

Finding the Chinese perspective: Locating Chinese petitions against anti-Chinese legislation during the mid to late 1850s Anna Kyi

Abstract

This paper complements my article on petitions against taxes that were imposed on the Chinese during the latter half of the 1850s in Victoria. It seeks to encourage further research on this topic and hopefully the discovery of more petitions. Towards these ends, this article provides a guide to where those petitions that have been discovered can be located in Public Record Office Victoria, *Votes and Proceedings of the Legislative Assembly* (Victoria), newspapers and books. No single source contains a comprehensive collection of the petitions from all phases of the Chinese protest campaign and each type of source has particular limitations and benefits.

Article

One of the challenges facing researchers of nineteenth-century Chinese-Australian history is the dearth of sources reflecting the Chinese perspective. Part of the difficulty in gaining a better understanding of the Chinese protests against the various taxes imposed on them during the mid to late 1850s has been locating the petitions from the Chinese and their supporters. The [accompanying article](#) also published in this issue of *Provenance* puts the petitions that have been located into the context of evolving anti-Chinese legislation. The present article seeks to encourage further research into this topic by identifying where the petitions can be found at Public Record Office Victoria (PROV) as well as in published sources such as the *Votes and Proceedings of the Legislative Assembly* (Victoria), newspapers and books. Towards this end, it also considers some of the benefits and limitations of these sources. No one source contains all of the petitions from all of the various phases of the Chinese protest campaign. To consult only one source can create the risk of interpreting an incomplete picture. Further research might uncover more petitions. For researchers interested in locating other petitions held by PROV, this article will provide some useful ideas on how to approach this search.

Votes and Proceedings of the Legislative Assembly

If you are trying to access petitions from the early phases of the protests against the £10 immigration poll tax and the proposed Chinese residence tax in 1857, the *Votes and Proceedings of the Legislative Assembly* are worth consulting. However, they are not comprehensive in relation to these particular phases and prove to be inadequate in relation to later phases (1859). There are two main reasons for this. First, not all papers tabled at the Legislative Assembly were printed. This is the case with petitions that were tabled in late 1859 from Chinese in Castlemaine, Bendigo and Melbourne¹ and it is also relevant to the petition against the immigration poll tax from Chinese in Victoria tabled in 1856. Second, not all petitions were addressed to the Legislative Assembly and so they could not be tabled in this forum.

Petitions in the *Votes and Proceedings of the Legislative Assembly* are accessible on microfilm at the State Library of Victoria. This source also contains the 1857 petitions against the Chinese influx.² When read together these petitions become a dialogue: you can see the accusations that were made against the Chinese as well as how the Chinese chose to defend themselves. It is also possible to get an understanding of the level of support for the petitions from this source. All but one of the petitions against the Chinese taxes identifies the number of signatures that were attached to the originals.

Table 1: Petitions against the 1855 immigration poll tax

Authors	Petition No.	Page No.	No. of Signatures
Chinese Storekeepers, Miners and others resident in Bendigo, 1856	E1	p. 865	5168

Table 2: Petitions against the proposed Chinese residence tax 1857

Authors	Petition No.	Page No.	No. of Signatures
Natives of China residing in the Colony of Victoria	E 56	p. 975	130
Residents in Victoria belonging to the Chinese Nation	E 57	p. 977	238
Chinese Resident in Castlemaine	E 66	p. 995	2873
Storekeepers and Traders resident in the District of Castlemaine (Europeans)	E 68	p. 999	35
Sitting on Chinese Business	E 76	p. 1015	Not indicated

Table 3: Petitions against the Chinese influx 1857

Authors	Petition No.	Page No.	No. of Signatures
Members of the Local Court of Castlemaine	E 38	p. 939	JM Bull on behalf of court
Members of the Local Court of Fryer's Creek	E 58	p. 979	9
Chairmen of large influential meetings that have taken place at Castlemaine, Campbell's Creek, Forest Creek, etc.	E 61	p. 985	2
Miners and others of the Jim Crow Goldfields	E 64	p. 991	345
Inhabitants of Geelong in a Public Meeting Assembled	E 65	p. 993	Mayor on behalf of meeting
Miners and others, Inhabitants of Sandy Creek	E 72	p. 1007	250
Miners, Shopkeepers and others Residents of the Mclvor goldfields	E 75	p. 1013	328
Gold Miners and Others, Residing on Campbell's Creek	E 77	p. 1017	1601

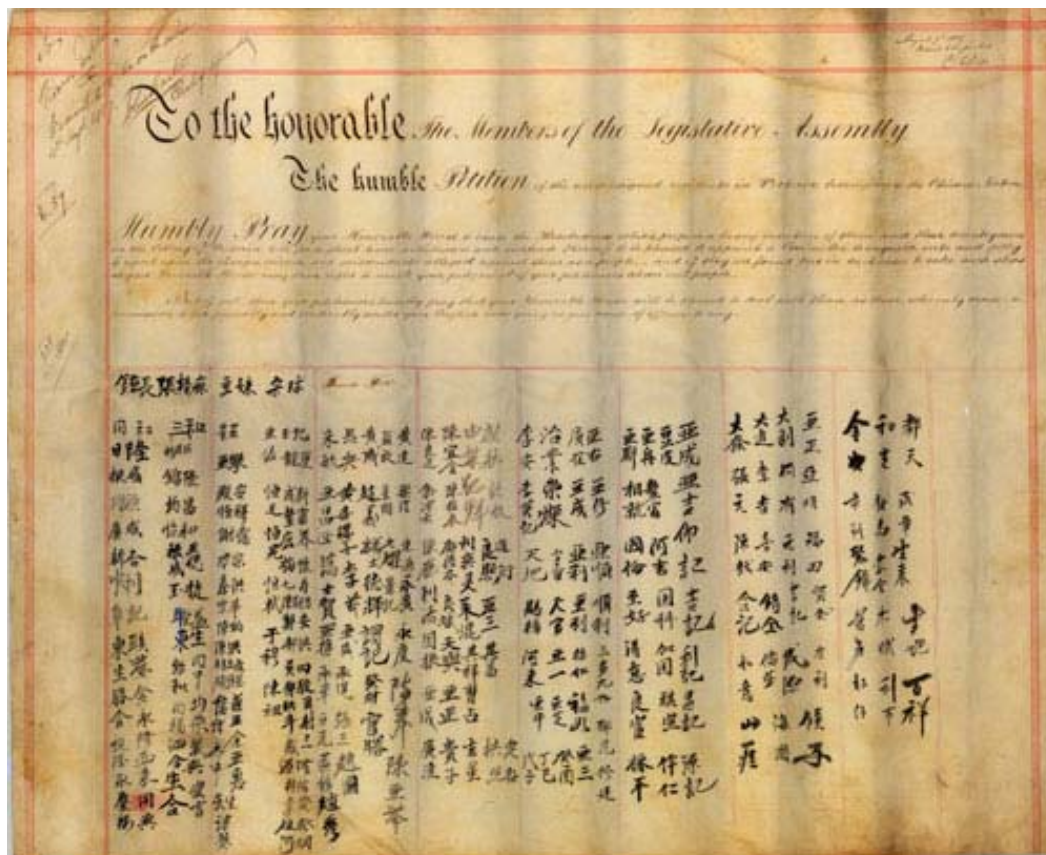
Original petitions in the Legislative Assembly records

Accessing the original petitions held in the Legislative Assembly records at PROV is one way to address gaps in the *Votes and Proceedings of the Legislative Assembly*. So far, few researchers have considered looking at this source. This is not surprising as access is not particularly easy. It is necessary to seek permission from the Clerk of the Legislative Assembly before PROV is able to give researchers access, and until now there has been no index to locate which units the petitions are located in. The Legislative Assembly papers are kept in chronological order. You can narrow the search down by looking through the index to the *Votes and Proceedings of the Legislative Assembly* to find out when a particular petition was tabled.

Besides filling in gaps in the *Votes and Proceedings of the Legislative Assembly*, there are other reasons that might make consulting the originals worthwhile. The significance of the signatures on original petitions requires further examination to determine whether they can present any new insights into the Chinese presence. Can the 1857 Chinese Castlemaine petition, which contains names in both Chinese and English, be used to assist individuals who are researching their family history? Can the signatures on these petitions be used to track the movement of Chinese individuals around the goldfields? In his research on Chinese petitions against opium smoking in 1884, Dr Kok pointed out that 'The symbolic grouping and arrangement of names and the very names themselves, indicated most retained much of their traditional Chinese beliefs, as well as their associations with lodges to which they belonged and as members of which they had worked for gold'.³ Can these petitions reveal the same type of information? A lot depends on the type of Chinese name used on the petition. A Chinese man can have up to five different names: the name he was given as a baby; the scholastic name his teacher gave him; the name he received after marriage and some men had honorific names which suggested their rank or generation.

In considering the signatures as a potential area of research, it is important to note that the petitions against Chinese taxes which were addressed to the Legislative Assembly in 1856 and 1857 are accompanied by more signatures than the petitions addressed to the Legislative Assembly in late 1859. In this later stage of the protest campaign there is a tendency for one individual or a small group to sign on behalf of a larger group. This trend was also common to petitions against the Chinese influx in 1857.

Petition from Residents in Victoria belonging to the Chinese Nation (E 57), ordered to lie on the table 4 August 1857, received 18 August 1857, PROV, [VPRS 3253/P0](#), Unit 49, File 450. Reproduced by permission of the Honourable the Speaker of the Legislative Assembly



The European signatures on some of the original petitions also represent an important step towards gaining an understanding of the Europeans who supported the Chinese. We need to further our understanding of the range of different motives behind this support. This understanding will help to avoid simplistic 'us against them' interpretations of race relations, and may help us to understand what enabled some to possess a more inclusive sense of democracy.⁴ Two petitions against the Chinese residence taxes that were addressed to the Legislative Assembly contain European signatures (refer to tables 4 and 5). Original petitions addressed to the Governor contain more signatures of European supporters.

Table 4: Petitions against the 1855 immigration poll tax

Authors	PROV citation	Comment
Chinese Storekeepers, Miners and others now resident on, and in the neighbourhood of the Bendigo Gold Field in the said Colony (E 1), received 26 November 1856	VPRS 3253/P0 , Unit 29, File 19	Includes 5168 Chinese signatures Published in <i>Votes and Proceedings of the Legislative Assembly</i>
Chinese in Victoria, received 11 December 1856	VPRS 3253/P0 , Unit 32	Bilingual Includes Chinese signatures 3089 and 1 European signature Published in <i>Votes and Proceedings of the Legislative Assembly</i>

Table 5: Petitions against the proposed Chinese residence tax 1857

Authors	PROV citation	Comment
Natives of China residing in Victoria (E 56), ordered to lie on the table 4 August 1857	VPRS 3253/P0 , Unit 49, File 499	Includes Chinese signatures 130 Published in <i>Votes and Proceedings of the Legislative Assembly</i>
Residents in Victoria belonging to the Chinese Nation (E 57), ordered to lie on the table 4 August 1857	VPRS 3253/P0 , Unit 49, File 450	Includes Chinese signatures 238 Published in <i>Votes and Proceedings of the Legislative Assembly</i>
Chinese Resident in Castlemaine (E 66), received 18 August 1857	VPRS 3253/P0 , Unit 51, File 479	Bilingual Includes 2879 Chinese signatures Published in <i>Votes and Proceedings of the Legislative Assembly</i>
Storekeepers and Traders Resident in the District of Castlemaine (E 68), ordered to lie on the table 18 August 1857	VPRS 3253/P0 , Unit 49, File 482	Includes 35 European signatures Published in <i>Votes and Proceedings of the Legislative Assembly</i>
Sitting on Chinese Business (E 76), ordered to lie on the table 9 September 1857	VPRS 3253/P0 , Unit 53, File 528	Number of signatures difficult to calculate due to lack of spacing Published in <i>Votes and Proceedings of the Legislative Assembly</i>

Table 6: Petitions against the 1859 Chinese Residence Tax (sent in late 1859)

Authors	PROV citation	Comment
Petition of the Chinese Resident in the City of Melbourne in the public meeting assembled, adopted at a meeting of 110 Chinese held on Emerald Hill, 6 December 1859, ordered to lie on the table 9 December 1859	VPRS 3253/P0 , Unit 119, File 67	Signed by Chairman on behalf of meeting. Not published in <i>Votes and Proceedings of the Legislative Assembly</i>
Chinese Merchants, Miners and Others of Castlemaine, ordered to lie on the table 18 October 1859	VPRS 3253/P0 , Unit 122, File 1	Includes 133 Chinese signatures Not published in <i>Votes and Proceedings of the Legislative Assembly</i>
The Chinese Merchants, Miners and others of the town of Sandhurst and District of Bendigo, ordered to lie on the table 19 October 1859	VPRS 3253/P0 , Unit 123, File 27	Signed by Chairman, Shem Chat, on behalf of a large meeting Not published in <i>Votes and Proceedings of the Legislative Assembly</i>

Bilingual petition from Chinese Resident in Castlemaine (E 66), received 18 August 1857, PROV, [VPRS 3253/P0](#), Unit 51, File 479. Reproduced by permission of the Honourable the Speaker of the Legislative Assembly



Original petitions addressed to the Governor

Most of the petitions that were not addressed to the Legislative Assembly were either addressed or forwarded to the Governor. In an era when responsible government was in its infancy, differing understandings over who had the power to alter legislation - the Governor as representative of the Queen's imperial power or the newly formed government with its colonial power - are understandable. In 1859, the *Act to Consolidate and Amend the Laws Affecting the Chinese Emigrating to or Resident in Victoria* created confusion over who had the power to amend legislation. This law indicated that the Governor had the power to amend the legislation when in fact he did not. Consequently, some petitions were addressed or forwarded to the Governor in mid-1859. When the Chief Secretary advised that petitions should be sent to the Legislative Assembly, some groups did so in late 1859.⁵

Table 9 identifies some of the original petitions that were addressed to the Governor. These are located in the Chinese Protectorate records, which form part of the Chief Secretary's Inwards Correspondence ([VPRS 1189](#)) held by PROV. The list is not exhaustive. The Chief Secretary was the only means of communication between the public and the Governor as well as other government officials. Once the petitioned official had seen the petition, it was often sent back to the Chief Secretary's Office. The records in this series are quite extensive, partly because the Chief Secretary was also responsible for communication between the various government departments.⁶

Table 7: Petitions against the Chinese taxes sent to the Governor

Authors	PROV citation	Comment
Chinese Resident in Ballarat, petition against the 1857 Chinese residence tax, presented to Governor Barkly 21 January 1858	VPRS 1189/P0 , Unit 502, File 58/E898	(Includes testimonial and 45 signatures from European supporters in Ballarat) Signatures from Chinese supporters missing Newspaper references suggest the petition was signed by 1407 individuals. <i>Ballarat Times</i> , 22 January 1858, p. 2
Chinese Residents of Ballarat, petition against the 1859 Chinese residence tax, adopted at a meeting on 20 June 1859	VPRS 1189/P0 , Unit 522, File 59/M7364	Signed by 9 Chinese on behalf of a meeting of 5000
Professional Men, Storekeepers Mechanics and other European Inhabitants of Castlemaine, against the Chinese Residence Act 1859		Reproduced in S Wickham and C Gervasoni, <i>Castlemaine Petitions</i> , Ballarat Heritage Services, 1998. Authors do not provide PROV reference for this document
Members of Council Bankers, Merchants, Traders and Other European and Chinese Inhabitants of Ararat and its Vicinity to the Governor in Council, dated 18 June 1861	VPRS 1189 , Unit 523, File 61/4997	102 non-Chinese 75 Chinese (names written in Chinese and English)

Newspapers and other published contemporary sources

Newspapers can provide a means of accessing petitions when the originals are yet to be located in PROV records or elsewhere. This is currently the case with petitions that were sent during mid-1859, and the Ballarat Chinese petition sent to the Governor in 1857. Since completing the research for the accompanying article published in this issue of *Provenance*, I have also come across a petition from Quang Chew, which was sent to the Governor when the poll tax was being debated and some were proposing that the Chinese be excluded from Victoria. A copy of this petition is located in the published letters and diaries of French miner and photographer, Antoine Fauchery, who was on the goldfields during the first half of the 1850s. The original is yet to be located. The following tables identify where the copies of these petitions can be found.

Table 8: Petition against proposals to exclude the Chinese from Victoria

Authors	Source	Comment
Quang Chew, petition to the Governor, circa mid 1855	<i>Letters from a Miner in Australia</i> , by Antoine Fauchery, translated from French by AR Chisholm, Georgian House, Melbourne, pp. 100-103	

Table 9: Petitions against the proposed 1857 Chinese residence tax

Authors	Source	Comment
Chinese Residents in Ballarat, petition addressed to the Governor, adopted at a meeting of approximately 800 people on 13 August 1857	'Meeting of the Chinese', <i>Ballarat Times</i> , 14 August 1857, pp. 1-2	

Table 10: Petitions against the 1859 Chinese residence tax

Authors	Source	Comment
Chinese Residents of Sandhurst [Bendigo], petition addressed to the Governor, adopted at a meeting of 4000 Chinese on 21 May 1859	<i>Bendigo Advertiser</i> , 23 May 1859, p. 2 See also a clearer version published in the <i>Age</i> , 24 May 1859, p. 5	Signed by Chuck Sam (Chairman) on behalf of the meeting
Chinese Residents in the Castlemaine Mining District, petition addressed to Resident Warden and Magistrates of the Castlemaine Mining District, presented to Head Warden, Captain Bull on 24 May 1859	'The Chinese Agitation', <i>Mount Alexander Mail</i> , 25 May 1859	Signed on behalf of the Chinese residents in the district of Castlemaine Specific signatories and number of signatures not identified Captain Bull appears to have forwarded the petition to the Governor
Chinese Residents in the City of Melbourne in public meeting assembled, petition addressed to Chief Secretary and the other Members of the Executive Council, adopted at a meeting on 26 May 1859	<i>Age</i> , 31 May 1859, p. 1	Signed by the Chairman, Lowe Kong Meng on behalf of the meeting in accordance with a resolution passed to that effect

Newspapers can provide an understanding of the context in which the petitions were adopted and presented. In some instances, a newspaper reference can fill in information that is missing from the originals. For instance, the original petition that the Ballarat Chinese addressed to Governor Barkly in 1858 does not have any Chinese signatures attached to it, but the newspaper reference provides an insight into the level of support for the petition indicating that 1407 individuals had signed it.⁷

While there is the potential for newspapers to fill in gaps, they can at times prove to be unreliable. For example, the 1857 Ballarat Chinese petition against the proposed Chinese residence tax is not an exact copy, as the reporter had difficulty procuring an exact translation.⁸ Consequently it is written in a pidgin English, which contrasts with the formal, legal style evident in many of the other petitions.

Petitions from Chinese and their supporters against the various taxes imposed on them during the latter half of the 1850s have the potential to provide new perspectives and insights into the past. Considering the Chinese left so few records compared to other migrants during this era, these petitions present a rare resource. As more researchers start to examine these petitions in their various forms, and possibly uncover more petitions, our understanding and appreciation of this episode in our history and its broader significance will continue to evolve.

Endnotes

1. *Votes and Proceedings of the Legislative Assembly*, session 1859-1860, volume 1, John Ferres Government Printer, Melbourne, p. xxii.
2. See *Votes and Proceedings of the Legislative Assembly*, session 1856-1857, volume 3, John Ferres Government Printer, Melbourne.
3. Quoted in *Celebrate 150 years: Parliament of Victoria*, Issue no. 12, September 2006, available at <<http://www.parliament.vic.gov.au/150th/newsletter.asp>>, accessed 8 October 2009.
4. Some of these ideas are explored further in A Kyi, 'Changing Perceptions of Democracy on the Goldfields', paper presented at the Museums Australia Conference, Canberra, 2007, available at <http://www.museumsaustralia.org.au/UserFiles/File/National%20Conference/2007/AnnaKyi_ConferencePaper07.pdf>, accessed 4 August 2009.
5. For further explanation of what happened refer to my article, '[\[T\]he most determined, sustained diggers' resistance campaign](#)', also published in this issue of *Provenance*.
6. In regard to petitions addressing the Governor of Victoria, a brief explanation of the system of registering and forwarding petitions that are now located in PROV, [VPRS 1189](#) is available in the series description for PROV, [VPRS 1192](#), Petitions.
7. 'The Levee', *Ballarat Times*, 22 January 1858.
8. 'Meeting of the Chinese', *Ballarat Times*, 14 August 1857, pp. 1-2.