

# **“A grievous injustice to the Chinese Nation”: The role of the Qing Dynasty in supporting the South African Chinese.**

by  
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## ABSTRACT

The establishment of the Qing Dynasty Consulate in South Africa, at the beginning of the twentieth century, marks the earliest official diplomatic contact between what could be considered the preceding states to modern-day China and South Africa.<sup>1</sup> In light of the importance of the recent diplomatic relations between China and South Africa, it is pertinent to examine the situation which led to the initial diplomatic contact between the precursors of these two states. It is also important to consider what challenges these relations faced at this early stage.

The Qing Dynasty Consulate in South Africa was established initially in response to the importation of a large body of indentured Chinese labourers into the Witwatersrand area.<sup>2</sup> The arrival of somewhere near 60 000 indentured Chinese labourers between 1904 and 1907 led to a series of legislative actions in the Cape and Transvaal, which specifically targeted the Chinese for discrimination.<sup>3</sup> Foremost among these were the Cape Chinese Exclusion Act, the Labour Importation Ordinance and the Asiatic Registration Act. The well-documented historical apathy of the Qing Dynasty towards their overseas subjects has often led to a lack of examination of what efforts were made, at an official level, by the Dynasty to assist Chinese populations in overseas colonies.<sup>4</sup> Often, instead, the Dynasty was simply assumed to have remained apathetic to its distant subjects for its entire existence. This is the case for the Qing Dynasty's involvement with the governments of the Cape Colony, Transvaal and Union of South Africa.<sup>5</sup>

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<sup>1</sup> National Archives Repository (Public Records of former Transvaal Province and its predecessors as well as magistrates and local authorities.) (TAB) Governor of the Transvaal Colony (GOV) 69 01 GEN 695/04: "Appointment of Mr Lew Yu Ling as Chinese Consul-General for the Transvaal," 1905.

<sup>2</sup> Cape Town Archives Repository (KAB) Government House (GH) 23/89 298: "General Despatches. Appointment of Mr Liu Yu Ling to act as Chinese Consul-General for the British Colonies in South Africa," 19 October 1905.

<sup>3</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, pp. 202-203.

<sup>4</sup> L. Anshan, T. Chee-Beng, (ed): *Routledge Handbook of the Chinese Diaspora: China's African policy and the Chinese immigrants in Africa*, p. 60.

<sup>5</sup> P. Snow: *Star Raft: China's Encounter with Africa*, p. 48; R. Bright (ed): *Chinese Labour in South Africa, 1902-1910, Race, Violence, and Global Spectacle, the Palgrave Macmillan Chinese Labour in South Africa, 1902-1910*, pp. 104-106.

The active resistance of the Chinese themselves against this discrimination has been analysed before, particularly in the comprehensive works of Karen Harris<sup>6</sup>, but the role played by the Consul-Generals of the Qing Dynasty has been usually under-examined or ignored.<sup>7</sup> Evidence clearly indicates that the Consul-Generals Liu Yu Lin and Liu Ngai played an active role in supporting the Chinese communities, both free and indentured, within South Africa during their tenure. Through an analysis of the actions taken by these two Consul-Generals in both the Cape Colony and Transvaal Colony the extent of their support for the Chinese within South Africa becomes clear. Although their efforts would, ultimately, have little substantive effect on the discrimination the South African Chinese faced, it did create an institution which would be consistently utilized by future generations of South African Chinese to resist prejudice.<sup>8</sup>

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<sup>6</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912; The Construction of Otherness: A History of Chinese Migrants in South Africa; BEE-ing Chinese in South Africa: A Legal Historic Perspective*; K. L. Harris: “‘Strange Bedfellows’: Gandhi and Chinese Passive Resistance 1906-1911,” *Journal of Natal and Zulu History*, 13, (2), 2013; K. L. Harris: “Paper trail: Chasing the Chinese in the Cape (1904-1933),” *Kronos Southern African Histories*, (40), 1, November 2014, pp. 133-153.

<sup>7</sup> L. Anshan, T. Chee-Beng, (ed): *Routledge Handbook of the Chinese Diaspora: China’s African Policy and the Chinese Immigrants in Africa*, p. 60.

<sup>8</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China’s Rise and the Chinese Overseas*, pp. 93-94.

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## **List of Abbreviations**

Dutch East India Company: DEIC

Foreign Labour Department: FLD

People's Republic of China: PRC

Republic of China: ROC

Transvaal Chinese Association: TCA

United States of America: USA

Witwatersrand Native Labour Association: WNLA

Zuid Afrikaanse Republiek: ZAR



## Chapter 1: Introduction

### 1.1 Overview

As of late, the study of Sino-African relations has become a more prominent field. As a result, the study of the economic, sociological and political relations between Africa and China has become increasingly popular. By the same merit, interest in the historical nature of these relations has also grown. Further, South Africa has the largest concentration of Chinese within Southern Africa, granting an additional dimension to the study of the Chinese in South Africa.<sup>1</sup> Falling within the ambit of this topic are the relations between the People's Republic of China (PRC) and the Republic of South Africa. Although official relations between South Africa and the PRC only began in January 1998, under the authority of South Africa's young post-apartheid government, the origins of Chinese diplomatic representation, and contact, with South Africa unsurprisingly predates this moment.<sup>2</sup> The earliest official diplomatic contact between these two regions occurred during the beginning of the twentieth century, when the confluence of a mass Chinese migration and the demand for cheap labour on the mines of the Witwatersrand (present day Johannesburg and surroundings), led to the establishment of official relations under the auspices of the British Empire.<sup>3</sup> The year 1905 saw the appointment of the Qing Dynasty's first ever Consul-General to the British Colonies of South Africa, the first substantial diplomatic mission by a Chinese state in South Africa.<sup>4</sup>

This early contact can be described as the genesis of South African and Chinese relations. However, it had the misfortune of coinciding with a rising anti-Sinicism (a sentiment against Chinese) throughout South Africa at the time. This sentiment found political expression through legislation such as the Transvaal Immigration Restriction Act of 1902, the Cape Chinese Exclusion Act of 1904 and, later, the Transvaal Asiatic Registration Act of 1907.<sup>5</sup>

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<sup>1</sup> I. Taylor: *China and Africa: Engagement and Compromise*, p. 127.

<sup>2</sup> [www.mandela.gov.za](http://www.mandela.gov.za) (12<sup>th</sup> August 2017), Statement by President Nelson Mandela on South Africa's Relations with the Greater China Region, 27 November 1996.

<sup>3</sup> (KAB) GH 1/451 7: "Papers Received from Secretary of State, London. General Despatches. The Issue of Exequaturs to Consular Officers Appointed by the Chinese Government," 31 January 1891.

<sup>4</sup> (KAB) GH 23/89 298: "General Despatches. Appointment of Mr. Liu Yu Ling to Act as Chinese Consul-General for the British Colonies in South Africa," 19 October 1905.

<sup>5</sup> *Ordinances of the Transvaal*, 1904, Labour Importation Ordinance; *Statutes of the Transvaal*, Act 2 of 1907, Asiatic Law Amendment Act; *Statutes of the Colony of the Cape of Good Hope*, Act 37 of 1904, The Chinese Exclusion Act.

These legislative measures served both to curb and minimize the Chinese populations in South Africa and subjected those Chinese who remained to onerous and repressive conditions.<sup>6</sup> Thus upon the arrival of the first Qing Dynasty Consul-General there existed already a population of Chinese seeking some form of assistance to alleviate their circumstances. Although the struggle and efforts of the South African Chinese against such discrimination has been thoroughly examined in the works of several authors, most prominently Karen Harris, the role played by the Qing Dynasty government, via its Consul-Generals, has remained comparatively unexplored.<sup>7</sup> The efforts made by the Consul-Generals to support and assist the South African Chinese have not been covered in detail, leading to an unfortunate tendency to minimize the role played by the Dynasty in this affair, or simply to cast it as having been neglectful of its overseas subjects in South Africa.<sup>8</sup> This lacuna will form the crux of the following analysis.

As part of this analysis, the presence of the Chinese in South Africa must be set in its wider context. From the mid-nineteenth century up to the early twentieth century there was a massive movement of peoples out of China and into other countries.<sup>9</sup> This large-scale migration of Chinese became possible due to an easing of the Qing Dynasty's policies and legislation surrounding the matter of migration. The Qing Dynasty regime ruled China proper from 1644 until its collapse in 1912. Traditionally the Qing Dynasty had maintained a very strict set of rules concerning the ability for Chinese to travel abroad, almost completely forbidding it.<sup>10</sup> It should be noted that this aversion to the movement of Chinese subjects out of China, particularly by sea, was not exclusively a policy of the Qing Dynasty, but a continuation of the preceding Tang and Ming Dynasties own policies. However, migration had formed a historical part of the development of the Chinese state, even despite attempts by some Dynasties to prevent it. A consistent trend of southern migration, from central and northern China, had played an integral part in the growth of China, and attempts at forbidding migration would never fully prevent this further southern migratory pattern.<sup>11</sup> The Qing Dynasty, however, did tighten existing regulations on migration in response to fears that Chinese mariners could

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<sup>6</sup> Y. J. Park: *"Living In Between: The Chinese in South Africa,"* Migration Policy Institute, 12 January 2002.

<sup>7</sup> L. Anshan, C. Tan (ed): *Routledge Handbook of the Chinese Diaspora: China's African Policy and the Chinese Immigrants in Africa*, p. 60.

<sup>8</sup> *Ibid.*

<sup>9</sup> H. K. Norton: *The Story of California From the Earliest Days to the Present*, pp. 283–284.

<sup>10</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, pp. 87-88.

<sup>11</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 72.

become pirates.<sup>12</sup> As a result, up until 1688, the official stance of the Qing Dynasty on the matter of Chinese subjects moving overseas largely amounted to permitting only officials and soldiers, who had governmental approval, to do so, whilst any other Chinese subject who did so would be subjected to execution upon return to China.<sup>13</sup> A relaxation of this policy did occur during the eighteenth century, but overall the Dynasty's official stance on migration was still to distinctly oppose it and, moreover, the Dynasty remained opposed to assisting any Chinese subjects overseas.<sup>14</sup> This reluctance to assist or intervene on behalf of its Chinese subjects was exemplified in the aftermath of events such as the 1740 Batavia Massacre, in which the authorities of the Dutch East India Company (DEIC), in conjunction with native Indonesians, massacred at least 10 000 Chinese immigrants in Indonesia. Despite the severity of this event the Emperor of the Qing Dynasty at the time reacted, primarily, by expressing anger at the Chinese immigrants themselves, saying of them:

They disgracefully abandoned their ancestors to gain fortune in an alien country, so they would be abandoned and receive no sympathy or support from the government.<sup>15</sup>

However, in time foreign intervention would result in this policy against immigration being coercively altered. Following China's defeat in the Opium Wars (1<sup>st</sup> Opium War: 4 September 1839 – 29 August 1842; Second Opium War: 8 October 1856 – 24 October 1860) and the series of treaties which followed - most important of which was arguably the Sino-British Convention of Peking (24 October 1860) - permitted Chinese subjects to immigrate and move into other countries without fear of any consequence or persecution from the Qing Dynasty.<sup>16</sup> By the end of 1860, the dominant Western powers had largely opened the Qing Dynasty up to immigration, through a combination of both diplomacy and force and had created the conditions which helped permit the large-scale migration of Chinese into other states. However, the interference of the Western powers was only a single factor in this migration.

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<sup>12</sup> I. Shen: *A History of Chinese Immigration and Exclusion Worldwide: Legal Acts and Discriminatory Practices*, p. 188.

<sup>13</sup> *Ibid.*

<sup>14</sup> R. L. Irick: *Ch'ing Policy Towards the Coolie Trade, 1874-1878*, p. 390.

<sup>15</sup> I. Shen: *A History of Chinese Immigration and Exclusion Worldwide: Legal Acts and Discriminatory Practices*, p. 177.

<sup>16</sup> C. P. Fitzgerald: *The Southern Expansion of the Chinese People*, p. 5.

Widescale civil conflict and economic difficulties also served to motivate numerous Chinese to seek opportunities abroad.<sup>17</sup> Impoverishment followed as a result of droughts and famine, exacerbated by civil unrest such as the Taiping Rebellion (December 1850 – August 1864) and Boxer Rebellion (2 November 1899 – 7 September 1901), which devastated southern China.<sup>18</sup> Furthermore, the Western powers sought access to a large and cheap labour force, with which to drive the further exploitation of recently discovered resources, in their colonies, and their own industrialization.<sup>19</sup> The concatenation of these factors, working together, saw the massive migration of Chinese into overseas Western states and colonies, such as Australia, Canada, New Zealand and, for our purposes most importantly, the British Colonies of South Africa.

Although the earliest Chinese in South Africa arrived largely as debtors from Batavia, imprisoned by the Dutch in the Cape Colony, the numbers of these Chinese remained very low, rarely exceeding even 100 individuals.<sup>20</sup> From the 1860's onwards the easing of the Dynasty's regulations on migration, as well as the draw of the mines in South Africa, would attract a larger number of Chinese.<sup>21</sup> However, initially the conditions of immigrating and living in South Africa proved arduous, and unindentured Chinese were not able to be employed on mines due to restrictive legislation.<sup>22</sup> As a result, many of them instead turned to becoming traders and merchants.<sup>23</sup> The attractiveness of South African mines as possible business opportunities for Chinese only worsened as the incumbent authorities, not yet under the authority of the British Empire, in the Boer Republics passed further legislation targeting Chinese immigrants between 1888 and 1899.<sup>24</sup> Following the Anglo-Boer War (1899 – 1902), and the annexation of the two Boer Republics by the British Empire, the matter of Chinese immigration into South Africa would become a contentious topic. From 1902, with the British Empire now having secured South Africa's mineral wealth, the question of adequate, and always cheap, labour to be used in the exploitation of these mines, came up. Drawing upon prior experience, and after an inquiry by the Witwatersrand Native Labour Association, the

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<sup>17</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, pp. 89-90.

<sup>18</sup> H. K. Norton: *The Story of California From the Earliest Days to the Present*, pp. 283–284.

<sup>19</sup> R. Skeldon: "Migration from China," *Journal of International Affairs*, (49), 2, pp 434-444.

<sup>20</sup> D. Man & M. Yap: *Colour, Confusion and Concessions: The History of the Chinese in South Africa*, p. 510.

<sup>21</sup> Y.J., Park: *"Living In Between: The Chinese in South Africa."* Migration Policy Institute, 12 January 2002.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*

<sup>24</sup> I. Shen: *A History of Chinese Immigration and Exclusion Worldwide: Legal Acts and Discriminatory Practices*, p. 145.

decision taken by the colonial commission was that Chinese labourers would be most suited to importing and using on these mines.<sup>25</sup> British officials at the time were already aware that there would be a public backlash in response to the arrival of large numbers of Chinese, and went out of their way to attempt to convince the public of South Africa of the benefits of Chinese labourers, describing them in, frankly, rather bizarre ways:

The heathen Chinese has a large and highly developed brain, the push and resource of a live Yankee, the financial and business ability of the Jew, the coolness and acquisitiveness of the canny Scot, and the patient and temperate habits of the Turks, all rolled into one. He has the strength and toughness of a mule, the appetite and digestive powers of an ostrich and the staying qualities of a steam engine.<sup>26</sup>

Regardless of the anti-Chinese sentiment within the South Africa colonies, the British Empire went ahead and arranged a contractual agreement with the Qing Dynasty for the importation of indentured Chinese labour to the Transvaal.<sup>27</sup> This process was legalized and then regulated under the Transvaal Labour Importation Ordinance of 1904 and was to set in motion for the arrival of some sixty-five thousand Chinese indentured labourers into the Transvaal Colony.<sup>28</sup> This Ordinance proscribed the nature of the Chinese labourers' contracts and it was later amended to make allowance for the provision of the position of the Chinese Consul-General to South Africa.<sup>29</sup> Thus the Ordinance also opened official diplomatic relations between the colonies of South Africa and the Qing Dynasty.

As mentioned above, from the outset of the creation of the post of Chinese Consul-General the issue of legislation, which specifically targeted Chinese, existed. As a result, the Qing Dynasty

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<sup>25</sup> I. Shen: *A History of Chinese Immigration and Exclusion Worldwide: Legal Acts and Discriminatory Practices*, p. 145.

<sup>26</sup> *Ibid*, pp. 146-147.

<sup>27</sup> (TAB) Official Publications of the Transvaal Government (AMPT PUBS) 47 CD1956: "Africa No. 6 (1904). Convention Between the United Kingdom and China Respecting the Employment of Chinese Labour in British Colonies and Protectorates. Signed at London, May 13, 1904.

<sup>28</sup> Y.J., Park: "Living In Between: The Chinese in South Africa" Migration Policy Institute, 12 January 2002.

<sup>29</sup> (KAB) GH 23/89 298: "General Despatches. Appointment of Mr Liu Yu Ling to Act as Chinese Consul-General for the British Colonies in South Africa," 19 October 1905.

was confronted with a situation in which a number of its subjects were negatively affected by legislation in South Africa. This legislation was largely motivated by fears among the dominant minority group of European citizens of South Africa, in many ways resembling similar panics among European colonists, from America to Australia to New Zealand, in response to the prospect of large numbers of Chinese entering their states. From the 1870s onwards numerous countries such as Australia, Canada, New Zealand and the USA to name but a few, all passed legislation designed specifically to prevent large numbers of Chinese from entering and remaining in the country.<sup>30</sup> This was often motivated by public outcry or fear at the prospect of large numbers of Chinese entering the respective countries themselves.<sup>31</sup> The presence of Chinese labourers, fears concerning cultural differences, disease, morality or assimilation or the threat they posed to “white settlers” became highly political questions in such states. The reaction against Chinese immigration also became an important feature of political collusion between middle class and working-class whites in South Africa, as it did in Australia, Canada and New Zealand, all sharing a broad anti-Chinese sentiment.<sup>32</sup> In Australia, these policies were enacted by the 1850s already, followed by both Canada and New Zealand in the 1880s.<sup>33</sup> By contrast South Africa’s harshest exclusionary legislation began later, in 1904, due to the large influx of indentured Chinese into the Transvaal in that same year. Up until this time, evidence indicated that the Qing Dynasty’s official position on this would be apathetic, but in South Africa, from the period at which the position of a Chinese Consul-General was created in 1905, the Dynasty did make efforts to assist and improve the situation of Chinese peoples in South Africa.<sup>34</sup>

This then leaves the question of what exactly was the response of the Qing Dynasty to the treatment of the Chinese along with the legislation in South Africa? The response can be divided into various phases. Initially the Dynasty offered little protest, or aid, during the years before the introduction of the Transvaal Ordinance of 1904, even though a second wave of

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<sup>30</sup> K. L. Harris: “Paper Trail: Chasing the Chinese in the Cape (1904-1933),” *Kronos Southern African Histories*, (40), 1, November 2014, p. 133.

<sup>31</sup> C. Price: *The Great White Walls Are Built: Restrictive Immigration to North America and Australasia 1836-1888*, pp. 123-124.

<sup>32</sup> M. van der Linden & J. Lucassen (eds.): *Racism and the Labour Market: Historical Studies*, p. 355.

<sup>33</sup> T. E. Boswell: “A Split Labor Market Analysis,” *American Sociological Review*, (51), 3, pp. 366-367.

<sup>34</sup> Y. Hwang: *Coolies and Mandarins: China's Protection of Overseas Chinese During the Late Ch'ing Period (1851-1911)*, p. 347.

Chinese immigration to South Africa had already begun in the 1880s.<sup>35</sup> As mentioned the Qing Dynasty's efforts to lobby on, or promote the cause of the Chinese in South Africa, only occurred after the creation of the position of Chinese Consul-General in 1905. It should, however, be remembered that there was no official representative of the Dynasty within any of the South African states prior to 1905. This would offer some obvious physical barriers to the Dynasty's involvement with the Chinese in that area. It did not however, change the reality that the Dynasty remained almost completely detached from its overseas subjects in South Africa until 1904. From 1904, however, the Chinese Consuls did pay attention to and petition on behalf of Chinese in South Africa.<sup>36</sup> This was in line with a general trend in the Dynasty's final years, to attempt to become more involved in the affairs of the overseas Chinese population.<sup>37</sup> An important point that should also be made is that although the original role of the Chinese Consul-General was envisioned purely as one to provide oversight over the indentured Chinese labourers, by 1905 its ambit had been expanded to encompass the small number of free Chinese residing in South Africa as well, effectively making the Consul a form of representation for all Chinese in South Africa.<sup>38</sup>

As will become apparent, despite the interventions made by the respective Consul-Generals there was little positive substantive change in the circumstances of the South African Chinese. In general, the Transvaal, Cape and later Union governments rebuffed or resisted any compromise or change regarding their desire to exclude the Chinese from South Africa. Despite some successes overall the Qing Dynasty failed in its efforts to alleviate the hardships of the South African Chinese. This can be seen in the 1913 Immigration Law of the Union of South Africa, passed just after the collapse of the Qing Dynasty, which almost completely halted further Chinese immigration into South Africa until the 1960's.<sup>39</sup> Although it can safely be said that the Qing Dynasty did not achieve many of its objectives, with regards to its lobbying on behalf of Chinese subjects in South Africa, this must not be seen as translating into a lack of attempting to do so, nor reflect a general apathy. It is clear that the Dynasty, in its closing days, primarily through its Consul Generals, did make a serious effort at attempting to assist Chinese

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<sup>35</sup> Y. Hwang: *Coolies and Mandarins: China's Protection of Overseas Chinese During the Late Ch'ing Period (1851-1911)*, p. 347.

<sup>36</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 250.

<sup>37</sup> Y. Hwang: *Coolies and Mandarins: China's Protection of Overseas Chinese During the Late Ch'ing Period (1851-1911)*, p. 347.

<sup>38</sup> K. L. Harris, C. Tan (ed): *The Chinese in South Africa, Routledge Handbook of the Chinese Diaspora*, p. 181.

<sup>39</sup> *Ibid*, p. 183.



subjects – both free and indentured – in South Africa. However, these efforts largely met with failure, and must be considered in the light of the Qing Dynasty’s own, social, political, economic and military weakness, as well as the resistance of the South African authorities. Thus, there were few options or methods through which the Qing Dynasty could have managed to effect any serious change on the policy of South Africa.

## 1.2 Literature Review

The circumstances of the Chinese in South Africa, during the closing stages of the Qing Dynasty, is not an unexplored topic by any measure. The discussion surrounding it already exists in impressive detail, and South African scholars have helped contribute insights to both the history of Chinese immigrants into South Africa and Africa as a whole. In particular Karen Harris has made a comprehensive and extensive contribution to the history of the Chinese in South Africa, detailing their history from their arrival in the original Dutch colony.<sup>40</sup> Through multiple works she has covered the free Chinese communities within South Africa, as well as the indentured Chinese labourers, and has made an extensive examination of their situations and circumstances within South Africa as well as how they resisted the discrimination they suffered.<sup>41</sup> Her works have also served to bring to light the often overlooked role the Transvaal Chinese Association played in resistance to the Asiatic Registration Act.<sup>42</sup> Her extensive work concerning the circumstances of the Chinese in South Africa were crucial to creating the context of this argument. Harris’s work on the history of Chinese in South Africa touches directly upon many of the key issues already mentioned, containing detailed analysis of the type of prejudicial legislation the Chinese overseas found themselves facing. Her work also considers the measures and efforts they took to try to change these circumstances. It goes into

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<sup>40</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*.

<sup>41</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912, The Construction of Otherness: A history of Chinese Migrants in South Africa, BEE-ing Chinese in South Africa: A Legal Historic Perspective*.

<sup>42</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912; The Construction of Otherness: A history of Chinese Migrants in South Africa; BEE-ing Chinese in South Africa: A Legal Historic Perspective*; K. L. Harris: “‘Strange Bedfellows’: Gandhi and Chinese Passive Resistance 1906-1911,” *Journal of Natal and Zulu History*, 13, (2), 2013; K. L. Harris: “Paper Trail: Chasing the Chinese in the Cape (1904-1933),” *Kronos Southern African Histories*, (40), 1, November 2014, pp. 133-153.



extensive detail about the history of the Chinese at the time in question, and touches upon the effects that the Cape Chinese Exclusion Act had upon these communities.<sup>43</sup>

Yoon Park, a sociologist, also provided extensive insight into the circumstances of the South African Chinese, assisting in fleshing out the context in which the Consul-Generals acted.<sup>44</sup> Her sociological study on the lives of the Chinese currently within South Africa also assisted. The work of Linda Human, Melanie Yap and Diane Man also provided an additional insight into the circumstances of the Chinese in South Africa.<sup>45</sup> The archival records concerning the South African Chinese impart only the official stances and perspectives as recorded by state players or delivered petitions, and rarely give a wide variety of personal insights from the Chinese themselves. Due to the connections Melanie Yap and Diane Man had with members of the Chinese communities, their work provides some degree of a perspective from the South African Chinese themselves, as opposed simply to the view of the South African authorities on their actions.

The work of Peter Richardson was utilized when studying the indentured Chinese labourers. Richardson has written extensively on Chinese indentured labour on the mines, providing an insight into their treatment and conditions, as well as expounding on their resistance to persecution.<sup>46</sup> His extensive work concerning the recruitment and treatment of the indentured Chinese on the mines proved invaluable.<sup>47</sup> His work on the indentured labourers was further supplemented by the works of Harris on the topic, as well as that of Gary Kynoch.<sup>48</sup>

Wang Gungwu's works on the Chinese overseas informed the analysis of the South African Chinese, as well as providing context for the historical migration of the Chinese abroad

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<sup>43</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*.

<sup>44</sup> Y. Park: *A Matter of Honour: Being Chinese in South Africa*.

<sup>45</sup> D. Man, M. Yap: *Colour, Confusion and Concessions: The History of the Chinese in South Africa*.

<sup>46</sup> P. Richardson: *Chinese Mine Labour in the Transvaal*.

<sup>47</sup> P. Richardson: "The Recruiting of Chinese Indentured Labour for the South African Gold-Mines, 1903-1908," *The Journal of African History*, (18), 1, 1977, pp. 85-108.

<sup>48</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, G. Kynoch: "Controlling the Coolies: Chinese Miners and the Struggle for Labor in South Africa, 1904-1910," *International Journal of African Historical Studies*, 36, (2), 2003.

between the late nineteenth century and early twentieth century.<sup>49</sup> Furthermore Gungwu's work concerning the Chinese overseas and the loaded nature of the term 'sojourners' has been used to inform and clarify the position of the South African Chinese.<sup>50</sup> Yen-ching Hwang's *Coolies and Mandarins: China's Protection of Overseas Chinese During the Late Ch'ing Period (1851-1911)* is wide in scope, and thus does not provide too much in the way of exact detail or in depth analysis of South Africa's situation. However, it still provides an impressive and informative overview of the Qing Dynasty's general policy and attitudes towards its overseas subjects, giving some insight into the Consul-Generals.<sup>51</sup> His works help to place the actions of the Consul-Generals within the greater context of the Qing Dynasty's changing attitude towards their overseas subjects. I-yao Shen and Li Anshan's works assisted in providing some information into the lives of the Consul-Generals themselves.<sup>52</sup> Li Anshan's work is particularly useful due to his translation of the works of Chen Hansheng, particularly his *A Compilation of Historical Documents*, which collates numerous governmental communications by Liu Yu Ling and Liu Ngai during their tenure as Consul-Generals.<sup>53</sup>

In addition to these, and looking further back, Philip Snow's *The Star Raft: China's encounter with Africa* is a slightly older work, but still has relevant and useful information about the early interactions between China and South Africa.<sup>54</sup> In particular, the book has no small amount of historical information concerning the lifestyle and behaviour patterns of Chinese immigrants in South Africa during the early twentieth century. It gives deep insight into their circumstances, albeit with little information concerning the Qing Dynasty's own role in their affairs.<sup>55</sup> There were a number of other scholarly works which focused on the systematic persecution suffered by Chinese immigrants between 1860 and 1912. Often these studies did not have a specific focus on South Africa, and their overview of the situation was brief, but still contained relevant information, such as the works of Glen Petersen and Ian Taylor.<sup>56</sup>

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<sup>49</sup> W. Gungwu: "Greater China and the Chinese Overseas," *The China Quarterly*, 136, 1993, *Maritime China in Transition, Diasporic Chinese Ventures: The Life and Work of Wang Gungwu*.

<sup>50</sup> W. Gungwu: "Greater China and the Chinese Overseas," *The China Quarterly*, 136, 1993, pp. 927-928.

<sup>51</sup> Y. Hwang: *Coolies and Mandarins: China's protection of Overseas Chinese during the late Ch'ing period (1851-1911)*.

<sup>52</sup> I. Shen: *History of Chinese Immigration and Exclusion Worldwide: Legal Acts and Discriminatory Practises*, L. Anshan: *A History of Overseas Chinese in Africa to 1911*.

<sup>53</sup> L. Anshan: *A History of Overseas Chinese in Africa to 1911*.

<sup>54</sup> P. Snow: *The Star Raft: China's Encounter with Africa*.

<sup>55</sup> *Ibid.*

<sup>56</sup> I. Taylor: *China and Africa: Engagement and Compromise*, G. Petersen: *Overseas Chinese in the People's Republic of China*.

Rachel Bright's work in the *Palgrave Macmillan Chinese Labour* series includes a wide array of works which provided information on the Qing Dynasty's situation, particularly its decline, and also shed further light on the Consul-General's relationships with the indentured Chinese within the Transvaal.<sup>57</sup>

As indicated, the archival sources at the Cape Town Archive and National Archive Repository in Pretoria were vital in providing official information on the actions and statements of the Consul-Generals. The National Archive Repository was specifically important for providing several notes, letters and exchanges, in which Consul-Generals made explicitly clear their objection and distaste for the exclusionary and discriminatory legislation in South Africa.<sup>58</sup> These records also contained explicit evidence of the Qing Dynasty's own, official, condemnation of such legislation, and also numerous cases of attempts by the Consul-Generals to petition the Transvaal, Cape and British governments to change or overturn discriminatory legislation.<sup>59</sup> The archival sources also contained a wealth of letters written by the Consul-Generals in support of Chinese seeking permits to enter or return to the Cape Colony.<sup>60</sup> Government records were the most extensive and important of archival documents used, containing information on foreign representatives as well as correspondences concerning them. Supplementing these, the *Rand Daily Mail* online archive hosted by Readex provided a wealth of information concerning the reaction and reception of the Chinese in the Transvaal at the time. It further contained information regarding the Consul-Generals Liu Yu Ling and Liu Ngai not contained within the archival record.

The literature on the Chinese in South Africa is relatively limited. There are thus only a handful of publications that deal with aspects related to this study. These include primarily historical

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<sup>57</sup> R. Bright (ed): *Chinese Labour in South Africa, 1902-1910, Race, Violence, and Global Spectacle, the Palgrave Macmillan Chinese Labour in South Africa, 1902-1910.*

<sup>58</sup> National Archives Repository (Public Records of Central Government since 1910.) (SAB) GG 900 01 15/706, 15/557, 37/45, 15/724: "Asiatics: Chinese. Forwards Note by Chinese Minister in London on Subject of Treatment of Chinese in South Africa and Requests Minister's observation," 28 April 1914.

<sup>59</sup> (SAB) GG 900 01 15/706, 15/557, 37/45, 15/724: "Asiatics: Chinese. Forwards Note by Chinese Minister in London on Subject of Treatment of Chinese in South Africa and Requests Minister's observation," 28 April 1914; (SAB) GG 1320 37/42: "Transvaal Draft Municipal Ordinance: Protest by Chinese Minister in Against Provisions as Affecting Chinese Residents of Transvaal," 1911, KAB GH 23/117 117: "General Despatches. Regarding Correspondence with Acting Chinese Consul-General Regarding Disabilities Under which Chinese Subjects Labour in Cape Colony," 1908.

<sup>60</sup> K. L. Harris: *The History of the Chinese in South Africa to 1912*, p. 250.

works on the free and indentured Chinese in the Transvaal and Cape colonies at the start of the twentieth century along with other sociological and popular works on the Chinese in South Africa. Other sources that deal with the overseas Chinese, legislation and the Qing Dynasty in a much broader context are also of relevance but are fairly limited. Thus, to date, no study has looked specifically at the Qing Dynasty Consul-Generals in South Africa in detail. It is thus to this issue that this study turns.

### **1.3 Methodology**

The primary methodology employed was an analytical examination of a specific period. The period selected - 1860 to 1912 – was the time window during which Chinese immigration to South Africa increased, and during which most of South Africa's initial anti-Chinese legislation was promulgated. It is, of course, necessary to both contextualise and provide background information to this by exploring events prior to this period. Because the main concern is the official actions of the Qing Dynasty within South Africa, the collapse of the Dynasty serves as a terminus point for the analysis.

The most important aspect of the methodology was to secure primary sources, detailing the actions, statements, and expressions made by the Qing Dynasty, at an official level, on this subject. To this end the use of South African archival sources to determine the actions of the Qing Dynasty's representatives in South Africa, the Consul-Generals, was of particular importance. Supplementing these, however, was also the use of existing secondary literature on the history of South African Chinese for the period between 1860 and 1912. The groundwork already laid out by academics such as Harris, Richardson, Wang and Hwang was important to contextualise the argument within wider South African Chinese history. The use of the *Rand Daily Mail* to further explore the reactions to the Consul-Generals, and their presence within the news media of the time within the Transvaal, also assisted in strengthening the evidence of this argument.

Using these it was possible to provide explicit evidence that the Qing Dynasty did, at a governmental level, make concerted efforts from 1905 onwards, to assist and represent the

concerns of the South African Chinese to both the Transvaal and Cape governments, as well as the authorities of the British Empire. The particular cases of their intervention and assistance were examined and discussed in more detail, as well as their own explicit sentiments contained in their letters of protest to both governments. The fact that these efforts by the Qing Dynasty mostly failed will also be made evident. However, an important point to be made is that this apparent failure does not translate into a lack of effort or concern by the Qing Dynasty. It will be shown that the Dynasty did take reasonable measures within the parameters of their political, economic and social constraints. This is not only of significance within the historical context, but also pertinent to the more recent debate South Africa found itself in at the end of the twentieth century regarding the matter of its relations with the two different Chinese states; the PRC and Republic of China (ROC).

The primary methodological challenges encountered can be divided into four parts: the issue of language translation; the lack of detailed archival sources from the Qing Dynasty itself; the matter of inherent bias in the official documents of the time; as well as the issue of a lack of insight into opinions or feelings of the Chinese in South Africa as to the efforts made by the Qing Dynasty to assist. These posed differing degrees of challenge but are aspects of the methodology that could not be ignored.

The issue of language is, of course, nothing new. The problem of translating a language into another often means that intention, purpose, meaning and such can all be lost. When translating Chinese, particularly traditional Chinese as was used by the Qing Dynasty, there always exists the potential for mistranslation or incomplete translations. As this is primarily an English analysis and examination, it was used as the language in which to translate and provide any information, including quotes by Chinese individuals, and the veracity and accuracy of these statements cannot be guaranteed to be anything approaching certainty.

A further complication with language rests on the fact that for many of the Chinese in South Africa, including aides to the Chinese Consul-Generals, English was not necessarily a language they were highly versed in, creating a space for reasonable doubt that their actual intentions were not always accurately reflected in their letters and notes. A further difficulty lay in gaining

access to the Qing Dynasty's own records concerning their Consul-Generals in the Cape and Transvaal. Unsurprisingly, as a polity existing for more than 200 years, the Qing Dynasty did leave behind a relatively large amount of archival information, albeit somewhat disorganized. Lack of access due to distance, cost and time led to a greater reliance and dependence on the archives contained in South Africa. This, of course, results in a situation where there is an excess of South African archival material on this subject being used, compared to documentation from the Qing Dynasty. However, access to a portion of Chen Hansheng's *A Compilation of Historical Documents*, as well as an online copy of the 1904 Emigration Convention between Great Britain and the Qing Dynasty, did help to slightly ameliorate this problem.<sup>61</sup>

As always, the use of official government documents results in the need to keep in mind preconceptions, beliefs and interests which resounded with the said states at the time of the document's creation. Of course, the purpose of this analysis is not to make judgements regarding these, so it is important also not to allow such bias to influence the argument. Lastly, and similarly, because this analysis largely deals with the decisions and actions of state actors, there is a noticeable absence of information as to how the Chinese subjects in South Africa, at the time, felt themselves, or interpreted, the actions of the Qing Dynasty during this period.

#### **1.4 Structure**

Chapter one serves as an introduction to the context of the primary argument being made: that the Qing Dynasty government did earnestly attempt to assist Chinese in South Africa in the face of several discriminatory pieces of legislation. It intends to provide evidence of explicit cases of the rendered assistance. This chapter begins with an overview which states this primary argument of the work and also provides contextual information placing it first within the wider context of the mass migration of Chinese labour during the mid-nineteenth century, its relation to European colonial economic concerns of the time, and then placing it more narrowly within the scope of existing South Africa history concerning the South African Chinese population. Following this overview, a review of a selection of some of the existing literature is included.

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<sup>61</sup> L. Anshan: *A History of Overseas Chinese in Africa to 1911, Treaties, Conventions etc. between China and Foreign States: Emigration Convention between Great Britain and China, 1904.*

The importance of secondary sources which have already created a discussion on this subject, is presented, but also pointing out that a focus on the Qing Dynasty's own policies, or roles, has been relatively minimal. This review also mentions the primary sources (archival documents and newspaper sources) used, detailing the actions taken by Consul-Generals with regards to the discrimination faced by Chinese in South Africa. The methodology used, as well as the four methodological challenges facing this study, are also indicated within the Introduction. Finally, the Introduction also includes an outline of the six proposed chapters.

Chapter two focuses on the matter of the Qing Dynasty and its historical relation and position, with regard to immigration of its subjects. It outlines the strict punishments the Dynasty both inherited and inflicted during its initial existence, along with some of the motivations for this position. It also details the transition towards a more open position on immigration brought about in 1860, following its defeat in the Second Opium War. The nature of the changes the Qing Dynasty's immigration policy saw after 1860 are also provided, as well as the ensuing mass migration of Chinese out of the Dynasty's territory to other destinations during the latter half of the nineteenth century. The reasons for this mass migration are detailed and divided into two sections. The first section focuses on the demand by Western powers for large bodies of unskilled labour that could be exploited and paid cheaply. The second section deals with the growing impoverishment of Chinese subjects, connected to agricultural decline and the Boxer and Taiping Rebellions between 1850 and 1901. It then considers the role of Impoverishment, which served as a key motivation for Chinese subjects to seek work and employment elsewhere, having now been afforded for the first time the chance for comparatively easy migration. It concludes by providing a brief overview of the history of Chinese in South Africa prior to 1904.

Chapter three narrows the context of the thesis down to the actual area of the argument, which is South Africa between 1860 and 1912. This chapter provides an explanation concerning South African anti-Chinese sentiment. It also considers the role the British annexation of the two Boer Republics and their mines played in creating the discriminatory legislation. Most of the relevant legislation for this analysis only occurred in the aftermath of 1902, in response to the British Empire's decision to import massive amounts of Chinese labour into South Africa. Further context is provided by exploring the difference between Chinese indentured labour and the



small group of free Chinese residents in South Africa. Furthermore, the analysis of these free Chinese is divided between the communities in the Cape Colony and the communities in the Transvaal. Chapter three then focuses on exploring the two Consul-Generals, Liu Yu Ling and Liu Ngai. It provides biographical information on both, as well as an outline of the period during which they served as Consul-Generals.

Chapters four and five form the main thrust of the research and together focus on the efforts of the Consul-Generals to render aid to the South African Chinese. This is achieved by examining these two individuals in the context of their geo-political actions whilst serving as Consul-Generals for the Qing Dynasty.

Chapter four focuses on the efforts of Liu Yu Ling and Liu Ngai within the Transvaal Colony, and later Transvaal province of the Union of South Africa. These efforts are divided between the indentured Chinese labourers and the free Chinese community of the Transvaal. In the case of the indentured Chinese labourers the Labour Importation Ordinance which regulated them, as well as the repressive character of its provisions, are described and explained. Further the resistance of the indentured Chinese to their treatment on the mines, and the regulations of the Ordinance are described. Liu Yu Ling's efforts to assist the indentured Chinese are detailed along with his role in the Special Committee on the Control of the Chinese Indentured Labourers. The matter of the assistance of Liu Yu Ling to the free Transvaal Chinese is also focused on and assessed.

Chapter five builds on chapter four by advancing the argument that the Consul-Generals made significant efforts to assist the South African Chinese. It focuses on the efforts of the Consul-Generals within the Cape Colony, first providing an overview of the emergence of anti-Sinicism within the Colony during 1904, spurred by the arrival of the indentured Chinese labourers in the Transvaal. The significance of the Chinese within the politics of the Cape at the time is also contemplated, as is the provisions and effects of the Cape Chinese Exclusion Act upon the Chinese community within the Cape. The actions taken by Consul-General Liu Yu Ling to assist the Cape Chinese is explored as is his open critique of the Exclusion Act in



1911.<sup>62</sup> However, the fact that the Exclusion Act became incorporated within the legislation of the Union, and remained in force up until 1933, indicates that the Consul-Generals' efforts to assist were limited.<sup>63</sup> Chapter five ends by appraising the legacy of the Consul-Generals for the South Africa Chinese.

Chapter six is the conclusion. It assesses the efforts made by the Consul-Generals to both relay complaints concerning legislative discrimination against Chinese in South Africa, and their own, independent, action to protest, or suggest solutions, concerning said pieces of legislation. Although the Qing Dynasty's position towards its overseas subjects was traditionally regarded as apathetic, in the case of South Africa, between 1904 and 1912, this was clearly not the case. It is important to note what efforts were made by the Dynasty. At the same time, it is also important to note the conditions and circumstances of the Dynasty, in terms of its own political, economic, social and military instability and weakness of the time.

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<sup>62</sup> (SAB) GG 900 01 15/706, 15/557, 37/45, 15/724: "Asiatics: Chinese. Forwards Note by Chinese Minister in London on Subject of Treatment of Chinese in South Africa and Requests Minister's Observation," 28 April 1914.

<sup>63</sup> *Statutes of the Union of South Africa*, Immigration Amendment Act 19 of 1933.

## Chapter 2: Too little, Too late: The Migration Policies of the Qing Dynasty

Chapter two provides an overview of the Qing Dynasty's historical position on migration. It focuses on the shifts which occurred in this position over the course of the Qing Dynasty's existence by dividing the Dynasty's approach to migration into three distinct phases. Initially the Qing Dynasty inherited an isolationist stance from the preceding Ming Dynasty, perpetuating its opposition to the migration of its subjects. The Qing would, however, double down on this policy, establishing a regime even more hostile to migration of any sort, and displaying an apathy to the suffering of any of its subjects overseas. The role of internal difficulties, as well as the pressure applied by Western powers to force the Qing Dynasty to permit migration following 1860, is then explored. The final phase of the Qing Dynasty's stance on migration, its fleeting attempt to engage with its overseas subjects and assist them, is then acknowledged as well as explained as being motivated by the rational self-interest of the Dynasty. Finally, the chapter provides an explanation of the mass Chinese migration which occurred in the latter half of the nineteenth century and examines the historical arrival of the Chinese in South Africa.

### 2.1 History of Neglect: The Qing Dynasty and its Subjects Abroad

The Qing Dynasty was China's last dynastic Empire. It was a multicultural Empire, which lasted for roughly three centuries from 1644 to 1912. It had the unique distinction of being the longest lasting of any of the so-called conquest Dynasties. A conquest Dynasty, quite simply, refers to a Dynasty founded by a non-ethnic Chinese group as was the case in the Yuan Dynasty and Qing Dynasty.<sup>1</sup> The Qing Dynasty began when the Jurchen, an ethnic group from within the Chinese region of Manchuria, successfully exploited a period of rebellion and unrest within the preceding Ming Dynasty to establish themselves as the rulers of China.<sup>2</sup> It was under the rulership of the Qing Dynasty that the boundaries of the modern Chinese state were finally created. These are the boundaries inherited by the PRC (1949 to the present) and the ROC (1912-1949). Although the rulers of the Qing Dynasty were, technically, a different ethnic

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<sup>1</sup> W. Gungwu: *China and the World Since 1949: The Impact of Independence, Modernity and Revolution*, pp. 3-4.

<sup>2</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 64.

group to the predominant Han Chinese ethnic group of the Empire, they were committed to maintaining the traditions and Confucian norms of the preceding Chinese imperial states.<sup>3</sup> An important example of an area where the Qing Dynasty remained committed to the norms of its predecessor Dynasty was on the matter of emigration. Emigration, of course, has existed within the bounds of China as it has everywhere else in the world. Indeed, emigration had long formed a key aspect of the expansion of the historical Chinese state, as migrants moved further afield.<sup>4</sup> The Qing Dynasty was, after all, the inheritor of a succession of conquests, emigrations, and expansions to which itself contributed, and which created the boundaries of what was thought of, and is thought of, as China.

However, the Qing Dynasty did attempt to continue the former Ming Dynasty's tradition of isolationism.<sup>5</sup> An important aspect to this was the limiting of emigration, particularly by sea travel, for all subjects. The primary motivation for this was due to fears that Chinese moving outside the borders of the Empire might be prone to forming bandit or rebel groups, threatening the Empire.<sup>6</sup> This same fear had been the motivation for the Ming Dynasty's own stance against emigration.<sup>7</sup> Fundamentally the officials of the Qing Dynasty simply did not believe that Chinese people would wish to permanently depart their homeland, and Chinese who travelled abroad were described as *huaqiao*, or sojourners, with the implication that any Chinese subject who did leave the Empire would always return.<sup>8</sup> This concept was encapsulated in a common Chinese saying, used when discussing emigrants:

A tree may grow to a thousand feet, but its leaves fall back to its roots.<sup>9</sup>

It is important to note that the specific term, *huaqiao*, began to be used in 1890. Though often translated simply as "overseas Chinese" the exact translation is, as stated, closer to "Chinese

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<sup>3</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, pp. 87-88.

<sup>4</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 73.

<sup>5</sup> Y. Hwang: *Coolies and Mandarins: China's Protection of Chinese overseas During the Late Ch'ing Period (1851-1911)*, p. xiv.

<sup>6</sup> *Ibid.*

<sup>7</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 65.

<sup>8</sup> D. Lary: *Chinese Migrations: The Movement of People, Goods, and Ideas Over Four Millennia*, p. 98.

<sup>9</sup> *Ibid.*

sojourner”, with the meaning of the term being that the individual will return to China at a certain point.<sup>10</sup> The word’s meaning differed from that of a word like immigrant, as *huaqiao* implied that the cultural ties and loyalty of the individual remained with China.<sup>11</sup> Of course, this assumption was incorrect, and a distinction between those Chinese who fell into the category of sojourners, that is to say worked abroad but ultimately intended to and did return to China, and those who were simply individuals of Chinese ethnicity who lived in other states is important to draw. Although the term sojourners is useful when discussing Chinese migratory labour of the early twentieth century, there is no commonly accepted term to refer to all individuals of Chinese ethnicity living abroad.<sup>12</sup> To follow the example of Professor Wang Gungwu the simple term “Chinese overseas”, as opposed to the more loaded “overseas Chinese”, is used when referencing any and all Chinese outside of China itself.<sup>13</sup>

The Dynasty’s approach to its subjects would change with time. The pattern which would come to emerge was one in which the Dynasty’s interests in its subjects abroad was linked to its own power. Whilst the Dynasty remained a hegemonic force, to at least some degree, it largely neglected and actively repressed any Chinese who moved abroad. However, once its own power base began to weaken, and it sought ways to address the causes of this weakness, it altered its policies to become more supportive and inclusive of the Chinese overseas.<sup>14</sup> Over time this took on three different approaches, which will be detailed below.

## 2.2 Phases of the Qing Dynasty’s Migration Policies

The Qing Dynasty’s policies regarding Chinese overseas can be broken down into three periods. The first of these periods, encompassing the Qing Dynasty’s policies concerning Chinese overseas prior to 1860, can rather charitably be described as “restrictive”. Inheriting the already isolationist stance of the former dominant polity, the Ming Dynasty, the Qing

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<sup>10</sup> G. Petersen: *Overseas Chinese in the People’s Republic of China*, p. 28.

<sup>11</sup> *Ibid.*

<sup>12</sup> W. Gungwu: “Greater China and the Chinese Overseas,” *The China Quarterly*, 136, December 1993, pp. 927-928.

<sup>13</sup> *Ibid.*

<sup>14</sup> S. K. Ong: “‘Chinese, but not quite Chinese,’: *Huaqiao* and the Marginalization of the Overseas Chinese,” *Journal of Chinese Overseas*, 9, (2013), p. 5.

Dynasty saw the question of its subjects moving abroad, out of the Empire, purely as a threat.<sup>15</sup> The Qing Dynasty shared the fears of the Ming Dynasty, that any number of subjects existing outside the borders of the Empire would, invariably, present a problem either as rebels or as bandits or pirates.<sup>16</sup> The Qing Dynasty would introduce even more punitive legislation than its forebear had and enacted legislation to, effectively, sentence to death any subjects of the Empire who travelled abroad without the express permission of the government.<sup>17</sup> The Dynasty would attempt to enforce this legislation, even going so far as to issue an edict requesting foreign countries to repatriate all Chinese within their borders back to the Empire so they could face execution.<sup>18</sup> Beyond the simple aspect of seeking to prevent potential threats to their rule, the Qing Dynasty was also, to an extent, motivated by a belief that Chinese who travelled abroad were violating the moral and cultural standards they were expected to be held to.<sup>19</sup> One of the clearest examples of this was the reaction by the Qing Dynasty to the 1740 Batavia Massacre in Indonesia. This mass killing saw somewhere in the vicinity of 10 000 ethnically Chinese inhabitants killed by the combined efforts of Dutch colonial troops and native collaborators. Yet despite the high death toll, the Qing Dynasty's Emperor was largely unconcerned, and primarily blamed the Chinese overseas for their own situation, stating:

They disgracefully abandoned their ancestors to gain fortune in an alien country, so they would be abandoned and would receive no sympathy or support from the government.<sup>20</sup>

However, even in the face of such harsh legislation, and the knowledge that their homeland's government was unlikely to provide them any assistance once they were overseas, emigration still increased in the period before 1860.<sup>21</sup>

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<sup>15</sup> L. Anshan: *A History of Overseas Chinese in Africa to 1911*, p. 81.

<sup>16</sup> Y. Hwang: *Coolies and Mandarins: China's Protection of Chinese overseas During the Late Ch'ing Period (1851-1911)*, p. xiv.

<sup>17</sup> M. R. Coolidge: *Chinese Immigration*, p. 16.

<sup>18</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, pp. 87-88.

<sup>19</sup> *Ibid.*

<sup>20</sup> I. Shen: *A History of Chinese Immigration and Exclusion Worldwide: Legal Acts and Discriminatory Practices*, p. 70.

<sup>21</sup> R. L. Irick: *Ch'ing Policy towards the Coolie Trade, 1874-1878*, p. 390.

The Qing Dynasty's desire to restrict the movement of their subjects would, however, not manage to survive the economic realities of the later nineteenth century. Between the Dynasty's own faltering economy, which left numerous subjects impoverished, and the pressure applied by Western powers, the Qing Dynasty would find its attempt to forbid emigration out of the Empire forcibly halted in the second half of the nineteenth century. Between 1840 and 1860 the Qing Dynasty fought two separate Opium Wars against the British Empire and the French.<sup>22</sup> Both wars were fought with an intention, on behalf of the European states involved, to forcibly further open up China to economic penetration.<sup>23</sup> As a result, the first of these wars forced the Qing Dynasty to open up more of its ports to commercial use by foreign nations.<sup>24</sup> In the aftermath, the Western powers continued to exert political pressure on the Qing Dynasty to allow for further mass movement of Chinese subjects abroad.<sup>25</sup> However, irrevocable change to the Qing Dynasty's traditional policies on emigration only came about in 1860, after the Qing Dynasty's defeat in the Second Opium War.<sup>26</sup> The conclusion of the War left the Qing Dynasty with little political or military capability to refuse the demands of the Western states and this was reflected in the conditions of the resulting Peking Convention which was signed at the conclusion of the Second Opium War.<sup>27</sup> The Convention effectively required the Qing Dynasty to remove legal restrictions on Chinese emigration, allowing its subjects to move abroad without fear of persecution from the government.<sup>28</sup> Article five of the Convention permitted Chinese subjects freedom from any legal restriction when traveling abroad on British vessels.<sup>29</sup> At the same time the Convention did, technically, grant the Qing Dynasty the right to have "oversight" of its subjects within British colonies. A combination of the Qing Dynasty's apathy for its overseas subjects, as well as a lack of political clout, meant that initially this "oversight" was hardly exercised.<sup>30</sup> It should be noted that from the outset the Qing Dynasty's

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<sup>22</sup> R. Nield: "Treaty Ports and other Foreign Stations in China," *Journal of the Royal Asiatic Society Hong Kong Branch*, 50, 2010, p. 123.

<sup>23</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 70.

<sup>24</sup> R. Nield: "Treaty Ports and other Foreign Stations in China," *Journal of the Royal Asiatic Society Hong Kong Branch*, 50, 2010, p. 123.

<sup>25</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 70.

<sup>26</sup> I. Shen: *A History of Chinese Immigration and Exclusion Worldwide: Legal Acts and Discriminatory Practices*, p. 60.

<sup>27</sup> *Ibid.*

<sup>28</sup> L. Anshan: *A History of Overseas Chinese in Africa to 1911*, p. 81.

<sup>29</sup> *Ibid.*

<sup>30</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 70.

softening of its stance related only to the exit of its subjects, and Chinese who travelled abroad from the Empire were not allowed, legally, to re-enter the Empire until as late as 1893.<sup>31</sup>

This marked the beginning of the next period of the Qing Dynasty's policies on migration, namely a period in which emigration from the Dynasty abroad was remarkably easier than at any other time in the Dynasty's preceding reign. During this period, Western powers engaged in contractual agreements with Qing Dynasty officials, usually at a provincial and local level, to organize for large groups of Chinese to be transported to colonies, usually to serve as an unskilled workforce within the colony.<sup>32</sup> This contractual system was usually governed by treaties between the Qing Dynasty and the recruiting state, but extortion or exploitation of the legislation was not uncommon. At times the colonial powers would simply not agree to legislative measures taken by the Qing Dynasty. In the 1866 Labour Agreement, which the Qing Dynasty signed with the French and British Empires, the Dynasty had specified within its Article Nine that the contract period for which a Chinese subject could be hired would not exceed five years, and that it was the responsibility of the employer to organize return fare for the Chinese subject once his contract period was concluded.<sup>33</sup> Both Britain and France refused to agree to this Article.<sup>34</sup> However, the two nations still ratified the Agreement, simply forcing the Qing Dynasty to accept it without the desired Article Nine in place.<sup>35</sup>

As previously stated, this new pattern of emigration, in which the movement of large bodies of Chinese subjects was decided upon contractually between the Qing Dynasty government and other Western governments, was technically also subject to oversight by the Dynasty. This aspect played a role in a new policy of the Dynasty, which was the opening up and broadening of its political representation in foreign states. The Qing Dynasty was slow in establishing representation and sources of assistance for Chinese overseas, but it gradually began the process of opening embassies, and consulates, in various states. These were frequently

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<sup>31</sup> I. Shen: *A History of Chinese Immigration and Exclusion Worldwide: Legal Acts and Discriminatory Practices*, p. 60.

<sup>32</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 70.

<sup>33</sup> Y. Jiancheng: *Overseas Chinese History*, pp. 242-244.

<sup>34</sup> W. Tieya: *The Comprehensive Collection of Chinese Old Treaties and Regulations from 1689 to 1949*, pp. 242–246.

<sup>35</sup> *Ibid.*

countries to which Chinese subjects emigrated.<sup>36</sup> Starting with London and Singapore in 1877, and then later in Washington and Tokyo in 1878, the isolationist political position of the Qing Dynasty began to change, as the Dynasty sought, or felt forced to seek, greater political engagement with other states. The year 1875 marked the point at which the Qing Dynasty accelerated its efforts to engage in diplomatic relations with overseas states.<sup>37</sup> On June 17 of 1875 the Qing Emperor gave his consent to a memorial by his ministers requesting for a collection of individuals within the Dynasty with knowledge of foreign states to be sent abroad.<sup>38</sup> In 1877 the first of China's legations was established in London marking the beginning of this new period in the Qing Dynasty's foreign relations.<sup>39</sup>

However, even though the Qing Dynasty did become more proactive in its engagement with foreign powers following the Opium Wars, this did not mean a complete revocation of its earlier apathy for the circumstances or difficulties of Chinese overseas. As mentioned above, it was only in the closing years of the nineteenth century that the Dynasty at last allowed subjects from abroad to return to China without fear of some sort of punitive measure. Although the embassies and consulates the Qing Dynasty established in foreign countries did have a legal authority and a duty to oversee and inspect the conditions of Chinese subjects within these foreign countries, the Dynasty did little to provide any kind of substantive help towards these communities until the beginning of the twentieth century.<sup>40</sup>

The final period of Chinese emigration under the Qing Dynasty can then be described as one during which the Dynasty continued to allow relatively free emigration out of the Empire, but also began attempting to render limited assistance and aid to the overseas populations of Chinese. This third period roughly extends through the 1880s until the collapse of the Dynasty

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<sup>36</sup> I. Shen: *A History of Chinese Immigration and Exclusion Worldwide: Legal Acts and Discriminatory Practices*, p. 62.

<sup>37</sup> W. Yanwei & W. Wangliang (eds.): "Zongli Yamen's Attachment Memorializing to Send the Minister to England, A Edict Attached," *Qingji Waijiao Shiliao* (Diplomatic Material in the Qing Dynasty), 1, (3), 1987, p. 14.

<sup>38</sup> *Ibid.*

<sup>39</sup> L. Xiaoming: *The First Mission Abroad in the History of China*, Embassy of the People's Republic of China in the United Kingdom of Great Britain and Northern Ireland.

<sup>40</sup> Y. Hwang: *Coolies and Mandarins: China's Protection of Chinese overseas During the Late Ch'ing Period (1851-1911)*, p. 347.



in 1912.<sup>41</sup> Thus, even though the Qing Dynasty's complete ban on migration was overturned by 1860, it took the Dynasty almost twenty years before it even began to try to engage in a substantive manner with its overseas subjects.<sup>42</sup> However, this period would be a brief one, ending with the Dynasty's collapse in 1912. This came after a protracted period during which requests for assistance from the Chinese overseas populations had largely been ignored by the Qing Dynasty. The Dynasty did on occasion begin to attempt to assist its overseas subjects, but in many cases, this was only after they had suffered extensively.<sup>43</sup>

Furthermore, the Dynasty's capacity to render assistance was hamstrung by its own political weakness. This weakness left the Qing Dynasty in a position where agreements and contracts concluded between it and the Western powers were often deeply unfair, either favouring the Western power to a significant extent or simply granting the Qing Dynasty very little power in whatever contractual relationship they governed. One example of this was the Labour Protection Treaty signed by the Qing Dynasty and British Empire in 1904. The purpose of this Treaty was a belated reaction to complaints by Chinese overseas about their treatment and was also an attempt to secure certain guarantees for their rights. The chief negotiator on behalf of the Qing Dynasty, their royal ambassador to Britain, was Zheng Deyi, who attempted to have clauses forbidding any employer from hitting Chinese labourers as well as forbidding employers selling or loaning out the services of a Chinese labourer to another party.<sup>44</sup> The British Empire refused to accede to these requirements and, with no real military, economic or political might to leverage, the Qing Dynasty was largely forced to abide by whatever terms the British Empire felt suitable. This resulted in a treaty which granted the British Empire a significant degree of liberty when contracting labourers from China.<sup>45</sup> These liberties permitted the British Empire to select the port from which labourers would depart; the compensation they would receive; as well as the contents of their recruitment contracts; which the British Empire further did not need to divulge to the Qing Dynasty officials per their agreement.<sup>46</sup>

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<sup>41</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, pp. 88-89.

<sup>42</sup> *Ibid.*

<sup>43</sup> R. Bright (ed): *Chinese Labour in South Africa, 1902-1910, Race, Violence, and Global Spectacle, the Palgrave Macmillan Chinese Labour in South Africa, 1902-1910*, pp. 104-106.

<sup>44</sup> *Ibid.*

<sup>45</sup> L. Anshan: *A History of Overseas Chinese in Africa to 1911*, p. 82.

<sup>46</sup> *Ibid.*

Despite this impotence, the late nineteenth century did still see the Qing Dynasty making more of an effort to assist its overseas subjects, as can be seen simply by its efforts to negotiate treaties intended to safeguard them. The 1904 Labour Treaty served to further entrench this new attitude towards the Chinese overseas, by specifically granting the Qing Dynasty the capacity to send representatives to any British colony containing Chinese labourers. In the official document itself, the role of these officials, consuls and vice-consuls, was specified as being to protect and render assistance to Chinese labourers in foreign states, leaving little doubt as to the Dynasty's explicit goal of, as last, providing some form of aid to its overseas subjects:

The Emperor of the Da Qing Nation can dispatch consuls or vice consuls to a British territory or a British protected area where Chinese laborers inhabit, to oversee and protect the interests and comfort of the local Chinese citizens and laborers; the consuls and vice consuls shall enjoy the same rights as consuls of other nations.<sup>47</sup>

However, the change in the Qing Dynasty's policy towards those Chinese who went abroad was not the result of some moral epiphany or desire to help those it had so long ignored. Although on an individual level it is possible that some among the Qing Dynasty's government were motivated by a desire to render aid, the overall change in the Dynasty's longstanding position on emigration came about due to more pragmatic concerns. By the end of the nineteenth century, and the beginning of the twentieth century, the political expansion the Qing Dynasty had begun to bring it into deeper contact with communities of Chinese overseas. As embassies and consulates were established in the wake of the two Opium Wars, the financial worth of the Chinese overseas began to become clearer to the central government of the Empire.<sup>48</sup> The wealth possessed by these overseas communities formed an incentive for the Qing Dynasty to render aid to them, with the goal of having that wealth eventually channelled back into China itself. In pursuit of this goal, in 1877, the Dynasty enacted a policy to allow it to officially solicit Chinese overseas for money.<sup>49</sup> An important part of this solicitation was the sale of imperial titles and honours to Chinese overseas, particularly wealthy and affluent

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<sup>47</sup> L. Anshan: *A History of Overseas Chinese in Africa to 1911*, p. 82.

<sup>48</sup> D. P. Chen & P. Lien: *The Evolution of Taiwan's Policies toward the Political Participation of Citizens abroad in Homeland Governance*, p. 47.

<sup>49</sup> E. Barabantseva: *Overseas Chinese, Ethnic Minorities and Nationalism*, p. 24.

merchants.<sup>50</sup> Among some parts of the Qing government it was hoped that, eventually, the funding and support of Chinese overseas communities could assist the Dynasty in overcoming the financial dependence it had developed on the Western powers.<sup>51</sup> The financial contributions of the Chinese overseas saw them portrayed positively by the officials of the Qing Dynasty. According to Ong, the officials began to refer to the Chinese overseas metaphorically as “the goose that lays the golden egg.”<sup>52</sup>

Along with this financial incentive, a political motive for the Qing Dynasty to ingratiate itself with its overseas subjects also existed. By the end of the nineteenth century the Qing Dynasty was embattled against growing unrest within the Empire itself, with the threat of a revolution usurping power being a very real fear for the rulers of the Dynasty. Thus, they sought any and all support they could attain, including support from the overseas communities, hoping that by becoming more proactive in assisting them, and being seen as defending them, this would endear itself to them. The hope was that this would be enough to motivate the Chinese overseas to assist the Qing Dynasty as opposed to any revolutionary forces.

A further consideration that motivated this change in policy towards the Chinese overseas was the Qing Dynasty’s desire to utilize the skills learned by the Chinese overseas to modernize itself.<sup>53</sup> Following its defeat in the two Opium Wars, and the protracted period of time it had now existed under the coercion of the more technologically advanced Western powers, the Dynasty had a keen interest in recruiting Chinese overseas who had learned these skills. To this end, Qing Dynasty officials were instructed to locate Chinese overseas with certain skills – the use or creation of European firearms, machinery and such – and to ensure their return to the Empire, so that these skills could be disseminated.<sup>54</sup> As part of this same initiative, the Dynasty began to establish schools for Chinese overseas throughout South-East Asia, intent on turning this segment of its population it had long ignored into an asset for the Empire’s own

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<sup>50</sup> S. K. Ong: “‘Chinese, but not quite Chinese,’: *Huaqiao* and the Marginalization of the Overseas Chinese,” *Journal of Chinese Overseas*, (9), 2013, p. 5.

<sup>51</sup> E. Barabantseva: *Overseas Chinese, Ethnic Minorities and Nationalism*, p. 24.

<sup>52</sup> S. K. Ong: “‘Chinese, but not quite Chinese’”: *Huaqiao* and the Marginalization of the Overseas Chinese,” *Journal of Chinese Overseas*, (9), 2013, p. 9.

<sup>53</sup> M. R. Godley: *The Mandarin-Capitalists from Nanyang: Overseas Chinese Enterprise in the Modernisation of China 1893-1911*, pp. 60-61.

<sup>54</sup> M. R. Godley: *The Mandarin-Capitalists from Nanyang: Overseas Chinese Enterprise in the Modernisation of China 1893-1911*, p. 61.

further development. One of the more dramatic steps the Qing Dynasty took as part of its greater integration with the Chinese overseas was the passing of the Qing Nationality Law in 1909.<sup>55</sup> This law held that any individual born to a father who was Chinese would be considered a citizen of the Qing Dynasty regardless of which country he or she was born in.<sup>56</sup> Beyond creating a problematic situation for many Chinese born during the period of its existence, due to a confusing circumstance of dual citizenship arising, the law was also a further effort by the Qing Dynasty to secure for itself access to the potential benefit represented by its overseas subjects. Ultimately, regardless of individual intent, the change in the Dynasty's policies and approach to its subjects abroad was driven by the Dynasty's seeking advantage in them. In this the Qing Dynasty was much like every other government that has ever existed.

Echoing this shift in the Dynasty's policies and attitudes towards its overseas subjects, who it now at last recognized as subjects rather than traitors, was the very language used by the Qing Dynasty to refer to the Chinese overseas communities. By the late nineteenth century, the Dynasty adopted more official and precise terms when referring to Chinese subjects abroad. The Dynasty began to refer to them as *huárén* which translated simply as "Chinese people", as opposed to the previously popular, and more offensive, term *yu-min*, which effectively translated to "unproductive people", reflecting the long-held view that those Chinese who did travel abroad were essentially not members of the Empire.<sup>57</sup>

The onset of the last of these two periods, following the 1860 Convention the Qing Dynasty was coerced into signing, also promoted a massive emigration of Chinese subjects out of China and abroad into other parts of the world. This mass migration would prove to have a dramatic effect on numerous states, most importantly for the purpose of this argument, it would see the arrival of a significant number of Chinese labourers into the British colonies that would, in the future, form South Africa.

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<sup>55</sup> G. Petersen: *Overseas Chinese in the People's Republic of China*, p. 29.

<sup>56</sup> *Ibid.*

<sup>57</sup> *Ibid.*

### 2.3 The Nineteenth Century Chinese Migrations

The aftermath of the Opium Wars, when the Qing Dynasty's policies towards emigration were forcibly shifted to be more permissive, unsurprisingly had a number of consequences for the state of the world at the time. Among these as indicated was the beginning of a massive wave of emigration out of China and into foreign states. Although large numbers of Chinese did immigrate into other states within South-East Asia, and were already doing so by the eighteenth century, it was only in the latter half of the nineteenth century that a truly substantial body of Chinese began to emigrate out of China.<sup>58</sup> This wave of migration saw Chinese overseas communities forming in many Asian states near to China, in European colonies, and in states within the two American continents.<sup>59</sup> Between the years of 1869 and 1911 over 6 000 000 Chinese would emigrate out of China proper.<sup>60</sup>

This large-scale migration built on the preceding, smaller, migrations that had already begun towards the beginning of the nineteenth century.<sup>61</sup> The majority of these emigrants came from the southern parts of China, from what are now the provinces of Fujian and Guangdong.<sup>62</sup> The sheer amount of migratory workers from these regions resulted in numerous families within southern China expecting, and depending on, migratory labour to survive. Male children usually knew that, unless they were an only child, they would as adults travel out of the country to provide financial support for their families back home.<sup>63</sup> Over 8 000 000 Chinese emigrants came from Guangdong alone during this period, representing more than half the total Chinese overseas community of the nineteenth century.<sup>64</sup> The fact that the southern regions of China were usually coastal, and home to the treaty ports that served to channel Chinese overseas to colonial states, obviously also played a role in allowing them to more easily opt for migratory work as a solution to any impoverishment they were facing.<sup>65</sup> Furthermore, the Chinese emigrants often worked to assist those who came after them, forming organizations and associations that allowed for a form of “chain migration”, in which established Chinese

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<sup>58</sup> Y. C. Hoe: *Guangdong and the Chinese Diaspora: The Changing Landscape of Qiaoxiang*, p. 70.

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

<sup>60</sup> K. Sugihara: *Japan, China, and the Growth of the Asian International Economy, 1850-1949*, p. 245.

<sup>61</sup> D. Lary: *Chinese Migrations: The Movement of People, Goods, and Ideas over Four Millennia*, p. 92.

<sup>62</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 72.

<sup>63</sup> D. Lary: *Chinese Migrations: The Movement of People, Goods, and Ideas over Four Millennia*, p. 93.

<sup>64</sup> L. Pan: *The Encyclopedia of the Chinese Overseas*, p. 36.

<sup>65</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 73.

immigrants helped bring more Chinese over after them, and also assisted these Chinese once they arrived in foreign lands.<sup>66</sup> Philip Kuhn has argued, in his work, that this phenomenon of Chinese migration is best understood within the context of China's historical expansion, that its migratory patterns overseas have some resemblance to its centuries-long expansion via migration over land.<sup>67</sup> Before the major wave of migration in the late nineteenth century the majority of Chinese immigrants had moved into nearby states still within Asia, usually states that were themselves colonial possessions of a Western state. However, the massive wave of migration that followed saw the Chinese moving further abroad, to locations in North America, Africa, Canada and Australasia, resulting in the formation of Chinese overseas communities in a diverse number of states.<sup>68</sup> The demand for labour within the colonial holdings of the Western powers created opportunities for employment within those regions.<sup>69</sup> Importantly the migration of the Chinese was rarely a private or individual undertaking, and this era of mass migration was characterized extensively by the direct involvement of states within the organization of migrations, achieved mostly through the contractual agreements between the Qing Dynasty and Western states. This resulted in states and colonies such as Canada, the United States of America, New Zealand, Australia and South Africa all seeing a considerable increase in the number of Chinese within their borders.<sup>70</sup>

This mass migration was the result of four primary factors. First, unsurprisingly, was simply that the Qing Dynasty's previous punishment of any emigration had been reversed, making it easier for subjects of the Empire to emigrate. The other three factors were more complex: the demand by Western colonies and states for unskilled labour; the revolution in world transportation technology; and the economic and social situation within China itself being problematic and difficult for many of its subjects.<sup>71</sup>

To elaborate first on the matter of the Western demand for unskilled labour, the nineteenth century saw an adjustment in the world economy. With slavery largely being abolished by all

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<sup>66</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 73.

<sup>67</sup> P. Kuhn: *The Ancestral Land*, pp. 3-6.

<sup>68</sup> P. Richardson: "The Recruiting of Chinese Indentured Labour for the South African Gold Mines, 1903-1908," *The Journal of African History*, 18, (1), 1977, p. 1.

<sup>69</sup> *Ibid.*

<sup>70</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 73.

<sup>71</sup> P. Richardson: "Coolies, Peasants and Proletarians: The Origins of Chinese Labourers in the South African Gold Mines, 1904-1907," *Southern African Research in Progress, Collected papers*, (3), 1978, p. 82.

the major empires of the nineteenth century there existed a demand for cheap, unskilled labour by most of the Western powers.<sup>72</sup> This was further compounded by the discovery of valuable resources in numerous colonial holdings of Western powers, as well as within the boundaries of Canada and the United States. These resources had not yet been extensively exploited and would require a large and intensive workforce, preferably a cheap one, to profitably and successfully extract.<sup>73</sup>

In addition to the discovery of resources in need of extraction, the nineteenth century also saw an expansion of transportation networks in the form of railways, the expansion of construction projects in the form of dams, and growth of plantations in South-East Asia, all of which required intensive labour on large scale, preferably for little compensation.<sup>74</sup> A solution to this conundrum, at least from the perspective of the Western states, existed within the borders of China. Not only was the population of China large, a necessity when looking for a massive workforce, but the Western states also held a belief that the Chinese were particularly suited to serving as a workforce. It was a bizarrely, although not for the time, common belief amongst the Western powers that the Chinese, as a race, made the best labour force, as well as the least problematic one.<sup>75</sup> The situation many of the migrant Chinese labourers found themselves in was somewhat akin to the slave labour they were replacing, if not identical.<sup>76</sup> Typically these labourers were indentured to their employers, unable to move freely or seek employment elsewhere; they were also only to be paid, often, at the end of their entire contract. However, during the term of their contract money was deducted from their eventual payment for other costs they might incur, from transportation to gambling, and at times Chinese labourers were simply forced to stay on past the end of their contract based on fictitious criminal charges.<sup>77</sup>

It should be clear, if unsurprising, that as a general rule these Chinese migrant workers were exploited and treated poorly, often forced into dangerous occupations for very little financial compensation. One stark example of this was the guano harvesting industry in Peru, which had

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<sup>72</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, pp. 88-89.

<sup>73</sup> *Ibid.*

<sup>74</sup> D. Lary: *Chinese Migrations: The Movement of People, Goods, and Ideas over Four Millennia*, p. 93.

<sup>75</sup> L. Pan: *Sons of the Yellow Emperor: A History of the Chinese Diaspora*, p. 26.

<sup>76</sup> D. Lary: *Chinese Migrations: The Movement of People, Goods, and Ideas over Four Millennia*, p. 93.

<sup>77</sup> *Ibid.*



typically relied on slave labour. The process involved labourers being dangled precariously over cliffs, to hack at guano, and was far from a safe venture. However, after Peru abolished slavery in 1854, there was a need to find a new labour force to harvest guano, a need that was met by the importation of masses of Chinese labourers from Guangdong.<sup>78</sup>

For the Western powers the manpower represented by China's enormous population was its own form of economic asset, particularly due to the high demand for unskilled labour in many of their colonies.<sup>79</sup> The heightened demand for labour within the West was the result of several factors. As indicated, the abolition of slavery had reduced the capacity for Western powers to simply import large, cheap, workforces and, at the same time, the spread of colonial empires had opened considerable resources needing labour forces to be exploited.<sup>80</sup> The Western states' desire to exploit a potential labour boom from China was certainly a factor in the two Opium Wars. This is apparent when considering the treaties signed in the aftermath of the War that directly dealt with forcing the Qing Dynasty to repeal its earlier legislation against emigration as well as creating the basis for a system by which the Western states would be able to recruit large numbers of Chinese labourers for use in their colonies.<sup>81</sup>

Spurred on further by the 1839 Indian decision to curtail the recruitment of labour from the subcontinent, as well as a prevailing belief among many of the European powers that the Chinese, as a people, were well-suited to use as a labour force, the Opium Wars served to achieve the primary economic goals the Western powers had with regard to China.<sup>82</sup> The use of Chinese labour in South East Asian colonies had left a lasting impression on the Western powers, who considered the Chinese to be an effective and cheap workforce.<sup>83</sup> Hence the Western powers were quick to swoop in and follow in Britain's wake, concluding their own treaties to allow for the importation of Chinese labour.<sup>84</sup> In sum, the population of China

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<sup>78</sup> D. Lary: *Chinese Migrations: The Movement of People, Goods, and Ideas over Four Millennia*, p. 93.

<sup>79</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, pp. 88-89.

<sup>80</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 68.

<sup>81</sup> *Ibid.*

<sup>82</sup> R. Nield: "Treaty Ports and other Foreign Stations in China," *Journal of the Royal Asiatic Society Hong Kong Branch*, 50, 2010, p. 137.

<sup>83</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 69.

<sup>84</sup> R. Nield: "Treaty Ports and other Foreign Stations in China," *Journal of the Royal Asiatic Society Hong Kong Branch*, 50, 2010, p. 127.



represented a potential economic asset, a labour force in this case, and to the Western powers, desperately wanting more labour, finding means to facilitate a massive migration out of China and into their colonies was simply lucrative. As a result, the Western states helped to drive the migration, by offering financial incentive to Chinese labourers to migrate abroad, as well as by forcing the Qing Dynasty itself into treaties to help facilitate their acquisition of Chinese labourers.<sup>85</sup>

This mass migration would not have been possible, regardless of incentive, had the technology of transportation not advanced sufficiently. It was only due to the existence of more rapid, safe, and consistent movement across the world's oceans and land due to steamships and railways, that this migration was possible in the first place.<sup>86</sup> Railways, in particular, were vital for the rapid movement of resources and supplies across great distances, and for connecting infrastructure and urban centres. As the nineteenth century advanced the demand for more railways in Western states and their colonies required labour to meet this demand, labour that could no longer be extracted from slavery and was unlikely to be met by the actual Western inhabitants of the states as the work was dangerous, unhealthy, and paid very poorly.<sup>87</sup> Once again, the Chinese were deemed by many Western powers to be the ideal labour force for this kind of work. From North America, the Trans-Siberian railway, and the Panama Canal, Chinese migrant labourers were called for by the colonial powers.<sup>88</sup>

However, the role played by Western coercion and technological development was far from the sole cause of this migration. As indicated above, events internal to China at the time also played an important role in creating the mass Chinese migration of the late nineteenth century. A series of factors coincided to accelerate the decline of the Qing Dynasty. Its economic power steeply fell following its integration into the wider Western markets, resulting in a dependence on Western nations to support it financially.<sup>89</sup> As a result of its disintegrating economy the Dynasty struggled to maintain its own infrastructure and assert political control over its

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<sup>85</sup> R. Nield: "Treaty Ports and other Foreign Stations in China," *Journal of the Royal Asiatic Society Hong Kong Branch*, 50, 2010, pp. 137-138.

<sup>86</sup> D. Lary: *Chinese Migrations: The Movement of People, Goods, and Ideas over Four Millennia*, p. 98.

<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*

<sup>89</sup> E. X. Li & P. S. Li: *From Cold War to Open Door: The Making of the Chinese Community in Canada, China's Rise and the Chinese Overseas*, pp. 59-60.

territory.<sup>90</sup> The declining economy soon resulted in difficulties for the peasant populations of rural China, particularly northern China, as the Dynasty became incapable of maintaining adequate counter-measures to flooding and drought, resulting in a period of impoverishment for the northern Chinese peasants.<sup>91</sup> The result of this was a series of famines which devastated the Qing Dynasty throughout the nineteenth century. These famines had a significant effect on the population of China, between 1876 and 1879 killing more than 9 000 000 Chinese.<sup>92</sup> The population spike the Qing Dynasty experienced during the nineteenth century, with its population growing from 150 000 000 in the seventeenth century to over 400 000 000 by the mid-eighteenth century, only worsened the effects of these famines.<sup>93</sup>

Coupled with this, the Qing Dynasty suffered numerous military invasions during this time. On top of its military defeats at the hands of both European powers and Japan, the Qing Dynasty was forced to cede more and more of its territory to foreign powers.<sup>94</sup> Taiwan, Macau, Stonecutter's Isle, Hong Kong, Kowloon and Inner Manchuria were all ceded to Western powers throughout the nineteenth century, and China's role as the dominant power within Korea was usurped following its defeat in the First Sino-Japanese War.<sup>95</sup> The most well-known of the Qing's defeats in this period are the two Opium Wars fought against the British Empire predominantly, although the French participated in the Second Opium War as well. The Qing had suffered defeat at the hands of the British before; the 1842 Anglo-Chinese war forced the Dynasty to concede Hong Kong to the British and open six ports to British trade.<sup>96</sup> The Opium War would conclude with the Convention of Peking, ceding control of Kowloon to the British Empire, whilst the Russian Empire took advantage of the Qing Dynasty's weakness to negotiate control of much of Manchuria for itself as well.<sup>97</sup> The final blow to the Qing Dynasty's hegemony came in 1895, with its defeat in the first Sino-Japanese War.<sup>98</sup> This defeat marked the first time regional dominance within South-East Asia changed hands from China to Japan, and signalled the end of the hegemonic dominance of the Qing Dynasty within the

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<sup>90</sup> P. Richardson: *Chinese Mine Labour in the Transvaal*, pp. 109-110.

<sup>91</sup> P. Richardson: *Chinese Mine Labour in the Transvaal*, pp. 110-111.

<sup>92</sup> *Ibid.*, p. 111.

<sup>93</sup> J.D. Spence: *The Chinese Roundabout: Essays in History and Culture*, p. 168

<sup>94</sup> E. X. Li & P. S. Li: *From Cold War to Open Door: The Making of the Chinese Community in Canada, China's Rise and the Chinese Overseas*, pp. 58-59.

<sup>95</sup> *Ibid.*

<sup>96</sup> R. Nield: "Treaty Ports and other Foreign Stations in China," *Journal of the Royal Asiatic Society Hong Kong Branch*, 50, 2010, p. 123.

<sup>97</sup> *Ibid.*, p. 126.

<sup>98</sup> S.C.M Paine: *The Sino-Japanese War of 1894–1895: Perceptions, Power, and Primacy*, p. 3.

region.<sup>99</sup> Exacerbating this situation, the widespread poverty and military conflict resulted in numerous peasant uprisings and rebellions, such as the Boxer rebellion of 1899, resulting in further disruption of the Qing Dynasty's economy and political order.<sup>100</sup> The faltering economy of the Qing Dynasty also meant that the populace had little chance for assistance from their nominal rulers. Compounding this issue was the disintegrating political control of the Qing Dynasty, which along with the encroachment by European powers and the influential Japanese Empire saw sections of the Dynasty, such as Manchuria and Tibet, largely cease to be under its own authority.<sup>101</sup> As numerous different leaders of factions and fiefdoms emerged, conflict between them emerged as well, creating a situation in which many of the Empire's subjects saw emigration as a method of finding escape from conflicts within their own homeland.<sup>102</sup>

This created an environment in which emigration was, for many Chinese peasants, the only way to find a potential escape from crushing poverty. As a result, the employment opportunities offered by overseas states to the Chinese, following 1860, found a receptive population also seeking to move abroad. The combination of these factors would bear fruit: between 1850 and 1875 over 1 280 000 Chinese were shipped abroad as indentured labourers, with a further 750 000 following between 1876 and 1900.<sup>103</sup> This combination of seeking to escape chaos within their own homeland, whilst also needing to find a method to financially provide for themselves and their families, made the offers for work in foreign colonies an attractive one, if not a simple necessity born of desperation. By the late nineteenth century some of the most common destinations for these migrant workers were the United States of America, New Zealand, Australia, Canada, and South Africa. In all of these states large gold reserves had been discovered and now required exploitable labour.<sup>104</sup> Thus at the end of the nineteenth century, a large influx of Chinese labourers came to the British colonies in South Africa, where they would receive a rather hostile reception from the settlers already established there.

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<sup>99</sup> S.C.M Paine: *The Sino-Japanese War of 1894–1895: Perceptions, Power, and Primacy*, p. 3.

<sup>100</sup> P. Richardson: *Chinese Mine Labour in the Transvaal*, p. 110.

<sup>101</sup> D. Lary: *Chinese Migrations: The Movement of People, Goods, and Ideas over Four Millennia*, p. 94.

<sup>102</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, p. 89.

<sup>103</sup> L. Anshan: *A History of Overseas Chinese in Africa to 1911*, p. 49.

<sup>104</sup> *Ibid.*

## 2.5 The Early Years: The Arrival of the Chinese in South Africa

It is, however, important to understand that the Chinese did not first enter South Africa in the twentieth century, nor was the massive wave of migrations that issued out of the Qing Dynasty after 1860 the very first contact Chinese had had with the disparate groupings of polities that would later on become South Africa. As early as 1652 Jan Van Riebeeck, the man in charge of the very first Dutch outpost within the Cape, in an official correspondence with the Dutch East India Company, requested Chinese free farmers to be used for the establishment of this outpost.<sup>105</sup> Van Riebeeck also made persistent reference to the idea that the Chinese would be well-suited to use as a large, unskilled, poorly paid workforce, sentiments which would be echoed later by Western officials in the nineteenth century.<sup>106</sup> Van Riebeeck was not alone in this sentiment and desire for Chinese labourers to be sent to the Cape. Many of his successors reiterated similar opinions during the period of Dutch control of the Cape.<sup>107</sup>

However, no action to answer these pleas manifested at the time. But there were still Chinese in South Africa, albeit not in the numbers requested by some of the Dutch Commanders. In general, these were Chinese convicts from other parts of the Dutch colonial possessions, sent into exile in South Africa, although occasionally some of them might have been free Chinese who disembarked from a ship at the Cape.<sup>108</sup> For the most part, these Chinese prisoners were treated akin to slaves within the Colony, their sentences not seeing them imprisoned but instead simply working on the Colony.<sup>109</sup> Ultimately, they remained a minute part of the population, and were largely treated in a similar vein to the existing slave labour, or simply classified as free blacks.<sup>110</sup> Despite their small numbers several of these early Chinese inhabitants of South Africa experienced a degree of success. Some were listed as slave owners, a sign of wealth, and no small number were profitable merchants or owners of restaurants.<sup>111</sup> In a manner that

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<sup>105</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 80.

<sup>106</sup> J. Armstrong, *The Chinese at the Cape during the Dutch East India Company Period*, presented at the UNESCO Slave Route Project Conference, 1997, p. 7.

<sup>107</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 83.

<sup>108</sup> J. Armstrong, *The Chinese at the Cape during the Dutch East India Company period*, presented at the UNESCO Slave Route Project Conference, 1997, p. 21.

<sup>109</sup> J. Armstrong: *The Chinese at the Cap during the Dutch East India Company Period*, pp. 11-12.

<sup>110</sup> K. L. Harris: *The Chinese in the Early Cape Colony: A Significant Cultural Minority*, University of Pretoria, pp. 9-11.

<sup>111</sup> *Ibid.*

almost foreshadowed the exclusionary legislation targeting Chinese in the twentieth century, even this modest success by a relatively small population was sufficient to stoke fears and concerns among Dutch settlers that the Chinese endangered their economic wellbeing and were a threat to the morals of the society.<sup>112</sup> Despite the miniscule numbers of the Chinese within the Cape Colony during the eighteenth century, the Dutch settlers still took issue with them and on numerous occasions petitioned their authorities to enact legislation hampering the Chinese's capacity to trade.<sup>113</sup>

After the British took over from the Dutch, the question of using Chinese labourers to accelerate development of the colonies in South Africa was again brought up by different British officials. As in the case of the Dutch, there were a number of British officials who requested, or put forth for consideration, the option of organizing for Chinese to be brought into South Africa. Early in 1804 the British official John Barrow stated that the simplest way to improve the Cape Colony would be the introduction of Chinese into it, suggesting that the British government allow Chinese to settle on and rent land within the Colony.<sup>114</sup> Barrow put his opinion of the positive effects the introduction of the Chinese to the Cape might have as:

[t]en thousand Chinese, transported to the Cape of Good Hope, would prove a more valuable gold mine to the colony, than those which are supposed to exist.<sup>115</sup>

Similar sentiments were expressed by British officials and settlers within the Cape throughout the early years of the nineteenth century.<sup>116</sup> There were scattered, small-scale, efforts to introduce the Chinese into the Cape Colony, such as the importation of some hundred Chinese to build a railway between Cradock and Colesburg in 1880.<sup>117</sup> But these actions failed to

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<sup>112</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 88.

<sup>113</sup> J. Armstrong: *The Chinese at the Cape during the Dutch East India Company Period*, pp. 36-37.

<sup>114</sup> J. Barrow: *An Account of Travels into the Interior of Southern Africa*, ii, 1804, p. 430; J. Barrow: *Travels into the Interior of Southern Africa*, ii, 1806, p. 150.

<sup>115</sup> J. Barrow: *A Voyage to Cochinchina in the Years 1792 and 1793*, 1806.

<sup>116</sup> D. Moodie (ed.): *The Record: Or, a Series of Official Papers Relative to the Condition and Treatment of the Native Tribes of South Africa*, (5).

<sup>117</sup> D. Man & M. Yap: *Colour, Confusion and Concessions: The History of the Chinese in South Africa*, pp. 18-20.

materialize into any large-scale migration up until the late nineteenth century.<sup>118</sup> It must be emphasized, though, that up until the so-called “Chinese indentured labour experiment” which began in 1904 that the presence of Chinese in South Africa was miniscule by any numerical measurement. By the count of the 1891 Census for the Cape Colony there were only 215 Chinese males inside the colony, and absolutely no females at all.<sup>119</sup> Although there was a substantial increase in the local Chinese population by 1900, reaching a total of approximately 1 300, it remained for the most part a low-profile minority within the South African colonies.<sup>120</sup>

At the outset of the late nineteenth century and the beginning of the twentieth century, however, South Africa did see a major influx of Chinese. Like Australia, Canada, New Zealand, and the United States before it, South Africa proved to be an attractive destination for Chinese labourers due to the untapped, and relatively recently discovered, mineral resources within it.<sup>121</sup> Compared to the other British colonies such as Australia or New Zealand, the immigration of Chinese labourers to work in mines occurred later, largely because the Anglo-Boer War, which finally gave control of South Africa’s mineral resources to the British Empire, only concluded in 1902, forcing all the existing independent South African colonies to accept British rule and control. However, the mining industry of South Africa faced consistent shortages of labour, which meant that the recently discovered mineral wealth was not being exploited to its fullest extent.<sup>122</sup> The British Empire determined as early as 1903 that the use of Chinese labour could assist in resolving this issue, dispatching officials to examine similar use of Chinese for mining purposes in California.<sup>123</sup> In pursuit of this goal, the British Empire introduced the Labour Importation Ordinance to the Transvaal Legislative Council in 1904, intending to lay the groundwork for beginning further labour importation.<sup>124</sup>

However, at the same time as this experiment with indentured Chinese labour was introduced and the enactment of discriminatory legislation targeting them, South Africa also saw the

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<sup>118</sup> D. Man & M. Yap: *Colour, Confusion and Concessions: The History of the Chinese in South Africa*, p. 90.

<sup>119</sup> D. Man & M. Yap: *Colour, Confusion and Concessions: The History of the Chinese in South Africa*, p. 214.

<sup>120</sup> *Ibid.*, p. 220.

<sup>121</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China’s Rise and the Chinese Overseas*, p. 90.

<sup>122</sup> J. S. Crush, A. Jeeves & D. Yudelman: *South Africa’s Labor Empire: A History of Black Migrancy to the Gold Mines*, pp. 4-5.

<sup>123</sup> P. C. Campbell: *Chinese Coolie Emigration to Countries within the British Empire*, p. 171.

<sup>124</sup> *Ibid.*, p. 173.

enaction of its first diplomatic representation from China itself. A consular office, and consul, was directly appointed by the Qing Dynasty, initially with jurisdiction over the inspection of the indentured Chinese labourers only, although this was later expanded to include all Chinese within the South African region.<sup>125</sup> Through this, the Qing Dynasty's primary connection with the South African Chinese was created, as well as the only real connection between the small community of Chinese who had already been living in South Africa before the twentieth century and the large body of indentured Chinese. The first of these Consul-Generals, Liu Yu Ling, arrived in 1905, and created the first official channel for those Chinese protesting their treatment within South Africa to actually address the Qing Dynasty in some manner.<sup>126</sup> In 1905 then, for the first time, the Chinese in South Africa did have some form of actual support, officially, from the Qing Dynasty. Despite the longstanding apathy, and general reputation the Dynasty had regarding its treatment of its overseas subjects, the Consul-Generals in South Africa did show that the Qing Dynasty, in its final decade, made an attempt to support and defend its subjects abroad, if only as part of pragmatic efforts to enhance its own failing power.

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<sup>125</sup> (SAB) Department of Planning (BEP) 575 G18/54: "Raadpleging en Koordinasie met Ander Instansies: Sjinese Organisasies," 7 December 1963.

<sup>126</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 250.



### **Chapter 3: The Qing Consul-Generals and the Chinese in South Africa, 1904-1912**

Chapter three examines the situation and circumstances of three different groups of Chinese who resided in South Africa between 1904 and 1912. Rather: the first of these three groups is the indentured Chinese labourers, who were brought over to the Transvaal in 1904. By 1910 the majority of these indentured Chinese had been repatriated to China.<sup>1</sup> The second and third groups of Chinese under examination are the small communities of Chinese who resided in the Cape and Transvaal prior to 1904. These communities are referred to as the free Chinese, as they were not indentured, and although legislation passed by the governments of the Transvaal and Cape would lead to a sharp decline in their numbers, these two communities continued to exist in South Africa well past the collapse of the Qing Dynasty. The chapter ends by introducing the two Consul-Generals for the Qing Dynasty, first Liu Yu Ling and then Liu Ngai, and giving an overview of biographical information concerning them.

#### **3.1 A New Direction for the Qing Dynasty, 1890-1911**

The Qing Dynasty, for most of its existence, did not have a practice precisely comparable to the Western institution of establishing consulates, legations or embassies in foreign states. The emergence of its first dedicated representation, at an official state level, to foreign polities only began late in the nineteenth century. Although the Qing Dynasty had been aware of the practice of consulates for some time, having as early as 1842 been forced by several Western states to permit them to open consulates within its territory after its defeat in the Opium War, the Dynasty itself would as indicated only open its own first consulate in 1877. The Consulate in question was the Singapore Consulate and was largely intended to assist the Qing Dynasty in diplomatic relations with the British Empire as, at that time, Singapore was still controlled by the Empire. The opening of the Singapore Consulate, however, was the beginning of a process that played out throughout the final years of the nineteenth century and the first years of the twentieth century, during which the Qing Dynasty sought to increase its diplomatic and political representation in foreign states. The Dynasty, specifically, proceeded to open consulates in states that already had significant populations of Chinese within them, at times

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<sup>1</sup> P. Richardson: *Chinese Mine Labour in the Transvaal*, p. 166.



due to treaty regulations with the host nations, which accorded the Qing Dynasty the right and responsibility of oversight over these Chinese, but also due to the Dynasty's own desire to improve its relations with the overseas Chinese during this period.<sup>2</sup>

Interestingly, it was the coercion of the Qing Dynasty by Western imperialistic motives into signing treaties permitting the establishment of diplomatic representation on its shores, and to permit the immigration of Chinese labour abroad, that helped establish the Qing Dynasty's own foreign diplomatic relations. This was due to the principle of reciprocity, which most of the treaties the Qing Dynasty was coerced into signing with the Western powers contained. This then permitted the Qing Dynasty to oversee the safety and wellbeing of its foreign subjects who now moved abroad.<sup>3</sup> Although the Qing Dynasty was slow to actually begin executing this responsibility, this principle would eventually be the basis for the establishment of numerous Qing Dynasty consulates in polities with overseas Chinese communities.<sup>4</sup> In the case of South Africa, for example, the Qing Dynasty's consulate was initially established in order to oversee the wellbeing and conditions of the Chinese miners who immigrated there, and to ensure they would not be exploited or mistreated.<sup>5</sup> The Qing Dynasty already took a noticeably more proactive role in the negotiations of the Transvaal Labour Importation Ordinance than it had in the importation of Chinese to Australia, Canada, New Zealand or the United States.<sup>6</sup> The Chinese Minister in London, Chang Ta-Jen, specifically emphasized to his British counterpart that the Qing Dynasty wanted to ensure there would be no mistreatment of its subjects if they were brought to work in the Transvaal.<sup>7</sup> To this end the Minister stressed that negotiations on the treatment of the Chinese should be done strictly between the British Empire and Qing Dynasty directly, and that the Transvaal Colony was not to be involved.<sup>8</sup>

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<sup>2</sup> R. Bright (ed): *Chinese Labour in South Africa, 1902-1910, Race, Violence, and Global Spectacle, the Palgrave Macmillan Chinese Labour in South Africa, 1902-1910*, pp. 104-106.

<sup>3</sup> C. P. Fitzgerald: *The Southern Expansion of the Chinese People*, pp. 5-6.

<sup>4</sup> W. Gungwu: *China and the Chinese overseas*, p. 24.

<sup>5</sup> (SAB) BEP 575 G18/54: "Raadpleging en Koordinasie met Ander Instansies: Sjinese Organisasies," 7 Desember 1963.

<sup>6</sup> Public Records Office, Kew (PRO) Colonial Office (CO) 291/75/7860: "Minutes of Meeting between Chinese and British Governments re: Engagement of Chinese Labourers," 24 February 1904.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

Thus, the opening of the Qing Dynasty's Consulate in British South Africa in 1905 took place against this backdrop of increased efforts by the Qing Dynasty to safeguard its overseas subjects. As the Qing Dynasty's traditional apathy towards its overseas subjects gave way to an attitude of both seeking to cultivate better relations with them, and elicit financial support from them, the Dynasty began to pursue the process of sending some form of diplomatic representation on its behalf to those states with Chinese populations. In South Africa, this representation only came after the Labour Importation Ordinance, the agreement between the British Empire and Qing Dynasty which saw over 60 000 Chinese labourers brought into British South Africa between 1902 and 1910 to work on the gold mines in the Witwatersrand area, owing to the lack of sufficient local labour to optimally exploit these mines. The small community of Chinese who already existed in British South Africa prior to this, only numbering approximately 1 000 individuals,<sup>9</sup> had not previously received any form of aid or assistance from their former homeland but, additionally, had largely been ignored within the boundaries of South Africa as well, with a few exceptions.<sup>10</sup> However, the arrival of the Chinese migrant labourers thrust the local community of free Chinese in South Africa into the attention of the dominant European population.<sup>11</sup>

Despite the consulate being established predominantly for the purpose of overseeing and providing safeguards for the Chinese migrant labourers entering British South Africa, it was to have a profound effect on the community of free Chinese already in British South Africa as well. The opening of the consulate in British South Africa was, for the Chinese living there, a reversal of the Qing Dynasty policy they had always known. They had largely always been ignored by the Dynasty, regardless of their circumstance, but with the arrival of the Qing Consul-General the free Chinese community in British South Africa gained a form of representation from their government at last. Perhaps more importantly, they gained an official channel for communication with both the Qing Dynasty and, via the Consul-General, the governments of British South Africa as well.

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<sup>9</sup> W. Gungwu: *China and the Chinese Overseas*, p. 112.

<sup>10</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 28.

<sup>11</sup> *Ibid.*

The origin of the Qing Dynasty consulate in British South Africa, then, rested with the Transvaal Labour Importation Ordinance. Representing an agreement between the British Empire and the Qing Dynasty, the negotiations around the Ordinance involved both Alfred Milner, as the High Commissioner of South Africa, and also Chang Ta-Jen, as a Minister representing the Qing Dynasty in the matter.<sup>12</sup> Initially there was no part of the Ordinance that would have created a consulate for the Qing Dynasty in South Africa, but Chang Ta-Jen would, during the negotiations, propose five additions to the Ordinance.<sup>13</sup> The first of these was the ground for the creation of a consulate to fulfil the Qing Dynasty's obligations towards its subjects' wellbeing:

...make representations to the authorities on the subject of any matter affecting the comfort and well-being of the immigrant that may appear to him necessary.<sup>14</sup>

Initial suggestions by the Minister would have seen a local Chinese, from the small free Chinese community, appointed to fulfil this function on behalf of the Qing Dynasty, but this notion was rejected by Alfred Milner who instead insisted that the appointment by the Transvaal government of a state official as Protector of Indentured Labourers would be sufficient and that, were any local Chinese appointed to also fulfil a similar function, it would lead to friction between the free Chinese community and the Transvaal government.<sup>15</sup> However, it was conceded by the British Empire in the negotiations that if an official Qing

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<sup>12</sup> (TAB) AMPT PUBS 47 CD 1956: "Africa No. 6 (1904). Convention Between the United Kingdom and China Respecting the Employment of Chinese Labour in British Colonies and Protectorates. Signed at London, May 13, 1904; (TAB) AMPT PUBS 51 CD 1986: "Transvaal. Further Correspondence Relating to the Transvaal Labour Question. Coolie and Chinese Labourers. 1) Recruiting 2) Contracts of Service 3) Transfer of Labourers 4) Passages of Labourers to South Africa 5) Arrival of the Labourers at Durban 6) Care and Treatment of the Labourers when Sick 7) Wages 8) Women and Children 9) Return of Labourers to China," 1904.

<sup>13</sup> (TAB) AMPT PUBS 47 CD 1956: "Africa No. 6 (1904). Convention Between the United Kingdom and China Respecting the Employment of Chinese Labour in British Colonies and Protectorates. Signed at London, May 13, 1904.

<sup>14</sup> (TAB) AMPT PUBS 47 CD 1956: "Africa No. 6 (1904). Convention Between the United Kingdom and China Respecting the Employment of Chinese Labour in British Colonies and Protectorates. Signed at London, May 13, 1904; (TAB) AMPT PUBS 51 CD 1986: "Transvaal. Further Correspondence Relating to the Transvaal Labour Question. Coolie and Chinese Labourers. 1) Recruiting 2) Contracts of Service 3) Transfer of Labourers 4) Passages of Labourers to South Africa 5) Arrival of the Labourers at Durban 6) Care and Treatment of the Labourers when Sick 7) Wages 8) Women and Children 9) Return of Labourers to China," 1904.

<sup>15</sup> (TAB) AMPT PUBS 51 CD 2026: "Transvaal. Further Correspondence Relating to the Transvaal Labour Question. Coolie and Chinese Labourers. 1) Recruiting 2) Contracts of Service 3) Transfer of Labourers 4) Passages of Labourers to South Africa 5) Arrival of the Labourers at Durban 6) Care and Treatment of the Labourers when Sick 7) Wages 8) Women and Children 9) Return of Labourers to China," May 1904.

Dynasty representative, not a local free Chinese, were to be appointed as a Consul-General to British South Africa, that this would be acceptable to the British Empire.<sup>16</sup> The appointment of the Consul-General was not met with unanimous support in South Africa. The Chamber of Mines was opposed to the Qing Dynasty's proposition, in particular the appointment of a Consul-General to ensure the wellbeing of the indentured Chinese.<sup>17</sup> The Transvaal government itself would be less pleased with the appointment and, in the future, would clash and complain to the Empire concerning the appointed Consul-Generals on a few occasions. But it was made clear by Alfred Lyttleton, the British Secretary of State for the Colonies, that the Qing Dynasty would not approve the Importation Ordinance without the appointment of a Consul-General, and so the matter was agreed to by the British authorities.<sup>18</sup> This compromise resulted in stipulations within the final draft of the Ordinance, so that when it was signed in 1904 it empowered the Qing Dynasty to both dispatch a Consul-General to British South Africa, and also for this Consul-General to have a responsibility and right to oversee the wellbeing of the immigrant Chinese indentured labourers who would arrive in British South Africa per the Ordinance.<sup>19</sup> This right to ensure the wellbeing of the indentured labourers was conferred in Article Six of the Emigration Convention between Great Britain and China, 1904, which stated that:

For the better protection of the emigrant, and of any other Chinese subjects who may happen to be residing in the Colony or Protectorate to which the emigration is to take place, it shall be competent to the Emperor of China to appoint a consul or vice-consul to watch over their interests and well-being, and such consul or

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<sup>16</sup> (TAB) AMPT PUBS 51 CD 2026: "Transvaal. Further Correspondence Relating to the Transvaal Labour Question. Coolie and Chinese Labourers. 1) Recruiting 2) Contracts of Service 3) Transfer of Labourers 4) Passages of Labourers to South Africa 5) Arrival of the Labourers at Durban 6) Care and Treatment of the Labourers when Sick 7) Wages 8) Women and Children 9) Return of Labourers to China," May 1904.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> (TAB) AMPT PUBS 47 CD1956: "Africa No. 6 (1904). Convention Between the United Kingdom and China Respecting the Employment of Chinese Labour in British Colonies and Protectorates. Signed at London, May 13, 1904; (TAB) AMPT PUBS 51 CD 1986: "Transvaal. Further Correspondence Relating to the Transvaal Labour Question. Coolie and Chinese Labourers. 1) Recruiting 2) Contracts of Service 3) Transfer of Labourers 4) Passages of Labourers to South Africa 5) Arrival of the Labourers at Durban 6) Care and Treatment of the Labourers when sick 7) Wages 8) Women and Children 9) Return of Labourers to China," 1904.

vice-consul shall have all the rights and privileges accorded to the consuls of other Nations.<sup>20</sup>

In 1904, the exchequer empowered the very first Consul-General, Liu Yu Ling, to serve in British South Africa. This involvement of the Qing Dynasty in the wellbeing of its subjects, as well as its commitment to safeguarding them, continued to reinforce that, at the close of the nineteenth century, the Qing Dynasty did attempt to act as a guarantor for the safety of its overseas subjects, due to its own pragmatic self-interest. This notion is further enforced by the Qing Dynasty's actions in 1905, when the Emperor of the Qing Dynasty expanded the responsibilities of the Consul-General in British South Africa.<sup>21</sup> In addition to their existing duties regarding the Chinese indentured labourers brought to British South Africa per the strictures of the Transvaal Labour Ordinance, the Consul-General of the Qing Dynasty was also empowered to oversee and represent on behalf of the pre-existing community of free Chinese in British South Africa.<sup>22</sup> Even though the initial reason for the Consul-General's appointment had been to protect the wellbeing of Chinese indentured labourers, it was this additional responsibility over the free Chinese which would, in future, play an important part in the treatment of Chinese in South Africa, the Consul-General becoming a channel of communication through which the free Chinese in South Africa would seek to be heard and, further, cooperate closely with in attempting to combat the prejudice and discrimination they would face in South Africa.<sup>23</sup> Although their reason for establishing the consulate was undoubtedly part of a wider pragmatic effort to revitalize and strengthen their own diminishing economic, political, and military influence, the result was that in 1904 the Qing Dynasty changed its course regarding its relations with all Chinese living in British South Africa, both the indentured labourers and the pre-existing community of free Chinese.

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<sup>20</sup> <https://archive.org/stream/treatiesconvent01chin#page/n9/mode/2up/search/transvaal> (12th February 2017): *Treaties, conventions, etc., between China and foreign states*, Published by Order of the Inspector General of Customs, p. 644.

<sup>21</sup> (PRO) CO 291/89, 6533: "Chinese Consul General. Mr Lui Yu-Lin," 13 February 1905.

<sup>22</sup> *Ibid.*

<sup>23</sup> W. Gungwu: *China and the Chinese Overseas*, p. 113.

### 3.2 The Chinese and the Transvaal, 1902-1912

By 1904, preparations were well in place for the arrival of the Chinese migrant labourers into British South Africa. The Transvaal suffered a consistent shortage of labour on its mines during this time, which played a role in motivating the Chamber of Mines and British Empire's desire for the indentured Chinese labour.<sup>24</sup> Furthermore, the confluence of commercial interests meant that both British officials and members of the mining corporations cooperated extensively to create the impression of public support by South Africa's white population for the Importation Ordinance.<sup>25</sup> The relationship between the British authorities and Chamber of Mines at this point has usually been construed as one of close collusion, although the exact extent of this collusion has been debated.<sup>26</sup> What is clear is that in the matter of the indentured Chinese labour the British government was consistently supportive of the demands of the Chamber of Mines.<sup>27</sup> In 1903 the Transvaal Labour Commission, established by Milner to determine the need for Chinese labour, concluded that there was simply insufficient labour to fully exploit the mines within the Transvaal and overwhelmingly recommended the importation of further labour.<sup>28</sup>

Milner considered the matter of opposition to Chinese migrant labour in the Transvaal to be settled completely by 1905, when the mayor of Johannesburg – and one of the staunchest opponents of the Ordinance, Mr J.W. Quinn – seemed to give up his opposition to the arrival of the Chinese indentured labourers.<sup>29</sup> However, even though it had been passed the Labour Importation Ordinance remained very unpopular among the citizenry of the Transvaal.<sup>30</sup> This unpopularity would not be sufficient to sway the designs of the British Government or mining establishment, not until 1910 at least, particularly in light of a report in December 1904 that found that the number of white labourers on mines continued to decrease and was, by 1905,

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<sup>24</sup> P. Richardson & K. Saunders (ed.): *Chinese Indentured Labour in the Gold Mining Industry, 1904-1910, Indentured Labour in the British Empire 1834-1920*, p. 262.

<sup>25</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 121.

<sup>26</sup> A. H. Jeeves, "The Control of Migratory Labour on South African Gold Mines in the Era of Kruger and Milner," *Journal of Southern African Studies*, (2), 1, 1975, p. 5.

<sup>27</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 28.

<sup>28</sup> E. Katz: *A Trade Union Aristocracy: A History of White Workers in the Transvaal and the General Strike of 1913*, p. 122.

<sup>29</sup> (TAB) Lieutenant Governor (LTG) 166 TEL 1248: "Introduction of Chinese Labour Re Despatch to from Governor, Cape," 1904.

<sup>30</sup> W.T. Stead: "South Africa and its Problems: The Chinese Question," *Review of Reviews*, p. 311.

projected to result in an imbalance of seven black African labourers on the Transvaal mines for every one white labourer.<sup>31</sup> Faced with a diminishing labour force, the introduction of the Chinese indentured labourers was pushed through despite the misgivings of the populace.

In preparation for the arrival of the Chinese indentured labourers the Emigration Convention between the British Empire and Qing Dynasty had sought to put several safeguards in place for the indentured Chinese labourers. Beyond the appointment of the Consul-General, as detailed in Article Six, some of the suggestions made by the Chinese Minister during negotiations had also been addressed. Amongst these was Article Nine of the Convention, which required the appointment of an officer, or officers, within British South Africa who would have a duty to ensure that the Chinese indentured labourers had adequate access to the courts of the Transvaal.<sup>32</sup> Concerns of corporal punishment had also been specifically addressed to Milner during negotiations. The British Empire had assured the Qing Dynasty that such measures would only be enacted upon Chinese indentured labourers under impartial law, applying equally to all individuals living inside of the Transvaal, and only after a court determined if it were applicable or not.<sup>33</sup> Further, the Foreign Labour Department of the Transvaal was created specifically to oversee the Chinese indentured labourers, created as a distinct political body that had responsibility, to an extent, for the Chinese indentured labourers on the mines.<sup>34</sup> An important complication to this matter was that the Qing Dynasty was not simply in negotiations with a single polity. Although the Convention on Labour was signed between the Qing Dynasty and the British Empire, it was the Transvaal which the indentured Chinese labourers were dispatched to. The Foreign Labour Department of the Transvaal was a unique political body to the Transvaal and was not an official instrument of the British Empire.<sup>35</sup>

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<sup>31</sup> (TAB) GOV 70 GEN 756/04: "Increase in the Numbers of White Labourers on the Witwatersrand Mines in October Amounted to 82," 1904.

<sup>32</sup> <https://archive.org/stream/treatiesconvent01chin#page/n9/mode/2up/search/transvaal> (12th February 2017): *Treaties, conventions, etc., between China and foreign states*, Published by Order of the Inspector General of Customs, p. 647.

<sup>33</sup> (TAB) AMPT PUBS 51 CD 1986: "Transvaal. Further Correspondence Relating to the Transvaal Labour Question. Coolie and Chinese Labourers. 1) Recruiting 2) Contracts of Service 3) Transfer of Labourers 4) Passages of Labourers to South Africa 5) Arrival of the Labourers at Durban 6) Care and Treatment of the Labourers when Sick 7) Wages 8) Women and Children 9) Return of Labourers to China," 1904.

<sup>34</sup> (TAB) GOV 990 PS 37/17/06: "Confidential Report of Mine Managers Appointed by the Transvaal Chamber of Mines to Consider Means to be Adopted for Securing the Better Control of Coolies on Mines," 1906.

<sup>35</sup> (TAB) AMPT PUBS CD 2026 51: "Further Correspondence Relating to the Transvaal Labour Importation Ordinance," May 1904.



The general managers of the Chamber of Mines provided advice to the Foreign Secretary of the British Empire in preparation for the arrival of the indentured Chinese to the Transvaal.<sup>36</sup> It was also advised that, as the currency in use in British South Africa was markedly smaller in physical size than the currency the Chinese would be used to, that the exchange had to be properly prepared to explain to the Chinese that they were not being cheated of the value of their coins.<sup>37</sup> Further it was advised by the Chamber of Mines that goods on sale to the Chinese indentured labourers, in both the Cape Colony and the Transvaal, have their prices fixed at a low level, so as to motivate the Chinese indentured labourers to spend their money.<sup>38</sup> The Chinese labourers themselves would nearly exclusively work unskilled positions on the mines during their time in the Transvaal.<sup>39</sup> By 1906, when there were some 50 000 Chinese labourers already in British South Africa, only some 2 000 were employed in occupations which did not require them to work underground.<sup>40</sup> The Chinese labourers were required to work every day of the week barring Sundays, with the exception of holidays, for ten hours and, during this time, they were limited to, and disallowed from leaving, the mining complexes they stayed in.<sup>41</sup> On those days they did not work, if they were able to acquire permits, the Chinese were allowed to leave the mining complexes but were disallowed, by the Labour Importation Ordinance, from leaving the Witwatersrand district, keeping the vast majority of the Chinese labourers within the area.<sup>42</sup>

Within these compounds the indentured Chinese sought to create for themselves a familiar world. The celebration of traditional festivals, as well as performances of Chinese theatre, were common activities for these labourers.<sup>43</sup> The indentured Chinese also found time to enjoy a range of leisure activities, such as picnics and forming bands, alongside more common distractions such as gambling and visiting brothels.<sup>44</sup> Despite their dislocation from their home,

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<sup>36</sup> (TAB) Foreign Labour Department (FLD) 281 1534/04: "Labour Importation Agency. Circular Number 232. Letter from Mr. Perry to the General Manager, Labour Importation Agency, Urging a Point in the Dealing with Local Coinage brought by Chinese Coolies," 1904.

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

<sup>38</sup> *Ibid.*

<sup>39</sup> (TAB) FLD 24 2706/06: "Walter Bagot, General Manager. Chamber of Mines Labour Importation Agency to the Superintendent, Foreign Labour Department," 1906.

<sup>40</sup> G. Kynoch: "Controlling the Coolies: Chinese Mineworkers and the Struggle for Labor in South Africa, 1904-1910," *The International Journal of African Historical Studies*, 36, (2), (2003), p. 311.

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*, p. 312.

<sup>43</sup> K. L. Harris: *The History of the Chinese in South Africa to 1912*, pp. 169-170.

<sup>44</sup> *Ibid.*



and the strange environment they were in, the indentured labourers were able to somewhat create a home for themselves in the compounds.<sup>45</sup>

However, life on the mining compounds was also tightly controlled. The Labour Importation Ordinance's regulations effectively determined much of the lives of the indentured Chinese whilst they were in the Transvaal. Whilst on the compounds, the Chinese fell under the authority of white overseers, but most of the direct officials the Chinese labourers would have contact with during their stays were fellow Chinese mine police.<sup>46</sup> These were Chinese individuals who were employed to act as agents for the white overseers and managers, having the ability to more easily communicate with the Chinese labourers due to understanding their language.<sup>47</sup> The nature of the work the indentured Chinese were expected to perform, specifically the intensive underground mining, came as a surprise to many of the Chinese. It transpired that during their recruitment the Chinese labourers had often either not been fully informed of the work expected of them or, in some cases, had been purposefully misled thereover.<sup>48</sup> A combination of misunderstandings caused by language barriers, unscrupulous practices when seeking to attract employees as well as a simple misunderstanding concerning the action of mining, which in China had typically only been performed on the surface level, not necessitating that the miner go underground, resulted in many Chinese indentured labourers initially being resistant to mining underground, as was expected of them.<sup>49</sup>

Compounding this was also the matter of safety, as the work in the underground mines saw approximately 3 192 Chinese indentured labourers die between 1904 and 1910.<sup>50</sup> Work on the mines also included the threat of serious injury or even death. The dangerous nature of the work the indentured Chinese were doing is attested to by records concerning the causes of their deaths. On the Witwatersrand Deep mine the single largest cause of death for Chinese was

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<sup>45</sup> M. Carter: *Voices from Indenture: Experiences of Indian Migrants in the British Empire*, p. 100.

<sup>46</sup> (TAB) Clerk of the Executive Council (EC) 86 82/06: "Lord Selborne to the Colonial Office," 1906.

<sup>47</sup> (TAB) EC 86 82/06: "Lord Selborne to the Colonial Office," 1906.

<sup>48</sup> (TAB) FLD 240 76/7: "Complaints by Chinese labourers: Wit Deep Limited, Translation of Petition of 7 Wit Deep Coolies," 1906; FLD 240 76/8: "Complaints by Chinese Labourers: South Nourse Limited, Petition to the Superintendent Foreign Labour Department," 2 April 1906.

<sup>49</sup> (TAB) FLD 241 76/19: "Complaints by Chinese labourers: Jumpers Deep Limited, The Petition of Chinese Controller," 10 April 1908; PRO CO 291/85 33492/05: "Chinese labourers, Maintenance of order among," 28 August 1905.

<sup>50</sup> D. Man & M. Yap: *Colour, Confusion and Concessions. The history of the Chinese in South Africa*, p. 177.

“shock”, a term which referred to death as a result of physical trauma, and fractures of the skull and neck.<sup>51</sup> Together these constituted 79 deaths between 1905 and 1906 alone on the Witwatersrand Deep mine, three times more than the next largest cause of death which was opium poisoning, which accounted for only 14 deaths.<sup>52</sup> The working conditions of the indentured Chinese then posed a legitimate threat to their lives. Contributing to this was the fact that many of the Chinese labourers were unfamiliar with the tools utilized on the mines.<sup>53</sup> Particularly this was true with regard to explosives and the inexperience of Chinese labourers with explosives, which lead to several fatal accidents.<sup>54</sup>

The majority of the indentured Chinese hailed from the northern provinces of China, particularly the Chihli and Shantung provinces, modern-day Hebei and Shandong provinces respectively, and were comprised primarily of the impoverished segments of those provinces’ populations.<sup>55</sup> This would lead to a difficulty within the compounds as the majority of the Chinese mine police, as well as those mine officials who spoke Chinese, spoke southern dialects, and so struggled to communicate with the majority of the indentured labourers.<sup>56</sup> As a result, miscommunication was a consistent difficulty.<sup>57</sup> As stated previously, the migration of Chinese abroad in this period was only partly facilitated by the coercion of Western powers, as numerous Chinese subjects sought to escape famine, droughts, and political instability within their homeland that had left their economic and health prospects bleak at best. As a result, they had, mostly, come in search of work that they could use to alleviate their financial woes. Most of them, additionally, were working to support their wider families back home in China, rather than simply supporting themselves. For this reason, the matter of remittance was an important consideration as the indentured Chinese were effectively working to provide for their families back in China as well. The importance that remittance had for the Chinese indentured labourers can also be gleaned from the fact that the only personal letters by Chinese

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<sup>51</sup> A. Meyer & M. Steyn: *Chinese Indentured Mine Labour and the Dangers Associated with Early 20<sup>th</sup> Century Deep-level Mining on the Witwatersrand Gold Mines, South Africa*, p. 7.

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*, p. 16.

<sup>54</sup> *Ibid.*, p. 16.

<sup>55</sup> P. Richardson: *Chinese Mine Labour in the Transvaal*, p. 272.

<sup>56</sup> T. Chen: *Chinese Migration*, p. 139.

<sup>57</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 140.

labourers retained within the Transvaal Archives both concern the remittance of money to China.<sup>58</sup>

This monetary incentive for the Chinese was so substantial that when discussion began in 1906 of overturning the migrant labour system there were petitions from the Chinese themselves against it.<sup>59</sup> The financial gains they managed to make as labourers in the Transvaal simply exceeded what many of them had access to in China at the time and, thus, they were determined to be able to continue to work there.<sup>60</sup> This was despite the fact that the monthly wages of the Chinese labourers was set at the same level as that of black adolescent labourers, unsurprisingly below that of white labourers, but also adult black labourers.<sup>61</sup> Per the advice of Lyttelton, the Chinese minimum wage was set at 30 shillings per month, compared to the minimum wage of 45 shillings for adult blacks.<sup>62</sup> This was partly due to a belief, expressed between Lyttelton and Milner, that voluntary work offers would allow the Chinese labourers to, despite their minimum wage, in actuality make closer to 50 shillings in a month.<sup>63</sup> This was also motivated by a pervading belief held by the white populace of British South Africa that Chinese were able to survive off lower wages than a European, or even a black, a belief which allowed them to more easily excuse to themselves the allotment of smaller minimum wages to the Chinese labourers.<sup>64</sup>

As was often the case, racism served as a convenient ideology to excuse the poor treatment of a specific group in a thoroughly unequal manner. The matter was complicated by political considerations, as expressed to Milner by Lyttelton, as in the British House of Lords there was a strong sentiment that the Chinese could not fairly be expected to have lower wages than that already being paid to black labourers, nor was it considered right to reduce the minimum wage

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<sup>58</sup> (TAB) FLD 188 40/1: "Transmission of Chinese Letters, East Rand Propriety Mines Limited, Loose Leaf Letter Enclosed," 1909; TAB FLD 189 40/17: "Transmission of Chinese Letters, Durban Roodepoort Deep, Loose Leaf Letter Enclosed," 1909.

<sup>59</sup> (PRO) CO 291/121 23767/07: "Chinese Coolie Repatriation," 5 July 1907.

<sup>60</sup> *Ibid.*

<sup>61</sup> (TAB) LTG 169 TEL 3008: "Average Wage of Chinese," 1904.

<sup>62</sup> *Ibid.*

<sup>63</sup> (TAB) AMPT PUBS 51 CD 1986: "Transvaal. Further Correspondence Relating to the Transvaal Labour Question. Coolie and Chinese Labourers. 1) Recruiting 2) Contracts of Service 3) Transfer of Labourers 4) Passages of Labourers to South Africa 5) Arrival of the Labourers at Durban 6) Care and Treatment of the Labourers when Sick 7) Wages 8) Women and Children 9) Return of Labourers to China," 1904.

<sup>64</sup> *Transvaal Leader*, 17 February 1903; 4 August 1903.

of the black labourers in response to the incoming Chinese labour.<sup>65</sup> However, this lower minimum wage did not initially seem to create any troubles for the mine owners. The Chinese labourers were largely satisfied with their salaries at the start of the experiment and it was widely agreed by sources reporting on the poverty in China at the time that the wages the Chinese indentured labourers would receive in the Transvaal still exceeded, by a considerable margin, their prospects in China itself.<sup>66</sup> However, this halcyon period would be short, as following the first six months of the experiment the question of wages would become a flashpoint for numerous Chinese riots and disturbances on the Transvaal mines.<sup>67</sup>

Ultimately the Chinese experiment in the Transvaal Colony would end by 1910.<sup>68</sup> The incredibly strong anti-Chinese sentiment within the Transvaal had never abated and, rather, became a key political concern of the 1907 elections within the Transvaal, after it had been granted responsible government by the British Empire.<sup>69</sup> The incumbent Progressive Party, which supported the ongoing use of indentured Chinese labour, was defeated by the *Het Volk* party in the 1907 Transvaal election.<sup>70</sup> *Het Volk* was staunchly opposed to the continuation of the indentured Chinese experiment and had used that opposition to draw support to itself in the election from the disgruntled populace.<sup>71</sup> As a result, shortly after coming to power, the *Het Volk* party began the dismantling of the importation of indentured Chinese labour and, by 1910, the vast majority of all the indentured Chinese had been repatriated.<sup>72</sup>

Alongside the indentured Chinese a community of free Chinese existed within the Transvaal. The small community of Chinese that formed in the Transvaal had done so over the last decades of the nineteenth century, formed by individual Chinese usually seeking to establish their own enterprises within Johannesburg.<sup>73</sup> Predominantly they were single men seeking better

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<sup>65</sup> *Transvaal Leader*, 17 February; 4 August 1903.

<sup>66</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, pp. 164-165.

<sup>67</sup> (TAB) LTG 166 TEL 1361: "Chinese Labourers – Outbreak at Jumpers Deep Mine," 1905; TAB GOV 81 GEN 730/05: "Disturbances on the Witwatersrand Deep Mine," 1905; TAB GOV 180 GEN 1046/05: "The Subject of the Disturbance which Occurred at the New Croesus Gold Mine," 1905; TAB GOV 76 GEN 333/05: "Report on the Disturbances at the North Randfontein Mine: Sir A Lawley," 1905.

<sup>68</sup> Richardson, *Chinese Mine Labour in the Transvaal*, p. 166.

<sup>69</sup> *Ibid.*

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

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*

<sup>73</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 200.

opportunities for wealth then they could find in their homeland.<sup>74</sup> For the most part, the Chinese seem to have managed to establish themselves fairly well, mostly operating small businesses.<sup>75</sup> Although the exact records on this matter are scarce, evidence collected by Harris does suggest that from 1850 onwards a small population of Chinese in the Transvaal were able to become relatively affluent merchants and traders within the urban centres.<sup>76</sup> The community began to grow noticeably after the discovery of gold on the Witwatersrand.<sup>77</sup> However, as Transvaal legislation prohibited any Chinese from mining or prospecting, their increased arrival was likely due to the larger market created by the discovery of the gold, as opposed to an actual interest in finding mining opportunities.<sup>78</sup>

The small free community of Chinese in the Transvaal were not explicitly affected by the Labour Importation Ordinance, although as shown by Harris the Importation Ordinance, and the arrival of the indentured Chinese, had an impact on the free Chinese of the Transvaal as well as the Cape.<sup>79</sup> Prior to the arrival of the indentured Chinese there were already a number of laws which constrained the free Transvaal Chinese. One such act required the Transvaal Chinese to renew an annual pass at the value of £20 in order to allow them to move within the boundaries of the Transvaal.<sup>80</sup> They were, further, disallowed from owning any form of property outside of specific districts and areas delineated for such purposes for them by the Transvaal government.<sup>81</sup> A Transvaal law in 1899 also forbade the free Chinese from any sort of mining endeavour or activity, ironically just a few short years before the Witwatersrand would be inundated with Chinese indentured labourers to work on these very same mines their free Chinese compatriots were disallowed from.<sup>82</sup> They faced similar restrictions in the Orange Free State and Natal, usually suffering discrimination under the same general laws which restricted all individuals identified as “Asiatic” within British South Africa. Although it was clear that, even before 1904, the free Chinese community had been subject to a number of

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<sup>74</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 266.

<sup>75</sup> (SAB) Indian Affairs (IND) 879, E 16005, “Pon Siers.” 1910.

<sup>76</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 269.

<sup>77</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, pp. 90.

<sup>78</sup> *Laws of the Transvaal up to 1899*, Law 15 of 1898, The Gold Law of the South African Republic, Section 133.

<sup>79</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, p. 91.

<sup>80</sup> *De Locale Wetten en Volksbesluiten der Zuid-Afr. Republiek, 1890, 1891, 1892 en 1893*, Art. 1353 van 1893, 1885.

<sup>81</sup> *Laws of the Transvaal up to 1899*, Law 3 of 1885, Coolies, Arabs and other Asiatics, Section C.

<sup>82</sup> *Laws of the Transvaal up to 1899*, Law 15 of 1898, The Gold Law of the South African Republic, Section 133.

restrictive measures, these were only to increase in their severity with the arrival of the indentured Chinese labourers. The arrival of the Consul-General in the Transvaal had been anticipated for some time by the free Chinese community there. Since their arrival they had already petitioned and sent letters to the Chinese Minister in London seeking the appointment of an official to assist them in the Transvaal.<sup>83</sup>

It is a reality that little connection existed between the free Transvaal Chinese and the Chinese indentured labourers. The two groups did not interact extensively and showed no sign of cooperation or solidarity.<sup>84</sup> Although unintentional, the arrival of the indentured Chinese labourers would serve to significantly worsen the treatment of the free Chinese in both the Transvaal and the Cape Colony, their presence transforming the topic of halting Chinese immigration to South Africa into a political objective of the authorities. Though these free Transvaal Chinese had, by no means, been treated equally within the polity before, the presence of the Chinese indentured labourers brought sinophobic fears and prejudices to the fore in political discussion. However, whilst the Chinese labour experiment would end by 1910, and the vast majority of all the Chinese indentured labourers would be deported, the free Transvaal Chinese who remained in the Transvaal would have to contend with legislation such as the Asiatic Registration Act. Despite this situation one development that the Chinese indentured labour experiment initiated would prove beneficial to the free Transvaal Chinese: the creation of the post of Consul-General.

### **3.3 The Chinese and the Cape, 1902-1912**

The community of less than 1 000 free Chinese living in the Cape Colony by the beginning of the twentieth century had been largely ignored by the European populace and authorities up until the discussion to import Chinese indentured labourers began in the aftermath of the Anglo-Boer War.<sup>85</sup> The discussion roused by the Labour Importation Ordinance spread to the Cape Colony as well, where the Cape Chinese community was thrust into the politics of the

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<sup>83</sup> (PRO) CO 291/67/20153: "Chinese Grievances Petition from Chinese Community of December 1902," 1902.

<sup>84</sup> K. L. Harris: "Rand Capitalists and Chinese Resistance," *New Contree*, (35), 1995, pp. 19-24.

<sup>85</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 28.

region.<sup>86</sup> During the course of the nineteenth century there had been a consistent trickle of Chinese arriving within the Cape Colony, usually via Port Elizabeth.<sup>87</sup> These Chinese hailed predominantly from the southern, coastal, provinces of the Dynasty and spread out through the Colony's urban centres, usually operating their own small businesses.<sup>88</sup> The number of Chinese entering the Cape rose dramatically during the closing years of the nineteenth century.<sup>89</sup> Harris speculates that one of the potential causes of this sharp increase is the movement of significant numbers of Chinese from Johannesburg into the Cape.<sup>90</sup> Many Chinese had entered Johannesburg, drawn by the discovery of gold on the Witwatersrand.<sup>91</sup> Harris speculates that it is possible that the tensions between the Transvaal and British Empire in the closing years of the nineteenth century might have motivated numerous Chinese to move down into the Cape to escape potential hostilities.<sup>92</sup> Prior to 1904, when the indentured Chinese labour experiment engendered a strong anti-Chinese sentiment within the Cape, the Chinese had enjoyed fairly equitable treatment. Many of them had established themselves as affluent merchants and some were even allowed to participate in the elections of the Cape Colony.<sup>93</sup>

Although the Cape was not the intended destination for any of the indentured Chinese, the white population of the Colony feared that the importation of so many Chinese into the Transvaal would lead to many of them entering the Colony regardless, and lead to a rapidly expanding population of Chinese within the Cape.<sup>94</sup> As in the Transvaal, the possibility of Chinese entering the Cape Colony was met with fear and resistance by the white population.<sup>95</sup> As it was, before the large-scale migration of Chinese had even entered South Africa, petitions and agitation for legislation to restrict them were in process.<sup>96</sup> The same fears that were present in the Transvaal: economic competition and "immorality" dominated the discourse concerning the Chinese in the Cape. Those opposed to the entry of the Chinese also pointed out the fact

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<sup>86</sup> K. L. Harris: "Paper Trail: Chasing the Chinese in the Cape (1904-1933)," *Kronos Southern African Histories*, (40), 1, November 2014, p. 133.

<sup>87</sup> T. Huang, *The Legal Status of the Chinese Abroad*, p. 50.

<sup>88</sup> *Ibid.*

<sup>89</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 219.

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.*

<sup>92</sup> *Ibid.*

<sup>93</sup> J. L. McCracken: *The Cape Parliament, 1854-1910*, p. 81.

<sup>94</sup> *Cape of Good Hope: Debates in the House of Assembly*, August – November 1902, p. 581.

<sup>95</sup> A. W.: "Yellow Slavery - and White," *Westminster Review*, (161), 5, May 1904, pp. 478, 487.

<sup>96</sup> (KAB) GH 1/463 13: "Papers Received from Secretary of State, London: General Despatches. Resolutions from George, Paarl, Queenstown, Hanover, King William's Town, and Somerset West Protesting against the Introduction of Chinese into South Africa," 1904.



that British colonies and other Western states that experienced similar surges in Chinese immigration had, by then, mostly passed legislation intended to curtail, if not exclude, any further Chinese immigration.<sup>97</sup> The politics of the Cape Colony was soon involved with the question of the Chinese immigrants, a matter which dominated both the elections of 1903 and 1904, as well as the elections of 1907 and 1908.<sup>98</sup> In these elections, however, there was consensus among all competing parties that the Chinese had to be excluded from the Cape Colony, only the question of how severe the measures taken to achieve this result should be existed. The solution devised by the political authorities of the Cape to this problem was to craft legislation to largely halt the entry of any Chinese into the Colony. Act Number 37 of 1904 would be the first of these, the first piece of legislation in the history of South Africa's white politics that exclusively targeted a single group based on their race.<sup>99</sup>

### 3.4 Liu Yu Ling and Liu Ngai, Qing Consul-Generals to South Africa

It was in this relatively hostile environment that the first two Chinese Consul-Generals were to be appointed to South Africa. The first Consul-General for the Qing Dynasty in South Africa was a veteran of the Qing Dynasty's foreign politics, and an advocate for modernization within the Dynasty as well. Born on 11 September 1862, to Liu Fuqian and Zheng Huiquan, Liu Yu Ling hailed from the city of Xiangshan in Guandong Province.<sup>100</sup> During his early twenties Liu Yu Ling was one of a number of Chinese who studied in the United States of America, learning English and preparing himself better for service in European states. He graduated from the Phillips Academy in Andover in 1882.<sup>101</sup> Liu Yu Ling was part of what was known as the Chinese Educational Mission, an initiative launched by the Qing Dynasty from 1872 till 1881. The mission had been organized by one Yung Wing, the first Chinese to ever graduate from Yale University, who attempted to convince the officials of the Qing Dynasty that it would be beneficial for them if they could send students abroad to learn the modern techniques and technologies prevailing in the Western world at the time. To this end, the mission sought to send Chinese students to study in the United States of America in the hope that, when they

<sup>97</sup> K. L. Harris: "Paper Trail: Chasing the Chinese in the Cape (1904-1933)," *Kronos Southern African Histories*, (40), 1, November 2014, pp. 142-143.

<sup>98</sup> *Ibid.*

<sup>99</sup> *Statutes of the Colony of the Cape of Good Hope*, Act 37 of 1904, The Chinese Exclusion Act.

<sup>100</sup> [http://www.cemconnections.org/index.php?option=com\\_content&task=view&id=107](http://www.cemconnections.org/index.php?option=com_content&task=view&id=107), *Chinese Educational Mission Connections*, Liu Yulin.

<sup>101</sup> *Ibid.*



returned to the Qing Dynasty, they would bring with them modern technological and, particularly, military developments. As part of this mission, Liu Yu Ling would stay with a Miss L.S. Hulbert in Winsted, Connecticut.<sup>102</sup> He was apparently only thirteen years old when he departed for the United States.<sup>103</sup>

Before he came to hold the post of Consul-General to British South Africa, he had already passed through a number of diplomatic positions. Although he began with a simple assignment to the Tianjin Telegraph and Medical Colleges, reflecting the Qing Dynasty's interest in its citizens who had studied abroad imparting the knowledge they gained to Chinese within the Dynasty, he was to serve as a translator for the Chinese Consulate in New York in 1884.<sup>104</sup> By 1887 he became the Vice-Consul in New York and in 1889 rose to the Washington Legation, the central diplomatic representation of the Qing Dynasty in the USA, once more serving as a translator. From there, in 1895, he would be appointed the Secretary of the Chinese Consulate in Singapore, a vital role, before being appointed Acting Consul-General and then Consul-General of the Singapore Consulate between 1897 and 1899. By now Liu Yu Ling had already served in some of the Qing Dynasty's most important foreign offices and was to hold an even more prestigious role in late 1897, when he accompanied the Chinese Minister as a secretary to attend Queen Victoria's Diamond Jubilee. Finally, in 1900, he became a Secretary at the Chinese Legation in London, arguably the most important Legation of the Qing Dynasty, before becoming the Charge d'Affaires in Brussels.

Before coming to South Africa, Liu Yu Ling also received several honours from the Russian, Belgian, German, and Italian governments. Of these his most important honour was his Chevalier of the Order of Leopold Honour, granted to him by King Leopold of Belgium.<sup>105</sup> He was also, curiously, a Freemason, or at the very least reported to have belonged to a Freemason Lodge during his time in New York.<sup>106</sup> He served as a steward of Eureka Lodge.<sup>107</sup> It was only after this, in 1904, that he was appointed as the first Consul-General to South Africa and the

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<sup>102</sup> [http://www.cemconnections.org/index.php?option=com\\_content&task=view&id=107](http://www.cemconnections.org/index.php?option=com_content&task=view&id=107), *Chinese Educational Mission Connections*, Liu Yulin.

<sup>103</sup> *Ibid.*

<sup>104</sup> *Ibid.*

<sup>105</sup> *North China Herald*, January 13, 1905, p 44.

<sup>106</sup> [http://www.cemconnections.org/index.php?option=com\\_content&task=view&id=107](http://www.cemconnections.org/index.php?option=com_content&task=view&id=107) *Chinese Educational Mission Connections*, Liu Yulin.

<sup>107</sup> *Bay City Times*, Michigan, 5 October 1891, p. 3.

sheer wealth of experience, and influential positions he had held prior to this posting, indicate that the Qing Dynasty considered the matter of their representation in British South Africa to be a significant concern. Liu Yu Ling's presence in British South Africa, between 1905 and 1908, proved to be important enough that he was even included in the 1905 edition of the *Men of the Times, Pioneers of the Transvaal* almanac, no doubt, in part, due to the importance of the Chinese labour question at the time.<sup>108</sup>

In 1905 Liu Yu Ling arrived in Johannesburg, accompanied by his daughter.<sup>109</sup> Liu Yu Ling, his daughter and staff, were exempt from the existing pass laws regulating the movement of Chinese in British South Africa and were housed in a two-storey mansion on Hospital Hill in Johannesburg.<sup>110</sup> During the Qing Dynasty's remaining existence, until 1911, Liu Yu Ling would serve as one of only two Qing Dynasty Consul-Generals to British South Africa, being succeeded by Liu Ngai in 1907.<sup>111</sup> Liu Yu Ling's arrival was noted by the *Rand Daily Mail*, and it was stated that the Consul-General was welcomed on his arrival in Johannesburg by several hundred members of the Transvaal Chinese community.<sup>112</sup> In 1907, however, Liu Yu Ling was reassigned by the Qing Dynasty, appointed to head an investigation into the Opium trade inside of Peking.<sup>113</sup> He informed the authorities of his departure and also that his successor would be the former Vice-Consul, Liu Ngai.<sup>114</sup> One of his final actions, before departing, was to petition the South African authorities to allow him to take another Chinese man back with him, Cheng Tak Shin, who he had come to employ as a retainer, and who wished to return to China as well.<sup>115</sup> He would go on to serve as Extraordinary Minister and Plenipotentiary of the Republic of China to Great Britain in 1911.<sup>116</sup> Liu Yu Ling would also be elected as the representative for the Republic of China to the 1909 International Opium Convention in Shanghai, leading to the first international drug control treaty.<sup>117</sup> From 1923 onwards, he lived on the island of Macau, being appointed the official Chinese Representative

<sup>108</sup> *Men of the Times, Pioneers of the Transvaal and glimpses of South Africa*, p. 312.

<sup>109</sup> (TAB) EC 53 EC844/203/04: "Acting Assisting Colonial Secretary. Appointment of a Chinese Consul-General at Johannesburg," 1905.

<sup>110</sup> (TAB) EC 1074 AG2084/05: "Consul-General Liu Ying Lin," 1905.

<sup>111</sup> (TAB) GOV 1065 PS20/13/07: "Chinese Consul Appointments," 1907.

<sup>112</sup> *Rand Daily Mail: Rand Chinese, Consul-General Arrives*, 5 May 1905, p. 7.

<sup>113</sup> *New York Times*, 20 December 1907, p. 3.

<sup>114</sup> (TAB) GOV 1065 PS20/13/07: "Chinese Consul Appointments," 1907.

<sup>115</sup> (TAB) EC 1492 AG3347/07: "Proposed Engagement by the Chinese Consul of an Indentured Labourer as Servant to Accompany him to China," 1907.

<sup>116</sup> <http://www.macaumuseum.gov.mo/w3ENG/w3MMnews/NewsC.aspx?newsId=222> *Museu De Macau, Macao Museum presents Donation Certificate to Lew Yuk Lin's descendant*, (30 October 2018).

<sup>117</sup> L. Rosario: "Diplomacy at its Best," *Macau Magazine*, 17 July 2012.

of the island's General Assembly during his stay.<sup>118</sup> Liu Yu Ling would die at the age of 80 years, on October 27 1942, on Macau where he was also buried.<sup>119</sup>

Liu Ngai would prove to be initially a less prestigious appointee than Liu Yu Ling had been, but would continue in the same vein as his predecessor, attempting to assist the Chinese community in South Africa. During his time as Consul-General Liu Ngai became a member of the Witwatersrand Kennel Club and even won an award in 1909 during one of the Club's dog shows.<sup>120</sup> He, however, earned a reputation for himself, particularly in connection to his vociferous opposition to certain pieces of legislation, and his departure in the 1930s was commented on by the *Rand Daily Mail*.<sup>121</sup> Born in 1874 in Chi Kiang, Liu Ngai was accompanied to South Africa by his wife, son and daughter.<sup>122</sup> He graduated from the Tientsin University in China and was described as a regular feature of social meetings and gatherings within the country.<sup>123</sup> Beyond serving as the final Qing Dynasty Consul-General to South Africa he would also serve as the Republic of China's first Consul-General.<sup>124</sup> Liu Ngai would only finally leave South Africa in 1932, after having served more than twenty years as a representative of China, first on behalf of the Qing Dynasty, and then on behalf of the ROC.<sup>125</sup> Compared to Liu Yu Ling there is a paucity of information concerning Liu Ngai's life after his departure from South Africa.

During their time in South Africa both Consul-Generals would intercede on behalf of the Chinese population of South Africa on a number of occasions. The actions the Consul-Generals took in support of the South African Chinese can be divided between their involvement with the Chinese within the Transvaal, and their involvement with the Chinese within the Cape. In the case of the Transvaal this involvement can further be divided between the indentured

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<sup>118</sup> <http://www.macaumuseum.gov.mo/w3ENG/w3MMnews/NewsC.aspx?newsId=222> *Museu De Macau, Macao Museum presents Donation Certificate to Lew Yuk Lin's Descendant*, (30 October 2018).

<sup>119</sup> <https://www.geni.com/people/Yuk-Lin-Lew/6000000012169310781> *Geni Yuk-Lin Lew*, (30 October 2018).

<sup>120</sup> *Rand Daily Mail, Witwatersrand Kennel Club, A Good Show, the Prize Winners*, 3 August 1909, p. 3.

<sup>121</sup> *Rand Daily Mail, Senior Consul Leaving*, 5 July 1930, p. 9.

<sup>122</sup> *Ibid.*

<sup>123</sup> *Ibid.*

<sup>124</sup> (SAB) Governor General (GG) 1046 01 20/1844: "Consuls: China. Johannesburg: Return of Mr. Liu Ngai to China and appointment of Mr. Ho Tsang as acting Consul General. Recalled: Ho Tsang," 1932.

<sup>125</sup> (SAB) GG 1046 01 20/1844: "Consuls: China. Johannesburg: Return of Mr. Liu Ngai to China and appointment of Mr. Ho Tsang as acting Consul General. Recalled: Ho Tsang," 1932.

Chinese labourers and the free Chinese community. This forms the focus of the following two chapters.

## Chapter 4: Well-intentioned Impotence: The Case of the Transvaal

Chapter four examines the situation of the two groups of Chinese within the Transvaal during the period between 1902 and 1912. These two groups were the indentured Chinese labourers imported under the auspices of the 1904 Transvaal Labour Importation Ordinance and the small community, numbering only a thousand or so individuals, of free Chinese within the Transvaal. Both groups are examined and, in particular, the hardships and discriminatory legislation they suffered are analysed. In the case of the indentured Chinese the repressive character of the Labour Importation Ordinance is explicated, as are other difficulties they faced, such as mistreatment, lowering of wages and recruitment under false pretences. The resistance of the indentured Chinese to their treatment via actions such as desertion and riot are also analysed, along with the assistance rendered by Consul Liu Yu Ling. The potential difficulties he had in communicating with the indentured Chinese labourers is examined as is his role on the Special Committee on the Chinese indentured labourers in 1906. Following this the Asiatic Registration Act, and the resistance against it mounted by the free Transvaal Chinese is examined. The role of the Consul-Generals, predominantly Liu Ngai, in rendering aid to the free Chinese in this endeavour, and the eventual compromise they reached, is used as evidence of the Consul-General's active support for the Chinese in South Africa. As becomes apparent across the two chapters a pattern forms in which Liu Yu Ling and Liu Ngai will seek to channel the complaints of the South African Chinese to the authorities, sometimes suggesting solutions, but are largely met with indifference from the different governments.

### 4.1 Collapse of the Qing Dynasty

The year 1911 marked the end of the Qing Dynasty's Empire.<sup>1</sup> Although the Qing Dynasty had from the start of the twentieth century, faced growing unrest and civil conflict within its borders, the final dissolution of the Dynasty was only achieved in 1912. This was after negotiations between the Dynasty and the to-be Republic of China. Importantly, the dissolution of the Qing Dynasty did not result in a smooth transfer of power to its successor state and, following 1911, China would endure a period of internecine conflicts between various factions

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<sup>1</sup> K. L. Harris & T. Chee-Beng (ed.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, p. 94.

and states within its borders. This would only come to an end after the conclusion of the Second World War in 1945 with the final victory of the Chinese Communist Party and the eventual establishment of the PRC in 1949.

Beyond its obvious ramifications for a consular service in its name, the collapse of the Qing Dynasty is also pertinent for highlighting the difficulties faced by the Dynasty during the first decade of the twentieth century. Wracked with internal conflicts and struggles, the Qing Dynasty did not have a great deal of power – political, economic or military – with which to leverage or coerce foreign states such as the British Empire or the British South African territories. This impotence can be seen in how direct protests, from Consul-Generals to Ministers, rarely managed to engender any sort of change in the foreign policy or treatment of Chinese by Western powers.<sup>2</sup>

The final year of the Qing Dynasty also marked an important occasion in the relationship between the Qing Dynasty and the young Union of South Africa, one a state soon to cease to exist, the other a state only recently created. It was in that year that Liu Yu Ling, the man who had been the first Consul-General on behalf of the Qing Dynasty to South Africa, was appointed to the position of Minister of the London Legation. In the first year of his office Liu issued a direct critique of the treatment of the Chinese in South Africa, claiming that the Chinese were afforded insufficient dignity and respect within the country.<sup>3</sup> In his 1914 protest to the authorities of the British Empire, Liu Yu Ling would go so far as to say:

Unless some remedy can be found for these grievances, their existence, if persisted it must, it is to be feared, sooner or later, impair the good relations which exist between the peoples of our two countries.<sup>4</sup>

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<sup>2</sup> (SAB) GG 900 01 15/706, 15/557, 37/45, 15/724: “Asiatics: Chinese. Forwards Note by Chinese Minister in London on Subject of Treatment of Chinese in South Africa and Requests Minister’s Observation,” 28 April 1914.

<sup>2</sup> (SAB) GG 1014 20/93: “Mr. Hui Ngai Notifies of his Departure on Leave Inquires if there is any Objection to his Nominating Mr. Gunsaulus American Consul to Act in his Stead,” 1911.

<sup>3</sup> (SAB) GG 1320 37/42: “Transvaal Draft Municipal Ordinance: Protest by Chinese Minister in Against Provisions as Affecting Chinese Residents of Transvaal,” 1911.

<sup>4</sup> (SAB) GG 900 01 15/706, 15/557, 37/45, 15/724: “Asiatics: Chinese. Forwards Note by Chinese Minister in London on Subject of Treatment of Chinese in South Africa and Requests Minister’s Observation,” 28 April 1914.

Whilst Liu Yu Ling had moved on to an office as Minister in London, Liu Ngai remained as Consul-General for the Qing Dynasty in South Africa. But, in light of the Dynasty's collapse, and confusion as to the political system within China at the time, late in 1911 Liu Ngai would inform the authorities of South Africa that he had been recalled to China.<sup>5</sup> With his departure he also informed them that he would be leaving with no other Chinese Consul-General being appointed to take his place in his absence.<sup>6</sup> Liu Ngai thus served as the final Consul-General for the Qing Dynasty to South Africa, as the Qing's collapse meant that when diplomatic ties were next opened between the two regions it would not be under the purview of the Dynasty. Political ties between South Africa and China would only resume, directly, in 1919. This was when the Republic of China, established in 1912, would once more assign a Consul-General for China to what was then, the Union of South Africa.<sup>7</sup> Interestingly, Liu Ngai would serve as the Republic of China's first Consul-General to South Africa, returning in 1919 and serving as Consul-General until 1930.<sup>8</sup>

However, between 1911 and 1919 there was not a complete lack of consular representation on behalf of the Qing, and the later Republic of China, to the authorities in South Africa. Upon his departure, Liu Ngai authorized the American Consulate in South Africa, specifically the American Vice-Consul Edwin Gonsaulus, to serve and act as a representative on behalf of Chinese interests in South Africa.<sup>9</sup> Briefly, in 1913, Edwin Gonsaulus was forced to take a leave of absence himself, during which time consular representation for the Chinese in South Africa became the responsibility of the consular official C.B. Henderson.<sup>10</sup> This role seems to mostly have extended only to communicating on behalf of the Chinese government with the South African government, as little evidence exists of Gonsaulus or Henderson commenting or

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<sup>5</sup> (SAB) GG 1014 20/93: "Mr. Hui Ngai Notifies of his Departure on Leave Inquires if there is any Objection to his Nominating Mr. Gonsaulus American Consul to Act in his Stead," 1911.

<sup>6</sup> (SAB) GG 1014 01 20/99: "Appointment of Mr. Gonsaulus in Charge of the Chinese Consulate at Johannesburg in the Absence of Mr. Lui Ngai: States that they have no Objection," 1911

<sup>7</sup> (SAB) GG 1028 01 20/926: "Consuls: China. Re-establishment of Official Chinese Consul-General in South Africa: Requests Recognition of Mr. Lui Ngai as Chinese Consul-General in South Africa," 1919.

<sup>8</sup> (SAB) GG 1046 01 20/1844: "Consuls: China. Johannesburg: Return of Mr. Liu Ngai to China and Appointment of Mr. Ho Tsang as Acting Consul General. Recalled: Ho Tsang," 1932.

<sup>9</sup> (SAB) GG 1014 01 20/99: "Appointment of Mr. Gonsaulus in Charge of the Chinese Consulate at Johannesburg in the Absence of Mr. Lui Ngai: States that they have no Objection," 1911.

<sup>10</sup> (SAB) GG 1019 01 20/428: "Consuls: China. States that he has Appointed Mr. Henderson to take over his Duties as Acting Chinese Consul-General During his Leave of Absence: Requests Recognition of the Appointment," 1913.

intervening in any way on matters concerning the Chinese in South Africa. Further, no records or letters exist of the Chinese community in South Africa communicating or petitioning these temporary representatives.

The Qing Dynasty's collapse meant that it only had consular representation in South Africa for approximately ten years, from 1902 until 1911. Yet in that decade there is ample evidence that the Consul-Generals considered the treatment of the Chinese in South Africa to be problematic and attempted to assist them.<sup>11</sup> Over the course of their tenure both Liu Yu Ling and Liu Ngai would make several efforts to assist the Chinese in South Africa against legislative discrimination and obstacles. They furthermore acted to pass on and direct complaints and petitions for the Chinese in South Africa, creating for them a channel of communication through which their grievances could be officially transmitted.<sup>12</sup> However, the sobering reality was that both Consul-Generals managed to achieve little substantive change during their tenures, their efforts resulting in few changes to discriminatory legislation targeting Chinese in South Africa. The actions of neither Consul-General were able to substantively alter the enactment of discriminatory legislation such as the Cape Chinese Exclusion Act or Transvaal Asiatic Registration Act.<sup>13</sup>

It is important to stress, though, that the lack of substantive success does not mean there was no resistance or no attempts by the Chinese in South Africa to improve their situation and combat restrictive or repressive measures targeted at them. As shown through the Consul-Generals, efforts were made to try to improve the situation of the Chinese in South Africa – to try to resist measures that were repressive to them – but these efforts were simply unable to translate into substantive change during the tenure of the Qing Dynasty's relatively brief engagement with South Africa. This was often due to the simple unwillingness of the South African authorities to acquiesce or consider ameliorating the harsh conditions applied to Chinese in South Africa. Achieving success was not simply a question of effort on behalf of the Chinese in South Africa, or their Consul-Generals, as the intransience and resistance of the

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<sup>11</sup> (SAB) GG 900 01 15/706, 15/557, 37/45, 15/724: "Asiatics: Chinese. Forwards Note by Chinese Minister in London on Subject of Treatment of Chinese in South Africa and Requests Minister's Observation," 28 April 1914.

<sup>12</sup> (SAB) BEP 575 G18/54: "Raadpleging en Koordinasie met Ander Instansies: Sjinese Organisasies," 7 Desember 1963.

<sup>13</sup> K.L. Harris: *A History of the Chinese in South Africa to 1912*, pp. 251-252.



South African governments left them with little to no potential for success. Despite the lack of success, there is clear evidence that the Chinese community in South Africa did take action against the discriminatory legislation that targeted them, most actively during the first decade of the twentieth century, and that they received support and assistance in these measures from the Consul-Generals.<sup>14</sup>

The role of the Chinese in resistance against discriminatory legislation has been, for the most part, underexamined compared to that of other groups' struggles in the history of South Africa. But it remains the case that there is ample evidence of resistance by both the Chinese on mining compounds and free Chinese.<sup>15</sup> Harris has written extensively on the matter of the resistance by both the free Chinese community in the Transvaal and Cape, as well as that of the Chinese indentured labourers on the mining compounds. Furthermore, one can simply look at Gandhi's own comments concerning the participation of the free Chinese in resisting discriminatory legislation in South Africa:

There are now, I think, more Chinese than Indian passive resisters in jail. I am quite sure that General Smuts will not expect Indian passive resisters to desert their Chinese fellow sufferers. They naturally ask for the same protection for the Chinese passive resisters as for themselves.<sup>16</sup>

Although it is true that Gandhi's estimation of the number of imprisoned Chinese passive resisters was most likely overstated it is clear evidence that one of the key leaders of resistance among Asiatic groups in South Africa did consider the Chinese to have played a substantial role. Consul-General Liu Ngai himself would, reciprocally, approve explicitly of Gandhi's own passive resistance techniques when they were employed in South Africa by both Indian and Chinese.<sup>17</sup> The role played by the Consul-Generals in the resistance by the South African Chinese to discrimination has been, comparatively, unexplored, and an assumption of apathy

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<sup>14</sup> K. L. Harris & T. Chee-Beng (ed.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, pp. 93-94.

<sup>15</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 261.

<sup>16</sup> *Indian Opinion*, 27 May 1911, p. 49.

<sup>17</sup> K. L. Harris: "'Strange Bedfellows': Gandhi and the Chinese Passive Resistance," *Journal of Natal and Zulu History*, (31), 2013, p. 26.

as a lingering result of the Qing Dynasty's longstanding policies towards its overseas subjects continues to at times contaminate the perception of the Qing Dynasty Consul-Generals.

The actions of the Consul-Generals in contesting, or assisting local Chinese to contest, discriminatory legislation in South Africa can be divided between their efforts in the Transvaal and Cape Colony. The Transvaal and Cape were the two regions of South Africa most significantly affected by the presence of the Chinese, being the only regions with anything approaching sizeable Chinese populations. As a result, the activities and the efforts of the Consul-Generals focused almost exclusively on these two regions and examining them separately from each other creates a clear indication of the Consul-Generals intentions to assist, but also the repeating pattern of their intentions failing to translate into a substantive change. When examining such resistance, it is important to keep in mind that both the indentured Chinese and free Chinese sought to resist discrimination with the assistance of the Consul-Generals, but that these two groups largely did so in isolation from each other.<sup>18</sup> As the location of the indentured Chinese labour experiment, the Transvaal would prove to be one of the most important areas for the Consul-Generals. In the Transvaal the two most pertinent matters on which the Consul-Generals intervened was that of the indentured Chinese labourers' situation and circumstances, as regulated by the Labour Importation Ordinance, and the later Asiatic Registration Act which prompted some of the most intense resistance by the free Chinese in South Africa's history. Following on, chapter five will examine the role of the Consul-Generals in assisting the free Chinese of the Cape Colony, in particular in their struggle against the Cape Chinese Exclusion Act.

## **4.2 Protection of the Indentured Chinese**

It is unwise to generalize when discussing history, as even two situations that can on the surface seem incredibly similar, may in fact, and often are, considerably different. That being said, one can note, if only idly, that there was a rather consistent nature in how Western states and colonies who experienced a sudden influx of Chinese migrants in the nineteenth century reacted. This reaction effectively amounted to an imagined fear, that the numbers of Chinese

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<sup>18</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 39.

would result in them taking over the country or degrading the morals of the state through their supposed “immorality”, or a more realistic fear that the Chinese would deprive the citizens already in the state from finding employment.<sup>19</sup> As a result of these fears among the populace, often at odds with the business leadership who predominantly saw advantage in large Chinese labour populations, a set of similar legislations were enacted throughout numerous Western colonies and states during the nineteenth century.<sup>20</sup> Although the exact naming conventions and specifics of the various pieces of legislation differed from state to state, once again reminding us that it is unwise to generalize, they all shared a rather similar set of goals: excluding Chinese from the state and finding ways to curb the numbers of Chinese entering the state.<sup>21</sup> So it was that between 1880 and 1900, Australia, Canada, New Zealand, and the United States of America all promulgated and passed some form of legislation designed to restrict the movement of Chinese immigrants into, and their presence within, these states.<sup>22</sup> In some cases, such legislation was enacted even in contravention of agreements between the Qing Dynasty and the state in question. An example of this was the United States of America’s passage of restrictive legislation targeting Chinese, initially only in California, where many had been drawn due to the discovery of gold, but later expanded into a federal law. This was in contravention of the earlier 1868 Burlingame Treaty between the two states, which had established that both states would allow free and uninhibited passages for their citizens.<sup>23</sup> However, as was already the case elsewhere, the Qing Dynasty simply lacked any power or influence through which it could meaningfully object or seek to coerce some form of compensation from the United States, as with the other dominant Western powers of the time.<sup>24</sup>

In the broadest possible terms, a similar sequence unfolded in South Africa at the very beginning of twentieth century. A large number of Chinese labourers entered the Transvaal, brought there at the behest of the British Empire’s commercial interests to exploit the resources discovered predominantly on the Witwatersrand.<sup>25</sup> The presence of these Chinese then excited fear amongst the dominant white, European, population of settlers, who in turn would

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<sup>19</sup> H. Samuel: “The Chinese Labour Question,” *Contemporary Review*, (85), 1904, p. 457.

<sup>20</sup> C.K. Cooke: “Chinese Labour: Its Moral, Economic, and Imperial Aspects,” *The Empire Review*, 1904, p. 205.

<sup>21</sup> P. Richardson: *Chinese Mine Labour in the Transvaal*, p. 35.

<sup>22</sup> D. R. Gabaccia & D. Hoerder: *Connecting Seas and Connected Ocean Rims: Indian, Atlantic, and Pacific Oceans and China Seas Migrations from the 1830s to the 1930s*, p. 403.

<sup>23</sup> M. Ip: *Home away from Home: Life Stories of Chinese Women in New Zealand*, p. 177.

<sup>24</sup> L. Anshan: *A History of Overseas Chinese in Africa to 1911*, p. 161.

<sup>25</sup> K. L. Harris & T. Chee-Beng (ed.): *Rising China and the History of the South African Chinese, China’s Rise and the Chinese Overseas*, pp. 89-90.

eventually galvanize the political system in South Africa to grow increasingly hostile towards these Chinese migrant labourers, passing legislation that did, in the end, achieve its goal of sharply reducing the number of Chinese living within South Africa's borders.<sup>26</sup>

British officials were aware of the fact that the white population of the Transvaal remained predominantly opposed to this notion, and thus embarked on a project of attempting to drum up support for their motion by insisting that the importation of further labour was a necessity for the economic situation of the colony.<sup>27</sup> In order to quash further fears of economic competition, the officials went to great lengths to assure the white population that all labour imported would be unskilled, and thus not be able to compete for jobs with the dominant white population.<sup>28</sup> This was laid out in the Importation Ordinance itself, which stipulated that no Chinese labourer would be allowed to do any work which was not unskilled in nature.<sup>29</sup> Although the Importation Ordinance still remained deeply unpopular amongst the dominant white population of the Transvaal, any form of official opposition to it had largely ended. white citizens of the Transvaal were not the only portion of the population to fear the importation of Chinese labour though. Amongst the black population, though less uniform, there was considerable consternation and fear over what the implications of a large population of Chinese moving into the South African colonies would entail. In *The Native Opinion of South Africa*, the first newspaper in South Africa established and owned by blacks, an article was published in 1903 warning its readers that the arrival of the Chinese was the worst crisis the colonies could possibly face.<sup>30</sup> The newspaper went on to include an open letter and petition to King Edward of Great Britain, asking him to prevent the proposed importation of Chinese labour on the grounds that it would be hamper and interfere with the rights of the black population of South Africa:

They feel that the introduction of a class of labourers with no idea of any rights, and with morals and habits unlike those of the European races, in which your

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<sup>26</sup> K. L. Harris: "Paper Trail: Chasing the Chinese in the Cape (1904-1933)," *Kronos Southern African Histories*, (40), 1, November 2014, p. 146.

<sup>27</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 28.

<sup>28</sup> C. K. Cooke: "Why Asiatic Labour is Necessary for the Rand: The Facts and Figures," *The Empire Review*, (3), November 1903, pp. 361-363.

<sup>29</sup> *Ibid*, p. 366.

<sup>30</sup> (TAB) Secretary of Native Affairs (SNA): 188 NA313/03, Cutting from the "*South African Native Opinion*," 1903.

petitioners have been hitherto trained, will be, in the highest degree, prejudicial to the future of their race in its struggle for advancement in Christianity and civilization.<sup>31</sup>

Further evidence of hostility to the indentured Chinese from the black population can be found in an official protest made by Chief Bathoen of Bangwaketse tribe.<sup>32</sup> The Chief raised the same concerns of employment, expressing the belief that the arrival of the Chinese would force his subjects out of their jobs on the mines.<sup>33</sup> Ultimately, this strong antipathy amongst the populace meant that, when the details of the Labour Importation Ordinance were being finalized, the British officials and local government had to insure to incorporate numerous legislative measures designed only to curtail the potential for Chinese immigrants competing for work with white citizens, thus assuaging the economic fears.<sup>34</sup> The result of this was a large number of restrictive sections within the Labour Importation Ordinance, with 17 of the 35 total sections dealing purely with legislative and regulatory limitations on Chinese arriving in South Africa.<sup>35</sup> Among these, some of the most important stipulations were ones that limited any Chinese migrant worker to a contract of three years at most, after which time they had to be repatriated back to China.<sup>36</sup> Options did, however, exist for the Chinese labourers to renew or apply for an extension of their contracts.<sup>37</sup> Under such an extension they were permitted to work a further three years.<sup>38</sup> After this, however, they would be repatriated, and no option for remaining in any region of South Africa beyond their contracts were allowed. When the more than 50 000 Chinese indentured labourers arrived in South Africa, it was to an environment that was already hostile and fearful of their presence there.<sup>39</sup>

As has already been mentioned, the indentured Chinese labour experiment, despite only lasting for just under a decade, would prove to have a sizeable effect on the immigration policy of South Africa with regards to Chinese individuals. The glut of discriminatory legislation

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<sup>31</sup> (TAB) SNA 188 NA313/03, Cutting from the “*South African Native Opinion*,” 1903.

<sup>32</sup> *Rand Daily Mail: From the Cape to Zambesi, Weekly Summary of South African News*, 16<sup>th</sup> April 1904, p. 12.

<sup>33</sup> *Ibid.*

<sup>34</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 134.

<sup>35</sup> D. J. N. Denoon: “The Transvaal Labour Crises, 1901-1906,” *Journal of African History*, (8), 3, 1967, p. 489.

<sup>36</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 135.

<sup>37</sup> *Ibid.*, p. 113.

<sup>38</sup> *Ibid.*

<sup>39</sup> W. H. Hutt: *The Economics of the Colour Bar*, pp. 45-46.

specifically targeting Chinese in South Africa, which was enacted during the years in which the indentured Chinese labour experiment played out, serve as a testament to the degree to which the South African regions, for a myriad of reasons, sought to repress the indentured Chinese labourers. The primary legislation which governed the fate of the indentured Chinese whilst they were within South Africa was the Labour Importation Ordinance. Coming into force in May of 1904 this Ordinance would represent the regulations which applied to the indentured Chinese labourers entering the Transvaal per the Convention between the Qing Dynasty and British Empire.<sup>40</sup>

As stated above, the regulation of this Ordinance bound the Chinese indentured labourers to three-year contracts, after which they were, without exception, to be deported back to China, and offered for them no means by which they could remain in South Africa following the expiration of their contract.<sup>41</sup> In addition to containing numerous other provisions concerning what the indentured Chinese labourers would be allowed to do, where they were allowed to stay or move, it was clear that the goal of the Ordinance was to minimize the contact the indentured Chinese would have with anyone in South Africa, seeking to restrict them as much as possible to the Witwatersrand area and to mining. That the Labour Importation Ordinance was a restrictive piece of legislation was acknowledged even in its own time, and among opponents of the Ordinance within the political circles of both the Transvaal and the British Empire. It was at times equated to permitting slavery of the indentured Chinese labourers:

...what difference there was between Chinese contract labour under this Ordinance and Negro chattel slavery as it existed in the Southern States of America, all to the advantage of the negro.<sup>42</sup>

The regulations of the Ordinance bound the indentured Chinese labourers to the mine premises on which they worked and their only means for moving beyond these premises were by

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<sup>40</sup> <https://archive.org/stream/treatiesconvent01chin#page/n9/mode/2up/search/transvaal> (12th February 2017): *Treaties, conventions, etc., between China and foreign states*, Published by Order of the Inspector General of Customs, Preamble.

<sup>41</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 113.

<sup>42</sup> *Ibid*, p. 130.

temporary permits that would not exceed two days in length, allowing for very little movement by the indentured Chinese in South Africa.<sup>43</sup> Furthermore, the indentured Chinese were only permitted to occupy positions of unskilled labour, and even then over 50 other potential occupations were specifically barred from being held by any indentured Chinese labourer.<sup>44</sup> The Ordinance was also amended in 1905, after the bulk of the indentured Chinese labourers had arrived. Many of the amendments made served to increase the repressive nature of the Ordinance. This included expanding the list of crimes for which the Chinese could be held accountable and increasing the power of the Foreign Labour Department's inspectors to punish and assign guilt in cases involving the Chinese indentured labourers.<sup>45</sup> Some regulations of the Ordinance were not wholly repressive though, partly due to the involvement of the Qing Dynasty in its formulation.<sup>46</sup> An example of this lay in the prohibition on corporal punishment included in the Ordinance, inserted at the request of the Qing Dynasty, as well as the creation of the office of the Consul-General itself. It is worth noting that the office was created specifically under the auspices of the Labour Importation Ordinance initially, the first responsibility ever assigned to the Consul-Generals was the inspection of the indentured Chinese labourers.<sup>47</sup>

Beyond the onerous regulations of the Ordinance, the indentured Chinese labourers also experienced repressive treatment on the mining compounds themselves. Regardless of the regulations, differing levels of physical abuse, flogging as well as certain torture methods were employed not infrequently on the mines to coerce the indentured Chinese labour.<sup>48</sup> Much like the black labour, the Chinese indentured labourers were exploited by the mining interests involved. They existed as an incredibly cheap workforce with a, seemingly small capacity to defend their own interests or resist exploitation once on the mining compounds. The treatment they were subjected to was far from pleasant. As detailed before, this treatment resulted in resistance from the indentured Chinese labourers, initially, and most noticeably, in the form of

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<sup>43</sup> *Ordinances of the Transvaal*, No. 17 of 1904, Labour Importation Ordinance, Section 15, p. 81; Section 18, p. 82; Section 19, pp. 82-83.

<sup>44</sup> *Ordinances of the Transvaal*, No. 17 of 1904, Labour Importation Ordinance, Section 9, a, p. 79; Schedule 1, p. 93.

<sup>45</sup> *Ordinances of the Transvaal Colony*, Ordinance 27 of 1905.

<sup>46</sup> P. Richardson, *Chinese Mine Labour in the Transvaal*, p. 35.

<sup>47</sup> (SAB) BEP 575 G18/54: "Raadpleging en Koordinasie met Ander Instansies: Sjinese Organisasies," 7 December 1963.

<sup>48</sup> (TAB) AMPT PUBS CD 2819 89: "Transvaal, Further Correspondence Relating to Labour in the Transvaal Mines," 1906.



the many riots that unfolded during the period between 1902 and 1906, before the change in the policies of the mining compounds brought about by the Special Committee on the Control of Chinese Labourers. Desertion, rioting or refusal to work were all common forms of resistance utilized by the Chinese indentured labourers in response to a wide range of difficulties, from low wages to excessive physical punishment by their white superiors.<sup>49</sup>

Desertion was a crucial issue. Throughout 1902, up to 21 000 desertions were noted, almost half of the 50 000 Chinese labourers who would come over, reflecting a significant dissatisfaction with both the work and mining compounds experienced by the indentured Chinese labourers.<sup>50</sup> Desertion was one of the only true options the Chinese labourers had if they wished to seek an escape from this work. Unlike the black labourers or white labourers, the indentured Chinese were largely immobile, by law, being barred by legislation from seeking employment anywhere else in the country, they were bound closely to three-year contracts.<sup>51</sup> The only legal recourse they had to leave the employment of the mines was to make an upfront payment equalling the cost of their repatriation back to China, a sum of money impractical for most of the impoverished labourers to manage, and thus an unreasonable method for most of them to use.<sup>52</sup> As a result, the indentured Chinese labourers had very few practical options if they wished to halt their work, desertion being the only valid choice for many of them and, as seen, clearly a choice many of them chose to embrace.

Desertion was not always even the result of an intentional choice by the Chinese indentured labourers. The numbers of desertions were inflated by the fact that many of the Chinese, unaccustomed to their new surroundings, genuinely became lost at times when attempting to return to the mines they were supposed to be working in.<sup>53</sup> However, desertion was rarely a viable solution to the troubles faced by the indentured Chinese labourers. Unlike their

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<sup>49</sup> G. Kynoch. "Controlling the Coolies: Chinese Mineworkers and the Struggle for Labor in South Africa, 1904-1910," *The International Journal of African Historical Studies*: (36), 2, p. 318.

<sup>50</sup> (TAB) Secretary to the Law Department (LD) 1163 AG 5415/05: "Annual Report Foreign Labour Department, 1904 to 1905," 1905.

<sup>51</sup> (TAB) AMPT PUBS 54 CD 2183: "Further Correspondence Relating to Labour in the Transvaal Mines. 1) Kaffir Wage 2) Regulations for the Introduction of Chinese Labourers Under the Labour Importation Ordinance 1904 3) Mortality among Natives of British Central Africa 4) Reports with Respect to the Use of Safety Fuses and Water Injectors," 1904.

<sup>52</sup> *Ibid.*

<sup>53</sup> G. Kynoch. "Controlling the Coolies: Chinese Mineworkers and the Struggle for Labor in South Africa, 1904-1910," *The International Journal of African Historical Studies*: (36), 2, p. 313.



counterparts, black or white labourers, the Chinese indentured labourer had nowhere to safely go in the Transvaal. Black labourers could, if unsatisfied with the conditions of their labour on the mines, withdraw and seek employment elsewhere, or return to their homes, a tactic common enough that it was well understood by the white mine owners of South Africa.<sup>54</sup> Unsurprisingly, white miners had even more options than both the black labourers and Chinese. By contrast, the Chinese, even though it is true they did desert in large numbers, had no method to easily return home, and no area in the South African territories they could safely reside in. As a result, despite the high percentage of desertions, the majority of these deserters were, eventually, captured or returned to the mining compounds they had sought to escape from.<sup>55</sup> It must be noted that this does not mean the black labourers were treated well, or in anyway not subjected to discrimination themselves; they most certainly were.<sup>56</sup> Yet it does remain a fact that there were more options open to the black labourers, in terms of escaping or improving their conditions, than were available to the indentured Chinese labourers on the Rand mines. As a result, desertion as a tool of resistance did not achieve the goal of allowing Chinese indentured labourers a form of escape from their working conditions. Any reprieve granted by it was, in the vast majority of cases, only temporary.

The numerous uprisings and riots throughout the labour experiment, and particularly the period between 1902 and 1906, also attest to the dissatisfaction experienced by the Chinese indentured labourers, and their efforts to resist these conditions or attempt to engender some form of improvement in their circumstances. As the Foreign Labour Department only recorded riots that required external police services, the number of smaller uprisings or rebellious actions potentially taken by the Chinese indentured labourers is difficult to ascertain.<sup>57</sup> But between 1902 and 1906 alone there were some 25 different incidents of rebellion by Chinese indentured labourers on mining compounds severe enough to necessitate the use of police forces. The most extreme of these was the 1905 riot on the North Randfontein mine, which began with a petition by the Chinese labourers to have their minimum monthly wage increased to 50 shillings.<sup>58</sup> The management of the mine sought to appeal to the headmen of the labourers, offering a deal

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<sup>54</sup> S. Moroney: *Mine Worker Protest*, p. 38.

<sup>55</sup> G. Kynoch. "Controlling the Coolies: Chinese Mineworkers and the Struggle for Labor in South Africa, 1904-1910," *The International Journal of African Historical Studies*: 36, (2), p. 311.

<sup>56</sup> M. Moeti: "The Origins of Forced Labour in the Witwatersrand," *Phylon*, (47), 4, 1986, pp. 276-278.

<sup>57</sup> (TAB) LD 1163 AG 5415/05: "Annual Report Foreign Labour Department, 1904 to 1905," 1905.

<sup>58</sup> (TAB) GOV 159 GEN 894/04: "Governor Milner to Lyttleton, Colonial Office, Enclosures from FLD," 1904.

which would not meet the demands of the labourers but would increase the wages of the headmen themselves.<sup>59</sup> This was roundly rejected by the Chinese labourers who began a systematic protest on the mines by doing only the minimum necessary work to fulfil their contractual obligations.<sup>60</sup> In response the owners of the mine involved the external police forces to arrest the Chinese headmen suspected of leading the protest, specifically not involving the Foreign Labour Department and requesting that the Department not involve itself in the matter because:

...the principle involved was of such vital importance to the mining industry that he considered it advisable to try to allow the employers to show the coolies that they had power enough to settle the matter for themselves without the intervention of the government.<sup>61</sup>

For the most part such rebellions were officially explained as being the result of improper communication, due to a lack of sufficiently qualified translators available, between the white mining employers and their Chinese employees. Indeed, the Chamber of Mines staunchly rejected any notion that wage disputes or poor treatment of the indentured Chinese labourers played a significant role in these uprisings.<sup>62</sup> The rebellious collective actions, usually resulting in riots or uprisings on the mines, were able to achieve some measure of success, at times. For example on the North Randfontein Mines, the staunch resistance of the Chinese indentured labourers to their decreasing wages, and the largescale riot that resulted, did see a large number of those Chinese labourers involved punished.<sup>63</sup> At the same time, it did also successfully incline the authorities of the mine to increase the wages of the labourers somewhat, in order to prevent a similar scenario from reoccurring.<sup>64</sup> Other small victories of the Chinese labourers' resistance was the establishment of a more effective system for communicating grievances: locked boxes were supplied into which petitions and complaints could be anonymously placed

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<sup>59</sup> (TAB) GOV 165, GEN 266/05: "Acting Superintendent FLD to Lieutenant Governor," 1905.

<sup>60</sup> (TAB) GOV 165, GEN 266/05: "Acting Superintendent FLD to Lieutenant Governor," 1905.

<sup>61</sup> (TAB) GOV 165, GEN 266/05: "Acting Superintendent FLD to Lieutenant Governor," 1905.

<sup>62</sup> (TAB) SNA 527 NAC15/06: "Private Secretary to Lieutenant-Governor Forwards Copies of Despatches on the Subject of the Treatment of Natives and Asiatics in Transvaal," 1906.

<sup>63</sup> (TAB) GOV 76 GEN 333/05, "Report on the Disturbances at the North Randfontein Mine: Sir A Lawley," 1905.

<sup>64</sup> P. Richardson: "Coolies and Randlords: The North Randfontein Chinese Miners' 'strike' of 1905," *Journal of Southern African Studies*, (2), 2, pp. 171-173.

and addressed to the authorities on the mining compounds.<sup>65</sup> The violent nature of the riots, and their equally violent suppression by the police, should not be misunderstood, however, as some effective solution that succeeded in granting the indentured Chinese labourers anything close to comparable treatment by their white employers. But it should be acknowledged that the threat of collective disobedience by the indentured Chinese labourers did manage to secure some concessions from their employers. In general, the rioters were unable to ever present a truly united front, and collective acts of resistance by the Chinese labourers would be restricted to particular mining camps and failed to spread beyond them. As a result, the uprisings were typically isolated from each other, as seen in cases such as Jumper's Mine, Witwatersrand Deep Mine, Croesus Mine, and North Randfontein Mine.<sup>66</sup>

Thus, the scope of the Chinese labourers' resistance did not extend to a wider resistance by the indentured labourers throughout the Rand but, instead, was limited to the issues facing a particular group of Chinese labourers in the mining camps they were housed in. This disparate nature made suppression of the riots easier for the authorities, as they could isolate and deal with them individually, without having to worry about a mass resistance of all 50 000 indentured Chinese labourers.<sup>67</sup>

Concerning wages, although initially the Chinese seemed more than satisfied with the level of wages they received, the increasing numbers of labourers on the mines in 1905 – reaching 27 222 from 17 469 in 1904 – caused a reduction in the monthly wages being paid to the Chinese indentured labourers.<sup>68</sup> The number of Chinese only continued to increase, and later in 1905 the total number recorded as being employed on the mines reached over 38 000, bringing with it a continuing reduction in the wages of the individual Chinese labourers.<sup>69</sup> Unsurprisingly, the Chinese labourers were far from pleased with this situation, since it had been the need for wealth with which to support their families that had first driven them to South Africa. As a result, there were a number of riots, at least termed so by white overseers, by

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<sup>65</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 172.

<sup>66</sup> (TAB) LTG 166 TEL 1361: "Chinese Labourers – Outbreak at Jumpers Deep Mine," 1905; (TAB) GOV 81 GEN 730/05: "Disturbances on the Witwatersrand Deep Mine," 1905; (TAB) GOV 180 GEN 1046/05: "The Subject of the Disturbance which Occurred at the New Croesus Gold Mine," 1905; (TAB) GOV 76 GEN 333/05: "Report on the Disturbances at the North Randfontein Mine: Sir A Lawley," 1905.

<sup>67</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 181.

<sup>68</sup> (TAB) LTG 166 TEL 1279, "Number of Chinese Labourers on Mines in the Witwatersrand Area," 1905.

<sup>69</sup> (TAB) LTG 166 TEL 1302, "Number of Chinese Labourers on Mines in the Witwatersrand Area," 1905.

Chinese workers on the mines.<sup>70</sup> Aurora West, Geduld, Glen Deep, and Croesus mine all experienced differing levels of disturbances and riots by Chinese miners during 1905.<sup>71</sup> The cause of these riots, a dissatisfaction with the reducing wages, was made clear in a letter between Alfred Lyttleton and the governor of Johannesburg, when discussing the Chinese disturbances on the mines.<sup>72</sup> On the matter of wages, however, despite occasional concessions (such as at North Randfontein), the overall decrease in the wages paid to the indentured Chinese labourers from after 1902 was not stopped, and the mine owners were required to only pay the indentured Chinese labourers the contracted minimum wage for their first six months of employment, after which the wages were allowed to depreciate.<sup>73</sup> Despite several riots in response to wage disputes, in the end the indentured Chinese labourers were unable to coerce any significant concession from the white mine owners with regards to their salaries.

Aside from wages, the Chinese indentured labourers also protested against the dangers they faced on the mines, both from their work and from other miners, predominantly white, on the compounds. Protests occurred early on in response to the death of Chinese labourers in explosions in underground caverns, with other Chinese labourers often responding by refusing to work their own shifts in the aftermath of such accidents.<sup>74</sup> Aside from abuse by white miners and management on the mines, Chinese labourers were often confronted with the threat of the police force, used by the management of the mines to compel them to work. The management of the mines would occasionally utilize the threat of the police to compel Chinese labourers to work even on Sundays. In one case, on the mine of New Modderfontein, when Chinese labourers protested against being so forced, police were called in and opened fire, killing one of the labourers.<sup>75</sup> That abuse of the Chinese indentured labourers by both the European authorities and Chinese mine police was systemic seems evident and received no small amount of attention despite attempts by the Foreign Labour Department to consistently downplay the incidents as resulting purely from language miscommunications or internal ructions among the Chinese indentured labourers. The situation of abuse directed against Chinese indentured

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<sup>70</sup> (TAB) LTG 169 TEL 3267: "Chinese Labourers – Wages," 1905.

<sup>71</sup> (TAB) LTG 169 TEL 3306; "Disturbance at Croesus Mine – Chinese Labourers," 1905; LTG 169 TEL 3117: "Disturbance on Aurora West, Geduld and Glen Deep Mines among Chinese Labourers," 1905.

<sup>72</sup> (TAB) LTG 169 TEL 3267: "Secretary of State to Governor of Johannesburg Regarding Recent Chinese Disturbances on Mines," 1905.

<sup>73</sup> G. Kynoch. "Controlling the Coolies: Chinese Mineworkers and the Struggle for Labor in South Africa, 1904-1910," *The International Journal of African Historical Studies*, (36), 2, p. 322.

<sup>74</sup> (TAB) GOV 159 GEN 894/04: "Governor Milner to Lyttleton, Colonial Office, Enclosures from FLD," 1904.

<sup>75</sup> (TAB) LD 1507, AG 3773/07: "Acting Commissioner of the Police to Secretary to the Law Department," 1907.

labourers on these mines was also covered extensively by local newspapers. Frederic Mackarness, a member of Parliament, as early as 1904 pointed to stories in the *Strait Times*, *Daily News*, *Daily Chronicle*, *Spectator*, and *Morning Post* that all provided evidence of ongoing abuses on these mines.<sup>76</sup>

Another factor in these riots was a noted tendency for Chinese labourers to attempt to find their own form of justice, or recompense, in cases of abuse.<sup>77</sup> It was noted by the Foreign Labour Department that:

If anything goes wrong instead of appealing to the government for assistance, they boil up into a rage, take the law into their own hands and settle the matter for themselves.<sup>78</sup>

These riots were most frequent between 1904 and 1906, motivated by the issue of wages and abuse at the mines, but a series of changes implemented by the Foreign Labour Department and mine owners following their initial experiences curbed the riots. Following 1905, there were only four severe disturbances by Chinese labourers on mines, a far cry from the 25 experienced between 1904 and 1905.<sup>79</sup> Despite this, the most violent single incident involving the Chinese labourers occurred as late as 1909, on the Village Deep mine, where Chinese labourers were compelled to work during the traditional Chinese New Year holiday period, which they were not legally obligated to.<sup>80</sup> The resulting protest by the Chinese labourers, determined not to work, was broken up by police forces resulting in the death of seven of the labourers.<sup>81</sup> Complaints regarding wages, as well as ill-treatment on the mines, were the reality with which the Chinese labourers had to contend once they arrived in British South Africa. Additionally, these circumstances often saw them punished by the judicial system of the state,

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<sup>76</sup> (TAB) GOV 69 GEN 708/04: "Frederic Mackarness Provides Evidence of Mistreatment of Chinese on Mines," 1904.

<sup>77</sup> (TAB) GOV 872, PS 37/12/05: "Acting Superintendent FLD to Lieutenant-Governor," 1905.

<sup>78</sup> (TAB) GOV 872, PS 37/12/05: "Acting Superintendent FLD to Lieutenant-Governor," 1905.

<sup>79</sup> G. Kynoch: "Controlling the Coolies: Chinese Mineworkers and the Struggle for Labor in South Africa, 1904-1910," *The International Journal of African Historical Studies*, (36), 2, 2003, p. 318.

<sup>80</sup> G. Kynoch: "Controlling the Coolies: Chinese Mineworkers and the Struggle for Labor in South Africa, 1904-1910," *The International Journal of African Historical Studies*, (36), 2, 2003, p. 327.

<sup>81</sup> (TAB) LD 1696 194/09: "Inquest and Inquiry under Commission Powers Ordinance 1902 into the Circumstances Touching the Death of Chinese Coolies at Village Deep on the 21<sup>st</sup> of January 1909," 1909.

creating a less than hospitable environment but, importantly, the incentive offered by the wages was still sufficient to motivate large numbers of impoverished Chinese to come to British South Africa in search of work on the mines.

An important detail in the legal proceedings that involved the Chinese labourers was the role played by the Foreign Labour Department. In 1905, the sheer volume of cases originating out of the mines, with regards to the Chinese labourers, had become impossible for the local courts to manage, particularly due to the enduring problems with communication and translation.<sup>82</sup> As a result, legislation was passed which endowed the Foreign Labour Department with certain judicial powers over Chinese labourers, a power it executed readily.<sup>83</sup> Between 1905 and 1906 alone the Foreign Labour Department convicted some 2 632 Chinese labourers.<sup>84</sup> A result of the Foreign Labour Department's involvement in these cases was a sense of resentment from the Chinese labourers. Rather than perceiving the Foreign Labour Department as an institution that could assist them, the Foreign Labour Department's involvement in the punishment of the Chinese labourers resulted in it being seen as an institution that oppressed them.<sup>85</sup>

The discontent of the Chinese labourers did not sit solely with the Foreign Labour Department, however, as there were consistent difficulties in securing any form of justice from the regular courts of the state as well. Despite the proven and documented existence of abuse by white miners and white managers of the Chinese labourers, by 1906 not a single conviction of a white miner or manager had been secured in such cases. It was noted by the Secretary-General of the Transvaal that not a single conviction had yet been acquired in a case where a white was charged with abusing a miner.<sup>86</sup> Even in a case where a medical examination confirmed that a Chinese labourer had been extensively beaten and flogged, despite his white overseer insisting he had only been lightly punished, the court fined the white overseer only a single pound for the offence, dismissing the case as trivial.<sup>87</sup> This perception contributed to the Chinese

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<sup>82</sup> G. Kynoch: "Controlling the Coolies: Chinese Mineworkers and the Struggle for Labor in South Africa, 1904-1910," *The International Journal of African Historical Studies*, (36), 2, 2003, p. 312.

<sup>83</sup> (TAB) FLD 21 AG 1000/05: "Lord Selborne to Alfred Lyttleton, Colonial Office, London," 1905.

<sup>84</sup> (TAB) EC 86 82/06: "Lord Selborne to the Colonial Office," 1906.

<sup>85</sup> G. Kynoch: "Controlling the Coolies: Chinese Mineworkers and the Struggle for Labor in South Africa, 1904-1910," *The International Journal of African Historical Studies*, (36), 2, 2003, p. 313.

<sup>86</sup> (TAB) GOV 872, PS 37/12/05: "Acting Superintendent FLD to Lieutenant-Governor," 1905.

<sup>87</sup> G. Kynoch: "Controlling the Coolies: Chinese Mineworkers and the Struggle for Labor in South Africa, 1904-1910," *The International Journal of African Historical Studies*, (36), 2, 2003, p. 315.

labourers tendency not to file complaints with the Foreign Labour Department with regards to things like abuse on the mine and instead, as noted above, often attempted to resolve such issues themselves.<sup>88</sup> Further contributing to this situation was the issue of language, namely the barrier created between the Chinese labourers and white miners and managers.<sup>89</sup> Officials often cited miscommunications or misunderstandings based on language as the cause of disturbances on the mines.<sup>90</sup> The problem of language extended even to those Chinese appointed as officers over the other labourers, as most of these originated from the southern provinces of China and struggled to understand the northern dialect spoken by the vast majority of the Chinese labourers, over 50 000 of the approximately 60 000 labourers who came to British South Africa.<sup>91</sup> Apart from these issues Chinese labourers also had to contend with prejudicial legislation passed by the colonies of British South Africa, specifically in response to their arrival. In this matter, though, Chinese labourers were not the only affected body and, arguably, it was the smaller community of free Chinese already living in British South Africa who would be forced to endure the repercussions of such legislation long after the Chinese indentured labourers themselves had been deported from British South Africa by 1910.

The involvement of the Consul-Generals in the issues of the indentured Chinese labourers was regarded as contentious. Some authors, such as Philip Snow, have characterized their actions as largely being accomplices of the white authorities, rendering assistance to them in controlling the indentured Chinese labourers in preference of seeking to improve the conditions and circumstances of the Chinese indentured labourers.<sup>92</sup> In addition, Snow contended that the Consul-Generals prioritization of assisting the South African authorities with keeping order was a continuation of the Qing Dynasty's apathetic position towards its foreign subjects.<sup>93</sup> However, this is a misleadingly simple conclusion, particularly when examining the actions taken by the Consul-Generals during the indentured labour experiment. At the outset, it is important to distinguish between the two Consul-Generals for the period, as they did approach matters differently and Liu Ngai was only appointed to the position of Consul-General in 1907, towards the tail end of the entire indentured labour experiment. Liu Yu Ling, as the initial

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<sup>88</sup> (TAB) GOV 872, PS 37/12/05: "Acting Superintendent FLD to Lieutenant-Governor," 1905.

<sup>89</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 174.

<sup>90</sup> (TAB) SNA 527 NAC15/06: "Private Secretary to Lieutenant-Governor Forwards Copies of Despatches on the Subject of the Treatment of Natives and Asiatics in Transvaal," 1906.

<sup>91</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 140.

<sup>92</sup> P. Snow: *Star Raft: China's Encounter with Africa*, p. 48

<sup>93</sup> *Ibid.*



Consul-General, was more involved in the matter of the indentured Chinese labourers than Liu Ngai would be. As part of his consular duties, Liu Yu Ling would at times inspect the mining compounds, to ensure the Chinese indentured labourers were being treated per the conditions of the British and Qing schedule on labour. Liu Yu Ling, in an interview given to the *Natal Mercury* in 1905 left no doubts as to why he was in the Transvaal, positioning his duty of inspecting the circumstances of the Chinese labourers on the mines as his primary reason for being in the Transvaal:

It is my intention to see the mines at work, and acquaint myself with every detail. If I consider they are well treated, I shall say so; if I think the contrary I shall not neglect to inform my Government. If, of course, there were none or few of my countrymen here, there would be no reason for a Consul being appointed.<sup>94</sup>

In this the Consul-General also alludes to the indentured Chinese having served as the catalyst for the establishment of the Consul-General office in South Africa, implying that it is only the presence of the Chinese on the mines which prompted the Qing Dynasty to do so. Further emphasizing the importance with which Liu Yu Ling, and the Qing Dynasty as a whole, treated the well-being of the indentured Chinese labourers, Liu Yu Ling stressed that his position had been created through a unique means. As opposed to being appointed by the foreign ministry, as was standard practise for a Consul-General, Liu Yu Ling was made Consul-General to South Africa by Imperial Edict.<sup>95</sup> Liu Yu Ling himself explained it as:

That the Emperor makes the appointment. You see Consuls customarily are made by Ministers of our Government, but in this case the position was created by Imperial Edict.<sup>96</sup>

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<sup>94</sup> *Rand Daily Mail, Chinese Consul, Views on the War in the Far East, Recruiting for the Mines*, May 16, 1905, p. 5.

<sup>95</sup> *Ibid.*

<sup>96</sup> *Ibid.*



Despite this it remains true that the Consul-General was rarely involved in, or consulted on, matters of riots as they occurred on the mines. A further consideration was that, as opposed to the free Chinese community, the indentured Chinese labourers rarely turned to the Consul-Generals first when seeking recourse for the problems they faced. However, it should be noted that an official policy did exist on the mines on how the indentured Chinese could direct complaints to their employers. This system required that any complaints be, first, directed up the chain of mine management: from the controller to the manager and then the inspector, and after that allowed for a complaint or petition to be taken further to the Foreign Labour Department itself.<sup>97</sup> As a result, the indentured labourers had a system they were expected to use in order to channel their concerns. The fact that they distinctly made less use of the Consul-Generals than their free counterparts did, could be a result of having an alternative system to utilize.

Furthermore, considering the admitted problems with communication, it is within the realm of possibility that the indentured Chinese labourers were not fully aware of the fact that the Consul-General existed as an individual they could contact. Credence to this possibility does exist in the fact that one visit by Liu Yu Ling to a mine, in 1905, was even blamed by a Foreign Labour Department inspector as being the cause of a riot there.<sup>98</sup> Liu Yu Ling's visit to the Witwatersrand Deep Mine, the inspector alleged, had resulted in the indentured Chinese labourers being convinced that the treatment they received was unfair and in breach of contract, implying that the Consul-General had actually been responsible for convincing the Chinese labourers of this, motivating them to take rebellious action in 1905.<sup>99</sup> It is possible, then, that considering their limited access to information on the mining premises, that many of the indentured Chinese labourers were simply not aware of a means of communicating their grievances to the Consul-General. Further evidence that the authorities on the mines sought to prevent the indentured Chinese having access to the Consul-General can be found in the case

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<sup>97</sup> (TAB) FLD 240 76/2, 76/7, 76/8, 76/11: "Complaints by Chinese," 1906; TAB FLD 241 76/15, 76/19, 76/32: "Complaints by Chinese," 1906.

<sup>98</sup> (TAB) GOV 171 GEN 596/05: "Copy of a Report by Captain Fairfax on the Disturbance which took Place amongst Chinese Coolies Employed on the Witwatersrand Deep Mine, Limited," TAB 173 GOV GEN 665/05: "Further Report by Captain Fairfax of the Foreign Labour Department, Regarding the Disturbance on the Witwatersrand Deep Mine," 1905.

<sup>99</sup> (TAB) GOV 171 GEN 596/05: "Copy of a Report by Captain Fairfax on the Disturbance which took Place amongst Chinese Coolies Employed on the Witwatersrand Deep Mine, Limited," 1905; (TAB) 173 GOV GEN 665/05: "Further Report by Captain Fairfax of the Foreign Labour Department, Regarding the Disturbance on the Witwatersrand Deep Mine," 1905.

of the Rose Deep mine riot. On Rose Deep mine, in 1905, the refusal by the night shift of the Chinese labourers to enter the mines eventually escalated into a riot.<sup>100</sup> During the course of the disturbance when mine authorities sought to convince the Chinese labourers to resume work they refused to do so until they had spoken with the Chinese Consul-General.<sup>101</sup> However, the mining authorities would not permit this.<sup>102</sup>

Liu Yu Ling did maintain a comprehensive report on the treatment of the indentured Chinese labourers, reporting back to the Qing Dynasty on their circumstances and attempting to arrange for transportation for those who fell ill.<sup>103</sup> For the most part, it appears as if Liu Yu Ling's approach to the indentured Chinese labourers sought to find ground between serving to safeguard them and seeking not to antagonize the Transvaal government. He made no comprehensive protest concerning the treatment of the indentured Chinese on the Witwatersrand, but did seek to provide help by organizing for ill Chinese to be transported home and for the indentured Chinese to be able to remit money back to their families in China.<sup>104</sup> Liu Yu Ling was also successful in negotiating a system by which the employing Chamber of Mines would pay compensation to the families of Chinese indentured labourers who passed away whilst working in South Africa.<sup>105</sup>

One of the most important areas of Liu Yu Ling's involvement with the indentured Chinese was on a Special Committee established by the Transvaal government in 1906. Between 1905 and 1906, both the Foreign Labour Department and Chamber of Mines separately organized their own committees to attempt to find solutions to the issue of desertions and disobedience by Chinese indentured labourers.<sup>106</sup> When both of these committees failed to produce satisfactory results a joint Special Committee was established, in April of 1906, by the acting Lieutenant-Governor of British South Africa, Richard Solomon. Its specific function was to devise better methods through which the Chinese indentured labour on the mines could be

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<sup>100</sup> *Daily Rand Mail: Rose Deep Row, Ten Coolies Charged, Dissatisfied with the Food*, June 24, 1905, p. 8.

<sup>101</sup> *Ibid.*

<sup>102</sup> *Ibid.*

<sup>103</sup> C. Hansheng (ed), "Request to the Emperor by the Ministry of Foreign Affairs on Appointing Liu Yulin as the Consul in British South Africa, September 17, Guangxu 30," *A Compilation of Historical Documents*, 1, (4), p. 1721.

<sup>104</sup> (TAB) FLD 84 11/52: "Remittance of Money to China. Money Order System," 1905.

<sup>105</sup> L. Anshan: *China's Africa Policy and the Chinese immigrants in Africa*, p. 60.

<sup>106</sup> P. Richardson, *Chinese Mine Labour in the Transvaal*, p. 174.

controlled. This Committee, the rather bluntly named Special Committee on the Control of Chinese Labourers, consisted of the superintendent of the Foreign Labour Department, the general manager of the Chamber of Mines, representatives of the South African Constabulary, a resident Magistrate from Pretoria, who would serve as the chairman of the Committee and Consul-General Liu Yu Ling.<sup>107</sup> It was tasked with devising a method to ensure that the difficulties faced by the mines with regards to the Chinese indentured labourers could be ameliorated, even if only somewhat.<sup>108</sup> That Liu Yu Ling was involved in this Committee means that he was involved in the determination of the indentured Chinese experiment to an extent. However, importantly, he was merely a participating member, with little power, and thus the ultimate outcome of the Committee is not necessarily an accurate reflection of his intent. It is impossible to know his exact thoughts on the Committee, or influence on the changes it eventually engendered. Yet Liu Yu Ling's involvement is telling of the role the Consul-General did play in assisting the South African authorities in better controlling the Chinese labourers. It was noted, within the report of the Special Committee, that Liu Yu Ling had advised the Committee that most of the desertions, riots, and disruptive behaviour on behalf of the Chinese labourers in general, was the result of the treatment they received. In the Special Committee's report his comments were described as follows:

Secondly, the Chinese Consul-General has given it as his opinion that much of the discontent which arose during the earlier stages, and which perhaps still exists to-day, is attributable to the fact that the labourer has never before been subjected to the discipline under which he has now to work, and which is essential for the purpose of proper work and control.<sup>109</sup>

Similar to the actual complaints made by the indentured Chinese labourers themselves, but largely dismissed by the official reports of the Chamber of Mines and Foreign Labour Department, Consul-General Liu Yu Ling emphasized that it was the "treatment" of the

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<sup>107</sup> Transvaal Chamber of Mines, Seventeenth Annual Report: *Report of the Special Committee Appointed to Consider and Report on the Present Conditions in Regard to Control of Chinese Indentured Labourers on the Mine Premises of the Witwatersrand Area, June 1906.*

<sup>108</sup> Transvaal Chamber of Mines, *Report of the Executive Committee for the year 1906*, p. 14.

<sup>109</sup> Transvaal Chamber of Mines, Seventeenth Annual Report: *Report of the Special Committee Appointed to Consider and Report on the Present Conditions in Regard to Control of Chinese Indentured Labourers on the Mine Premises of the Witwatersrand Area, June 1906*, Part IV.

Chinese labourers that served as the primary catalyst for most of the difficulties encountered when dealing with the Chinese on the mines. However Liu Yu Ling attached an addendum at the end of the report, in which he explained that he objected to the proposal to erect fences around the mining compounds housing the Chinese indentured labourers.<sup>110</sup> Liu Yu Ling explained that he believed a fence served no practically useful function, that it would not deter desertion, as if a Chinese labourer wished to desert he would simply get a permit to leave the premises with and desert then.<sup>111</sup> Instead, Liu Yu Ling supported the report's overall argument that the situation would be best remedied with an increase in oversight, stating that:

I believe (1) That the present compound should be closely guarded and stronger European supervision should be exercised—especially during the night; (2) The boundaries of the mines should be marked by posts, and such posts should be guarded; That there should be a daily check system uniformly on all the mines.<sup>112</sup>

However, somewhat unsurprisingly, the Committee's investigations largely downplayed any role played by the abuse of the indentured Chinese labourers in either their desertions or uprisings, and ignored any role wage disputes played as well, focusing instead on gambling and opium, and identifying this as the primary causes of desertion.<sup>113</sup> However, this was only the official stance of the Committee. In other correspondence members of both the Chamber of Mines and Foreign Labour Department were more open to the role played by mistreatment of the Chinese labourers by white miners and employers.<sup>114</sup> Furthermore, the vast majority of all complaints and petitions made by the indentured Chinese labourers were focused on the issue of mistreatment by their superiors – white or Chinese Mine Police – as well as disputes concerning their wages and their contracts.<sup>115</sup> The recommendations made by the Committee,

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<sup>110</sup> Transvaal Chamber of Mines, Seventeenth Annual Report: *Report of the Special Committee Appointed to Consider and Report on the Present Conditions in Regard to Control of Chinese Indentured Labourers on the Mine Premises of the Witwatersrand Area, June 1906*, Addendum to the report.

<sup>111</sup> *Ibid.*

<sup>112</sup> *Ibid.*

<sup>113</sup> (TAB) AMPT PUBS TKP 205 01: "Transvaal Blue Books, Unnumbered. Labour. Report of the Special Committee Appointed to Inquire into the Present Conditions in Regard to the Control of Chinese Indentured Labourers in the Witwatersrand District, Together with Minutes of Procedure, Minutes of Evidence and Appendices," 1906.

<sup>114</sup> (TAB) FLD 7 147/20/11A: "Secret Telegram, Governor, Transvaal to Secretary of State," 1905.

<sup>115</sup> (TAB) FLD 240 76/-: "Complaints by Chinese," 1906.

most of which were eventually adopted and enforced on the mining compounds, were detailed in the conclusion concerning chiefly the permit system and an increase in security around the mines.<sup>116</sup>

One of the most important successes for the indentured Chinese labourers, the permit system, which controlled the movement of the Chinese labourers, was significantly streamlined. A uniform system was introduced to more effectively control the traffic of indentured Chinese labourers, making it easier for the Chinese labourers to acquire permits to move around during the days they were not working.<sup>117</sup> At the same time, a much larger number of white miners were employed on the mines following the Committee's recommendation, exercising greater surveillance over the Chinese labourers, and more meticulous records were kept of their movements via the permit system.<sup>118</sup> The Committee's recommendations were, for the most part, successful, and during the latter end of the Chinese indentured labour experiment, from 1906 until 1910, the number of desertions and uprisings on mines reduced significantly. They claimed that:

...statistics prove absolutely that the number of defaulters, deserters, and offenders in any one particular mine is in inverse ratio to the control exercised.<sup>119</sup>

As a result, the Chinese indentured labourers' resistance for the most part served only to engender tighter control over the mining compounds, as opposed to any overall relaxation of the stringent oversight exercised over them. Thus, the overall resistance of the indentured Chinese labourers failed to bring about any significant change in their conditions. That there were certain small successes cannot be denied, and should be acknowledged, but ultimately the South African authorities were largely successful, via a combination of increasingly stringent

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<sup>116</sup> Transvaal Chamber of Mines, Seventeenth Annual Report: *Report of the Special Committee Appointed to Consider and Report on the Present Conditions in Regard to Control of Chinese Indentured Labourers on the Mine Premises of the Witwatersrand Area, June 1906*, Conclusion.

<sup>117</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 250.

<sup>118</sup> (TAB) FLD 168 34/00: "Report by Major McAndrew, FLD Inspector," 1905.

<sup>119</sup> (TAB) EC 86 82/06: "Lord Selborne to the Colonial Office," 1906.

oversight and police action, to compel the Chinese indentured labourers to adhere to many of the draconian requirements and conditions of their employment.

The role of the Consul-Generals in this is a complicated matter. Consul-General Liu Yu Ling did make several efforts to assist the indentured Chinese labourers and was clearly involved with attempting to rectify some of the issues and difficulties they faced, but at the same time his involvement in the Special Committee evidenced that he also worked to assist the South African authorities in exercising control, even repressive control, over the indentured Chinese labourers. However, it is important to bear in mind that the authorities of the Transvaal resisted any effort by Liu Yu Ling to interact with the indentured Chinese. When Liu Yu Ling did attempt to directly investigate the abuse of Chinese labourers on the mines in 1906 he was rebuffed by the Chamber of Mines.<sup>120</sup> Furthermore, from the outset of the experiment the British authorities, Transvaal government and Chamber of Mines had been determined to make the Consul-General as impotent as possible. The powers of the office were left incredibly vague but, crucially, the Consul-General was not permitted to visit mines without the permission of the authorities and had no power to protest mistreatment or enforce the provisions of the Importation Ordinance.<sup>121</sup> Liu Yu Ling's only power was to report back to his government, which could do little other than lodge official complaints with the British Empire.<sup>122</sup> This was made quite explicit in a comment by the head of the Witwatersrand Native Labour Association, F. Perry, who said:

The last thing we want is a petty mandarin, with an army of subordinates, registering the individual labourers and certainly black-mailing them in the process.<sup>123</sup>

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<sup>120</sup> (TAB) FLD 225/62/55: "A. S. H. Cooper to Selborne Regarding Allegations by Mr Cooper whilst in Gaol," 1905.

<sup>121</sup> (TAB) AMPT PUBS 51 CD 2026: "Transvaal. Further Correspondence Relating to the Transvaal Labour Question. Coolie and Chinese Labourers. 1) Recruiting 2) Contracts of Service 3) Transfer of Labourers 4) Passages of Labourers to South Africa 5) Arrival of the Labourers at Durban 6) Care and Treatment of the Labourers when Sick 7) Wages 8) Women and Children 9) Return of Labourers to China," May 1904.

<sup>122</sup> (TAB) AMPT PUBS 51 CD 2026: "Transvaal. Further Correspondence Relating to the Transvaal Labour Question. Coolie and Chinese Labourers. 1) Recruiting 2) Contracts of Service 3) Transfer of Labourers 4) Passages of Labourers to South Africa 5) Arrival of the Labourers at Durban 6) Care and Treatment of the Labourers when Sick 7) Wages 8) Women and Children 9) Return of Labourers to China," May 1904.

<sup>123</sup> (TAB) FLD 130/19/3: "Consular Matters," 1903.

In the face of this it becomes clear that the British and Transvaal authorities had already set themselves against permitting the Consul-General to make any appreciable change to the situation of the indentured Chinese.

A further factor to keep in mind was Liu Yu Ling's lack of leverage or influence. As indicated above the opening decade of the twentieth century was a period of geo-political instability and weakness for the Qing Dynasty. This left Liu Yu Ling with little capability to coerce any sort of compromise from the Transvaal or British authorities. His own grandson, Lau Ka-meng, described Liu Yu Ling's situation thusly:

In his diplomatic life, he was always playing with a weak hand. He represented a weak government, negotiating with strong military powers.<sup>124</sup>

With this in mind Liu Yu Ling's actions must be understood in terms of the limitations set upon him.

In contrast to Liu Yu Ling, few official records of Liu Ngai attempting to assist the indentured Chinese labourers or being involved with their difficulties. Considering that Liu Ngai only took office late in 1907, as Liu Yu Ling only returned to China in August, it is true that Liu Ngai was only involved with the final years of the Chinese indentured labour experiment. In fact, by the time Liu Ngai assumed office, the indentured system was already being dismantled.<sup>125</sup> Thus, his lack of recorded assistance is possibly a result of this. Furthermore, by the time Liu Ngai was Consul-General the majority of the conflicts on the mines involving the indentured Chinese labourers had already been resolved, mostly through an increase in the number of white overseers on the mine, restricting and repressing any rebellious actions by the indentured Chinese labourers.<sup>126</sup> In this light, Liu Ngai was not confronted with the same urgent problems

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<sup>124</sup> L. Rosario: "Diplomacy at its Best," *Macao Magazine*, 17 October 2002.

<sup>125</sup> Richardson, *Chinese Mine Labour in the Transvaal*, p. 166.

<sup>126</sup> G. Kynoch. "Controlling the Coolies: Chinese Mineworkers and the Struggle for Labor in South Africa, 1904-1910," *The International Journal of African Historical Studies*, (36), 2, 2003, p. 314.



that Liu Yu Ling had been. The consistent disturbances on the mines, which had been an obvious matter for Liu Yu Ling to attend to, did not exist in the same way for Liu Ngai. This possibly explains why he seemed to be less involved with the indentured Chinese labourers than Liu Yu Ling himself was.

Despite minor successes the Consul-Generals failed to achieve a significant improvement in the conditions of the indentured Chinese labourers. The combination of riots and desertions, even with some assistance by the Consul-Generals, managed to secure minor concessions only, and for the most part the South African authorities utilized increased repression to control the indentured Chinese labourers. The regulations of the Labour Importation Ordinance were rarely relaxed and, as indicated, an increase in repression was largely successful in quelling disturbances on the mines. At the same time, the role of the Consul-Generals in this was more complex than simply agents seeking to assist the Chinese labourers, as shown by Liu Yu Ling's apparent support for more stringent white oversight on the mining compounds. However, there was still an effort on behalf of the Consul-Generals of the Qing Dynasty to assist the Chinese labourers to some extent, making any dismissal of their role as purely agents of the South African authorities control an unfairly general and unfounded one.

### **4.3 The Consul-Generals and the Chinese of the Transvaal**

Unlike their counterparts in the Cape, who had largely avoided discriminatory legislation until the Cape Chinese Exclusion Act, the Transvaal community of Chinese had been the target of several discriminatory legislative acts before the arrival of the Consul-Generals. In 1885 the Transvaal had passed "Law 3, Relating to coolies, Arabs and other Asiatics," which effectively prohibited any Chinese within the Transvaal from becoming citizens of the Transvaal or owning fixed property.<sup>127</sup> The law further forced the Chinese to pay for and carry passes on themselves.<sup>128</sup> Even after the Anglo-Boer War, and the establishment of a new Transvaal

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<sup>127</sup> *Statute Law of the Transvaal, 1839-1910*, Law 3 of 1885, Relating to coolies, Arabs and other Asiatics.

<sup>128</sup> *Statute Law of the Transvaal, 1839-1910*, Law 3 of 1885, Relating to coolies, Arabs and other Asiatics, Section C.



government under the auspices of the British Empire, the new government would largely reinstate the same provisions in 1903 under the “Bazaar Act”.<sup>129</sup>

Although not directly targeted by the Labour Importation Ordinance it has been argued, most persuasively by Harris, that the arrival of the indentured Chinese labourers, and their effect on discourse within South Africa, certainly catapulted the previously ignored Chinese community into the spotlight.<sup>130</sup> However, during the period of the Qing Dynasty’s Consul-Generals, the free Chinese community in the Transvaal would find themselves subjected to several discriminatory pieces of legislation.<sup>131</sup> Like the indentured Chinese labourers, the free Chinese were active in resisting the discriminatory legislation they fell victim to, particularly in the first decade of the twentieth century. Their role in struggling against racialized legislation in South Africa has generally gone comparatively underexamined compared to the struggles of other groups within the country.<sup>132</sup> In contrast to the indentured Chinese labourers, however, the free Chinese community in the Transvaal consistently sought the assistance of the Qing Dynasty’s Consul-Generals. They often relied upon them to aid them in their resistance against the legislation they were opposed to. Indeed, in 1902 a group of Chinese in the Transvaal actually delivered a petition to the Qing Dynasty’s Minister in London, Zhang Deyi, asking for some form of representation on their behalf by the Qing Dynasty.<sup>133</sup> The involvement of the Consul-Generals in their resistance was one of the only commonalities between the free Chinese and indentured Chinese labourers in the Transvaal, as for the most part both groups pursued largely isolated and separate paths, never forming a combined resistance based on their shared nationality.<sup>134</sup> The Transvaal Chinese seemed generally disinterested in their indentured countrymen.<sup>135</sup>

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<sup>129</sup> *Transvaal Leader*, 12 December 1903.

<sup>130</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 238.

<sup>131</sup> (SAB) GG 1320 01 37/27: “Chinese Exclusion Act No. 37 of 1904 Cape of Good Hope Colony. Forwards Correspondence with the Union Government in which he Urges the Repeal of the Act,” 1911; SAB GG 900 01 15/706, 15/557, 37/45, 15/724: “Asiatics: Chinese. Forwards Note by Chinese Minister in London on Subject of Treatment of Chinese in South Africa and Requests Minister’s Observation,” 28 April 1914.

<sup>132</sup> K. L. Harris: “‘Strange Bedfellows’: Gandhi and the Chinese Passive Resistance,” *Journal of Natal and Zulu History*, (31), 2013, p. 15.

<sup>133</sup> L. Anshan: *A History of Overseas Chinese in Africa to 1911*, p. 182.

<sup>134</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 54.

<sup>135</sup> *Ibid*, p. 45.

The Transvaal Asiatic Registration Act was the primary cause of resistance among the free Chinese in the Transvaal. As a piece of legislation, it built on an earlier bill, the Draft Asiatic Amendment Ordinance of 1906. At the time of its promulgation the Draft Asiatic Amendment Ordinance stoked intense resistance from both the Chinese and Indian communities in the Transvaal. The Draft Ordinance would effectively create a comprehensive and intrusive register of all “Asiatics” in South Africa, and key matters such as trading licenses would only be made available to individuals who underwent such registration.<sup>136</sup> The Transvaal Chinese community was quick to involve Consul-General Liu Yu Ling in their opposition to the Draft Ordinance, sending a five-page petition to him which he passed on to both the authorities of the Transvaal and the British Empire.<sup>137</sup> The Chinese community in the Transvaal, headed largely by a man known as Leung Quinn, the head of the Transvaal Chinese Association, created a comprehensive document detailing their opposition to the Draft Ordinance and outlining the onerous consequences it would have for all free Chinese in the Transvaal if it were to come into force.<sup>138</sup> Furthermore, when a deputation from the Transvaal Chinese Association departed to London, to directly present their grievances in connection to the Draft Ordinance, they were accompanied by Liu Yu Ling himself, and the Consul-General would later deliver their petition on their behalf to the British Ambassador.<sup>139</sup> In November of that same year the British Governor rejected the Draft Ordinance, effectively preventing it from coming into force.<sup>140</sup> However, this victory was to be transient at best as, by the next year, the Transvaal would promulgate and pass a new act, the Asiatic Registration Act under the authority of the newly elected *Het Volk* party, which effectively established all provisions of the Draft Ordinance.<sup>141</sup> This time there would be no intervention from the British Empire to prevent it due to the Transvaal having been granted responsible government.<sup>142</sup>

The Asiatic Registration Act became the focal point of both strong resistance by the Chinese and Indian communities within the Transvaal. The regulations it enforced complicated matters

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<sup>136</sup> B. Pachai, “*The South African Indian Question 1860-1971*,” p. 39.

<sup>137</sup> (TAB) GOV 202 Gen 1005/06: “Petition from Chinese Residents in Transvaal Protesting against Provisions of Asiatic Law Amendment Ordinance,” 1907.

<sup>138</sup> (TAB) GOV 202 Gen 1005/06: “Petition from Chinese Residents in Transvaal Protesting against Provisions of Asiatic Law Amendment Ordinance,” 1907.

<sup>139</sup> *Indian Opinion*, October 1906, p. 6.

<sup>140</sup> *Indian Opinion*, 15 December 1906, p. 8.

<sup>141</sup> *Statutes of the Transvaal*, Act 2 of 1907, Asiatic Law Amendment Act.

<sup>142</sup> K. L. Harris: “‘Strange Bedfellows’: Gandhi and the Chinese Passive Resistance,” *Journal of Natal and Zulu History*, (31), 2013, pp. 24-25.

of acquiring trading licenses for all those who opposed it, as without registration it would be impossible to acquire such. It is important to understand the intense resistance which existed within the Transvaal Chinese community to the Asiatic Registration Act. Although the resistance and role played by the South African Indian community has been examined at length, the role played by the Chinese has been considerably underexamined, barring some exceptions such as the work of Harris. In particular a provision of the registration which required the Chinese to have impressions of their fingerprints taken was considered particularly dehumanizing and insulting to the dignity of the Chinese as both individuals and their nation.<sup>143</sup> This was predominantly due to the Chinese's own social experiences, in which the process of taking fingerprints was usually reserved only for individuals considered to be criminals, and those who had committed grievous crimes in particular.<sup>144</sup> As a result many Chinese equated the registrations requirement that their fingerprints be taken with the notion that they were, inherently by this process, being criminalized and degraded, treated as if they were serious offenders or lower-class individuals.<sup>145</sup> This opposition to the process of fingerprint taking was so intense within the Chinese community that Gandhi, and the respective Indian resistance movement, even criticized the Chinese for their intense resistance.<sup>146</sup> By the time registration closed in November only four Chinese had registered.<sup>147</sup> Of these one would return to China while another, Chow Kwai, would commit suicide.<sup>148</sup>

An understanding of some of the harm caused to the Chinese can be found in the contents of the suicide letter written by Chow Kwai:

I am going to leave the world, but I must give a public explanation why I intend to commit suicide. Since I came to South Africa I have only been in domestic service. My dialect is quite different from that of the rest of my countrymen, with whom I have very seldom associated. My employer advised me to re-register. At first, I refused to do so, but I was informed that I would be dismissed

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<sup>143</sup> (PRO) CO 291/122 40668: "Asiatic Law Amendment Act," 1907.

<sup>144</sup> (PRO) CO 291/122 40668: "Asiatic Law Amendment Act," 1907.

<sup>145</sup> K. L. Harris: "'Strange Bedfellows': Gandhi and the Chinese Passive Resistance," *Journal of Natal and Zulu History*, (31), 2013, pp. 24-25.

<sup>146</sup> *Ibid*, pp. 30-31.

<sup>147</sup> E. S. Reddy: *Gandhi and the Chinese in South Africa*, p. 30.

<sup>148</sup> *Ibid*.

from my employment. I thought that I should have to lose my situation. Therefore, I was obliged to re-register, but I did not know the degradation that would follow until my friend talked to me about the registration matter and showed me the translation of the law. I found that I would be treated as a slave, which would be a disgrace to myself and my nation. I was not aware of all this before. Now it is too late for me to repent. I cannot look my countrymen in the face. I hope all my countrymen will take warning from my error.<sup>149</sup>

Chow Kwai was only 24 when he took his life, by hanging, in 1907. Much later this tragedy did not go completely unnoticed though. In the Chinese section of the Braamfontein cemetery, the Transvaal Chinese Association erected an imposing grave for the young man, with the text of his suicide letter upon the headstone.

The intense campaign of free Chinese resistance to the Asiatic Registration Act saw increasing numbers of them being arrested throughout 1907, over 2 000, and included the arrest of the Transvaal Chinese Association head, Leung Quinn, himself.<sup>150</sup> The imprisonment of the Chinese resisters also saw the Consul-General at the time, Liu Ngai, personally step in and involve himself in the affair, moving beyond simply relaying petitions on behalf of the Transvaal Chinese Association.<sup>151</sup> Liu Ngai made several visits to the imprisoned Chinese activists during 1907 and 1908, often to ensure that their conditions were satisfactory, and to show support for their cause.<sup>152</sup> In January of 1908, Liu Ngai personally visited Leung Quinn in jail, and the Consul-General made clear both his support for the actions of the Transvaal Chinese Community, as well as his opinion of Leung Quinn;

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<sup>149</sup> *Indian Opinion*, 16 November 1907, p. 370.

<sup>150</sup> B. Pachai, “*The South African Indian Question 1860-1971*”, p. 39.

<sup>151</sup> (TAB) LD 1563 AG201/08: “Application for Special Permit to visit Chinese Prisoner Leung Quinn from Acting Chinese Consul,” 1908.

<sup>152</sup> (TAB) LD 1563 AG201/08: “Application for Special Permit to visit Chinese Prisoner Leung Quinn from Acting Chinese Consul,” 1908.

The prisoner who up to the time of his imprisonment, was the chairman of the Chinese Association in Johannesburg, which body I recognize as representing the Chinese Community of the Transvaal.<sup>153</sup>

It is clearly evident that Liu Ngai was highly active in his support of the free Chinese community in the Transvaal, particularly during their campaign of passive resistance against the Transvaal Asiatic Registration Act. He was responsible for consistent petitions on their behalf, and petitions to the South African government to lift some of their discriminatory legislation towards the Chinese. This even earned him an official rebuke from the South African and British Governments.<sup>154</sup> Liu Ngai also became personally involved in the matter of the Asiatic Registration Act by moving beyond simply communicating the petitions of the Transvaal Chinese community to the South African authorities, but by being involved directly in negotiations between the Chinese Transvaal community and the authorities of the Transvaal.<sup>155</sup>

In addition to this support, Liu Ngai also became personally involved in an internal clash within the Chinese community of the Transvaal. Among those Chinese who resisted the Asiatic Registration Act there was not a uniform position and two distinct factions emerged. One of these factions, the so-called Party of Compliance, were satisfied with initial concessions made by the Transvaal government and rejected the campaign of passive resistance as employed by Gandhi and the Chinese Association under Leung Quinn.<sup>156</sup> Conflict between the two groups over the use of the Chinese Associations finances eventually was brought to court in 1908, with the two parties opposed to each other in the case of *Leung Quinn v. Ho Ling, Tam Hung and Wing Tong Cheong*.<sup>157</sup> The issue of the Chinese Association's funds formed the crux of this dispute, with the Passive Resistance faction accusing the Party of Compliance of utilizing funds

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<sup>153</sup> (TAB) LD 1563 AG201/08: "Application for Special Permit to Visit Chinese Prisoner Leung Quinn from Acting Chinese Consul," 1908.

<sup>154</sup> (SAB) GG 1320 37/28: "Action of the Acting Chinese Consul-General in Corresponding Direct with the Minister for the Interior in Reference to the Chinese Exclusion Act of the Cape Colony," 1911.

<sup>155</sup> *Rand Daily Mail, The Asiatics. Chinese Register. One thumbprint*, February 17, 1908, p. 9.

<sup>156</sup> K. L. Harris: "'Strange Bedfellows': Gandhi and the Chinese Passive Resistance," *Journal of Natal and Zulu History*, (31), 2013, pp. 23-33.

<sup>157</sup> *Rand Daily Mail, The Chinese Case. Settlement arrived at*, July 22, 1909, p. 10.

from the Association which were earmarked for use by the Passive Resistance faction.<sup>158</sup> Liu Ngai, along with reverends J.J. Doke and Charles Phillips, were involved in the trial, assisting in attempting to find a resolution between the two parties.<sup>159</sup> The trial concluded after the two parties came to a mutual agreement, consenting to certain provisions, with the assistance of Liu Ngai and the reverends.<sup>160</sup> For the role played by the Consul-General he was, along with the pair of reverends, awarded £400 of the sum of money in dispute to use to establish a Chinese Ward in the Johannesburg hospital.<sup>161</sup> That the Chinese Association was willing to entrust this amount to the Consul-General seems to further indicate their consideration of him as a reliable ally of their cause.

His efforts to assist in the negotiations between the Chinese Association and the Transvaal government eventually bore fruit in a compromise, being reached in 1908, for which he was partly credited.<sup>162</sup> This compromise, agreed on by the Chinese and Transvaal Asiatic Immigration Ministry, required that only a single thumbprint be taken as part of the registration process.<sup>163</sup> Furthermore that registration was neither a criminal nor compulsive action, as these had been large concerns for the Chinese community in the Transvaal.<sup>164</sup> This stood as a significant achievement for the Transvaal Chinese community, achieved with the assistance of the Consul-General.<sup>165</sup> However, this is not to credit the Consul-General with achieving this result alone, the amending of the law was the end result of a protracted campaign of passive resistance by Indians and Chinese.

Although Liu Yu Ling, in his capacity as Consul-General, seemingly took no action against the Asiatic Registration Act, in part no doubt since by 1907, when it was enacted, he was already in the process of departing, he did still critique it.<sup>166</sup> In his capacity as the Minister to the Chinese Legation in London, Liu Yu Ling explicitly denounced the Asiatic Registration Act

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<sup>158</sup> K. L. Harris: “‘Strange Bedfellows’: Gandhi and the Chinese Passive Resistance,” *Journal of Natal and Zulu History*, (31), 2013, pp. 23-33.

<sup>159</sup> *Rand Daily Mail, The Chinese Case. Settlement arrived at*, July 22, 1909, p. 10.

<sup>160</sup> *Ibid.*

<sup>161</sup> *Ibid.*

<sup>162</sup> *Rand Daily Mail, The Asiatics. Chinese Register. One Thumbprint*, February 17, 1908, p. 9.

<sup>163</sup> *Ibid.*

<sup>164</sup> *Ibid.*

<sup>165</sup> D. Man & M. Yap: *Colour, Confusion and Concessions*, pp. 155-159.

<sup>166</sup> (SAB) 1320 01 37/42: “Transvaal Draft Municipal Ordinance: Protest by Chinese Minister in England Regarding Provisions as Affecting Chinese Residents in the Transvaal,” 1911.

as abhorrent to the Qing Dynasty government and that its existence was perceived as being highly offensive to all Chinese.<sup>167</sup>

The compromise surrounding the Asiatic Registration Act would persist into the Union as well. The initial immigration legislation of the Union acceded to several demands of the Chinese regarding registration, sufficiently so that from 1912 onwards the free Chinese ceased to actively resist the legislation.<sup>168</sup> The extensive involvement of Liu Ngai, in this matter at least lends credence then to the notion that the efforts of the Consul-Generals were of some help for the free Chinese community in the Transvaal. Further, when the Transvaal passed the Gold and Base Metals Law in 1908, the Transvaal Chinese found themselves once more restricted in their capacity to trade.<sup>169</sup> Although they had long been denied the ability to mine and prospect themselves, the new law also forbid them from trading within mining areas, and further classified them within the Act as constituting part of the “Coloured” population of South Africa.<sup>170</sup> The Act’s explicit classification of the Chinese as constituting a “Coloured” group was a particular point of contention to the Transvaal Chinese. Liu Ngai would intercede on behalf of the Transvaal Chinese in this matter, protesting the Act to the Colonial Secretary.<sup>171</sup> The Consul-General had three objections against the Act: firstly that it placed Chinese in the same category as blacks; secondly that it limited the ability for Chinese traders to gain permits to trade on mining areas and lastly that even within those mining areas they were permitted to trade they were restricted to very specific areas.<sup>172</sup> Liu Ngai’s protests, however, failed to have any effect, as the Gold Law remained on the books well past the collapse of the Qing Dynasty. There is, however, a clear indication that the Consul-General did attempt to assist the Transvaal Chinese community in objecting and opposing legislation which discriminated against them.

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<sup>167</sup> (SAB) 1320 01 37/42: “Transvaal Draft Municipal Ordinance: Protest by Chinese Minister in England Regarding Provisions as Affecting Chinese Residents in the Transvaal,” 1911.

<sup>168</sup> (SAB) GG 1594, 51/926: “Sentences. Petition for Remission from Members of Chinese Community in Johannesburg, 1911,” 1911

<sup>169</sup> K. L. Harris & T. Chee-Beng (ed.): *Rising China and the History of the South African Chinese, China’s Rise and the Chinese Overseas*, pp. 93-94.

<sup>170</sup> *Ibid.*

<sup>171</sup> (TAB) MM 198 MM690/08: “Colonial Secretary. Protest by Chinese Consul General Re Gold Law Interpretation of ‘Coloured Person’,” 1908.

<sup>172</sup> (TAB) Secretary of Mines (MM) 198 MM690/08: “Colonial Secretary. Protest by Chinese Consul General Re Gold Law Interpretation of ‘Coloured Person’,” 1908.



Liu Ngai also became heavily involved in attempting to combat opium usage by the Chinese within the Transvaal.<sup>173</sup> He suggested nine provisions the Transvaal government should enact to combat the usage of opium. These included that any Chinese opium smoker needed a letter permitting them to do so from a doctor, that they would need to subject themselves to regular scrutiny by doctors to ensure they were not overusing their opium, that the amount the Chinese would be allowed to smoke would be, monthly, reduced, so as to slowly wean them off its use and that only pharmacies would be allowed to sell opium.<sup>174</sup> These pharmacies, he suggested, should then create a record of the amount of opium sold, and to whom it was sold, and all smoking shops should be closed and smoking equipment cease to be imported.<sup>175</sup> The Transvaal government, however, simply responded to Liu Ngai's suggestions by insisting it had its own existing regulations concerning opium usage, and that those would be sufficient.<sup>176</sup>

A distinction between the efforts of the Consul-Generals and their successes is pivotal to dispelling the idea that they represented a continuing apathy on behalf of the Qing Dynasty towards the overseas Chinese. It is clear that the Consul-Generals did, to a significant extent, take seriously their duties as guarantors of the wellbeing of the Chinese in the Transvaal, and made themselves available to be used by the Transvaal Chinese community as a method of directing their complaints to the South Africa government. Even after he had ceased to serve as the Consul-General to South Africa, Liu Yu Ling did not relinquish his criticism of the treatment of the free Chinese community in South Africa. The support of both Consul-Generals to the free Chinese community in the Transvaal was apparent, although their support and assistance to the indentured Chinese labourers was markedly less explicit. Further, their support for the Chinese labourers was complicated by the role played by Liu Yu Ling in assisting and advising the Transvaal authorities on how to better control the Chinese labourers. The support offered by the Consul-Generals did, at times, achieve some marginal success, most clearly in their assistance in the compromise reached concerning the Transvaal Asiatic Registration Act. However, in the Cape Colony their successes were markedly of less significance.

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<sup>173</sup> (KAB) Prime Minister's Office (PMO) 239 415/08: "Opium Smoking Legislation Suggested by Imperial Chinese Consulate," 1908.

<sup>174</sup> (KAB) PMO 239 415/08: "Opium Smoking Legislation Suggested by Imperial Chinese Consulate," 1908.

<sup>175</sup> (KAB) PMO 239 415/08: "Opium Smoking Legislation Suggested by Imperial Chinese Consulate," 1908.

<sup>176</sup> D. Man & M. Yap: *Colour, Confusion and Concessions*, pp. 172– 173.



## Chapter 5: Well-intentioned Impotence: The Case of the Cape Colony

This Chapter explores the Consul-Generals' involvement with the Cape Chinese. In particular it focuses on the Cape Chinese Exclusion Act and the burdens it placed upon the Cape Chinese. The role played by Liu Yu Ling in assisting the Cape Chinese to gain exemptions from the Exclusion Act as well as his role in solving the difficulties the Exclusion Act raised for the Cape Chinese's ability to renew trading licenses is dealt with in detail. Further Liu Ngai's protests concerning the Exclusion Act are examined, as are his attempts to advise the Cape Parliament on legislation to curb the use of opium by Chinese in the Cape. The chapter concludes by analysing the attempts by both Consul-Generals throughout the period to attempt to assist the Chinese in South Africa but acknowledges their efforts rarely yielded results. However, the importance of the establishment of the office of Consul-General, due to its future role, is acknowledged as well.

### 5.1 The Consul-Generals and the Cape Chinese

The small pre-existing community of free Chinese within the Cape Colony had for most of their history escaped the attentions of the various white settler administrations. By 1891 this population amounted effectively to only slightly more than 200, which no doubt contributed to the lack of attention it received from the colonial government in the Cape.<sup>1</sup> Thus they most likely escaped specific discrimination targeting them more due to neglect on behalf of the Colonial administrations than any sort of benevolence. However, as stated above, the conversation surrounding the importation of Chinese labour to the Transvaal mines thrust the Cape free Chinese into the spotlight just as much as it did the Transvaal Chinese. These small minority groups suddenly becoming important parts of the internal political discussions within the Cape and Transvaal. In the Cape, this political process led to the Cape Chinese Exclusion Act of 1904, perhaps the first piece of legislation in South Africa's history which discriminated against a single specific racial group. As pointed out by Harris:

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<sup>1</sup> *Statisticana*, Cape of Good Hope Statistical Register, Census of 1891, pp. 26-27.

The Chinese Exclusion Act passed by the Cape parliament in 1904 was one of the first pieces of legislation promulgated in the southern region of Africa where a particular 'racial group' was singled out, documented and discriminated against. Although it had trans-oceanic antecedents and tapped into this global anti-Chinese sentiment, unlike the Chinese exclusion legislation elsewhere, the Cape exclusion legislation targeted the entire Chinese 'race'.<sup>2</sup>

The Cape Chinese Exclusion Act had its origin in the strong opposition throughout the Cape Colony to the arrival of the Chinese indentured labourers in the Transvaal. There was little ambiguity or uncertainty in this regard. The white population of the Cape Colony was overwhelmingly against the idea of Chinese labour being imported in any sizeable amount. Evidence for this can be found in the numerous petitions delivered by different towns throughout 1903: Kimberley, Cape Town, Paarl, King William's Town, George, Somerset West, Queenstown and Hanover all delivered petitions from their citizenry to the British government urging against the importation of Chinese labour or expressing strong concerns thereover.<sup>3</sup> In addition to these official petitions by the citizenry, numerous South African newspapers also expressed a range of opposition to the idea. Both the *South African News* and Afrikaans newspaper *Ons Land* wrote at length against the importation of Chinese labour.<sup>4</sup> When discussing the adverse reaction of the Cape's white population to the prospect of Chinese labour it must be kept in mind that, at the time, there was a general feeling of hostility towards Chinese labourers in many Western states and, more particularly, Western colonies. As mentioned before the Cape Colony would pass their Exclusion Act, in 1904, the United States of America, Canada, Australia and New Zealand would all pass their own variations of legislation aimed at curtailing the arrival of Chinese into their borders.<sup>5</sup> Commonly repeated myths about the moral danger posed by the Chinese, as well as racist views of their work ethic which cast them as threats to the employment opportunities of whites worked to stir up resentment against the Chinese throughout the world.<sup>6</sup>

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<sup>2</sup> K. L. Harris: "Paper Trail: Chasing the Chinese in the Cape (1904-1933)," *Kronos Southern African Histories*, (40), 1, November 2014, p. 1.

<sup>3</sup> (KAB) GH 35/62 5: "Native Labour Question and Chinese Exclusion Act," 1903.

<sup>4</sup> (KAB) GH 35/62 5: "Native Labour Question and Chinese Exclusion Act," 1903.

<sup>5</sup> P. Richardson, *Chinese Mine Labour in the Transvaal*, p. 35.

<sup>6</sup> (KAB) GH 35/62 5: "Native Labour Question and Chinese Exclusion Act," 1903.

Within the Cape Colony this resentment would become a key feature of the political election of 1903-1904 within the Cape.<sup>7</sup> The two primary contesting parties within the election, the South African Party and Progressive Party, were forced to contend with the question of Chinese labour, as it was one which much of their electorate were concerned with. The South African Party, for its part, utilized fear of the Chinese to win support for their own firm opposition to Chinese labour importation. They also discredited their opponents in the Progressive Party by accusing them of tacitly approving of the importation of Chinese labour.<sup>8</sup> They also claimed the Progressive Party had ties to the mining interests within the Transvaal and, thus, avoided opposing the issue of Chinese labour in the Transvaal because they had vested economic interests in it.<sup>9</sup> Certainly it was a fact that the Progressive Party consistently avoided expressing any explicit rejection of the possible importation of Chinese labour to the Transvaal.<sup>10</sup> Instead they focused on offering assurances of taking practical measures to prevent any such importation resulting in Chinese entering the colony.<sup>11</sup> The Progressive Party argued that the question of Chinese labour importation was for the Transvaal alone to decide upon, as any imported labour would be directed towards it.<sup>12</sup> Although the Progressive Party did win by a small margin in the elections, their leader, Leander Starr Jameson, did admit privately that he felt sure the question of the Chinese labour had been responsible for how slight the win was, predicting that without it the Progressive Party would have dominated the election convincingly.<sup>13</sup>

Following the conclusion of the Cape election the Chinese remained a contentious political issue. The South African Party's representatives within the legislature pushed for a unanimous message to the British government protesting against the importation of Chinese labour into the Transvaal.<sup>14</sup> The attempt eventually amounted to nothing as by late 1903 the governments of the British Empire and the Qing Dynasty had already agreed upon the importation of Chinese labour to the Transvaal, and thus any motion by the Cape legislature against it would have had

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<sup>7</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, pp. 224-225.

<sup>8</sup> *Ibid.*, p. 227.

<sup>9</sup> *Transvaal Leader*, 15 September 1903; 8 January 1904.

<sup>10</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, pp. 228-230.

<sup>11</sup> M. A. S. Grundlingh: *The Parliament of the Cape of Good Hope, with Special Reference to Party Politics, 1872-1910*, p. 295.

<sup>12</sup> I. Colvin, *The Life of Jameson*, p. 230.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Cape of Good Hope: Debates in the House of Assembly*, 2 July 1903, pp. 205-216.

negligible impact.<sup>15</sup> However, even though it was true that the Chinese importation was now a completed matter, with no way for the Cape legislature to possibly prevent it, efforts were still undertaken to attempt to allay the concerns and fears of the citizenry of the Cape. It was these efforts which resulted in the promulgation of a bill by the Progressive Party that would become the Cape Chinese Exclusion Act.<sup>16</sup>

The Act itself would enjoy broad support from all sides of the Cape Colony's legislature.<sup>17</sup> Although some of the opposition parties did desire an even more restrictive piece of legislation, most members were satisfied with the provisions of the Exclusion Act.<sup>18</sup> By the time the Act was due to enter the committee stage there was a sole objection within the entire legislature to it. Francis Oats, a member of the Progressive Party, would be the only member of the Cape Parliament to object to the Exclusion Act.<sup>19</sup> Importantly, in his objection to it, he referenced the fact that such discrimination was only being pursued because the Qing Dynasty had no capacity to leverage political or military force against them. He referred to the difference between the treatment of the relatively powerful Japanese Empire when he said:

To his mind the Bill was retrogressive and barbaric, and one which could not have been passed if China had a navy like Japan.<sup>20</sup>

The Exclusion Act effectively forbade any Chinese from residing within the Cape Colony unless they were in possession of an official permit granted by the government.<sup>21</sup> It possessed numerous other repressive features as well, heavily curtailing the access of the Chinese to numerous different occupations and, in what should to any South African historian be a familiar case, it gave the police of the Cape the right to demand any Chinese man over the age of 18 years to produce his permit upon their request.<sup>22</sup> If the Chinese individual could not produce

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<sup>15</sup> *Cape of Good Hope: Debates in the House of Assembly*, 4 May, pp. 430-434.

<sup>16</sup> *Ibid*, 4 March 1904, p. 7.

<sup>17</sup> *Ibid*, 4 March, 2, 9, 16, 27 May 1904, pp. 7, 391-402, 528-9, 639-44.

<sup>18</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 241.

<sup>19</sup> *Cape of Good Hope: Debates in the House of Assembly*, 2 May 1904, p. 402.

<sup>20</sup> *Ibid*, 2 May 1904, p. 398.

<sup>21</sup> *Statutes of the Cape of Good Hope, 1902-1906*, Act 37 of 1904, The Chinese Exclusion Act, section 3.

<sup>22</sup> *Ibid*, 1902-1906, Act 37 of 1904, The Chinese Exclusion Act, section 12.

their permit then they could be taken into custody for further investigation.<sup>23</sup> Crucially, the Exclusion Act did not limit itself to only regulating the immigration of Chinese labourers but, rather, applied to all Chinese, including those already living inside the Colony.<sup>24</sup> Although the South African Party had been most vehement in its opposition to the importation of Chinese to the Transvaal, it was the Progressive Party which in many ways brought the free Chinese in the Cape into consideration. During the elections of 1903-1904 the Progressive Party had, on multiple occasions, utilized the existing community of Chinese in the colony as grounds to criticize their opponents, claiming that it was under their authority that these Chinese had been permitted into the Cape.<sup>25</sup> The Progressive Party's rhetoric already began to cast the free Chinese within the Cape as a problem, construing their presence there as a direct failure of their opponents.

Considering this rhetoric, it is unsurprising, then, that the Cape Chinese Exclusion Act would so harshly discriminate against the free Chinese in the colony already. However, at the outset of the Exclusion Act, the Cape Chinese community was granted the ability to apply for official permits, allowing them to continue to reside in the Cape and not automatically excluding them as it did any other potential Chinese migrants or labourers.<sup>26</sup> The Act did place an onus on the Chinese in the Cape though, requiring them to report their location to their local Magistrate, to inform them whenever they moved region and also holding them responsible for annually registering for their permits again.<sup>27</sup> The penalties faced by the Cape Chinese were also made considerably more severe. Any failure of the new administrative requirements of the Exclusion Act could result in their deportation to China, and any Chinese found guilty of gambling, assault or operating a brothel would also be subject to deportation.<sup>28</sup> For the Cape Chinese the most problematic provision of the Act, however, was section 33. This section detailed that if a Chinese individual left the Cape Colony, even if they possessed a valid permit, that upon their departure the permit would lapse, and they would not be allowed to re-enter again.<sup>29</sup> This was a severe difficulty as most of the Chinese living in the Cape had family still in China whom

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<sup>23</sup> *Statutes of the Cape of Good Hope, 1902-1906, Act 37 of 1904, The Chinese Exclusion Act, section 12.*

<sup>24</sup> *Cape of Good Hope: Debates in the House of Assembly, 2 May 1904, p. 392.*

<sup>25</sup> K. L. Harris: "Paper Trail: Chasing the Chinese in the Cape (1904-1933)," *Kronos Southern African Histories*, (40), 1, November 2014, p. 143.

<sup>26</sup> *Cape of Good Hope: Debates in the House of Assembly, 2 May 1904, p. 395.*

<sup>27</sup> *Statutes of the Cape of Good Hope, 1902-1906, Act 37 of 1904, The Chinese Exclusion Act, sections 6, 12 and 15.*

<sup>28</sup> *Ibid, 1902-1906, Act 37 of 1904, The Chinese Exclusion Act, section 34.*

<sup>29</sup> *Ibid, 1902-1906, Act 37 of 1904, The Chinese Exclusion Act, section 33.*

they periodically visited.<sup>30</sup> This section of the Act proved so onerous that it was even amended in 1906 to allow Chinese to apply for periods of exemption during which time they could be outside the Colony without their permits lapsing.<sup>31</sup>

Resistance to the Exclusion Act by the Chinese community of the Cape was comparatively more subdued than the reaction of the Transvaal community to the Asiatic Registration Act. Of course, the different contexts of the two regions must be kept in mind. Of importance was that the Chinese within the Cape were considerably more dispersed across the region than the community of the Transvaal, making mobilization for protest a more difficult prospect.<sup>32</sup> However, there was not a total lack of opposition amongst the Cape Chinese, and petitions were delivered by groups of Cape Chinese to both the British government and the Chinese minister at the London Legation.<sup>33</sup> In 1908 the head of the Cape Chinese Association, Hing Woo, also participated in the Select Committee on Asiatic Grievances.<sup>34</sup> At the Committee Hing Woo made the case that the Exclusion Act had excessively harmed the Cape Chinese community and appealed for a softening of its provisions.<sup>35</sup> This would prove unsuccessful though, and the Exclusion Act remained part of the Cape Colony's legislation and would even outlast the Cape Parliament, becoming part of the legislation of the Union of South Africa up until 1933.<sup>36</sup>

The arrival of Consul-General Liu Yu Ling in 1905 presented the Cape Chinese with an official representative from their homeland. During his term as Consul-General Liu Yu Ling would intervene to assist the Cape Chinese on several issues. Liu Yu Ling frequently wrote letters of support for the Cape Chinese when they made applications for exemption permits to return to China.<sup>37</sup> He further wrote on behalf of Chinese who applied for exemption permits to enter the

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<sup>30</sup> K. L. Harris: "Paper Trail: Chasing the Chinese in the Cape (1904-1933)," *Kronos Southern African Histories*, (40), 1, November 2014, p. 153.

<sup>31</sup> *Ibid*, p. 143.

<sup>32</sup> *Ibid*, p. 92.

<sup>33</sup> (KAB) GH 35/63, 5: "Native labour Question and Chinese Exclusion Act, 1903-1906," 1906.

<sup>34</sup> *Cape of Good Hope: Votes and Proceedings of Parliament, Appendix*, Volume II, "Report of the Select Committee on Asiatic Grievances," September 1908, p. xiii.

<sup>35</sup> *Ibid*, p. xi.

<sup>36</sup> *Ibid*, p. iii-vi.

<sup>37</sup> (KAB) Magistrate, Uitenhage (1/UIT) 17/22 12/10/2: "Chinese Exclusion Act. Exemptions," 1906.

Colony as well.<sup>38</sup> In particular Liu Yu Ling wrote on behalf of children and wives who sought to come over and join their husbands or fathers in the Cape.<sup>39</sup> One particular aspect of the Exclusion Act Liu Yu Ling became involved in was the question of trading licenses. The Exclusion Act had introduced a new provision to regulate Chinese involvement in the sale of alcohol, in mining and in trading within the Cape:

Based on this law, licenses for alcohol, mining, merchandise, imports, vending, and others cannot be issued to any Chinaman who does not hold a registration exemption certificate; these Chinamen also are not allowed to show any direct or indirect interest toward the above listed business licenses; any Chinaman without a registration exemption certificate cannot sign work contracts with anyone holding a license in mining, farming, household help, laundry, industry, or any business profession covered under this legislation.<sup>40</sup>

A complication occurred due to the tendency for the Cape Chinese to return to China for long periods of time in a year.<sup>41</sup> Although the 1906 Amendment to the Exclusion Act had made it possible for the Cape Chinese to do so without automatically falling foul of the Exclusion Act, it required that they surrender their permits to the Cape authorities before obtaining an exemption and departing the Colony.<sup>42</sup> This then caused a further complication, as in their absence the Chinese would usually authorize someone else to renew their general dealer's licenses for them, but the Exclusion Act now required that their permits be produced at any such renewal.<sup>43</sup> Thus any Chinese merchant who took advantage of the Exemption to go abroad could not rely on an duly authorized agent to renew their general dealer's license anymore, as they would not have access to the permit necessary for it.<sup>44</sup> This caused a great deal of difficulty for the Chinese traders in the Cape, and they petitioned for assistance from Consul-General Liu

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<sup>38</sup> (KAB) Regional Representative, Department of Home Affairs, Cape Town, Asian Series (IRC) 1-76 1c-1415c: "Letters of support from the Consul-General," 1906.

<sup>39</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 250.

<sup>40</sup> *Statutes of the Cape of Good Hope, 1902-1906*, Act 37 of 1904, The Chinese Exclusion Act, Section 17.

<sup>41</sup> (KAB) PMO 222 1231/06: "Chinese Traders – Renewal of General Dealers License," 15 August 1906.

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*



Yu Ling.<sup>45</sup> Liu Yu Ling would go on to express the sentiments of the Cape Chinese to the Cape's Prime Minister, Leander Starr Jameson, in a letter sent in 1907:

...I can assure you from the nature of the communications I have received, many of my Countrymen who have availed themselves of the provisions of the 1906 Act have been refused the renewals of their Licenses when applications have been made therefore by the person or persons duly appointed by them under proper Powers of Attorney.<sup>46</sup>

Liu Yu Ling would himself recommend in his letter that the government of the Cape Colony inform their Post-Office Authorities of the Cape that they inform the respective License Issuers if they had in their possession a proper permit for a Chinese individual seeking through an agent to renew their license that such a renewal be granted. On the 16<sup>th</sup> of August, the office of the Prime Minister wrote back and affirmed the suggestions, informing Liu Yu Ling that instructions would be dispatched to inform the Issuers of Licenses that the simple failure to produce a permit would not automatically prevent the renewal of a general dealer's license.<sup>47</sup> Despite this tangible assistance he rendered, Liu Yu Ling never personally criticized or attacked the Exclusion Act during his tenure as the Consul-General. However, he would go on to critique the Exclusion Act in 1911, when he was the Chinese Minister of the London Legation.<sup>48</sup> Speaking on the Cape Chinese Exclusion Act, Liu Yu Ling went so far as to say that the Qing Dynasty saw the Act, which deprived Chinese of the capacity to vote or become naturalized citizens in South Africa, as deeply insulting, describing it as: "...a grievous injustice to the Chinese Nation."<sup>49</sup> Considering that his successor, Liu Ngai, would more vocally object to the Exclusion Act with no success, it is possible that Liu Yu Ling saw no use in making an ultimately pointless protest at the time.

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<sup>45</sup> (KAB) PMO 222 1231/06: "Chinese Traders – Renewal of General Dealers License," 15 August 1906.

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

<sup>48</sup> (SAB) GG 900 01 15/706, 15/557, 37/45, 15/724: "Asiatics: Chinese. Forwards note by Chinese Minister in London on Subject of Treatment of Chinese in South Africa and Requests Minister's Observation," 28 April 1914.

<sup>49</sup> (SAB) GG 1320 37/27: "Action of the Acting Chinese Consul-General in Corresponding Direct with the Minister for the Interior in Reference to the Chinese Exclusion Act of the Cape Colony," 1911.

Liu Ngai, as stated, took issue with the Cape Exclusion Act early on in his term and was a very vocal critic of the Exclusion Act. In 1908, the year he became the Qing Dynasty's Consul-General to South Africa, he sent a letter directly to the new Prime Minister of the Cape Colony, John X. Merriman.<sup>50</sup> In his letter Liu Ngai protested the drastic nature of the Exclusion Act, mentioning also that he represented deputations of the Chinese Associations within the Cape Colony:

I am the recipient of numerous petitions from the subjects of his Imperial Majesty the Emperor of China domiciled within the borders of the Colony of the Cape of Good Hope, directing my attention to the existing hardships and disabilities under which they are burdened.<sup>51</sup>

Liu Ngai made clear his belief that the drastic nature of the Exclusion Act required that it be abolished wholesale.<sup>52</sup> When the Colonial-Secretary responded to a petition by the Cape Chinese Association in which he agreed that certain provisions of the Exclusion Act should be relaxed, Ngai reiterated that in his opinion the entire Act should be abolished.<sup>53</sup> He contended that whatever management of the immigration of Chinese into the Cape Colony would be better handled by general immigration laws as opposed to a law specifically targeting the Chinese.<sup>54</sup> It is important to note that Liu Ngai clearly displayed a particular objection to the nature of the Exclusion Act singling out the Chinese as a class, hence his preference for Chinese immigration to be handled as part of the Colony's general immigration law. He repeatedly stated:

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<sup>50</sup> (KAB) GH 23/117 117: "General Despatches. Regarding Correspondence with Acting Chinese Consul-General Regarding Disabilities under which Chinese Subjects Labour in Cape Colony," 1908.

<sup>51</sup> *Ibid.*

<sup>52</sup> (KAB) GH 23/117 119: "General Despatches. Regarding Correspondence with Acting Chinese Consul-General Regarding Disabilities under which Chinese Subjects Labour in Cape Colony," 1908.

<sup>53</sup> *Ibid.*

<sup>54</sup> (KAB) GH 23/117 120: "General Despatches. Regarding Correspondence with Acting Chinese Consul-General Regarding Disabilities under which Chinese Subjects Labour in Cape Colony," 1908.

I would again crave leave to point out that the Chinese Exclusion Act of 1904, being applicable to only one class of the community, namely the subjects of his Imperial Majesty the Emperor of China.<sup>55</sup>

Liu Ngai's numerous protests were, however, unable to achieve anything. Although Prime Minister Merriman did respond, his response was only to inform the Consul-General that there was no chance of the legislation being altered let alone abolished.<sup>56</sup> He stated that the best he could assure him was that the government of the Cape Colony would endeavour to make the operation of the law as little of a burden for the Cape Chinese as possible.<sup>57</sup> In 1910, Liu Ngai would write again, but this time to the Union of South Africa's political body. Liu Ngai pointed out that in light of the creation of the Union of South Africa the legislation, which continued to exist, had been created by a defunct political body to address an issue that no longer faced South Africa, the matter of the indentured Chinese labour experiment which had ended by 1908 already.<sup>58</sup> He further added that the number of the Chinese population in South Africa had dropped significantly since the Exclusion Act had been introduced in 1904, falling from over 15 000 to approximately 700.<sup>59</sup> Liu Ngai once more protested that the law singled out Chinese unfairly and prevented them from being able to vote or become naturalized citizens of South Africa.<sup>60</sup> Liu Ngai's criticisms of it went so far as to indicate that:

...I may state that so far as I am aware the provisions of this Act are without a parallel in the civilized world.<sup>61</sup>

When his letters to the Minister of the Interior, Jan Smuts at the time, seemed to yield no result and the Minister refused an interview with the Consul-General, Liu Ngai also sent copies of

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<sup>55</sup> (KAB) GH 23/117 120: "General Despatches. Regarding Correspondence with Acting Chinese Consul-General Regarding Disabilities under which Chinese Subjects Labour in Cape Colony," 1908.

<sup>56</sup> (KAB) GH 23/117 117: "General Despatches. Regarding Correspondence with Acting Chinese Consul-General Regarding Disabilities under which Chinese Subjects Labour in Cape Colony," 1908.

<sup>57</sup> *Ibid.*

<sup>58</sup> (SAB) GG 1320 37/28: "Action of the Acting Chinese Consul-General in Corresponding Direct with the Minister for the Interior in Reference to the Chinese Exclusion Act of the Cape Colony," 1911.

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

<sup>60</sup> *Ibid.*

<sup>61</sup> *Ibid.*

his letter to Herbert Gladstone, the first Governor General of the Union of South Africa.<sup>62</sup> But his repeated petitions would only harden the position of the authorities. Gladstone himself commented in a letter to the Minister of the Interior that Liu Ngai had stepped beyond the boundaries of a Consul-General, and that his behaviour was “not tolerable”.<sup>63</sup> Liu Ngai’s repeated letters to Gladstone and Smuts, and requests for personal meetings, seem to have eventually resulted in some degree of ire from these authorities and he was briefly recalled to China five months after Gladstone had accused him of exceeding consular duties.<sup>64</sup> Ultimately, despite his vehement opposition, there was no appreciable change in the Exclusion Act and in 1913, the first immigration law for the Union of South Africa, would largely incorporate the provisions of the Cape Chinese Exclusion Act on a national level.<sup>65</sup>

Although both Consul-Generals did attempt to offer assistance to the Cape Chinese affected by the Exclusion Act, and also protested the Exclusion Act itself, one interesting detail of their opposition was an element of classism. Liu Ngai himself stated that:

I acknowledge the principle that some undesirable immigrants should be guarded against.<sup>66</sup>

Liu Ngai still insisted the Exclusion Act was too extreme, but he did also display an agreement to the idea that not all Chinese were desirable immigrants. This could be seen again in his intervention in the case of Jim Ah Chow, a Chinese resident of Port Elizabeth, who Liu Ngai requested the Cape authorities to deport back to China.<sup>67</sup> Mr. Ah Chow was well-known to be the proprietor of a gambling den in Port Elizabeth, based on evidence provided by the Port Elizabeth Chinese Association.<sup>68</sup> The Consul-General actively sought for him to be deported

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<sup>62</sup> (SAB) GG 1320 37/28: “Action of the Acting Chinese Consul-General in Corresponding Direct with the Minister for the Interior in Reference to the Chinese Exclusion Act of the Cape Colony,” 1911.

<sup>63</sup> *Ibid.*

<sup>64</sup> Y. Hwang: *Coolies and Mandarins: China's Protection of Overseas Chinese During the Late Ch'ing Period (1851-1911)*, pp. 343-346.

<sup>65</sup> *Statutes of the Union of South Africa*, Act 22 of 1913, Immigrants Regulation.

<sup>66</sup> (KAB) GH 23/117 120: “General Despatches. Regarding Correspondence with Acting Chinese Consul-General Regarding Disabilities under which Chinese Subjects Labour in Cape Colony,” 1908.

<sup>67</sup> (KAB) IRC 1/2/33 640c: “Jim Ah Chow,” 1908.

<sup>68</sup> *Ibid.*

for he considered him to be an “undesirable individual.”<sup>69</sup> In his petitions concerning the Exclusion Act, Liu Ngai particularly highlighted that the Act created the impression that “...Chinese subjects of any class are undesirable under any circumstances,”<sup>70</sup> and stressed that the Exclusion Act went too far for it targeted “educated” Chinese as well.<sup>71</sup> This sentiment was far from strange, as within the Cape Chinese community and the Transvaal Chinese community there had been an effort by the free Chinese to disassociate themselves from the indentured labourers entering and, at times, even expressing solidarity with those South African groups opposed to it.<sup>72</sup>

As with the Transvaal, Liu Ngai also wrote to recommend legislation to curb the use of opium among the Chinese in the Colony.<sup>73</sup> His recommendations remained the same as in the case of the Transvaal, but the Cape Colony was somewhat more receptive to his appeals. The Attorney-General for the Colony even expressed gratitude towards Liu Ngai for his suggestions but, ultimately, concluded that the cost of these provisions was too much and the problems posed by opium consumption, in his opinion, too few to motivate adoption of Liu Ngai’s suggestions.<sup>74</sup>

Regardless of the role class distinction played within the Cape itself, the efforts of both Liu Yu Ling and Liu Ngai failed to achieve the goal of abolishing the Exclusion Act entirely. Their efforts regarding trading licenses and exemptions, however, showed they were able to provide at least some tangible assistance and their petitions and protests indicate that they clearly did seek to support the Cape Chinese. That their efforts proved ultimately fruitless must be understood in the context of the opposition they faced. Prime Minister Merriman himself, in 1908, made clear the absolute refusal of the Cape Colony to consider any relaxation of their anti-Chinese legislation. When describing to Liu Ngai why the burdens afflicting the Cape Chinese could not be removed he claimed:

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<sup>69</sup> (KAB) IRC 1/2/33 640c: “Jim Ah Chow,” 1908.

<sup>70</sup> (KAB) PMO 238 342/08: “Discrimination against Chinese in South Africa,” 1908.

<sup>71</sup> *Ibid.*

<sup>72</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 240.

<sup>73</sup> (KAB) PMO 239 415/08: “Opium Smoking Legislation Suggested by Imperial Chinese Consulate,” 1908.

<sup>74</sup> *Ibid.*

I will ask you to consider that what you call the hardships and disabilities are the result of what may be called the conflict of civilizations.<sup>75</sup>

Against such a resolute opposition, and with the Qing Dynasty lacking any substantive economic or political clout to leverage, the best intentions of both Consul-Generals were able to alleviate only the smallest of the woes of the Cape Chinese.

## 5.2 Legacy of the Consul-General's Office

Thus, the Consul-Generals failed to prevent the most significant of the discriminatory legislation targeting the Chinese in South Africa. Restrictive legislation, such as the Cape Chinese Exclusion Act, would prove effective in curbing Chinese immigration into South Africa almost completely for the better half of the twentieth century.<sup>76</sup> In turn, this led to a sharp reduction in the number of Chinese in South Africa. By 1910, the entire population of Chinese in South Africa had fallen to approximately 700, a considerable decrease from the 16 000 (including indentured labourers) who had been registered in South Africa in 1906.<sup>77</sup> Although both Consul-Generals did make substantive attempts to materially assist the Cape Chinese, and protested against discriminatory legislation targeting them, ultimately they were unable to achieve any significant change in the position of the Cape, and later Union, governments. As in the Transvaal, the Consul-Generals were receptive to the interests of the local Chinese communities, serving as conduits for them to communicate grievances and protests to the local South African governments. Whilst the Transvaal Chinese community, cooperating with the Indian community and Consul-General Liu Ngai, were able to achieve some success in the moderation of the Asiatic Registration Act, the Cape Chinese were unable to achieve any significant alterations in the Exclusion Act. Despite this, the overall situation of both Chinese communities remained similar, particularly when the Union government

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<sup>75</sup> (KAB) GH 23/117 122: "General Despatches. Regarding Correspondence with Acting Chinese Consul-General Regarding Disabilities under which Chinese Subjects Labour in Cape Colony," 1908.

<sup>76</sup> *Statutes of the Republic of South Africa*, Matters Concerning Admission to and Residence in the Republic Amendment Act 53 of 1986.

<sup>77</sup> (SAB) GG 1320 01 37/27: "Chinese Exclusion Act 37 of 1904 Cape of Good Hope Colony. Forwards Correspondence with the Union Government in which he Urges Repeal of the Act," 1911.

extended the provisions of the Exclusion Act over the entire country through the Immigrant Regulations Act of 1913.<sup>78</sup>

The Qing Dynasty's attempts to protect and assist its subjects in South Africa had, for the most part, taken the form of assisting the local Chinese population in their petitions against discriminatory legislation, and lodging official complaints with both the South African authorities and, at times, the authorities of the British Empire itself. Although the Dynasty's official representatives, the Consul-Generals, took clear efforts to assist and partake in the struggles of both the indentured Chinese labourers and free Chinese, to differing extents, their capacity for rendering aid was limited at best. The fact that the position of Consul-General came into existence a mere eight years before the Qing Dynasty's collapse is, certainly, pertinent to the lack of power or influence the Consul-Generals had in any of their negotiations, lacking any true political clout to use as leverage. As a result, they were limited to adding their voice, and the official voice of the Qing Dynasty, to the actions of the free Chinese, and usually only finding success in the streamlining of minor affairs. This apparent failure does not diminish the clear efforts the Consul-Generals took to aide the South African Chinese, even in the face of staunch opposition from the South African authorities.

This lack of success, however, did leave behind an important legacy. The office of Consul-General's very existence had provided the Chinese communities in South Africa something they had never had before: an official channel to the South African government itself. As has been demonstrated, from the moment of its establishment the Chinese in South Africa had made use of the office of the Consul-General, and though during the tenure of the Qing Dynasty they were able to, at best, achieve only minimal progress in gaining equitable treatment within South Africa, the Consul-General's office did leave behind a tool for them to use in the future.<sup>79</sup> It is no surprise, then, that the office of the Consul-General would continue to play an important role in the efforts of the free Chinese, past the collapse of the Qing Dynasty, to improve their positions in South Africa.<sup>80</sup> Harris noted that the use of the Consul-Generals as official channels for communication with the South African government became a pattern that endured

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<sup>78</sup> *Statutes of the Union of South Africa*, Act 22 of 1913, Immigrants Regulation.

<sup>79</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, pp. 100-101.

<sup>80</sup> *Ibid*, pp. 100-101.



long past the Qing Dynasty collapse, with the South African Chinese population continuing to utilize the services of the Consul-Generals.<sup>81</sup> After the Qing Dynasty the Consul-Generals would still be involved in writing on behalf of Chinese to be exempted from the Exclusion Act, intervening to assist family members to visit and protesting against the Class Area Bill.<sup>82</sup> Although the Qing Dynasty's dying efforts to protect and ingratiate itself with its overseas subjects were largely ineffectual in the short term, it did leave behind a mechanism which would continue to be used by the overseas Chinese in the future.

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<sup>81</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, pp. 93-94.

<sup>82</sup> (SAB) Secretary of Home Affairs (BNS) 366 63/13/74, 104/13/74. 113/13/74, 47/13/74, 38/13/74, 36/13/74, 109/13/74: "Contain Letters by the Consul-General Supporting the Claims of Chinese seeking permits," 1974.

## Chapter 6: Conclusion

### 6.1 Summary

The image of the Qing Dynasty as a state that was apathetic to its overseas subjects is a persistent one. There exist credible reasons for this, though, with an extensive historical record of the Dynasty treating any subjects leaving the homeland as traitors or enemies of the state.<sup>1</sup> This strong opposition within the Dynasty was the part of the Qing Dynasty's ideological continuation of the conservative mores of the preceding Ming Dynasty.<sup>2</sup> Although for the majority of its existence the Qing Dynasty was vehemently opposed to the emigration of any Chinese outside the borders of the state it did, following 1860, experience changes in its relationship with its overseas subjects.<sup>3</sup> The attitude of the Qing Dynasty towards the Chinese overseas can be broken down into three rough, general, phases. The first phase, lasting from the foundation of the Dynasty until its defeat in the Second Opium War of 1860, is the period for which the Dynasty is best remembered in this regard. This phase saw the Qing Dynasty not only embrace the preceding Ming Dynasty's isolationist policies but, further, pass legislation to make emigration an even more arduous task for the Chinese.<sup>4</sup> Under the Qing Dynasty any form of emigration not explicitly authorized by the government was punishable with execution.<sup>5</sup> Although the enforcement of such a draconian provision was haphazard at best, the Dynasty's official apathy to the plight of its overseas subjects was made clear in its response to the Batavia Massacre of 1740.<sup>6</sup>

This official policy of apathy would only change under coercion from the Western powers later in the nineteenth century. Emigration itself only finally became legal for the subjects of the Qing Dynasty after the conclusion of the Second Opium War.<sup>7</sup> The war was predominantly a tool by which the Western colonial states of the time managed to compel concessions from the

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<sup>1</sup> D. Lary: *Chinese Migrations: The Movement of People, Goods, and Ideas over Four Millennia*, p. 98.

<sup>2</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 65.

<sup>3</sup> L. Anshan: *A History of Overseas Chinese in Africa to 1911*, p. 81.

<sup>4</sup> *Ibid.*

<sup>5</sup> M. R. Coolidge: *Chinese Immigration*, p. 16.

<sup>6</sup> I. Shen: *A History of Chinese Immigration and Exclusion Worldwide: Legal Acts and Discriminatory Practices*, p. 70.

<sup>7</sup> *Ibid.*, p. 60.

Qing Dynasty to their own advantage and a chief concession they sought was access to the labour force of the Dynasty through emigration.<sup>8</sup> As a result securing the ability for the Chinese to emigrate from the Dynasty to these colonies was pivotal and was a crucial part of the 1860 Peking Convention.<sup>9</sup> Thus 1860 signalled the second phase of the Qing Dynasty's stance towards their overseas subjects. The Dynasty now had been coerced into permitting emigration but, still, remained for the most part opposed to the notion, with Chinese who travelled abroad legally only gaining the ability to re-enter China as late as 1893.<sup>10</sup> This second phase lasted into the beginnings of the twentieth century, and has no distinct date dividing it from the third phase. As emigration became legal the Qing Dynasty found itself in several contractual relationships with Western powers, such as Britain, France and the United States of America, all seeking to cooperate with the Dynasty and import large masses of poor, unskilled, Chinese labourers into their territories to serve as a labour force.<sup>11</sup> One result of this new relationship was the appointment of more extensive foreign representation by the Dynasty abroad. Often states which engaged in contracts with the Dynasty to import Chinese labourers would have Consular officials appointed to those states to ensure the fair treatment of the imported labourers.<sup>12</sup> These Consular officials became the first substantive action taken by the Qing Dynasty to safeguard their overseas subjects.

The final phase of the Qing Dynasty's stance towards its overseas subjects was marked by an attempt to at last act as a supporter and defender of their interests. Only occurring within the Dynasty's closing years, from the beginning of the twentieth century until its collapse in 1912, this period was marked by the Qing Dynasty's efforts, often through their Consular agents, to attempt to respond to and assist its overseas subjects.<sup>13</sup> This change in policy was not the result purely of a moral or altruistic awakening within the Dynasty's government. As is to be expected the change was a pragmatic decision by the Dynasty, an attempt to seek an advantage. By the twentieth century the Qing Dynasty was a shadow of its former hegemonic self, having lost

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<sup>8</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, p. 89.

<sup>9</sup> L. Anshan: *A History of Overseas Chinese in Africa to 1911*, p. 81.

<sup>10</sup> I. Shen: *A History of Chinese Immigration and Exclusion Worldwide: Legal Acts and Discriminatory Practices*, pg. 60.

<sup>11</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, p. 89.

<sup>12</sup> W. Tiewa: *The Comprehensive Collection of Chinese Old Treaties and Regulations from 1689 to 1949*, pp. 242–246.

<sup>13</sup> G. Petersen: *Overseas Chinese in the People's Republic of China*, p. 29.

numerous wars to Western powers, forced to concede territory to them, suffered from largescale rebellions such as the Boxer rebellion and a massive economic deficit in part caused by a rapidly growing population. The Dynasty had grown politically and militarily weak on the international stage, allowing it to consistently be compelled to agree to unfair treaties by the Western powers.<sup>14</sup> In the Chinese overseas the Qing Dynasty hoped to find advantages to allow it to reverse its deterioration. The financial wealth of the Chinese overseas was seen as a potential source of income to alleviate the financial struggles of the Dynasty, whilst the expertise and modern technologies such Chinese might learn overseas were also seen as crucial to modernizing the state.<sup>15</sup> Furthermore the threat of revolutionary activity aimed against the Qing Dynasty prompted it to attempt to ingratiate itself among its overseas subjects, to reduce the risk of political conflict, by convincing them to support the Dynasty.<sup>16</sup> Despite this, it remains clear that the Dynasty did seek to protect the interests of its subjects overseas in the first decade of the twentieth century, and a clear example of the Qing Dynasty's official efforts to assist their overseas subjects can be found in the actions of the Qing Dynasty Consul-Generals in South Africa between 1904 and 1912.

The arrival of the Qing Dynasty Consul-Generals came about due to the importation of indentured Chinese labour to the Transvaal in 1904, for the purposes of working on the mines of the Witwatersrand.<sup>17</sup> The importation of indentured Chinese labour was an initiative of the British Empire which, by 1902, had secured control of the Transvaal in the aftermath of the Anglo-Boer War.<sup>18</sup> Control of the mines on the Witwatersrand had always been a primary objective of the British Empire and, now that they did control them, they were faced with a labour shortage preventing them from fully exploiting these mines.<sup>19</sup> Early on the British began to investigate the potential of utilizing Chinese labour on the mines, studying similar cases in the United States of America, and approving of the concept once it was reported back to them.<sup>20</sup> This would eventually result in the Transvaal Labour Importation Ordinance, a piece of legislation which would organize for the British Empire to recruit a large body of indentured

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<sup>14</sup> G. Petersen: *Overseas Chinese in the People's Republic of China*, p. 13.

<sup>15</sup> P. Lien & D. P. Chen: *The Evolution of Taiwan's Policies toward the Political Participation of Citizens Abroad in homeland governance*, p. 47.

<sup>16</sup> *Ibid.*

<sup>17</sup> J. S. Crush, A. Jeeves & D. Yudelman: *South Africa's Labor Empire: A History of Black Migrancy to the Gold Mines*, pp. 4-5.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> P. C. Campbell: *Chinese Coolie Emigration to Countries within the British Empire*, p. 171.

Chinese labourers from the Qing Dynasty for the purposes of working on the mines of the Witwatersrand.<sup>21</sup>

Although popular with the owners of the mines and the British Empire itself, the Ordinance faced near universal unpopularity with the white population of South Africa.<sup>22</sup> The opposition to the arrival of the Chinese labourers stemmed from two primary fears; the fear that the Chinese would outcompete white labourers and as a result dominate the economic markets of South Africa and a fear that the Chinese were an inherently immoral people who would present a danger to the inhabitants of South Africa.<sup>23</sup> This popular animosity against the Chinese would prove unable to dissuade the legislation from coming into effect, beginning a period between 1904 and 1910 in which the Transvaal experimented with the use of over 50 000 indentured Chinese labourers.<sup>24</sup> However, the animosity would prove to galvanize several discriminatory legislative motions by the governments of both the Transvaal and Cape Colony, and the indentured Chinese experiment resulted in a considerably more hostile atmosphere and environment for all Chinese within the South African territories.<sup>25</sup>

This animosity was most clearly expressed through two pieces of legislation. In the Cape, 1904 saw the passing of the Cape Chinese Exclusion Act and in 1907 the Transvaal passed the Asiatic Registration Act. It was in the midst of these circumstances that, in 1904, the first Qing Dynasty Consul-General Liu Yu Ling arrived in South Africa.<sup>26</sup>

Although the office of Consul-General had been created initially only to provide the Qing Dynasty with oversight of the indentured Chinese labourers in the Transvaal by the time Liu Yu Ling arrived in 1905 an official Imperial Edict had expanded the responsibilities and duties of the Qing Dynasty Consul-General to expand to all Chinese living in any of the South African

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<sup>21</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, p. 89.

<sup>22</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 121.

<sup>23</sup> A.W: "Yellow slavery - and white," *Westminster Review*, (161), 5, May 1904, pp. 478, 487.

<sup>24</sup> W. H. Hutt: *The Economics of the Colour Bar*, pp. 45-46.

<sup>25</sup> *Ibid.*

<sup>26</sup> (SAB) BEP 575 G18/54: "Raadpleging en Koordinasie met Ander Instansies: Sjinese Organisasies," 7 December 1963.

territories.<sup>27</sup> Even though small in number, both the Cape Colony and Transvaal had, prior to the arrival of the indentured Chinese labourers, already contained small Chinese communities.<sup>28</sup> Despite being treated far from well, these communities had managed to avoid being specifically singled out for persecution, at least in part due to how small they were. However, the indentured labour experiment thrust all Chinese into the foreground and the Chinese communities of the Cape and Transvaal suddenly found themselves under the scrutiny of the white population.<sup>29</sup> In the Cape Colony this extended to the electoral politics of the state as well, the incumbent Progressive Party utilized the mere existence of a Chinese community in the Cape Colony as evidence that their rivals the South African Party were not fully committed to opposing Chinese immigration in the 1903-1904 elections.<sup>30</sup>

Two different men served as Consul-Generals for the Qing Dynasty in South Africa, first Liu Yu Ling from 1904 until 1907, and then Liu Ngai from 1908 until 1911. Liu Yu Ling was an accomplished and veteran diplomat by the time he was assigned to South Africa, having served within the Dynasty's New York, Singapore and London legations and, further, accompanied the Dynasty's Minister as a foreign representative at Queen Victoria's Jubilee.<sup>31</sup> Part of Liu Yu Ling's expertise with foreign affairs sprung from his background as a member of the Chinese Educational Mission, a program launched by a Chinese citizen, Yung Wing, who was the first Chinese individual to ever graduate from Yale University.<sup>32</sup> The Mission saw a number of Chinese youths sent to study abroad in the United States of America, mastering English and learning about the Western world.<sup>33</sup> His time spent there, and serving as a Vice-Consul of the New York Legation helped prepare Liu Yu Ling for his Consular responsibilities. By contrast Liu Ngai was less widely known. He would serve as both the last Consul-General of the Qing Dynasty to South Africa and as the first Consul-General of the Republic of China to South Africa as well, only retiring from his duties sometime in 1933.<sup>34</sup> Consul-General Liu Yu Ling and his successor Liu Ngai were, thus, the representatives of several distinct groups of Chinese.

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<sup>27</sup> (SAB) BEP 575 G18/54: "Raadpleging en Koordinasie met Ander Instansies: Sjinese Organisasies," 7 Desember 1963.

<sup>28</sup> W. Gungwu: *China and the Chinese overseas*, p. 112.

<sup>29</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, pg. 28.

<sup>30</sup> *Ibid* p. 239.

<sup>31</sup> [http://www.cemconnections.org/index.php?option=com\\_content&task=view&id=107](http://www.cemconnections.org/index.php?option=com_content&task=view&id=107), *Chinese Educational Mission Connections*, Liu Yulin.

<sup>32</sup> *Ibid*.

<sup>33</sup> *Ibid*.

<sup>34</sup> (SAB) GG 1046 01 20/1844: "Consuls: China. Johannesburg: Return of Mr. Liu Ngai to China and Appointment of Mr. Ho Tsang as Acting Consul General. Recalled: Ho Tsang," 1932.

These included the indentured Chinese labourers freshly imported into the Transvaal between 1904 and 1908, the community of free Chinese living in the Cape Colony as well as the community of free Chinese already existing in the Transvaal.<sup>35</sup>

This responsibility would be put to the test throughout the tenure of both Liu Yu Ling and Liu Ngai, as all three groups of Chinese suffered under a range of discriminatory legislation and practises within South Africa. The indentured Chinese labourers were largely regulated by the Labour Importation Ordinance, a restrictive Ordinance which strictly bound the labourers to three-year contracts, after which they would be deported back to China, with the Transvaal government being firm in their desire to prevent any actual long term presence of Chinese within their borders.<sup>36</sup> The Ordinance contained numerous restrictive measures which were aimed at preventing the indentured Chinese from moving freely about the state, limiting them largely to the mining compounds they were housed in.<sup>37</sup> The restrictive nature of the Ordinance was even acknowledged within its own time, with multiple members of the British parliament, as well as press, comparing the conditions the Ordinance forced upon the indentured Chinese to slavery.<sup>38</sup>

A further amendment to the Ordinance occurred in 1905, largely in response to numerous riots by Chinese indenture labourers on the mines, which only increased the repressive character of the law. It did so by further expanding the list of actions for which the indentured Chinese could be held criminally accountable and granting powers to the Foreign Labour Department to assign guilt and punishment without needing to resort in all cases to a Municipal court.<sup>39</sup> The few non-repressive measures within the Ordinance were largely the result of the Qing Dynasty's involvement in the formulation of the Ordinance, its Minister Ta-Je Cheng having participated in its drafting and insisted on the inclusion of safeguards on behalf of the indentured Chinese labourers.<sup>40</sup> The prohibition on corporal punishment and the creation of the Consul-General office to inspect treatment of the indentured Chinese labourers were both

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<sup>35</sup> <https://archive.org/stream/treatiesconvent01chin#page/n9/mode/2up/search/transvaal> (12th February 2017): *Treaties, conventions, etc., between China and foreign states*, Published by order of the Inspector General of Customs, p. 644.

<sup>36</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 113.

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

<sup>38</sup> K. L. Harris: *A History of the Chinese in South Africa to 1912*, p. 130.

<sup>39</sup> *Ordinances of the Transvaal Colony*, Ordinance 27 of 1905.

<sup>40</sup> P. Richardson: *Chinese Mine Labour in the Transvaal*, p. 35.

included at the behest of the Qing Dynasty.<sup>41</sup> Despite this ill-treatment on the mines as well as disputes concerning wages created a hostile and repressive atmosphere for the indentured Chinese labourers and, between 1902 and 1906, there were over 25 different riots by Chinese indentured labourers severe enough to require police intervention.

Generally the role of the Qing Dynasty Consul-Generals in supporting the indentured Chinese labourers has been overlooked or, in the case of some authors such as Philip Snow, the Consul-Generals have been accused of acting not to assist the indentured Chinese but, rather, prioritizing assisting the government of the Transvaal to control and exploit the indentured Chinese instead.<sup>42</sup> There can be no doubt that, to an extent, Consul-General Liu Yu Ling did cooperate with the Transvaal government, but he did render substantive aid to the indentured Chinese as well, and it is simply inaccurate to ignore this. Liu Yu Ling assisted the indentured Chinese labourers by organizing for the transportation of those Chinese who became too sick to work back home as well as organizing a system by which the indentured Chinese labourers were able to remit money to their families in China.<sup>43</sup> Liu Yu Ling was also successful in negotiating with the Foreign Labour Department for a pension to be paid to the family of Chinese indentured labourers who died during their employment.<sup>44</sup> Further, in 1906 Liu Yu Ling sat as a member on a Special Committee organized by the Transvaal for the express purpose of formulating a system by which the number of disturbances and riots by the Chinese could be curtailed.<sup>45</sup> Within the Committee Liu Yu Ling strongly emphasised that the treatment of the indentured Chinese labourers on the mines was the key source of discontent and disturbances.<sup>46</sup>

Within the Committee Liu Yu Ling supported the streamlining of permits to allow the indentured Chinese to move about on their days off, one of the few non-restrictive propositions

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<sup>41</sup> (SAB) BEP 575 G18/54: "Raadpleging en Koordinasie met Ander Instansies: Sjinese Organisasies," 7 Desember 1963.

<sup>42</sup> P. Snow: *Star Raft: China's Encounter with Africa*, p. 48

<sup>43</sup> (TAB) FLD 84 11/52: "Remittance of Money to China. Money Order System," 1905.

<sup>44</sup> L. Anshan: *China's Africa Policy and the Chinese immigrants in Africa*, p. 60.

<sup>45</sup> Transvaal Chamber of Mines, *Report of the Executive Committee for the year 1906*, p. 14.

<sup>46</sup> Transvaal Chamber of Mines, *Seventeenth Annual Report: Report of the Special Committee Appointed to Consider and Report on the Present Conditions in Regard to Control of Chinese Indentured Labourers on the Mine Premises of the Witwatersrand Area, June 1906*, Part IV.



of the Special Committee which was eventually adopted.<sup>47</sup> That Liu Yu Ling seemed to consider the treatment of the Chinese on the mine to be problematic is evidenced in his statements within the Committee and his reports to his own superiors.<sup>48</sup> This position is strengthened by the events of the Witwatersrand Deep Mine riot in 1905. This riot, the Foreign Labour Department alleged, was the result of a visit by Liu Yu Ling to the mines, the Foreign Labour Department explicitly stating that the Consul-General had convinced the Chinese indentured labourers there that they were being mistreated.<sup>49</sup> At the same time, despite the clear efforts he took to assist them, Liu Yu Ling also supported the Special Committee's recommendation for increased surveillance and oversight of the indentured Chinese, preferring that course of action to a suggestion for fencing off the compounds in which they resided.<sup>50</sup> Liu Yu Ling's assistance of the indentured Chinese was tempered by an unwillingness to go explicitly against the Transvaal government, as is evidenced in his lack of protests regarding the riots or disturbances on the mines. At least partly this can be seen as the result of the Transvaal government itself. The indentured Chinese had little understanding of their circumstances and situation, due to a lack of effective communication with their white overseers and employers, making it possible that many of them were simply unaware of the existence of the Consul-General's office. The case of the Witwatersrand Deep Mine riot, in which the Consul-General's communication with the labourers' present prompted them to stage a protest against what they had been convinced was mistreatment lends some credence to this possibility. Further the case of the New Croesus Mine riot, which saw a demand by the Chinese labourers to speak with their Consul-General which was never granted, indicates that the Transvaal government may possibly have stymied any attempt for effective communication between the two groups, leaving the Consul-General somewhat impotent.

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<sup>47</sup> Transvaal Chamber of Mines, Seventeenth Annual Report: *Report of the Special Committee Appointed to Consider and Report on the Present Conditions in Regard to Control of Chinese Indentured Labourers on the Mine Premises of the Witwatersrand Area, June 1906*, Addendum to the Report.

<sup>48</sup> C. Hansheng (ed), "Request to the Emperor by the Ministry of Foreign Affairs on Appointing Liu Yulin as the Consul in British South Africa, September 17, Guangxu 30," *A Compilation of Historical Documents*, 1 (IV), p. 1721.

<sup>49</sup> (TAB) GOV 171 GEN 596/05: "Copy of a Report by Captain Fairfax on the Disturbance which Took Place amongst Chinese Coolies Employed on the Witwatersrand Deep Mine, Limited," TAB 173 GOV GEN 665/05: "Further Report by Captain Fairfax of the Foreign Labour Department, Regarding the Disturbance on the Witwatersrand Deep Mine," 1905.

<sup>50</sup> Transvaal Chamber of Mines, Seventeenth Annual Report: *Report of the Special Committee Appointed to Consider and Report on the Present Conditions in Regard to Control of Chinese Indentured Labourers on the Mine Premises of the Witwatersrand Area, June 1906*, Addendum to the Report.

Despite these difficult circumstances, Liu Yu Ling did still attempt to assist the indentured Chinese, but his assistance was unable to ultimately significantly affect their circumstances. Although he played a role in the streamlining of the permit system, as well as in organizing pensions for the families of deceased labourers, transportation for ill labourers and remittance of money back to China, the overall character of the Ordinance remained restrictive, and only grew more so following 1906. Liu Ngai, the second Consul-General, had little to no involvement with the indentured Chinese owing mostly to the fact that he only took office in 1908, following the completion of the experiment.<sup>51</sup> Liu Ngai would, however, be heavily involved in the struggle of the free Chinese community of the Transvaal against the Asiatic Registration Act.

During the indentured labour experiment the free Chinese community of the Transvaal, although not regulated by the Labour Importation Ordinance, was adversely affected as demonstrated by Harris.<sup>52</sup> Although the Transvaal community of free Chinese and the indentured Chinese labourers were almost completely separate from each other, having little to no contact and certainly no coordination against the discrimination they suffered, one trait they shared was that both groups received assistance from the Consul-Generals of the Qing Dynasty.<sup>53</sup> This assistance became crucial for the Transvaal Chinese in 1906, when the Transvaal legislature promulgated the Draft Asiatic Amendment Ordinance.<sup>54</sup> The Ordinance would have required all male Chinese to register with the government, periodically, reporting their location and seeking approval before they moved districts.<sup>55</sup> Further, the acquisition of licenses for trading would be attached to this registration process, forcing any of the many Chinese merchants to undergo it if they wished to continue to operate.<sup>56</sup> Liu Yu Ling served as a conduit for the discontent of the free Chinese in the Transvaal, passing on petitions and letters of protest to the Transvaal government for them.<sup>57</sup> Liu Yu Ling would also go so far as to accompany a deputation of the Transvaal Chinese Association to London in 1906, joining them

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<sup>51</sup> G. Kynoch. "Controlling the Coolies: Chinese Mineworkers and the Struggle for Labor in South Africa, 1904-1910," *The International Journal of African Historical Studies*, (36), 2, 2003, p. 314.

<sup>52</sup> K. L. Harris: A History of the Chinese in South Africa to 1912, p. 238.

<sup>53</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, pp. 93-94.

<sup>54</sup> B. Pachai, "The South African Indian Question 1860-1971," p. 39.

<sup>55</sup> *Ibid.*

<sup>56</sup> *Ibid.*

<sup>57</sup> (TAB) GOV 202 Gen 1005/06: "Petition from Chinese Residents in Transvaal Protesting against Provisions of Asiatic Law Amendment Ordinance," 1907.

in delivering a protest concerning the Draft Act to the British Government.<sup>58</sup> Further, Liu Yu Ling delivered a letter to the Chinese Ambassador in London, detailing his opposition to the Draft Act as well.<sup>59</sup> Although this effort was initially successful, as the British government withheld approval of the Draft Act, preventing it from coming into force, by 1907 the newly elected government of the Transvaal simply passed the near identical Asiatic Registration Act, this time without any intervention from the British Empire.<sup>60</sup>

The Registration Act proceeded to adversely affect the Transvaal Chinese community, complicating the matter of their trading licenses. Importantly the registration process also required an impression of fingerprints, an action considered incredibly demeaning to the Transvaal Chinese community. This was the result of China's cultural mores of the time, in which fingerprints were largely only taken for criminals, severe criminals in particular, and thus the requirement for it was seen as demeaning by the Transvaal Chinese community.<sup>61</sup> Throughout 1907 the Transvaal Chinese community's resistance to the Registration Act saw numerous of them imprisoned, and Liu Ngai, as Consul-General, personally lent his presence to their cause. Liu Ngai frequently visited the prisoners and asked for clemency on their behalf.<sup>62</sup> Liu Ngai also made clear his support for the Transvaal Chinese Association's resistance to the Registration Act.

Liu Ngai's involvement extended to negotiating on the behalf of the Association with the Transvaal government.<sup>63</sup> In 1908 he was credited, along with the Association and the Transvaal government, with finding a compromise to suit all parties involved.<sup>64</sup> The compromise removed the compulsory aspect of the registration and required only a single thumbprint to be taken.<sup>65</sup> Although Liu Yu Ling himself was no longer in South Africa by the time the Asiatic Registration Act came into force, he did still take time to officially criticize it and complain to the British Government over it whilst serving as the Minister in the Chinese Legation in

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<sup>58</sup> *Indian Opinion*, October 1906, p. 6.

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

<sup>60</sup> *Statutes of the Transvaal*, Act 2 of 1907, Asiatic Law Amendment Act

<sup>61</sup> (PRO) CO 291/122 40668: "Asiatic Law Amendment Act," 1907.

<sup>62</sup> (TAB) LD 1563 AG201/08: "Application for Special Permit to Visit Chinese Prisoner Leung Quinn from Acting Chinese Consul," 1908.

<sup>63</sup> *Rand Daily Mail, The Asiatics. Chinese Register. One Thumbprint*, February 17, 1908, p. 9.

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*

London.<sup>66</sup> Despite this success, the overall situation of the Transvaal Chinese did not change significantly, and they were still bound by the registration process. Further, when the Union of South Africa's immigration legislation was promulgated, the Transvaal Chinese similarly suffered from the provisions of the Cape Chinese Exclusion Act.

The Cape Chinese Exclusion Act was passed in 1904, at the very outset of the Transvaal's Chinese indentured labour experiment. The Act was passed directly in response to the arrival of the indentured Chinese labourers in the Transvaal, the white population of the Cape Colony fearing that Chinese would seek to move into the Cape Colony and establish a hegemony there stoking the political forces of the Colony to pass the Act, which curtailed Chinese immigration enormously.<sup>67</sup> The extreme resistance to the potential arrival of Chinese into the Cape was clearly evident by the petitions passed by communities throughout the Cape urging action be taken to prevent Chinese entering the Colony.<sup>68</sup> The Act was supported near-unanimously by the Cape legislature, with no party wishing to be seen as pro-Chinese in any shape or form.<sup>69</sup> The Exclusion Act made it illegal for any Chinese to reside within the Cape Colony unless they were granted a permit by the government.<sup>70</sup> The Exclusion Act further curtailed the mobility of any Chinese within the Colony and required that the permits be carried by the Chinese at all times.<sup>71</sup> Police officers were permitted to request a Chinese individual produce their permit at any point in time and, failure to do so, could result in incarceration.<sup>72</sup> Effectively, then, it created a pass law of sorts. Those Chinese already residing within the Cape were allowed to apply for a permit, and thus avoided automatic expulsion.<sup>73</sup> However, they were now required to consistently report their location to their Magistrate and seek permission before moving locations within the Colony.<sup>74</sup> The Exclusion Act also made it easier for the government to deport any of the Cape Chinese, as any violation of the new administrative requirements of the

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<sup>66</sup> (SAB) GG 1320 01 37/42: "Transvaal Draft Municipal Ordinance: Protest by Chinese Minister in England Regarding Provisions as Affecting Chinese Residents in the Transvaal," 1911.

<sup>67</sup> K. L. Harris: "Paper Trail: Chasing the Chinese in the Cape (1904-1933)," *Kronos Southern African Histories*, (40), 1, November 2014, p. 1.

<sup>68</sup> (KAB) GH 35/62 5, "Native Labour Question and Chinese Exclusion Act," 1903.

<sup>69</sup> *Cape of Good Hope: Debates in the House of Assembly*, 4 March, 2, 9, 16, 27 May 1904, pp. 7, 391-402, 528-9, 639-44.

<sup>70</sup> *Statutes of the Cape of Good Hope, 1902-1906*, Act 37 of 1904, The Chinese Exclusion Act, Section 3.

<sup>71</sup> *Ibid*, section 12.

<sup>72</sup> *Ibid*.

<sup>73</sup> *Cape of Good Hope: Debates in the House of Assembly*, 2 May 1904, p. 395.

<sup>74</sup> *Statutes of the Cape of Good Hope, 1902-1906*, Act 37 of 1904, The Chinese Exclusion Act, Sections 6, 12 and 15.

permit, or offences such as gambling and assault, were grounds for potential deportation.<sup>75</sup> Most problematic, for the Cape Chinese, was the stipulation that if they left the Colony then their permits would automatically expire, preventing them from entering the Cape again.<sup>76</sup>

Both Consul-Generals Liu Yu Ling and Liu Ngai would be involved in assisting the Cape Chinese against the severity of the Exclusion Act. Liu Yu Ling wrote numerous letters in support of the Cape Chinese seeking exemption permits to allow them to visit their homeland, but still return to the Cape, and also wrote letters on behalf of Chinese seeking to enter the Colony to gain permits, particularly seeking to allow family members to enter the Colony to join their spouses or parents.<sup>77</sup> Liu Yu Ling also played a crucial role in resolving a complication of the Exclusion Act. The Act had made the process of obtaining a trading license difficult for those Chinese abroad with exemption permits, preventing them from gaining new trading licenses whilst they were away. However, after he wrote on the issue to the Colony's Prime Minister, suggesting that those Chinese who gained exemption permits be allowed to authorize agents to renew the trading licenses in their stead, the government was quick to comply, remedying the issue.<sup>78</sup> Although he did assist the Cape Chinese in dealing with the consequences of the Exclusion Act, Liu Ngai himself did not openly attack the Exclusion Act during his tenure as Consul-General. However, in 1911, as the Qing Dynasty Minister in the London legation, he did offer up a denouncement of the Exclusion Act, calling it an insult to the Chinese people.<sup>79</sup>

Liu Ngai was a critic of the Exclusion Act early on, denouncing it from the beginning of his tenure as Consul-General in 1908.<sup>80</sup> Liu Ngai called for the complete abolishment of the Exclusion Act, considering it to place an undue burden upon the Cape Chinese, and later all the Chinese in the Union of South Africa. He also regarded it as being insulting for singling out the Chinese as a people to exclude.<sup>81</sup> Unfortunately, once again, neither Liu Yu Ling or Liu

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<sup>75</sup> *Statutes of the Cape of Good Hope*, 1902-1906, Act 37 of 1904, The Chinese Exclusion Act, Section 34.

<sup>76</sup> *Ibid*, Section 33.

<sup>77</sup> (KAB) 1/UIT 17/22 12/10/2: "Chinese Exclusion Act. Exemptions," 1906.

<sup>78</sup> (KAB) PMO 222 1231/06: "Chinese Traders – Renewal of General Dealers License," 1906.

<sup>79</sup> (SAB) GG 900 01 15/706, 15/557, 37/45, 15/724: "Asiatics: Chinese. Forwards Note by Chinese Minister in London on Subject of Treatment of Chinese in South Africa and Requests Minister's Observation," 28 April 1914.

<sup>80</sup> (KAB) GH 23/117 120: "General Despatches. Regarding Correspondence with Acting Chinese Consul-General Regarding Disabilities under which Chinese Subjects Labour in Cape Colony," 1908.

<sup>81</sup> *Ibid*.

Ngai's efforts were able to affect any substantive change. The Exclusion Act would remain part of South African legislation until 1933, long after the collapse of the Qing Dynasty.<sup>82</sup>

## 6.2 Conclusion

Ultimately, despite their efforts to help, the opposition by both the Transvaal and Cape governments, and later the South African government, left the Consul-Generals unable to achieve substantive change in the treatment of the Chinese in South Africa, and following the passage of discriminatory legislation the immigration of Chinese into South Africa came to a near standstill until 1960.<sup>83</sup> The Qing Dynasty's declining economic and military power also left it unable to coerce or compel compromise from the Transvaal or Cape governments, leaving the Consul-Generals impotent when dealing with the discrimination their charges faced. The explicit opposition by both the populaces of the Cape and Transvaal to the presence of any Chinese within their states also left the two Consul-Generals with little room to find compromise, as their counterparts sought to largely exclude Chinese wholesale from South Africa. It is clear that in its terminal days the Qing Dynasty did consider the treatment of its subjects overseas to be "...a grievous injustice to the Chinese Nation."<sup>84</sup> This was an injustice the Dynasty sought to address through its own efforts. Despite finally reversing the traditional apathy it held for its overseas subjects, the decaying Empire was ultimately unable to make a significant impact on the discrimination they faced within South Africa.

However, despite these failures, by establishing the position of the Consul-General the Qing Dynasty had created an institution that would outlast itself, and would continue to render aid to the Chinese in South Africa well into the twentieth century.<sup>85</sup> The South African Chinese community would continue to make use of and cooperate with the Consul-Generals dispatched by the Republic of China throughout the remainder of the twentieth century, and the institutions of the Consul-General served an important role in the future struggles of the South African

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<sup>82</sup> *Statutes of the Union of South Africa*, Act 22 of 1913, Immigrants Regulation.

<sup>83</sup> *Statutes of the Republic of South Africa*, Matters Concerning Admission to and Residence in the Republic Amendment Act 53 of 1986.

<sup>84</sup> (SAB) GG 1320 37/27: "Action of the Acting Chinese Consul-General in Corresponding Direct with the Minister for the Interior in Reference to the Chinese Exclusion Act of the Cape Colony," 1911.

<sup>85</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, pp. 93-94.

Chinese. Harris noted that the use of the Consul-Generals as official channels for communication with the South African government became a pattern that endured long past the Qing Dynasty collapse, with the South African Chinese population continuing to utilize the services of the Consul-Generals and later other diplomatic officers.<sup>86</sup> Although they had been unable to affect substantive change during their own time, the Qing Dynasty Consul-Generals had made clear efforts to assist the South Africa Chinese, and created a foundation for further assistance to them in the future.

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<sup>86</sup> K. L. Harris, B. P. Wong & T. Chee-Beng (eds.): *Rising China and the History of the South African Chinese, China's Rise and the Chinese Overseas*, pp. 93-94.

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