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Panel S26: Traveling despite the red tape of the White Australia Policy

Paper trails

Anglo-Chinese Australians and the White Australia Policy

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ABSTRACT

This paper discusses the overseas travels of Australians of Anglo-Chinese descent in the early decades of the 20th century. It explores their experience of overseas travel and their negotiation of bureaucratic processes under the White Australia Policy.

In the early 20th century, Anglo-Chinese Australians travelled overseas, primarily to Hong Kong and China, on holidays, for education, business and to visit family. Like other ‘non-white’ Australians, they were subject to the regulations of the *Immigration Restriction Act 1901*, under which they did not have an automatic right of return to Australia, even though they were Australian-born British subjects.

Australia’s early immigration regulations were designed to keep out unwanted ‘non-white’ arrivals, most famously through use of the Dictation Test, and the legislation was not clear on how officials should deal with those who were both Australian-born and of mixed race. Consequently, over the following decades officials developed a set of administrative practices in which their ideas of community belonging and cultural knowledge, as well as race, determined the outcomes of cases involving Anglo-Chinese Australians. The development of these administrative practices was an iterative process, where officials responded to the actions of Chinese and Anglo-Chinese Australians who, in turn, responded to and negotiated changing legislation and government policies.

INTRODUCTION

In September 1907, Sydney's *Tung Wah Times*—one of two Chinese-language newspapers produced in that city—published an article giving advice to Chinese men married to Western women. The article warned that if a man married a woman who was not Chinese, their children would not be Chinese and traditional customs and culture would be lost. The writer counselled men who chose a foreign wife to do two things. First, they should teach their wives and children to read and speak Chinese, not only to aid communication between husband and wife, but also so the children would grow up speaking more than just their mothers' language, which surrounded them every day. Second, men should teach their wives and children to understand Chinese culture and customs—such as a woman's duty to obey her father, husband and son, and a son's duty of obedience, respect and care for his father. If a son grew up not speaking or reading Chinese and knowing nothing of his father's culture, the writer argued, they would be like strangers. Then what would be the point of having a son at all? ¹

Chinese in Australia addressed such concerns from as early as the 1860s by taking their mixed-race Australian-born children—and also their white wives—home with them to China. In 1868, a report on the Chinese in the colony of Victoria noted that Chinese were already taking their Australian-born children to China to be educated.² That these children were predominantly of mixed race is unquestionable. As with other overseas Chinese destinations, the great majority of Chinese arriving in the southern Australian colonies were men. Many formed intimate relationships with local white women and, to a much lesser degree in southern Australia, with Aboriginal women.

Census figures suggest something of the extent of this intermarriage. In 1901, when the Australian colonies federated to become the Commonwealth of Australia, there were 3090 so-called 'half-caste' Chinese (Anglo-Chinese) in Australia as a whole—in 1911 there were 3019 and in 1921, 3655. The number of 'full-blood' Chinese for the same period was around 30 000 in 1901, 23 000 in 1911 and 17 000 in 1921. In New South Wales (NSW)—the colony-turned-state that is the focus of this paper—the Anglo-Chinese population was enumerated in the census for the first time in 1891. At that time New South Wales had around 800 Anglo-Chinese residents, with numbers increasing over the subsequent decades until in 1921 there were almost 1400 (see Table 1). The census found that the majority of Anglo-Chinese in New South Wales were Australian-born—with only a handful born in China and Hong Kong—and these Australian-born Anglo-Chinese significantly outnumbered Australian-born full-Chinese, at a ratio of more than five to one. There were only 81 Australian-born full-Chinese females in New South Wales in 1901 compared with 508 Anglo-Chinese, and 114 Australian-born full-Chinese males to 520 part-Chinese (see Table 2).

¹ *Tung Wah Times* (Donghua bao), 14 September 1907.

² Rev. William Young, 'Report on the condition of the Chinese population in Victoria 1868', reprinted in Ian F McLaren (ed.), *The Chinese in Victoria: Official Reports and Documents*, Red Rooster Press, Ascot Vale, 1985.

TABLE 1: Number of Chinese in New South Wales, 1891 to 1921

Year	'Full blood'			'Half-caste'		
	Males	Females	Persons	Males	Females	Persons
1891	13 048	109	13 157	442	425	807
1901	10 003	159	10 222	527	514	1 041
1911	7 942	284	8 226	561	571	1 132
1921	6 903	379	7 282	705	689	1 394

Source: *Official Year Book of the Commonwealth of Australia, No. 18, 1925*, Commonwealth Bureau of Census and Statistics, Melbourne, 1925

TABLE 2: Birthplace of Chinese in New South Wales, 1901

	Male			Female			Total		
	Full	Part	Total	Full	Part	Total	Full	Part	Total
Chinese Empire	9862	6	9868	78	2	80	9940	8	9948
New South Wales	106	492	598	79	473	552	185	965	1150
Other Australian states	8	28	36	2	35	37	10	63	73
Hong Kong	54	...	54	...	1	1	54	1	55
Straits Settlements	25	...	25	...	...	...	25	...	25
India	2	...	2	...	...	...	2	...	2
United States	3	...	3	...	...	...	3	...	3
Other countries	3	1	4	...	3	3	3	4	7
Total	10063	527	10590	159	514	673	10222	1041	11263

Source: NSW Census, 1901

RETURNING 'HOME'

Earlier scholarship on the Chinese in Australia framed the formation of families with white women as a sign of the assimilation of Chinese men, as a move away from Chinese language, culture and way of thinking, and as an abandonment of China as 'home'—whether conscious or unconscious. My research has demonstrated, however, that many Chinese who intermarried maintained a sense of their own Chineseness and the desire for their mixed-race children to also grow up as Chinese. Realising the practical difficulties of a Chinese education for their children in Australia—many families lived in rural settlements with only a handful of other Chinese in the district, for example—they looked to a return to China as the solution. The extent of this desire by fathers to pass on their culture and language to their children can be seen in the case of Charles Allen. Charles was born in working-class inner-city Sydney in 1896. His parents were not married and the exact nature of their relationship is uncertain—Charles was raised by his white mother alone, together with siblings similarly born out of wedlock and perhaps with different fathers. As a small child he had only limited contact with his Chinese father, but when Charles was nine his father took him to China, leaving him there in the care of extended family. Charles spent six somewhat unhappy years in Shekki, picking up what he called 'China talk', before his mother was able to arrange for his return home to Sydney.³

³ National Archives of Australia (NAA): SP42/1, C1922/4449; A1, 1911/13854.

Book No. 22
Form No. 21. COMMONWEALTH OF AUSTRALIA. No. 46
DUPLICATE. Immigration Restriction Acts 1901-1905 and Regulations.

CERTIFICATE EXEMPTING FROM DICTATION TEST.

I, *John Baxter* the Collector of Customs for the State of *New South Wales* in the said Commonwealth hereby certify that *Charles Allen Sun* hereinafter described, who is leaving the Commonwealth temporarily, will be exempt from the provisions of paragraph (a) of Section 3 of the Act if he returns to the Commonwealth within a period of *three years* from this date.

Date: *2 June 09* Collector of Customs: *John Baxter*

Nationality: *Half Cast Chinese* Birthplace: *Sydney New*
Age: *12 years 4 8 months* Complexion: *Dark*
Height: *Medium* Hair: *Black*
Build: *Medium* Eyes: *Brown*
Particular marks: *Like small scar under right eye*
(For impression of hand see back of this document.)

PHOTOGRAPHS
Full Face: Profile:

Date of departure: *June 09* Destination: *China*
Ship: *Eastern*
Date of return: *5 JUN 1915* Ship: *Eastern*
Port: *Sydney*

Dear Mother

I will send you my photo to China next time. April 11th 1911

just a few lines hoping to find you in the best of spirits as it leaves me at present, I have not got a letter from you for a long time I don't know what is the matter with you that you don't write at all, you need not worry about me not writing to you for I am only waiting to save up the money to post it to you, you told me in the last letter that Frank was home I wish I was there myself, my uncle's wife got a letter to-day from her sister say that if she wanted money to write & ask for it, so she is going to send for 100 pound & she is going to pay my fare to Sydney, & when we get to Sydney she wants you to pay her back, & wants to know do you like this or not, so write back & tell me, so I am now writing to custom house & sending photos & asking him for my paper to go back

IMAGE 1: Certificate Exempting from Dictation Test for Charles Allen, 1909. NAA: ST84/1, 1909/22/41-50.

IMAGE 2: Letter from Charles Allen in Shekki to his mother, Frances Allen in Sydney, 1911. SP42/1, C1922/4449.

Anglo-Chinese children and adults from at least 75 NSW families travelled to Hong Kong and China from Sydney in the first three decades of the 20th century. The number of individuals travelling was around 150.⁴ The circumstances of their travel differed—whole families travelled together, fathers returned with their children, white mothers accompanied children and delivered them into the care of Chinese relatives, children travelled in the care of uncles or other relatives, Anglo-Chinese women made the trip as wives of returning migrant Chinese, and Anglo-Chinese men went for business reasons. As noted earlier, Anglo-Chinese Australians had travelled to China from the 1860s, but the record of these early returns is scarce and scattered. Records of travel after 1901 are, however, much richer because the new Commonwealth government created a complex and thorough administrative system to track the movements of non-white people in and out of the country under the *Immigration Restriction Act 1901*.

This paper considers the way in which this mobile population of Anglo-Chinese Australians was affected by the Immigration Restriction Act, exploring how officials used ideas of community belonging and cultural knowledge, as well as race, in determining the treatment of individual

⁴ A list of 86 of these Anglo-Chinese Australian travellers can be found as Appendix 2 in Kate Bagnall, 'Golden shadows on a white land: an exploration of the lives of white women who partnered Chinese men and their children in southern Australia, 1855-1915', PhD, University of Sydney, 2006.

Anglo-Chinese travellers. Using specific examples from New South Wales, the paper will suggest that the development of these administrative practices was an iterative process, where officials responded to the actions of Chinese and Anglo-Chinese Australians who, in turn, responded to and negotiated changing legislation and government policies.

THE IMMIGRATION RESTRICTION ACT

Australian legal historian Kim Rubenstein has noted that the legal framework for membership of the Australian community—that is, nationality—was confused and unclear in the 19th and early 20th centuries.⁵ Until the Citizenship Act came into being in 1948, Australia had no formal definition of Australian citizenship—those resident within its borders were either British subjects or aliens. People born in Australia, including Anglo-Chinese and full-Chinese, were British subjects by virtue of their place of birth (*jus soli*) rather than by the nationality of their parents (*jus sanguinis*). During certain periods aliens could also attain the status of British subject through naturalisation (a right denied to Chinese in colonial New South Wales after 1888 and in the Commonwealth of Australia from 1904 until the 1950s). Anglo-Chinese children born in New South Wales were therefore British subjects, as were their white mothers and a small number of naturalised Chinese fathers. While their birthplace assured Anglo-Chinese Australians of certain rights as British subjects within Australia, their Chinese paternity created an ambiguity about their status—they both belonged and did not belong—and discriminatory laws and policies directed towards ‘Asiatics’ could also be applied to them.

Colonial governments, and then the Commonwealth, took few measures to control the Chinese population within their borders; Chinese were generally legally free to live, work and marry as they chose. There was, however, strict control of the movement of Chinese across colonial and national borders through various colonial anti-Chinese immigration laws and then the federal Immigration Restriction Act from 1902. The Act, later known as the Immigration Act, was the legislative backbone of the White Australia Policy, the culmination of decades of debate within and between the colonies on how best to keep Australia white and British. The Act centred on the idea of the ‘prohibited immigrant’—primarily those who failed a Dictation Test of fifty words in a European (later, any) language. Under the Act’s first iteration, certain persons were exempt from the Dictation Test, including those who were ‘domiciled’ in Australia prior to 1901 and those who had been specifically granted certificates of exemption. The precise legal meaning of domicile was gradually refined over the following decades, but it generally meant that someone had lived a sufficient time in Australia to demonstrate ties to the community—whether by being born and raised in Australia, owning land and property, maintaining a permanent business address, or having a wife and children also resident in the country. Every Chinese person entering or found within the Commonwealth was subject to the provisions of the Act and could be deported on failing a Dictation Test.

ADMINISTERING WHITE AUSTRALIA

The onus was on Chinese entering Australia to prove their exemption from the Dictation Test. While white Australians and other white British subjects could mostly come and go as they

⁵ See Kim Rubenstein, *Australian Citizenship Law in Context*, Lawbook Company, Pyrmont, 2002.

pleased, those with Chinese faces—even if they were Australian-born—had to prove themselves as British subjects born and domiciled in Australia through documents certified by government officials. This applied to both full-Chinese and part-Chinese. In New South Wales, as in the other states, the Collector of Customs had charge of the day-to-day administration of the Immigration Restriction Act and was responsible for documenting domicile through the certification of naturalisation and birth certificates and the issuing of Certificates of Domicile, later called Certificates Exempting from the Dictation Test (CEDTs). The Collector of Customs was also responsible for the boarding inspectors who met ships arriving at Circular Quay in Sydney and assessed whether passengers were entitled to land.

Much of the work in identifying and certifying Chinese in Sydney was done by Customs Inspector John Thomas Tamplin Donohoe. According to the NSW Collector of Customs, Nicholas Colston Lockyer, Donohoe was ‘one of our most vigilant officers, and probably knows more about the Chinese than any other European in Sydney’.⁶ Donohoe’s knowledge and position gave him power over the lives of Chinese in the colony—legislation provided the framework under which to make decisions, but in practice much was left to the discretion of individual officers in deciding who was granted a certificate or who was allowed to land freely. Where decisions could not be made by Customs officials on the ground in Sydney, matters were referred to the Department of External Affairs, and ultimately to the Minister for External Affairs, for advice and final decision-making. During much of the period under discussion in this paper, the head of the Department of External Affairs was Atlee Arthur Hunt, a lawyer and career public servant who had been involved in drafting the original Immigration Restriction Bill. While other officials were also involved, it is Atlee Hunt and JTT Donohoe’s names that appear most frequently in the paper trail relating to the travels of Chinese Australians from New South Wales.

A fundamental part of the administrative system under the Immigration Restriction Act was the belief that Chinese were actively looking for ways to circumvent the restrictions to illegally enter Australia—stowaways and seamen jumping ship in Australian ports, new arrivals using false identities and purchased naturalisation or birth certificates, and established residents making use of loopholes in the legislation, for example, by bringing in women as the wives of naturalised Chinese only to soon marry them off to different men. Each case that came before the authorities was therefore carefully considered and could potentially form the basis for the introduction of new administrative practices. Officials often looked back to previous decisions to inform their actions, keeping notes of cases where particular precedents had been made.

Anglo-Chinese Australians responded in various ways to the restrictions imposed on them by the Immigration Restriction Act and to the bureaucratic hoops they had to jump through. The remainder of this paper will consider cases that document four particular elements of their experiences—how they adjusted to the new stricter federal policies after 1901, how they used their birth certificates as proof of identity, how they dealt with cases of disputed identity and finally how they used their cultural capital to negotiate the discriminatory policies and processes.

⁶ *Sydney Morning Herald*, 20 September 1898.

COLONIAL LEGACY

In the early years after Federation, both bureaucrats and travellers had to adjust to the new administrative systems under the Immigration Restriction Act. They were, however, already familiar with laws regulating the entry and movement of Chinese. New South Wales' first anti-Chinese legislation was introduced in 1861. This law was repealed in 1867, with new legislation introduced in 1881 and changes in 1888 and again in 1898. The 1898 legislation introduced a Dictation Test, as its federal counterpart did three years later, but prior to this NSW laws primarily used poll taxes (first £10, then from 1888 £100) and tonnage restrictions to control the numbers of Chinese entering. In the earliest years of the 20th century, the state-based poll tax was still levied even though the federal Immigration Restriction Act was also in force. By definition under this colonial legislation, a 'Chinese' was male.

Few records survive that show in detail how the colonial system in New South Wales functioned, but there are a number of cases from the turn of the century that suggest that regulations for Anglo-Chinese were quite straightforward. The return of Anglo-Chinese children travelling with white mothers seems to have been seldom questioned, while other Anglo-Chinese Australians could simply present their birth certificate as proof of domicile. In 1905, Ah Fong, a Sydney merchant, wrote to the Prime Minister about an Anglo-Chinese lad named Horace La Gog. Horace had been adopted by Ah Fong's uncle and, in around 1900 at the age of 12, was sent to China to be educated. Having completed his education, Horace was to return to Australia. Inquiring about whether Horace would be permitted to return under the new legislation, Ah Fong noted that 'when he [Horace] went away the Law in Sydney was that any Chinaman or half caste Chinaman born here was allowed to come back without having to pay tax'.⁷ Others, like Arthur Kee Chong of Moruya, were granted formal exemption papers as well as having their birth certificate checked. As noted on Arthur's certificate issued under the 1888 Act, this was 'for purpose of identification'.⁸

In the first decade of the 20th century, numerous cases arose where Anglo-Chinese Australians who had travelled overseas before 1901 wished to return after the new legislation had come into force. Some had been away for many years. Concerned to avoid fraudulent entry, authorities could insist on retrospective compliance with the new regulations—and most often did so for travellers not known personally to Customs Inspector Donohoe. One example is the case of Albert Yin Poon in 1903. Born in Sydney in 1885, Albert had gone to live in China as a young child. When his father, George Yin Poon, wrote to request permission for Albert to return, Inspector Donohoe referred the matter to the Department of External Affairs saying that he viewed applications of this sort 'from Chinese' with suspicion. George Yin Poon was asked to provide a completed application form, statutory declarations from 'reputable persons' to vouch for the correctness of his statements and information on how his son would be certainly identified on his arrival into Australia.⁹

⁷ NAA: SP42/1, B1906/3520.

⁸ NAA: SP11/26, B1924/3564.

⁹ NAA: SP42/1, C1903/7816.

BIRTH CERTIFICATES

Despite the new regulations, after the turn of the century Anglo-Chinese Australians mostly simply continued to travel overseas using their birth certificates as identity papers. As part of the refining and tightening of administrative practices relating to the entry of Chinese, however, in 1913 Atlee Hunt requested that Customs officers keep a special register of those travelling on birth certificates. Queensland already had a register and Hunt felt that it was a practice that all the states should adopt:

Such a register is very desirable to enable a check to be kept on persons claiming admission to Australia on birth certificates, as it is an easy matter for a number of copies of the same certificate to be obtained, and the experience of the past shows that in some instances several Chinese have attempted, sometimes successfully, to land on copies of the same certificate.¹⁰

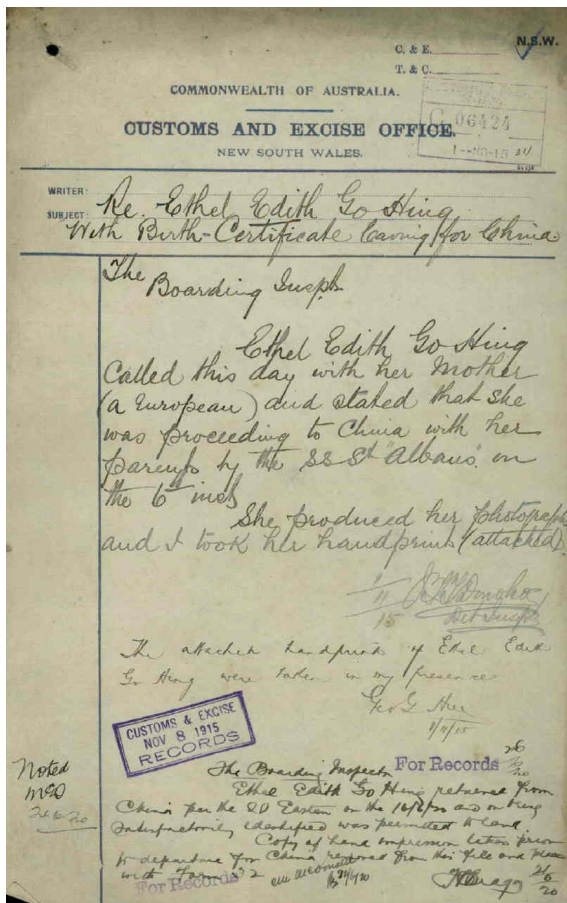
Hunt felt that ‘as other channels of fraudulent entry are being blocked, the Chinese will make a determined effort to utilize birth certificates to that end.’ He requested that Customs officers record details sufficient to enable correct identification on a person’s return to Australia—that is, name, number of birth certificate, date of issue, date of birth, where born, date of departure from Australia, remarks concerning departure, date of return, by whom they were examined, and whether they were allowed to land or were rejected. Only two of these early birth certificate registers still exist, those for Queensland and New South Wales. The single register for New South Wales is a substantial volume, demonstrating the amount of travel that occurred from that port. It contains around 150 double pages and includes an alphabetical index, with entries dating from 1904 to 1962 (those before 1913 were presumably copied from records elsewhere).

Name	Date of Issue	Age	Where Born	Date of Departure	Remarks concerning departure	Date of Return	Remarks concerning return
Chou May Christabel	1911	30	China	1911	Left with parents for China		
William John Strong	1905	30	China	1905			
James Albert Cam	1905	4	China	1905			
Ronald Albert Barton	1913	17	China	1913			
Allen Sydney	1907	27	China	1907			

IMAGE 3: A double-page spread from the NSW birth certificate register. NAA: SP726/2.

¹⁰ NAA: A1, 1913/20069.

It became the practice for birth certificates to be endorsed by Customs officials prior to a person's departure. This usually included taking a handprint and attaching a photograph, as well as recording the details in the register. In November 1915, for example, when Ethel Edith Go Hing travelled to China with her parents, she simply called at Customs House with her white mother, presented her birth certificate and portrait photographs and had her handprints taken by Inspector Donohoe. Her details were also recorded in the birth certificate register. When Ethel returned to Sydney five years later, her identification was a simple matter and she was allowed to land without impediment.¹¹



IMAGES 4 and 5: Paperwork from the four-page file about Ethel Go Hing, 1915. NAA: SP42/1, C1915/6424.

Some Anglo-Chinese also went through the formality of applying for a Certificate Exempting from the Dictation Test (CEDT), either because they were unsure of the proper administrative procedures or to make doubly sure that there could be no question over their return. In 1909, for example, George Hook applied for a CEDT for his eight-year-old nephew Albert Edward Lee. George Hook completed the required CEDT application form, but also presented Albert's birth and baptism certificates. These documents are still held on file—the likely reason being that Albert never returned to Australia to claim them.¹²

¹¹ NAA: SP42/1 C1915/6424; SP726/2.

¹² NAA: SP42/1, 1909/1908; ST84/1, 1909/21/21-30.

Book No. 21
Form No. 21. COMMONWEALTH OF AUSTRALIA. No. 23
DUPLICATE. Immigration Restriction Acts 1901-1905 and Regulations.

CERTIFICATE EXEMPTING FROM DICTATION TEST.

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

Date *8 April 09* *Baxter* Collector of Customs.

DESCRIPTION

Nationality *Halt Chinese* Birthplace *Procee NSW*
Age *8 years* Complexion
Height
Hair *Dark*
Build *Medium* Eyes *Brown*
Particular marks
(For impression of hand see back of this document)

PHOTOGRAPHS

Full Face:— Profile:—

Date of departure *April 09* Destination *China*
Ship *Adriatic*
Date of return
Ship
Port

Customs Officer

IMAGE 6: Certificate Exempting from the Dictation Test for Albert Edward Lee, issued in 1909. NAA: ST84/1, 1909/21/21-30.

This certification of birth certificates (and granting of CEDTs) assisted Anglo-Chinese Australians in two particular ways. Firstly, for those children who left Australia when very young, it demonstrated to authorities that their Chinese father had wished to abide by and comply with the regulations, suggesting perhaps that he was less likely to try to dupe officials by substituting a different child for his own or by selling his own child's papers. The obvious difficulty with identifying very young children was that their appearance could change quite dramatically during an absence overseas and authorities found it unreliable to base their opinions on photographs and handprints taken years earlier. Secondly, many Anglo-Chinese were born out of wedlock and, since the name of the father was seldom recorded for ex-nuptial children, there was often nothing on their birth certificates to note that they were part-Chinese. This became a problem when an obviously Chinese-looking person presented to officials the certificate of someone who was not obviously Chinese as proof of their right of return. There had been cases of non-English speaking Chinese purchasing and using naturalisation certificates of men of German or other European background, so authorities were on the lookout for similar cases using the birth certificates of white children.

Form No. 12.
No. of Assurances, 1888/1890

1888. BIRTHS in the District of Sydney, in the Colony of New South Wales.

REGISTERED BY
Edward Grant Hardy
REGISTRAR GENERAL.

No.	CHILD		FATHER		MOTHER		MARRIAGE		ADDRESS		Date of issue of Birth Certificate
	Sex and Christian Name	Date and station place of birth	(1) Name and Residence (2) Rank or Position of the Father (3) Age and Religion	(4) Where and When Married (5) Name of the Mother (6) Age and Religion	(7) Name and Residence (8) Rank or Position of the Mother (9) Age and Religion	(10) Name of the Minister (11) Name of the Witnesses (12) Date of Marriage	(13) Name of the Registrar (14) Name of the Registrar	(15) Name of the Registrar (16) Name of the Registrar	(17) Name of the Registrar (18) Name of the Registrar		
1888	Horace				Clary	Clary	Clary	Clary	Clary	Clary	
	Legitimate male										
	present										

William Ridley, Deputy Registrar General of New South Wales, do hereby Certify that the above is a true copy of an Entry in a Register of Birth kept at the Registrar General's Office, Sydney, and extracted this *twentieth* day of *December* 1888.

W. Ridley
Deputy Registrar General.

IMAGE 7. NSW birth certificate of Horace La Gog, born Horace Clary, 1888. Note the two crossed-out columns where details of his (Chinese) paternity have not been included. NAA: SP42/1, B1906/3520.

DISPUTED IDENTITY

The paranoia of Customs officials about fraudulent entry was not entirely without reason. Some cases involving the papers of Anglo-Chinese Australians were plain attempts (sometimes successes) at deceit. For example, in 1913, two men claiming to be brothers Alfred and Percy Ablong arrived in Sydney from Hong Kong. Presenting NSW birth certificates, the men claimed that they had been taken to China as children where they had grown up and been educated. However, a year earlier the real Alfred Ablong, a clerk in the Royal Engineers in Hong Kong, had written to the NSW Collector of Customs informing him that he believed that his parents had sold his and his siblings' birth certificates:

It is of course, rather a harsh view to take of a parent, but I have heard rumours of parents selling the birth certificates of their children born in Australia of mixed parentage, that I can only think that this has been done with my own certificate.¹³

Alfred's suspicions were correct—his father accompanied the imposter Ablong brothers and vouched for their identity in Sydney. Failing the Dictation Test, however, the men were arrested as prohibited immigrants and sent back to Hong Kong.¹⁴

In other cases it is difficult to know from the official records, which primarily record the situations from the point of view of Customs and the Department of the Exterior, whether fraud was really being attempted where it was suspected. The subject is still a sensitive one within many families, with older generations reluctant to speak publicly about how they went about purchasing or otherwise acquiring papers and assuming false identities. Hence it is difficult to estimate how common the practice was. What is certain, however, is that because Customs officials held that such practices were widespread, Anglo-Chinese Australians who were unknown to Customs officers had to deal with great suspicion about their claims to be legitimate residents of Australia.

¹³ NAA: SP42/1, C1914/64.

¹⁴ NAA: A1, 1914/435.

In the day-to-day operation of Sydney Customs, physical appearance was often used in considering the bona fides of those arriving from China, of deciding who was Chinese, who was 'half-caste', who was genuine, who was an impostor. Officials came to increasingly rely on certified photographs to make these judgements, although, as noted, this was not without its problems. In the 1912 case of Walter Way, a decision was made by comparing two sets of photographs. One set was of four-year-old Walter Way, taken in Sydney in 1902 at the time of his adoption—Walter's eldest sister arranged the adoption to a Chinese man, Yet Chong, after they and their numerous other siblings were orphaned following their mother's death. The second set of photographs was of the boy who returned with Yet Chong in 1911, claiming to be Walter Way. Although the boy was positively identified by two Sydney women, one of whom was a sister of Walter, based on the two sets of photographs Inspector Donohoe found that the boy was an impostor, stating:

... in my opinion [the photographs] show clearly that he is not identical with the Walter Francis Way mentioned in the [adoption] agreement, and is therefore not entitled to land in the Commonwealth.¹⁵

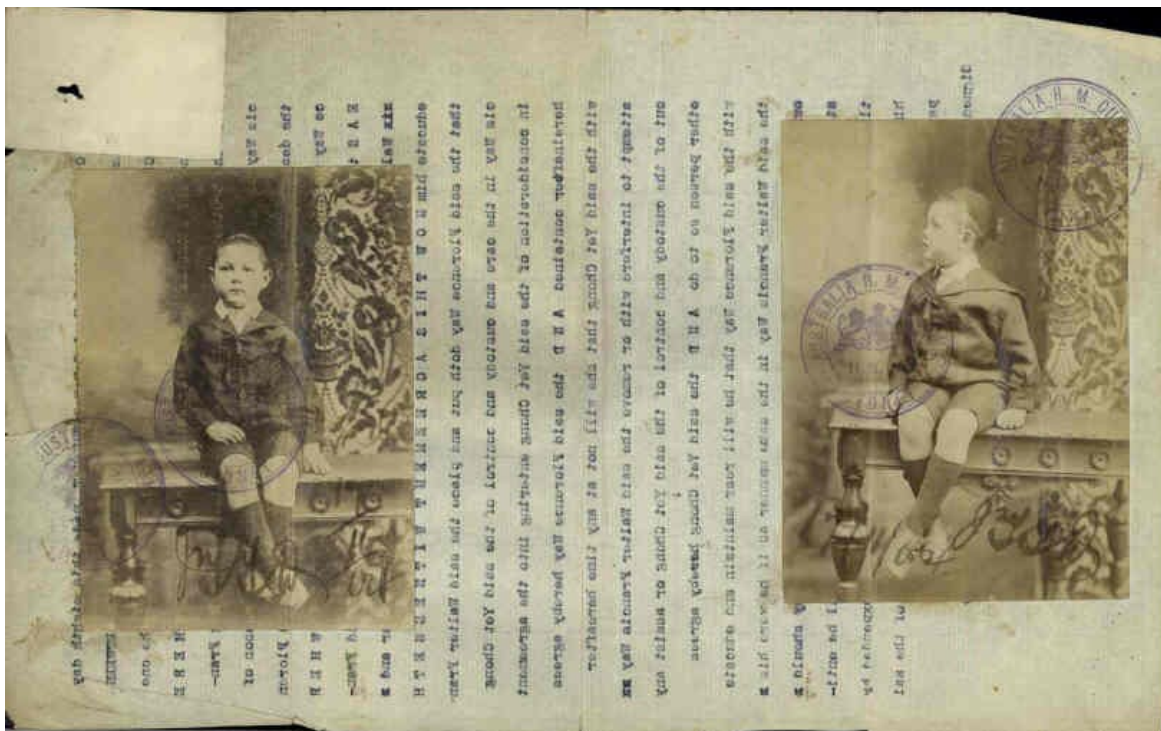


IMAGE 8. Photographs of four-year-old Walter Way attached to the back of his memorandum of adoption, 1902. NAA: SP42/1, C1912/906.

¹⁵ NAA: SP42/1, C1912/906.



IMAGES 9 and 10. Photographs of the boy who returned as Walter Way in 1911. NAA: SP42/1, C1912/906.

The separation of ‘half-caste Chinese’ from ‘Chinese’, knowing who had a white mother or not, was important to Customs officials in identifying those who may have been entering Australia fraudulently on purchased birth certificates. At times, officials resorted to medical opinion where they otherwise found it difficult to confirm the evidence presented before them.¹⁶ At other times there seems simply to have been insufficient evidence to prove to officials that a returnee was who they said they were and, in such situations, officials were conservative in their decision-making. In 1915, for example, lawyer Harold T. Morgan wrote to the Minister for External Affairs on behalf of George Ah Gwan, a greengrocer from the Sydney suburb of Erskineville, regarding the possible return of George Ah Gwan’s nephew George Ah Yet. In 1887, 10-year-old George Ah Yet, the ex-nuptial son of Dinah Webster and Peter Ah Yet, had been apprenticed to a firm of carpenters in Macau, where he had lived since. To prove George Ah Yet’s right of return, George Ah Gwan provided, through his lawyers, George Ah Yet’s birth certificate, the original legal contract for the apprenticeship, his own statutory declaration and one by the magistrate and coroner, John Gale, who had originally witnessed the apprenticeship contract. John Gale also positively identified a recent photograph of George Ah Yet and was willing to travel from Queanbeyan, in country New South Wales, to identify him on his return to Sydney. After various inquiries were made, however—including as to the whereabouts of the mother, Dinah Webster (she had died a decade earlier), and as to George Ah Gwan’s character (he bore a good reputation among both Chinese and Europeans)—Atlee Hunt declared that ‘no authority can be granted for George Ah Yet to re-enter the Commonwealth’. The dearth of paperwork in the file suggests it was not a difficult decision.¹⁷

¹⁶ NAA: SP42/1, C1916/4059.

¹⁷ NAA: SP42/1, C1916/1275.

COMMUNITY BELONGING

Australian historian Russell McGregor has argued that White Australia was ‘far more than merely a doctrine of racist exclusivism’; it was a desire for coherence ‘in terms of common descent, culture and history, or in more recent terminology, of ethnicity’.¹⁸ It involved racial demarcation, but also a complex web of understandings about community membership and belonging through an (often fictive) shared past and culture. In deciding which Chinese could and could not enter Australia, either as new arrivals or as Australians returning home, officials were establishing and maintaining boundaries of this community membership. Anglo-Chinese Australians who were not able to demonstrate their belonging, most commonly because of long periods spent overseas, found that their right of return to Australia was precarious.

Inspector Donohoe and other Customs officials in Sydney acted as primary gatekeepers—they were the ones who could issue, or refuse to issue, the required papers to allow travellers to return, as well as being the first point of contact travellers had on arriving from overseas. Their judgement about the validity of claims of identity and belonging was critical, for while they referred cases on to the Department of External Affairs where necessary, these were often accompanied by advice that was followed by the department without substantial questioning or further investigation. In many cases, Inspector Donohoe’s detailed knowledge of and personal acquaintance with many in the local Chinese community was all that was needed, while in less clear-cut cases the ability of the traveller to speak English and their ‘respectability’, demonstrable ties to family and friends in Australia and identification by ‘reputable’ (usually white) residents of New South Wales also weighed in their favour. This practice is encapsulated in a comment in the birth certificate register, written on the return of Ellen Mon Howe (née Too Tong) to Sydney in 1913. It states:

This lady is well known by Mr Donohoe. She speaks English perfectly. Father was a Chinese. Mother was a European. Her father lived in Australia for about 60 years continuously and died at age 89.¹⁹

Anglo-Chinese Australians and their families actively used their cultural capital to negotiate the restrictions placed on them by the Immigration Restriction Act. In 1915, for example, West Wyalong gardener William Flood Sam and his youngest son, Percy, applied for papers prior to a visit to China. Percy’s white mother, Jane Sam, wrote on his behalf and William’s application noted that he had been married to his white wife for forty years, had lived in New South Wales for over fifty years, and had five older sons who were, at that very time, fighting overseas with the Australian forces (in fact, as part of Australia’s famous World War I campaign at Gallipoli, Turkey). Their papers were granted and, several months later, they were permitted to land back in Sydney with no fuss.²⁰

¹⁸ Russell McGregor, ‘“Breed out the colour”: reproductive management for white Australia’, in Martin Crotty, John Germov and Grant Rodwell (eds), *A Race for a Place: Eugenics, Darwinism and Social Thought and Practice in Australia*, University of Newcastle, 2000, p. 65.

¹⁹ NAA: SP726/2.

²⁰ NAA: SP42/1, C1915/4058; SP42/1, C1915/4032.



IMAGES 11 and 12. Photographs of Anglo-Chinese Percy Flood Sam and his father, William, taken in 1915 before their departure for China. NAA: SP42/1, C1915/4032 and SP42/1, C1915/4058.

Anglo-Chinese Australians also actively objected to being treated differently from their white compatriots; in particular, they objected to being photographed and having fingerprints or handprints taken. This was because, in the early 20th century, such identification processes were most commonly applied to criminals. In 1904, tailor Ohho Kong Sing requested that, since he was Australian born, the formality of photographs and handprints be dispensed with prior to his departure on what he intended to be an extended stay with his solicitor brother in Hong Kong. Ohho Kong Sing still completed an application form and provided letters of reference and his birth certificate but, with a recommendation from the Collector of Customs William Lockyer, Atlee Hunt granted his request to be exempted from the usual formalities. This meant that rather than having to pay for a certificate to be issued, Ohho Kong Sing departed and returned with a letter of reference signed by William Lockyer.²¹

CONCLUSION

The complexity of racial and cultural identification in the administration of the Immigration Restriction Act can be seen in one final example, that of Ernest Sung Yee. Born in the town of Quirindi in northwest New South Wales in 1901, Ernest was the eldest son of Elizabeth Maher and Sung Yee. He had a younger brother, Horace, and together they went to China with their father in 1909. Their departure, when Ernest was eight and Horace four, came after the death of two other baby sons born to Elizabeth and Sung Yee. Ernest's father returned to Australia in 1912, while the boys remained there until 1921 when they went to live in Townsville, Queensland, where their father was working. It seems that both Sung Yee brothers married and had wives and children in China, as they continued to make trips back and forth over the 1920s and 1930s. In the paperwork relating to his overseas travels, Ernest Sung Yee's race and physical appearance changes—he is 'Chinese' or 'half-caste Chinese'; he has 'dark hair' and 'brown eyes' or 'light hair' and 'blue eyes'. To all appearances Ernest Sung Yee was not biologically Chinese (see Images 13 and 14), yet his cultural and linguistic Chineseness, together with his own identification as Chinese, meant that he was identified as such by government officials.²²

²¹ NAA: SP42/1, B1905/1616.

²² NAA: SP42/1, C1924/608; ST84/1, 1909/20/21-30; J2483, 496/86.

Book No. 20
Form No. 21. COMMONWEALTH OF AUSTRALIA. No. 23
DUPLICATE
Immigration Act 1901-1925 and Regulations.

CERTIFICATE EXEMPTING FROM DICTATION TEST.

I, John Baxter the Collector of Customs for the State of New South Wales in the said Commonwealth, hereby certify that Ernest Sung Yee hereinafter described, who is leaving the Commonwealth temporarily, will be exempted from the provisions of paragraph (a) of Section 3 of the Act if he returns to the Commonwealth within a period of three years from the date shown below.

Date: 24 July 09

DESCRIPTION.
Nationality: Chinese Birthplace: Canton, Peking
Age: 4 years 6 months Hair: Dark
Complexion: Fair Eyes: Brown

(For impression of hand see back of this document.)

PHOTOGRAPHS
Full Face — Profile —

Date of Departure: 24 July 09 Destination: China
Ship: Redwood
Date of Return: 17/6/11 Ship: Amoy
Port: Sydney

Ernest Sung Yee

Book No. 496
Form No. 21. COMMONWEALTH OF AUSTRALIA. No. 086
PASSAGE TICKET No. 75
Immigration Act 1901-1925 and Regulations.

CERTIFICATE EXEMPTING FROM DICTATION TEST.

I, RUPERT BRISBANE OIRD the Collector of Customs for the State of QUEENSLAND in the said Commonwealth, hereby certify that Ernest Sung Yee hereinafter described, who is leaving the Commonwealth temporarily, will be exempted from the provisions of paragraph (a) of Section 3 of the Act if he returns to the Commonwealth within a period of three years from the date of departure shown below.

Date: 24 Sept 1931

DESCRIPTION.
Nationality: Chinese (half-caste) Birthplace: New South Wales
Age: 30 years Complexion: Fair
Height: 5 feet 6 in Hair: Fair
Build: Medium Eyes: Blue
Particular marks: small scar on right eye left hand

(For thumb prints, see back of this document.)

PHOTOGRAPHS
Full Face — Profile —

Date of Departure: 20-10-31 Port of Embarkation: Sunville
Ship: Carada Destination: China
Date of Return: 20 MAY 1932 Ship: Keccoa
Port: Sydney

Ernest Sung Yee

IMAGES 13 and 14: Certificates Exempting from Dictation Test for Ernest Sung Yee, 1909 and 1931. NAA: ST84/1, 1909/20/21-30; J2483, 496/86.

The Immigration Restriction Act was the greatest imposition the state made into the lives of Anglo-Chinese Australians in the early part of the 20th century. Its classification of Anglo-Chinese as 'Chinese' meant that they were not able to live fully secure in their rights as British subjects of Australian birth if they left Australian shores and that they did not have an automatic right of return to their native country. There were contradictions in the way that individual Anglo-Chinese Australians were treated in the administration of the Act, and numerous cases—some of which are discussed in this paper—demonstrate that race was not the sole criteria by which they were judged. Anglo-Chinese Australians were seen as simultaneously not truly belonging to the Australian community—because they were racially 'Chinese'—but also as belonging in and through particular circumstances—because of their birthplace, their mothers' white blood or their display of appropriate cultural knowledge and community ties. Fighting against negative perceptions, Anglo-Chinese Australians demonstrated to white Australians that they had a legitimate place within the Australian community, showing themselves to hold the same values, religious beliefs or cultural attributes as the mainstream white British community. What is also clear from examining the cases of Anglo-Chinese Australians is the difficulties and contradictions that came in ascribing labels of nationality and race—Chinese, half-caste, Australian, British and so on—as became necessary under the Immigration Restriction Act. As 20-year-old Osborne G. Bow, a gardener from Fairfield on the outskirts of Sydney, stated on his application for a CEDT in 1909:

Of what nationality are you? *Half-caste Chinese*

Where were you born, and when? *Seven Hills, N.S.W, 1st April 1889*

When did you come to Australia? *I'm an Australian.*²³

²³ NAA: SP42/1, C1909/2477.