

## **A well-intentioned impotence? The case of the Qing Dynasty Consuls in the Transvaal Colony**

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### **Abstract**

The place of South African Chinese within South Africa's history has almost always seen contestation. A striking example of this was the situation in the Transvaal between 1903 and 1911. In 1904 the Chinese Indentured Labour experiment propelled the small free Chinese community of the Transvaal into the realm of public debate. Whilst the Chinese in the Transvaal had never been treated well, the ensuing anti-Chinese backlash saw the community come into conflict with the government of the Transvaal. Although substantial work has been done concerning the resistance of the Transvaal Chinese, a neglected aspect of this conflict is the role played by the Qing Dynasty Consulate. Despite general assumptions that the Dynasty's attitude towards its subjects overseas remained apathetic, evidence indicates clearly that the Consulate played a role in supporting the Chinese community. Through an analysis of the actions taken by the Consuls-General the extent of their support becomes clear. Contrary to common assumptions that the Qing Dynasty was neglectful of the Chinese population in South Africa, the efforts of these Consuls-General demonstrated that the Dynasty did make serious efforts to assist the Chinese living in the Transvaal.

**Keywords:** China; Chinese; indentured labour; Qing Dynasty; Sino-African relations; South Africa; Transvaal; Transvaal Colony.

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## Opsomming

Die geskiedenis van die Suid-Afrikaanse Sjinese in Suid-Afrika het altyd betwisting beleef. 'n Aangrypende voorbeeld hiervan is die situasie in Transvaal tussen 1903 en 1911. In 1904 het die Sjinese Ingeskryfde Arbeid-eksperiment die klein vrye Sjinese gemeenskap van Transvaal tot die gebied van openbare debat gedryf. Terwyl die Sjinese in Transvaal nog nooit goed behandel is nie, het die daaropvolgende anti-Sjinese terugslag die gemeenskap in konflik met die regering van Transvaal gebring. Alhoewel aansienlike werk gedoen is oor die weerstand van die Transvaalse Sjinese, was 'n verwaarloosde aspek van hierdie konflik die rol wat die Qing-dinastiekonsulaat gespeel het. Ten spyte van algemene aannames dat die Dinastie se houding teenoor hul onderdane oorsee apaties gebly het, dui bewyse duidelik daarop dat die konsulaat 'n rol gespeel het in die ondersteuning van die Sjinese gemeenskap. Deur 'n ontleding van die aksies wat deur die Konsul-Generaal geneem is, word die omvang van hul ondersteuning duidelik, wat dien as 'n voorbeeld van geskiedenis se dinamiese aard, as die behoefte om lang-gekoesterde aannames te hersien. In teenstelling met die algemene persepsie dat die Qing-dinastie die Chinese bevolking in Suid-Afrika nie genoegsaam bygestaan het nie, is daar intendeel bewyse van ernstige pogings deur die Konsuls-Generaal aangewend om die Chinese, woonagtig in die eertydse Transvaal, te ondersteun.

**Sleutelwoorde:** Sjina; Sjinese; Ingeskryfde Arbeid; Qing-dinastie; Sino-Afrika-verhoudinge; Suid-Afrika; Transvaal; Transvaalse kolonie.

Of late, the study of Sino-African relations has attracted a great deal of attention in multiple fields, including history. As home to the largest population of Chinese in the African continent, a focus on Chinese–South African interactions is important.<sup>1</sup> Falling within its ambit are the diplomatic and political relations between the governments of the People’s Republic of China (PRC) and the Republic of South Africa. Official relations between democratic South Africa and the PRC began as recently as January 1998, under the authority of South Africa’s young post-apartheid government. Prior to that, from the 1960s, the apartheid-era government of South Africa enjoyed close relations with the Republic of China, Taiwan. That relationship had been predicated on the mutual economic interests of those two states and their shared status as somewhat pariahs in the global community.<sup>2</sup> However, neither 1998 or 1960 represent the origins of Chinese diplomatic representation and contact, with South Africa.<sup>3</sup>

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1. I. Taylor, *China and Africa: Engagement and Compromise* (Abingdon: Routledge, 2006), 127.
  2. T. Rich, 'Status for Sale: Taiwan and the Competition for Diplomatic Recognition', *Issues & Studies*, 45, 4 (2009), 160.
  3. 'Statement by President Nelson Mandela on South Africa's Relations with the Greater China Region', Nelson Mandela Official Page, accessed 12 August 2017, [http://www.mandela.gov.za/mandela\\_speeches/1996/961127\\_china.htm](http://www.mandela.gov.za/mandela_speeches/1996/961127_china.htm).

The earliest official diplomatic representation by a Chinese-based state to South Africa occurred at the beginning of the twentieth century, when the confluence of a mass Chinese migration to many parts of the world and the demand for cheap labour on the gold mines of the Witwatersrand, led to the establishment of relations under the auspices of the British Empire.<sup>4</sup> The year 1905 saw the appointment of the then government of China's Qing Dynasty's first ever Consul-General to the British Colonies of South Africa, specifically the Transvaal Colony.<sup>5</sup> This appointment, however, had the misfortune of coinciding with a rising anti-Chinese sentiment, anti-Sinicism, throughout South Africa. This sentiment found political expression through legislation such as the Transvaal Immigration Restriction Act of 1902, the Cape Chinese Exclusion Act of 1904 and, later, the Transvaal Asiatic Registration Act of 1907.<sup>6</sup> These legislative measures curbed and curtailed the Chinese population in South Africa and subjected those Chinese who remained to onerous and repressive conditions.<sup>7</sup>

On the arrival of the first Qing Dynasty Consul-General there was already a population of Chinese seeking some form of assistance to alleviate their circumstances. Although the struggle and efforts of the South African Chinese against such discrimination have been thoroughly examined in the works of several authors, most prominently Karen Harris, the role played by the Consuls-General of the Qing Dynasty government in rendering aid to Chinese living in the Transvaal Colony has remained largely unexplored.<sup>8</sup> This has led to an unfortunate tendency to under-estimate the role played by the Dynasty in these affairs, or simply to cast it as having been neglectful of its overseas subjects in South Africa during this period.<sup>9</sup> The general assumption that the Dynasty was neglectful of the plight of Chinese living in the Transvaal between 1902 and 1912 stems from the understandable fact that, for most of its history, the Qing Dynasty had largely ignored its overseas subjects completely. Yet, evidence indicates that in its closing years the Qing Dynasty did take a far more active role in promoting and defending the interests of its overseas subjects. These efforts have remained largely unexamined or only tangentially

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4. Cape Town Archives Repository (hereafter KAB), Government House (hereafter GH) 1/451/7, Papers received from Secretary of State, London. General despatches. The issue of exequaturs to consular officers appointed by the Chinese government, 31 January 1891.
  5. KAB, GH, 23/89 298. Appointment of Mr Liu Yuling to act as Chinese Consul-General for the British Colonies in South Africa, 19 October 1905.
  6. *Ordinances of the Transvaal*, 1904, Labour Importation Ordinance. *Statutes of the Transvaal*, Act 2 of 1907, Asiatic Law Amendment Act. *Statutes of the Colony of the Cape of Good Hope*, Act 37 of 1904, The Chinese Exclusion Act.
  7. Y.J. Park, 'Living In-between: The Chinese in South Africa', *Migration Policy Institute*, Washington D.C., 12 January 2002.
  8. L. Anshan, 'China's Africa Policy and the Chinese Immigrants in Africa', in *Routledge Handbook of the Chinese Diaspora*, ed. C. Tan (Abingdon: Routledge, 2017), 60.
  9. Anshan, 'China's Africa Policy', 60.

explored. As this article shows, an analysis of the concrete actions taken by the Qing Dynasty Consuls-General reveals that they were more directly involved with the Chinese living in South Africa than has usually been credited. This evidence complicates any attempt to dismiss the Qing Dynasty as totally neglectful of its subjects living in South Africa during the Dynasty's final decades, and also reveals the hitherto unexplored actions taken by the Consuls-General in their interactions with Chinese living in the Transvaal between 1904 and 1912.

It is also apparent, however, that despite the interventions made by the respective Consul-Generals there was little positive substantive change in the circumstances of the Chinese. In general, the Transvaal and later Union governments rebuffed or resisted any compromise or change regarding their desire to exclude the Chinese from the Transvaal Colony and, later, more generally the Transvaal Province and the Union of South Africa as a whole. Despite some successes, overall, the Qing Dynasty failed in its efforts to alleviate the hardships of the Transvaal Chinese. But crucially, this should not be seen as translating into a lack of attempting to render aid, nor reflective of a general apathy. Rather, it is clear that the Dynasty, in its closing days, primarily through its Consuls-General, did make a serious effort at attempting to assist Chinese subjects – both free and indentured – in the Transvaal Colony. That these efforts met largely with failure must be considered in the light of the Qing Dynasty's own social, political, economic, and military weakness, as well as the resistance of the Transvaal authorities. A distinct image emerges of the late Qing Dynasty as being well-meaning but impotent in its intentions to assist and support its subjects abroad.

### **Origins of the Qing Dynasty Consulate**

In 1904 there was a large influx of Chinese migrants into the Transvaal Colony as part of an indentured labour experiment. Over 17 000 Chinese migrants entered the Transvaal colony as indentured miners in this year, representing a significant increase over the approximately 1 000 Chinese already living in the Cape and Transvaal colonies combined.<sup>10</sup> This large migrant population had its roots in a series of mass Chinese migrations to many parts of the world from around the mid-nineteenth century.<sup>11</sup> This became possible due to an easing of the Qing Dynasty's policies and legislation regarding the matter of migration. Historically, the Qing Dynasty maintained a very strict set of rules concerning permission for the Chinese to travel

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10. National Archives Repository, Transvaal Archives (hereafter TAB), Lieutenant Governor (hereafter LTG), 166 TEL 1279, Number of Chinese Labourers on Mines in the Witwatersrand Area, 17 February 1905.
  11. H.K. Norton, *The Story of California from the Earliest Days to the Present* (Chicago: Illinois: A.C. McClurg & Co., 1913), 283–284.

abroad, almost completely forbidding it.<sup>12</sup> As a result, up until 1688, the official stance of the Qing Dynasty on Chinese subjects moving overseas amounted largely to permitting officials and soldiers, who had been given government approval to do so, to leave China. Any other Chinese subject would be subjected to execution on return to China.<sup>13</sup> A relaxation of this policy occurred during the eighteenth century, but overall, the Dynasty's official stance on emigration was to oppose it strongly and moreover, the Dynasty remained opposed to giving any assistance to Chinese subjects overseas.<sup>14</sup>

The Qing Dynasty's desire to restrict the movement of its subjects would, however, not survive the economic realities of the later nineteenth century. Between the Dynasty's own faltering economy and the pressure applied by Western powers, the Qing Dynasty found its attempt to forbid emigration from the Empire halted in the second half of the nineteenth century. Following China's defeat in the Opium Wars (4 September 1839 – 29 August 1842; 8 October 1856 – 24 October 1860) and the series of treaties which followed, arguably the most important of which was the Sino-British Convention of Peking (24 October 1860), Chinese subjects were permitted to emigrate and to move into other countries without fear of any consequence or persecution from the Qing Dynasty.<sup>15</sup> By the end of 1860, for the most part the dominant Western powers had opened up the Qing Dynasty to immigration, through a combination of both diplomacy and force and had created the conditions which helped to permit the large-scale migration of Chinese into other states. However, the interference of the Western powers was only a single factor in this migration. Widescale civil conflict and economic difficulties also motivated numerous Chinese to seek opportunities abroad.<sup>16</sup> Impoverishment followed as a result of droughts and famine, exacerbated by civil unrest such as the Taiping Rebellion (December 1850 – August 1864) and the Boxer Rebellion (2 November 1899 – 7 September 1901), which devastated southern China.<sup>17</sup> Furthermore, the Western powers sought access to a large and cheap labour force, with which to drive the exploitation of recently discovered resources in their colonies, and their own industrialisation.<sup>18</sup> The concatenation of these factors, working together, saw a massive migration of Chinese into overseas Western states and colonies, such as Australia, Canada, New Zealand and later, the Transvaal Colony.

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12. K.L. Harris, 'Rising China and the History of the South African Chinese', in *China's Rise and the Chinese Overseas*, eds B. Wong & C. Tan (Abingdon: Routledge, 2019), 87-88.

13. Harris, 'Rising China and the History of the South African Chinese', 87-88.

14. R.L. Irick, *Ch'ing Policy towards the Coolie Trade, 1874-1878* (Taiwan: Chinese Materials Centre, 1982), 390.

15. C.P. Fitzgerald, *The Southern Expansion of the Chinese People* (Canberra: Australian National University Press, 1972), 5.

16. Harris, 'Rising China and the History of the South African Chinese', 89-90.

17. Norton, *The Story of California from the Earliest Days to the Present*, 283-284.

18. R. Skeldon: 'Migration from China', *Journal of International Affairs*, 49, 2 (1996), 434-444.

The Transvaal Colony proved an attractive destination for Chinese indentured labourers due to the untapped, relatively recently discovered mineral resources there.<sup>19</sup> The immigration of Chinese labourers, most of whom came to work in the gold mines, occurred later than it had to other British colonies such as Australia or New Zealand. This was largely because the South African War (October 1899 – May 1902) gave control of the Transvaal's mineral resources to the British Empire. More specifically, Lord Alfred Milner's administration took control of the territory and forged a close relation with the then still young Chamber of Mines.<sup>20</sup> However, the mining industry of the Transvaal Colony faced persistent shortages of labour.<sup>21</sup> Britain determined as early as 1903 that the use of Chinese indentured labour could assist in resolving this issue.<sup>22</sup> In pursuit of this goal, Britain introduced the Labour Importation Ordinance to the Transvaal legislative council in 1904, laying the groundwork for the importation of some 63 000 Chinese indentured labourers to the Transvaal Colony over the period from 1904 until 1911.<sup>23</sup> The Importation Ordinance prescribed the nature of the Chinese labourers' contracts, and numerous other matters and was later amended to make provision for the appointment of the Chinese Consul-General to South Africa.<sup>24</sup> Thus the Importation Ordinance opened official diplomatic relations between the Transvaal Colony and the Qing Dynasty.

Interestingly, it was the Western imperialists' coercion of the Qing Dynasty into signing treaties that permitted both the establishment of diplomatic representation in their territory and the immigration of Chinese labour abroad that helped establish the Qing Dynasty's own foreign diplomatic relations. This was due to the principle of reciprocity contained in most of the treaties the Qing Dynasty was coerced into signing with the Western powers. This then permitted the Qing Dynasty to oversee the safety and wellbeing of its foreign subjects.<sup>25</sup> Although the Qing Dynasty was slow to begin exercising this responsibility, this principle eventually became the basis for the establishment of numerous Qing Dynasty consulates in polities with overseas Chinese communities.<sup>26</sup> In the case of South Africa, for example, the Qing Dynasty's consulate was established to oversee the well-being and conditions of the Chinese miners there, and to ensure they would not be exploited or

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19. Harris, 'Rising China and the History of the South African Chinese', 90.
  20. D. Denoon, 'Capital and Capitalists in the Transvaal in the 1890s and 1900s', *The Historical Journal*, 23, 1 (1980), 117; and P. Richardson, *Chinese Mine Labour in the Transvaal* (London: Macmillan, 1982), 29.
  21. J.S. Crush, A. Jeeves and D. Yudelman, *South Africa's Labor Empire: A History of Black Migrancy to the Gold Mines* (Boulder: Westview Press, 1991), 4-5.
  22. P.C. Campbell, *Chinese Coolie Emigration to Countries within the British Empire* (Sydney: Wentworth Press, 2019), 171.
  23. Campbell, *Chinese Coolie Emigration*, 173.
  24. KAB, GH, 23/89/298. Appointment of Mr Liu Yuling to act as Chinese Consul-General for the British Colonies in South Africa, 19 October 1905.
  25. Fitzgerald: *The Southern Expansion of the Chinese People*, 5-6.
  26. W. Gungwu: *China and the Chinese Overseas* (Singapore: Marshall Cavendish, 1991), 24.

mistreated.<sup>27</sup> The Dynasty took a noticeably more proactive role in the negotiations of the Transvaal Labour Importation Ordinance than it had in the importation of Chinese elsewhere.<sup>28</sup> In discussions with his British counterpart, the Chinese Minister in London, Chang Ta-Jen, emphasised that the Qing Dynasty wanted to ensure there would be no mistreatment of its subjects if they were brought to work in the Transvaal.<sup>29</sup> To this end the Minister stressed that negotiations on the treatment of the Chinese should be done strictly between the British government and the Qing Dynasty directly, and that the administration of the Transvaal Colony was not to be involved.<sup>30</sup>

The origin of the Qing Dynasty consulate in British South Africa, then, rested with the Transvaal Labour Importation Ordinance. Representing an agreement between the British government and the Qing Dynasty, the negotiations on the ordinance involved both Alfred Milner, as the British High Commissioner in South Africa, and also Chang Ta-Jen, the Minister representing the Qing Dynasty.<sup>31</sup> Initially there was no part of the ordinance that allowed for the setting up of a consulate for the Qing Dynasty in South Africa, but in the course of negotiations, Chang Ta-Jen proposed five additions to the ordinance.<sup>32</sup> The first of these was the creation of a consulate to fulfil the Qing Dynasty's obligations towards its subjects' wellbeing and permitting them to '...make representations to the authorities on the subject of any matter affecting the comfort and well-being of the immigrant that may appear to him necessary'.<sup>33</sup>

Initial suggestions by the Chinese Minister would have seen a local Chinese person, from the small free Chinese community, appointed to fulfil this function on

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27. National Archives Repository (hereafter SAB), Department of Planning (hereafter BEP), 575/G18/54, Raadpleging en Koordinasie met Ander Instansies: Sjinese Organisasies, 7 December 1963.
  28. Public Record Office, Kew (hereafter PRO), Colonial Office (hereafter CO) 291/75/7860, Minutes of Meeting between Chinese and British Governments re: Engagement of Chinese Labourers, 24 February 1904.
  29. PRO, CO, 291/75/7860, Minutes of Meeting, re: Engagement of Chinese Labourers, 24 February 1904.
  30. PRO, CO, 291/75/7860, Minutes of Meeting, re: Engagement of Chinese Labourers, 24 February 1904.
  31. TAB, Official Publications (hereafter AMPT PUBS), 47CD 1956, Africa No. 6 (1904). Convention between the United Kingdom and China respecting the employment of Chinese labour in British Colonies and Protectorates, London, 13 May 1904. See also TAB, AMPT PUBS, 51CD 1986, Further correspondence relating to the Transvaal labour question, 1904.
  32. TAB, AMPT PUBS, 47CD 1956. Africa No. 6 (1904). Convention between the United Kingdom and China respecting the employment of Chinese Labour in British Colonies and Protectorates, London, 13 May 1904.
  33. TAB, AMPT PUBS, 47CD 1956. Africa No. 6 (1904). Convention on the employment of Chinese labour, London, 13 May 1904. See also TAB, AMPT PUBS, 51CD 1986. Transvaal. Further correspondence relating to the Transvaal labour question, 1904

behalf of the Qing Dynasty, but this notion was rejected by Alfred Milner. Instead, he insisted that there be an appointment made by the Transvaal government of a state official as the 'Protector of Indentured Labourers'. This, he said, would be best because he was of the view that if a local Chinese person were to be appointed to fulfil a similar function, this might lead to friction between the free Chinese community and the Transvaal government.<sup>34</sup> It was conceded by the British that it was acceptable for an official Qing Dynasty representative (but not a local free Chinese person) be appointed as an official Consul-General to British South Africa.<sup>35</sup>

The appointment of the Consul-General was not met with unanimous support in South Africa. The Chamber of Mines was opposed to the Qing Dynasty's proposition, in particular the appointment of a Consul-General to ensure the wellbeing of the indentured Chinese.<sup>36</sup> The Transvaal government was less than pleased with the appointment and on occasion in the future, it clashed with the consuls general and even complained to imperial authorities about them. But it was made clear by Alfred Lyttleton, the British Secretary of State for the Colonies, that the Qing Dynasty would not approve the Importation Ordinance without the appointment of a Consul-General, and so reluctantly, the matter was agreed to by the British authorities.<sup>37</sup> This compromise resulted in certain stipulations in the final draft of the ordinance, so that when it was signed in 1904, it empowered the Qing Dynasty to send a Consul-General to British South Africa, and in addition, this Consul-General was to have the responsibility and right to oversee the well-being of the immigrant Chinese indentured labourers who were about to arrive in British South Africa in accordance with the ordinance.<sup>38</sup> This right to ensure the well-being of the indentured labourers was conferred in Article 6 of the Emigration Convention between Great Britain and China, 1904, which stated that:

For the better protection of the emigrant, and of any other Chinese subjects who may happen to be residing in the Colony or Protectorate to which the emigration is to take place, it shall be competent to the Emperor of China to appoint a consul or vice-consul to watch over their interests and well-being, and such consul or vice-consul shall have all the rights and privileges accorded to the consuls of other Nations.<sup>39</sup>

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34. TAB, AMPT PUBS, 51CD 1986. Transvaal. Further correspondence relating to the Transvaal labour question, 1904.
  35. TAB, AMPT PUBS, 51CD 1986. Correspondence, Transvaal labour question, 1904.
  36. TAB, AMPT PUBS, 51CD 1986. Correspondence, Transvaal labour question, 1904.
  37. TAB, AMPT PUBS, 51CD 1986. Correspondence, Transvaal labour question, 1904.
  38. TAB, AMPT PUBS, 47CD 1956. Africa No. 6 (1904). Convention between the United Kingdom and China respecting the employment of Chinese labour in British Colonies and Protectorates, London, 13 May 1904; and TAB, AMPT PUBS, 51CD 1986. Transvaal, Further correspondence relating to Transvaal labour question, 1904.
  39. 'Treaties, conventions, etc., between China and foreign states', published by order of the Inspector General of Customs, accessed 12 February 2017, 644m <https://archive.org/stream/treatiesconvent01chin#page/n9/mode/2up/search/transvaal>.



As a result of these agreements a consular office was established on Hospital Hill in Johannesburg and a Consul-General was appointed by the Qing Dynasty.<sup>40</sup> Initially the post of Consul-General only had jurisdiction over the inspection of the indentured Chinese labourers, but this was later expanded to include all Chinese within the South African region.<sup>41</sup> Through this agreement, the Qing Dynasty's official and primary connection with the South African Chinese was created. It also fostered a connection between the small community of Chinese who were already resident in the Transvaal Colony and the large body of indentured Chinese labourers who arrived in 1904. The first of these Consuls-General, Liu Yuling, arrived in 1905, and created the first official channel between any dissatisfied Chinese subjects in the Transvaal Colony and the Qing Dynasty.<sup>42</sup>

It should be noted, however, that the earliest Chinese communities in the Transvaal pre-dated the arrival of the Chinese indentured labourers in 1904. They had arrived as early as the eighteenth century, largely as debtors from Batavia, imprisoned by the Dutch in the Cape Colony. The number of members in these Chinese communities always remained very low, rarely exceeding even 100 individuals.<sup>43</sup> From the 1860s onwards the easing of the Dynasty's regulations on migration, as well as the draw of the mines in the Witwatersrand, attracted a larger number of Chinese, this time to the Cape Colony and the Transvaal Colony.<sup>44</sup> Initially, however, the living conditions of immigrants in the Transvaal proved arduous, and unindentured Chinese were not eligible for employment on mines due to restrictive legislation.<sup>45</sup> As a result, many of them turned instead to becoming traders and merchants.<sup>46</sup> Most were single men seeking better opportunities for wealth than they could find in their homeland.<sup>47</sup> For the most part, these Chinese seem to have managed to establish themselves fairly well, many operating small businesses.<sup>48</sup> Although exact records are scarce, evidence collected by Karen Harris suggests that from 1850 onwards a small population of Chinese in the Transvaal were able to become relatively affluent merchants and traders in the urban centres.<sup>49</sup>

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40. Anon., *Men of the Times, Pioneers of the Transvaal and Glimpses of South Africa* (Johannesburg: Transvaal Printing Company, 1905), 312.

41. SAB, BEP, 575/G18/54, Raadpleging en Koordinasie met Ander Instansies: Sjinese Organisasies, 7 December 1963.

42. PRO, CO, 291/89/6533, Chinese Consul General Mr Lui Yu-Lin, 13 February 1905.

43. D. Man and M. Yap, *Colour, Confusion and Concessions: The History of the Chinese in South Africa* (Hong Kong: Hong Kong University Press, 1996), 510.

44. Park, 'Living In-between: The Chinese in South Africa'.

45. Park, 'Living In-between: The Chinese in South Africa'.

46. Park, 'Living In-between: The Chinese in South Africa'.

47. K. L. Harris, 'A History of the Chinese in South Africa to 1912' (PhD thesis, University of South Africa, 1998), 266.

48. SAB, Indian Affairs (IND), 879/E/16005, Pon Siers, 1910.

49. Harris, 'A History of the Chinese in South Africa to 1912', 269.

The community began to grow noticeably after the discovery of gold on the Witwatersrand, but never numbered more than a few hundred during the period of the Qing Dynasty's existence.<sup>50</sup> However, because Transvaal legislation prohibited Chinese from mining or prospecting, their increased number was probably due to the larger market created by the discovery of the gold, as opposed to an actual interest in finding mining opportunities.<sup>51</sup> These people formed the earliest community of free Chinese living in the Transvaal. Although these two groups of Chinese in the Transvaal (free Chinese and indentured labourers), had little or no contact with each other, both groups had extensive engagement with the newly appointed Consul-General.

### **The Consuls-General of the Qing Dynasty in the Transvaal Colony**

For most of its existence, the Qing Dynasty did not have a convention comparable to the Western institution of establishing consulates, legations, or embassies in foreign states. Its first official representation in a foreign country at state level began only in the late nineteenth century. However, because for some time the Qing Dynasty had been obliged to comply with requests by several Western states to operate consulates in China from as early as 1842, after its defeat in the Opium War, it was well aware of the practice. Despite this, the Qing Dynasty itself only opened its first consulate in 1877. This was the Singapore Consulate and was intended primarily to assist the Qing Dynasty in its diplomatic relations with the British Empire, as at the time Singapore was still part of the British Empire and was controlled by Britain. The opening of the Singapore Consulate was the beginning of a process that played out in the final years of the nineteenth century and the first years of the next, during which time the Qing Dynasty sought to increase its diplomatic and political representation in foreign states. It opened consulates in countries that already had significant populations of Chinese. This at times was due to treaty regulations with the host nations, which accorded the Qing Dynasty the right and responsibility of oversight over Chinese living there but was also due to the Dynasty's desire to improve relations with the overseas Chinese.<sup>52</sup>

In 1904, Liu Yuling, the first Consul-General to serve in British South Africa arrived in the country.<sup>53</sup> In 1905 the duties of the Consul-General were officially expanded beyond the narrow matter of Chinese indentured labour and, by imperial edict included representation for all Chinese living within the British South African

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50. Harris, 'Rising China and the History of the South African Chinese', 90.

51. *Laws of the Transvaal up to 1899* (London: Waterlow & Sons, 1903), Law 15 of 1898, The Gold Law of the South African Republic, Section 133.

52. R. Bright, *Chinese Labour in South Africa, 1902-1910: Race, Violence, and Global Spectacle* (London: Palgrave Macmillan, 2013), 104-106.

53. PRO, CO, 291/89/6533, Chinese Consul General, Mr Lui Yu-Lin, 13 February 1905.

colonies, not only the Transvaal.<sup>54</sup> Although their reason for establishing the consulate was undoubtedly part of a wider pragmatic effort to revitalise and strengthen their own diminishing economic, political, and military influence, the result was that in 1904 the Qing Dynasty changed its course regarding its relations with all Chinese living in the Transvaal. This duty was an onerous one, because the rising anti-Sinic sentiment within the Transvaal and the British South African colonies in general, were a persistent matter of contention between the Consul-Generals and the administration of the Transvaal Colony.

It was in this relatively hostile environment that Liu Yuling arrived. He was a veteran of the Qing Dynasty's foreign politics, and an advocate for modernisation. Born on 11 September 1862, to Liu Fuqian and Zheng Huiquan, Liu Yuling hailed from the city of Xiangshan in Guandong Province.<sup>55</sup> During his early twenties he was one of a number of Chinese who studied in the United States of America, learning English and preparing himself better for service in European states.<sup>56</sup> He graduated from the Phillips Academy in Andover in 1882.<sup>57</sup> Liu Yuling was part of the Chinese Educational Mission, an initiative launched by the Qing Dynasty from 1872 till 1881. It was established by Yung Wing, the first Chinese to graduate from Yale University, who convinced the officials of the Qing Dynasty that it would be beneficial to send students abroad to learn modern techniques and technologies from the Western world. To this end, the mission sought to send Chinese students to study in the US in the hope that when they returned, they would bring with them a sound knowledge of modern technological developments and innovations, particularly those of a military nature. He was reputedly only thirteen years old when he departed for the United States.<sup>58</sup>

Before he came to hold the post of Consul-General to British South Africa, Liu Yuling had already held a number of diplomatic positions.<sup>59</sup> He served in Singapore and New York in differing capacities and then, in 1900, in the Qing Dynasty's London Legation.<sup>60</sup> Before coming to the Transvaal, Liu Yuling also received honours from several European states.<sup>61</sup> The wealth of experience and influential positions he had held prior to this posting indicate that the Qing Dynasty considered the matter of their representation in British South Africa to be significant.<sup>62</sup>

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54. PRO, CO, 291/89/6533, Chinese Consul General, Mr Lui Yu-Lin, 13 February 1905.

55. H. Jingcao and Q. Gang, *Chinese Educational Mission Connections*, Liu Yulin, Online Resource on the Chinese Educational Mission, accessed 15 August 2017, [http://www.cemconnections.org/index.php?option=com\\_content&task=view&id=107](http://www.cemconnections.org/index.php?option=com_content&task=view&id=107).

56. Jingcao and Gang, *Chinese Educational Mission Connections*.

57. Jingcao and Gang, *Chinese Educational Mission Connections*.

58. Jingcao and Gang, *Chinese Educational Mission Connections*.

59. Jingcao and Gang, *Chinese Educational Mission Connections*.

60. Jingcao and Gang, *Chinese Educational Mission Connections*.

61. *North China Daily News & Herald*, Shanghai, 13 January 1929, 966.

62. Anon., *Men of the Times, Pioneers of the Transvaal and Glimpses of South Africa*, 312.

In 1905 Liu Yuling arrived in Johannesburg, accompanied by his daughter.<sup>63</sup> They and Liu Yuling's staff were exempt from the existing pass laws regulating the movement of Chinese in British South Africa and were housed in a two-storey mansion on Hospital Hill in Johannesburg.<sup>64</sup> During the Qing Dynasty's remaining existence, until 1911, Liu Yuling served as one of only two Qing Dynasty Consuls-General to British South Africa.<sup>65</sup> His arrival was noted by the *Rand Daily Mail*, which informed its readers that the Consul-General was welcomed upon his arrival in Johannesburg by several hundred members of the Transvaal Chinese community.<sup>66</sup> However, after only two years, in 1907, the Qing Dynasty reassigned Liu Yuling and appointed him to head an investigation into the Opium trade in Peking.<sup>67</sup> His successor was his former Vice-Consul, Liu Ngai.<sup>68</sup> One of Yuling's final actions, before departing, was to petition the South African authorities to allow him to take another Chinese man back with him, namely Cheng Tak Shin, whom he had employed as a retainer, and who wanted to return to China.<sup>69</sup> Liu Yuling went on to serve as Extraordinary Minister and Plenipotentiary of the Republic of China to Great Britain in 1911.<sup>70</sup> He was also elected as the representative for the Republic of China to the 1909 International Opium Convention in Shanghai, which led to the first international drug control treaty.<sup>71</sup> From 1923 onwards, he lived on the island of Macau, being appointed the official Chinese representative of the island's General Assembly during his stay.<sup>72</sup> Liu Yuling died on Macau at the age of 80, on 27 October 1942, and was buried there.<sup>73</sup>

Liu Ngai was a less prestigious appointee than Liu Yuling but continued in the same vein as his predecessor, attempting to assist the Chinese community in South Africa. During his time as Consul-General Liu Ngai became a member of the Witwatersrand Kennel Club and even won an award in 1909 at one of the club's dog shows.<sup>74</sup> He earned something of a reputation for himself, particularly for his

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63. TAB, Clerk of the Executive Council (EC), 53/EC844/203/04, Acting assisting Colonial Secretary. Appointment of a Chinese Consul-General at Johannesburg, 31 March 1905.
  64. TAB, EC, 1074/AG2084/05, Consul-General Liu Ying Lin, 22 May 1905.
  65. TAB, GOV, 1065/PS20/13/07, Chinese Consul Appointments, 1907.
  66. 'Rand Chinese, Consul-General Arrives', *Rand Daily Mail*, 5 May 1905, 7.
  67. *New York Times*, 20 December 1907, 3.
  68. TAB, GOV, 1065/PS20/13/07, Chinese Consul Appointments, 1907.
  69. TAB, EC, 1492/AG3347/07, Proposed engagement by the Chinese Consul of an indentured labourer as servant to accompany him to China, 8 July 1907.
  70. 'Museu De Macau, Macao Museum presents Donation Certificate to Lew Yuk Lin's descendant', Macau Museum Website, accessed 30 October 2018, <http://www.macaumuseum.gov.mo/w3ENG/w3MMnews/NewsC.aspx?newsId=222>.
  71. L. Rosario, 'Diplomacy at its Best', *Macao Magazine*, 17 July 2012.
  72. Museu De Macau, 'Macao Museum presents Donation Certificate to Lew Yuk Lin's descendant'.
  73. 'Geni Yuk-Lin Lew', Geni, accessed 30 October 2018, <https://www.geni.com/people/Yuk-Lin-Lew/6000000012169310781>.
  74. 'Witwatersrand Kennel Club, a Good Show: The Prize Winners', *Rand Daily Mail*, 3 August 1909, 3.

vociferous opposition to certain legislation, and in the 1930s the *Rand Daily Mail* commented on his departure.<sup>75</sup> Born in 1874 in Chi Kiang, Liu Ngai was accompanied to South Africa by his wife, son and daughter.<sup>76</sup> He had graduated from the Tientsin University in China and featured regularly in social meetings and gatherings in that country.<sup>77</sup> Beyond serving as the second Qing Dynasty Consul-General to South Africa, he also served as the Republic of China's first Consul-General.<sup>78</sup> Liu Ngai only left South Africa finally in 1932, having served for more than twenty years as a representative of China.<sup>79</sup> There is unfortunately a paucity of information about Liu Ngai's life after his departure from South Africa.

During their time in the Transvaal both Consuls-General interceded on behalf of the Chinese population of the Transvaal on several occasions. Their actions taken in support of the Transvaal Chinese can be divided between their involvement with the indentured Chinese labourers and the free Chinese community. Although the Labour Importation Ordinance did not have any direct effect on the small community of free Chinese living in the Transvaal, the arrival of the indentured Chinese labourers proved to have a significant, if indirect, impact upon them.<sup>80</sup> Prior to the arrival of the indentured Chinese, there were already laws which constrained the free Transvaal Chinese. One of these required the Transvaal Chinese to renew an annual pass to the value of £20 to allow them to move around within the boundaries of the Transvaal.<sup>81</sup> They were, further, not permitted to own any form of property outside specific districts and areas delineated for such purposes for them by the Transvaal government.<sup>82</sup> A Transvaal law in 1899 also forbade the free Chinese from any sort of mining activity, ironically just a few short years before the Witwatersrand was inundated with Chinese indentured labourers to work on these very same mines.<sup>83</sup> They faced similar restrictions in the Orange Free State and Natal, usually suffering discrimination under the same general laws which restricted all individuals identified as 'Asiatic' within British South Africa. The restrictive measures increased in severity with the arrival of the indentured Chinese labourers.

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75. 'Senior Consul Leaving', *Rand Daily Mail*, 5 July 1930, 9.

76. 'Senior Consul Leaving', *Rand Daily Mail*, 5 July 1930, 9.

77. 'Senior Consul Leaving', *Rand Daily Mail*, 5 July 1930, 9.

78. SAB, Governor General (GG), 1046/01/20/1844, Return of Mr Liu Ngai to China and appointment of Mr Ho Tsang as acting Consul General, 1932.

79. SAB, Governor General (GG), 1046/01/20/1844. Consuls, 1932.

80. Harris, 'Rising China and the History of the South African Chinese', 91.

81. *De Locale Wetten en Volksbesluiten der Zuid-Afr. Republiek, 1890, 1891, 1892 en 1893*, Art. 1353 van 1893, 1885.

82. *Laws of the Transvaal up to 1899*, Law 3 of 1885, Coolies, Arabs and other Asiatics, Section C.

83. *Laws of the Transvaal up to 1899*, Law 15 of 1898, The Gold Law of the South African Republic, Section 133.

The arrival of the Consul-General in the Transvaal had been anticipated for some time by the free Chinese community. Prior to their arrival in the territory the Chinese had petitioned and sent letters to the Chinese Minister in London seeking the appointment of an official to monitor their treatment and assist them with their grievances in the Transvaal.<sup>84</sup> As the locus of the indentured Chinese labour experiment, the Transvaal proved to be one of the most important areas of concern for the Consuls-General in British South Africa. In the Transvaal the two most pertinent matters which Consul-Generals had to address were the wellbeing of the indentured Chinese labourers and the circumstances of their employment as regulated by the Labour Importation Ordinance. Also of concern was the later Asiatic Registration Act which prompted some of the most intense resistance by the free Chinese in South Africa's history.

### **Protection of the indentured Chinese**

From its inception, the indentured Chinese labour experiment was unpopular with the local white population in the Transvaal Colony, particularly the white labourers who feared they would face economic competition from the influx of Chinese indentured labour. British officials were aware of this opposition and embarked on a project of attempting to drum up support for the measure by insisting that the importation of further labour was a necessity for the economic prospects of the colony.<sup>85</sup> In order to quash further fears of economic competition, the officials went to great lengths to assure the white mine workers that all labour imported would be unskilled, and thus not be able to compete for jobs with the dominant white population.<sup>86</sup> This was laid out in the Labour Importation Ordinance itself, which stipulated that no Chinese labourer would be allowed to do any work which was not unskilled in nature.<sup>87</sup> There was also some resentment against the arrival of the Chinese indentured labourers among local Africans. In *The Native Opinion of South Africa*, the first newspaper in South Africa established and owned by Africans, an article was published in 1903 with dire warnings about the arrival of the Chinese.<sup>88</sup> The newspaper went on to include an open letter and petition to King Edward VII of Great Britain, asking him to prevent the proposed importation of Chinese labour on the grounds that it would hamper the 'advancement' of the native population of South Africa, explaining that:

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84. PRO, CO, 291/67/20153, Chinese Grievances: Petition from Chinese Community, December 1902.

85. Harris, 'A History of the Chinese in South Africa to 1912', 28.

86. C.K. Cooke, 'Why Asiatic Labour is Necessary for the Rand: The Facts and Figures', *The Empire Review*, 3 (1903), 361-363.

87. Cooke, 'Why Asiatic Labour is Necessary for the Rand: The Facts and Figures', 366.

88. TAB, Secretary of Native Affairs (SNA), 188/NA313/03, Cutting from the *South African Native Opinion*, 1 March 1903.

They feel that the introduction of a class of labourers with no idea of any rights, and with morals and habits unlike those of the European races, in which your petitioners have been hitherto trained, will be, in the highest degree, prejudicial to the future of their race in its struggle for advancement in Christianity and civilization.<sup>89</sup>

Chief Bathoen of the Bangwaketse (of the now southern region of Botswana) also raised concerns regarding the possibility of Chinese indentured labourers taking jobs on the mines from Africans.<sup>90</sup>

Milner considered the matter of opposition to Chinese migrant labour in the Transvaal to have been settled completely by 1905, when the mayor of Johannesburg – and one of the staunchest opponents of the ordinance, J.W. Quinn – seemed to change his opposition to the arrival of the Chinese indentured labourers.<sup>91</sup> The Labour Importation Ordinance remained very unpopular amongst the white citizenry of the Transvaal,<sup>92</sup> but this unpopularity was not sufficient to sway the designs of the British government or the mining establishment, at least not until 1910 and Union, particularly in light of a report in December 1904, which found that the number of white labourers on mines continued to decrease and was, by 1905, projected to result in an imbalance of seven African labourers on the Transvaal mines for every one white worker.<sup>93</sup> Faced with a shrinking workforce, the introduction of the Chinese indentured labourers was pushed through.

In preparation for the arrival of the Chinese indentured labourers the Emigration Convention between the British Empire and Qing Dynasty sought to place several safeguards in place. Beyond the appointment of the Consul-General, as detailed in Article Six, some of the suggestions made by the Chinese Minister during negotiations were also addressed. Amongst these was Article Nine of the convention, which required the appointment of an officer, or officers, within British South Africa who would have a duty to ensure that the Chinese indentured labourers had adequate access to the courts of the Transvaal.<sup>94</sup> Concerns about corporal punishment were also mentioned specifically to Milner during the negotiations. The British imperial authorities assured the Qing Dynasty that such measures would only be applied to Chinese indentured labourers after a court had determined whether they were

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89. TAB, SNA, 188/NA313/03, Cutting from the *South African Native Opinion*, 1 March 1903.

90. 'From the Cape to Zambesi: Weekly Summary of South African News', *Rand Daily Mail*, 16 April 1904, 12.

91. TAB, LTG, 166/TEL/1248, Introduction of Chinese Labour, Despatch from Governor, Cape, 1904.

92. W.T. Stead, 'South Africa and its Problems: The Chinese Question', *Review of Reviews*, June 1904, 311.

93. TAB, GOV, 70/GEN/756/04, Increase in the Number of White Labourers on the Witwatersrand Mines in October Amounted to 82, 1904.

94. 'Treaties, Conventions, etc., between China and Foreign States', 647.

applicable or not, under ‘impartial law’, applying equally to all individuals living in the Transvaal.<sup>95</sup> Further, the Foreign Labour Department of the Transvaal was created to oversee the treatment of Chinese indentured labourers, and this was a distinctly political body that had a measure of responsibility for the Chinese indentured labourers on the mines.<sup>96</sup> A significant complication to this matter was that the Qing Dynasty was not simply in negotiations with a single polity. Although the Convention on Labour was signed between the Qing Dynasty and the British government, the Chinese indentured labourers were being sent to the Transvaal and it was the Foreign Labour Department of the Transvaal which was involved directly with implementing these laws. This was a unique political body in the Transvaal and not an official instrument of the British government.<sup>97</sup>

The general managers of the Chamber of Mines provided advice to the British Foreign Secretary in preparation for the arrival of the indentured Chinese.<sup>98</sup> They advised that because the currency in use in British South Africa was markedly smaller in physical size than the currency familiar to the Chinese, the remuneration Chinese workers would receive had to be explained to them. They had to be reassured that they were not being cheated.<sup>99</sup> Further, it was advised by the Chamber of Mines that goods on sale to the Chinese indentured labourers in both the Cape Colony and the Transvaal, should have prices fixed at a low level, so as to motivate the Chinese indentured labourers to spend their money locally.<sup>100</sup> The Chinese labourers themselves would work almost exclusively in unskilled positions on the mines during their time in the Transvaal.<sup>101</sup> By 1906, when there were already about 50 000 Chinese labourers in British South Africa, only some 2 000 were employed in occupations which did not require them to work underground.<sup>102</sup> The Chinese labourers were obliged to work for ten hours every day of the week barring Sundays and holidays,

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95. TAB, AMPT PUBS, 51CD 1986. Further correspondence relating to the Transvaal labour question, 1904.

96. TAB, GOV, 990/PS/37/17/06, Confidential Report of Mine Managers to consider means to be adopted for securing the better control of Coolies on Mines, 1906.

97. TAB, AMPT PUBS, 51CD 1986. Further correspondence relating to the Transvaal labour question, 1904.

98. TAB, FLD, 281/1534/04, Labour Importation Agency. Circular Number 232. Letter from Mr Perry to the General Manager, Labour Importation Agency, urging a point in the dealing with local coinage brought by Chinese Coolies, 1904.

99. TAB, FLD, 281/1534/04, Labour Importation Agency. Circular Number 232. Letter from Mr Perry to the General Manager, Labour Importation Agency, re local coinage brought by Chinese Coolies, 1904.

100. TAB, FLD, 281/1534/04, Labour Importation Agency. Circular Number 232. Letter from Perry to General Manager, re local coinage brought by Chinese, 1904.

101. TAB, FLD, 24/2706/06, Walter Bagot, General Manager, Chamber of Mines Labour Importation Agency to the Superintendent, Foreign Labour Department, 1906.

102. G. Kynoch, ‘Controlling the Coolies: Chinese Mineworkers and the Struggle for Labor in South Africa, 1904-1910’, *The International Journal of African Historical Studies*, 36, 2 (2003), 311.



and during this time, they were prohibited from leaving, the mining complexes.<sup>103</sup> On the days when they were not working, if unable to acquire permits, the Chinese were allowed to leave the mining complexes but the Labour Importation Ordinance disallowed them from leaving the Witwatersrand district, effectively keeping the vast majority of the Chinese labourers within the area.<sup>104</sup>

Ultimately, this strong antipathy to Chinese by whites meant that when the details of the Labour Importation Ordinance were being finalised, the British officials and local governments incorporated numerous legislative measures designed to curtail the Chinese immigrants from competing with white citizens, assuaging the economic fears held by the local residents.<sup>105</sup> This resulted in many restrictive stipulations being included in the ordinance, with 17 of the 35 total sections dealing with legislative and regulatory limitations on the Chinese arriving in the Transvaal Colony.<sup>106</sup> Some of the most important restrictions were those that limited Chinese migrant workers to a maximum contract of three years, after which time they had to be repatriated to China. Alternatively, they had the option of extending their contracts for a further three years after which they would be repatriated automatically.<sup>107</sup> When the more than 60 000 Chinese indentured labourers arrived in the Transvaal, it was to an environment that was already hostile and fearful of their presence.<sup>108</sup>

In addition to including numerous other provisions concerning what the indentured Chinese labourers would be allowed to do, especially where they were permitted to stay or move, it was clear that the goal of the ordinance was to minimise the contact the indentured Chinese would have with anyone in the Transvaal Colony. Ostensibly, this was seeking to restrict them as much as possible to the Witwatersrand area and to mining compounds. That the Labour Importation Ordinance was a restrictive piece of legislation was acknowledged even in its own time, and among opponents of the ordinance within the political circles of both the Transvaal and the British Empire. A concerted lobby emerged within British politics that was opposed to the use of Chinese labour in this manner within the Transvaal. This lobby included politicians as well as activists and even prominent individuals such as the Archbishop of Canterbury.<sup>109</sup> It was this same lobby that at times, equated the ordinance to permitting conditions that almost amounted to ‘slavery’ of the indentured Chinese labourers.<sup>110</sup>

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103. Kynoch, ‘Controlling the Coolies’, 311.

104. Kynoch, ‘Controlling the Coolies’, 312.

105. Harris, ‘A History of the Chinese in South Africa to 1912’, 134.

106. D.J.N. Denoon, ‘The Transvaal Labour Crises, 1901-1906’, *Journal of African History*, 8, 3 (1967), 489.

107. Harris, ‘A History of the Chinese in South Africa to 1912’, 135.

108. W. H. Hutt, *The Economics of the Colour Bar* (Auburn: Ludwig von Mises Institute, 2007), 45-46.

109. Harris, ‘A History of the Chinese in South Africa to 1912’, 130.

110. Harris, ‘A History of the Chinese in South Africa to 1912’, 130.

The regulations of the Labour Importation Ordinance bound the indentured Chinese labourers to the mine premises on which they worked. Their only sanctioned occasion for moving beyond these premises was to hold a temporary permit valid for a period not exceeding two days, which in effect allowed them little movement in the Transvaal.<sup>111</sup> Furthermore, they were only permitted to occupy positions of unskilled labour and were banned from some 50 other potential occupations.<sup>112</sup> The ordinance was further amended in 1905, after the bulk of the indentured Chinese labourers had arrived. Many of these amendments increased the repressive nature of the ordinance. This included expanding the list of crimes for which the Chinese could be held accountable and by increasing the power of the Foreign Labour Department's inspectors to punish and assign guilt in cases involving the Chinese indentured labourers.<sup>113</sup> Some regulations of the ordinance were not wholly repressive, however, and this was partly due to the involvement of the Qing Dynasty and the Consul-General in their formulation.<sup>114</sup> An example of this is in the prohibition of corporal punishment being included in the ordinance, inserted at the request of the Qing Dynasty, as well as the creation of the office of the Consul-General itself.

Beyond the onerous regulations of the Labour Importation Ordinance, the indentured Chinese labourers also experienced repression in the mining compounds where they were accommodated. Regardless of the regulations, differing levels of physical abuse, such as flogging, as well as particular methods of torture were employed frequently on the mines to coerce the indentured Chinese labourer.<sup>115</sup> Much like African labour, the Chinese indentured labourers were exploited by the mine owners who were capitalists wishing to increase their profits. The Chinese workers provided an extremely cheap workforce with a limited capacity to defend their own interests or to resist exploitation once in the mining compounds. This treatment led to resistance from the indentured Chinese labourers, initially, and most noticeably, in the form of the many riots that took place. There were some changes in the harsh policies applied in the compounds after a special committee was held on the control of Chinese labourers. Desertion, rioting or refusal to work were all common forms of resistance by the Chinese indentured labourers in response to a wide range of difficulties ranging from low wages to the excessive physical punishment they endured.<sup>116</sup>

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111. *Ordinances of the Transvaal*, No. 17 of 1904, Labour Importation Ordinance, section 15, 81; section 18, 82; section 19, 82-83.

112. *Ordinances of the Transvaal*, No. 17 of 1904, Labour Importation Ordinance, section 9, a, 79; schedule 1, 93.

113. *Ordinances of the Transvaal Colony*, Ordinance 27 of 1905.

114. Richardson, *Chinese Mine Labour in the Transvaal*, 35.

115. TAB, AMPT PUBS, CD/2819/89, Transvaal, Further correspondence relating to labour in the Transvaal mines, 1906.

116. Kynoch, 'Controlling the Coolies', 318.

The numerous uprisings and riots that occurred throughout the period of this labour experiment attest to the dissatisfaction experienced by the Chinese indentured labourers, and to their efforts to resist these conditions or bring about some form of improvement. As the Foreign Labour Department only recorded riots that required external police services, the precise number of smaller uprisings or rebellious actions undertaken by the Chinese indentured labourers is difficult to ascertain.<sup>117</sup> But between 1902 and 1906 alone there were some 25 different incidents of rebellion by Chinese indentured labourers on mining compounds that were severe enough to necessitate the use of police.<sup>118</sup>

The involvement of the Consuls-General in the issues of the indentured Chinese labourers has been regarded as contentious by some. Some authors, such as Philip Snow writing in 1989, characterise the actions of these officials as being largely complicit with the white authorities, rendering assistance to them in controlling the indentured Chinese labourers rather than seeking to improve the conditions and circumstances of the Chinese labourers.<sup>119</sup> In addition, Snow contends that the assistance the Consuls-General gave to the South African authorities in keeping order was proof of the Qing Dynasty's apathetic position towards its foreign subjects.<sup>120</sup> However, this is a misleading conclusion, particularly when one examines the actions taken by the Consuls-General during the indentured labour experiment. Moreover, it is important to distinguish between the two Consuls-General for the period, because they approached matters differently and Liu Ngai was only appointed to the position of Consul-General in 1907, towards the tail-end of the Chinese indentured labour experiment. Liu Yuling, as the first Consul-General, was more involved in the welfare of the indentured Chinese labourers than Liu Ngai. As part of his consular duties, Liu Yuling at times inspected the mining compounds, to ensure that the Chinese labourers were being treated according to the agreed conditions of the British and Qing schedule on labour. In an interview given to the *Natal Mercury* in 1905 Liu Yuling left no doubt as to why he was in the Transvaal, and positioned his duty of inspecting the circumstances of the Chinese labourers on the mines as his 'primary reason' for being in the Transvaal:

It is my intention to see the mines at work, and acquaint myself with every detail. If I consider they are well treated, I shall say so; if I think the contrary, I shall not neglect to inform my Government. If, of course, there were none or few of my countrymen here, there would be no reason for a Consul being appointed.<sup>121</sup>

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117. TAB, Labour Department (LD), 1163/AG/5415/05, Annual Report Foreign Labour Department, 1904 to 1905, 1905.

118. TAB, GOV, 165/GEN/266/05, Acting Superintendent FLD to Lieutenant Governor, 1905.

119. P. Snow, *Star Raft: China's Encounter with Africa*, (New York: Cornell University Press, 1989), 48.

120. Snow, *Star Raft: China's Encounter with Africa*, 48.

121. 'Chinese Consul: Views on the War in the Far East, Recruiting for the Mines', *Rand Daily Mail*, 16 May 1905, 5.

In this the Consul-General also alludes to the indentured Chinese as having served as the catalyst for the establishment of the Consul-General's office in South Africa, implying that it was only the presence of the Chinese on the mines which had prompted the Qing Dynasty in this matter. Further emphasising the importance with which Liu Yuling, and the Qing Dynasty officialdom as a whole treated the wellbeing of the indentured Chinese labourers, Liu Yuling explained that his position had been created through unique means. In contrast to being appointed by the foreign ministry, as was standard practice for a Consul-General, Liu Yuling was made Consul-General to South Africa by imperial edict.<sup>122</sup> As Liu Yuling himself put it:

... the Emperor makes the appointment. You see Consuls customarily are made by Ministers of our Government, but in this case the position was created by Imperial Edict.<sup>123</sup>

Despite this, it remains the case that the Consul-General was rarely consulted or involved in matters of unrest or riots on the mines. A further consideration was that as opposed to the free Chinese community, the indentured Chinese labourers rarely turned to the Consuls-General initially when they sought recourse for the problems they faced. However, it should be noted that an official policy did exist on the mines on how the indentured Chinese could direct complaints to their employers. This system required that any complaints were first to be directed up the chain of mine management from the controller to the manager and then the inspector. Only after that could the complaint or petition to be taken further to the Foreign Labour Department itself.<sup>124</sup> This meant that the indentured labourers had a specific system they were expected to follow to channel their concerns. The fact that they made less use of the Consuls-General than their free counterparts might well have been the result of having an alternative system to utilise, no matter how limited it was in practice.

Furthermore, considering the evident problems with communication, it is highly likely that the indentured Chinese labourers were not fully aware of the Consul-General's existence as an individual who they could contact if they felt they needed assistance. Evidence for this can be found in 1905 when Liu Yuling went to a mine, following which the resident Foreign Labour Department inspector blamed him for inciting a riot.<sup>125</sup> Liu Yuling's visit to the Witwatersrand Deep Mine, the inspector

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122. 'Chinese Consul: Views on the War in the Far East, Recruiting for the Mines', *Rand Daily Mail*, 16 May 1905, 5.

123. 'Chinese Consul: Views on the War in the Far East', *Rand Daily Mail*, 16 May 1905, 5.

124. TAB, Foreign Labour Department (FLD), 240/76/2, 76/7, 76/8, 76/11, Complaints by Chinese, 1906; and TAB, FLD, 241/76/15, 76/19, 76/32, Complaints by Chinese, 1906.

125. TAB, GOV, 171/GEN/596/05, Copy of a Report by Captain Fairfax on the disturbance which took place amongst Chinese Coolies employed on the Witwatersrand Deep Mine, Limited, 1905. TAB, GOV, GEN/665/05, Further report by Captain Fairfax of the Foreign Labour Department, re disturbance on the mine, 1905.

alleged, had resulted in the indentured Chinese labourers being convinced that the treatment they received was unfair and in breach of contract. The inspector implied that the Consul-General had been responsible for convincing the Chinese labourers of these grievances and had motivated them to take rebellious action.<sup>126</sup> It is possible, then, that considering their limited access to information on the mining premises, many of the indentured Chinese labourers were simply unaware of a formal means of communicating their complaints to the Consul-General. Further evidence that the authorities on the mines sought to prevent the indentured Chinese having access to the Consul-General can be found in the case of the Rose Deep mine riot, also in 1905. On that occasion, the refusal by the Chinese labourers to enter the mine for their night shift escalated into a riot.<sup>127</sup> When the mining authorities tried to convince the Chinese labourers to resume work they refused to do so until they had spoken with the Consul-General.<sup>128</sup> However, it appears that the mining authorities would not permit them to do so.<sup>129</sup>

Liu Yuling maintained a comprehensive set of reports on the treatment of the indentured Chinese labourers, reporting back to the Qing Dynasty on their circumstances and attempting to arrange for transportation for those who fell ill. For the most part, it appears as if Liu Yuling's approach to the indentured Chinese labourers sought to find common ground between the two parties, safeguarding the Chinese workers and trying not to antagonise the Transvaal government. He made no comprehensive protest concerning the treatment of the indentured Chinese on the Witwatersrand, but he did seek to provide help by organising for ill Chinese individuals to be transported home and for the indentured Chinese to be able to remit money to their families in China.<sup>130</sup> Liu Yuling was also successful in negotiating a system by which the employer, the Chamber of Mines, would pay compensation to the families of Chinese indentured labourers who passed away whilst working in South Africa.<sup>131</sup>

One of the most important aspects of Liu Yuling's involvement with the indentured Chinese was his participation in a special committee established by the Transvaal government in 1906. Between 1905 and 1906, the Foreign Labour Department and the Chamber of Mines organised their own separate committees to

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126. TAB, GOV, 171/GEN/596/05, Copy of a Report by Captain Fairfax on the disturbance at the Witwatersrand Deep Mine, 1905. TAB, GOV, GEN/665/05. Further report by Captain Fairfax regarding the disturbance at the mine, 1905.

127. 'Rose Deep Row, Ten Coolies Charged, Dissatisfied with the Food', *Rand Daily Mail*, 24 June 1905, 8.

128. 'Rose Deep Row, Ten Coolies Charged, Dissatisfied with the Food', *Rand Daily Mail*, 24 June 1905, 8.

129. 'Rose Deep Row, Ten Coolies Charged, Dissatisfied with the Food', *Rand Daily Mail*, 24 June 1905, 8.

130. TAB, FLD, 84/11/52, Remittance of money to China. Money order system, 1905.

131. Anshan, 'China's Africa Policy', 60.

attempt to find solutions to the issue of desertions and ‘disobedience’ by Chinese indentured labourers.<sup>132</sup> When both these committees failed to produce a satisfactory outcome to the problem it was decided to form a joint Special Committee. This was established in April of 1906, by the acting Lieutenant-Governor of British South Africa, Richard Solomon. Its specific function was to devise better methods to control the Chinese indentured labourers on the mines. Named the Special Committee on the Control of Chinese Labourers, it comprised the superintendent of the Foreign Labour Department, the general manager of the Chamber of Mines, representatives of the South African Constabulary, a resident magistrate from Pretoria (who served as the chairman of the committee) and Consul-General Liu Yuling.<sup>133</sup> It was tasked with devising a method to ensure that the difficulties faced by the mines with regard to the Chinese indentured labourers, could be ameliorated in any way.<sup>134</sup>

That Liu Yuling was involved in this committee may signify that to a certain extent he determined the form the indentured Chinese experiment would take. However, and importantly, he was merely a participating member, with little power, and thus the ultimate outcome of the committee was not necessarily an accurate reflection of his intentions. It is impossible to know his exact thoughts on the Committee or the extent and nature of his influence on the changes that were made. Yet Liu Yuling’s involvement is telling of the role the Consul-General played in assisting the South African authorities to control the Chinese labourers. In the report of the Special Committee, it was noted that Liu Yuling advised the committee that most of the desertions, riots, and disruptive behaviour by the Chinese labourers in general, were because of the harsh treatment they received. His comments were recorded as follows:

[...] the Chinese Consul-General has given it as his opinion that much of the discontent which arose during the earlier stages, and which perhaps still exists to-day, is attributable to the fact that the labourer has never before been subjected to the discipline under which he has now to work, ... which is essential for the purpose of proper work and control.<sup>135</sup>

As with the actual complaints made by the indentured Chinese labourers themselves (which were largely dismissed in the official reports of the Chamber of Mines and Foreign Labour Department) Consul-General Liu Yuling emphasised that it was the ‘treatment’ of the Chinese labourers that was the primary catalyst for most of the

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132. Richardson, *Chinese Mine Labour in the Transvaal*, 174.

133. Transvaal Chamber of Mines, ‘Report of the Special Committee to Consider the Present Conditions in Regard to Control of Chinese Indentured Labourers on the Mine Premises of the Witwatersrand Area’, June 1906.

134. Transvaal Chamber of Mines, ‘Report of the Executive Committee, 1906’, 14.

135. Transvaal Chamber of Mines (hereafter TCM), Report of the Special Committee Appointed to Report on the Conditions in Regard to Control of Chinese Indentured Labourers on the Mine Premises of the Witwatersrand Area, June 1906, Part IV.

difficulties encountered. He also attached an addendum to the report explaining that he objected to a proposal to erect fences around the mining compounds that housed these workers.<sup>136</sup> He explained that he believed a fence served no useful purpose and that it would not deter desertion. He went on to say that if a Chinese labourer wished to desert, he would simply get a permit to leave the premises and never return.<sup>137</sup> Instead, Liu Yuling supported the report's argument that the situation would be best remedied with an increase in oversight:

I believe (1) That the present compound should be closely guarded and stronger European supervision should be exercised – especially during the night; (2) The boundaries of the mines should be marked by posts, and such posts should be guarded [and] that there should be a daily check system uniformly on all the mines.<sup>138</sup>

Somewhat unsurprisingly, the committee's investigations downplayed any role played by the abuse of the indentured Chinese labourers, either in their desertions or uprisings, and ignored the importance of wage disputes, focusing instead on gambling and opium, and identifying these as the primary causes of desertion.<sup>139</sup> However, this was only the official stance of the committee. In other correspondence, members of both the Chamber of Mines and Foreign Labour Department were more receptive to understanding the role played by mistreatment of the Chinese labourers by white miners and employers.<sup>140</sup> Furthermore, the vast majority of complaints and petitions made by the indentured Chinese labourers were focused on the issue of mistreatment by their superiors – the white or Chinese mine police staff – as well as disputes concerning their wages and their contracts.<sup>141</sup> The recommendations made by the committee, most of which were eventually adopted and enforced on the mining compounds, were detailed in the conclusion, which focused mainly on the permit system and increasing the security around the mines.<sup>142</sup>

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136. TCM, Report of the Special Committee Appointed to Report on the Control of Chinese Indentured Labourers on the Mine Premises of the Witwatersrand Area, June 1906, Addendum to the report.

137. TCM: Report of the Special Committee Appointed to Report on the Control of Chinese Indentured Labourers on the Mine Premises of the Witwatersrand Area, June 1906, Addendum to the report.

138. TCM: Report of the Special Committee on the Control of Chinese Indentured Labourers on the Mines of the Witwatersrand Area, June 1906, Addendum.

139. TAB, AMPT PUBS, TKP/205/01, Transvaal Blue Books, unnumbered. Labour. Report of the Special Committee appointed to inquire into the present conditions in regard to the control of Chinese indentured labourers in the Witwatersrand, 1906.

140. TAB, FLD, 7/147/20/11A, Secret Telegram, Governor of Transvaal to Secretary of State, 1905.

141. TAB, FLD, 240/76/-, Complaints by Chinese, 1906.

142. TCM, Report of Special Committee to Report on the Conditions and Control of Chinese Indentured Labourers on the Witwatersrand, June 1906, Conclusion.

The role of the Qing Consul-General was therefore complicated. Liu Yuling did make several efforts to assist the indentured Chinese labourers and was involved in trying to rectify some of the issues and difficulties they faced, but at the same time his involvement in the Special Committee indicates that he also worked to assist the South African authorities in exercising control, even repressive control, over the indentured Chinese labourers. It is important to bear in mind that the Transvaal authorities opposed attempts by Liu Yuling to interact with the indentured Chinese workers. When Liu Yuling did try to investigate the abuse of Chinese labourers on the mines in 1906, he was rebuffed by the Chamber of Mines.<sup>143</sup> Furthermore, from the outset of the labour experiment the British authorities, the Transvaal government, and the Chamber of Mines were determined to make him more or less impotent. The powers of the office were left extremely vague and, crucially, the Consul-General was not permitted to visit mines without the permission of the authorities. He also had no means of protesting against mistreatment or enforcing the provisions of the Importation Ordinance.<sup>144</sup> Liu Yuling's only power was to report back to his government, which could do little other than lodge official complaints with the British imperial authorities.<sup>145</sup> His motives were also viewed with suspicion and hostility. This was made quite explicit in a comment by the head of the Witwatersrand Native Labour Association, F. Perry, in 1903: 'The last thing we want is a petty mandarin, with an army of subordinates, registering the individual labourers and certainly blackmailing them in the process.'<sup>146</sup>

On the face of this it becomes clear that the British and Transvaal authorities had already set themselves against permitting the Consul-General to make any appreciable change to the situation of the indentured Chinese. A further factor was Liu Yuling's lack of leverage or influence. As indicated above, the opening decade of the twentieth century was a period of geo-political instability and weakness for the Qing Dynasty. This left Liu Yuling with little capacity to coerce any sort of compromise from the Transvaal or British authorities. His own grandson, Lau Kameng, attributed to Liu Yuling the view that his negotiations and efforts were always severely hamstrung and were impaired by his lack of any real bargaining power.<sup>147</sup> With this in mind, Liu Yuling's actions must be understood in terms of the limitations set upon him.

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143. TAB, FLD, 225/62/55, A.S.H. Cooper to Selborne re allegations by Cooper while in gaol, 1905.

144. TAB, AMPT PUBS, 51CD 1986. Transvaal. Further correspondence relating to the Transvaal labour question, 1904

145. TAB, AMPT PUBS, 51CD 1986. Transvaal. Further correspondence relating to the Transvaal labour question, 1904

146. TAB, FLD 130/19/3, Consular Matters, 1903.

147. Rosario: 'Diplomacy at its Best'.



In contrast to information on Liu Yuling, there is very little official record of Liu Ngai's attempt to assist the indentured Chinese labourers or being involved with their difficulties. Considering that Liu Ngai took office late in 1907 when Liu Yuling returned to China in August, it is true that Liu Ngai was only involved with the final years of the South African Chinese indentured labour experiment. In fact, by the time Liu Ngai assumed office, the indentured labour system was already being dismantled.<sup>148</sup> Furthermore, by the time Liu Ngai was named as Consul-General most of the conflicts on the mines involving the indentured Chinese labourers had been resolved, largely because of an increase in the number of white overseers on the mines, who restricted and repressed any rebellious action by the indentured Chinese labourers.<sup>149</sup> This is a possible explanation why Liu Ngai appears to have been less involved with the indentured Chinese labourers than Liu Yuling.

Despite minor successes, the Consuls-General failed to achieve a significant improvement in the conditions of the indentured Chinese labourers. The combination of riots and desertions and the support of the Consuls-General managed to secure only limited concessions, and for the most part the Transvaal authorities turned to increased repression to control the indentured Chinese labourers. The role of the Consuls-General was more complex than simply supporting the Chinese labourers, as shown by Liu Yuling's apparent support for more stringent white oversight on the mining compounds. However, there was still an effort on behalf of the Consuls-General of the Qing Dynasty to assist the Chinese labourers, making any dismissal of their role as 'agents of the Transvaal authorities', an unfair one.

### **The Consuls-General and the Chinese of the Transvaal**

The small Transvaal community of free Chinese was the target of several discriminatory legislative acts before the arrival of the Consuls-General. In 1885, the Transvaal passed 'Law 3, Relating to Coolies, Arabs and other Asiatics,' which effectively prohibited any Chinese individual in the Transvaal from becoming a citizen of the Transvaal or owning fixed property.<sup>150</sup> Furthermore, the law forced the Chinese to pay for and carry passes.<sup>151</sup> Even after the South African War and the establishment of a new Transvaal government in 1903 under the auspices of Britain, the new authorities reinstated what were largely the same provisions under the so-called 'Bazaar Act'.<sup>152</sup>

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148. Richardson, *Chinese Mine Labour in the Transvaal*, 166.

149. Kynoch, 'Controlling the Coolies', 314.

150. *Statute Law of the Transvaal, 1839-1910*, Law 3 of 1885, Relating to Coolies, Arabs and other Asiatics.

151. *Statute Law of the Transvaal, 1839-1910*, Law 3 of 1885, Relating to Coolies, Arabs and other Asiatics, Section C.

152. *Transvaal Leader*, 12 December 1903.

Although not directly targeted by the Labour Importation Ordinance, it has been argued most persuasively by Harris that the arrival of the indentured Chinese labourers catapulted the Chinese community into the spotlight.<sup>153</sup> Like the indentured Chinese labourers, the free Chinese in the Transvaal were active in resisting discriminatory legislation. But in contrast, the free Chinese community sought the assistance of the Qing Dynasty's Consuls-General on a regular basis. They often relied on them to aid them in their resistance against discriminatory legislation. Indeed, in 1902 a group of Chinese in the Transvaal delivered a petition to the Qing Dynasty's minister in London, Zhang Deyi, asking for some form of representation on their behalf by the Qing Dynasty.<sup>154</sup> The involvement of the Consuls-General was a rare commonality between the free Chinese and indentured Chinese labourers in the Transvaal. However, for the most part, both groups pursued isolated and separate paths, never forming a combined resistance based on their shared ethnicity.<sup>155</sup> On the one hand this can be explained by the fact that the Transvaal Chinese seemed disinterested in the fate of the indentured Chinese labourers on the mines. But it should also be remembered that the strict isolation the labourers had to endure meant that the two groups had almost no chance to communicate or interact.<sup>156</sup> In addition, the majority of the indentured Chinese hailed from the northern provinces of China, particularly the Chihli and Shantung provinces, modern day Hebei and Shandong provinces respectively, and most of them were from impoverished areas in those provinces.<sup>157</sup> This was in contrast to the smaller community of Chinese who lived outside the Transvaal mining compounds and hailed predominantly from more southern regions.

The Transvaal Asiatic Registration Act of 1906 was the primary focus of resistance among the free Chinese in the Transvaal. This legislation was built on an earlier bill, the Draft Asiatic Amendment Ordinance of 1906. At the time of its promulgation the Draft Asiatic Amendment Ordinance stoked intense resistance from both the Chinese and Indian communities in the Transvaal. The Draft Ordinance create a comprehensive and intrusive register of all 'Asiatics' in South Africa, and key matters such as trading licenses were only made available to those who underwent registration.<sup>158</sup> The registration required a host of personal details from the Chinese and Indians living in the Transvaal, and from the outset both groups were concerned that the process held implications of criminality, or what they considered to be lower-class treatment.<sup>159</sup> The Transvaal Chinese community was quick to involve Consul-

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153. K.L. Harris, "'Strange Bedfellows': Gandhi and the Chinese Passive Resistance', *Journal of Natal and Zulu History*, 31 (2013), 18.

154. L. Anshan: *A History of Overseas Chinese in Africa to 1911* (New York: Diasporic Africa Press, 2012), 182.

155. Harris, 'A History of the Chinese in South Africa to 1912', 54.

156. Harris, 'A History of the Chinese in South Africa to 1912', 45.

157. Richardson, *Chinese Mine Labour in the Transvaal*, 272.

158. B. Pachai, *The International Aspects of the South African Indian Question 1860-1971* (Cape Town: Struik Publishers, 1971), 39.

159. Harris, 'A History of the Chinese in South Africa to 1912', 290.

General Liu Yuling in their opposition to the Draft Ordinance, sending him a five-page petition which he passed on to the Transvaal authorities and the British Ambassador to the Qing Dynasty.<sup>160</sup> The free Chinese community in the Transvaal was headed by Leung Quinn, leader of the Transvaal Chinese Association, who created a comprehensive document detailing the association's opposition to the Draft Ordinance and outlining the onerous consequences it would have for all free Chinese in the Transvaal were it to come into force.<sup>161</sup> Furthermore, when a deputation from the Transvaal Chinese Association departed to London, to present the grievances in connection with the Draft Ordinance, they were accompanied by Liu Yuling himself who later delivered a petition to the British Ambassador on their behalf.<sup>162</sup> In response, in November 1906, the British Governor rejected the Draft Ordinance, preventing it from coming into force.<sup>163</sup> However, this victory was to be transient at best. By February of 1907 a new election in the Transvaal had brought the Het Volk party into power.<sup>164</sup> In addition, following the election, the colony gained a greater degree of self-rule from the British, which allowed Het Volk to promulgate and pass a new act which effectively established all provisions of the Draft Ordinance in 1907.<sup>165</sup> This time there would be no intervention from the British Empire.<sup>166</sup>

A specific provision of the registration of 1907, which required the Chinese to have impressions of their fingerprints taken, was considered particularly dehumanising and insulting to the dignity of the Chinese not only as individuals but also to their nation.<sup>167</sup> This was predominantly due to the Chinese's own social experience, in which the process of taking fingerprints was usually reserved for those considered criminals and especially those who had committed grievous crimes.<sup>168</sup> As a result many Chinese correlated this particular registration requirement with the notion that they were being 'criminalised' and 'degraded', treated as if they were serious offenders or lower class individuals.<sup>169</sup> The intense opposition among the Chinese to this process was evident in the fact that by the time registration closed in November, only four Chinese persons had registered.<sup>170</sup> Of these, one returned to China and another, Chow Kwai, would commit suicide.<sup>171</sup>

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160. TAB, GOV, 202/Gen/1005/06, Petition from Chinese Residents in Transvaal against Provisions of Asiatic Law Amendment Ordinance, 1907.

161. TAB, GOV, 202/Gen/1005/06. Petition from Chinese Residents, 1907.

162. *Indian Opinion*, October 1906, 6.

163. *Indian Opinion*, 15 December 1906, 8.

164. Harris, "'Strange Bedfellows': Gandhi and the Chinese Passive Resistance', 24-25.

165. *Statutes of the Transvaal*, Act 2 of 1907, Asiatic Law Amendment Act.

166. Harris, "'Strange Bedfellows': Gandhi and the Chinese Passive Resistance', 24-25.

167. PRO, CO, 291/122 40668, Asiatic Law Amendment Act, 1907.

168. PRO, CO, 291/122 40668, Asiatic Law Amendment Act, 1907.

169. Harris, "'Strange Bedfellows': Gandhi and the Chinese Passive Resistance' 24-25.

170. E.S. Reddy, *Gandhi and the Chinese in South Africa* (New Delhi: National Gandhi Museum, 2016), 30.

171. Reddy, *Gandhi and the Chinese in South Africa*, 30.

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

I am going to leave the world, but I must give a public explanation [of] why I intend to commit suicide. Since I came to South Africa I have only been in domestic service. My dialect is quite different from that of the rest of my countrymen, with whom I have very seldom associated. My employer advised me to re-register. At first, I refused to do so, but I was informed that I would be dismissed from my employment. I thought that I should have to lose my situation. Therefore, I was obliged to re-register, but I did not know the degradation that would follow until my friend talked to me about the registration matter and showed me the translation of the law. I found that I would be treated as a slave, which would be a disgrace to myself and my nation. I was not aware of all this before. Now it is too late for me to repent. I cannot look my countrymen in the face. I hope all my countrymen will take warning from my error.<sup>172</sup>

This tragedy did not go completely unnoticed. In the Chinese section of the Braamfontein cemetery, the Transvaal Chinese Association erected an imposing grave for the young man, with the text of his suicide letter inscribed on the headstone.<sup>173</sup>

The intense campaign of resistance from the free Chinese to the Asiatic Registration Act saw increasing numbers of them being arrested throughout 1907. In total, over 2 000 'Asians' were charged and convicted for failing to comply with the law to register in terms of the Registration Act between 1907 and 1908. This included the arrest of the Transvaal Chinese Association head, Leung Quinn, himself.<sup>174</sup> The imprisonment of the Chinese resisters also saw the Consul-General at the time, Liu Ngai, involve himself in the affair, moving beyond simply relaying petitions on behalf of the Transvaal Chinese Association.<sup>175</sup> Liu Ngai made several visits to the imprisoned Chinese activists during 1907 and 1908, often to ensure that their conditions were satisfactory, and to show support for their cause.<sup>176</sup> In January of 1908, Liu Ngai personally visited Leung Quinn in jail. In his application for a special permit to do so he described Leung Quinn as 'The prisoner who up to the time of his imprisonment, was the chairman of the Chinese Association in Johannesburg, [and said] which body I recognize as representing the Chinese Community of the Transvaal.'<sup>177</sup> The Consul-General thus made clear both his support for the actions of the Transvaal Chinese Community, as well as his high opinion of Leung Quinn.

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172. *Indian Opinion*, 16 November 1907, 370.

173. *Indian Opinion*, 16 November 1907, 370.

174. Pachai, *International Aspects of the South African Indian Question*, 370.

175. TAB, LD, 1563/AG201/08, Application for special permit to visit Chinese prisoner Leung Quinn from acting Chinese Consul, 1908.

176. TAB, LD, 1563/AG201/08, Application for special permit to visit Chinese prisoner Leung Quinn from acting Chinese Consul, 1908.

177. TAB, LD, 1563/AG201/08, Application for special permit to visit Chinese prisoner Leung Quinn from acting Chinese Consul, 1908.

In addition to this support, Liu Ngai also involved himself in an internal clash within the Chinese community of the Transvaal. There was no uniform response to the Asiatic Registration Act and two distinct factions of resistance emerged. One faction was satisfied with the initial concessions made by the Transvaal government and rejected the ongoing campaign of passive resistance.<sup>178</sup> Conflict arose between this faction and the Passive Resistance faction over the use of the Chinese Association's finances. Eventually, the matter was brought to court in 1908, with the two parties opposing each other in the case of *Leung Quinn v Ho Ling, Tam Hung and Wing Tong Cheong*.<sup>179</sup> The Passive Resistance faction accused the other group of utilising funds from the association, funds that were earmarked for use by the faction which wanted more pro-active resistance.<sup>180</sup> Liu Ngai became involved in the trial, attempting to find a resolution between the two parties.<sup>181</sup> The trial concluded after the two factions came to a mutual agreement with the assistance of Liu Ngai.<sup>182</sup> For the role played by the Consul-General he was awarded £400 of the disputed funds, and he decided to use these funds to establish a Chinese Ward in the Johannesburg Hospital.<sup>183</sup>

It is evident that Liu Ngai was active in his support of the free Chinese community in the Transvaal, particularly during their campaign of passive resistance against the Transvaal Asiatic Registration Act. He was responsible for repeated petitions on their behalf to the South African government in their efforts to lift some of the discriminatory legislation towards the Chinese.<sup>184</sup> This even earned him an official rebuke from the South African and British governments.<sup>185</sup> Liu Ngai also became personally involved in the matter of the Asiatic Registration Act by being involved directly in negotiations between the Chinese Transvaal community and the authorities of the Transvaal.<sup>186</sup>

His efforts to assist in the negotiations between the Chinese Association and the Transvaal government eventually bore fruit and a compromise was reached in 1908, for which he was partly credited.<sup>187</sup> This compromise, agreed upon by the Chinese and a Mr Chamney of the Asiatic Immigration Department, required that

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178. Harris, '“Strange Bedfellows”: Gandhi and the Chinese Passive Resistance', 23-33.

179. 'The Chinese Case: Settlement Reached', *Rand Daily Mail*, 22 July 1909, 10.

180. Harris, '“Strange Bedfellows”: Gandhi and the Chinese Passive Resistance', 23-33.

181. 'The Chinese Case: Settlement Reached', *Rand Daily Mail*, 22 July 1909, 10.

182. 'The Chinese Case: Settlement Reached', *Rand Daily Mail*, 22 July 1909, 10.

183. 'The Chinese Case: Settlement Reached', *Rand Daily Mail*, 22 July 1909, 10.

184. SAB, Governor General (GG), 1320/37/28, Action of the acting Chinese Consul-General in corresponding directly with the Minister of the Interior with reference to the Chinese Exclusion Act of the Cape Colony, 1911.

185. SAB, GG, 1320/37/28. Action of the acting Chinese Consul-General in corresponding with the Minister of the Interior in reference to the Chinese Exclusion Act of the Cape Colony, 1911.

186. 'Asiatics: Chinese Register One Thumbprint', *Rand Daily Mail*, 17 February 1908, 9.

187. 'Asiatics: Chinese Register One Thumbprint', *Rand Daily Mail*, 17 February 1908, 9.

only a single thumbprint be taken as part of the registration process.<sup>188</sup> Furthermore, it was to be understood that registration was by no means an implication of criminality.<sup>189</sup> This stood as a significant achievement for the Transvaal Chinese community, attained with the assistance of the Consul-General.<sup>190</sup> However, the credit for this favourable result should not go to the Consul-General alone because the amendment of the law was the result of a protracted campaign of passive resistance by Indian and Chinese people resident in the Transvaal.

The compromise on the Asiatic Registration Act also persisted beyond the Act of Union in 1910. The initial immigration legislation of the Union acceded to several demands made by the Chinese regarding registration, sufficiently so that from 1912 onwards the free Chinese ceased to resist the legislation actively.<sup>191</sup> The extensive involvement of Liu Ngai, in this issue lends credence to the notion that the efforts of the Consuls-General were indeed of some help to the free Chinese community in the Transvaal. Further, when the Gold and Base Metals Law was passed in 1908, the Transvaal Chinese once again found themselves restricted in their capacity to trade.<sup>192</sup> Although they had long been denied the ability to mine and prospect in their own capacity, the new law also forbade them from trading within mining areas, and further classified them within the Act as constituting part of the 'Coloured' population of South Africa.<sup>193</sup> The Act's explicit classification of the Chinese as constituting a 'coloured' group was a particular point of contention to the Transvaal Chinese. Liu Ngai interceded on their behalf in this matter, directing his protest on the terms of the Act to the Colonial Secretary.<sup>194</sup> The Consul-General had three objections against the new legislation: Firstly, that it placed Chinese in the same category as Africans; secondly, that it limited the ability of Chinese traders to gain permits to trade in mining areas; and lastly, that even where Chinese were indeed permitted to trade, they were restricted to very specific areas.<sup>195</sup> However, Liu Ngai's protests, failed to have any effect because the Gold Law remained on the books well past the collapse of the Qing Dynasty.<sup>196</sup>

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188. 'Asiatics: Chinese Register One Thumbprint', *Rand Daily Mail*, 17 February 1908, 9.

189. 'Asiatics: Chinese Register One Thumbprint', *Rand Daily Mail*, 17 February 1908, 9.

190. Man and Yap, *Colour, Confusion and Concessions*, 155-159.

191. SAB, GG, 1594/51/926, Sentences. Petition for remission from members of Chinese Community in Johannesburg, 1911.

192. Harris, 'Rising China and the History of the South African Chinese', 93-94.

193. Harris, 'Rising China and the History of the South African Chinese', 93-94.

194. TAB, Secretary of Mines (MM), 198/MM690/08, Colonial Secretary. Protest by Chinese Consul General re Gold Law Interpretation of 'Coloured' Person, 1908.

195. TAB, MM, 198/MM690/08, Colonial Secretary. Protest by Chinese Consul General re Gold Law Interpretation of 'Coloured' Person, 1908.

196. TAB, MM, 198/MM690/08, Colonial Secretary. Protest by Chinese Consul General re Gold Law Interpretation of 'Coloured' Person, 1908.

Liu Ngai also became heavily involved in attempting to combat opium usage by the Chinese in the Transvaal.<sup>197</sup> He suggested nine provisions which he felt the Transvaal government should enact to combat its use. These included that any Chinese opium smoker needed a letter of permission from a doctor; that they would have to subject themselves to regular scrutiny by doctors to ensure they were not overusing their opium allowance; that the amount allowed would be reduced monthly to wean users off its use slowly; and that only pharmacies would be allowed to sell opium.<sup>198</sup> These pharmacies, he suggested, should then create a record of the amount of opium sold, and to whom it was sold. Finally, in his view, all smoking shops should be closed and smoking equipment should not be imported.<sup>199</sup> The Transvaal government, however, simply responded to Liu Ngai's suggestions by insisting it had its own existing regulations concerning opium usage, and that those were deemed sufficient.<sup>200</sup>

Taken together, the efforts of Liu Yuling and Liu Ngai indicate that in its final decades the Qing Dynasty attempted to give active assistance to Chinese populations living abroad. Moreover, if examined alongside similar situations, such as the appointment of Consuls-General in Australia in 1909, a familiar picture emerges.<sup>201</sup> As in the case of Liu Yuling and Liu Ngai, the Consuls-General appointed to Australia supported the Chinese people living there against discriminatory policies.<sup>202</sup> Similarly, there is a body of evidence on the Qing Dynasty Consuls-General in New Zealand and the United States of America indicating that in its final few decades the Qing Dynasty underwent a transformation of its attitude towards overseas Chinese and sought to support them proactively.

Recognition of these efforts exerted by the Consuls-General is crucial to dispel the view that they represented a continuing apathy by the Qing Dynasty towards the overseas Chinese. Clearly, the Consuls-General took their duties as guarantors of the well-being of the Chinese in the Transvaal very seriously and made themselves available to the Transvaal Chinese community. The support of both Consuls-General to the free Chinese in the Transvaal in the period under discussion was considerable, although their support and assistance to the indentured Chinese labourers is

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197. KAB, Prime Minister's Office (PMO), 239/415/08, Opium Smoking Legislation suggested by Imperial Chinese Consulate, 1908.

198. KAB, Prime Minister's Office (PMO), 239/415/08. Opium Smoking Legislation suggested by Imperial Chinese Consulate, 1908.

199. KAB, Prime Minister's Office (PMO), 239/415/08. Opium Smoking Legislation suggested by Imperial Chinese Consulate, 1908.

200. Man and Yap: *Colour, Confusion and Concessions*, 172– 173; T. Waetjen, 'The Highs and Lows of the Opium Trade in southern Africa: The Conversation', accessed 29 March 2022, <https://theconversation.com/the-highs-and-lows-of-the-opium-trade-in-southern-africa-129392>.

201. P. Jones, 'The View from the Edge: Chinese Australians and China, 1890 to 1949', in *East by South: China in the Australian Imagination*, eds C. Ferrall, et al (Wellington: Victoria University Press, 2005), 46.

202. Jones, 'The View from the Edge', 46.

decidedly less evident. Further, their support for the Chinese labourers was complicated by the role played by Liu Yuling in assisting and advising the Transvaal authorities on how to control the indentured Chinese labourers. The support offered by the Consuls-General did, at times, achieve some marginal success, most clearly in the compromise reached concerning the Transvaal Asiatic Registration Act.

### **Conclusion: A well-intentioned impotence**

Ultimately, and despite their efforts, opposition from both the Transvaal and Cape governments, and later by the South African government, left the Consuls-General unable to achieve substantive change in the treatment of the Chinese in South Africa, and following the passage of further discriminatory legislation, the immigration of Chinese into South Africa came to a near standstill until 1960.<sup>203</sup> The Qing Dynasty's declining economic and military power also left it unable to coerce or compel compromise from the Transvaal or Cape governments, leaving the Consuls-General impotent when dealing with the discrimination their charges faced.

The explicit opposition by the populace of the Cape and Transvaal to the presence of any Chinese within their also left the two Consuls-General with little room to find compromise, as their counterparts sought to exclude Chinese people entirely from South Africa. However, despite these failures, the Qing Dynasty's Consuls-General sought consistently to render assistance and support to the Chinese living in the Transvaal, even within the stringent limitations that were imposed.<sup>204</sup> As this article shows, in its latter years the Qing Dynasty did indeed try to support Chinese living in the Transvaal colony. Through its Consuls-General in its final years the Qing Dynasty became proactively involved in rendering them assistance.

In addition, the South African Chinese community continued to make use of and cooperate with the Consuls-General dispatched by the Republic of China throughout the remainder of the twentieth century, and the institutions of the Consul-General served an important role in the future struggles of the South African Chinese. As Karen Harris notes, the use of the Consuls-General as official channels of communication with the South African government became a pattern that endured long past the collapse of the Qing Dynasty, with the South African Chinese population continuing to utilise the services of the Consuls-General and later, other diplomatic officials.<sup>205</sup> Although they were unable to effect substantive change in their own time, the Qing Dynasty Consuls-General made clear efforts to assist the South African Chinese, and created a foundation for further assistance in the future.

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203. *Statutes of the Republic of South Africa, Matters Concerning Admission to and Residence in the Republic Amendment Act 53 of 1986.*

204. Harris, 'Rising China and the History of the South African Chinese', 93-94.

205. Harris, 'Rising China and the History of the South African Chinese', 93-94.



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