

Keeping the yellow hordes at Bay

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RESEARCH ESSAY

KEEPING
THE YELLOW HORDES AT BAY

How
effective were the tonnage restrictions and the restrictions on naturalisation

imposed on the Chinese in New Zealand 1900-1968?

The first

part of this investigation shows that the requirement that ships could carry only one Chinese person per 200 tons of cargo was not a real limitation on migration. The second part of this investigations shows that 15 years after naturalisation again became available to Chinese in 1951, only 16% had become naturalised even though the criteria were not particularly stringent.

1. THE CHINESE IN THE CONTEXT OF NEW ZEALAND STUDIES

New Zealand Studies, broadly, is the study of the effect of waves of new settlers on the original people and landscape of New Zealand, and how these settlers themselves changed and adapted to their new natural, political and social environment and to each other and in doing so created modern New Zealand with its unique blend of peoples, attitudes and worldview.

The main story relates to British settlers, their efforts to create a more ideal country and their interaction with the indigenous Maori people who had a completely different (and often conflicting) set of values and beliefs. It is a story set in very dynamic period of history when

the British Empire and other European powers reached their peaks and then declined. It was also a period when, for the first time, events and wars in one part of the world could affect others parts the world because of advances in transport and communication technology.

However, apart from the British, there were other settlers who came to New Zealand, among them non-British Europeans, the Chinese, the Indians and people from various Pacific island groups.

Of these, the Europeans shared much of their history and values with the British and could in time, if they wished, blend into mainstream society. The Chinese, Indians and Pacific Islanders, distinguished by their physical features, and with their homelands economically and militarily weak, would always be subject to some form of racial discrimination.

The Chinese who came to New Zealand, were part of another theme in world history, the Chinese diaspora which arose from desperate social conditions in China that forced many Chinese to leave to seek their fortunes around the Pacific - in the United States of America, Canada, Australia, New Zealand and closer to home in Malaya and the Dutch East Indies.

The Chinese came as individuals and later as a result of chain migration, so their numbers were always small. The Chinese who ventured overseas were mainly of peasant background and most had limited education. Because of this, and because of racial discrimination, they were only able to undertake the hardest and most menial work. However they were sustained by their certainty of their own very long history and great culture and persisted through hardship and deprivation.

The history of the Chinese in New Zealand is therefore mostly that of racial discrimination against a minority and the response of the Chinese to it.

2. THE HISTORY OF THE CHINESE IN NEW ZEALAND

The history of the Chinese in New Zealand can be summarised as follows:

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First migration - the gold mining days: The Chinese men who came expected to stay only for a limited time and worked under physically harsh conditions. Their families and their hearts and minds stayed in China.

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Urban settlement and racial discrimination: The Chinese were blatantly discriminated against officially and socially; this was the era of the Poll Tax and the reading test. Families were sometimes separated for half a lifetime. Many Chinese worked at low-grade physical labour and as some sort of defence, lived in ghettos.

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The war years and the beginning of family life: The Chinese were recognised as brave allies against the Japanese;

limited family re-unifications was allowed. Women and children humanised the existence of the Chinese in NZ. The Chinese started to regard NZ as a permanent home.

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The post

war years - assimilation and loss of culture:

Further family re-unification was allowed after the Communist takeover of mainland China.

Immigration was still largely restricted to family reunification grounds; children gained a western style education, lost most of their culture and became assimilated. Chinese were more accepted into NZ society and moved into the professions.

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New

migration - diversity: Chinese migration was allowed (and even encouraged) by Government policy from China, Taiwan, Hong Kong, Singapore and Malaysia

- many with good education and significant capital. The sudden influx creates alarm and resentment.

Since the early 1990s, there has been considerable research and much popular interest in the history of the Chinese in New Zealand, especially among the Chinese in New Zealand themselves.

3. RESEARCH INTO THE HISTORY OF THE CHINESE IN NEW ZEALAND

The three most influential researchers in this field are: James Ng, Manying Ip

and Nigel Murphy.

Ng's opus *Windows on a Chinese Past* in three volumes is based on the diaries of Alexander Don.

Ip has written several books of social history largely based on interviews, including *Home Away from Home*, and *Dragons in the Long White Cloud*.

Murphy's *The Poll-tax in New Zealand: a research paper*[1] was originally commissioned by the New Zealand Chinese Association but has since been re-published by the Office of Ethnic Affairs of the Department of Internal Affairs. The research embodied in that report has been instrumental in the Government formally apologising to the Chinese in New Zealand for the Poll Tax and providing a reconciliation package.

Murphy's *A Guide to Laws and Policies Relating to the Chinese in New Zealand 1971-1996* [2] was also commissioned by the New Zealand Chinese Association in 1993 but exists only in MS. It has been used to provide base information for this research particularly the date of enactment of various laws.

consists of an Introduction which briefly reviews the history of the Chinese in New Zealand in the context of various phases in New Zealand's evolving attitude to this group, in particular in relation to immigration. An important point highlighted is the limitations on what a New Zealand Government could do at the time in the light New Zealand's status as a colony, with laws effectively subject to Colonial Office review. In the introduction Murphy also reviews New Zealand's immigration policy in relation to other non-European groups; its laws relating to economic factors (the workplace, employment and the regulation of business) and also morals (sexuality, drugs, gambling).

The Guide

also includes a number of Essays on a number of topics including:

- The Poll Tax,
- Naturalisation
- Thumb Print and Education Test.
- Certificates of registration, Temporary and permanent permits.
- Business Managers, students, women, wives and children
- Remittances, Chinese
Ownership of Land
- War service

together with various aspects of current law affecting migration.

The bulk of the Guide consists of a Chronological List of Acts, Regulations and Policy Decisions affecting the Chinese in New Zealand from 1871 through to 1996 a period of 125 years and running to 195 pages.

This is followed by Appendices including:

- Short Chronology of Government Policy and Legislation toward Chinese.
- Chronological list of Legislation Affecting Chinese
- Chronological list of Legislation Relating to Chinese Immigration
- Alphabetical List of Legislation relating to Chinese

Also included in the Appendices are:

- Chronology of the 1881 Chinese Immigration Act
- Immigration Restriction at a glance
- Chronology of Policy by Political Parties
- Ministries (Administrations)
- Ministers of Immigration
- Chinese population figures

Finally in the Appendices are a list of Customs Department Circular Memos and Petitions. It is proposed to include copies of Immigration forms in the final publication.

4. OFFICIAL DISCRIMINATION

Murphy's Guide makes it clear that not only was there discrimination at a person-to-person level based on personal racial prejudice, but that this was sufficiently widespread that it found expression in public meetings, racist organisations and eventually into bills and Acts of Parliament and in regulations.

The principal elements of official discrimination were:

- The Poll Tax and Tonnage/Passenger restriction.

- Denial of Naturalisation
- Entry by Permit

It is clear from Murphy's Guide that there was institutional racism enshrined in New Zealand law and its administration.

5. MATTERS TO RESEARCH

I wanted to assess, and if possible measure, how harsh or effective some of these discriminatory measures were, because there is sometimes a discrepancy between what is officially intended and what is actually achieved.

I wanted to research two matters:

6. THE POLL TAX AND THE LIMITATION ON SHIPS TO CARRY NO MORE THAN ONE CHINESE PER 200 TONS OF CARGO

The Poll Tax was originally instituted in 1881[3].

It was varied by Parliament in 1888 and 1896. when the Poll Tax was increased to £100. Among other provisions associated with the Toll Tax was a requirement that ships arriving in New Zealand

were restricted to carrying one Chinese person per 200 tons of cargo.[4]

I wanted to test whether this limitation in relation to cargo was meaningful restriction.

BACKGROUND TO RESEARCH

As is now well known, the Poll Tax of £100 was imposed on Chinese people (only) who arrived in New Zealand. On paying the tax, the person was issued a receipt with his personal details. The counterfoil (stub) of that receipt was retained by the Customs Department at each port and later stored in the Hope Gibbons Building. These were later lost in the fire in that building except those for the Port of Wellington which were stored elsewhere. These survived the fire.[5]

Murphy's tabulation of those records formed the heart of his Poll-Tax a Research report.

The records have now been put on-line by the Office of Ethnic Affairs.[6]

Referring to those on-line records I noted that there was a bulge in numbers in 1919 and 1920 ahead of the Immigration Restriction Amendment Act 1920. This act provided that: immigration to New Zealand was allowed on a permit basis only, and that power was held by the Minister of Immigration whose decision could not be appealed.

Either the Act was passed as a result of the large number of immigrants or the Chinese learning of the possibility of restrictions and advanced their plans to bring in relatives. In any case the number of Poll Tax certificates issued at Wellington were:

1917	5
1918	19
1919	142
1920	378

The difference between 1918 and 1919 was presumably related to the end of the First World War.

Examining the figures for 1920, which is the year in which the greatest number of Chinese arrived in Wellington in that period, we see that the arrival numbers were:

January 28

February 15

March 47

April 27

May 24

June 48

July 44

August 50

September 41

October 25

November 23

December
6

The largest number of arrivals was in August with 50.

The Poll Tax Certificates were issued in batches of about 12 on certain dates, about a week apart. Inspection of the details of the Poll Tax database reveals that the people issued certificates (receipts) on the same date arrived on the same ship. This would indicate that there was a regular weekly shipping service between Sydney and Wellington.

Examination of the records over a longer period shows that the same few ships were involved in this run. The ships included the Moeraki, Manuka, Moana and Ulimarua,

I was able to find details of all these ships among many others from a on-line database maintained by Sydney Heritage Fleet.[7]

The database discloses that the Gross Registered Tonnage and the Nett Tonnage of all these ships. Interestingly, in the context of marine jargon "tonnage" is not a measure of weight but is equivalent to 100 cu ft of cargo carrying capacity. We can assume that the "200 tons of cargo" in the Act has its usual maritime meaning ie 20,000 cubic feet of cargo space.

These ships had a Gross Registered Tonnage (GRT) of about 4500 tons and a Net Tonnage (NT) of about 2500 ton. This means that, under the Act, they would be legally restricted to carrying 12-14 Chinese persons on board when arriving in New Zealand. With four ships arriving every month, there would seem to be sufficient capacity to transport all the Chinese who wished to travel. If this legal limit were exceeded, another ship would be able to provide passage the very next week. This capacity was only approached on the heaviest month (August) of the heaviest year (1920). More typically less than 100 Chinese arrived each year (in Wellington) and with up to 50 crossings from Australia each year the restriction was all but meaningless.

In June 1888 some 32 years before, when the Wakatipu of 1157 Net Tons arrived with 67 a then-record Chinese passengers who paid the Poll Tax, it was still considerably below its then limit of one passenger per 10 tons or 115 passengers.

We can conclude that the limitation of one Chinese person per 10, 100 or 200 tons of cargo had little or no practical effect on limiting Chinese migration to New Zealand.

7. NATURALIZATION

The Chinese were denied the right to become naturalised between 1908 to 1951. Denial of this right effectively denied the Chinese in New Zealand the full rights of citizenship, such as the right to vote, the right to serve on juries and the right to practice certain professions eg the right to be a solicitor.

When this right was finally restored in 1951, one would have expected a demand for citizenship and a rush of naturalizations by the Chinese. This is not necessarily borne out by the record.

I have examined the Register of Persons Granted New Zealand Citizenship for the period 1948 to 1968 held at Archives NZ (IA 52 28) in Wellington which of course included the period 1951 to 1968 a period of 16 years.

The Register lists by alphabetical order of surname, the name, date of birth, country of birth and date of grant of citizenship as well as the file number and runs to over 400 pages of small type.

Chinese people on the register are usually easily recognisable by their name and country of birth. Chinese surnames rendered as Young, Lee, Lowe can be distinguished from similar English surnames usually by their attached given names. Chinese people who have adopted English Christian names tend to revert to their Chinese given names for the purpose of naturalization. There may be rare cases where pure-blood Chinese people, born in China have adopted English-sounding names like Thackery or Frazer and sought New Zealand citizenship. Any omissions arising from this situation are unlikely to be statistically significant.

The Register exists only in paper form and is not available as an electronic database.

By examining every entry in this registry, it is possible to determine the number of Chinese people granted citizenship each year from 1951 to 1968. The results are shown in Fig 1.

Citizenship again became available in 1951 following a decision by Cabinet[8] however, few people were granted citizenship in the period 1951-1957.

The conditions were:

a) Their
primary loyalty is to New
Zealand

b) That
they comply with the normal requirements for naturalisation.

c) That
they subscribe a declaration of renunciation of Chinese Nationality.

d) That
they are closer to the New
Zealand way of life than to the Chinese [9]

From 1958 to 1968 about 150 citizenships
were granted each year. Thereafter the numbers tapered off.

The numbers do not follow a smooth curve,
instead "high" years are followed by
"low" years. It is possible that this is
the result of "batch" processing of approvals by the Department Internal
Affairs falling into different year, superimposed
on actual variations in numbers.

The number of approvals for grant of citizenship appears remarkably low in relation to the number of Chinese in New Zealand in this period. This is interesting if New Zealand citizenship was a high-prized status with economic and political advantages. If deprivation of the right to become naturalised was regarded as a serious form of discrimination by the Chinese in New Zealand, one would expect that there would be a rush to become naturalised once this became possible.

Statistics tell a somewhat different story.

By aggregating the numbers of people granted citizenship into the years of the five-yearly New Zealand Census, it is possible to compare the number of Chinese granted citizenship with the total number of Chinese in New Zealand.

However what we really want to do is compare the number of Chinese granted citizenship with the number of Chinese who were non-citizens. This figure is not readily available from Statistics NZ but can be deduced as follows:

NZ Census figures give the total number of Chinese in 1951 as 5723 and the number of migrants (born elsewhere) as 5242.[10]

Of the migrants, very few could have been citizens in 1951 since grant of citizenship for Chinese was not permitted between 1908 and 1951. There may have been exceptions to this rule under extraordinary circumstances but these are unlikely to number more than a handful.

Thus the number of non-citizens is almost the same as the number of migrants.

The result of this analysis is shown in Fig. 2.

As at 1966, 15 years after it became possible, only 16% of the migrant Chinese were naturalised. Thus 84% of the non-citizen migrants either did not consider it necessary to become naturalised or were not qualified to become citizens.

8. HOW DIFFICULT WAS IT TO BECOME NATURALISED?

It would have been interesting to compare the documents for an early successful application with a later successful application. However the "100/40 rule" applies which means that naturalisation records are restricted until 100 years after the birth or 40 years after the death of a person. For a person naturalised in the 1950s, perhaps in the their 40s, it is by no means clear that their file could be released. (I sought dispensation from the Citizenship Section of the Department of Internal Affairs and they agreed but would need to copy the files and blank out the personal details.)

I was, however, able to view a family file R183 P175, and R183 P176 from Archives NZ which consisted of correspondence requesting information from the Police as well as field officers' reports together with various completed forms and the applicants' statements.

YOUNG
YEE FONG AND YOUNG SOO YEE

The following points were noted by officials as relevant to the application.

YOUNG YEE FONG

- Spoke English well, was well-read and understood western world affairs.

- Had a European-style house expensively furnished inside with paths, garden and fences outside.

- Supporting two boys attending University courses full time.

- Had no police record except traffic matters and a court appearance for selling underweight goods in boxes - a matter for Weights and Measures.

- Self-employ, hard-working, family orientated, apparently with adequate means.

- Had been well "assimilated".

YOUNG SOO YEE

- Limited education.

- Housewife and domestic duties

- Unable to understand and speak much English after 17 years in New Zealand, and unlikely to learn much more.

- Had not stood in the way of her children being "assimilated"

- Recommended that the English proficiency requirement be waived.

It is apparent that grant of citizenship was somewhat dependent the degree of "assimilation" and on some proficiency in the English language. In this case the assessment of assimilation was based on the appearance and style of the house and garden, in the children attending university and the general response of the principal applicant. The lack of proficiency in English of the wife was recommended to be waived on the grounds that not granting New Zealand citizenship to her when it would be granted to the other members of her family would create a degree inconvenience and possibly hardship..

In both cases, three sponsors who were New Zealand citizens, who had known the applicants for more than one year were required to support each application. In addition a Police report was required. The applicants were interviewed face-to-face and assessed by a field officer who reported in writing to a superior officer who basically repeated the field officer's comments to high levels of authority.

Overall, the file does not disclose an unreasonably high standard being applied. In fact, the approach seems very typical of the benign and relaxed attitude of officials to the Chinese in that era.

It is possible that the assessment for citizenship were somewhat less lenient in the early 1950s and between then and the 1968 there was another 18 years for Chinese families to become more "assimilated" by becoming more established in homes and businesses in the community and children attaining higher levels of education and growing up in and interacting more with the wider community.

Unfortunately, without ready access to a representative sample of files from the early 1950s it is difficult to compare how the criteria for citizenship were applied. However, it is known that until 1958 there was a requirement for the applicant to formally renounce their Chinese citizenship before a Stipendiary Magistrate.

9. CONCLUSIONS FROM THE RESEARCH

While the Poll Tax and permit system (particularly the latter) imposed to limit the immigration of Chinese people into New Zealand was undoubtedly effective, the tonnage restriction limiting ships to carrying one Chinese person per 200 tons of cargo had no practical effect since the numbers wishing to travel were nearly always well below this limit.

When naturalisation and citizenship became available in 1951 after been denied to Chinese since 1908, a relatively small proportion (16%) of the Chinese in New Zealand seem to have availed themselves of it even after 15 years. The criteria for naturalisation (as applied to a sample family close to the end of the period of study) did not seem particularly onerous nor harshly applied with a key requirement (the English proficiency test) being waived on hardship grounds.

[1] Nigel Murphy, *The Poll-tax in New Zealand: A Research Paper (2nd Edition)* (Wellington, Department of

Internal Affairs, 2003)

[2] Nigel Murphy, A Guide to Laws and Policies Relating to the Chinese in New Zealand 1971-1996. MS only (Wellington, New Zealand Chinese Association, 1997)

[3] Chinese Immigration Act 1881 from Murphy (2).

[4] Asiatic Restriction Act 1896 from Murphy (2)

[5] Murphy (1) p38.

[6] http://www.ethnicaffairs.govt.nz/OEA/chptrecords.nsf/web_LastName?OpenView

[7] <http://www.australianheritagefleet.com.au/yLibraryDB/AustShipsIllust.html>

[8] Murphy (2) p269.

[9] Murphy (2) p269 from National Archives. Internal Affairs IA 1 116/7 pt.2 Letter to the Minister of Internal Affairs from the Secretary of Internal Affairs, 20 November 1956.

[10] New Zealand
Census