in a discourse of racial difference that defined the white worker as the bearer of civilisation and its responsibilities. The Chinese responded to these claims about their lack of civilised standards by continually pointing to the impressive achievements of their own civilisation, distinguished by its antiquity, high learning and technological invention.

In *The Chinese Question in Australia*, written in response to the industrial crisis, Lowe Kong Meng, Louis Ah Mouy and Cheong Cheok Hong pointed to the credentials of the Chinese as workers and colonists. They were experienced seamen, yet they faced trade union opposition to their employment on steamships; they were the major suppliers of fresh vegetables and fish, thus contributing to better standards of health in the colonies, yet they were regularly confronted with ‘severe rebuffs, angry vituperation and threats of personal violence’ as they hawked their wares. They had proven to be law-abiding settlers, yet unlike French or Germans or Italians or Swedes, they were daily vilified.

Lowe Kong Meng and his colleagues recognised that in the Australian colonies, as in California, the most vociferous opposition to Chinese immigrants issued from organised labour, from white workers fearful that cheap competition would increase unemployment and drive down their standard of living. They wrote:

Chinamen are told – ‘You must not work in Australian ships or in Australian factories: you must not earn a livelihood by hawking or by handicrafts in these colonies. You must leave off cultivating gardens, and fabricating furniture, and following the industrial employments you have adopted; and you must either starve, beg, steal, or vanish’.<sup>66</sup>

But why were only the Chinese to be excluded? They were after all highly civilised, certainly not an inferior people:

<sup>64</sup> *Victorian Parliamentary Debates*, Legislative Assembly (10 November 1881), p.699.

<sup>65</sup> *Age*, 17 April 1888.

<sup>66</sup> Lowe Kong Meng *et al.* (eds.) *The Chinese Question*, p.4.

No one can say so who knows anything of our history, our language, our literature, our government, or our public and private life. China had reached a very high standard of civilization when Britain was peopled by savages. The art of printing, the use of gunpowder, and the mariner's compass were known to us centuries before they were re-invented by Europeans.<sup>67</sup>

In their own country, literacy was widespread and most people educated. In Australia, all Chinese were stigmatised as 'ignorant pagans' and 'filthy barbarians' by persons who were themselves ignorant. Most Australians had never been to China, knew nothing of its long history or its moral, intellectual, and social life, and yet formed hasty judgments against its people from a very slight acquaintance with a few immigrants. 'In Australia', they said, 'the vilest epithets are bestowed upon our countrymen by speakers on platforms, who know nothing whatever about China or its people'. Persecuted Chinese had long expressed astonishment at politicians' ignorance of Chinese civilisation and at the fact that law-making was based on such ignorance.<sup>68</sup>

In proposing solutions to the racial conflict in Victoria, the three community leaders took a cue, like their critics, from developments across the Pacific. They were familiar with the Congressional Committee and stressed that despite the prejudices of Californians, the actual evidence before the Committee 'proved incontestably that [the Chinese] had been of immense service to the country . . . In the farm, the factory, the kitchen, the workshop, and the laundry, they have proved invaluable'. Nevertheless, anti-Chinese agitation had assumed formidable proportions there and required the six Chinese Companies to issue an address to the American public. The authors drew attention to this address and 'the excellent sentiments entertained by our compatriots in America', who recommended that if the United States was intent on preventing Chinese from immigrating, the country should repeal the Burlingame Treaty, openly and honourably. If not, Americans must honour the principles of equality and reciprocity enunciated in international law. In the event, the United States government renegotiated the Treaty to allow for legislation to prevent the immigration of Chinese labourers.

The main claim of *The Chinese Question in Australia* was that the Chinese had a 'perfect right to settle in any part of the British Empire' on the basis of the reciprocal rights accorded the British and Chinese by the Peking Convention of 1860. In support of this 'right', they quoted Vattel on 'the law of nations': 'as the engagements of a treaty impose, on the one

<sup>67</sup> *Ibid.* pp.9–10.

<sup>68</sup> See, for example, Anon., *Brother Shem*, pp.6–9.

hand, a perfect obligation, they produce, on the other, a perfect right. The breach of a treaty is therefore a violation of the perfect right of the party with whom we have contracted; and this is an act of injustice against him'. Chinese community leaders protested at the demeaning and discriminatory treatment they suffered at the hands of 'these British dependencies' and demanded their rights as members of the Chinese Empire in the name of international law and the comity of nations. As John Fitzgerald has pointed out, numerous Chinese colonists in Australia also sent petitions worded in these terms to the Chinese Foreign Ministry in Beijing.<sup>69</sup> In response to these appeals to international law, Australians invoked with increasing stridency their masculine rights as sovereign subjects and self-governing communities.

In the United States, recent developments in Australia attracted renewed attention with the publication and wide circulation of an article by John Wisker in the British magazine *Fortnightly Review*, which was reprinted or reported with commentary in *Nation*, *Harper's*, the *Chicago Tribune* and a range of Californian newspapers. Wisker was one of a number of literary men advised by doctors to go to the colonies for the sake of his health. A British Chess champion, sports journalist and novelist, he was found to be suffering from tuberculosis in 1877 and encouraged to migrate to Australia.

On his arrival, he found a continent preoccupied with the question of 'the coloured man': 'the stock subject of the newspapers, the regular topic at public meetings and theme of numerous parliamentary debate'.<sup>70</sup> There were diverse types of coloured men posing different sorts of challenges – Aborigines, Pacific Islanders and Asians – but as 'an object of public interest and public dread' the Chinaman had no equal. 'This ubiquitous, all-suffering, all-capable individual – the future possessor of the world in his own opinion – has invaded Australia in thousands'.

Although, in fact, the number of Chinese resident in Victoria and New South Wales had rapidly declined since the 1860s, in part as a result of earlier discriminatory legislation and persecution, Wisker reported that four thousand of 'the obnoxious race' still lived in Sydney. But it was in the northern colony of Queensland where the Chinese were now most numerous. Of the 17,903 gold miners in Queensland, 13,269 were Chinese and 'the white men considered themselves robbed of their property'. The article outlined the discriminatory Acts recently passed by the

<sup>69</sup> John Fitzgerald, 'Advance Australia Fairly: Australian Voices at Federation', in Sophie Couchman, John Fitzgerald and Paul McGregor (eds.) *After the Rush. Regulation, Participation and Chinese Communities in Australia 1860–1940. Special Issue of Otherland Literary Journal* (December 2004).

<sup>70</sup> John Wisker, 'The Coloured Man in Australia', *Fortnightly Review* (1 July 1879) p.82.

Queensland government. 'Whether this repressive legislative is in accordance with the spirit of British treaties with China is a question for the Colonial Secretary at home, but 'certain it is that the desire of the vast majority of Queenslanders is rapidly being realised'. Wisker also provided an account of the seamen's strike and its national racial significance: 'It was a strike against the yellow man. Thus it acquired a sacred character; it became an Australian movement, securing universal sympathy, and what was more to the purpose, substantial support'.

Wisker made clear his own sympathy with the colonial attitude – white men were usually converted once in the colonies for the issue was one of 'self-preservation' – and his article was taken up enthusiastically by Americans lobbying for the renegotiation of the Burlingame Treaty and the introduction of immigration restriction. In 1879, a Restriction Bill was passed by the Congress, but vetoed by President Hayes who declared: 'I cannot but regard the summary disturbance of our existing treaties with China more inconvenient to much wider and more permanent interests of this country'. The Californian *Daily Examiner* regretted that the Administration was so ready with its veto 'in the interest of the Chinese and against the white labouring interests of California as well as the whole country'.<sup>71</sup>

### **Racial exclusion and Chinese protest**

In 1881, the Victorian parliament introduced a new Chinese Influx Restriction Bill – imposing a £10 entry tax, a tonnage restriction of one Chinese migrant to every 100 tons of shipping, and a requirement that Chinese departing temporarily be required to obtain a certificate to prove their identity on their return. Members of parliament frequently justified the new measures with reference to the troubles in San Francisco, as documented in the Congressional report, a copy of which, they advised, could be found in the Parliamentary Library.<sup>72</sup> The last United States census showed a population of 105,000 Chinese in California and they had 'seriously interfered with labour and also threaten[ed] some political disturbance'.<sup>73</sup>

The Victorian government also included a clause in the new Bill to disenfranchise Chinese voters. Until then, ratepayers' rolls were used as the basis for enrolment to vote in Victorian parliamentary elections. Supporters of disenfranchisement invoked racial difference as a political

<sup>71</sup> *Daily Examiner*, 14 February 1879.

<sup>72</sup> VPD, Legislative Council (30 November 1881) p.932; Price, *The Great White Walls are Built*, p.171.

<sup>73</sup> VPD Legislative Council (30 November 1881) pp.931–2.

disqualification: the Chinese were racially unfit for political rights for they knew nothing of Caucasian civilisation and they lacked the capacity for independence, being controlled by headmen. There was also strong opposition to the Bill, however, with liberal critics citing the constitutional right of all (male) colonists in a self-governing community to shape the laws by which they were governed. It was cowardly and unmanly, they said, to oppress the weak in this way: the Chinese were a small minority and were being treated like negroes in the southern states of the United States.<sup>74</sup> But as in the southern American states, an increasing number of white men considered that their manhood rested on the exercise of racial domination. Anything else spelt humiliation.

By the 1880s, one of the most common arguments used to justify further restrictions on the Chinese was the recently recorded fact of China's vast population of 400 million people – 'the largest population of any country in the world', 'a third of the population of the globe' – a fact that the Chinese themselves had helped publicise. Charles Pearson, a recently elected Liberal member for Castlemaine in the Victorian Legislative Assembly – and a man with a penchant for facts – was especially eloquent in warning of the prospect of the 'white population' being 'swamped' by the Chinese tidal wave:

The population of China was nearly 400,000,000, and the mere natural increase of that population in a single year would be sufficient to swamp the whole white population of the colony. Australia was now perfectly well known to the Chinese; communication between the two countries was thoroughly established; and, in the event of famine or war arising in China, Chinamen might come here at any time in hordes. He had read the Bill with great satisfaction, and he considered it reflected great credit upon the Government.<sup>75</sup>

Pearson was himself a relative newcomer to Victoria. A former Fellow of Oriel College and professor of history at King's College, he, like chess champion Wisker, had migrated to the colonies in part for health reasons, first arriving in South Australia to take up a wheat farm in 1864, just eleven years after Lowe Kong Meng had sailed into Port Phillip Bay.

In 1868, following his return to England, Pearson had travelled to the United States and it was there that a disturbing thought occurred to him: the frontier was closing and the country was fast filling up. Land in the temperate zone was limited: white men might soon be denied the chance to emigrate. He published his thoughts on 'The Land Question in the United States' in *Contemporary Review*, elaborating an argument that in some ways anticipated Frederick Jackson Turner's famous 'frontier thesis'

<sup>74</sup> *VPD* Legislative Assembly (4 October, 10 November 1881) pp.698,701.

<sup>75</sup> *VPD* Legislative Assembly (4 October 1881) p.220.

of 1893. Whereas Turner was interested in the implications of the closing frontier for American national character and history, Pearson was concerned about the place of the white man in the larger world. Noting both the flow of Chinese into California and the British tendency to treat the world as an outlet for its surplus population, Pearson warned that white men might soon be 'cramped for land'. 'The Land Question' would form the basis of the first chapter of his disturbing work of prophecy, *National Life and Character: A Forecast*, published by Macmillan in London and New York in 1893.

One of the most worrying elements of Pearson's forecast was his prediction of China's 'inevitable position as one of the great powers of the world'.<sup>76</sup> Impressed by Chinese expansion and the growing intervention of the Chinese Empire in international relations, he warned that the balance of world forces was changing. He became convinced that the Chinese people, along with other 'yellow races' would soon be 'represented by fleets in the European seas, invited to international conferences and welcomed as allies in the quarrels of the civilized world'.<sup>77</sup> In 1887, Pearson witnessed at first hand the status accorded China as a power when two Imperial Commissioners, General Wong Yung Ho and U Tsing, arrived in Melbourne to investigate 'the social relations of Chinese subjects residing in British colonies' and the prompt response to their demand that the British government bring the colonies into line.

The Chinese government had, in fact, been relatively tardy in moving to protect their subjects overseas, but reports of the ill-treatment of Chinese settlers in the British and Spanish Empires had finally prompted its officials to establish a series of consulates, first in Singapore in 1875, followed by Yokohama and San Francisco in 1878, Havana in 1879 and New York in 1883.<sup>78</sup> The announcement in 1886 of a visit by the Chinese Commissioners to South East Asia and the Australian colonies was seen as a significant event by all sides of the Chinese Question in Australia.<sup>79</sup> Chinese community leaders welcomed the opportunity to report to the Commissioners on the discrimination and humiliation suffered by their fellow countrymen in these 'dependencies of the British Crown' and to call for redress.

They forwarded a petition, signed by forty-four Chinese Australians to the Commissioners at their quarters at the Oriental Hotel, enumerating

<sup>76</sup> Charles H. Pearson, *National Life and Character: A Forecast* (London, Macmillan, 1893) p.49.

<sup>77</sup> Pearson, *National Life and Character*, pp.84–5.

<sup>78</sup> Godley, 'China's Policy Towards Migrants', p.8; Yen Ching-Hwang, *Coolies and Mandarins*, pp.144, 213.

<sup>79</sup> Correspondence, *Chinese Immigration, VPP* (1888) vol.1, p.4.

the ‘penalties and disabilities inflicted on [their] nation by the law of the land’. What was urgently required, they said, was the redress of ‘international wrong’. They named three main grievances: first, the £10 poll tax, the imposition of which departed from ‘all the principles of international right and equity’. Second, there was the injustice of the demand that they pay the tax again should they leave the colony and attempt to return. The only alternatives were that they ‘expatriate themselves by choosing to become naturalized British subjects’ or they obtain ‘tickets of leave’. Otherwise, when they travelled to another colony and attempted to return they would be seized like contraband goods and detained until they could ‘pay the duty levied upon us’. ‘Imagine what an outcry would be raised against Chinese perfidy if a Briton were thus treated in China, yet such is precisely the treatment meted out to us by these dependencies of the British crown, in direct violation of all international law and usage, and in contravention of the Treaty engagements entered into by the Governments of the two Empires’. Their third grievance centred on the abuse and assaults directed at tea and vegetable vendors by cowardly youth incited to violence by the very same laws and law-makers. For these larrikin offenders they recommended the introduction of corporal punishment: ‘the use of the lash’. ‘[We] trust that Your Excellencies will lend the weight of your official influence to bring it about’.<sup>80</sup>

On their return to China, the Commissioners reported on the extent of discrimination in Australia and elsewhere and recommended the establishment of a network of consulate offices and a naval force to back up Chinese insistence on the fair treatment of their people abroad.<sup>81</sup> The Board of Foreign Affairs instructed the Chinese Minister in London to take up the matter of increasing discrimination, particularly with regard to poll taxes and the possible violation of Sino–British Conventions. The Chinese Minister, Lew-Ta-Jen wrote to the British Prime Minister, the Marquis of Salisbury, drawing his attention to the existence of ‘exceptional and exceptionable laws’ in the colonies which were surely ‘at variance with Treaty obligations and International Usage’. ‘In the Crown Colonies’, the Minister observed, ‘it has not been found necessary to treat Chinese subjects differently from the subjects of other Powers, and it is difficult to understand why it should be otherwise in those Colonies on whom a certain amount of self-government has been conferred’.<sup>82</sup>

<sup>80</sup> Petition to Wong Yung Ho and U. Tsing from Lowe Kong Meng *et al.* Enclosure, Chinese Imperial Commissioners to Governor of Victoria, 13 June 1887, *Chinese Immigration, VPP* (1888) pp.6–7.

<sup>81</sup> Myra Willard, *History of the White Australia Policy to 1920* (first edition, Manchester University Press, 1923; reprint New York, Augustus M. Kelley, 1968), pp.74–6.

<sup>82</sup> Lew-Ta-Jen to the Marquis of Salisbury, 12 December 1887 Enclosure, *Chinese Immigration, VPP*, p.15; see also Godley, ‘China’s Policy Towards Migrants’, p.9.



The Secretary of State for the Colonies called upon the colonial governments to explain: to 'report on any exceptional legislation affecting Chinese subjects . . . showing the objects for which such legislation was adopted'.<sup>83</sup> In response, the Premiers re-iterated their intention to bring an end to Chinese immigration. Discussions ensued as to whether this could be best achieved through the British re-negotiating the Treaty, following the recent United States example, or by colonial governments introducing their own laws.<sup>84</sup> Some colonists objected to Britain acting on their behalf, because such a course of action implied a 'surrender of the right of self-government', a surrender of their manhood.<sup>85</sup>

In comparing their situation with that of the United States ('the principle has been asserted by the Chinese Exclusion Acts that a community is justified in refusing admittance'), Australian colonists invoked a republican discourse on self-government, even while forced to acknowledge their dependence on the Empire for their ultimate defence.<sup>86</sup> The Australians were also forced to acknowledge that only the British government could enter into treaties with foreign powers, but 'treaty or no treaty we are legally entitled to exclude any contribution to our population which we object to, and that we intend to exercise that right by excluding the Chinese'.<sup>87</sup> The colonial Premiers agreed to determine the method of exclusion at a special conference called for June 1888 in Sydney.

In the midst of preparations for the conference, two ships, the *Afghan* and *Burumbeet*, arrived in Melbourne, the former carrying 268 Chinese passengers and the latter a smaller number trans-shipped from Sydney, all of whom were immediately identified as harbingers of a larger Chinese invasion.<sup>88</sup> In fact, many of the men on board were returning home after short filial visits to China.<sup>89</sup> Wang Gay, for example, had lived in Victoria for thirteen years, working for ten years as a market gardener in Malvern, in close proximity to the residence of Lowe Kong Meng. Ah Hung had worked as a miner in Ballarat for eight years, Sing Diu was a market gardener in Richmond, while Gee Singhad worked for eight years as a

<sup>83</sup> H. T. Holland to Governor of Victoria, 23 January 1888. *Chinese Immigration, VPP*, 1888, p.14.

<sup>84</sup> Premier of Victoria to Premiers of the Australian Colonies (22 March 1888) p.15; Henry Parkes to Premier of Victoria (30 March 1888), *Chinese Immigration, VPP*. The terms of the Treaty between the United States and China were printed in full in the *Argus*, 7 May 1888.

<sup>85</sup> *Age*, 2 April 1888; on the Sydney meetings see Willard, *History of the White Australia Policy*, pp.80–1.

<sup>86</sup> *Age*, 5 April 1888. <sup>87</sup> *Ibid.* 17 April 1888.

<sup>88</sup> For an account of the 'sudden and almost inexplicable' panic that ensued in New South Wales when the *Afghan* arrived in Sydney, see Willard, *History of the White Australia Policy*, pp.84–5.

<sup>89</sup> *Age*, 5 May 1888.

labourer. The *Argus* newspaper made much of the case of Sandy Williams, or Sun San Lung: 'the Chinaman whose wife and family came down from Castlemaine to meet him, but who was not allowed to land from the *Afghan*'. He had first arrived in Victoria twenty-five years before.<sup>90</sup> The passengers asked Lowe Kong Meng as a kind of unofficial consul in Australia to negotiate with the authorities so that they could land, but the government was determined, as the *Age* newspaper put it, invoking the American cry, that 'the Chinese must go'.<sup>91</sup>

Lowe Kong Meng must have reflected on how much had changed since he had first stepped ashore in Melbourne without let or hindrance thirty-five years before. Now, even passengers carrying British naturalisation papers and the small number eligible to come ashore on the payment of the poll tax were prohibited from landing by the executive decision of government – an act characterised by political opponents as 'arbitrary and high-handed', and by Cheok Hong Cheong as a 'coup d'état'.<sup>92</sup>

Word of this sudden turn of events soon reached Lew-Ta-Jen in London, who promptly expressed his outrage about the 'irregular proceeding of the colonial authorities' to the British Prime Minister. He reminded the Prime Minister that although he didn't recognise the validity of colonial laws unless they were in accordance 'with the Treaties and Laws of Nations', surely colonial governments could be expected to obey 'Statutes that they themselves had enacted'. 'Whether, then, the action of the Australian Executive in refusing to allow the immigrants to be landed be considered from a conventional, or international, or a statutory standpoint, it would appear to be equally unjustifiable, and this all the more because the immigrants having been embarked at Hong Kong, a British colony, the authorities not only assented to their shipment but sanctioned it'.<sup>93</sup>

The validity of the government's actions was tested in a legal challenge issued in the name of one of the Chinese passengers by solicitors Cleverdon and Westley. In *Chung Tèong Tòy v. Musgrove*, the Supreme Court of Victoria in a majority decision rejected the government's argument that it had a sovereign right to exclude aliens from its territory as an act of state. The majority argued that the Victorian government's authority was 'limited'. Under its Constitution Act, the colony of Victoria 'enjoyed a perfect scheme of local government, limited to its internal relations'.<sup>94</sup>

<sup>90</sup> *Argus*, 7, 8 May 1888. <sup>91</sup> *Age*, 4 May 1888.

<sup>92</sup> William Ross, Convener of the Public Questions Committee, Presbyterian Church of Victoria, to Premier Gillies, 16 May 1888; Cheok Hong Cheong to Victorian Premier, 1 June 1888, *Chinese Immigration, VPP*, 1888, vol.1, p.48.

<sup>93</sup> Lew-Ta-Jen to the Marquis of Salisbury, 16 May 1888, *Chinese Immigration, VPP*, pp.48–9.

<sup>94</sup> *Chung Tèong Tòy v. Musgrove, Victorian Law Reports*, vol.14, 1888, pp.439–40.

Colonial leaders preferred, however, to speak not of 'local', but of 'self-government', which they would later invoke to argue their sovereign right to racial homogeneity. In the event, in an ironic twist, the Supreme Court decision was overturned on appeal to the Privy Council in London, which held that 'an alien has no legal right enforceable by action to enter British territory' and that 'all the prerogative necessary for the protection of the people had passed with self-government, to the Representatives of the Crown, on the advice of responsible Ministers'.<sup>95</sup>

### **Race homogeneity as the basis of healthy national life**

In early June 1888, another ship sailed into Melbourne in the wake of the storm caused by the arrival of the *Afghan* and *Burrumbeet*. The *Freeman* had sailed all the way from Boston and it carried a rather more welcome visitor, a young Harvard philosopher, Josiah Royce, whose doctor had recommended a long sea voyage to recover from mental exhaustion. He carried with him a letter of introduction from Richard Hodgson, a friend of the philosopher, William James, addressed to Alfred Deakin, with whom Hodgson had attended Melbourne Grammar School in the 1860s. Deakin was the youthful Chief Secretary in the Victorian government and a protégé of Pearson from university days. He would play a major part in the recent political crisis precipitated by the arrival of the *Afghan*.

When Royce arrived, Deakin was preparing to travel to Sydney for the inter-colonial conference on immigration restriction and he invited Royce to join him on the train journey. Deakin had visited the United States just three years before, on an official mission to investigate irrigation in California, when he took the opportunity to travel east to Massachusetts, making a pilgrimage to the grave of Emerson in Concord and touring the sites of the revolution in and around Boston. Deakin was a great admirer of American republican manhood and welcomed Royce with enthusiasm. The two subsequently spent an intense week together in the Blue Mountains, walking and talking, about politics and government, metaphysics and religion, conversations that lay the basis for a passionate friendship that would last for more than twenty years. Deakin told Royce that his was 'the best trained and best informed mind in metaphysics and kindred topics' that he had ever encountered.<sup>96</sup> Royce returned the compliment: 'Few memories stand out more clearly and encouragingly,

<sup>95</sup> Appeal from a judgment of the Supreme Court of Victoria, Musgrove and Chun Teeong Toy [*sic*], Privy Council *Law Reports*, 1891, pp.282–3.

<sup>96</sup> Deakin to Royce, 30 June 1888, Deakin papers, 1540/1/49, National Library of Australia (NLA).

and more pleasingly, in my life, than our meeting in 1888, our days together in the wonderland of your mountains, our talks, and your kindness and the gracious cheer of all your hospitality'.<sup>97</sup>

They talked, inevitably, of the Chinese question. Royce, who grew up on the Californian goldfields and attended university at Berkeley, was at pains to condemn race prejudice of a vulgar sort: 'Has not the American agitation against the Chinese been on the whole rather disgraceful to our intelligence? Are not the best of us even now ashamed of it?' But when nation-building was the issue – as in the case of Australia – then there were 'far more significant' considerations to take into account. 'We in this country', Royce reflected in an article in *Atlantic Monthly* written shortly after his return to the United States, 'have suffered and will yet suffer far too deeply from the presence in our midst of a few million very docile and well meaning Negroes to be in a position to doubt the dangers of founding a great nation in a new country upon a basis of race heterogeneity'.<sup>98</sup> Royce pointed to the lessons to be learnt from American experience:

Race homogeneity is the basis of healthy national life; and even the mixture of the European stocks themselves, although it is inevitable, involves, as here in America, evils enough on the way. It would be suicidal for Australians to encourage such free intercourse with China as would give them, in fifty years from the present time, when their white population will number perhaps fifteen millions, a Chinese population of say five millions or more.

The issue was so important, he concluded, that it would probably precipitate political separation from Britain.

Royce's account of Australian feeling on this issue drew heavily on his conversations with Deakin, whose nationalism had become more determined following his clash with the British Prime Minister just the year before at the first Colonial Conference in London. Australia and Britain had different interests in Asia and the Pacific, Royce reported. 'We conclude, then, that no base prejudice, but the highest political wisdom, calls Great Britain and Australia along pathways that must further and further diverge'. He looked forward to Australia's 'happy destiny' as an independent nation, when Americans and Australians might greet each other as 'sister republics' across the Pacific.<sup>99</sup>

Following the Conference on Chinese Immigration in Sydney, in 1888, the colonial governments resolved to introduce uniform legislation,

<sup>97</sup> Royce to Deakin, 18 April 1908, Deakin papers, 1540/1/1964, NLA.

<sup>98</sup> Josiah Royce, 'Reflections after a Wandering Life in Australasia', *Atlantic Monthly* (June 1889) p.825.

<sup>99</sup> Royce, 'Reflections after a Wandering Life', p.826.

drafted by Deakin, that would effectively ban Chinese from entering Australia, regardless of whether they were British subjects. This was a new departure, but as Victorian Premier Duncan Gillies explained: 'naturalized British subjects are still Chinese and therefore are as objectionable as if they were to come from the centre of China'.<sup>100</sup> The Bill was introduced into the Victorian parliament in December. In deference to the Chinese Minister in London, the poll tax would be dropped, but severe penalties would apply to Chinese arriving overland from other colonies. In defending the rights of Chinese residents already in Victoria to travel from one colony to another, William Shiels, one of Charles Pearson's students, but a liberal of the old school, made a last passionate plea for recognition of 'one of the dearest rights of citizens – the perfect liberty of locomotion'.<sup>101</sup>

In a final protest, the Chinese Committee in Victoria drew up a forty-three-page 'Remonstrance to the Parliament and the People of Victoria' signed by nine Committee members and their Chairman, Cheok Hong Cheong, in which they attempted, once more, to reverse the prevailing racial discourse on civilisation. The new Victorian legislation was 'barbarous' they said, 'a relapse so distinct as to fix an indelible stain on the Australian name'. In a six-page attachment, they elaborated on 'Chinese Civilization and Attainments' pointing to their tradition of government by the wise and talented, the wide diffusion of education, their extensive literature and inventive genius. But the Remonstrance also registered that the issue was not really civilisation, but colour. The Chinaman, they lamented, was denied 'common human rights' because he differed from the European in 'the color of his skin'.<sup>102</sup> How could this be when Christianity taught that all nations were of one blood?

### **A time may come**

But perhaps the time for forbearance was past. Perhaps the Chinese should consider retaliation or revenge. Didn't Australians realise, warned the Chinese Committee, the foolishness of giving offence to a nation that was surely destined for greatness: 'Our own land has no equal on earth for fertility and resources which by and by will cause her to weigh heavy in the scale of nations'. Evil treatment would bear bitter fruit and wounds would fester. 'A time may come', they warned, 'nay, probably will come sooner than is supposed, when the presence and power of China as a great nation will be felt in these seas, and it lies with you to say, as wise men

<sup>100</sup> *VPD*, Legislative Assembly, 6 December 1888, p.2,357. <sup>101</sup> *Ibid.* p.2,369.

<sup>102</sup> Cheok Hong Cheong, *Chinese Remonstrance to the Parliament and People of Victoria* (Melbourne, Wm Marshall & Co., 1888), p.6.

or otherwise, if this be for good or evil'.<sup>103</sup> 'A time may come' encoded a warning that Charles Pearson would make his own in *National Life and Character* just five years later.

Among the signatories of the Chinese Remonstrance, one name was conspicuously absent. Lowe Kong Meng had died suddenly in 1888 at the age of sixty-seven. In his portrait of Melbourne's leading Chinese merchant in *Australian Representative Men*, published that year to mark the centenary of Australian settlement, T. W. H. Leavitt had written of him as thoughtful and humane, a cultured and honest man, in short, a gentleman.<sup>104</sup> Leavitt urged his readers to take the opportunity to get to know Chinese colonists on an individual and collective basis, because with their energy, industry and undoubted capacity, their future was unbounded: 'the time is at hand when the Chinaman will seek settlement in every civilised land, and will become a part of the population of every populous city'. Indeed, wrote Leavitt, the Chinaman 'might well be designated "the coming man", not for one country, or some one particular part of the earth, but for the whole world'.<sup>105</sup>

This was also the view of Charles Pearson, Liberal politician and journalist, and a leading supporter of immigration restriction. He agreed with Leavitt's assessment of the significance of Chinese migration, but thinking about population movements in world historical terms had concluded that there were even larger issues at stake. In the recent Chinese diplomatic intervention, and in the messages sent by Chinese leaders in Melbourne, he saw the first phase of a global power struggle between those he called the 'higher and lower races'. Pearson was always careful to point out, however, that these were relative terms, signifying not innate difference, but relative historical advancement. The Chinese petitioners were right. The time would surely come, Pearson concluded, when China would emerge as a great power.

As a historian, Pearson was attuned to large historical transformations. In his analysis of changing world forces, he joined the 'Chinese Question' with the 'negro problem', recently publicised by his younger friend from Oriel days, James Bryce, in his magisterial survey *The American Commonwealth*, first published in 1888, and in his article on the 'negro problem' in *North American Review* in 1891. Pearson had also read and reviewed a new book on Haiti and was persuaded that the advent of 'the

<sup>103</sup> *Ibid.*, p.15.

<sup>104</sup> T. W. H. Leavitt, *Australian Representative Men* (Melbourne, Wells and Leavitt, 1887).

<sup>105</sup> *Ibid.*

Black Republic' pointed the way to the future.<sup>106</sup> Anglo-Saxon triumphalism and complacent assumptions about the never-ending expansion of Greater Britain were seriously misguided. Besides, democratic progress also had its costs, now becoming evident in the spread of 'state socialism' following the advent of manhood suffrage in the colonies. As a Liberal politician, advocate of a progressive land tax, Minister of Public Instruction and committed feminist, Pearson was a radical reformer, but he worried about the enervating effects of 'state socialism' even as he helped to implement its ambitious program.

On a more subjective level, the frail, proud, refined Englishman worried about the effects of changing world forces on the white man's personal sense of self. Would his pride of race guarantee his primacy of place in the world, or was he destined for racial decline and wretched humiliation, elbowed aside by the ascendant 'black and yellow races'?

<sup>106</sup> Charles Pearson, 'The Black Republic', in H. A. Strong (ed.), *Reviews and Critical Essays* (London, Methuen, 1896).

