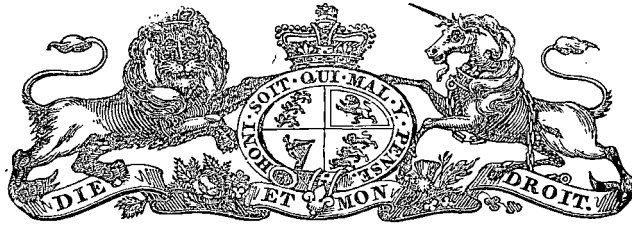


(No 76)



1888.

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PARLIAMENT OF TASMANIA.

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C H I N E S E   Q U E S T I O N :

CORRESPONDENCE, AND REPORT OF CONFERENCE  
HELD AT SYDNEY, JUNE, 1888.

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Laid upon the Table by Mr. Fysh, June 22, 1888; and ordered by the Legislative  
Council to be printed, June 26, 1888.



## CHINESE QUESTION.

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### CORRESPONDENCE; AND REPORT OF CONFERENCE HELD AT SYDNEY, JUNE, 1888.

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NEW SOUTH WALES.

*Colonial Secretary's Office, Sydney, 8th November, 1887.*

SIR,

I HAVE the honor to invite your consideration to the expediency of new legislation in relation to the Chinese, and I enclose copies of correspondence which has already taken place between this Government and the Government of Victoria on the subject.

2. I do not myself join with those who are ever railing against the degraded character of the Chinese. It is on very different grounds that I consider their settlement in large numbers in the Australasian Colonies open to grave objection. For the soundest of political and social reasons it is inadvisable and fraught with serious evils to allow sharply-defined class distinctions to grow up in these Colonies, where the common elements of success—industry, good conduct, and perseverance—should leave the race of emulation open to all alike. I hold it to be a question of policy of the first magnitude to cement society together in Australia by the same principles of faith and jurisprudence, the same influences of language and learning, and the same national habits of daily life.

3. I shall be glad if you will inform me of the views of your Government on the general question, and of the provisions which you consider should be embodied in any new measure of restriction.

I have the honor to be,

Sir,

Your most obedient Servant,

HENRY PARKES.

*The Honorable P. O. Fysh, M.L.C., Hobart, Tasmania.*

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[Enclosure.]

NEW SOUTH WALES.

*Colonial Secretary's Office, Sydney, 4th November, 1887.*

SIR,

In reference to the question of the settlement of Chinese in Australasia in its whole bearing upon the national development and permanent welfare of these communities, I have the honor to state for your information that, in the opinion of this Government, it would be a great advantage if all the Colonies could agree upon a measure of restriction, or perhaps, more correctly speaking, of practical prohibition, which should be framed in the same terms and impose the same conditions. Although in the vast extent of Australian territory, questions of climate and of the suitability of the soil for special industries must necessarily raise difficulties in the application of labour to productive capabilities much greater in some parts than in others, still the main subject cannot, I apprehend, be safely put aside by any Australian Government. And it seems to me that it can hardly be considered with satisfactory results except in view of the better qualities, rather than the worst

characteristics of the Chinese—their self-denial, plodding industry, persistency of purpose, and powers of imitation—and these striking individual qualities again in the light of the enormous numbers of the Chinese nation—their 400,000,000, to our less than 4,000,000 of souls.

2. I shall be glad to learn from you what the Government of Victoria may consider called for as an adequate basis of any new measure, with an earnest desire on the part of this Colony to co-operate with the other Colonies in the most effectual remedial legislation.

I have, &c.

HENRY PARKES.

*The Honorable DUNCAN GILLIES, M.P., Melbourne, Victoria.*

[Enclosure.]

*Copy of Telegram from the Hon. Duncan Gillies, M.P. Victoria, to the Hon. the Colonial Secretary, Sydney, dated 2nd November, 1887.*

Do you propose to legislate on Chinese question this Session? If so, can we come to an understanding on the subject as to proposals?

TELEGRAM.

*Sydney, 28th November, 1887.*

CAN you give me any reply to my letter of the 8th instant, respecting new legislation for protecting these colonies from the influx of Chinese? I was anxious that we should act in concert on this question; but in view of information we have received of the probable arrival of a shipload of Chinese, I feel that I cannot delay proceeding in the matter.

HENRY PARKES.

*The Hon. the Chief Secretary, Hobart.*

TELEGRAM.

*Hobart, 28th November, 1887.*

My reply to your letter in reference to legislative action concerning Chinese immigration was posted on the 25th instant.

P. O. FYSH, *Premier.*

*The Hon. the Colonial Secretary, New South Wales.*

*Premier's Office, Hobart, 25th November, 1887.*

SIR,

I HAVE the honor to reply to your letter of the 8th instant, inviting my consideration to the expediency of new legislation in relation to the Chinese.

The question is one which has not hitherto so seriously affected Tasmania as some of the other colonies; but the increasing number of Chinese immigrants to this colony is beginning to attract attention, and has led during this Session of Parliament to the passing of a measure which imposes a poll-tax of £10 per head on each male Chinese arriving in the colony.

With this measure it is anticipated that the colony will be content for the present, that is, in so far as its own immediate interests are concerned; but in the broader view of our relations with the Australian Colonies, it might be considered desirable to act in concert with them, and so make the question one of general Colonial concern.

It appears to me to be a question that might well be referred to the Federal Council,—in which I hope the day is not far distant when New South Wales will be represented.

With you I do not join in the outcry against the Chinese on the ground of their degraded character; for, whatever their habits and vices may be, they are possibly the more offensive only because they are less cloaked than the evil habits and vices of our own people. Generally, they must be regarded as a law-abiding, industrious class, whose presence would not only be tolerated, but courted, were it not that they are regarded by our labouring classes as undesirable competitors in the struggle for existence.

This latter view is that which will almost certainly be the actuating impulse towards legislation in regard to the Chinese. However selfish it may appear to cry "Our country for our own people," the cry is in accordance with the instincts of nations, and, indeed, is in accord with the sacred instincts of the family whose "kith and kin" are sheltered to the exclusion of strangers. Nations and colonies must be governed, and certainly where democracy exists will be governed, so as to promote the prosperity of their own people; and an undue influx of foreigners, who bring no capital but their labour, will ever be regarded as prejudicial to the interests of those who have to compete with them in the labour market.

Absolute prohibition of Chinese immigration would perhaps be too extreme a measure for any of the Australian Colonies to adopt; but probably sufficient limitation would be placed upon it by levying a high poll tax on each new arrival, an annual residence tax on each resident, and by the enforcement of stringent enactments regulating their social habits, sanitary arrangements, &c. In such a way the residence of a limited number of Chinese might contribute both to their advantage and our own.

In conclusion, I may repeat my convictions that the question is one for the federal action of the colonies; and that unless it is undertaken in such a way, or at any rate in a federal spirit, it is unlikely that this colony will be prepared to move further at present than has been authorised by the Legislature during the present Session.

I have, &c.

P. O. FYSH.

*The Hon. the Colonial Secretary, New South Wales.*

TELEGRAM.

*Brisbane, 20th February, 1888.*

PRESS telegrams report that arrangements have been made by Chinese firms to introduce immediately large numbers of Chinese to Port Darwin in anticipation of possible early closing of eastern ports against them. In view of this serious danger I would suggest that the other Colonies join in request to Government of South Australia to take immediate and effectual steps to restrict this introduction, and if their existing legal authority is insufficient, to take the earliest possible opportunity of inviting Parliament to give additional power. I have sent similar telegrams to Sir Henry Parkes and Mr. Gillies.

A. GRIFFITH.

*The Hon. P. O. FYSH, Premier.*

TELEGRAM.

*Hobart, 21st February, 1888.*

REGRET to hear of present and prospective abnormally large influx of Chinese *via* Port Darwin, and would be glad to learn that your Legislature has provided, or will be asked to provide, for its restriction within moderate bounds. This is a matter of Australasian concern.

P. O. FYSH, *Premier.*

*The Hon. the Premier, South Australia.*

TELEGRAM.

*Adelaide, 21st February, 1888.*

THE Chinese, Port Darwin.—On more than one occasion House of Assembly have passed Bills restricting Chinese immigration, but Legislative Council has thrown Bills out. We shall, directly the Houses meet, re-introduce restricting legislation on the subject, and have every reason to believe we shall carry it into law. In the course of a month or so we shall have an election for eight members of the Legislative Council, and I have every reason to believe every one that will be returned will be in favour of restricting Chinese immigration to the Northern Territory. Public feeling is being aroused, and I have no fear of the result.

THOS. PLAYFORD, *Premier.*

*The Hon. the Premier, Tasmania.*

TELEGRAM.

*Adelaide, 29th February, 1888.*

CHINESE Question.—We have proclaimed the following ports infected; viz.—All Ports in China or Chinese dependencies, the Malay Peninsula, Singapore, Timor and Netherlands, India. Quarantine on vessels will accordingly be required at Port Darwin twenty-one days after arrival, except as regards persons not being Chinese arriving by vessels having no disease on board, who will be granted immediate pratique, if not from Hong Kong. Poll-tax of £10 per head will be imposed,

subject to Parliamentary sanction, on all Chinese arriving in the Territory, and having left therefor after 1st March, or being now in the Territory and leaving for any port of the Territory more than two hundred miles south of Port Darwin. We are causing the above to be communicated by wire to the authorities of the countries interested, and public notice is now being given of the tax affecting Chinese now in the Territory. We are disposed to consider that the likelihood of any large and immediate influx into the Territory, or from thence into other ports of Australia, is considerably over-estimated, and at the same time are satisfied that the above precautions will enable us to deal satisfactorily with any such difficulty should it arise. If, however, any further complications occur, we shall not hesitate to take any additional steps that may be necessary, in full reliance on the sympathy and support of our own people and Parliament, as well as of Australia generally.

T. PLAYFORD, *Premier.*

*The Hon. the Premier, Tasmania.*

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*Premier's Office, Hobart, 29th February, 1888.*

SIR,

UPON receipt of your telegram of the 20th instant, respecting representations to the Government of South Australia in regard to the introduction of a large number of Chinese at Port Darwin, I at once addressed Mr. Playford by telegraph, as suggested in your message, and received a reply—one of similar purport to which will, no doubt, have been forwarded to you—that the Government had every reason to believe that they would be able to pass a restrictive measure into law.

I have, &c.

P. O. FYSH.

*The Honorable the Premier of Queensland,  
Brisbane.*

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QUEENSLAND.

*Colonial Secretary's Office, Brisbane, 8th March, 1888.*

SIR,

I HAVE the honour to acknowledge the receipt of your letter of the 29th ultimo, intimating that on receipt of my message of the 20th idem, with reference to the arrival of a large number of Chinese at Port Darwin, you had telegraphed to the Premier of South Australia, and had received a reply from him to the effect that the Government had every reason to believe that they would be able to pass into law a measure restricting the introduction of Chinese into that Colony.

I have, &c.,

(*For the Chief Secretary*) R. J. GRAY.

*The Hon. the Premier, Tasmania.*

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1, *Russell Terrace, Victoria-street, Carlton, 24th February, 1888.*

SIR,

I HAVE been instructed by the Anti-Chinese Association of Victoria to convey to you their sincere thanks for the decided action you are taking to prevent an increase of Chinese in your Colony, and the effort you are making to prevent an influx into South Australia.

The conclusion arrived at by our Association, after careful consideration of the subject, is that nothing short of a poll-tax of £100, and an annual residential tax of £20, will be sufficient to equalize the competition between the European and the Chinese.

I have, &c.

G. R. FARLOW, *Secretary.*

*The Hon. the Premier of Tasmania.*

CIRCULAR.

*Downing-street, 23rd January, 1888.*

SIR,

I HAVE the honor to transmit to you, for communication to your Government, a copy of a letter from the Foreign Office (F.O. Dec. 21, 1887), enclosing copy of a note from the Chinese Minister at this Court calling attention to the position of Chinese subjects in Her Majesty's Colonies.

I should be glad if your Government would furnish me with a report on the subject of any exceptional legislation affecting Chinese subjects which is in force in the Colony under your Government, showing the objects for which such legislation was adopted, and the measure of success which has attended it.

I have, &amp;c.

*The Officer Administering the Government of Tasmania.*

H. T. HOLLAND.

COPY.

[Enclosure.]

FOREIGN OFFICE TO COLONIAL OFFICE.

*Foreign Office, December 21st, 1887.*

SIR,

I AM directed by the Marquis of Salisbury to transmit to you a copy of a note from the Chinese Minister (Lew-ta-jen, Dec. 12, 1887) at this Court, calling attention to the position of Chinese subjects in Her Majesty's Colonies, and requesting that an enquiry may be instituted into the Laws enacted against his countrymen by some of the Colonial Legislatures of Australia and the Dominion of Canada.

I am to request that, in laying this letter before Secretary Sir H. Holland, you will move him to cause Lord Salisbury to be informed what reply should be returned to the Chinese Minister.

I am, &amp;c.

*The Under Secretary of State, Colonial Office.*

(Sd.) P. W. CURRIE.

COPY.

[Enclosure.]

LEW-TA-JEN TO LORD SALISBURY.

*Chinese Legation, December 12th, 1887.*

MY LORD,

THE Chinese Commissioners who recently visited the Australian Colonies for the purpose of enquiring into the condition of Chinese subjects residing in these parts of H.B.M. Dominions, report that, in each of the Colonies they visited, a poll-tax of £10 is imposed on Chinese subjects, from which the subjects of other Powers are exempt. I am also informed that at the present moment a Bill, which passed the House of Assembly of Tasmania in September last, is under the consideration of the Legislative Council of that Colony, having for its object the imposition of a similar tax on all Chinese subjects who may hereafter visit the island for the purpose of trade.

In my despatch of 13th July, 1886, I had occasion to draw the attention of your Lordship's predecessor to the invidious position in which Chinese subjects were placed by the operation of a peculiarly offensive Act which had been passed by the Government of British Columbia. Having in that despatch very fully discussed the question of the injustice of making Chinese subjects, who, on the faith of Treaties and international usage had entered the Colony, the objects of discriminative legislation, I need not here revert to the matter, more especially as the Chinese Government is convinced that where Colonial Legislatures have enacted Regulations inimical to Chinese, and which were incompatible with Her Majesty's International engagements, the omission of the Crown to exercise its right of veto is not to be taken as showing that the Central Government approved them.

In the Crown Colonies it has not been found necessary to treat Chinese subjects differently from the subjects of other Powers, and it is difficult to understand why it should be otherwise in those Colonies on whom a certain amount of self-government has been conferred. It has never been alleged that Chinese immigrants were unruly. For, not only in Hong-Kong and the Straits Settlements, but also in Australia, the Colonial Governors have repeatedly borne testimony to the orderly conduct of the Chinese population, and to their value in developing the Colonial resources. There does not, therefore, appear to be any sufficient reason for their being deprived of the immunities accorded to them by the Treaties and the Law of Nations, or for their being treated differently from the subjects of other Powers residing in the same parts of H.B.M.'s dominions.

The Imperial Government sees with regret the continued existence of the exceptional and exceptionable laws which some of the Colonial Legislatures of Australia and the Dominion have at different times enacted against Chinese subjects, and hopes that, with a view to the elimination of any part of them which may be found to be at variance with Treaty obligations and international usage, Her Majesty's Government will be pleased to institute an inquiry into their nature, and how far they are compatible with the increasing growth of the friendly relations which now happily exist between the two countries.

I have, &amp;c.

*The Marquis of Salisbury, K.G., &c.*

(Sd.) LEW.

*Premier's Office, Melbourne, 23rd March, 1888.*

SIR,

REFERRING to previous correspondence respecting the immigration of Chinese to Australia, I beg to draw your attention to an aspect of the question which it appears to me requires to be borne in mind when considering the nature of the measures to be taken.

With regard to limiting, even to prohibition, the influx of Chinese, I assume that the Australian Governments are in accord; but the question arises whether local legislation by the several Colonies is after all the most satisfactory, or even the most efficient means to be employed.

I desire to submit to your consideration that it is quite possible that the influence of Her Majesty's Government with that of the Emperor of China might effect more, and perhaps in a more convenient manner, than drastic measures adopted here.

It can hardly be supposed that in a nation like China, which numbers its population by hundreds of millions, its Government can really regard with very much concern the question whether or not a few thousands depart for Australia. On the contrary, the interest of that Government would probably be to retain rather than to lose its population.

And if this be so, it must be easily within the power of the Queen's Government, in its multifarious dealings with the Government of China, to find a means and an occasion of stipulating, possibly in exchange for some small concession (such as has been recently sought in Burmah), that the Emperor should prohibit emigration to Australian ports.

Thus might be accomplished inoffensively, through the means of diplomacy, all that we desire, while legislative measures of sufficient stringency to effect our purpose might engender an international bitterness which sooner or later might find means to express itself: from a merely utilitarian point of view this is to be deprecated.

There are two important points which should not be lost sight of in dealing with this aspect of the matter, namely, the comparative proximity of the Chinese Empire to Australia, and its power to pour down upon our land vast hordes of its people.

If, then, our object can be equally well accomplished by means of friendly representations, through Her Majesty's Government, it would seem, in every point of view, desirable to take that course. The consideration of this view is the more important from the fact of representations having been made on this subject (in the form of a despatch) by the Chinese Minister in London to Lord Salisbury so lately as December last, copy of which has just been received here.

Indeed, the line of action which I suggest is that which appears in the last resort to have been adopted by the United States of America, as a telegram, which lately appeared in the newspapers, states that—

"A treaty has been signed by the Chinese Minister at Washington, Chang Yen Hoon, and Mr. Bayard, the Secretary of State for the United States, by which Chinese labourers are forbidden from entering America."

If you concur in the view I have put forward I shall be glad to know in what way you think we should proceed. I would suggest a Memorandum through the Governor to the Secretary of State.

I have, &c.

*The Honorable the Premier of Tasmania, Hobart.*

D. GILLIES, Premier.

*Premier's Office, Hobart, 5th April, 1888.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 23rd ultimo, in regard to the immigration of Chinese to Australia, and I desire to express the hearty concurrence of this Government in your views that the influence of Her Majesty's Government may be more effective in dealing with this serious subject, in which may be involved questions of Imperial policy, than by drastic measures adopted in the Colonies.

The views of this Government were very fully set forth in my letter to Sir Henry Parkes, dated 25th November last, a copy of which I have now the pleasure to enclose. As, however, since that date there has arisen substantial reason to expect an abnormally large influx of Chinese to the Colonies by way of Port Darwin, I have deemed it to be my duty, acting upon the broader view of our relations with the other Australian Colonies, to join in the request made to the Government of South Australia to legislate further for the restriction of this influx within moderate bounds, and with this object I despatched a telegraphic message (21. 2. 28.) to Mr. Playford, of which I also enclose a copy.

I have been looking with much interest for further information respecting the treaty which has been signed by the Chinese Minister at Washington, and by Mr. Bayard, on behalf of the United States Government, by which Chinese labourers are forbidden from entering America; and, concurring in your views, I am of opinion that immediately upon the terms of that treaty becoming known the whole subject of Chinese immigration to these Colonies should be reconsidered, in order that an agreement may be arrived at in regard to the terms of a joint Memorandum from the Colonial Governments to be forwarded simultaneously through Her Majesty's Representative in each Colony to the Secretary of State.

I have, &c.

P. O. FYSH.

*The Honorable the Premier of Victoria.*

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TELEGRAM.

*Hobart, 5th April, 1888.*

CHINESE Question.—Have written concurring generally in your letter of twenty-third of March, suggesting that joint Memorandum from all Colonies to Home Secretary be delayed until text of the Washington Treaty with China be received. Mr. Playford has telegraphed for copy.

P. O. FYSH, *Premier.*

*The Hon. D. GILLIES, Premier of Victoria.*

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*Colonial Secretary's Office,  
Sydney, New South Wales, 3rd April, 1888.*

SIR,

IN reference to the Chinese difficulty, and the circular letter of the 22nd ultimo on the subject from the Government of Victoria, I have the honor to enclose for your information a copy of my reply to Mr. Gillies, and also copy of the cable message of this Government, transmitted to Secretary of State on the 31st, urging that the contention of these Colonies against the continued influx of Chinese may be taken up as a national question by the Imperial Government.

I hope your Government will concur in the views of Victoria and this Colony, and make a similar representation to Her Majesty's Imperial Government.

I have, &c.

HENRY PARKES.

*The Hon. P. O. FYSH, M.L.C., Hobart, Tasmania.*

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*Colonial Secretary's Office, Sydney, 30th March, 1888.*

SIR,

IN reply to your letter of the 22nd instant on the subject of Chinese Immigration, I desire to say that the receipt of the Despatch from the Secretary of State, covering copy of the note of the Chinese Minister in London addressed to Lord Salisbury, and at the same time the knowledge received through the public press of the reported treaty made between the Government of the United States and the Government of China, suggested to me the precise course which you now submit for my consideration.

There can be no doubt whatever that we have a just ground for appealing to the Imperial Government to take up the great contention of these Australian Colonies against the continued influx of Chinese labourers. If we are part of the Empire, as self-governed Colonies excluded from all participation in the making of treaties, we have an indisputable right to expect the Imperial Government to consult and protect our separate and peculiar interests in this matter (which does not reach Her Majesty's subjects in Great Britain) by the exercise of the powers of treaty on our behalf. As you point out, all the inconvenient and possibly exasperating consequences of legislation by different Australian Parliaments would be avoided by the Empire in its highest capacity dealing with the subject.

Entertaining this view of the question, at this stage of its development, which I am very glad to learn that your Government are in accord, I incline to the opinion that it would be best for each Australian Government to act separately in communicating its views to Her Majesty's Imperial Advisers, though it would, of course, be advisable that their action should be as nearly simultaneous as practicable.

I have, &c.

HENRY PARKES.

*The Hon. DUNCAN GILLIES, M.P.*

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[Enclosure.]

*Telegram sent by His Excellency the Governor to the Secretary of State, 31st March, 1888.*

IN référence to Chinese Immigration, and the enquiry made by the Marquis of Salisbury, your Excellency's Advisers beg briefly to explain that the law of this Colony for some years past has imposed the restriction of a poll-tax of ten pounds on each immigrant, and a limitation of one immigrant to every hundred tons of the ship's burden; but, owing to recent occurrences, severer measures are now demanded throughout all the Colonies. This state of things has given rise to new reflections in dealing with a difficulty which threatens to become a calamity. As these Colonies form an important part of the Empire, it is submitted that our cause of contention is of sufficient national concern to be taken up by the Empire. If we have no voice in the making of treaties, it seems only just that our interests should be considered and protected by those who exercise that power. We learn by public report that the Government of the United States has entered into a treaty with the Government of China by which Chinese immigration into America is no longer permitted. We fail to see why Australia may not be similarly protected. We desire, on behalf of this Colony, through your Excellency, to impress upon Her Majesty's Imperial advisers the more prominent phases of the Chinese question, as it specially and almost exclusively affects the Australian section of the British people. (1.) The Australian ports are within easy sail of the ports of China. (2.) The climate, as well as certain branches of trade and industry in Australia, such as the cultivation of the soil for domestic purposes, and tin and gold mining, are peculiarly attractive to the Chinese. (3.) The working classes of the British people in all the affinities of race are directly opposed to the Chinese competitors. (4.) There can be no sympathy, and in the future it is to be apprehended that there will be no peace, between the two races. (5.) The enormous number of the Chinese population intensifies every consideration of this class of immigration in comparison with the immigration of any other nation. (6.) The most prevailing determination in all the Australian communities is to preserve the British type in the population. (7.) There can be no interchange of ideas of religion or citizenship, nor can there be intermarriage or social communion between the British and Chinese. It is respectfully submitted that the examination of those principal phases of the question can only lead to one conclusion, namely, that the Chinese must be restricted from emigrating to any part of Australasia. It will be seen that while the question scarcely touches the people of the United Kingdom, it vitally concerns these great colonies, whose importance in their political and commercial relations entitles them to be protected by the diplomatic influence and the powers of treaty which belong to the Empire. With renewed expressions of our loyal attachment to Her Majesty, we urge that immediate steps be taken to open such negotiations with the Emperor of China as will result in permanent security to the Australian Colonies from the disturbance of Chinese immigration in any form. The matter is too grave and urgent to admit of long delay. However desirable it may be to avoid the irritation and conflict of interests which may arise from local legislation of a drastic character, if protection cannot be afforded as now sought the Australian Parliaments must act from the force of public opinion in devising measures to defend the Colonies from consequences which they cannot relax in their efforts to avert.

HENRY PARKES, *for Cabinet.*  
31. 3. 88.

*Premier's Office, Hobart, 10th April, 1888.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 3rd instant, forwarding copy of your reply to Mr. Gillies' circular letter of 22nd March, and also of a Telegram from your Government to the Secretary of State for the Colonies in reference to Imperial assistance in dealing with the influx of Chinese into the Australian Colonies.

This important question has already had the attention of this Government, as explained in my former communication to you dated 25th November last; but the new phase opened up by the possibility of its being diplomatically dealt with through the instrumentality of the Home Government, as urged by Mr. Gillies, is worthy of adoption.

I have, therefore, communicated to him the concurrence of myself and of my colleagues in his views, with the full anticipation that the joint action of the Australian Governments will secure that attention to this most important subject which unity of opinion is certain to command.

As, however, the text of the Treaty signed at Washington between the American and Chinese Governments will soon be received, in response to an application which, I observe from the Press, has been telegraphed for by Mr. Playford, the Premier of South Australia, I have deemed it the better course to suggest a little further delay, in order that there may be before us the terms of this agreement, which, it may be presumed, is of a mutually satisfactory character.

Your Telegram of 31st March, sent to the Secretary of State through His Excellency Lord Carrington, has probably anticipated joint action, but will not have a prejudicial effect, for, as you justly observe therein, "our cause of contention is of sufficient national concern to be taken up by the Empire."

The attention of the Imperial Government has already been given to this subject, when Her Majesty in Council was not advised to withhold her assent to the Western Australian Act, 50 Vict. No. 13, entitled "An Act to regulate and restrict Chinese Immigration," passed by the Legislature of a Crown Colony, and similar in purport and intention to Acts of nearly all the Australian Parliaments.

It is to be presumed from the foregoing fact that there do not exist any recognised rights under international law which can be forcibly urged against the restriction of immigration of Chinese subjects into British territory; and, if the observations of Sir Michael Hicks-Beach, when objecting to the appointment of Chinese Consuls to British ports, be correctly reported, the Treaty of Tien Tsin gave no such rights.

It is worthy of observation that hitherto restriction, and not prohibition, has been the aim of all legislation throughout the Australian Colonies, and it will be well—bearing in recollection the public utterances of yourself and Sir Samuel Griffiths—that there be an early understanding as to the ultimate object of our contention, and the limit to which the "severer measures," referred to in your telegram to the Secretary of State, may be anticipated to extend. I do not understand a later paragraph in your telegram that "the Chinese must be restricted from emigrating to any port of Australasia," to mean prohibition, and I am of opinion that the case will be met by restriction.

Whatever may be the purpose of the Governments of the Continental Colonies, they may rely upon this Government to recognise the more extended interests which its neighbours represent, even although Tasmania may not have experienced the necessity for the extreme conclusions arrived at.

At present I propose to wait for replies to this letter, and to my communication to Mr. Gillies of the 5th instant.

I have, &c.

P. O. FYSH.

*The Hon. the Colonial Secretary of New South Wales.*

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*Premier's Office, Hobart, 16th April, 1888.*

SIR,

I HAVE recently been in communication with the Premiers of New South Wales and Victoria respecting the restriction of Chinese immigration to the Australasian Colonies, and the new phase of that question brought under notice by the Secretary of State in his Circular Despatch of 23rd January, 1888.

From the fact that Her Majesty was not advised to exercise her power of disallowance in regard to Colonial Acts dealing with Chinese immigration, and especially in reference to the Western Australian Act, 50 Vict. No. 13, passed by the Legislature of a Crown Colony, it is to be presumed that there do not exist any recognised rights under international law which can be forcibly urged against restrictions upon Chinese immigration into British territory. Further, if Sir Michael Hicks-Beach, when objecting to the appointment of Chinese Consuls at British ports, be correctly reported, the Treaty of Tien Tsin gave no such rights.

Although Tasmania is not so directly interested in this question as the Continental Colonies, and has not experienced the necessity for the extreme measures proposed, this Government are quite prepared to consider the subject from their neighbours' more extended point of view.

I have expressed my concurrence in Mr. Gillies' opinion that Imperial influence may be more effective in coping with this serious difficulty than Colonial legislative measures, and also in his recommendation that each Colonial Government should make representations to the Secretary of State requesting assistance, by means of diplomatic negotiations with China towards securing permanent protection against the introduction of natives of that country in undesirable numbers. It may be advisable, however, to postpone such action until the terms of the treaty recently concluded between the American and Chinese Governments are known.

Sir Henry Parkes has, to a certain extent anticipated joint Colonial action; but the unity of Australasian opinion must be so apparent that his telegram to the Secretary of State cannot have a prejudicial effect on any subsequent representations.

I have pointed out in my communications to the Governments of New South Wales and Victoria that it is desirable a distinct understanding should be arrived at, without delay, as to the limit to which restriction is to be carried, for it is my opinion that restriction, and not prohibition, will prove sufficient to meet all the requirements of the Colonies.

I shall be glad to learn that your Government concur in the proposal to ask Imperial aid, without which it is apparent that serious complications must ensue.

*The Hon. the Premier of South Australia.*

I have, &c.

P. O. FYSH.

*Premier's Office, Hobart, 13th April, 1888.*

SIR,

WITH reference to recent correspondence on the subject of Chinese Immigration to the Australian Colonies, I have the honor to enlose for your information copy of a letter (10th April) which I addressed to Sir Henry Parkes in reply to a communication from him, reporting the representations made to the Secretary of State by the Government of New South Wales.

I have, &c.

*The Hon. the Premier of Victoria.*

P. O. FYSH.

QUEENSLAND.

*Chief Secretary's Office, Brisbane, 9th April, 1888.*

SIR,

I HAVE the honor to forward to you, for your information, the accompanying copy of a letter which I addressed to His Excellency the Governor on the 24th ultimo with reference to Sir Henry Holland's Circular Despatch of the 23rd of January last, transmitting copy of a note from the Chinese Minister at the Court of St. James, calling attention to the position of Chinese subjects in Her Majesty's Colonies.

I have, &c.

S. W. GRIFFITH.

*The Hon. the Premier, Tasmania.*

FORWARDED to the Hon. the Attorney-General with previous correspondence on the Chinese question.

By direction of the Premier,

JAS. ANDREW, *Secretary.*  
18. 4. 88.

[Enclosure.]

*Chief Secretary's Office, Brisbane, 24th March, 1888.*

SIR,

I HAVE the honour to acknowledge the receipt from your Excellency of Sir H. T. Holland's Circular Despatch of 23rd January last, in which is transmitted a copy of a letter from the Foreign Office enclosing copy of a note from the Chinese Minister at the Court of St. James, calling attention to the position of Chinese subjects in Her Majesty's Colonies, and in which the Secretary of State invites a report on the subject of any exceptional legislation affecting Chinese subjects in force in Queensland, showing the objects for which such legislation was adopted, and the measure of success which has attended it.

2. The first measure which was proposed especially affecting Chinese in this Colony was introduced in the year 1876. This Bill, by which it was proposed that Asiatic and African Aliens should be required to pay an increased fee for Miners' Rights and Business Licences issued under the Gold Fields Act, passed both Houses, and was reserved by the Governor (Mr. W. W. Cairns) for Her Majesty's assent, which was, however, withheld on the grounds stated in Lord Carnarvon's despatch of 27th March, 1877.

The immediate reason for the introduction of the Bill at this time was the very large and, as it was thought by the Legislature, dangerous influx of Chinese, attracted by the then recently discovered Palmer Gold Field.

3. In the following Session a Bill differing in no material particular from the Bill of 1876 was again introduced and assented to by Governor Sir A. E. Kennedy, under instructions from the Colonial Office, after the nature of its provisions had been communicated to London by telegraph.

4. The principal argument urged by Lord Carnarvon for advising Her Majesty to withhold the Royal assent to the Bill of 1876 was that the proposed legislation was inconsistent with the implied obligations of the Treaty of Tien Tsin. It was, however, pointed out in the debates in the Legislative Assembly of Queensland that that Treaty contained no stipulation on the part of Her Majesty's Government to allow the unrestricted immigration of Chinese into the British Possessions, the only stipulation bearing on the subject being to the effect that the Government of China would not prevent the emigration of Chinese subjects engaged for service in those Possessions, which, it was urged, and, I suppose, successfully, did not impose a corresponding obligation to impose no restrictions upon Chinese voluntarily emigrating for other purposes.

5. In the same year an Act was passed, the main provisions of which were that no ship might bring to the Colony more Chinese (*i.e.*, natives of the Chinese Empire or its dependencies not born of British parents) than in the proportion of one to every ten tons of registered tonnage; that every Chinese on arrival in Queensland was required to pay the sum of £10, which was to be returned to him if within three years from the date of his arrival he left the Colony, and proved that he had not in the meantime been confined in a gaol after conviction of an offence, that he had paid all fines and penalties imposed on him, and that he had not been the cause of any charge to the Colony as a patient in a hospital or asylum.

6. In the year 1878 the last-mentioned Act was repealed, and it was provided by the Gold Fields Act Amendment Act of that year that Chinese should not be allowed to mine on Gold Fields until after the expiration of three years from the date of their first Proclamation, unless the Gold Field had been discovered by an Asiatic or African alien.

7. In the year 1884, the laws already mentioned having been found insufficient to restrict the immigration of Chinese, the Act of 1877 was amended by reducing the number of Chinese passengers that might be brought into Queensland waters by any ship to one for every 100 tons of registered tonnage, by increasing the sum payable on arrival to £30, and by repealing the provision for the repayment of the poll-tax on departure within three years from the date of arrival.

8. The effect of the law of 1884 has been that the number of Chinese arriving in Queensland by sea has been in each year somewhat less than the number of those departing. The easy means of transit by land between the various Australian Colonies, however, renders it impossible to exercise any effective control over their migration across the borders of the Colonies. And as the laws of all the other Australian Colonies are less severely restrictive than those of Queensland, and there is at present no law restricting their immigration into the Northern Territory of South Australia, the danger of an influx of Chinese from the other Colonies, attracted by the rich goldfields of Queensland, is becoming very serious.

9. It has been proved by experience that the Chinese become formidable competitors with European labour in almost every branch of industry—some branches, such as cabinet-making, having been almost monopolised by them in several of the Australian cities. And as, owing to their habits of life, the cost of subsistence is to them very much less than to Europeans living in accordance with European habits, the effect of their unrestricted competition would undoubtedly be to materially lower wages and reduce the standard of comfort of the European artisan and labourer.

10. But the main and, in the opinion of this Government, the insuperable objection to allowing the immigration of Chinese is the fact that they cannot be admitted to an equal share in the political and social institutions of the Colony. The form of civilisation existing in the Chinese Empire, although of a complicated and in many respects marvellous character, is essentially different from the European civilisation which at present prevails in Australia, and which I hold it to be essential to the future welfare of the Australian Continent to preserve.

Under our system every citizen is allowed to have a voice in the government of his country, and the presence in considerable numbers of an alien race occupying an inferior position could not fail before long to bring about very serious troubles, and would probably necessitate a radical change in our political institutions, and entirely alter the future history and development of Australia.

When the Chinese Commissioners referred to in the Chinese Minister's note visited Queensland, I took the opportunity of directing their attention to this aspect of the question, which they appeared to fully appreciate.

11. There can be no doubt, I think, that the public opinion of Australia is firmly and resolutely opposed to the further introduction of Chinese, and it has become a matter of pressing moment to devise the best and most efficacious means, acting within the rules of international comity, of excluding them.

12. I conceive, however, that there is no rule, either of international law or comity, which requires one nation to admit within its borders, against its will, the subjects of another. Instances have not been infrequent of the exclusion of persons of alien nationalities from various European States; and, although it has not been the practice of the British Government to follow these examples, I apprehend that the principles of self-preservation would compel any State to prevent an invasion, whether hostile or peaceful, by subjects of another State, which would be injurious to its own subjects.

13. I hope that Her Majesty's Government will support the earnest wishes of the Australian Colonists in this matter, and will use their good offices with the Court of Peking with the view of inducing the Chinese Government to discourage, and, if possible, forbid the emigration of Chinese to Australasia.

I have the honor to be,

Your Excellency's most obedient humble Servant,

S. W. GRIFFITH.

*His Excellency Sir ANTHONY MUSGRAVE, G.C.M.G.,*  
Governor, &c.

Premier's Office, Melbourne, 17th April, 1888.

SIR,

REFERRING to previous correspondence relative to the question of Chinese Immigration to the Australasian Colonies, I have the honour to forward herewith, for your information, a printed copy of the Memorandum (11th April, 1888) which I have addressed to His Excellency the Governor in reply to the Secretary of State's Circular Despatch, dated 23rd January, 1888, relative to the position of Chinese subjects in these Colonies.

I have, &c.

The Honorable the Premier, Hobart.

D. GILLIES, Premier.

FORWARDED for the information of the Honorable the Attorney-General.

By direction of the Premier,

JAS. ANDREW, Secretary.  
19th April, 1888.

[Enclosure.]

(COPY.)

Premier's Office, Melbourne, 11th April, 1888.

# MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

Circular, 23rd  
January, 1888.

THE Premier presents his duty to Your Excellency, and returns the accompanying Despatch from the Right Honourable the Secretary of State, relative to the position of Chinese subjects in these Colonies.

Mr. Gillies has the honour to submit the Report asked for on the subject of especial legislation affecting Chinese in Victoria, and to offer some observations on the general question raised by His Excellency Leu-ta-jen.

Exceptional  
legislation  
affecting  
Chinese  
subjects.

The exceptional legislation affecting Chinese subjects in Victoria is comprised in :—

- The Chinese Immigrants Statute 1885 ;
- The Chinese Act 1881 ; and
- Section 3 of the Factories and Shops Amendment Act 1887 ;

copies of which are enclosed.

2. The main points of special legislation are the following :—

- a. Vessels are not allowed to bring more than one Chinese per 100 tons of tonnage.
- b. Poll-tax of £10 is imposed on Chinese.
- c. Chinese are not allowed votes at Parliamentary, or Municipal, or Mining Board elections.
- d. These provisions do not apply to female Chinese (sec. 3, Act of 1865).

Object of such  
legislation.

3. The object of this legislation was, of course, the restriction of Chinese immigration. This was rendered necessary by the broad stream of that population which in 1853 commenced to set in towards these shores. In 1854 there were 2000 Chinese in Victoria ; at the end of 1859 their number was estimated at 42,000.

Measure of  
success which  
has attended  
it.

27 Vic. No.  
200.  
28 Vic. No.  
259.

4. The poll-tax at once moderated this influx ; and as most of the Chinese return to China as soon as they have gathered sufficient wealth, the number in this Colony rapidly diminished. By 1863 it had decreased to 20,000, and, this being so, the experiment of removing the poll-tax was tried.

In 1881, however, the colonies again took alarm from the action of Western Australia, where measures were being taken to import Chinese labourers. This was felt to be, as it were, opening the door of the whole continent ; and it was deemed necessary to at once re-impose the poll-tax and other restrictions.

The vigorous action of this and the neighbouring colonies proved successful, as an examination of the Statistics of Chinese arrivals (given in the Appendix A hereto) will show.

The disabilities, however, to which the Chinese were subjected by the law led, not unnaturally, to attempts at evasion. In 1885, a very large increase in the number of Letters of Naturalization taken out by Chinese was noticed, and shortly afterwards a corresponding increase in the number of Chinese arrivals was observed. There is no doubt that a traffic in these documents had sprung up, and that they were being obtained by Chinese here, and then remitted to China, to be presented by other Chinese subsequently arriving here. Owing to the similarity in personal appearance (at least to the European eye) of all Chinese, it was almost impossible for the Customs authorities to detect the imposture.

This abuse of Letters of Naturalization, which probably commenced in 1882, caused a revival in Chinese immigration. During the 11 years ending with 1881, 91 only of such letters were issued to Chinese ; since then the numbers have been as shown in Appendix B.

In 1885, when the fraud was discovered, additional precautions were adopted in connection with the issue of Naturalization Papers, and the large immigration in the year 1886 was doubtless owing to a desire to avail of the papers already held before the door was closed.

In the letter of the Chinese Minister, dated 12th December, 1887, His Excellency remonstrates against a discriminative legislation towards the Chinese, the reason of which he finds it difficult to understand.

That reason, however, is not far to seek. It is found in the totally different character of Chinese immigration from all other immigration.

Members of the European family of nations joining our community become amalgamated with the general population; they bring their wives and children with them; their habits of life, their style of civilization, their religion and morals, and their physique, are so much on an equality with our own that they blend readily with the population, and are heartily welcome.

The Chinese stand out in marked contrast. They come without their women and children, apparently having no intention to settle, and occupy an isolated position in every community where they are found; the "Chinese Quarter" in our cities and principal towns is proverbial: it is always distinct and often notorious.

Nor is it the mere fact of this isolation, but the impossibility of its being otherwise.

The Chinese, from all points of view, are so entirely dissimilar as to render a blending of the peoples out of the question.

They are not only of an alien race, but they remain aliens. Thus, we have not a colonisation in any true sense of the word, but practically a sort of peaceful invasion of our land by Chinese.

The existence in our midst of this separate community involves some conditions of a very objectionable character. The Chinese are an industrious race, and owing to their meagre sense of the comforts of life, and their having no homes and family to support, they are willing to work for much less remuneration than our own people; their hours of labour are also much longer than those established here.

This unfair competition, on most unequal terms, has been severely felt in several branches of industry.

Again, in the infancy of a nation, the question of race is of paramount importance, and the issue is therefore raised, whether in the occupation of this great continent, with all its possibilities of progress, and its opportunities of outlet for the surplus populations of Europe, we are to admit hordes of the Mongolian race, or, on the other hand, to reserve for those peoples—our own, or kindred to our own—that have led the van of the world's civilization.

The Chinese Minister himself admits how widespread is the sentiment on the matter. His letter shows that not only in Australia, but in Canada and British Columbia, restrictive measures towards Chinese immigration have been adopted, while the Government of the United States of America is said to have just concluded negotiations in the same direction with the Court of Peking.

The Chinese Minister appeals to Treaty obligations. Mr. Gillies is not aware of the exact nature and extent of these obligations, but he feels assured that any such Treaty as may have been referred to was never contemplated to operate injuriously against the settlement and progress of these Australian communities, by requiring them to receive the population of a Foreign State, either in such numbers as might prove a menace to their peace and stability, or under such circumstances as would bring about serious disarrangements in the occupations of the people.

It is almost unnecessary to remind Your Excellency that, while these and other British colonies have no direct voice in the contracting of Treaties between the Empire and Foreign Powers, they are frequently affected by the obligations imposed by them; and it is, therefore, not unreasonable to expect that, in such cases, efforts should be made by those on whom the exercise of that power devolves, to watch over and conserve the rights and interests of the colonies more immediately interested.

Mr. Gillies trusts that, in the present matter, Her Majesty's Government will see fit to exercise its influence in behalf of these portions of the Empire, by endeavouring to induce the Government of China to take similar measures for preventing emigration to Australasia to those understood to have been adopted at the instance of the United States of America.

(Signed) D. GILLIES, *Premier*.

#### APPENDIX A.

##### ARRIVALS OF CHINESE BY SEA, 1861-1886.

1861	...	154	1870	...	584	1879	...	875
1862	...	175	1871	...	704	1880	...	947
1863	...	80	1872	...	385	<sup>2</sup> 1881	...	1348
1864	...	978	1873	...	269	1882	...	327
<sup>1</sup> 1865	...	1085	1874	...	386	1883	...	433
1866	...	974	1875	...	521	1884	...	557
1867	...	317	1876	...	377	1885	...	670
1868	...	300	1877	...	449	1886	...	1108
1869	...	1121	1878	...	819			

<sup>1</sup> Poll-tax then recently abolished.

<sup>2</sup> Proposition to re-impose tax then before Legislature.

## APPENDIX B.

—				Naturalizations.	Immigrations.
1882	...	...	...	317	327
1883	...	...	...	519	433
1884	...	...	...	601	557
1885	...	...	...	1178	670
1886	...	...	...	173	1108

*Premier's Office, Hobart, 1st May, 1888.*

## MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

THE Premier has the honor to return to Your Excellency the Secretary of State's Circular Despatch of 23rd January last, on the subject of Colonial legislative action respecting Chinese Immigration.

Communications on this important question have for some time passed between this Government and the neighbouring Colonies; and the Honourable the Attorney-General, in an exhaustive Memorandum, dated 24th instant, has not only embodied the views expressed by the Premier in this Correspondence, but has drawn attention to the legal aspect of the subject, and to the error of His Excellency the Chinese Minister in relying upon International Law to strengthen his representations.

Mr. Fysh begs to enclose a copy of this Memorandum, which he will be glad if Your Excellency will transmit to the Secretary of State, with an expression of the hope of Ministers that the influence of the Imperial Government may be exercised in support of the desire of Her Majesty's loyal subjects throughout Australasia that the immigration of Chinese subjects to these Colonies may be restricted.

P. O. FYSH.

[Enclosure.]

*Attorney-General's Office, Hobart, 24th April, 1888.*

## MEMORANDUM FOR THE HON. THE PREMIER.

IN reference to the Circular Despatch from the Right Honorable the Secretary of State for the Colonies, dated the 23rd January of the present year, accompanied by copy of letter from the Foreign Office, dated 21st December, 1887, and copy of note from the Chinese Minister in England, dated 12th December, 1887, calling attention to the position of Chinese subjects in Her Majesty's Colonies, I have the honor to submit to the Hon. the Premier the following Report upon the subject of exceptional legislation in this Colony affecting the immigration of Chinese:—

1. Only one Act (51 Vict. No. 9) has been passed by the Legislature of this Colony for the purpose of restricting and regulating the immigration of Chinese into its territory. It came into operation on the 7th day of November, 1887, and is in force at the present time. It is intituled "An Act to regulate and restrict the Immigration of Chinese," and its short title is "The Chinese Immigration Act, 1887." Its principal provisions are as follows:—

- (a.) No vessel is allowed to bring into the Colony more than one Chinese to every hundred tons of the tonnage of such vessel, calculated by the rules of measurement prescribed by "The Merchant Shipping Act, 1854."
- (b.) In respect of every Chinese who is landed in Tasmania a poll-tax of £10 is payable by the master of the vessel by which he was carried.
- (c.) The master of every vessel from which any Chinese is landed in respect of whom such poll-tax is not paid is liable to a penalty of £20 for each Chinese so landed, and in addition to any such penalty the vessel becomes thereby forfeited, and may be seized, condemned, and disposed of in like manner as ships forfeited for a breach of any law relating to the Customs.
- (d.) All Chinese who arrive in Tasmania as portion of the crew of any vessel, and who shall not be discharged while in the Colony, or land, except in the performance of their duty in connection with such vessel, are exempt from the payment of the tax.

2. In reference to the request of the Right Honorable the Secretary of State for the Colonies to be informed as to the objects for which such exceptional legislation has been adopted, I have to suggest to the Hon. the Premier that it is desirable to state that while the influx of Chinese into Tasmania has not been so great as to create a similar local necessity for restrictive legislation on the question as that which has caused the enactment of the more stringent measures in force in some of the other Australasian Colonies, the Legislature and the people of this Colony felt that, irrespective of the probability of such a local necessity arising at an early date in consequence of the increased inducements offered to Chinese immigra-

tion by additional discoveries of tin, silver, and gold in the western districts of the Colony, it was incumbent upon them to co-operate in this matter with the Legislatures of the other Australasian Colonies in which such a necessity had arisen, and to prevent Tasmania from being used as a temporary residence by Chinese immigrants for the purpose of obtaining letters of naturalization so that they might thereafter obtain admission into other Colonies without paying the poll-tax or complying with the other restrictions imposed by the Legislatures of those Colonies upon Chinese immigration.

3. The natural and mutual amity existing between Tasmania and the other Australasian Colonies as neighbouring dependencies of the same Empire would be sufficient of itself to suggest such co-operation in any matter particularly affecting the welfare of any one or more of them; but the confederation of this Colony with the Colonies of Victoria, Queensland, Western Australia, and Fiji, under the provisions of "The Federal Council of Australasia Act, 1885," specially justifies similar action on the part of the Legislatures of these Colonies in respect to any question upon which dissimilar action or simple inactivity is not required for the due protection of local interests, and yet might operate to the detriment of some of the Colonies in the Federation in consequence of their geographical proximity to the others.

4. The reference made by His Excellency the Chinese Minister to Her Majesty's international engagements induces me to observe that the exceptional legislation that has been adopted by the majority of the Australasian Colonies on the subject of Chinese immigration does not violate any recognised rule of international comity; on the contrary, it is a fundamental maxim of International Law that "every State has the right to regulate immigration to its territories as is most convenient to the safety and prosperity of the country, without regard to the Municipal Law of the country whence the foreign immigration proceeds." (See Ferguson's Manual International Law, vol. 1, page 130, and Calvo's Droit Intern., vol. 1, liv. viii.)

5. His Excellency the Chinese Minister is in error in stating that "In the Crown Colonies it has not been found necessary to treat Chinese subjects differently from the subjects of other Powers." In July, 1886, the Governor of the Crown Colony of Western Australia assented to an Act passed by the Legislative Council, intituled "An Act to regulate and restrict Chinese Immigration," the provisions and language of which are almost identical with those of the Act of this Colony on the same subject. The adoption of this measure by the Legislature of Western Australia is particularly significant, because in the year 1882 an Act was passed in that Colony which was calculated to encourage the importation of Chinese and African labourers for the development of the Pearl Fisheries and other industries there, but the subsequent action of its Legislature directly indicates that the presence of the Chinese in that Colony demonstrated the force of the objections previously made to their unrestricted admission in the older Colonies of the Continent.

6. In connection with his erroneous statement as to the absence of restrictive legislation on this subject in any of the Crown Colonies, His Excellency the Chinese Minister says that "it is difficult to understand why it should be otherwise in those Colonies on which a certain amount of self-government has been conferred." This statement seems to insinuate that the legislation adopted by the self-governing Colonies in restriction of Chinese immigration is the fruit of their democratic institutions; and if this was a fact it might be inferred that the object of such legislation was simply to exclude Chinese from competition with Australasian artisans and labourers in the Colonial labour market; but the action of the Crown Colony of Western Australia is a conclusive answer to this supposition, and it is beyond doubt that in none of the Australasian Colonies would the artisans or labourers have sufficient power or influence to obtain restrictive legislation on this question if they were not aided by the convictions of a majority of the other members of the community that such legislation is necessary for its present and future welfare.

7. Both the virtues and the vices of the Chinese are bred in them by a civilisation stretching back in an unparalleled fixedness of character and detail to an age more remote than any to which the beginnings of any European nation can be traced, and the experience of both America and Australasia prove that no length of residence amidst a population of European descent will cause the Chinese immigrants who remain unnaturalized to change the mode of life or relinquish the practices that they bring with them from their native country. It is consequently certain that if the unnaturalized Chinese should at any time become as numerous, or nearly as numerous, in any Colony as the residents of European origin, the result would be either an attempt on the part of the Chinese to establish separate institutions of a character that would trench on the supremacy of the present legislative and administrative authorities, or a tacit acceptance by them of an inferior social <sup>and</sup> political position which, associated with the avocations that the majority of them would probably follow, would create a combined political and industrial division of society upon the basis of a racial distinction. This would inevitably produce in the majority of the remainder of the population a degraded estimate of manual labour similar to that which has always existed in those communities where African slavery has been permitted, and thereby call into existence a class similar in habit and character to the "mean whites" of the Southern States of the American Union before the Civil War. Societies so divided produce particular vices in exaggerated proportions, and are doomed to certain deterioration.

8. The alternative supposition that the Chinese immigrants would apply for and obtain letters of naturalization and so acquire political equality with the remainder of the population, suggests a result equally menacing to the permanence of the civilisation and structure of society now existing in these Colonies, inasmuch as the indurated and renitent character of the habits and conceptions of the Chinese immigrants make their amalgamation with populations of European origin, so as to become constituent portions of a homogeneous community retaining the European type of civilization, an impossibility.

9. The foregoing considerations invest the restrictive and prohibitory measures of the Australasian Colonies against Chinese immigration with a sanction that Her Majesty's Government cannot fail to recognise as sufficient to promote its intervention to obtain from the Court of Peking a co-operation in the

prevention of the emigration of its subjects to the Australasian Colonies similar to that which it is stated has been obtained by the Government of the United States in regard to the immigration of Chinese into America.

A. INGLIS CLARK, *Attorney-General.*

*The Hon. the Premier.*

*Premier's Office, Hobart, 2nd May, 1888.*

SIR,

IN acknowledging the receipt of your letter of the 17th ultimo, enclosing copy of your reply to the Secretary of State's Circular Despatch of 23rd January last, respecting the position of Chinese subjects in the Australian Colonies, I have the honor to forward copy of a communication, with enclosure, which I addressed to His Excellency the Governor of this Colony when returning the Despatch referred to.

I have, &c.

P. O. FYSH.

*The Honorable the Premier of Victoria.*

*Premier's Office, Hobart, 2nd May, 1888.*

SIR,

IN reference to previous correspondence respecting the position of Chinese subjects in the Australian Colonies, I have the honor to enclose for the information of your Government copy of a memorandum, with enclosure, which I addressed to His Excellency the Governor of this Colony in reply to the Secretary of State's Despatch of the 23rd January last.

I have, &c.

P. O. FYSH.

*The Honorable the Premier of South Australia.*

*Premier's Office, Hobart, 2nd May, 1888.*

SIR,

IN reference to previous correspondence respecting the position of Chinese subjects in the Australian Colonies, I have the honor to enclose for the information of your Government copy of a memorandum, with enclosure, which I addressed to His Excellency the Governor of this Colony in reply to the Secretary of State's Despatch of 23rd January last.

I have, &c.

P. O. FYSH.

*The Honorable the Premier of New South Wales.*

*Premier's Office, Hobart, 2nd May, 1888.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 9th ultimo, enclosing copy of a communication from you to His Excellency Sir Anthony Musgrave, in reply to the Secretary of State's Circular Despatch of 23rd January last, on the subject of Chinese Immigration to the Australian Colonies.

This Government have always evinced their desire to co-operate with the neighbouring Colonies in protecting Australian interests, and they have considered and dealt with the Chinese difficulty on this basis. I enclose for your information copy of a memorandum which I addressed to His Excellency the Governor when returning the Colonial Office Despatch already referred to.

I have, &c.

P. O. FYSH.

*The Honorable the Premier of Queensland.*

No. 103.

*Premier's Office, Hobart, 2nd May, 1888.*

SIR,

THE important question of the influx of Chinese into Australia has for some time occupied the attention of this Government and of those of the neighbouring Colonies.

The legislative measures adopted to restrict this immigration have evoked a protest from the Chinese Minister at the Court of St. James, which was communicated to His Excellency the Governor by the Secretary of State on the 23rd January last.

On the 1st instant I addressed His Excellency in reply to this Despatch, copy enclosed, and forwarded a memorandum from the Honorable the Attorney-General, which dealt exhaustively with both the legal and social aspects of the difficulty.

It is hoped that the representations made by these Colonies may result in the exercise of Imperial influence in the direction desired.

I have, &c.

P. O. FYSH.

*The Acting Agent-General for Tasmania, London.*

*Chief Secretary's Office, Adelaide, 28th April, 1888.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 16th instant, respecting the restrictions of Chinese immigration to the Australasian Colonies, and the new phase of that question brought under notice by the Secretary of State in his Circular Despatch of the 23rd January, 1888.

I have, &c.

T. PLAYFORD.

*The Honorable the Premier, Tasmania.*

*Premier's Office, Melbourne, 8th May, 1888.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 2nd instant, forwarding copy of a Memorandum dated 1st May, 1888 (with its enclosure), which you addressed to His Excellency the Governor of Tasmania in returning the Circular Despatch from the Right Honorable the Secretary of State for the Colonies, dated 23rd January last, respecting the position of Chinese subjects in these colonies.

I beg to thank you for your communication.

I have, &c.

D. GILLIES, Premier.

*The Honorable the Premier, Hobart.*

#### QUEENSLAND.

*Chief Secretary's Office, Brisbane, 10th May, 1888.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 2nd instant, and to thank you for the copies of the Memorandums transmitted therewith—the former addressed by you to His Excellency the Governor of Tasmania, and the latter from the Attorney-General of that Colony to yourself—upon the subject of Chinese immigration to the Australian Colonies.

I have, &c.

S. W. GRIFFITH.

*The Honorable the Premier, Tasmania.*

#### TELEGRAM.

*Adelaide, 9th May, 1888.*

It occurs to the South Australian Ministry that, in the present aspect of the Chinese question, unity of action amongst all the colonies of Australasia is most likely to satisfactorily effect our common purpose of restricting Chinese immigration. We think also that this unity can be best secured by a conference of representatives of the different Governments, when the matter might be fully discussed, and a joint course arrived upon. We suggest, therefore, that such a conference should be held with all possible despatch, and we shall be happy to make arrangements for the representation of this Government at such time and place as may be most convenient to all. We are addressing a similar communication to the other Australian Governments, and we are anxious to receive your early reply to our suggestion.

T. PLAYFORD.

*The Hon. the Premier, Tasmania.*

## TELEGRAM.

*Hobart, 10th May, 1888.*

THE course which you suggest was anticipated by me at an early stage of the Chinese correspondence, but Sir Henry Parkes led off the separate memoranda which from each Colonial Government are now on their way to the Imperial Authorities. The unanimity of opinion therein shown may be relied upon to effect the desired result. Cabinet duties connected with the immediate meeting of Parliament will prohibit the attendance of any Member of this Government at the proposed Conference.

P. O. FYSH, *Premier.**The Hon. the Premier, South Australia.*

## TELEGRAM.

*Sydney, 11th May, 1888.*

IF Conference on Chinese difficulty is held, we think it would be limited to Colonies under Responsible Government, as such alone can act for themselves, and that each Government should be represented by two Members of Executive Council. We shall be very glad to act with other Colonies, but are prepared to act alone. Regret that, owing to pressure of Parliamentary business, Ministers cannot leave Sydney at present time.

HENRY PARKES.

*The Hon. P. O. FYSH, Tasmania.*

## TELEGRAM.

*Hobart, 11th May, 1888.*

HAVE been compelled to decline attendance at Conference on Chinese question, owing to preparations to meet Parliament.

P. O. FYSH, *Premier.**Sir HENRY PARKES, Sydney, New South Wales.*

## TELEGRAM.

*Adelaide, 11th May, 1888.*

TRUST you will reconsider question of Chinese Conference, as we have already favourable replies from New South Wales, Victoria, and New Zealand, and complete representation of all the Colonies highly desirable.

E. PLAYFORD, *Premier.**Hon. the Premier, Tasmania.*

## TELEGRAM.

*Hobart, 11th May, 1888.*

I AM reluctantly compelled to adhere to former decision not to attend Conference; but, if able to be present, would urge restriction as sufficient to meet the case, and not prohibition.

P. O. FYSH, *Premier.**The Hon. the Premier, South Australia.*

## TELEGRAM.

*Hobart, 12th May, 1888.*

(Translation.) Chinese Immigration.—Our views despatched by last mail. Restrictive measures preferable to prohibitive.

PREMIER.

*Agent-General for Tasmania, London.*

## TELEGRAM.

*Hobart, 15th May, 1888.*

CHINESE Immigration.—Our Agent-General informed that views of Government in favour of restriction of numbers rather than prohibition.

P. O. FYSH, *Premier.**Sir HENRY PARKES, Sydney, New South Wales.*

## TELEGRAM.

*Adelaide, 15th May, 1888.*

WE still hope that you will be able to provide for the representation of Tasmania at the proposed Chinese Conference, and suggest that the same should meet in Sydney on the 19th of June, each Colony to be represented by two Members of the Executive. If necessary, we shall ask our Parliament to consent to a short adjournment. We shall be glad to know if this will meet your views. Sydney is suggested as being probably most generally convenient.

T. PLAYFORD, *Premier.**The Hon. the Premier, Tasmania.*

## TELEGRAM.

*Adelaide, 16th May, 1888.*

WE have just despatched the following telegram to the Premier of New South Wales, and if the same meets with your approval we would respectfully suggest that the matter might be made the subject of a similar representation by your Government:—"Re Chinese Conference, we respectfully suggest for your consideration that immediate decisive legislation by any Colony on any subject properly coming within the scope of the intended Chinese Conference might affect the probability of our securing our joint objects and the utility of the Conference, and should, if possible, be postponed pending the result of joint Australian deliberations. To obviate any inconvenience attaching to delay, we shall be prepared to agree to any proposal for expediting the meeting of the Conference which may be agreeable to all interested."

T. PLAYFORD, *Premier.**The Hon. the Premier, Tasmania.*

## TELEGRAM.

*Hobart, 16th May, 1888.*

FOLLOWING telegram just despatched to Sir Henry Parkes:—"Chinese Conference.—This Government will send two representatives as suggested by you, to meet at a time agreeable to all concerned; but in view thereof respectfully suggest that legislation be deferred upon any subject which may possibly be affected by joint deliberations in Conference."

P. O. FYSH, *Premier.**The Hon. the Premier, Adelaide, South Australia.*

## TELEGRAM.

*Hobart, 16th May, 1888.*

CHINESE Conference.—This Government will send two representatives, as suggested by you, to meet at a time agreeable to all concerned; but in view thereof respectfully suggest that legislation be deferred upon any subject which may possibly be affected by joint deliberations in Conference.

P. O. FYSH, *Premier.**Sir HENRY PARKES, Sydney, New South Wales.*

## TELEGRAM.

*Sydney, 17th May, 1888.*

BILL to virtually exclude Chinese passed through all its stages in Legislative Assembly. Suspension of Standing Orders, and second reading carried without dissentient voice. Bill fully passed after 7 o'clock this morning, amidst loud cheers.

HENRY PARKES, *Colonial Secretary.**Hon. P. O. FYSH, Tasmania.*

## TELEGRAM.

*Hobart, 17th May, 1888.*

YOUR telegram notifying passing of Bill virtually excluding Chinese just received. Conference thereby rendered unnecessary. This Government must now decline to confer upon a subject already settled as to one Legislature in defiance of opinions expressed by colonies invited to the Conference.

P. O. FYSH, *Premier.**Sir HENRY PARKES, Sydney, New South Wales.*

## TELEGRAM.

*Hobart, 17th May, 1888.*

TELEGRAM just received from Sydney notifies passing of Bill virtually excluding Chinese. Conference thereby rendered unnecessary. This Government must now decline to confer upon a subject already settled as to one Legislature in defiance of opinions expressed by colonies invited to the Conference.

P. O. FYSH, *Premier.**The Hon. the Premier, Adelaide, South Australia.*

## TELEGRAM.

*Hobart, 17th May, 1888.*

TELEGRAM just received from Sydney notifies passing of Bill virtually excluding Chinese. Conference thereby rendered unnecessary. This Government must now decline to confer upon a subject already settled as to one Legislature in defiance of opinions expressed by colonies invited to the Conference.

P. O. FYSH, *Premier.**The Hon. the Premier, Melbourne, Victoria.*

## TELEGRAM.

*Sydney, 17th May, 1888.*

THIS Government will concur in any arrangement which may be agreed upon by Premiers of South Australia and Victoria for Conference on Chinese question with view to united presentation to Imperial Government, but it would be extremely inconvenient for two Ministers to leave Sydney at present time.

HENRY PARKES, *Colonial Secretary.**The Hon. P. O. FYSH, Tasmania.*

## TELEGRAM.

*Adelaide, 18th May, 1888.*

YESTERDAY we received the following telegram from Sir Henry Parkes:—"This Government will concur in any arrangement which may be agreed upon by Premier of South Australia and Victoria for conference on Chinese question, with view to united representations to Imperial Government, but would be extremely inconvenient for two Ministers to leave Sydney at present time." To this we replied this morning as follows:—"We regret that we cannot see our way clear to accepting the limitation on the objects of the Chinese Conference which you desire to impose, but we shall be glad to carry out the original arrangement to Playford; we shall be glad to receive an expression of your views in reply to this telegram, and also as to date of meeting."

T. PLAYFORD, *Premier.**The Hon. the Premier, Tasmania.*

## TELEGRAM.

*Hobart, 19th May, 1888.*

IF New South Wales Legislature passes the Bill virtually excluding Chinese, this Government will adhere to its intention not to be represented at Conference.

P. O. FYSH, *Premier.**The Hon. the Premier, Adelaide, South Australia.*

*Telegram from Secretary of State for the Colonies. [Recd. 22nd May, 1888.]*

"TELEGRAM from Colonial Governments relative to Chinese being carefully considered. Replies will be sent on earliest possible date."

## TELEGRAM.

*Adelaide, 23rd May, 1888.*

HIS Excellency the Governor has just received the following telegram from the Secretary of State for the Colonies:—"London, 22nd May. Referring to your telegram of the 10th May, there can be no doubt that Her Majesty's Government would obtain assistance from the Australian Colonies making a joint representation dealing with Chinese immigration question; if Conference

meets, Her Majesty's Government will be happy to telegraph for consideration the points for discussion which are important.—(Signed) KNUTSFORD." We are disposed to consider that an indication from the Imperial Authorities of any points on which they specially desire an expression of the views of the Conference might be of considerable utility.

T. PLAYFORD, *Chief Secretary.*

*The Hon. the Premier, Tasmania.*

TELEGRAM.

*Hobart, 24th May, 1888.*

CHINESE question.—This Government will make every effort to be represented in person at Conference upon important points referred by Her Majesty's Government.

P. O. FYSH.

*Hon. T. PLAYFORD, Premier, Adelaide.*

TELEGRAM.

*Adelaide, 29th May, 1888.*

WE have arranged that the Chinese Conference shall be held at Sydney on 12th June, when we trust your Colony will be represented.

T. PLAYFORD, *Premier.*

*The Premier, Tasmania.*

TELEGRAM.

*Hobart, 30th May, 1888.*

COUNCIL has adjourned to enable me to be present at Conference. I hope nothing will prevent.

P. O. FYSH, *Premier.*

*The Hon. T. PLAYFORD, Adelaide, South Australia.*

CHINESE IN AUSTRALASIAN COLONIES.

<i>Colony.</i>	<i>Census 1881.</i>	<i>Census 1886.</i> (Based on figures 1881.)	
Victoria .....	12,128	11,244	Census May, 1886.
New South Wales .....	10,205	9461	
Queensland .....	11,229	10,500	
South Australia .....	4151	3849	
Western Australia .....	145	134	
New Zealand .....	5004	4550	Census March, 1886.
March 31, 1888 .....	42,862	39,738	
*Tasmania, estimated.....	1000	1000	
GRAND TOTAL .....	43,862	40,738	

\* Tasmania, (Census 1881), 844. The estimate for 31st March is based upon figures compiled by Secretary of Mines, to which I have added the probable numbers of Chinese not engaged in mining pursuits.

NOTE.—I have no means for ascertaining the number of Chinese since Census 1881, except in the case of *Queensland* and *New Zealand*, where a Census was taken in the year 1886. Taking these by themselves, it is shown that the Chinese have decreased 7·287 per cent. since 1881. This was to be expected, owing to the gradual decline in the alluvial gold mines of Australasia (Tasmania excepted) on account of the large area of stanniferous drifts since discovered. If we take the decline in *New Zealand* and *Queensland* as approximate to the percentage of decline in the number of Chinese in Australia and New Zealand, then the present numbers may be reckoned as follows:—

Australia and New Zealand, Chinese, 1888..... No. 39,738  
Tasmania, Chinese .....

No. 1000

TOTAL..... No. 40,738

or nearly 1·16 per cent. of the total population of Australasia.

R. M. JOHNSTON.  
*June 2nd, 1888.*

## TELEGRAM.

*Hobart, 4th June, 1888.*

KINDLY wire me the points suggested by Imperial Government for consideration by Chinese Conference. I leave Hobart Wednesday morning.

P. O. FYSH.

*The Hon. the Premier, Adelaide, South Australia.*

## TELEGRAM.

*Hobart, 4th June, 1888.*

WOULD suggest the advisability of your asking all the Governments to include in Commissions appointing Representatives to Chinese Conference power to consider landing of Récidivistes. I leave Hobart Wednesday morning. Kindly wire reply.

P. O. FYSH.

*Sir HENRY PARKES, Sydney, New South Wales.*

## TELEGRAM.

*Adelaide, 4th June, 1888.*

CHINESE Conference points not yet received ; will communicate immediately on receipt.

T. PLAYFORD, *Premier.*

*The Hon. the Premier, Tasmania.*

## TELEGRAM.

*Sir HENRY PARKES to the Premier.*

*Sydney, 6th June, 1888.*

WILL have no objection to consider question of landing of Récidivistes in these Colonies at the Conference on Chinese, and the necessary authority to do so will be included in the Commission.

HENRY PARKES.

*Chief Secretary's Office, Hobart, 4th June, 1888.*

## MEMO.

THE Chief Secretary requests the Honorable the Attorney-General to instruct the Crown Solicitor to prepare a Commission appointing the Honorable Philip Oakley Fysh to represent the Colony of Tasmania at the Conference to be held at Sydney, in the Colony of New South Wales, to consider the questions connected with the Immigration of Chinese into Australasia.

P. O. FYSH.

WILL the Crown Solicitor please to prepare the required Commission.

A. INGLIS CLARK.  
*5th June, 1888.*

COMMISSION herewith.

EDW. D. DOBBIE.  
*5th June, 1888.*

*The Hon. the Chief Secretary.*

## NOTE.

COMMISSION forwarded to His Excellency the Governor, signed, sealed, and handed to Mr. Fysh.

B. TRAVERS SOLLY.  
*5th June, 1888.*

## TELEGRAM.

*The Governor of South Australia to the Governor.*

*Adelaide, 7th June, 1888.*

FOLLOWING from Secretary of State :—

“Referring to your telegram of 22nd May, inform Conference Her Majesty’s Government anxious to meet views of Australasian Colonies with regard to limiting Chinese Immigration, but

measures adopted by New South Wales create obstacles to present negotiations with China. It is therefore important to ascertain whether, in substitution for legislation of a similar kind, other arrangements more in accordance with feeling and views of Chinese Government, and at the same time fully effective for purposes of restricting Chinese immigration, may not be adopted. Having regard to political and commercial interests of Empire, and particularly to commercial interests of Australasian Colonies, no avoidable obstacles should be placed in the way of trade which is likely to afford valuable market for products of Australasian Colonies. Chinese Government specially objects to legislation for placing Chinese immigrants on different footing to subjects of any other power, and it seems desirable to consider whether laws and regulations equally restricting immigration into Colonies of all foreign labourers—with powers of relaxing regulations in special cases reserved to Governments—may not meet requirements of case if these placed on equal footing with other nations. Chinese Government, if it was still thought necessary to come to an international arrangement in accordance (with?), might be willing to accept conditions more or less of a similar kind to conditions laid down in treaty concluded with United States of America, and limitation of numbers which would be permitted to embark for any of the Australasian Colonies. In any (case) it should be clearly understood that while Her Majesty's Government will be prepared to consider any representations from Conference, they are not at present able to give any assurance. Negotiations with Chinese Government are not opened, as it depends on nature of proposals to be made to that Government, but confidently believe that Conference will endeavour to conciliate susceptibilities of Chinese Government as far as practicable.

SECRETARY OF STATE FOR THE COLONIES."

We do not propose to publish the foregoing telegram prior to Conference, and trust your Excellency's Government will adopt similar course.

GOVERNOR.

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TELEGRAM.

Adelaide, 7th June, 1888.

(CONFIDENTIAL). *Re Chinese Conference.*—Referring to the telegram of to-day from the Secretary of State for the Colonies, we are strongly of opinion that the same should not be communicated to the press or made public in any way before the Conference has an opportunity of considering it. Our Governor is wiring yours a copy of the telegram we refer to.

Hon. Premier, Tasmania.

T. PLAYFORD, Premier.

Tasmania.

No. 29.

Downing-street, 10th May, 1888.

SIR,

I HAVE the honor to transmit to you, for communication to your Government, the accompanying Extract, which has been reprinted from the *New York Tribune* of the 28th March last, purporting to give the text of the recent Treaty concluded between the Government of China and that of the United States on the subject of Chinese Immigration, together with explanatory letters from the President of the United States and Mr. Bayard.

In view of the occasional references to this Treaty in official and in press telegrams from Australia, I think it right to lose no time in forwarding to you (in the absence of the authentic text) this newspaper account of its provisions, to which, of course, no official character will be attached.

I have, &c.

Governor SIR R. G. C. HAMILTON, K.C.B., &c.

(Signed) KNUTSFORD.

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EXTRACT from the "NEW YORK TRIBUNE" of 28th March, 1888.

A NEW TREATY WITH CHINA.

Full text of Mr. Bayard's recent Diplomatic effort.

Restriction which does not restrict—property qualification clause and damages to be paid—Mr. Bayard's explanatory letter.

[By telegraph to the Tribune.]

WASHINGTON, March 27.—The new Chinese treaty recently concluded in this city by Secretary Bayard and Chang Yen Hoon, the Chinese Minister, together with the letter of the President transmitting the treaty, and an explanatory letter of Secretary Bayard to the Senate, is herewith given in full. The injunction of secrecy has not yet been removed from the treaty by the Senate, but that may be done at some future time. The Senate never hurries undignifiedly in such matters. The full text of the treaty is as follows:

Whereas, on the 17th day of November, A.D. 1880, a treaty was concluded between the United States and China for the purpose of regulating, limiting, or suspending the coming of Chinese labourers to, and their residence in, the United States;

And whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese labourers has given rise in certain parts of the United States, desires to prohibit the emigration of such labourers from China to the United States;

And whereas the Government of the United States and the Government of China desire to co-operate in prohibiting such emigration, and to strengthen in other ways the bonds of friendship between the two countries.

Now, therefore the President of the United States has appointed Thomas F. Bayard, Secretary of State of the United States as his plenipotentiary, and His Imperial Majesty the Emperor of China has appointed Chang Yen Hoon, Minister of the third rank of the Imperial Court, Civil President of the Board of Imperial Cavalry, and Envoy extraordinary and Minister Plenipotentiary, as his plenipotentiary, and the said plenipotentiaries having exhibited their respective full powers, found to be in due and good form, have agreed upon the following articles :

Article I. The high contracting parties agree that for a period of 20 years, beginning with date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese labourers to the United States shall be absolutely prohibited.

*Wherein right of return is granted.*

Article II. The preceding article shall not apply to the return to the United States of any Chinese labourer who has a lawful wife, child, or parents in the United States, or property therein to the value of \$1000, or debts of like amount due him and pending settlement. Nevertheless every such Chinese labourer shall, before leaving the United States, deposit, as a condition of his return, with the Collector of Customs of the district from which he departs a full description in writing of his family, or property, or debts as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe, and not inconsistent with the provisions of this treaty ; and should the written description aforesaid prove to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited.

And such right of return to the United States shall be exercised within one year from the date of leaving the United States, but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where, by reason of sickness or other cause of disability beyond his control, such Chinese labourer shall be rendered unable sooner to return, which facts shall be fully reported to the Chinese consul at the port of departure, and by him certified to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States.

*Exemption of certain Chinese subjects.*

Article III. The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants or travellers, for curiosity or pleasure, but not labourers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States they may produce a certificate from their Government, or the Government where they last resided, vised by the diplomatic or consular representative of the United States in the Country or port whence they depart.

It is also agreed that Chinese labourers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

Article IV. In pursuance of Article III. of the immigration treaty between the United States and China, signed at Peking on the 17th day of November, 1880, it is hereby understood and agreed that Chinese labourers, or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their person and property all rights that are given by the laws of the United States to citizens of the most favoured nation, excepting the right to become naturalized citizens—and the Government of the United States reaffirms its obligation, as stated in the said Article III., to exert all its power to secure protection to the persons and property of all Chinese subjects in the United States.

*Indemnity for Injuries to Chinamen.*

Article V. Whereas, Chinese subjects, being in remote and unsettled regions of the United States, have been the victims of injuries in their persons and property at the hands of wicked and lawless men, which unexpected events the Chinese Government regrets, and for which it has claimed an indemnity, the legal obligation of which the Government of the United States denies ; and whereas the Government of the United States humanely considering these injuries and bearing in mind the [? friendship subsisting between] the Government of the United States and China, which the high contracting parties wish to cement, is desirous of alleviating the exceptional and deplorable sufferings and losses to which the aforesaid Chinese have been subjected ; therefore, the United States, without reference to the question of liability (which as a legal obligation, it denies), agrees to pay on or before the 1st day of March, 1889, the sum of two hundred and seventy-six thousand six hundred and nineteen dollars and seventy-five cents (\$276,619 75) to the Chinese Minister at this Capitol, who shall accept the same, on behalf of his Government, as full indemnity for all losses and injuries sustained by Chinese subjects as aforesaid, and shall distribute the said money among the said sufferers and their relatives.

Article VI. This convention shall remain in force for a period of twenty years, beginning with the date of the exchange of the ratifications ; and if, six months before the expiration of the said period of twenty years, neither Government shall formally have given notice of its termination to the other, it shall remain in full force for another like period of twenty years.

*A short letter from the President.*

The following letter of the President accompanies the treaty :—

To the Senate.

I have the honour to transmit herewith, and recommend for your constitutional approval, a convention signed and concluded in this city on the 12th instant, under my direction, between the United States and China for the exclusion hereafter of Chinese labourers from coming into this country. This treaty is accompanied by a letter from the Secretary of State in recital of its provisions and explanatory of the reasons for its negotiation, and with it are transmitted sundry documents giving the history of events connected with the presence and treatment of Chinese subjects in the United States.

In view of the public interest which has for a long time been manifested in relation to the question of Chinese immigration, it would seem advisable that the full text of the treaty should be made public, and I respectfully recommend that an order to that effect be made by your honourable body.

Executive Mansion, Washington,  
March 16, 1888.

GROVER CLEVELAND.

*Secretary Bayard's explanation.*

The following is Secretary Bayard's explanation of the features of the treaty :—

To the President :

I have now the honour to transmit herewith, with a view of its being communicated to the Senate for its advice and consent, a convention providing for the absolute prohibition of the coming of Chinese labourers into the United States, which was concluded in this city on the 12th instant by me, under your instructions and authority, and by the Chinese Minister at this Capitol under the Imperial authority of China.

Shortly after the advent of your Administration it was considered advisable, in view of the manifest popular discontent in the States bordering upon the Pacific growing out of the presence there of Chinese labourers and their obvious lack of assimilation with the sympathies, habits, and interests of our own citizens, and the demonstrated inefficiency of the statutes intended to restrict their coming among us, that an effort should be made to procure the

desired relief by obtaining the consent and co-operative action of China by means of an amended treaty, and thus avoid the necessity of a resort to special legislation, which without the co-operative assistance of the Chinese Government would be less effectual, and might also be open to exception as being in conflict with or in derogation of the stipulations of existing conventions, and possibly as impairing our good understanding with a friendly Power.

The temporary absence from the United States in 1885, and the subsequent illness of the then Chinese Minister, unavoidably delayed negotiations, but upon the arrival of his successor, the present Minister, Chang Yon Hoon, propositions were speedily submitted to him for a convention absolutely prohibiting the immigration of Chinese labourers, and, after some further delay, arising from a visit made by him to Europe last summer, the treaty herewith transmitted has been concluded.

*The purpose and object of the Treaty.*

By this arrangement we have secured the co-operation of China in the main purpose and object of the treaty, which is plainly stated in the first article of the convention to be the absolute prohibition of Chinese labourers from coming into the United States for twenty years, and its renewal thereafter for a similar period unless notice shall have been given as provided in Article VI.

This precludes the return of any Chinese labourers who are not now in this country, and forbids the coming into the United States of Chinese labourers from any quarter whatsoever. From this inhibition are excepted any Chinese labourer who has a lawful wife, child or parent in the United States, or property therein of the value of one thousand dollars (\$1,000), or debts of like amount due him and pending settlement. Considerations of humanity and justice require these exceptions to be made, for no law should overlook the ties of family, and the wages of labour are entitled to just protection. Judging also by the statistics of the class in question and from general experience, such excepted cases will be practically few in number, infrequent and easily capable of such regulations as will prevent abuse.

The regulation and control of the issue of such certificates of return will be wholly in the hands of United States officials, and power to prescribe other laws at discretion may be exercised by the United States. Such right to return is for a limited period, and the certificates are invalidated by the perpetration of fraud in connexion with their procurement or use, and the United States are free to adopt such measures as may become advisable to check or punish any abuse.

*Fraudulent entries under the old system.*

In the course of late litigation in the United States Courts in California, arising out of the contested claims of certain Chinese labourers to return to the United States under the certificates now provided by law, it has been pertinently suggested by the learned judges before whom the cases were tried, that the detailed information contained in the certificates themselves, as now issued to the Chinese, furnishes the means of fraudulent entry of Chinese labourers, to whom such certificates have been fraudulently transferred and who are not entitled to come to the United States. And it has been pointed out that if all the facts requisite for complete identification of the departing Chinamen were retained in the United States, official custody, and a paper containing only a simple number, and properly marked, signed and countersigned by the officers, were furnished, the means of detecting and preventing fraud in the transfer of the certificate would be given, and the present abuses made almost impossible of recurrence.

Existing treaty privileges of travel and sojourn in the United States to Chinese officials, teachers, students, merchants and travellers for curiosity and pleasure remain undisturbed, as well as the transit right of labourers, strictly to be exercised under United States regulations.

*Justifying the Indemnity Clause.*

The stipulations of the third article of the treaty of 1880 provided for the extension of the full protection to the person and property of Chinese subjects of all classes that is given by the laws of the United States to the most favoured nation, and by the terms of that article, the United States also agreed "to exert all its power to secure such protection" to the persons and property of Chinese subjects in the United States. It cannot justly be alleged that any discrimination has been made against the Chinese by the laws of the United States, nor that they have been denied or obstructed in their access to the avenues of public remedial justice, which are open to all persons alike without distinction of race or nationality. But the fact remains that, for reasons heretofore stated in the message of the President to Congress in relation to the Rock Springs indemnity, there has been a failure of justice in the repression and punishment of crime and lawless violence of which Chinese were the victims, owing to the mingled causes of race prejudice, labour rivalries, their peculiar habits, and segregation from other nationalities.

The ill-treatment to which Chinese labourers have been subjected by our jurisdiction, where they are practically beyond the reach of the protecting arm of the law, has been a subject of just complaint by their Government, as well as mortification and sorrow to our own, and Congress heretofore, in the case of the Rock Springs massacre in Wyoming Territory, in view of all the circumstances, has made voluntary appropriations for the relief of the sufferers and their families.

The distribution of Governmental powers under our system forbids the assumption of local police control by the Federal authority except in the cases provided for by the Constitution wherein State and local Governments make application to the Executive for the assistance of the military arm of the Government. The stipulations of our treaty with China do not demand the enactment or enforcement of laws discriminating in favour of the Chinese subjects in the United States, nor does it entitle them to greater or other protection than is accorded to citizens of the most favoured nation. Tried by this test, the Chinese, in all cases of injuries to their persons or property are equal before the laws of this country to the citizens of any other "most favoured nation," and certainly to our citizens.

*Sentimental features of the Convention.*

But the fact remains that they have suffered grievously in person and property, and whilst the liability of the United States is wholly inadmissible, as is recited in Article V. of the treaty now submitted, yet it is competent for this Government, in humane consideration of those occurrences, so discreditable to the community in which they have taken place, and outside of the punitive powers of the National Government, to make voluntary and generous provisions for those who have been made the innocent victims of lawless violence within our borders, and to that end, following the dictates of humanity, and, it may be added, the example of the Chinese Government in sundry cases where American citizens, who were the subjects of mob violence in China, have been indemnified by that Government, the present treaty provides for the payment of a sum of money, to be received as full indemnity for all such losses and injuries sustained by Chinese subjects in the United States to be received and distributed by the Chinese Minister at this Capitol. This payment will, in a measure, remove the reproach to our civilization caused by the crimes referred to, as well as redress the grievance so seriously complained of by the Chinese representative, and unquestionably will also reflect most beneficially upon the welfare of American residents in China.

I submit herewith a list of the claims from time to time presented to this department through the Chinese Minister, in which the names of the claimants, the amount of the losses, and estimation and details of the injuries inflicted are set forth.

Respectfully submitted,

Department of State, Washington, March 16, 1888.

T. F. BAYARD.

## TELEGRAM.

*The Hon. P. O. FYSH to His Excellency the Governor of Tasmania.*

*Sydney, 14th June, 1888.*

DIFFERING, as I am compelled to do from the general conclusions of the Conference which are this day being cabled to England, I have found it to be necessary to cable my dissent, with reasons, to Agent-General for Lord Knutsford. I respectfully suggest to Your Excellency that you may find it consistent to wire the fact to Lord Knutsford.

P. O. FYSH.

*Following Telegram from the Secretary of State for the Colonies.*

For Ministers.

R. G. C. H.

19.6.88.

"HER Majesty's Government recognise the spirit in which Chinese Immigration question has been discussed by Conference, and will be prepared to consider resolutions in all their bearings without delay."

NEW SOUTH WALES.

*Colonial Secretary's Office, Sydney, 18th June, 1888.*

SIR,

I HAVE the honor to transmit herewith six copies of the Minutes of Proceedings of the Conference on the Chinese question.

I have, &c.

*(for the Colonial Secretary)*

CRITCHETT WALKER;

*Principal Under Secretary.*

*The Hon. P. O. FYSH, M.L.C., Hobart, Tasmania.*

1 8 8 8.

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NEW SOUTH WALES.

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CONFERENCE ON CHINESE QUESTION.

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PROCEEDINGS OF THE CONFERENCE,

HELD IN SYDNEY IN JUNE, 1888.

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MINUTES OF THE PROCEEDINGS.

PAPERS LAID BEFORE THE CONFERENCE.

MINUTES OF PROCEEDINGS  
OF THE  
CONFERENCE ON CHINESE QUESTION.

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At the Executive Council Chamber, Sydney,

12 JUNE, 1888.

The following gentlemen, representing the under-mentioned Colonies, were present:—

*New South Wales*: The Hon. SIR HENRY PARKES, G.C.M.G., M.P.  
The Hon. JOHN FITZGERALD BURNS, M.P.  
*Victoria*: The Hon. DUNCAN GILLIES, M.P.  
The Hon. ALFRED DEAKIN, M.P.  
*South Australia*: The Hon. THOMAS PLAYFORD, M.P.  
The Hon. CHARLES CAMERON KINGSTON, Q.C., M.P.  
*Queensland*: The Hon. JOHN MURTAGH MACROSSAN, M.P.  
*Western Australia*: The Hon. SIR MALCOLM FRASER, K.C.M.G., M.L.C.  
*Tasmania*: The Hon. PHILIP OAKLEY FYSH, M.L.C.

On the motion of the Honorable THOMAS PLAYFORD, seconded by the Honorable DUNCAN GILLIES, the Honorable Sir Henry Parkes, G.C.M.G., was appointed President.

On the motion of the Honorable DUNCAN GILLIES, seconded by the Honorable P. O. FYSH, Mr. Alex. C. Budge was appointed Secretary.

The Commissions of the Representatives were laid upon the Table.

The Conference then proceeded to consider the question of admitting representatives of the Press, when after deliberation it was not considered expedient to do so.

The following Petitions were laid before the Conference and read:—

1. From Quong Tart.
2. From Chinese merchants.
3. From E. Kretsohing.

The Council unanimously resolved that the President and the Honorable J. F. Burns be a Committee to direct what papers should be printed.

The Honorable CHARLES C. KINGSTON explained the absence of the Honorable Richard Oliver, who is appointed to represent New Zealand.

The Honorable THOMAS PLAYFORD then laid before the Conference a telegram from the Secretary of State to His Excellency Sir W. C. F. Robinson, the Governor of South Australia, which was read.

The Honorable THOMAS PLAYFORD gave notice of the following Resolutions:—

- "1. That in the opinion of this Conference the further restriction of Chinese immigration is essential to the welfare of the people of Australasia.
- "2. That this Conference is further of opinion that the necessary restriction can best be secured through the diplomatic action of the mother country, and by uniform Australasian legislation.
- "3. That this Conference resolves to consider a joint representation to the Imperial Government for the purpose of obtaining the desired action.
- "4. That this Conference resolves to consider a draft Bill as the basis of the legislation referred to.
- "5. That a Committee, to consist of \_\_\_\_\_ be appointed to prepare the form of representation, and draft Bill.
- "6. That the Committee to prepare the draft Bill be instructed as follows:—
  - "(1.) That this Bill shall apply to all Chinese.
  - "(2.) That the restriction should be by way of poll-tax and by limitation of the number of Chinese which any vessel may bring into an Australasian port.
  - "(3.) That the poll-tax be £30 per head, and the limitation one Chinese to every 200 tons.
  - "(4.) That the influx of Chinese from one Colony to another without payment of poll-tax be made a misdemeanour.
  - "(5.) That no Chinese now in Australasia be rendered liable to any payment or penalty other than is provided by existing regulations.

It was then resolved, unanimously, that voting should be by Colonies.

The Council adjourned at 4:20 until to-morrow at 9:30 A.M.

Confirmed, 13th June, 1888.

ALEX. C. BUDGE, *Secretary*.

HENRY PARKES, *President*.

## At the Executive Council Chamber, Sydney,

13 JUNE, 1888.

Present :—

*New South Wales* : The Hon. SIR HENRY PARKES, G.C.M.G., M.P.  
The Hon. JOHN FITZGERALD BURNS, M.P.  
*Victoria* : The Hon. DUNCAN GILLIES, M.P.  
The Hon. ALFRED DEAKIN, M.P.  
*South Australia* : The Hon. THOMAS PLAYFORD, M.P.  
The Hon. CHARLES CAMERON KINGSTON, Q.C., M.P.  
*Queensland* : The Hon. JOHN MURTAGH MACROSSAN, M.P.  
*Western Australia* : The Hon. SIR MALCOLM FRASER, K.C.M.G., M.L.C.  
*Tasmania* : The Hon. PHILIP OAKLEY FYSH, M.L.C.

The Conference having assembled at 9:30 A.M., the Minutes of yesterday's proceedings were read and confirmed.

The Honorable THOMAS PLAYFORD then brought before the Conference the Resolutions of which he had given notice, as follows :—

- "1. That in the opinion of this Conference the further restriction of Chinese immigration is essential to the welfare of the people of Australasia.
- "2. That this Conference is further of opinion that the necessary restriction can best be secured through the diplomatic action of the mother country, and by uniform Australasian legislation.
- "3. That this Conference resolves to consider a joint representation to the Imperial Government for the purpose of obtaining the desired diplomatic action.
- "4. That this Conference resolves to consider a draft Bill as the basis of the legislation referred to.
- "5. That a Committee, to consist of \_\_\_\_\_ be appointed to prepare the form of representation, and draft Bill.
- "6. That the Committee to prepare the draft Bill be instructed as follows :—
  - "(1.) That this Bill shall apply to all Chinese.
  - "(2.) That the restriction shall be by way of poll-tax and by limitation of the number of Chinese which any vessel may bring into an Australasian port.
  - "(3.) That the poll-tax be £30 per head, and the limitation one Chinese to every 200 tons.
  - "(4.) That the influx of Chinese from one Colony to another without payment of poll-tax be made a misdemeanour.
  - "(5.) That no Chinese now in Australasia be rendered liable to any payment or penalty other than is provided by existing regulations."

And moved the first resolution, which was carried on the following division :—

Ayes.	No.
New South Wales.	Tasmania.
Victoria.	
South Australia.	
Queensland.	

Western Australia did not vote.

The Honorable THOMAS PLAYFORD then moved the second resolution, as amended, viz. :—

"That this Conference is of opinion that the necessary restriction can best be secured through the diplomatic action of the Imperial Government and by uniform Australasian legislation,"

which was carried unanimously.

The Honorable THOMAS PLAYFORD also moved the third resolution, which was carried unanimously.

The Honorable THOMAS PLAYFORD then moved the following resolution in lieu of No. 6 :—

"That this Conference is of opinion that the desired Australasian legislation should contain the following provisions :—

"(1.) That it shall apply to all Chinese, with specified exceptions." (Carried.)

The Honorable THOMAS PLAYFORD then moved the following resolution (No. 2) :—

"That the restriction should be by way of poll-tax and by limitation of the number of Chinese which any vessel may bring into an Australasian port."

Upon which the Honorable DUNCAN GILLIES moved an amendment as follows :—

"That all the words after the word "be" in the first line be omitted, with a view to the insertion of the following words :—'By limitation of the number of Chinese which any vessel may bring into any Australasian port to one Chinese to every 500 tons of the ship's burthen.'"

The PRESIDENT then put the following motion :—

"That the words proposed to be omitted stand part of the question,"—when it was negatived on the following division :—

Ayes.	Noes.
South Australia.	New South Wales.
Queensland.	Victoria.
	Tasmania.

Western Australia did not vote.

The amendment was then put and carried upon the following division :—

Ayes.	No.
New South Wales.	Tasmania.
Victoria.	
South Australia.	
Queensland.	

Western Australia did not vote.

The Honorable THOMAS PLAYFORD withdrew No. 3 of the Resolutions.

The Honorable THOMAS PLAYFORD proposed No. 4 as follows :—

“That the influx of Chinese from one Colony to another, without consent of the Colony which they enter, be made a misdemeanor”—which was carried.

The Honorable THOMAS PLAYFORD asked leave to postpone No. 5, which was granted.

A Committee was then appointed, consisting of the Honorable Alfred Deakin, the Honorable Charles Cameron Kingston, and the Honorable John Murtagh Macrossan, to frame and bring up the form of Representation and Draft Bill referred to.

The Conference then adjourned until to-morrow at 9-30 a.m.

Confirmed, 14th June, 1888.

ALEX. C. BUDGE, *Secretary*.

HENRY PARKES, *President*.

At the Executive Council Chamber, Sydney,

14th JUNE, 1888.

Present :—

<i>New South Wales :</i>	The Hon. SIR HENRY PARKES, G.C.M.G., M.P. The Hon. JOHN FITZGERALD BURNS, M.P.
<i>Victoria :</i>	The Hon. DUNCAN GILLIES, M.P. The Hon. ALFRED DEAKIN, M.P.
<i>South Australia :</i>	The Hon. THOMAS PLAYFORD, M.P. The Hon. CHARLES CAMERON KINGSTON, Q.C., M.P.
<i>Queensland :</i>	The Hon. JOHN MURTAGH MACROSSAN, M.P.
<i>Western Australia :</i>	The Hon. SIR MALCOLM FRASER, K.C.M.G., M.L.C.
<i>Tasmania :</i>	The Hon. PHILIP OAKLEY FYSH, M.L.C.

The Conference having assembled at 9-30 a.m., the Minutes of the Proceedings on the 13th instant were read and confirmed.

The Committee appointed to frame the form of Representation to the Imperial Government and the Draft Bill, laid the same on the Table, when they were read, and the Conference went into Committee on the Bill.

After considering the Bill clause by clause, and making certain amendments, it was adopted.

Tasmania voted against the Bill.

Western Australia did not vote.

The Conference next proceeded to the consideration of the proposed Representation to be made to the Secretary of State for the Colonies, as drawn up by the Committee, when it was agreed to, with amendments.

A telegram from Sir Thomas McIlwraith, Premier of Queensland, to the Honorable J. M. Macrossan, on the subject of Lord Knutsford's [circular] telegram to the Governors of the Australasian Colonies, was then read as follows :—

“Brisbane, 14th June, 1888.

“Cabinet have considered confidential telegram from Lord Knutsford, and unanimously disapprove of his suggestion to place all foreign labourers on the same footing, with power to relax the regulations in certain cases.”

The Honorable ALFRED DEAKIN proposed, and the Honorable JOHN M. MACROSSAN seconded, the following resolution :—

“That the Governments of the Colonies represented at the Conference, with the exception of the Governments of New South Wales and Western Australia, undertake to introduce to their respective Parliaments measures which shall, while providing for the particular local circumstances of each Colony, approach as closely as possible to the draft Bill which has been adopted by the Conference, and shall contain nothing inconsistent therewith,”

which was carried upon the following division :—

Ayes.	No.
Victoria.	Tasmania.
South Australia.	
Queensland.	
Western Australia.	

The Representatives of New South Wales at the Conference desired to place the following memorandum on record :—

“We the undersigned Representatives of New South Wales at the Conference of the Australasian Colonies on the Chinese question, being unable to join in the last preceding Resolution, in consequence of legislation now before Parliament, do hereby concur in and agree to the

policy embodied therein; and so soon as two or more of the other Colonies have passed into law the Typical or Uniform Bill agreed upon by this Conference, we further agree to take the necessary steps to bring the law of New South Wales into strict harmony with those of the other Colonies, reserving to New South Wales, however, the right of any variations or additions not inconsistent with the main principles of Agreement.

HENRY PARKES.  
J. F. BURNS."

The Honorable Sir MALCOLM FRASER also desired to place on record the following memorandum:—  
"Sir Malcolm Fraser could engage that the Bill should be laid before the Legislative Council of Western Australia, but could not state what action the Government of that Colony would take in regard to it."

The Honorable PHILIP O. FYSH also desired to place on record the following memorandum:—  
"June 14, 1888. Tasmania dissents from the decision of the Conference 'That further restriction of Chinese immigration is essential to the welfare of the people of Australasia,' because the vigorous legislative action of the Colonies has already proved successful in limiting the number of Chinese immigrants—a fact which is established by statistics and admitted in the Ministerial memorandum of Victoria upon this subject, dispatched in March last; also, from the engagement by the Governments to secure, if practicable, the early passage of a measure similar to the Draft Bill through their respective Parliaments without waiting the result of the representations made by cable to the home authorities as being inconsistent with the request made by the Governments of New South Wales, Victoria, Queensland, and Tasmania for home Government intervention in the matter which this Bill proposes to dispose of, and because all that need be desired may be accomplished by treaty, while drastic legislation, if preceding diplomatic efforts, may prove embarrassing and engender international bitterness; and because convinced that upon occasions when the insular interests of the Colonies can be secured in connection only with those which are Imperial it behoves these Colonies to remember that their preservation is maintained by British forces and that Colonial Acts must be justified by the Home Government. Tasmania dissents from the main purposes of the Draft Bill, because no exception is made which would enable Chinese residents to improve their social condition by the introduction of their wives. It ignores the rights of such naturalized British subjects as may be at present absent from the Colonies who have children in the Colonies born of British wives and have accumulated property under the sanction of Colonial laws. It makes no exception in favour of Chinese born under English rule in Hongkong and elsewhere. It disregards the climatic characteristics of the northern territories of Queensland, South Australia, and Western Australia, which are a barrier to successful occupation, except in pursuit of avocations peculiarly tropical and unsuitable to European labour.

P. O. FYSH."

The Honorable PHILIP OAKLEY FYSH proposed, and the Honorable JOHN M. MACROSSAN seconded, the following resolution, which was unanimously agreed to:—

"That the record of the proceedings of the Conference be communicated by the President to the Representative deputed by New Zealand to attend this Conference on his arrival, and that in the event of the concurrence of the Governor or that of the representative of New Zealand being obtained, the President be requested to communicate the fact to the Secretary of State for the Colonies, through His Excellency the Governor."

The Honorable THOMAS PLAYFORD, with the consent of the Conference, withdrew the Resolution No. 5 of which notice had been given by him yesterday.

The Honorable DUNCAN GILLIES then proposed, and the Honorable PHILIP OAKLEY FYSH seconded, the following Resolution:—

"That the President of the Conference be instructed to request His Excellency the Governor to transmit the joint Representation adopted by the Conference to the Secretary of State for the Colonies,"

which was unanimously agreed to.

The Honorable Sir MALCOLM FRASER proposed, and the Honorable THOMAS PLAYFORD seconded, the following Resolution:—

"That the substance of the joint Representation be transmitted to the Governors of the Australasian Colonies,"

which was unanimously agreed to.

The Honorable THOMAS PLAYFORD proposed, and the Honorable DUNCAN GILLIES seconded the following Resolution:—

"That the thanks of the Conference be given to Sir Henry Parkes, G.C.M.G., for the great services he has rendered in the important position he has occupied as President of the Conference,"

which was unanimously carried.

The Honorable ALFRED DEAKIN then proposed, and the Honorable CHARLES C. KINGSTON seconded, the following resolution, which was unanimously carried:—

"That the thanks of the Conference be given to Mr. Alex. C. Budge for the efficient services rendered by him as Secretary."

The Conference then adjourned.

HENRY PARKES, *President*.

ALEX. C. BUDGE, *Secretary*.

## CHINESE CONFERENCE.

[Circular.]

Telegram from Secretary of State to Sir W. C. F. Robinson, Governor of South Australia, to be forwarded to the Governors of the other Colonies.

REFERRING to your telegram of 22nd May, inform Conference Her Majesty's Government anxious to meet views of Australian Colonies with regard to limiting Chinese immigration, but measures adopted by New South Wales create obstacles to present negotiations with China. It is, therefore, important to ascertain whether, in substitution for legislation of a similar kind, other arrangements more in accordance with feeling and views of Chinese Government, and at the same time fully effective for the purpose of restricting Chinese immigration, may not be adopted. Having regard to political and commercial interests of Empire, and particularly to commercial interests of Australian Colonies, no avoidable obstacles should be placed in the way of trade which are likely to afford valuable market for products of Australian Colonies. Chinese Government specially objects to legislation for placing Chinese emigrants on different footing to subjects of any other power; and it seems desirable to consider whether laws and regulations equally restricting immigration into Colonies of all foreign labourers, with powers of relaxing regulations in special cases reserved to Governments, may not meet requirements of case. If thus placed on equal footing with other nations, Chinese Government, if it were still thought necessary to come to an international arrangement, might be willing to accept conditions more or less of a similar kind to conditions laid down in Treaty concluded with United States of America, and limitation of numbers which would be permitted to embark for any of Australian Colonies. In any case it should be clearly understood that, while Her Majesty's Government will be prepared to consider any representations from Conference, they are not at present able to give any assurance that negotiations with Chinese Government can be opened, as it depends on nature of proposals to be made to that Government; but I confidently believe that Conference will endeavour to conciliate susceptibilities of Chinese Government as far as possible.

KNUTSFORD.

The President of the Conference to His Excellency Lord Carrington.

My dear Lord Carrington,

14 June, 1888.

As President of the Conference on the Chinese Question, I am instructed to request your Excellency to transmit to the Right Honorable the Secretary of State for the Colonies the enclosed telegrams as unanimously agreed upon by the Conference.

I enclose also a Draft Bill agreed upon to be introduced in the respective Parliaments to carry out the decisions of the Conference.

Yours very sincerely,

HENRY PARKES.

## Cablegram to Secretary of State.

AT the Australasian Conference, held in Sydney on the 12th, 13th, and 14th inst., at which the Colonies of New South Wales, Victoria, South Australia, Queensland, Tasmania, and Western Australia were represented, the question of Chinese Immigration, and your cablegram to the Governor of South Australia in connection therewith, were fully considered.

The Members of the Conference are sensible of the wish of Her Majesty's Government to meet the views of the Colonies, and have specially deliberated upon the possibility of securing legislation which, while effective, should be of a character so far as possible in accordance with the feelings and views of the Chinese Government. They have not overlooked the political and commercial interests of the Empire, nor the commercial interests of the Colonies.

In 1886 the total exports to China from New South Wales, Victoria, South Australia, Queensland, and Tasmania were valued at £16,000, out of a total export trade amounting to £38,700,000. Our imports from China in the same year were valued at £846,000. While the custom of the Colonies, therefore, is very valuable to China, that country offers no present outlet of importance for Australasian trade. There has never been any attempt on the part of any of the Colonies to close their markets to the exports of the Chinese Empire, although most, if not all of them, are now produced in great quantities in the British Empire of India.

The suggestion that any restrictions which are to be imposed should be of a general nature, so as to give power to exclude European or American immigrants, has been very carefully deliberated upon; but no scheme for giving effect to it has been found practicable.

As the length of time to be occupied in negotiations between the Imperial Government and the Government of China is uncertain, and as the Colonies in the meantime have reason to dread a large influx from China, the several Governments feel impelled to legislate immediately to protect their citizens against an invasion which is dreaded because of its results, not only upon the labour market but upon the social and moral condition of the people.

At the same time the Conference is most anxious that Her Majesty's Government should enter into communication with the Government of China, with a view to obtaining as soon as possible a treaty under which all Chinese, except officials, travellers, merchants, students, and similar classes, should be entirely excluded from the Australasian Colonies. By way of assisting to bring about such an understanding, the Conference has recommended the abolition of the poll-tax now levied upon Chinese emigrants. While believing that the local legislation now proposed will accomplish its object, the Colonies would prefer that the exclusion of the Chinese should be brought about by international agreement of a friendly nature as in the case of the United States.

The Conference further desires that Her Majesty's Government should induce the Governments of the Crown Colonies of Hongkong, Straits Settlements, and Labuan to at once prohibit the emigration of all Chinese to the Australasian Colonies unless they should belong to the classes above mentioned. The Chinese who may claim to be considered British subjects in those Colonies are very numerous, and the certainty that their migration hither was prevented would give great and general satisfaction.

The Resolutions arrived at by the Conference, and which have been embodied in a draft Bill, are as follows :—

- "1. That in the opinion of this Conference the further restriction of Chinese immigration is essential to the welfare of the people of Australasia.
- "2. That this Conference is of opinion that the necessary restriction can best be secured through the diplomatic action of the Imperial Government, and by uniform Australasian legislation.
- "3. That this Conference resolves to consider a joint representation to the Imperial Government for the purpose of obtaining the desired diplomatic action.
- "4. That this Conference is of opinion that the desired Australasian legislation should contain the following provisions :—
  - "1. That it shall apply to all Chinese, with specified exceptions.
  - "2. That the restriction should be by limitation of the number of Chinese which any vessel may bring into any Australasian port to one passenger to every 500 tons of the ship's burthen.
  - "3. That the passage of Chinese from one Colony to another without consent of the Colony which they enter be made a misdemeanour."

The first and fourth resolutions were endorsed by all the Colonies except Tasmania, who dissented, and Western Australia, who did not vote, while the second and third were carried unanimously. As a whole, therefore, they faithfully represent the opinion of the Parliaments and peoples of Australia.

In conclusion, the Conference would call attention to the fact that the treatment of Chinese in the Australasian Colonies has been invariably humane and considerate, and that in spite of the intensity of popular feeling, during the recent sudden influx, good order has been everywhere maintained. In so serious a crisis the Colonial Governments have felt called upon to take strong and decisive action to protect their peoples, but in so doing they have been studious of Imperial interests, of International obligations, and of their reputation as law-abiding communities. They now confidently rely upon the support and assistance of Her Majesty's Government in their endeavour to prevent their country from being overrun by an alien race who are incapable of assimilation in the body politic, strangers to our civilization, out of sympathy with our aspirations, and unfitted for our free institutions, to which their presence in any number would be a source of constant danger.

HENRY PARKES,  
President.

51<sup>o</sup> VICTORIÆ, 1888.

### A BILL for the Restriction of Chinese Immigration.

Preamble.	WHEREAS at a meeting of representatives of Australasian Governments held at Sydney in the month of June, one thousand eight hundred and eighty-eight, it was amongst other things resolved that it was desirable that uniform Australasian legislation should be adopted for the restriction of Chinese immigration : And whereas the provisions of this Act were approved by such representatives as the basis of such uniform legislation : And whereas it is desirable to legislate on such basis accordingly : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—
Interpretation.	<ol style="list-style-type: none"> <li>1. In the construction of this Act the following words shall have the following meanings :—           <ul style="list-style-type: none"> <li>"Chinese" shall include every person of Chinese race not exempted from the provisions of this Act.</li> <li>"Vessel" shall include every ship, boat, or vessel.</li> <li>"Master" shall include every person, other than a pilot, for the time being in command or charge of any vessel.</li> </ul> </li> </ol>
Exemptions.	<ol style="list-style-type: none"> <li>2. This Act shall not apply—           <ol style="list-style-type: none"> <li>(I) To any person duly accredited to any Australasian Colony by any Government, as its representative, or on any special mission.</li> <li>(II) To the crew of any vessel not being discharged therefrom in the Colony, and not landing in the Colony, except in the discharge of duties in connection with such vessel.</li> <li>(III) To any persons, or any class of persons, who shall for the time being be exempted from the provisions hereof.</li> </ol> </li> </ol>
Power to declare exemptions.	<ol style="list-style-type: none"> <li>3. It shall be lawful for the Governor in Council from time to time, by proclamation to be published in the <i>Government Gazette</i>, to declare that the provisions of this Act shall not apply to any person or any class of persons to be mentioned in such proclamation, either generally or for any time to be fixed by such proclamation, and any such proclamation may be revoked by the Governor in Council by proclamation to be published in the <i>Government Gazette</i>.</li> </ol>

4. The Master of every vessel, upon arrival at any port or place in this Colony or from parts beyond the Colony, and having any Chinese on board, shall forthwith, and before making any entry at the Customs, deliver to the Collector or other principal officer of Customs at such port or place a statement specifying to the best of his knowledge and means of information, the number of Chinese on board such vessel, and the places of shipment and destination, and the name, calling, or occupation of each such Chinese. And for any default in the observance of this section such master shall on conviction be liable to a penalty of *one hundred* pounds.

Master, on arrival, to report Chinese on board.

5. No vessel shall enter any port or place in the Colony having on board a greater number of Chinese than in the proportion of one Chinese to every five hundred tons of the tonnage of such vessel, such tonnage to be ascertained if the vessel shall be British by her certificate of registry, and if otherwise, or if such certificate shall not be produced, then according to the rules of measurement provided by the "Merchant Shipping Act, 1854." And if any vessel shall enter any port or place in the Colony, having on board any Chinese in excess of such number, the owner, master, or charterer of such vessel shall, on conviction, be liable to a penalty of *five hundred* pounds for each Chinese in excess of such number.

No vessel to bring more than one Chinese passenger for every 500 tons burthen.

6. Any Chinese who shall enter this Colony by land without first obtaining a permit in writing from some person to be appointed by the Governor in Council, shall be guilty of a misdemeanour, and shall be liable on conviction to imprisonment, with or without hard labour, for any term not exceeding *six* calendar months, and in addition or substitution for any such imprisonment shall be liable, pursuant to any warrant or order of the Magistrate or Justices by whom he shall be convicted, to be removed or deported to the Colony from whence he shall have come.

Penalty on entry by land without permit.

7. All penalties and all moneys ordered to be paid or being the proceeds of any sale made under the authority of this Act shall be paid into the Consolidated Revenue.

Appropriation of penalties and payments under Act. Evidence of person being a Chinese.

8. For the purposes of all proceedings under this Act, the Stipendiary or Police Magistrate or the Justices may decide, upon his or their own view and judgment, whether any person produced before them is a Chinese within the meaning of this Act.

9. Any vessel on board which Chinese shall be transhipped from another vessel and be brought to any port or place in this Colony shall be deemed to be a vessel bringing Chinese into the said Colony from parts beyond the said Colony, and shall be subject to the provisions of this Act.

Provision against evading Act by transshipping Chinese into other vessels.

10. The Governor, with the advice of the Executive Council, may make regulations for carrying out the provisions of this Act. A copy of such regulations shall, within fourteen days, be laid before both Houses of Parliament, if Parliament be then in Session, and if not then in Session, within fourteen days after the commencement of the next Session; and if disapproval of such regulations is not expressed by resolution within fourteen days thereafter, they shall have the force of law.

Power to make regulations.

11. All penalties and sums of money recoverable under this Act shall be recovered in a summary way at the suit of some officer of Customs authorised by the Colonial Treasurer, or of other officers appointed for such purpose, by like authority before any Stipendiary or Police Magistrate or two or more Justices of the Peace, in accordance with the provisions of the Acts regulating proceedings on summary conviction. And it shall be lawful for the Colonial Treasurer, by writing under his hand, to authorise any officer to detain any vessel, the master whereof shall, in the opinion of the said Treasurer, have committed an offence, or be a defaulter under this Act. Such detention may be either at the port or place where such vessel is found, or at any port or place to which the said Treasurer may order such vessel to be brought. For the purposes of such detention the officer so authorised shall be entitled to obtain in the customary manner such writ of assistance or other aid and assistance in and about the detention of or other lawful dealing with such vessel as are by law provided under the Act or Acts regulating Customs with reference to seizure of vessels or goods. But such detention shall be for safe custody only, and shall cease and be discontinued if a bond with two sufficient sureties be given by such master for the payment of the amount of such penalty and other sums as may be adjudged to be paid under the provisions of this Act: Provided that if default be made in payment of any such penalty incurred by such master in terms of any conviction adjudging the payment thereof it shall be lawful for such officer to seize such vessel and for him and any other officer or person duly authorised or empowered in that behalf to take all such proceedings for the purpose of procuring the condemnation and sale of such vessel as are provided by law in the case of condemnation or forfeiture of a vessel for a breach of the Customs Laws of the said Colony: Provided that the proceeds of sale of any such vessel shall be paid into the Consolidated Revenue, and after the payment of the amount of such penalty and of all costs incurred in and about such sale and the proceedings leading thereto, the balance shall be placed by the Colonial Treasurer to a trust account and be held in trust for the owners of or other persons lawfully entitled to the vessel so condemned and sold.

Penalties how recovered.

12. No poll-tax shall hereafter be taken or demanded from or in respect of any Chinese.

Abolition of poll-tax.

13. This Act may be cited for all purposes as the "Chinese Immigration Restriction Act, 1888."

Short title.

## APPENDICES.

## No. 1.

To the Honorable the Representatives of the Australasian Colonies, meeting in Conference upon the Chinese Question in Sydney, June, 1888,—

The humble Memorial of the undersigned Chinese Merchants resident in Sydney, on behalf of themselves and other Chinese residents in Australasia and New Zealand,

RESPECTFULLY SHOWETH,—

1. That by Article Five of the Treaty of Peking, made on the twenty-fifth day of October, one thousand eight hundred and sixty, between Her Majesty the Queen of Great Britain and Ireland and His Imperial Majesty the Emperor of China, it was, amongst other things, provided that the Chinese, in choosing to take service in the British Colonies or other parts beyond the seas, were to be at perfect liberty to enter into engagements with British subjects for that purpose, and to ship themselves and their families in British vessels at the open ports of China.

2. Your Memorialists would respectfully refer to the rights given to British subjects to reside in and own property in China, and to travel therein.

3. Upon the faith of the above treaty, and upon legislation passed in the various Australasian Colonies, Chinese have come to the Australasian Colonies; some have married European women there; many are still residents there, while others have left temporarily, and have in such cases obtained certificates authorising them to return within a certain time.

4. The Chinese merchants and traders resident in the Australasian Colonies from time to time require in the ordinary course of their business to visit the other Australasian Colonies, and your Memorialists would respectfully point to the great hardship that would be inflicted on them if provision be not made for them visiting such Colonies.

5. Your Memorialists would also respectfully point out that in the proposal to impose a poll-tax so high as the sum of one hundred pounds per head upon any Chinese coming to any one of the Australasian Colonies, that such amount is unduly severe and unnecessarily high on the one hand, while on the other the very magnitude of the tax would hold out inducements to breaches of the law.

6. Your Memorialists would also respectfully point out the hardship Chinese would be liable to if provision be not made for the performance of existing engagements with the Chinese in reference to their right to return to the Colonies, if so returning within the time specified in their exemption tickets.

7. Your Memorialists would also point out the hardship and injury to the Chinese who may have become naturalized British subjects, and who now own property in any of the Australasian Colonies, if they be not allowed, after due examination, to return to their homes.

8. Your Memorialists would respectfully refer to the fact of the general reduction during the last few years of the numbers of the Chinese resident in Australia (with the exception of Port Darwin under special circumstances).

9. Your Memorialists would respectfully refer to the proposal to exclude Chinese from mining, it being well known that the Chinese only follow the Europeans, and make a living where Europeans cannot, and the mining by the Chinese means the saving to the country of a large amount of wealth that would otherwise be lost.

Your Memorialists therefore humbly pray that your Honorable Conference will take this memorial under favourable consideration.

And your Memorialists will every pray, &c.

QUONG TART, Sydney, Merchant.  
JAMES UNG QUOY, George-street North, Merchant.  
SUN KUM TIY, George-street, Merchant.  
YUEN LAH, Queen's-street, Merchant.  
ONYIK & LEE, George-street, Merchants.  
W. GOLDTOWN, King-street, Agent.

## No. 2.

Mr. Quong Tart to The Honorable the Chairman of the Intercolonial Conference.

Honorable Sir,

Sydney Arcade, 12 June, 1888.

I have the honor to respectfully offer my services, as a Chinese resident and naturalized British subject, in any capacity that may be considered by your honorable Assembly to be of use in arriving at the general opinion of the Chinese residents in Australasia, respecting your intended legislation in the different Colonies concerning the Chinese.

My services have been availed of by the Government of New South Wales on several occasions recently, and my knowledge of Colonial life in its various phases, on the diggings and as a business man generally, enables me (subject to your approval), to explain matters which possibly may require explanation at your distinguished Conference.

Kindly and respectfully apologising for approaching your august body,

I have, &c.

QUONG TART.

## No. 3.

To the Honorable Sir Henry Parkes, K.C.M.G., &c., &c., Premier and Colonial Secretary, &c., &c., Chairman of the Intercolonial Conference, now being held at Sydney, June, 1888.

Sir,

In presenting our humble Memorial to your most august body, and prefacing the same by reference to Article V. of the Convention of Peace, signed between Her Most Gracious the Queen of Great Britain and Ireland and His Imperial Majesty the Emperor of China, on the 24th October, 1860, we consider that the Articles of Convention for purposes indicated are virtually Articles of Treaty as understood by the representatives of the people now and then concerned.

That the general opinion is good and has been ratified is clearly proven by the number of Chinese emigrants and passengers from time to time leaving the open ports of China (their good conduct guaranteed) for English Colonial possessions without any previous or present violation of existing treaties.

We would humbly and respectfully submit to your Honorable Conference the fact that in the Australasian Colonies there are numbers of Chinese inhabitants from the different Provinces of China, who have left the open ports referred to in the *Treaty of Tien-Tsin*, and merely mentioned as matters of detail in the Convention of Peking in our Memorial.

The Chinese residents of Australasia would deeply deplore any legislation altering the present friendly relations of the subjects of Her Most Gracious Majesty the Queen of Great Britain and Ireland and His Imperial Majesty the Emperor of China in any portions of the British Empire and the Empire of China.

Our commercial intercourse, and the desire of further amity to preserve the peace and harmony of both nations, for mutual welfare, is the earnest wish and good prayer of

Your most humble and obedient servants,

QUONG TART, JAMES UNG QUOY,  
YUEN TAH, SUN KUM TIY,  
ONYIK & LEE, W. GOLDTOWN.

On behalf of, and with the approval of, the Chinese residents of South Australia, Victoria, New South Wales, Queensland, and Tasmania.

#### No. 4.

##### *Chinese Question.*

To the Representatives of the Australian Governments in Conference assembled.

Honorable Sirs,

The Chinese residents of Victoria, through this Committee, beg respectfully to approach your honorable Conference in the hope that under the deep sense of responsibility attaching to your present deliberations you may see clearly that there are two sides to this important question. Locally, we have had scant courtesy shown to us as subjects of a great and friendly power, and this is probably the experience of our brethren at many other Australian ports, but of this we do not speak at present.

We consider the "Cry" of a great influx of Chinese as one of those poor hollow things that time and reflection will cause the generous British mind to feel heartily ashamed of, but at the same time the cruel injustice inflicted under it may be far reaching. "Behold how great a matter a little fire kindleth."

Our own land has no equal on earth for fertility and resources, which by and by will cause her to weigh heavy in the scale of nations, and therefore we assure you, honorable Sirs, that the question whether a few stragglers should emigrate from such a stupendous empire like China, is one of perfect indifference to her Government or her people. But the evil treatment of the few that are here or who have been recently turned away from these shores is a different matter altogether. We hope it may not be, but fear it may, that a deep wound has been inflicted that will rankle and bear evil fruit in the near future. Our late Ambassador in London spoke wise words when he said before a British audience, "we look to you and the representatives of your Colonial possessions now in London, to see that these returning Chinese bring nothing home with them but what will promote peace and good will between the two countries—no memories of suffering, injustice, or exceptional treatment." And we commend these words to the thoughtful consideration of the Conference.

In a vivid epoch in the history of your own great country, it was not so much the severance of the political tie which bound the American Colonies to the Mother Country, as the cruel heritage of strife that was left to rankle, causing sore grief to the wise men of both lands. But for this heritage it is possible that to-day they might have been so united by common feeling as to stand out to view as the arbitrators of the world. Notwithstanding the impassioned protests of a few splendid men the strife was carried on with a light heart by the ruling statesmen of the day, and though as yet we have had no Colonial Statesmen to protest against the injustice we have been subjected to, yet in this connection we are glad to admit that in our intercourse with the best class of Colonists we have found amongst them a feeling of repugnance at, and an utter detestation of, the treatment which our countrymen have received at the hands of the various Colonial Governments. We draw the moral from the American incident just referred to, that it is much easier to plant a thorn in the national feeling than to withdraw it, or heal the wound.

We affirm that the Chinese are a peaceable, industrious, and a law-abiding people, and that they are not insensible of, nor ungrateful for, the protection of wise laws justly administered. What they do complain of is—

1. That the laws have been strained and tortured to oppress them.
2. That the laws have even been broken to inflict harsh treatment and injustice.
3. That by the hasty and violent conduct of various Colonial Governments which should have held the scales of justice evenly balanced, the more ignorant portion of the population have been incited and encouraged to outrage the feelings and show contempt and hatred to our countrymen.

We think all this is bad and foolish, for these reasons:

That a time may come, nay probably will come sooner than is supposed, when the presence and power of China as a great nation will be felt in these seas, and it lies with you to say, as wise men or otherwise, if this is to be for good or for evil.

That injustice, inhumanity, and violence afford a poor foundation to build up the life of a young nation, and however popular in the meantime it may be with the unthinking multitude, yet we are most sure such weapons mean disaster in the future to the users.

The stringency of the laws at present regulating immigration from China effectually preclude many being added to the population even if it were much desired. We, however, do not hesitate to confidently affirm that were the ports open and free, the Chinese population of Australia would always remain an insignificant portion of the whole.

Finally, it is our belief that the matter your honorable Conference has in hand is weighty—no mere family quarrel, but one that touches most intimately international rights and obligations—dealing as it does with the stranger within your gates. It cannot be decided by a wave of the hand, nor by heated public orations.

The Supreme Court of one Colony has declared "it is not aware that such a course of conduct as has been pursued in reference to the Chinese has ever been adopted at any period of our history." Imperial Statesmen have counselled you that friendship with China was well worth purchasing at the cost of a little sacrifice. We trust, therefore, that for the sake of the two great countries whose interests are involved that the dictates of humanity and justice may rule your deliberations, and that you will be guided to remember that it is righteousness alone which exalteth a nation, but that sin is the reproach of any people.

We have the honor to remain your most obedient servants,

For and on behalf of the Committee of Chinese residents, Melbourne,

CHEOK KONG CHEONG, Chairman.  
LI AH MONG.  
W. SHI GUN.  
JAMES MOY LING.  
SUN SUEY SHING