Protest movements are an aspect of history garnering closer attention in recent years, in particular those instigated by ethnic minorities or diasporic communities from the mid-1800s to early 1900s, when governments introduced discriminatory policies. This article will survey Chinese protest movements in this period in Australia and around the world with a focus on the Northern Territory (the ‘Territory’) as a case study of organised, sustained, and varied resistance. The Chinese in the Territory, led by wealthy merchants, were active protesters around the time of Federation and the formulation of discriminatory legislation, such as the 1901 Immigration Restriction Act. Remarkably, such protests were often made in English and were supported by some Europeans.

The nineteenth century saw a mass migration of the Chinese, particularly from the Guangdong province of southern China, to sites of economic interest around the world, such as California, Australia, and Southeast Asia. Hong Kong became the major entrepôt facilitating this trade in people, money, and goods, but also of ideas. Guangdong was a political and economic hothouse from the eighteenth to early twentieth centuries as a centre of active trade between East and West, and also as a result of the instability and corruption of the Qing state. Heavy losses to Britain from the Opium Wars (1839-42; 1856-60) and resulting treaties, and the state’s inability to adequately provide public services, contributed to the rise of anti-Qing merchants and secret societies in this region and the proliferation of protests. According to sociologist Ho-fung Hung, these protests responded to the political and economic crisis that disrupted the ‘neo-Confucianist hegemony’, with its classical emphasis on ‘filial loyalty’ and benevolence, upholding the emperor, and origin or kinship ties. Thus there was the construction of identities (subjects or bodies), and increasing demands for state care or reactions against state interference through petitions or violence.1

Hung utilises Charles Tilley’s classifications to categorise protests in China from the mid-1700s to mid-1800s as either ‘reactive [state-resisting] protests’ that ‘aimed to defend preexisting communal rights’; or ‘proactive protests [state-engaging]’ which ‘sought to expand the protesters’ rights’.2 Either form could be violent or peaceful. For example, in 1897 illegal salt makers destroyed an official salt station in a violent, state-resisting protest against government sanctions; a 1909 appeal by former opium sellers for government assistance after opium prohibition

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2 Hung, Protest with Chinese Characteristics, p. 17.
was a peaceful state-engaging protest. Revolutionary leaders from Guangdong such as Sun Yat-sen, Kang Youwei, and Liang Qichao capitalised on the unrest. Sun would become known as the ‘Father of the Nation’, heading up the movement that established the Republic of China in 1912.

The influence of these movements may have extended beyond China to overseas Chinese communities. The discovery of gold in America and Australia presented opportunities for merchants to travel and trade in labour and goods; many took an interest in the ongoing political situation in China, but also in that which was developing around them in their trade outposts. Just as in China protest was a response to political developments, so it was for the Chinese in diasporic communities from the mid-nineteenth to early twentieth centuries. Protest was one of the few means available for voicing their concerns about discrimination. The common pattern tended to be that authorities in resource-rich areas were initially grudgingly accepting of the Chinese presence due to their ability to fulfil demands for labour and to facilitate trade, but then later introduced policies to curb the ‘threat’. Discrimination was commonly deployed in the connected arenas of immigration, employment, race relations, and trade through the denial or removal of rights (for example, restriction or exclusion policies, licensing) and taxes (per head or ‘poll’ taxes on entry, duties).

The Chinese responded to discrimination through the avenues accessible to them: written appeals in the form of letters and petitions to newspaper editors or government agencies, court cases, and industrial action. This demonstrated their understanding of Western administrative systems, but also hinted at Chinese influences such as Confucian beliefs in reciprocity and egalitarianism, and protest movements in China. In 1902, ‘a multitude’ of merchants in America protested in writing to the Emperor about Exclusion legislation prohibiting the entry of Chinese labourers. Charles McClain has written a comprehensive survey of the ways in which Chinese in nineteenth-century America contested discrimination in law courts. A number of protests occurred in 1907: 1100 Chinese storekeepers in the Transvaal petitioned the Chinese Minister in London over the Asiatic Restriction Act; Chinese in Wellington petitioned King Edward regarding the Chinese Immigration Act; and Chinese domestic workers and mill hands in Vancouver protested against mistreatment by going on strike. A ‘great outcry’ from the Chinese in Moose Jaw, Alberta in 1912 over legislation prohibiting Chinese businessmen from employing white girls was supported by Sun Yat-sen, who threatened sanctions.

The Chinese were active protesters in Australia against anti-Chinese legislation such as poll taxes and the 1901 Immigration Restriction Act. In 1855, the

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3 Hung, pp. 124, 127.
5 ‘Chinese Protest from America’, Darling Downs Gazette, 7 January 1902, p. 3.
Victorian government mandated a poll tax of £10 per Chinese migrant, and a limit of one Chinese per ten tonnes of shipping. The Chinese on the Victorian goldfields organised petitions (1856) and ‘monster meetings’ (1857, 1859), and letters to the editor (for example, that of Ballarat restaurateur John Alloo in 1857). In 1888, Sydney merchants sent copies of Henry Parkes’ anti-Chinese bill to the Emperor, the Viceroy of Canton, and the Chinese ambassador in London. Melbourne merchants Lowe Kong Meng, Louis Ah Mouy, and Cheok Hong Cheong (all from families originating from Guangdong) published pamphlets on the Chinese Question in 1879 and 1888. Sydney’s Quong Tart, also from Guangdong, famously campaigned against the opium trade. The Chinese were not the only non-European protestors. Aboriginal people, Pacific Islanders, and Hindu (Indian) and Afghan cameleers also crusaded against discrimination.

The high incidence of Chinese protests in China and worldwide in this period demands closer attention and location within broader contexts of transnationalism and imperialism. Hung’s abovementioned study of mid-Qing protests provides historical background on how and why the Chinese were active protestors in China, challenging the notion that protesting for human rights originated solely from European Enlightenment. But it does not extend to discussing whether these protests influenced those of Chinese overseas. Charles McClain’s abovementioned study does not consider the possible influence of Confucianism and Chinese politics. As Alison Broinowski comments, similarities between Chinese movements in America, Canada, and Australia suggest these communities ‘must either have been in direct contact, or have been well informed about each other’s activities’. The extent to which they were influenced by each other, and by rebellion in China, is ripe for further exploration; certainly Huang Jianli and others have noted connections between the overseas Chinese and Sun Yat-sen’s movement. It is notable that so many Chinese migrants and merchant leaders were from Guangdong. Sun Yat-sen visited Canada several times. Branches of his Revolutionary Alliance were established there in

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12 McClain, In Search of Equality, p. 279.
13 Broinowski, About Face, p. 73.
1911. When writing about the Chinese in New South Wales who were members of the Hung League, John Fitzgerald suggests that they were ‘capable of politicising and depoliticising themselves, and to have borrowed as freely from Anglo-Australian institutional networks as they did from Sun Yat-sen’s Chinese nationalist organisations’. Julia Martinez has examined how young people in Darwin in the 1920s and 1930s were influenced by Sun Yat-sen in the formation of the Darwin Kuomintang.

Recent studies of Chinese campaigns in Australia have begun this broader contextualisation. Marilyn Lake promotes a cosmopolitan approach—‘one attentive to encounters between diverse peoples in the wider world’, shifting from the ‘privileged location of European thought and history’ to ‘the interplay between the constitution of the "local" and the "global," the "particular" and the "universal"’. Lake feels this should be applied to nineteenth century Chinese colonists in Australia who were both ‘imperial subjects and Australian immigrants’ and thus ‘argued their claims in the name of "cosmopolitan friendship and sympathy" and Confucian reciprocity’. Fitzgerald proposes that British-Chinese treaties inspired overseas movements and vice versa. Broinowski suggests that petitions were frequently employed by Australian Chinese because they were a common form of appeal to rulers in China.

The protests of the Chinese in the Northern Territory from the late nineteenth to early twentieth centuries will serve as a case study for a possible approach to locating Chinese diasporic communities within broader contexts. Initially, the Territory was under the jurisdiction of South Australia, but was handed over to the Commonwealth in 1911. Throughout this period, the Territory Chinese were organised by key merchants who spearheaded protests against a range of issues through a variety of channels. Some work has been done on specific protests or aspects of protests by Chinese in the Northern Territory. But no known study has surveyed protests together as collective, organised, sustained, and varied resistance.

The following study will explore archival material and outline ways in which the Territory Chinese were discriminated against during this period and how leaders coordinated responses in English through the press, courts, and government agencies, sometimes with the support of Europeans. It will suggest that these campaigns followed conventions of British colonial administration, but may also have been influenced by Confucianism, imperialism, and movements in China.

‘Extraordinary Progress’: The Northern Territory Chinese

In the late nineteenth century, the Chinese were numerically dominant in the Territory, lured by the gold rush to goldfields such as Pine Creek (1871) and Tenant Creek (1895). There was demand for labourers to build railways and openings for merchants to capitalise on steamship routes to supply this labour, as well as goods for migrant Chinese. By 1881 there were approximately 4108 Chinese compared to only 660 Europeans resident in the Territory. As in other Chinese diasporic communities, the Territory Chinese community was organised and hierarchical with merchant leaders mostly from Guangdong.

Chinese businesses were among the first established in the Territory. The earliest known Chinese business was probably the storekeeper, importer, and labour supplier Sun Wah Loong in 1880 (later superseded by Wing Wah Loong). Wing Cheong Sing, the leading tailoring firm in the Territory, followed in 1883 along with the grocer and restaurateur Man Fong Lau in 1886. The Chinese rapidly became a visible presence through their commercial dominance of Cavenagh Street (‘Chinatown’), essentially the main street of Darwin and its central business district. Even Europeans were dependent on Chinese goods and services.

The initial acceptance of the Chinese in the Territory is evidenced by their participation in early community protests. In 1878, a gathering of residents protesting against the re-introduction of customs duties included ‘a large number of Chinese’ who ‘appeared to be fully alive to the objects of the gathering’. An 1882 public meeting in Southport about violence committed by Aboriginal people featured Chinese storekeepers, among them mining magnate Ping Que, and Sun Wah Loong. The MP H.E. Bright commented ‘that the Europeans and Chinese paid taxes to the Government, and therefore had a right to demand protection’ (emphasis added). Ping Que seconded the proposed motion. This uniting of the Chinese and Europeans against Aboriginal people distorted what Regina Ganter describes as typical ‘histories of Aborigines and of Asians against a white centrefold’.

As Chinese success grew, so did resentment from European businessmen, particularly Vaiben Louis Solomon and his associates. Solomon was a mining and shipping agent and later a Member of the South Australian Parliament who was at times sympathetic to the Chinese, but during the period 1888-1892 was leading anti-
Chinese campaigns. Ironically, one of the first independent protests by the Chinese was in 1883 for Solomon to be their legal representative. As an employer of Chinese labour, Solomon advocated for their migration and assisted them in their court cases, despite lacking legal qualifications. When a magistrate tried to prevent this, 13 Chinese merchants (including Sun Wah Loong) petitioned the Minister for the Northern Territory, requesting that Solomon or someone else be permitted to continue in this capacity. The Minister ‘[did] not feel disposed to interfere’.29 Yet by 1888, Solomon was campaigning against the Chinese. The South Australian Parliament continuously rejected a poll tax for the Territory due to the need for Chinese labour, so Solomon played on fears that the Territory was an open gateway for Chinese to enter the country. He petitioned the Victorian Government to put pressure on the South Australian Government to restrict Chinese immigration on the basis of their ‘extraordinary progress’ in the Territory:

The Chinese are fast gaining a monopoly of all descriptions of labor, of all trade work, of agricultural pursuits, and of mining…there being no tax upon the Chinese they will continue to flow into the Northern Territory, and must, inevitably, filter into all the colonies.30

Solomon’s motivation for doing so may have been the competitiveness of the Chinese during a time of economic downturn during which his business interests were affected. In 1901, as an MP, Solomon did not conceal such motives from Parliament.31 He said that in the beginning, when the Chinese were:

doing a little peddling and buying their goods from us, we did not feel that the shoe pinched; but when we found that they were importing goods from Hong Kong, and importing Californian flour at a price lower than that at which we could get it from Adelaide, and selling it at a very small profit, and that they could live for very much less than we could, we took action.32

**Stemming the Tide: Discriminatory Government Policies**

The influence of Solomon and company on anti-Chinese legislation should be considered; certainly, from this period the Chinese experienced discrimination in many facets of life, intensifying around Federation in 1901. An early example was the 1882 Northern Territory Customs Act and its 1886 amendment which levied or increased duties on goods associated with the Chinese (although this was never

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29 ‘News and Notes’, *Northern Territory Times and Gazette*, 21 April 1883, p. 2.
32 Commonwealth of Australia, *House of Representatives Immigration Restriction Bill Speech*. 
explicitly stated), such as opium, rice, tea, and Chinese oil. A petition signed by 36 Chinese storekeepers was tabled in Parliament expressing concern about the impact of these measures on the working class, who were the main consumers and already on the brink of starvation. Their plea went unheeded. At the Inter-Colonial Conference on the Chinese Question in June 1888, the colonies agreed to legislate against Chinese immigration. Merchants would be exempted. This was enacted in South Australia through the 1888 Act for the Restriction of Chinese Immigration in which: ‘Chinese’ were defined as ‘every person of Chinese race not exempted from the provisions of this Act’; the poll tax for South Australia was abolished; vessels could only carry one Chinese per five hundred tons of shipping; and those who were able to obtain exemption certificates for a fee were excepted.

Restrictions imposed by the first Commonwealth Government anxious to maintain a White Australia affected the Chinese greatly, particularly in immigration and employment. The 1901 Immigration Restriction Act introduced a dictation test that could be delivered in any European language as a condition of entry. Exemption certificates were available, but only to merchants, their families, and their domestic servants, thus preventing merchants from the mass importation of labour from China. Chinese people were no longer eligible for naturalisation, and those already naturalised were not guaranteed re-entry if they departed.

The authorities tried to limit the economic success of the Chinese through restrictions on employment. Mining, one of the industries for which Chinese were brought to the Territory in the first place, was later denied to them. Many merchants built their businesses on earnings from mining, and many Chinese supported their families on mining incomes when few Europeans were willing to work in the industry. It must have seemed like a betrayal when the South Australian Parliament passed the 1903 Northern Territory Mining Act proclaiming: ‘All miners’ rights, except those issued to Asiatic aliens, shall be available for the whole of the Northern Territory’. This was followed in 1909 with an amendment by the South Australian Parliament to the 1904 Fisheries Act. Fishing licences would henceforth only be issued ‘to a natural-born or naturalised subject’. Nowhere do the terms ‘Asiatic’ or ‘Chinese’ appear, yet it was understood that Chinese and other ‘coloured aliens’ were the intended target, and that when their current licences expired they would not be renewed. Police officers noted names of Chinese holding fishing licences and carrying out the trade. A final insult would come in 1912 under Commonwealth administration with the formation of the first trade union in the Territory, the

33 No. 383: An Act to amend “The Northern Territory Act, 1863,” and “The Northern Territory Customs Act, 1882” (SA); No. 254 An Act to amend the Laws relating to the Levy and Collection of Customs and other Duties in the Northern Territory 1882 (SA).
34 ‘House of Assembly: A Chinese Petition’, South Australian Register, 6 November 1886, p. 6.
35 M. Willard, History of the White Australia Policy to 1920, Melbourne, Melbourne University Press, 1923, p. 90
37 No. 839 An Act to amend and consolidate the Laws relating to Mining for Gold and Minerals in the Northern Territory 1903 (SA).
38 No. 977 An Act to further amend “The Fisheries Act, 1904,” and for other purposes, 1909 (SA), p. 3.
39 ‘Tinkering Legislation’, Northern Territory Times and Gazette, 18 February 1910, p. 3.
Amalgamated Workers’ Association, and the federal government’s specification that government work was to be completed only by unionised labor. Chinese merchants were unable to bid for government contracts, and Chinese workers stood little chance of gaining work. These various restrictions made it difficult for many Chinese to remain. By 1911 and the handover to the Commonwealth, the population of Chinese in the Territory had dwindled to almost a quarter of 1881 figures.

Keeping the Chinese and Aboriginal people separate was also part of maintaining a White Australia. There was the fear that Aboriginal people might become a threat if they colluded with the Chinese, whether in business or relationships. Prior to 1911, Aboriginal people had relative freedom of movement in Darwin and could be employed by other races. While there were some Chinese who exploited Aboriginal people, Aboriginal people sometimes preferred Chinese employers who treated them better than white employers. After the handover, the Commonwealth government was increasingly concerned about Aboriginal-Chinese liaisons, such as rising numbers of ‘half-caste’ children. Another concern was the corrupting influence of the Chinese through supplying Aboriginal people with liquor and opium. Police raids were conducted on Chinese businesses. The 1910 Northern Territory Aboriginals Act prevented ‘any person of any Asiatic race’ from obtaining a licence to employ Aboriginals. The Commonwealth Government revised this as the 1911 Aboriginals Ordinance, and appointed Baldwin Spencer as Special Commissioner and Chief Protector of Aborigines. The Ordinance gave the Administrator power to declare areas prohibited to Aboriginal people; these included the Chinese sections of Darwin and Pine Creek. In his 1912 report on sanitation in Darwin’s Chinatown, Chief Medical Officer Mervyn Holmes stated that the Chinese were to blame for the degeneration of Aboriginal people; before the Chinese came, the Aboriginal people were ‘free from diseases… and capable of feats of great physical endurance’, but now they were weaker and susceptible to diseases. Chinatown was partially demolished in 1913-14 in response to Local Health Board

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44 De La Rue, ‘Ruled by Remote Control’, p.100.
49 No. 1024 An Act to make Provision for the better Protection and Control of the Aboriginal Inhabitants of the Northern Territory, and for other purposes, 1910 (SA).
50 De La Rue, ‘Ruled by Remote Control’, p. 99.
reports that it was overcrowded and lacking in sufficient drainage and sewerage. This was in spite of the fact that similar problems plagued European quarters.52

The Chinese Response

The Northern Territory Chinese actively protested against discrimination through coordinated and varied approaches. In other Australian colonies Chinese protests tended to be en masse (as on the Victorian goldfields) or spearheaded by identities such as Quong Tart or Yinsoon Lee in Sydney, Way Lee (Adelaide), or the Melbourne-based triumvirate Lowe Kong Meng, Cheok Hong Cheong and Louis Ah Mouy. In the Northern Territory, protests were led by conglomerates of merchants going by their business names, or sometimes collectively as ‘Chinese storekeepers’, or ‘on behalf of Chinese residents’ or ‘on behalf of the Chinese community’.53 Between 1905 and 1920 (and beyond) they sometimes appeared under the corporate banner of the Wah On Club or the Wah On Society (華安會館 Hua An Hui Guan, ‘Harmony and Peace Guildhall’). Members included many established and influential merchants. The president was Ah Cheong (or Ah Chong) of Wing Cheong Sing; he was Hong Kong-born and fluent in English.54 Five individuals or businesses were secretaries: Fong How (Fong Sui Wing) of Wing Wah Loong, Lee Chow of Man Fong Lau, the jeweller Cheong Wo, and storekeepers Chin Yam Yan and Yet Loong.55 These names were connected to many of the protests. Most, if not all, were of Guangdong origin. Some members, like Wing Wah Loong, were patriarchs of transnational business networks and travelled frequently to Hong Kong and China.

The Wah On Society appears to have been the only Chinese organisation in the Territory in this period. It is possible that it superseded the Triad, or the Hung Sung Tong, a philanthropic benevolent society that reportedly originated from the White Lily in China, who aimed to overthrow the Qing dynasty and restore the Ming.56 Further evidence of the Territory Chinese businessmen maintaining links with politics in China was visibly demonstrated in November 1911. Upon hearing the news from China via the St Albans of the Republicans’ success, Cavenagh Street was alive with drums and fireworks. The Republican flag was hoisted at ‘all the Chinese business premises’ alongside the Union Jack and the Australian flag.57 As well as a keen interest in the Australian politics that affected them, it is possible that

53 For example: ‘Chinese Tribute to Mr Francis’, Northern Territory Times and Gazette, 25 June 1914, p. 8; W. C. Sing et al., Letter to the Honourable Josiah Thomas; A. Chong et al., ‘Petition to Government Resident’, Chinese in Northern Territory. Disabilities under which they are working, 1911, 1912/10547, National Archives of Australia.
these leaders were well-versed in organisation and protest as a result of Chinese experiences or influences.

The merchant leaders responded in English through predominantly non-violent, state-resisting (reactive) protests (according to Hung’s definitions). They used channels considered acceptable to officials (the press, government agencies, the legal system), with the assistance of English-speaking Europeans or Chinese. They protested to protect their own interests, but also the working class who were the worst affected. In this way they may have been fulfilling Confucian obligations first to family and kin, then to friends, and finally to strangers. The protests of the Territory Chinese demonstrated what Paul Macgregor, John Fitzgerald, Marilyn Lake, Mei-fen Kuo, and others have argued was an astute understanding of formal British means of protesting acceptable to colonial authorities, knowledge of imperial treaties, and Chinese sensibilities (such as Confucian reciprocity and egalitarianism). But the Territory Chinese also employed illegitimate forms of protest (defiance, inaction).

Putting it in Writing

The Territory Chinese confidently mobilised traditional written forms of protest. They published petitions in newspapers, sent them to government officials as letters or telegrams, or had them delivered by deputations. Petitions followed the correct conventions: they were addressed to specific government representatives, outlined problems and suggested solutions, contained the diction of British Christianity (‘your petitioners will ever pray’), and had signatories. Petitioning appears to have been the predominant method used. Karen O’Brien comments that petitions were a passive-aggressive form of protest because though they were formal, they ‘often contain[ed] details of extreme discontent and in this regard they serve[d] as symbols of open opposition to the power of the state’. As mentioned, one of the earliest petitions by the Territory Chinese was in 1883 for Solomon to be their legal representative.

Many petitions related to immigration and employment injustices. In 1904, the Governor-General received a telegram from ‘old Chinese residents of Port Darwin’.

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58 Hung, Protest with Chinese Characteristics, p. 17.
61 ‘Correspondence - Petition for the right of Chinese residents to return to Port Darwin’.
Darwin’ pleading on behalf of nine Chinese who arrived from Hong Kong but were refused admission despite having exemption certificates and the support of the South Australian Premier J.G. Jenkins. The petitioners declared these Chinese had been residents of the Territory since before 1888, and had been ‘assured by the authorities’ that their certificates would guarantee re-entry. They emphasised the need to ensure British law was adhered to, pledged allegiance to the Crown, and admired ‘the honour and justice attendant on the administering of British law’. To further underline this, petitioners were listed first by those who were naturalised British subjects (including Chin Yam Yan).

In 1911, Ah Chong and other Wah On Society members sent a petition to Justice Mitchell, the Government Resident, outlining consequences of the 1903 Mining Act, the 1904 Fisheries Act, and the 1910 Aboriginals Act. They pointed out the injustice of Chinese being forced to vacate goldfields even though several were Hong Kong natives, and therefore British subjects. The denial of fishing licences to Chinese meant that many were now devoid of employment and income. If the Chinese were excluded from this trade, the town would be deprived of its supply of fresh fish. Also, Chinese fishermen had applied for licences on the basis that they were Hong Kong-born, and thus British subjects, but had their applications rejected. They were unable to produce supporting documentation from Hong Kong as there was no birth register for Chinese there. The inability to employ Aboriginal people was ‘a great hardship’ for merchants, and they insisted that they had employed ‘the same blackboys...for years and have always treated them well and the boys do not want to leave us’. The petition concluded by paying tribute to the Europeans who were prepared to sign a petition in support of their plight.

The Europeans honoured this pledge. The Chinese merchants gave another defence of the Chinese treatment of Aboriginal people in a 1912 letter written on their behalf by solicitor J.J. Symes to Spencer, the Chief Protector of Aborigines. They argued that many Chinese employers treated their native workers with more than due consideration, and that some Chinese employers were British subjects, and thus being deprived of rights available to other British subjects. The letter was accompanied by a petition signed by 33 Europeans, including Commercial Bank manager J.E. Davies; former Inspector of Police Paul Foelsche; Northern Territory Times and Gazette proprietor C.J. Kirkland; and Pattie, the Superintendent of the Eastern Extension Telegraph Company. The tide had turned—the Chinese activists had shifted from being participants in protests organised by Europeans, to organisers of protests participated in by Europeans.

Petitions could also be state-engaging (proactive). The Adcock Brothers wrote to the Government Resident in 1885 on behalf of the merchant Sun Mow Loong and others, with a remarkable proposal. The merchants proposed forming a company that would have sole right to import opium in its raw state and manufacture it. They

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64 ‘Correspondence - Petition for the right of Chinese residents to return to Port Darwin’.
66 Chong et al., p. 5.
67 ‘Northern Territory Application and Petition for repeal of that section of the NT Aboriginals Act of 1910 which forbids the employment of any person of Asiatic Race February-March 1912’, 1912, A1 1912/6611, National Archives of Australia Canberra.
wanted assurance that there would be no official interference.\textsuperscript{68} Such schemes of ‘contracting with colonial governments for the lucrative monopoly and distribution of opium and alcohol’ seem to have been common in diasporic Chinese communities.\textsuperscript{69} Later, in 1905, the ‘Wah On Club’ wanted it known that they supported the South Australian Parliament’s efforts to convince the Commonwealth government to prohibit opium importation. They sent a telegram to this effect to Solomon, who read it to the House of Assembly on their behalf.\textsuperscript{70}

The Chinese appealed twice for government assistance with absconding debtors. In 1896, a deputation of Chinese merchants and tradespeople waited on the Government Resident, concerned about debtors escaping into Queensland.\textsuperscript{71} The Government Resident agreed to assist them. In 1913, merchants, together with notable European businesses such as Bell and Luxton, again petitioned the Administrator for assistance with absconding debtors. The Chinese were seemingly trying to establish a reciprocal agreement by helping the authorities in the hope that the authorities would return the favour. These are examples of the Chinese appealing to the authorities for assistance, but they also highlight the support of some Europeans.

The popular press also provided a vehicle for political engagement through letters to the editor. Letters to the editor were appropriately addressed, responded to specific letters, articles or issues, and suitably concluded (‘we have the honour to be, Sir, Your obedient servants’).\textsuperscript{72} Possibly newspaper editors permitted Chinese voices to be published because of the profit derived from advertisements for Chinese businesses, which reportedly accounted for forty per cent of newspaper advertisements.\textsuperscript{73}

The letters were particularly concerned with addressing negative representations of the Chinese. In 1900, ‘obedient servants’ including key Wah On merchants wrote to the editor of the \textit{Northern Territory Times and Gazette} challenging the author of a letter titled ‘One of the People’ about slanderous claims he had made about the Chinese. They challenged him to repeat his claims to the Government Resident.\textsuperscript{74} In 1905, a group of Chinese businessmen, again including key players of the Wah On Society, wrote to the editor of the \textit{Northern Territory Times and Gazette} criticising MP Samuel Mitchell for pessimistic remarks about Chinese mining in the Territory. They praised the paper’s editor for suggesting that the Chinese were not entirely a ‘curse’.\textsuperscript{75}

\textsuperscript{68} Adcock Brothers, ‘Asking for sole right in preparation of opium for seven years, Government Resident of the Northern Territory Inwards correspondence’, 1885, NTRS 790, A8121, Northern Territory Archives Service Darwin.
\textsuperscript{70} ‘Opium in the Territory’, \textit{The Advertiser}, 26 October 1905, p. 6.
\textsuperscript{71} ‘Notes of the Week’, \textit{Northern Territory Times and Gazette}, 24 April 1896, p. 3.
\textsuperscript{72} Y.Y. Chin et al., ‘To the Editor’, \textit{Northern Territory Times and Gazette}, 30 November 1900, p. 3.
\textsuperscript{74} Chin et al., ‘To the Editor’, p. 3.
In 1907, a letter titled ‘Concerning Opium’ from ‘Chinese Storekeepers of Palmerston’ responded to a letter by ‘Anti-Drug’, specifically to the insinuation that Chinese storekeepers were still illicitly trading opium. They pointed out that the anti-opium campaign and legislation was due to their efforts. The letter makes reference to imperial tensions: that ‘our Emperor’ had recognised the evils of opium and tried to ban importation, ‘but was forced by the English Government to admit it’. The *Northern Territory Times and Gazette* later commended the Chinese merchants for their ‘part by petitions and otherwise in bringing about the prohibition of importations of opium on the ground of its evil effects’.

The language of these written protests was respectful—‘we thank you’, ‘we respectfully beg’. They were perhaps less explicitly Christian and Confucian than the pamphlets of Lowe Kong Meng, Cheok Hong Cheong, and Louis Ah Moy. Sometimes the tone was that of a pleading child: ‘Your Excellency has always treated [us] just the same as if [we] were your own children’. At other times, it is almost accusatory—if they had known how things would turn out, they probably would not have come to Australia. Sometimes, the Chinese were self-congratulatory, for example praising their own efforts to eradicate the opium trade. They praised Europeans who assisted them. The protests of the Northern Territory Chinese were not as pointed in asserting Chinese superiority as in the abovementioned pamphlets. But they were not afraid to challenge—calling the Government Resident Samuel Mitchell ‘ignorant’ regarding the Territory, and thus a ‘more serious menace’ than the Chinese.

The campaigns constantly affirmed three elements—legitimacy, loyalty, and long-term intentions—perhaps influenced by Confucian reciprocity, and their understanding of treaties such as the 1860 Convention of Peking, which ceded Hong Kong to Britain at the conclusion of the Second Opium War. They reminded the authorities that the Chinese had come to the land freely, and had been (for the most part) law-abiding tax payers, who had invested greatly in the country, sometimes at heavy personal loss. They pledged allegiance to the Crown and its Empire, to British law, and justice. The Chinese desired equal treatment with white Australians and consistently pointed out the inequitable meting out of justice. Distinctions were made between those who were ‘native born’ rather than ‘alien’, and that Chinese who were born in Hong Kong and Australia should have equal rights and treatment as British subjects. This, Fitzgerald feels, is a comprehension of treaties. The merchants sometimes listed how long they had been resident in the Territory as evidence of

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76 C. Wo et al., ‘Concerning Opium’, *Northern Territory Times and Gazette*, February 8 1907, p. 3.
77 Wo et al., p. 3.
78 ‘Opium Smuggling’, *Northern Territory Times and Gazette*, 29 November 1907, p. 3.
79 For example: Chin et al., ‘To the Editor’, p. 3.
80 ‘Chinese Petition’, *North Australian*, 8 October 1887, p. 3.
81 Chong et al., ‘Petition to Government Resident’, p. 4.
82 Wo et al., ‘Concerning Opium’, p. 3.
83 Chong et al., ‘Petition to Government Resident’, p. 5.
85 Chin et al., ‘Throwing Mud’, p. 2.
their commitment. They emphasised their positive contributions to society: ‘to the railway revenue, to the earnings of steamship companies, European shopkeepers, and local banks…we have resided here and made this our home equally with European residents…’

A Law Unto Themselves

Like the Chinese in America, the Territory Chinese applied to the law courts for redress. They could use a system that was frequently used to control them. McClain suggests that merchants initiated legal battles because they had the finances to do so, helped by their associations which had funds to engage legal aid. Historian Mark Finnane surveyed Chinese involvement in Australian litigation as challengers, concluding that the general adherence of judges to fairness meant that many Chinese were heard in court, often successfully, thus demonstrating recognition of their rights and ‘the strength of the Chinese community networks’. Appeals often contested opium charges, property rights, and employment exclusion. The Chinese knew which court to apply to, for what, and what rights they were entitled to, and engaged the services of Europeans with status and legal knowledge. Finnane argues, however, that sometimes legal success backfired on the Chinese, resulting in further discriminatory legislation.

In the subsequent court case of the 1904 incident involving nine Chinese who landed with suspect exemption certificates, the defendants were provided with legal counsel by an organisation referred to in a newspaper report as ‘the Chinese Society’. This Society engaged solicitor J.J. Symes and a Mr Little (probably aspiring politician and legal advocate E.P.G. Little) to represent the defendants before the magistrate. But when the Sub-Collector of Customs proved that the certificates had been forged, the Chinese Society relinquished the case. This case, which received nationwide press coverage, illustrates the extent to which the Chinese were prepared to engage in public discourse about immigration, despite knowing that they might be found to have acted illegally. The necessity of such acts of defiance will be discussed later in this article.

In 1902, merchants Wing Wah Loong and Yot Sing were charged with illegally supplying alcohol to an Aboriginal man named Shepherd. The defence asserted that the offence had occurred during Chinese New Year festivities, that Shepherd was already drunk when he entered the premises, and that the defendants were unable to discern that Shepherd was Aboriginal as he was a ‘half-caste’. While the bench considered this evidence suspicious, Wing Wah Loong was let off without

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88 For example: Chong et al., ‘Petition to Government Resident’.
91 McClain, In Search of Equality, p. 279.
93 Finnane, p. 194.
94 Finnane, p. 199.
charge, and Yot Sing was merely fined. The difficulties posed by legislation meant to keep Chinese and Aboriginal people separate could be favorably exploited.

A most extraordinary example of protest through the courts occurred in 1918 when Wing Wah Loong and Co. brought a case against the Sub-Collector of Customs E.P. Geraghty in the High Court. The firm alleged the official ‘illegally and wrongfully opened, interfered with and delayed the delivery of letters and mail’ to and from the firm, and threatened to continue doing so. Such tampering may have been war-time censorship. For whatever reason, the plaintiffs dropped the case. Perhaps the point had been made.

Defiance

The lack of action by the Territory Chinese in response to discrimination could also be seen as protest. In 1887, after the Local Board of Health condemned huts in which Chinese were living, a series of cases were heard in the Police Court with Chinese found guilty of occupying, or knowingly allowing to be occupied, the condemned huts. Among those charged were merchants Chin Yam Yan, Hang Gong, and Wing Wah Loong. The merchants’ refusal to cooperate shows they were unafraid to defy the authorities in order to do what they felt was right for themselves and their clients.

But it is in immigration cases that clear acts of defiance by Chinese merchants may be seen. The authorities were suspicious of Chinese bringing in countrymen with counterfeited or misappropriated documents. Historian Kate Bagnall puts this bluntly:

A fundamental part of the way the Immigration Restriction Act was administered was the assumption by officials that Chinese were actively looking for ways to circumvent the restrictions to illegally enter Australia.

Two major cases of illegal immigration put the Darwin Chinese in the national and international spotlight as a test of the new federal immigration laws. One was the 1904 case discussed earlier in this article. The other involved the disembarkation of eighteen children in Darwin from the St Albans in October 1912. The children claimed to be Australian-born, returning with the necessary paperwork, but inconsistencies aroused the suspicions of authorities. After examining birth certificates possessed by the children, it was found that 13 were not registered until after 12 months or more, and eight were only registered in 1912.

There are a number of noteworthy aspects about this case. Residents who contributed statements in support of the children’s identities included well-known

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96 ‘News and Notes’, Northern Territory Times and Gazette, 14 February 1902, p. 3.
97 Wing Wah Loong and Company versus GERAGHTY Edward Patrick, 1918, A10075, 1918/30, p. 2.
Europeans like leading midwife Jane Elizabeth Tye, businessmen Walter Bell and E.V.V. Brown, but also prominent Chinese businessmen—particularly those from the Wah On Society. These witnesses testified that many of the children belonged to eminent merchants’ families in the Territory. Some claims were clearly false. The case seemed to confirm information the authorities had received that European and Chinese businessmen were conspiring to bring young Chinese into Darwin with counterfeit birth certificates. The Sub-Collector of Customs was also concerned that Ah Chong’s involvement in the case as interpreter was a conflict of interest because, as president of the Wah On Society, Ah Chong was the ‘chief person interested in [the children’s] introduction’.

A report on the case in the South Australian Advertiser concluded with this remark: ‘[the Chinese] say that of the great number of Darwin-born Chinese now in China, only those who have money or rich friends can ever hope to return’. This hints at a reason why Chinese merchants would circumvent immigration laws. When discussing the situation of the Chinese in California in the same period facing similar restrictions, historian Elizabeth Sinn notes that Gold Mountain firms assisted Chinese to enter the United States by posing as merchants. But rather than viewing such cases as merchants defying authorities for their own gain, Sinn sees them as ‘organised’, ‘creative’ and ‘honourable’ responses to exclusion. These cases of ‘borrowed identities’ could be read as one of the few means available to the Northern Territory Chinese merchants of overcoming immigration restrictions.

Conclusion

Just as the Australian colonial and federal governments’ response to the mass migration of Chinese in the mid to late nineteenth century was organised, sustained, and varied, so too was the reply of the Northern Territory Chinese community. From the late nineteenth to early twentieth centuries (and beyond), the merchants who headed up the community ensured that the Chinese voice was heard. Through official appeals (via the press, government agencies, and law courts) and unofficial means (inaction, defiance) available to them, it was a many-pronged approach, a constant volley of return fire against a paternalistic state that at first tolerated them, then comprehensively rejected them. In a sense, what the Chinese merchants were asking for was not so much the abolition of current restrictions or the enlargement of rights, but rather a restoration of rights they had enjoyed previously. As has been seen, the injustice was not always in the legislation itself, but in its application. Therein lay the frustration.

Regarding the petitions of First Australians, O’Brien states:

First Australian petitions stand apart from other primary colonial sources of information in that they contain the actual voices and

101 Commonwealth of Australia, Chinese with Birth Certificates, p.12.
102 Commonwealth of Australia, Chinese with Birth Certificates, p.11.
narratives of the petitioners. There is a danger that they will be regulated to the past as a subset of collaboration without due consideration as political, legal, and historical records of resistance.\textsuperscript{106}

The same could be said of the protests of the early Chinese migrants, not just in Australia but worldwide. They persevered and voiced their rights to live peacefully in countries they considered their own. Such protests were characterised less by violence than by reason. They are a rich illustration of the ways in which the diasporic Chinese were able to locate themselves in transnational contexts by marrying their understanding of Western systems, Enlightenment ideas about human rights, and imperial treaties with Confucian reciprocity and egalitarianism, and a keen interest in Chinese politics. Further scholarship may uncover more about these interconnectivities. These protests serve as important historical records of marginalised voices—both the Chinese and the Europeans who supported them. May their echoes continue to inform racial discourse about our past, present, and future.