

## CHAPTER TEN

### THE LIFE AND LABOURS OF CHINESE LABOURERS IN THE NORTHERN DISTRICTS

It can only be imagined what the Chinese thought of their new home, as the vast empty expanses and dearth of population would have been alien hailing as they did from an area of high population density where all viable land was under cultivation. Some of the more enlightened discussants on the subject of Chinese labour importation recognised the shock that must have been actuated by their arrival at the sheep stations, the *Moreton Bay Free Press* recognising that 'Born and reared to manhood in a country whose population is about the densest of any on the globe, the solitary and uneventful life led by shepherds and hutkeepers in this colony, must be exceedingly monotonous and dreary to them...'.<sup>1</sup> A complaint usually only attributed to English labourers forced to "crawl after sheep".

A substantial change in climate must have also affected the Chinese labourers that were engaged for the New England and the higher reaches of the Darling Downs districts which experience extremely cold winters, complete at times with snow. It is only necessary to contrast the geography of Amoy close to sea level, and the New England region and the southern parts of the Darling Downs, at a lower latitude and rising to an altitude of 3,500 feet to realise that climate shock was just another hurdle that the Chinese labourers had to overcome.<sup>2</sup>

This chapter depicts the life that the Chinese labourers experienced whilst resident in the colony however, the lack of archival material produced and left by the Chinese labourers themselves means that any information that can be presented derives from only one side of the labour equation. The impressions of employers, co-workers, newspaper editors, magistrates, and Anti-Chinese labour agitators provide no insight into how the Chinese perceived their colonial experience. The existence of, and evidence given within Chinese prosecuted cases before the bench provide only a narrow glimpse of their life, yet do at least allow a realisation that at least some of the Chinese were aware of their rights and were willing to prosecute when these rights were violated. The majority of the discussion will focus on the life led by Chinese shepherds as it was in this field that the majority of the labourers found themselves employed. The experiences of the Chinese shepherds on "Ollera" and "Maryland"

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1 Editorial, *MBFP*, 27th May, 1852.

2 The extra coats purchased by the Chinese at "Maryland" station, and the purchase of leggings at "Ollera" during the colder months of the year may be accounted for by the need of the Chinese shepherds and hutkeepers to keep out the bitterly cold winds that characterise New England winters.

stations are used as a case study and are supplemented with evidence from other sheep stations. The labourers employed in other pursuits are not neglected however, and their labouring experiences will be discussed where evidence is available, which is primarily when they came before the magistrates.

#### **A: A CHINESE SHEPHERD'S LIFE AND LABOURS**

Having reached their destination the Chinese were usually broken up into pairs and, after receiving the rest of their outfit from the station store, for which their wages were deducted, they were taken to the out-stations and informed as to what their employment entailed. A number of questions must be raised at this point the least of which is as to whether or not these men had ever been in contact with sheep, a doubtful proposition, and in particular shepherding on the large scale, an even more doubtful proposition. Even for experienced European shepherds the gap between the type of shepherding which they were accustomed to and those conditions which they encountered on colonial sheep stations was immense. English and Scottish shepherds were it was argued, the least suitable for employment on colonial sheep stations with '...few professed English or Scotch shepherds...' being employed, as they '...may have acquired habits or prejudices exceedingly difficult to shake off...'. Weavers, button makers and the citizens of London, Manchester and Birmingham were deemed as having the greatest potential as colonial shepherds.<sup>3</sup>

The poorly remunerated employment of a colonial shepherd bore no relation to the idyll of a shepherd's life in Scotland as described by Carlyle, although it is difficult to imagine that a Scottish shepherd's life even bore much in common with Carlyle's description. The life of a shepherd was lonely, subject to the many vagaries of the weather and station supervisor who could easily and within the scope of the law reduce a shepherd's wages for not undertaking their work with due care. Colonial shepherding had initially been the preserve of assigned convicts, which historical background consigned the work to a low position within the labour hierarchy. In relation to other employment's shepherding was poorly paid especially in regard to the importance of wool and sheep to the colony, another result of the earlier use of convict labour. It was these aspects of colonial shepherding which combined to inhibit this employment from being afforded the regard that was due in an economy so dependent upon the continued health and reproduction of its sheep population.

All of these factors when taken in conjunction, account for the resistance of many to undertaking shepherding, and the rate of absconding and sadly suicide

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<sup>3</sup> 'Sketches of a Shepherd's Duties in New South Wales', Appendix D Report from the Select Committee on Immigration, 1841, *NSWLC Papers*, 1841, p. 435.

amongst those that were employed as shepherds. The newspapers and Bench of Magistrate records note the death through suicide of both European and Chinese shepherds, which ultimately was the outcome of the lonely life and the effects that such a solitary life can have on a persons' mind. An example of the impact of a long-term solitary life can be seen in the suicide of Tan Koey, who had made no complaint yet had appeared different in manner prior to his death,<sup>4</sup> and in the words of C. E. Blomfield, the son of the manager of "Boorolong":

*Most men who had done a lot of shepherding when they were young went a bit ratty. I remember an old shepherd, Con Loyle, buying a new shirt at the station store; he was so proud of it he put it on over his other clothes and walked about as pleased as Punch.<sup>5</sup>*

It must also be queried as to how the manager or owner of the property, or in fact whoever was involved, related to the Chinese exactly what was expected of them, as the lack of a common language would have made communication difficult if not impossible. Advertisements within the papers regarding Chinese labourers that had absconded mention at times that the man in question spoke or at least understood English (refer to the notes for Table 3). However, a knowledge of English amongst the Chinese would have to be presumed to have been rare, as would have been the incidence of a working knowledge of Chinese amongst the employers.<sup>6</sup>

The duties of a colonial shepherd<sup>7</sup> entailed the charge of a flock which ranged in size from 400-500 ewes or from 600-1000 dry sheep, although the size of the flocks increased as labourers became more difficult to acquire or retain. An hour after sunrise the shepherd was to begin herding his flock to a suitable grazing area and with the use of dogs prevent any losses through sheep wandering away into the bush or through attacks by dingoes, returning to the fold no earlier than sun-down. When arriving back at the hurdles [a system of movable fences utilised for holding the sheep at night] the flock was counted by the watchman or hutkeeper who would assume responsibility for the flocks, usually three flocks were folded together, during the night. The hutkeeper also acted as cook or assistant to the shepherds with their nights

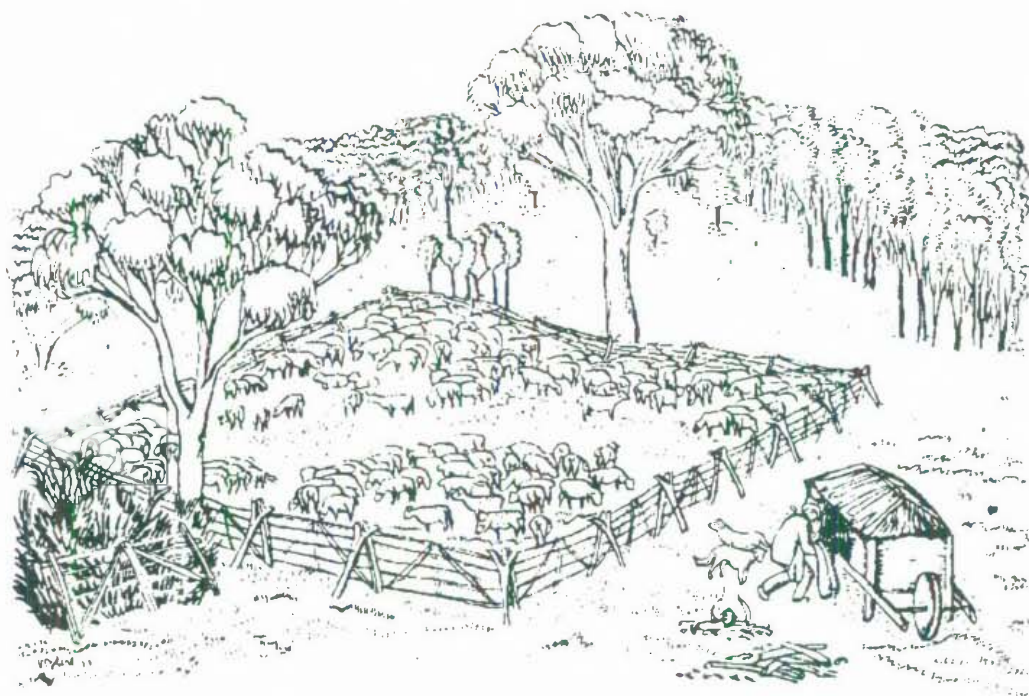
4 Evidence of Thomas Saville, *Armidale Bench of Magistrates*, 13th September, 1854, (UNE A872, Original at NSW State Archives, W589).

5 'Reminiscences of Early New England by Charles Edwin Blomfield', *Marsh Estate Papers*, pp. 21-22. (UNE A4). G. F. Dutton, *The Squatters*, South Yarra, Curry O'Neil Ross, 1985, pp. 69-71 presents a number of other descriptions of the effects of a shepherd's solitary life on the mind.

6 In a case brought before the Wellingrove Bench James Hooke the superintendent for Burges at "Yarrowford" stated that the terms of Keau's contract were '...explained to him in presence of several of his countrymen who spoke and understood English.' Hooke versus Keau/Chinese, 9th March, 1853, *Wellingrove Bench of Magistrates Records*, 1 March 1847- 20 May 1856 (NSW State Archives 4/5555). (Refer also to Table 3 in Appendix 6)

7 The description of a shepherd's duties has been compiled from the descriptions given in D. Gunn, *Links with the Past*, Brisbane, John Mills, 1937, pp. 201-209; and 'Sketches of a Shepherd's Duties in New South Wales', Appendix I Report from the Select Committee on Immigration, 1841, *NSWLC V&P*, 1841, p. 435.

being spent in a watch-box amongst the flock to ensure that no dog attacks occurred. This watch-box was on wheels so that it could be moved with ease whenever the hurdles required moving, the latter task being another aspect of the hut-keepers duties. The line drawing below is a contemporary depiction of a shepherd's watch-box and the hurdles into which the sheep were folded at night.



Sheepfold and Shepherd

SOURCE: Reproduced from *Settlers and Convicts* by An Emigrant Mechanic, Carlton, Melbourne University Press, Reprint, 1852.

The difference in the responsibilities of a shepherd and a hut-keeper explains the differential wage rates paid to the two employers evidence from "Maryland" displaying a variance on average of £4 per annum between the wages paid to a shepherd, the higher of the two, and those of a hut-keeper/watchman.<sup>8</sup> In the case of the Chinese shepherds on "Maryland" there is no difference apparent in the wages paid to the Chinese shepherds and hutkeepers, all received the contracted rate of £7 16s. per year, although this may be due to the placement of European hutkeepers with the Chinese shepherds. It can be conjectured that the Chinese "boys" that were imported were employed as hutkeepers as it was the common practice on the stations

<sup>8</sup> In 1850-51 a shepherd on "Maryland" was paid £24 per annum and a hutkeeper £20 per annum. *Maryland Cash and Stores Book*, 1850-51 (UNE A1532).

that in the case of a family or husband and wife team that the wife or any male children would be employed as hutkeeper and the husband as shepherd.<sup>9</sup>

On "Ollera" station the Chinese that were employed as shepherds were paid £5 5s. per quarter with hutkeepers receiving £4 5s. per quarter,<sup>10</sup> providing them with a relatively much higher rate of pay, about £21 per annum, than the Chinese employed on "Maryland". This comparison is however somewhat erroneous as the two journals are not strictly comparable as they cover different years, 1850 for "Maryland" and 1852-53 and 1854 for "Ollera". If information for the latter part of the period of indenture for the Chinese at "Maryland" was available it may have shown that as the Chinese shepherds level of expertise at shepherding and hutkeeping increased so did their wages, as occurred at "Ollera".

In addition to ensuring that the sheep grazed adequately and in safety, the shepherd was also responsible for washing the sheep prior to the commencement of shearing and ensuring that they remained relatively clean and free of burrs in the period between washing and shearing, usually a period of three to four days. Washing the sheep entailed driving them to the wash-pool, the lack of flowing streams in the interior compared to the number available for sheep washing in England and Scotland meant that waterholes had to be used or in some cases constructed. Once at the wash-pool the shepherds would push the sheep tail first into a floating pen, with another labourer ensuring that all the dirt and grease was removed by dunking the sheep with the use of a long pole, a third labourer ensuring that none of the sheep drowned during the process. The lack of labourers at various times, at least labourers that would work for the wages offered, inculcated a fear in the squatters that they may '...be obliged to shear in the grease...'.<sup>11</sup> A situation that would have reduced markedly the price realised for the wool in the market, as well as increasing the freight charges applied by the agent in sending the wool to England. Other duties entailed in shepherding were increased care during lambing, which attracted a higher rate of wages and a bonus if a high lambing rate was achieved; the docking of the lamb's tails to prevent fly-strike; and the castration of any male lambs.

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9 On "Maryland" John Sillis and wife were employed as shepherd and hutkeeper respectively, receiving a total salary of £40 for this work in 1850-51. William Browning and family received a combined salary of £70 over the same period for shepherding and watching. *Maryland Stores and Cash Book*, 1850-51, (UNE A15. 2).

10 Wages of Chin Ho and Ung Hap, 1854, *Ollera Account Book*, 1841-72 (UNE A103 V2259)

11 Chauvel to Towns, 16th October, 1852, *RTC*, (ML MSS 307/196).

**A(i): "OLLERA" AND "MARYLAND"**

Information on the life of the indentured Chinese as shepherds and farm labourers can be gleaned from the archival holdings for "Ollera" and "Maryland" stations. "Ollera" in the region between present day Guyra and Inverell, was established in 1838 by the brothers George and John Everett, and covered an area of 96 square miles or 74,800 acres with a carrying capacity of 8,000 sheep. The archival holdings for "Ollera", which are held at the University of New England, are the most extensive in existence for the New England region, although only provide a small amount of information on the life of the indentured Chinese shepherds. The other station in the Northern Districts for which archival holdings also provide information on the life of the Chinese is Marsh's property of "Maryland", situated near the present town of Stanthorpe on the New South Wales-Queensland border.<sup>12</sup>

The Chinese labourers that were engaged for "Maryland" in 1850 from the *Cadet* arrived at the station about the 28th May, and upon their arrival received the articles of clothing and provisions noted below in the account of Eat. These articles were in addition to the rug and shirt supplied to the labourers in Brisbane by Henry Buckley at a cost of 7s. which the Chinese had to repay from future wages.<sup>13</sup> Marsh was not noted for his generosity towards his employees, personally stating that he was '...giving ten and twenty per cent. lower wages than many of my neighbours,...'.<sup>14</sup> Therefore it can be presumed that the list of articles below represents at least the norm when it came to the outfitting of the Chinese once on the station. Other employers may have been more or even less generous, it is impossible to state which is the case however, due to a lack of comparable evidence. The lack of any stores books for "Ollera" station prior to 1862 makes a comparison between this station and "Maryland" impossible on this point.<sup>15</sup> Reproduced below is the yearly stores account of Eat from the time of his arrival at "Maryland" in May 1850, providing an example of the spending habits of the Chinese labourers on this station. Eat's account can be compared with the account of Chung reproduced in Appendix 8.

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12 A full history of "Maryland" can be gleaned from Bruce D. MacLeod, *Maryland 1842-1992*, Greenup, "Maryland", The Summit, 1992.

13 Refer to the contract for Eat in Appendix 7.

14 "Letter to Earl Grey from M. H. Marsh", *Empire*, 17th September, 1853.

15 The clothing provided by other employers to the Chinese labourers when they first arrived in the colony has been discussed within Chapters 3 and 9.

Figure 10a

Dr. EAT<sup>16</sup>

1850			£	s.	p.			
May	28	1 Sleeve Vest 10/- 1 Fancy Shirt		13	-			
		1 Fancy trousers 8/- 1 pair braces 1/-		9	-			
		1 Pair boots 10/- 1 Yard Calico 6d.		10	6			
		1/4 lb. tobacco 1/6 1/2 lb Soap /4 Knife 1/-		2	10			
		1 Blanket 7/6		7	6			
July	2	1 pair socks 1/- 6 <sup>th</sup> 1/2 lb. tobacco /6		1	6			
	20	1/2 lb. tobacco 2/-		2	-			
Aug	2	1/2 lb. tobacco 2/- 19 <sup>th</sup> 1/2 lb. tobacco		4	-			
	19	1 Fancy Shirt 3/-		3	-			
Sept	4	1 Hat 2/6 13 <sup>th</sup> 1/2 lb. tobacco 2/-		4	6			
	21	1 Woollen Rug 7/- 24 <sup>th</sup> 1 tinder box 1/-		8	-			
	21	1 Pea Coat 20/-	1	-	-			
Oct	1	2 Quarts 2/6 4 <sup>th</sup> 1 pair trousers 10/- Store to date M-M the same being Done to all the Chinamen						
	26	To 3 1/2 lb. tobacco 14/- lb. Soap /6		14	6			
		1 Silk Hand. 5/- 1 pr. Braces 1/- Fancy shirt 4/-		10	-			
		1 Dollar 4/-		4	-			
Nov	16	2lbs. soap 1/- 18 <sup>th</sup> 7 yards of calico 5/- 2 Reels cotton /6		6	6			
	27	1/2 lb. tobacco 2/-		2	-			
Dec	3	John Lynch for Repairs		5	-			
	23	1 D. B. Knife 2/6 1/2 dozen pipes /6		3	-			
1851								
Jan	26	1lb. Soap /6 1/2 dozen p pes /6		1	-			
Feb	1	2 pair socks 2/- 5 <sup>th</sup> 1 Bang (?) 14/- 1 3/8 yard B. Tick 1/-		17	-			
March	19	3 Yards Calico 2/6		2	6			
April	1	1/2 lb. tobacco		3	-			
		1 Dollar		4	-			
		To Amount Brought Up	3	12	6			CR
		Cash Advanced Amoy 8 Dollars	1	12	-			
		Balance of Wages Cash A/c	2	11	6			
		By 12 Months Wages				7	16	
			£7	16	6	£7	16	6
May	29	1/2 tob. 3/- 30 <sup>th</sup> 1 Vest 6/-		9	-			
June	4	1 Vest 6/- 20 <sup>th</sup> 1 tob. 6/- Pea Coat 10/-	1	2	-			
	28	1/2 tob 3/- 1 piece tape 6d.		3	6			
	29	Cheque No. 1130	1	-	-			
Aug	4	Cash Account 4/-		4	-			
	5	10 yards Calico		5	-			
	19	3lbs. Nails 2/- 1 Knife 3/6		5	6			
		Carried to Fol. 6	3	9	0			
July	18	By J. Rigby <sup>17</sup>				-	4	-
		Amount to Balance Carried to New Ledger Fol. 6				3	5	-
						£3	9	

It is important to note here that the stores given to the Chinese from the date of their arrival at "Maryland" until 2nd October, 1850, were provided free of charge as

<sup>16</sup> Account of Eat, *Maryland Cash and Stores Book*, (UNE A1532). The account of Eat has been chosen from the ten Chinese that arrived at "Mary and" in 1850 due to the fact that his contract with Marsh has been retained.

<sup>17</sup> J. Rigby is listed within the accounts as a hutkeeper and watchman, *Maryland Cash and Stores Book*, (UNE A1532).

part of their contract. It is intriguing that Marsh, or at least his supervisor for "Maryland", Magnus McLeod, charged the Chinese from the *Cadet* for the goods supplied by Buckley, yet provided a wide range of goods at no cost, especially as the contract made no provision for the supply of these goods. In addition the clothing received from the store was not the same for all; the cost ranged from £4 3s. 1d for Hong, to £5 12s for Chung. This variation was caused primarily by whether the person in question opted for a "Fancy Shirt" rather than a cotton one and "Fancy Trousers" rather than moleskins. The amount that each of the Chinese labourers spent at the store obviously reduced the amount that they received in cash at the end of the year, with Chung, the greatest spender receiving only 12s. 10d. in cash at the end of the year, whereas Hong received £2 12s. 6d.

Regrettably, the Stores Account from which this account has been reproduced is the only stores journal surviving for "Maryland" station until 1856, therefore there is no possibility of comparing the accounts of Eat and the rest of the first group of Chinese labourers on "Maryland" with the purchases that they made over the period of their indenture. The lack of continuity within the journals also makes it difficult to follow the progress of these first shipment of labourers to "Maryland". A complete set of journals between 1850 and 1856 would have allowed a complete profile of the Chinese labourers to be produced in regard to, if and how their wages varied over time; how long these labourers remained on the station; if they moved up within the labour hierarchy; and a comparison with the labourers that arrived two years later.

One comparison that can be made are with those within the Day Book of 1856 for "Maryland" station and the "Ollera" Stores Issue Book.<sup>18</sup> Before proceeding with this comparison one entry within the account above, that of "quarts and pints", poses a number of questions. There is no clear indication as to exactly what this entry represents, with the same entries also found within the "Ollera" journals. At first it appears that it may be the entry for the rations given to the Chinese labourers as a "Quart Pot" at the time denoted the actual container in which people carried their stores, specifically dry goods such as tea, flour and rice. Problems exist with accepting that the "quart pot" and "1 quart and pint" mentioned within the accounts relate to rations as according to the contract which the Chinese and their employers had signed the rations as listed were to be supplied to the Chinese as partial payment for their labour. If this entry does not refer to the rations that should have been supplied to the Chinese other queries arise as there are no entries within the "Maryland" store accounts nor Contingent Expenses that equate with the provision of rations. Significantly there is also no mention of the Chinese purchasing any

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<sup>18</sup> *Ollera Stores Issue Book, 1848-57*, (UNE A103-V3054/14).



comestibles other than tobacco, pepper, mustard and the 6lbs. of rice purchased by Shung on 4th August, 1851.

The answer to this lies partly in a statement by Henry Stuart Russell who, when discussing the arrival of "painted tea"<sup>19</sup> from China argues that workers fled the stations as 'Men *could* not live without their quart-pot of tea and their 'bacca'. When it was realised that nobody had died from drinking the "painted tea", the employees returned begging for fresh agreements and would '...then pack away the perfume of the Pekoe without imprecation nor panic.'<sup>20</sup> From this evidence it appears that the quart and pint pots may refer to the amounts of tea or other dry goods purchased by the Chinese and other employees as a supplement to their rations. Another definition of these terms explains that apart from the quart-pot being used to make tea in, with the pint-pot used for drinking out of, the quart-pot was '...used at sheep stations as a measure for dealing out the wheat rations to the men, 8 qts. being 1 peck.'<sup>21</sup>

In comparison to "Maryland" where there is no evidence that indicates that the Chinese purchased any significant amount of extra stores, the accounts for the Chinese employed at "Ollera" contain entries for sugar (at 6d. per pound), flour (at 4d. per pound), rice (also at 4c. per pound), currants, vinegar, bottles of pickles, raisins and plums.<sup>22</sup> The purchases of sugar, rice, and flour can be assumed to supplement the amount of these goods that they received as part of their rations. As with the Chinese at "Maryland" those at "Ollera" were also large purchasers of cloth, particularly calico and osnaburg (which was a coarse linen), shirts and trousers, and handkerchiefs, with the size and constancy of some of the purchases inducing a raised eyebrow. None of the cloth purchasers come close to Chung at "Maryland" however, who within the space of 4 weeks, between 24th June and 19th August 1851 purchased 22 yards of calico, and 6 yards of print.<sup>23</sup> As no purchases of thread are recorded and no other indication of what Chung may have done with all of this fabric<sup>24</sup> being readily apparent the researcher can only note the entries and remain ignorant of

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19 This term for tea has been noted in another source which describes the two types of tea which were available on the stations, "Post and Rail" '...so-called because of the number of and sticks and leaves it contained, and...("Jack the Painte-")...because it had a green tinge and a horrid taste!' D. Gunn, *Links with the Past. A History of Early Days in Australia*, Brisbane, John Mills, 1937, p. 225.

20 H. S. Russell, *Genesis of Queensland*, Sydney, Turner and Henderson, 1888, p. 391

21 W. S. Ransom, (ed.) *The Australian National Dictionary*, Melbourne, Oxford University Press, 1988, p. 512.

22 *Ollera Stores Issue Book, 1848-51*, (UNE A103-V3054/14).

23 Account of Chung, *Maryland Cases and Stores Book*, (UNE A1532). Reproduced in Appendix 8.

24 As some of the other employees at "Maryland" made and sold their goods through the station store, such as John Lynch a bootmaker, it was presumed at first that maybe Chung used the fabric to make clothing to sell in the store. However, there are no entries in the accounts to indicate that this may have been the case.

Chung's actual intentions. Explanations for the large purchases of calico and osnaburg may be that the Chinese were using the cloth to make leggings in order to ward off the cold, or lined the inside of their hats for the same effect,<sup>25</sup> activities that would have required the application of very little thread.

The account of Chin Ho who was employed at "Ollera" is reproduced below in order to reinforce the differences apparent within the purchases made by the Chinese at this and "Maryland" station. Chin Ho appears to have been the cook for some of the other Chinese labourers employed at "Ollera" as his account exhibits substantial purchases of rice and flour, which is also found within the account of Ung Hap. The accounts for Ling Kong, Ash Saim and Tan Co do not contain purchases of these articles at the same rate, and are more equivalent to the purchases made at "Maryland", that is predominantly clothing, cloth and tobacco.<sup>26</sup>

**Figure 10b**

			Chin Ho	£	s	p
1852						
Sept.	27	3lb flour 1/2 lb Soap			1	4
Oct	6	3lb flour			1	
	28	1 pair braces 3lb rice Cash			2	6
Nov	18	1 regretta shirt Cash by order			3	
	24	3lb flour 3lb rice Cash			2	
	26	3lb flour Cash			1	
Dec	11	3lb flour 1lb Soap 1 1/2 lb rice			2	2
1853						
January	27	1 pair boots				
	29	2 Shirts Scottish twill 1 pair trousers 3lb rice			7	
		1 Shirt 1 pair trousers			3	
March	13	3lb rice			1	
	21	3lb rice			1	
				1	5	0
April	22	1 Knife 2/6			2	6
	28	3lb rice 1s			1	
May	17	6lb Rice 1 pair braces 1 twill shirt			6	
Sept	23	? pair Boots			10	
Oct	20	1 pair braces			1	
Dec	13	1 pair Mole skins 10-			10	

Although Marsh is known to have indentured two groups of ten Chinese labourers for "Maryland", many of whom would have still been on the property in 1856, the number of Chinese listed in that year in the stations accounts is surprising. At the end of Table 3 is a collation of all the names, or an approximation of the names as the writing was difficult to decipher, which includes 28 individual Chinese labourers. These Chinese are only those that had a numbered account entry within the

25 This use of Osnaburg is mentioned by Henry Stobart, in Maurice French, (ed.) *Travellers in a Landscape*, Toowoomba, USQ Press, 1994. p. 109.

26 *Ollera Stores Issue Book, 1848-57* (UNE A103 V3054/14).

stores book, with another 11 individual Chinese listed within the Day Book as having made cash purchases from the store. This makes a total of 39 Chinese labourers on this property for this year; a number being used to denote where they were shepherding. For example, Ong Sue was a shepherd at "Four Mile" and Chang Sue/Chung at "Quart Pot". As to why only some of the Chinese had individual accounts is unknown unless the others were itinerant labourers who came in to shepherd while shearing was being undertaken. The September 1856 Day Book of "Maryland" contains some other intriguing entries, none more so than that for Ong Ok. Ong's account has been reproduced below as his purchases of during this month indicate that he had probably established himself in a domestic situation.

**Figure 10c**

**Ong Ok<sup>27</sup>**

1856			£	s.	p.
September	11	1 Guernsey		5	
		1 Print Dress		7	6
		3 Quarts and 3 Pints		7	6
		Bed Ticking		7	6
		1 pair women's boots		10	
		1 pair men's boots		15	
		7 pairs cotton socks		7	
	20	1/2 lb. tobacco		3	
		2 lb. flour		12	
		11lb. rice		5	
		1 quart and 1 pint pot		2	6
		8lb. Cheese @ 1/3		10	
	26	2 pairs mens boots	1	10	
		20 yards Calico		15	
		1 pair tweed trousers	1		
		3 regatta shirts		12	
		1 Guernsey		5	
		21 pairs Socks	1	1	
		1 Bottle Pickles		2	6
		8 Kerchiefs		8	
	30	Received Cheque No. 11/217	5		
October	1	Charged 4d. postage			4
	24	Charged 2d. postage			2

The size of some of Ong Ok's purchases are quite astounding and give the appearance that either he was purchasing stores for a number of people, or if the charges for postage are taken into account, it is possible that the major purchases of calico, socks, kerchiefs, boots and trousers were sent elsewhere, maybe to his family in China. The amount of rice and flour and the number of quart and pint pots listed lend greater credence to the argument that Ong was buying for a number of people. The appearance of "1 Print Dress" and "1 Pair Women's Boots" in the account indicate that Ong was possibly living in a domestic relationship with a woman.

<sup>27</sup> Account of Ong Ok (No. 53), Maryland Day Book, *Maryland Cash and Stores Book, 1850-51*, (UNE A1532).

As there is no further evidence to support any of the above it sadly must remain only supposition, yet even without pushing the bounds of credibility the entries for Ong must be accepted as indicating that Ong was living in something approximating a domestic situation. Another entry within the Day Book indicates that another Chinese labourer on "Maryland" had settled into a domestic scene, as in January 1857 Tan purchased a pair of boys boots at a cost of 12/6 from the store.<sup>28</sup> It was not unusual for the Chinese labourers to form relationships with Aboriginal women, and also with European women, which must have raised the ire of those with strong views on miscegenation. In the Tingha area, which is near "Ollera" station, it has been reported that three Chinese labourers married the daughters of a shepherd by the name of Bathersby. The father reputedly received £10 for each of the elder daughters and £40 for the youngest.<sup>29</sup>

As well as providing information on the spending patterns of the Chinese the existing accounts also provide an indication of the willingness of the Chinese to increase their wages. On "Maryland" the accounts contain entries of payments for the presentation of "Native Dog Skins" for which payment varied between a straight cash payment of 5s. per skin, and payments that combined cash and goods. One of the Chinese labourers (unnamed) was paid 1 dollar (equivalent to 4s.) and 1 pair of braces for a native dog skin. In contrast to the cash reward for good work paid by the Everett's at "Ollera", the Chinese at "Maryland" tended to receive goods in exchange for "good shepherding" or for extra work undertaken. For example one of the Chinese labourers (again unnamed) received "2 pair Duck trousers" for washing sheep at a cost to the store of 10s.<sup>30</sup>, with another unnamed labourer receiving "1/4 tea 1/6, 2 sugar 1/-, 12 lb. meat, 8 lb. flour" for finding lost sheep. Unlike many of the European shepherds employed at "Maryland", none of the Chinese shepherds are listed within the accounts amongst those charged for losing sheep, which incidentally were charged at a rate of 7s. each, providing some negation of the argument that the Chinese were hopeless shepherds.

At "Ollera" the Chinese received cash presents for good shepherding usually £1, with Chin Ho receiving at one stage a £3 "present for fattening wethers" and Ung Hap "£1 for shifting fold"<sup>31</sup>, later Ung Hap received £3 for extra work during shearing.<sup>32</sup>

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28 Account of Tan (No. 120), Maryland Day Book, *Maryland Cash and Stores Book, 1850-51*, (UNE A1532).

29 Evadene B. Swanson, 'Chinese Immigrants in New England', *Armidale and District Historical Society*, No. 11, 1968, p. 28.

30 Contingent Expenses Account, *Maryland Cash and Stores Book, 1850-51*, (UNE A1532).

31 16 February, 1854, *Ollera Account Book, 1841-72*, (UNE A103- V2259).

32 6 November, 1854, *Ollera Account Book, 1841-72*, (UNE A103- V2259).

As at "Maryland" there are no entries noted for the Chinese at "Ollera" being fined for the loss of sheep, whereas entries exist against European shepherds. The Everett's may be classified as enlightened employers for their time, especially in regard to the Chinese, as unlike many of their peers, including Marsh, they paid the Chinese close to market wage rates after their first year to eighteen months on the station. Chin Ho, after receiving £1 16s per quarter in his first year of employment was paid £5 per quarter by March 1854 which was approximately eighteen months after his arrival at "Ollera".<sup>33</sup> The other Chinese labourers at "Ollera" also enjoyed higher wages than many of their compatriots on other stations, with their wages for a quarter increasing to £4 10s and then to £5 by 1855.

Other evidence as to the worth of the Chinese as shepherds and farm labourers can be gleaned from a number of statements made by their employers, which statements negate the common image of the interior being filled with neglected and abandoned flocks due to the incompetent management of the Chinese. Some of the instances where the Chinese were openly praised in their work as shepherds come from Chauvel at "Tabulam" requested that Robert Towns send him '...12 Strong Drab or Cabbage Tree hats, [as] the Chinese do not like any other description, and as they are doing very well, I like to please them...'<sup>34</sup> Later, in comparison with German labourers, Chauvel stated that 'I much prefer the Chinese one of them is my best shepherd...'.<sup>35</sup>

The Leslie brothers of "Canning Downs" in the Darling Downs recognised that the Chinese labourers '...when well used ...are contented servants...', describing their Chinese employees as "most excellent servants, very "clean and willing", and first rate shepherds. Of the six employed by the Leslie's in 1853, one was the station cook, two were employed as gardeners, in which '...they are better than English men...', another was employed as:

*...a farm labourer a very powerful a most willing fellow works at everything- one a lad I am now breaking in as a stable boy. He will be a good one. The 6th is my milk man and puts water for the establishment in a bullock cart. These have all taken the place of English men at £30 year and as the Chinese ...only 3/ per week- it is a great saving.*<sup>36</sup>

33 8 April 1853 and 17 March, 1854. *Ollera Account Book, 1841-72*, (UNE A103- V2259). The time scale is only approximate as the date at which the Chinese first arrived at "Ollera" is unknown with the first entry mentioning their residence relates to three dogs being purchased for them at a cost of £3 on 15th July 1852.

34 Chauvel to Towns, 5th August, 1853, *RTC*, (ML MSS 307/196).

35 Chauvel to Towns, 15th November, 1853, *RTC*, (ML MSS 307/196).

36 Patrick Leslie to his brother William (in Scotland), 1st January 1853, *Leslie Family Letters, 1840-53*, (ML A4094 FM4/3099).

## A(ii): LIFE ELSEWHERE

Other stations in the Northern Districts region which employed Chinese labourers for which there survives information, usually second-hand however, as to the lives of the Chinese on the farm, are "Abington", "Canning Downs", "Strathbogie", "Yulgibar", and "Clerkness". On "Clerkness", near Bundarra, which was owned by E. G. Clerk, the Chinese were noted for their "well-shampooed mobs", and were paid extra wages for achieving high lambing rates and for other examples of excellence within their labours.<sup>37</sup> On "Abington" and then "Beverly" after he disposed of the former property, Barlow appears to have been more harsh in his treatment of the Chinese as there is no evidence to suggest that he offered them incentives but rather insisted that they remain out with the sheep between dawn and dusk, with any returning earlier being sent back out with their flocks.<sup>38</sup> Other evidence of the Chinese labourers on "Abington", although only small, is the case before the Armidale Bench of magistrates of Tan Koey who had committed suicide, after having been in the employ of the Morse brothers for 18 months at the time of his death.<sup>39</sup>

On "Strathbogie" station, near present day Glen Innes, which was owned by Hugh Gordon, some of the Chinese were employed as gardeners, establishing their gardens along the banks of the Severn River that ran through "Strathbogie", which in turn led to the name for the area of "Vegetable Creek". A contemporary of the Chinese recalled that '...the fattest sheep on Strathbogie run were those that were grazing where there were plenty of vegetables along the creek.'<sup>40</sup>

An unknown number of Chinese were employed on "Tenterfield" and "Clifton" stations, and when the latter was bought by Donaldson his superintendent for "Tenterfield", Dr Traill, wrote:

*With regard to the Chinamen, the overseer MacDonald being rather inclined to retain them I have consented to do so and have consequently paid M his account of their expenses of £50.<sup>41</sup>*

These labourers did not remain long on "Clifton", one drowning himself,<sup>42</sup> and MacDonald reporting to Traill that '...since the death of their mate, the other two have

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37 M. Lorraine, 'The Clerks of Clerkness', *The Tide of Time*, No. 1, February 1968, p. 13.

38 Anne Harris, *Abington: A History of a Station and its People*, Armidale, University of New England, 1982, p. 9.

39 *Armidale Bench of Magistrates Records*, 13th September, 1854. (UNE A872, Original at NSW State Archives, 4/589)

40 Barney Brennan, quoted by I. Losey, *The Creek*, Glen Innes, Regional Printers, 1972, p. 36.

41 Traill to Donaldson, 2nd March. 1854, Rowland J. Traill Letterbook, Tenterfield 1852-54. (ML A2640: CY373)

42 Traill to Donaldson, 19th April 1854, Rowland J. Traill Letterbook, Tenterfield 1852-54. (ML A2640: CY373)

become so refractory...' leading Traill to arrange for them to '...be transferred to Nicol at once from whom I will claim £20 in repayment of their expenses.'<sup>43</sup>

The first mention of Chinese labourers being employed at "Yulgibar" on the Clarence River occurs in February, 1852 when Edward Ogilvie recorded that he had sent '...three of the Chinese up to Keebarbin to take the flocks at Grasstree.'<sup>44</sup>The actual number of Chinese employed at "Yulgibar" is unknown although it has been stated that by 1852-53 very few European names are to be found within the station journals, most names belonging to Aboriginal, Chinese or German labourers. The Chinese that are noted by name within the journal are Ng Vooi, who as a shepherd appeared to have been adept at tending sheep, a practice for which he was constantly fined; and Chia Oor who laboured in the homestead garden providing fruit and vegetables for Ogilvie's table. Apart from these tasks the books of "Yulgibar" note that the Chinese were employed as cooks; in the building of yards; the sowing and harvesting of crops; and according to Ogilvie's daughter Ellen Bundock, they were '...good, trustworthy shepherds.'<sup>45</sup>

On "Mangoola" station owned by F. R. C. Master, and managed by Oscar de Satge, there were fewer station hands than on most properties as the station ran cattle rather than sheep, the employees including '...a Chinaman cook, acting also as general servant,...'.<sup>46</sup> William Gardner who was employed in turn as a tutor at "Oban", "Moredun", "Mount Mitchell", and "Rockvale" all stations in the New England district, stated within his description of the district that at the expiration of their five year agreement the Chinese were re-hired:

*...by written agreements at terms from three to five months- the wages for Shepherds are from Twenty six pounds to 32 pounds per annum with a weekly ration of five pounds of rice, 4 pounds of flour, two pounds of sugar, one quarter pound of tea, thirteen pounds of beef or fourteen pounds of mutton.*<sup>47</sup>

Gardner's observations on the wages paid to Chinese shepherds raise a couple of very significant points, especially in light of the year in which the observations were written, 1854. That Gardner could by that date discuss the wages paid to

43 Traill to Donaldson, 25th April 1854. Rowland J. Traill Letterbook, Tenterfield 1852-54. (ML A2640: CY373)

44 George Farwell, *Squatters Castle The Story of a Pastoral Dynasty- Life and Times of Edward David Stewart Ogilvie, 1814-96*, Melbourne, Landsdowne Press, 1973, p. 191.

45 *loc. cit.*

46 Oscar de Satge, *Pages from the Journal of a Queensland Squatter*, London, Hurst and Blackett, 1901, p. 44.

47 William Gardner, *Production and Resources of the Northern and Western Districts of New South Wales*, 1854, Vol. 2, p. 35 (original pagination p. 190) (NEHRC- A176<sup>2</sup>).

Chinese shepherds when the five year contract had been completed implies that some of the Chinese shepherds working in the New England region had been hired in 1849 or earlier. Furthermore, that such post-indenture wage rates are cited by Gardner provides proof that a substantial number of the Chinese firstly, completed their period of indenture, and secondly, remained upon the sheep stations at the end of the contract. The number of Chinese labourers pursuing this course must have been substantial otherwise there would be no reason to warrant Gardner discussing the fact. A further point is that the Chinese were still paid at a lower rate than a European shepherd, although the difference was one of only £2-5 per annum, rather than nearly £20.

That the Chinese evidently remained on the stations at the expiration of their contract according to Gardner, does not necessarily indicate that the Chinese were deliriously happy with their life as shepherds, but may have been a necessary response to the low wages that they had been paid during the period of their indenture. Ultimately signifying their inability to raise the price of the return fare to China. One Chinese labourer at "Kangaroo Hills", later "Wongwibinda", was employed by Mr W. Coventry and was buried on the station as he had given all his money to Coventry '...instead of having it sent back to China, so his people had not bothered about his bones...'.<sup>48</sup> This may have been the fate of many of the labourers, as wages rarely allowed the saving of the fare back to China or any substantial amount that could be remitted to the family of the labourer.

Further evidence that a number of the Chinese remained on the sheep stations at the completion of their contracts and signed further contracts, usually for a shorter period of time however, can be gleaned from the Bench of Magistrates Records, although in some cases their continuance was enforced through what may be termed an aberrant use of the law.

### **A(iii): NON-LABOURING LIFE FOR THE CHINESE**

The lack of any substantial urban centres in the interior, and the distances that had to be travelled in most cases to reach a town, meant that many of the Chinese labourers remained on the stations. There was however a fair degree of socialising amongst the Chinese labourers located on neighbouring stations. This is apparent through the Bench of Magistrate records where many of the labourers accused of absconding or of being on another property without permission, stated that they were only visiting the Chinese labourers employed on the station in question. The mobility

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<sup>48</sup> Phillip A. Wright, *Memories of a Bushwhacker*, Armidale, UNE, 1982, p. 8.



of the Chinese labourers was increased by the purchase of horses allowing the labourers to maintain contact on a more frequent basis; reminiscences from "Yulgibar" relating that:

*One day we saw a most gorgeously dressed person riding up to the house at a slow pace. His hat, an enormous straw one as large as an umbrella, was carried by a black, who walked beside his horse. His dignity impressed us very much. We ran in to tell my uncle that the King of China was coming to see him, and were much disappointed to find he was only one of the shepherds coming in his best dress to visit his friend the cook.<sup>49</sup>*

The eagerness of employers to prosecute many of the visiting Chinese labourers with absconding or trespass may be attributed to a fear on the part of the employers that such socialising may have led to conspiracies amongst the labourers. As most of the prosecutions were not proceeded with the prosecutor not appearing, the law appears to have been used in this case to keep the Chinese isolated from each other, language already isolating them from the body of European labourers.

There is no evidence to show that the indentured Chinese celebrated religious festivals on the same level as their gold-rush compatriots by the building of Joss Houses. However it can be assumed that especially in those regions, and on those stations where a substantial number were in close proximity that any religious festivals would not have gone unmarked. The fact that the Chinese shepherd noted above had brought his "best dress" with him to the colony indicates that at least some ceremonies were honoured, even if it was just dressing up for a visit.

One aspect of the life of the indentured Chinese labourers that is usually not discussed was the incidence of Christianity, although how rare or prevalent cannot be gauged with any degree of certainty. The evidence that exists on this subject is scanty yet raises questions as to what extent the Chinese arrived in the colony as converts or were subjected to overt Christian influence as a method of "civilizing" them. One piece of evidence of this circumstance exists within an advertisement for "Poole's Family Grocery and Italian Warehouse" of Brisbane which states that Poole had for sale 'A few Copies of the NEW TESTAMENT in the CHINESE LANGUAGE'.<sup>50</sup> Tinko, a Chinese labourer in the employ of T. M. L. Prior of Logan River was recorded as being a "Christian Chinese" when called upon to act as interpreter in the case of Angee for murder; a position for which he was ill-suited as he did not understand the dialect of

49 E. W. Bundock, cited by George Farwell, *op.cit.*, p. 192.

50 *MBFP*, 27th May, 1852. The holding of a service in the Rev. Dr. Ross' Chapel in Pitt Street, Sydney which was conducted in Chinese by the Rev. Mr. Young, "lately arrived from China", at which about '...twenty-seven Chinamen attended, and paid the most marked and devout attention', provides another example, although the fact that the service was held in Sydney does reduce its significance within this study. Colonial Intelligence, *MBFP*, 14th November, 1854.

the witness Kongee, for whom he was supposed to interpret<sup>51</sup>. One definite example of a Chinese labourer converting to Christianity through the "civilizing" efforts of his employers the Hocking brothers of South Brisbane, was the interpreter Gan Som, who after appearing in court on numerous occasions and swearing an oath in the Chinese manner, was later pronounced to be a "baptised Chinaman".<sup>52</sup>

The matter of the conversion to Christianity of the Chinese is not mentioned merely as a curiosity or side-issue, as one of the arguments used by the proponents of the importation of Chinese labourers to the colony, was that by bringing the Chinese into the colony and therefore in touch with Christians, the importers and employers:

*.....indulge the hope that this residence in a Christian country may prove the means of furthering the cause of our religion....(and)....rejoice in the hope that the emigration of Chinese into this land will give to future generations both of these strangers' countrymen and of our own, glorious occasion "to assert eternal providence, And justify the ways of god to man".*<sup>53</sup>

This monist argument of the benefits accruable to humanity to be gained from bringing Chinese to the colony was countered by the pluralist or "folk racism"<sup>54</sup> of those against the importation, including Edward Hawksley the editor of the *Peoples Advocate*, who argued that those involved in the importation of Chinese by assuming this attitude were justifying "...a means of promulgating the truths of Christianity directly contrary to that ordained by Him, who commanded his apostles to GO into all nations, and preach the gospel to every creature."<sup>55</sup>

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51 *MBC*, 15th November, 1851.

52 Rod Fisher, 'The Alien Presence in Early Brisbane 1840-60: A Preliminary Survey', Brisbane History Group Papers, *Brisbane, Aboriginal, Alien, Ethnic*, No. 5, 1987, p. 93. and *MBC*, 29th November, 1851.

53 Original Correspondence, *PA*, March 17th, 1849. The same sentiments were expressed by G. W. Rusden in his recommendation of Chinese labourers to C. Nicholson- refer to the letter dated 17th February, 1848 in Appendix 4.

54 The monists viewed all racial differences as the result of environmental differences, therefore by changing the environment of a racial group, such as the Chinese, eventually the racial and cultural characteristics of the group would also be altered. The pluralist's or polygenesists, whose world view dominated social theory at the time, viewed races as distinct biological species, each having its own distinct "social, cultural and political institutions" into which other races could never be assimilated- to pluralist's miscegenation was the ultimate evil.: K. Cronin, 'The Yellow Agony', in R. Evans, K. Saunders and K. Cronin, *Race Relations in Colonial Queensland*, St. Lucia, University of Queensland Press, (3rd. edition) 1993, p. 241.

55 "Coolies and Chinese", *PA*, March 17th, 1849.

## B: LAW AND THE REGULATION OF CHINESE LIFE<sup>56</sup>

The existence of store accounts akin to the ones utilised above, have allowed an insight into the purchasing and habits of the Chinese labourers and the manner in which the Chinese on the stations of "Ollera" and "Maryland", eagerly increased their wages by taking on extra work or presenting evidence of "vermin" destruction- as the hunting of dingoes was classified at the time. Although these accounts are useful in allowing a picture to be constructed of the Chinese as shepherds, and can leave a researcher with a bemused look on their face in some instances, the existence of such stores on the stations have in most cases a more sinister aspect.

The sinister side arises as the station store was usually the only place within a wide area where goods were available. therefore the employees on a station were virtually bound to purchase any goods that they required from the store, or had to make other arrangements which in most cases was a measure beyond the means of most workers. The monopoly position of the station store and its owner the squatter, allowed the seller as within all monopolies, to arbitrarily set the prices of all goods sold in the store, a situation within which the buyer was powerless. Unlike England where the British Truck Act of 1831 protected employees from the unscrupulous overpricing of station stores by masters, employees within New South Wales had no such protection. The overpricing of stores appears to be a method consciously adopted by station owners to balance out the, in their eyes at least, high wages that were demanded.<sup>57</sup>

Through imposing high to at times exorbitant prices on goods the employers, come store-keepers, not only recouped a high proportion of the wages that they were bound to pay, but also prevented employees from accruing an amount of savings that would effectively allow them to "buy" their way off the station. The truck system may be classified as a form of "thralldom", as it made the Chinese labourers, and other employees, a captive labour force, a captivity that was enforced by law. By allowing and even actively encouraging employees to chalk up purchases from the store against unearned wages, employers were forcing their employees into a situation of debt peonage, a legally defined and enforceable position.

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56 Regrettably it is not possible to provide the detail on the manner in which the law entered and directed the lives of the Chinese labourers whilst in the Colony which the subject deserves due to pressures of space. The author can only direct the reader to Table 3 which details the Chinese labourers noted during research, how they came to prominence, either through newspaper reports or Bench of Magistrate records, and how the labourers were treated by the law.

57 M. Quinlan, Keeping Colonial Workers in their Place: State Regulation of Labour in Australia, 1828-1860. Paper Presented to the Foundations of Arbitration Conference, University Of Melbourne, 1987, p. 4. An Emigrant Mechanic, *op.cit.*, pp. 183 and 203-4.

In order to provide an idea of the degree of mark-up, and profit made on items sold through station stores in New England the table below has been compiled from the records of purchases made at "Ollera" and "Maryland" stations, and from the prices provided within the *Statistical Register of New South Wales* in the appropriate years. One cost that has not been factored into the price of the provisions is cartage. Yet it can be argued that despite the complaints of the squatters as to the amount that they had to pay bullock drivers, the fact that stores were received only once a year, twice at the most, the cost of cartage once spread out over the year, would have been negligible.<sup>58</sup>

**TABLE 10a**  
**Cost of Provisions and Clothing, 1850-52**

ARTICLE	QUANTITY	1850 <sup>59</sup>	MARYLAND	1852	OLLERA
Flour	per pound	1 1/2 d.	4d.	2 1/2 d.	6d.
Rice	per pound	4d.	4d.	4d.	4d.
Tea	per 1/4 b	8d.	9d.	4d.	-
Sugar	per pound	3 1/2 d.	6d.	3 1/2 d.	6d.
Soap	per pound	5 1/2 d.	8d.	6d.	8d.
Tobacco	per 1/4 lb.	8d.	1s. 6d.	1s.	1s. 9d.
Moleskin Trousers	each	9s.	10s.	7s.	10s.
Vests	each	6s. 6d.	10s.	6s. 6d.	12s.
Regatta Shirts	each	2s. 9d.	3s.	2s. 6d.	4s.
Boots	per pair	9s. 8d.	10s.	9s.	12s.
Socks	per pair	10 1/4 d.	1s.	10d.	1s. 6d.
Blankets	each	8s. 2d.	7s. 6d.	7s. 6d.	9s.
Calico	per yard	7d.	9 1/2 d.	6 1/2 d.	1s. 3d.

SOURCE: *Maryland Cash and Store Book*, (UNE A1532). *Ollera Account Book, 1841-72*, (UNE A103- V2259). Table of Provisions and Clothing, *Statistical Register of New South Wales*, 1849-1858, p. 116.

As the figures in the above table show, the rate of mark-up on the majority of goods ranged between 50 and 200%, with tobacco the item of greatest demand, exhibiting the greatest rate of profit to the employer. The incidence and insidiousness of exorbitant prices being charged at station stores was well-known and openly acknowledged. An interjector during a meeting in Ipswich held to petition for a resumption of transportation to the Northern Districts in 1850 questioned the charging

58 The only figure found relating to cartage is from Maitland to New England in 1850 when the charge was £6 10s. a ton. Evidence of R. G. Massie, 19th August, 1853, Select Committee on the Gold Fields' Management Bill, *NSWLC V&P*, 1853, p. 84.

59 The table does not cover all provisions and clothing purchased by the Chinese and other labourers from the station stores, only those items for which a price was listed in the Statistical Register, and in the case of shirts the most comparable item price has been cited. Some of the articles which had been purchased frequently yet have not been included are coats, braces, knives, tinder boxes and "Fancy Trousers" and "Fancy Shirts", pickles, mustard, thread, currants and plums. The price quoted for flour are for 2nd quality, and those for tobacco are the price quoted for colonial rather than imported tobacco, with the station store's price being that of non-defined "tobacco" not "negrohead", which at times is recorded as having been purchased by the Chinese and other labourers.

of "Six shillings for a pound of tea" and "Ten shillings for tobacco, and ninepence for sugar", which brought the response that prices would decrease once wages were reduced.<sup>60</sup> The prices listed within this table can be compared to those offered in *Settlers and Convicts* where a mark-up of between 100 and 200% is evident on the range of goods sold in the store owned by "An Emigrant Mechanic". This store owner stated that even taking into account the "heavy expenses" incurred in getting the stores up-country, including delays through bad weather, bullock-loss and floods, that he cleared about 150% on the range of goods sold.<sup>61</sup> A mark-up equivalent to that imposed by Marsh and the Everests.

The practice of overcharging was also acknowledged within replies given to questioning on this subject during the 1845 Select Committee enquiry into the operation of the Master and Servants Act. All of the witnesses with experience in adjudicating in Master and Servants Act cases in the interior were questioned by this Committee as to whether they were aware of the occurrence of over-pricing, and whether or not Magistrates should be given the power to fix prices of provisions in the interior, or at least in cases where the prices charged were a subject of contention between the employer and employee. The report of the Select Committee states that:

*As it is customary in the country districts for settlers to keep stores from which their servants may draw supplies in part payment of their wages, your Committee deemed it their duty to enquire into the practicability of protecting them from exorbitant charges. None of the witnesses examined, however, appear to consider this a fit subject for legislation.*<sup>62</sup>

What must be recognised when considering the evidence presented to the inquiry is that all of the witnesses questioned as to over-pricing were not just Magistrates but also substantial land holders with properties in the interior, and therefore owned stores on these properties, in which they or their Superintendent set the prices. Therefore, it was in the interests of these witnesses to dilute the incidence and invidiousness of the over-charging of stores to the Committee, as any legal action within this sphere would have weakened the financial hold that they could exercise over their employees. As the Committee's report on this question shows no action was perceived as being necessary to protect employees from masters over-charging for stores, the Master and Servants Act legislation continued to contain no reference to the truck system, depriving employees of any avenue of formal legal redress in

60 "Meeting at Ipswich", *MBC*, 14th January, 1850.

61 An Emigrant Mechanic, *op.cit.*, pp. 203-4.

62 Report from the Select Committee on the Master and Servants Act, *NSWLC V&P*, 5th September, 1845, p. 2.

situations of over-charging. Therefore, the squatters economic position was fortified through the legislative dominance of their own class.

That employees were discriminated against by the omission from the amended Master and Servants Act of any form of protection or redress against exorbitant over-pricing of station stores, and the position of relative powerlessness that employees occupied in relation to the store-owners, the Squatters, was openly acknowledged and satirised as within the following extract from a contemporary poem.

*I'll sing you a good old song made by an old chap's pate,  
Of a fine old Squatter gentleman, who had an old estate,  
Where he kept a general store, his servants to supply,  
With what they had from him, at double price to pay,  
Like a fine old Squatter gentleman.<sup>63</sup>*

#### **B(1): FRAUDULENT BREACH**

This imposition of debt peonage<sup>64</sup> upon their employees by the squatters, and the attempts by employees to evade this debt was enforced under the Master and Servants Act. Although the truck system itself permitted abuses by the employers against employees, the ability of the squatters and other employers to prosecute any employees attempting to evade the debt must be classified as a greater evil. As the over-charging of goods was not mentioned within the Master and Servants Act legislation, and therefore cases did not come before the bench, it is not possible to comment upon the incidence of over-charging beyond the discussion above which concentrates on the prices charged at "Ojera" and "Maryland" stations. The records of the Bench of Magistrates and reports of cases in the newspapers do however, provide an insight into the incidence and willingness of masters to prosecute their Chinese labourers for absconding from service with unpaid debts, a crime which elicited the maximum penalty from the courts.

Two cases of Chinese labourers absconding in debt, which was termed "Fraudulent Breach of contract" and was prosecuted under Section 3 of the Master and Servants Act may be cited as examples. Firstly, there was the case of Kang<sup>65</sup> who

<sup>63</sup> 'The Old Squatter Gentleman' by Pick-Up, PA. 1st September, 1849.

<sup>64</sup> A peon is a debtor held in servitude by his creditor until all debts are worked off.

<sup>65</sup> Kang had been hired by Prior's overseer from John Smith of Ipswich, who owned the boiling-down works there, for one year, although Prior's deposition to the Bench for a warrant to arrest Kang stated that he had been indentured for a period of 3 years and six months. Original Correspondence by "A Stockholder", MBC, 17th April, 1852.

signed with T. M. L. Prior of Logan River in November 1851 at a rate of 12s. per month, yet absconded after only 6 weeks owing Prior £2 18s 2d. This transgression drew a sentence of 3 months hard labour on the Newcastle breakwater, the maximum penalty allowable under the Act.<sup>66</sup> It appears from the evidence, (such as it was as neither Tinko, Kang's co-worker, nor Prior were called to give evidence), that Kang had been charged for goods which he believed were supplied as part of his contract with Prior. Hence he absconded once an argument on this point arose and he was threatened with a stay at Cockatoo Island.<sup>67</sup>

A second case of this nature, although not as contentious, was brought against Pekai and Chiok Kaon who absconded whilst owing John Balfour of "Colinton" station £3 3s and £3 3s. 9d respectively. This case was stated as '...being of some importance to Chinamen and their employers'<sup>68</sup> as it showed firstly that such prosecutions were possible, with the earlier case of Kang also receiving a mention. Secondly, the case proved that after serving their terms of three months hard labour the labourers had to return to their employer, whom the magistrates had deemed was to retain the labourers contracts. This latter addition to the sentence meant that any prosecuting employers were able to retain the Chinese labourers after their period of imprisonment, with the hope that the labourers would be contrite and therefore more malleable.<sup>69</sup>

The imposition of the stricture that the labourers were to return to the service of the employer at the completion of their sentence became more prevalent after this adjudication which unlike the sentencing of Kang was not challenged. Yet this part of the sentence should have been questioned and opposed as no there is provision within the Master and Servants Act that allows the imposition of an order of this nature. As argued by Merritt this practice '...involved both a breach of common law and a departure from the jurisdiction conferred by the Acts.'<sup>70</sup>

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66 "Master and Servants Act" *MBFP*, 15th April, 1852. Kang was further sentenced to keep the peace for 12 months and enter sureties totalling £80 or 12 months imprisonment in default of finding these sureties for uttering that he would shoot Prior. This latter sentence was eventually withdrawn by the Attorney-General who found at the instigation of G. R. Nichols that the sentencing magistrates had acted outside of the scope of the Act. *MBFP*, 24th August, 1852.

67 Original Correspondence by "A Stockholder", *op.cit.*

68 "Chinamen absconding in debt", *MBFP*, 27th May, 1852.

69 Captain Chauvel went to the extent of supplying one of his labourers, Jim Song, with a letter requesting the reader to send the holder to Robert Towns at the expiry of his sentence for neglect, so that he could be transferred back to "Tabulam". In an accompanying letter to Towns Chauvel stated that Jim Song had the idea that he did not have to return to Chauvel's service at the expiration of his sentence. By providing Song with the letter Chauvel hoped to '...prove to my other Chinese he has been misled...' in thinking that he did not have to complete his agreement. Chauvel to Towns, no date, *RTC*, (ML MSS 307/196).

70 A. Merritt, 'The Development and Application of Master and Servants Legislation in New South Wales, 1845-1930', A. N. U., Ph. D Thesis, 1981, p. 144.

When considering the indenting of the Chinese labourers to the stations through the sale of goods against unearned income it must be remembered that even prior to landing in the colony the Chinese were already legally bound to serve through the payment of advances in Amoy. As the account of Eat reproduced above and that of Chung in Appendix 8 show, the Chinese were advanced \$8 at Amoy and were bound to repay this amount to whoever had paid the cost of their passage from China. Although any Chinese labourers absconding once they arrived in the colony could be charged with fraudulent breach there are no cases found to indicate that this occurred. The social and racial isolation of the majority of the Chinese labourers may have precluded any from absconding immediately upon arrival, the only case found where this occurred was with Choo Neang. Choo had absconded from the vessel which was to transport him and other Chinese labourers from Sydney to Wide Bay, which action could have incurred him a prosecution for fraudulent breach of contract. However, he was charged with being "Absent without leave", a prosecution which was not proceeded with, and Choo was subsequently discharged due to his inability to understand the charges brought against him.<sup>71</sup> Employers may have been unwilling to charge recently arrived Chinese labourers for fraudulent breach as it would have meant the loss for possibly three months of a labourer for whom they had only recently paid.

#### **B(ii): ABSCONDING, DISOBEDIENCE AND VAGRANCY**

The majority of prosecutions against the Chinese labourers were for either absconding or disobedience, with a number of prosecutions linking these two actions. These charges, which can be expanded by including insubordination and refusal to work, were primarily used by the employers to restrict the movement of the Chinese labourers and enforce compliance through the use of the law as a "big stick". In the majority of prosecutions brought against the Chinese for these misdemeanours the labourer was discharged as the prosecutor/employer had not appeared at the bench sitting to press the case.<sup>72</sup> In this situation the labourer had usually spent at least a week already in the local lock-up awaiting the next bench sitting, which it must be stated sometimes occurred as infrequently as every three or four months.

By taking a warrant out against a recalcitrant Chinese labourer and having him placed in the lock-up to await sentencing, which would not be proceeded with, the employer was enforcing control over the labour force through isolation and the use of

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<sup>71</sup> Police Court, *SMH*, 7th May, 1852.

<sup>72</sup> The number of times that this occurred makes it difficult to cite all examples, the reader is therefore directed to Table 3 in the Appendix. Mathew Marsh suggested the imposition of a £2 deposit for anybody taking out a warrant to ensure that the case was proceeded with, the deposit to be forfeited if the party did not appear. Evidence of M. H. Marsh, 17th July, 1847, Select Committee on Police, *NSWLC V&P*, 1847, Vol. II, p. 120.



law as a threat. The removal of one or two labourers for a period of time would be expected to induce fear of further incarceration's in the remaining labourers, especially if the conditions within the district lock-ups became common knowledge.<sup>73</sup> It was common practice for the employer after lodging the complaint, having a warrant issued and the Chinese labourer brought before the bench, to decline to prosecute if the labourer promised to return to their service and perform their duties "faithfully". In this manner the law, in the form of the Master and Servants Act was used by the employers as a threat, or a big stick, to impose good behaviour on their employees.

In a number of cases charges of absconding and vagrancy were brought against the Chinese labourer as he was on his way to the magistrate to press charges, usually for ill-usage or the withholding of wages by his employer. A classic example is found in the case of Hue Bow who was charged with absconding after requesting his discharge, his five year term having been completed a month earlier and despite requests from the station overseer was not willing to re-hire for a further twelve months. In claiming his wages Hue Bow was informed that he owed £29 8s. for lost sheep, a claim which he disputed and went to the magistrate to procure a warrant for the purposes of obtaining his wages and discharge. Hugh Gordon, his employer, subsequently obtained a warrant for Hue Bow's arrest for absconding, on which charge he was found guilty and fined £4 4s and costs of £1 4s 6d.<sup>74</sup> Interestingly, Hue Bow was not charged with losing sheep or destruction of property, for which he could have legally been prosecuted. That he was not, appears to indicate that Gordon was more concerned with retaining Hue Bow's services, than receiving compensation for the lost sheep. A similar case arose with Bar Teong who was employed by Dr Barton of Brisbane, who left after requesting his wages, which Barton had withheld and was arrested for vagrancy. Although the magistrates did not order Barton to pay Bar Teong the wages due him, they found that he had been justified in leaving Barton's employ, as the agreement did not allow for the yearly payment of wages.<sup>75</sup> One of the few positive results within the courts achieved by the Chinese labourers.

The Vagrancy Act worked with the Master and Servants Act to ensure that any wandering labourers, not just Chinese labourers, could be forced back into the workforce, either the private market or on the colonial penal works of breakwaters and

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73 A description offered of the lock-up at Tennerfield stated that it was a '...wooden box for prisoners in the centre of a common hut'. Evidence of R. J. Traill, 13th August, 1847, Select Committee on Police, *NSWLC V&P*, 1847, Vol II, p. 134.

74 Hue Bow versus Gordon, 20th April, 1857, *Wellingrove Bench of Magistrates*, (NSW State Archives 4/5556).

75 "Charge against a Chinaman", *MBC*, 25th September, 1852.

roads.<sup>76</sup> As time passed and the contracts of those Chinese labourers that had been amongst the early importations expired, a greater proportion of the Chinese labourers brought before the benches were charged with vagrancy. These labourers were usually ordered to find themselves work and threatened with gaol if found wandering again without any "visible means of support". Another change in the sentencing practices of the magistrates as time passed and contracts came close to expiring was the imposition of fines which ranged from £3-5, with the alternative being 3 months in gaol. The logic behind imposing fines rather than a definite gaol term was, it can be conjectured to remove from the Chinese labourers any amount of money that they may have accrued over their period of indenture or that was due to them on expiry of their contracts. By removing these savings the employers-come-magistrates were able to retain the Chinese labourers for a further period of time, thereby removing their establishments from the high-wage and low labour supply effects of the gold-rush.

Dr Barton was not alone in withholding the wages of the Chinese labourers and paying these yearly or half-yearly as this habit on the part of employers was mentioned within the evidence given within a number of cases. One example is found in the case of Sang who was charged with assault and battery on Robert Fleming, the superintendent of Mr Walker, a charge of which he was found not guilty. During the evidence Sang stated that he was owed £10 for the past year's work, which Fleming agreed was true. In concluding the case the judge stated that Sang should be paid the £10, although he could not make an order for its payment.<sup>77</sup> This statement on the part of the judge requires further comment as under the terms of the contracts signed by the Chinese labourers it was not stipulated how often they were to be paid, the contracts only stating the amount of monthly wages they were to receive. Therefore the Chinese labourers could not insist on the payment of their wages, nor use the courts to force the employer to pay the wages monthly, quarterly or even yearly. As shown above, even when owed wages, the amount owing could easily be decreased by the employer charging for lost sheep, or an unpaid stores account.

The employers of Chinese labourers located around Brisbane utilised the local newspapers to apprehend any absconding labourers the advertisement below is a

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76 13 Vic. No. 46, 1849 and 15 Vic. No. 4, 1851. The major thrust of this law was to cover anybody without any "visible means of support", and carried a maximum sentence of 2 years with hard labour. A letter to the editor of the *Empire* termed the Vagrancy Act outrageously unconstitutional and monstrously tyrannical which pondered to the "tyrannous spirit of a sordid and unscrupulous oligarchy". "The Vagrant Act" by James M<sup>c</sup>Eachern, *Empire*, 19th February, 1852. M<sup>c</sup>Eachern had previously been editor of the *Colonist*, the newspaper of the Mutual Protection Society, which has been classified as the first colonial working-class paper. R. B. Walker, *The Newspaper Press in New South Wales, 1803-1920*, Sydney: Sydney University Press, 1976, p. 40.

77 "Brisbane Circuit Court", *MBC*, 17th May, 1852.

reproduction of one, which unlike many others does not offer a reward for the labourers apprehension.<sup>78</sup>

<b>NOTICE</b>
<b>WE</b> , the undersigned, beg to caution the Public from harbouring or engaging the following natives of China, they having absconded from our hired service. No Tang- dark complexion, and surly look. Hang- yellow do. aged 18 or 19 years. Lim Poh- do. do. short, thick set and fat, and marked with the small pox. They most likely have false discharges with them. Any one engaging them after this notice will be prosecuted. <div style="text-align: right;">R. &amp; H. Watson</div> Sept. 24, 1852.

Most of the advertisements for absconding Chinese labourers placed within the Brisbane newspapers were of similar format, although some offered a reward for the labourers apprehension. What all of the notices did have in common, was the threat that any person harbouring or engaging the labourers would be prosecuted. Although the labourers when apprehended would be charged with absconding, the full weight of the law was reserved for anybody found poaching the labourers. The 19<sup>th</sup> section of the 1845 Master and Servants specifically allowed the prosecution of anybody found harbouring or employing an individual engaging outside of the colony, with anybody found guilty under this section liable for damages and treble the costs imposed by the court.<sup>79</sup>

The 1847 amendments to the Act strengthened this provision by enacting that an individual could be summarily convicted for this crime under Section 7 and pay a sum not exceeding £20, of which half was to be paid to the informer.<sup>80</sup> The inclusion of these sections protected the employers that had paid for Chinese labourers from poaching by other employers and also allowed the prosecution of any "poacher" by the Bench of Magistrates. Previous to the 1847 amendment any prosecution would have to be dealt with by the criminal court which could have meant a wait of months before the Circuit court arrived in Brisbane or Maitland, or a trip to Sydney, during which time the prosecutor would not have had the services of the disputed labourer.

<sup>78</sup> *MBFP*, 12th October, 1852. For examples of advertisements that offered rewards refer to the entries for Dame Jeong, and Ki Poot in Table 3, Appendix 6.

<sup>79</sup> 9 Vic. No. 27 1845.

<sup>80</sup> 11 Vic. No. 9, 1847.

Despite, or possibly because of these sections of the law no cases of poaching of the Chinese labourers have been found to have been proceeded with.<sup>81</sup>

### **B(iii): VIOLENCE AND DEATH**

Although many contemporary reports, and even historical accounts, portrayed the Chinese labourers as violent and bloodthirsty, in the majority of cases the Chinese had been the victims of violence or had been forced to violence as a method of self-protection or preservation. A few of the labourers were charged with murder, and subsequently condemned to death, notably Newing in Bathurst and Angee in the Burnett district. A small number of other labourers were sentenced to gaol for assault on overseers and on fellow Chinese labourers, yet in the majority of court cases for violence and assault involving Chinese labourers, the labourers were the victims.

Deem Chong was shot by John Murray the overseer of Simon Scott of "Taramo";<sup>82</sup> the labourers employed by B. J. Bertelson of "Boonera" rioted after a number had been kept tied up in a meat safe for days at a time and others flogged with a whip;<sup>83</sup> Sang attested that he had been handcuffed and left all night without a blanket;<sup>84</sup> Heong and Hong who worked on the steamers *Tamar* and *Hawk* respectively were both assaulted by fellow European workers;<sup>85</sup> R. R. C. Robertson and his manager J. Cosgrove were charged with assault on Sam Sonan, for which Robertson was cleared and Cosgrove was fined £3 plus costs.<sup>86</sup> In Ipswich 21 Chinese labourers, four of whom were employed at John Smith's boiling down works, were assaulted with nine requiring medical assistance, Tan Pong receiving a head injury which paralysed him for three weeks.<sup>87</sup> In the majority of these cases, and the other cases noted in Table 3, the assaults appear to have been racially motivated, a belief on the part of the assaulting Europeans that the Chinese were below them, rather than any attempt to protect labouring positions and conditions from low-wage workers. Most cases where the labourers brought, or attempted to bring an action against their employer for assault or "ill-usage" the case was dismissed for lack of

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81 Captain Chauvel of "Tabulam" sought advice as to whether he could claim against Constable Fry for the loss of the services of Tan Wat, who although indentured to Chauvel, on absconding then becoming ill was transferred to the lock-up, and then started work in a Mr Sharp's kitchen. Chauvel to Police Office Grafton, 18th December, 1852, *RTC*, (ML MSS 307/196).

82 A warrant was issued for Murray's apprehension, *MBC*, 27th May, 1852.

83 Bertelson eventually "sold" the rioting Chinese to a neighbour for their cost of their passage, £14 10s. *MBC*, 23rd October, 1852.

84 *MBC*, 27th May, 1852.

85 *MBFP*, 29th November, 1853; *MBFP*, 2nd August, 1853.

86 *Wellingrove Bench of Magistrates*, 23rd November, 1853, (NSW State Archives 4/5555). Sam Loon another employee of Robertson had earlier charged Robertson with assault which was dismissed (19-19-53) and was later charged with refusal to work and imprisoned for 3 months in Maitland gaol.

87 *MBC Supplement*, 24th May, 1851.

evidence, with the Chinese labourer then being charged with absconding or insubordination.<sup>88</sup>

H. B. Fitz, the manager of Captain John Pike's stations in New England and the Darling Downs must be treated separately for the consistency and virulence of his assaults on, persecution and prosecution of Pike's employees over which he had charge. Fitz was the major user of the Tenterfield Bench of Magistrates, bringing employees before the magistrates in batches and with monotonous regularity. Fitz however, did not rely solely on the law to enforce labour control, at times using violence to bring recalcitrant employees in line, a habit which earned him the infamous title of "Murdering Fitz". After murdering an employee in 1847 who '...had become very insubordinate...', a crime of which he was acquitted,<sup>89</sup> Fitz attacked another employee this time a Chinese labourer, with a hurdle killing him. As no white witness was present during the attack, which Fitz swore had been motivated by the Chinese striking for higher wages the case was dismissed for lack of evidence. Fitz also reputedly murdered a group of Chinese labourers by issuing them poisoned flour when their annual payment fell due, which if true, is a drastic measure to take to avoid the payment of approximately £7-8.<sup>90</sup>

A substantial amount of violence directed towards the Chinese labourers came from the local Aboriginal population with a number of labourers being murdered by the Aborigines, the subsequent court cases uncovering a great deal of enmity between the two groups. In 1852 two Chinese labourers that had been engaged by Adolphus Trevethan of "Terrin" were murdered along with Trevethan by the local Aborigines, an attack which prompted a violent and unequal response on the part of the Europeans and the Native Police.<sup>91</sup> In the Wellingrove district one Aboriginal, Charlie-Charlie, was charged with the murder of Cheng/Ching who had been missing from "Yarrowford" station for 2 months previous to his body being found. The case against Charlie-Charlie was not continued as the resident magistrates argued to the Attorney-General that the evidence was inconclusive and '...our convicting him for trial would entail no beneficial result either as an example for the Aborigines (who have of late become very daring in their depredations...) or as regards the Colony itself...' in the costs incurred in transporting him to the Assizes.<sup>92</sup>

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88 Refer in particular to Dean versus J. MacMaster (overseer for Oswald Bloxsome), *Wellingrove Bench of Magistrates*, 12th February, 1852, (NSW State Archives 4/5555).

89 "Charge of Manslaughter", *MBC*, 23rd October, 1847.

90 J. Harslett and M. Royle, *They Came to a Plateau*, (2nd edition), Stanthorpe, Girraween Publications, 1873, p. 19.

91 "Burnett District" *MBC*, 17th April, 1852, and *MBFP*, 26th April, 1852.

92 Case of Regina vs. Charlie-Charlie, 5th August, 1852, *Copies of Letters Sent-Wellingrove*, (NSW State Archives 4/6660).

Although this letter from the magistrates openly stated that the Aborigines had "become very daring in their depredation's", and within the evidence it had been averred that Charlie-Charlie had "...wanted to kill all the Chinamen on the station", this was not taken into account when a number of Chinese labourers from "Yarrowford" had left their flocks in fear of their lives. He Chinan, Eong and Cock (?) were all charged with absconding and sentenced from one to two weeks in the Wellingrove lock-up despite their testimony that their lives had been threatened by the Aborigines.<sup>93</sup> Another similar case arose on the Dawson River where Lim Khi was at first charged with theft of a shotgun, yet was eventually released with no charge being recorded when Millar testified that he believed that the theft had been prompted by self-defence as there had lately been attacks on the Chinese by the Aborigines.<sup>94</sup>

It can only be imagined what prompted these attacks on the Chinese labourers, although as the shepherds were relatively alone, being in some cases miles from the head station, it is possible that their isolated position made them the focus of any attacks by the Aborigines. These attacks may have been motivated by previous attacks on the Aborigines by Europeans or as a response to being forced off their lands and hunting grounds. Alternatively the Chinese may have attempted to prevent the Aborigines from taking any sheep, a common and natural occurrence as the Chinese would have been financially liable for any sheep missing from their flocks.

Apart from inter-racial violence a number of cases of intra-racial violent attacks have been recorded. The cases of Au (26-10-50); Tong Pean (16-11-52); Anon (30-11-52) who "drowned himself after a quarrel with some of his countrymen"; Aug Koon (14-12-52) who crippled Kee ; and Sam Keua (3-5-55) who was attacked with a "Tomyhawk", show that there was an underlying feeling of animosity amongst some of the Chinese labourers which may have been caused by long-standing familial disputes.

### **C: UNDER AND OVER REPRESENTATION**

There is no doubt that the Chinese labourers were over-represented in cases that came before the Benches of Magistrates. However, this over-representation was not of their own doing, it was primarily due to the manner in which the Master and Servants Act was framed and how the employers used, and abused the law. As described above the law was in many cases used as a threat against the Chinese labourers to enforce compliance and a degree of servility. The number of times that

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<sup>93</sup> *Wellingrove Bench of Magistrates*, 22nd July and 22nd November, 1852, (NSW State Archives 4/5555).

<sup>94</sup> *MBFP*, 24th May, 1853.

charges of insubordination were pressed against the Chinese depicts not only the degree of servility that the employers demanded, but also the tendency of the labourers not to bow to the dictates of the employers. Cases of absconding were rarely prosecuted, and also appear to rarely have been true cases of a Chinese labourer departing his place of employment with no intention of returning. It would have been very difficult for any Chinese labourer to abscond for any extended length of time as their appearance, lack of English language skills, and the geographical isolation of the majority of the labourers meant that they could not travel very far without their presence being noted and questioned. The Vagrancy Act allowed the apprehension of any Chinese labourers found wandering around and their detention until an employer was found, whether the previous or a new employer. That the Chinese labourers were not over-represented in criminal cases, that is cases involving theft, assault and murder disproves the earlier notions of the Chinese as blood-thirsty and violent.

The Chinese labourers suffered severely from under-representation when facing the benches and courts of the colony due to their inability to understand the workings of the court or the charges which they were facing. The near complete lack of any efficient interpreters at most benches deprived the Chinese of natural justice. In many instances the interpreter used could not speak the dialect of the defendant which at times led to the situation where two or more interpreters were used, leading to what one commentator described as the "Tower of Babel".<sup>95</sup> Despite continual calls for a Government appointed interpreter no action was taken depriving the Chinese labourer of '...an act of justice...'.<sup>96</sup> A number of Chinese labourers did act as interpreters: notably Zuan Zing in Goulburn (12-4-52); and Tinko, Isim (15-11-51) and Gan Som aka Ganson in Brisbane. The latter however, was to subsequently decline to interpret during court cases, it being presumed that he had been deterred from continuing in that capacity by "threats from his countrymen".<sup>97</sup> In a few cases employers acted as interpreters; Dugald Graham of "Tabragalba" interpreted in the case of assault brought by Aug Koon against Kee; and T. M. L. Prior of Logan River acted as an intermediary interpreter, that is interpreting from English into one Chinese dialect for another interpreter, in the case against Angee for murder.<sup>98</sup>

The greatest abuse of the Chinese labourers within the court system in regard to interpretation of charges and defence involved B. J. Bertelson of "Boonera" and Tong Chou and Ke Tiam, who had been charged with assault. As noted above, Bertelson

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95 "Assault" Police Court, *MBFP*, 19th October, 1852.

96 "Chinese Interpreter", *MBC*, 3rd April, 1852. *MBFP*, 19th October, 1852.

97 "Police Office", *MBFP*, 15th July, 1852.

98 "Brisbane Circuit Court", *MBC*, 5th November, 1851.

eventually withdrew the charges of assault that he had pressed against four of his Chinese labourers but maintained the charges against the two labourers named. Tong Chou and Ke Tiam were eventually pardoned on the basis that they had not understood the charges laid against them, nor were they able to offer any defence due to the lack of an efficient interpreter.<sup>99</sup> The injustice done to Tong Chou and Ke Tiam derived from the farcical situation where Bertelson the prosecutor, was the only witness to give evidence during the court case, and also acted as interpreter for the accused.<sup>100</sup>

The biased nature of the contracts indenting the Chinese labourers, the unequal treatment of the participants in the law courts, disproportionate application of the Master and Servants Act, and lack of suitable and efficient interpretation of charges and defence, were all exacerbated by the ability of the squatters to have their neighbours and friends adjudicate on their employees. Some magistrate sessions must have had the appearance of a game of musical chairs, with a prosecuting employer moving onto the Bench when his case had been heard to adjudicate on those cases brought by another magistrate against his employees. The affinity between the "Merino Magistrates" reached a peak with the signing of numbers of warrants by the magistrates and the handing of these warrants to employers who needed only to fill out the necessary information whenever needed.<sup>101</sup> This bulk-signing of warrants disposed of the need of an employer to travel to a neighbouring magistrate's residence to procure a warrant before apprehending and transferring a recalcitrant employee to the lock-up.

Despite all of the servility enforcing aspects of the law and the manner in which the law was imposed on the Chinese labourers, the Chinese failed to meet fully the degree of servility required and demanded by the squatters. They were in the main good shepherds, which judgement was made in newspaper reports, contemporary letters and diaries, and within the measures imposed by the squatters in their dual capacity of employer and magistrate to retain the labourers when the original contracts expired. The Chinese were found to '...make good shepherds, yet they are difficult to manage...';<sup>102</sup> their wilfulness increasing as an understanding of the English language

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99 "The Chinese- Interpretation of Defences", *MBC*, 8th January, 1853; "British Justice and Chinese Interpretation", *MBFP*, 4th January, 1853. This case started a heated debate between the *Moreton Bay Courier* and the *Moreton Bay Free Press*; "Chinese Crime and British Punishment", *MBC*, 27th November, 1852; "The "Courier" on Crime and Punishment", *MBFP*, 30th November, 1852.

100 "British Justice and Chinese Interpretation", *MBFP*, 23rd November, 1852.

101 "Illegal Warrants", *MBC*, 5th February, 1853; "Original Correspondence" by Arthur Hodgson and Editor's Note, *MBC*, 19th February, 1853.

102 "Drayton Correspondent", *MBFF*, 14th February, 1854.



and the law became more common, contracts expired and near-market wages were demanded.

When the squatters began to again bemoan the scarcity of labour the importation of Chinese labourers was only once mentioned as a viable option. Chinese labourers were considered last for employment on the burgeoning cotton and sugar plantations of the north, as even though they were "sufficiently energetic and industrious":

*They are not the people we require. Too much like Englishmen in their wants and intelligence, they are yet too dissimilar in their nature, habits, and language,...They are fully as much alive to their own interests, and have quite as good a notion of their own value, as any of their English employers.<sup>103</sup>*

The fact that the indentured Chinese labourers were alive to their own interests prevented them from assuming the required degree of servility. This facet of their character and a combination of economic, political and social events many of which have already been alluded to, decided that the trade in Chinese labour was to cease in 1853, not to be attempted again. The next, and final, chapter reviews and assesses these events and forces and the impact that the trade and the labourers had on the colonial economy.

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<sup>103</sup> "Cotton in Moreton Bay", *MBFP Supplement*, 30th November, 1852.

## CHAPTER ELEVEN

### THE ECONOMIC IMPACT AND CESSATION OF THE CHINESE LABOUR TRADE

To this point this thesis has considered the reasons why, and the mechanics involved in importing indentured Chinese labourers into the colony. This concluding chapter assesses the impact that the arrival and employment of the Chinese labourers had on the colonial economy in respect to wage levels; the profitability of squatting; and linkages with other sectors of the economy that were strengthened as a result of the trade. The second section of this chapter analyses the various reasons why the trade ceased in 1853 and was not subsequently resumed when the gold-rushes impacted negatively on the available labour force. No single cause can be propounded as an explanation, however, an attempt is made to assign relative weights to each of the reasons.

#### A: ECONOMIC IMPACT

It is difficult to quantify precisely the economic impact of the importation and employment of indentured Chinese labourers on the colonial economy, however a number of areas of the economy can be highlighted. The primary argument against the introduction of Chinese labour was that they would reduce wages, and as shown in the table over the page, which presents the annual wages of shepherds and farm labourers, these fears were to some extent justified.<sup>1</sup> Although shepherding attracted an increased wage during the period, the increase was small in comparison to that exhibited by farm labourers wages. Despite both employment's attracting approximately the same wage in 1849 and 1851, from 1852 on, which corresponds with the arrival of the majority of the Chinese labourers, farm labourers received a higher wage in all regions, and this discrepancy widened over time. Therefore, even though the employment of Chinese as shepherds did not reduce wages, the impact was to reduce the degree by which the wages accruing to shepherds increased over this period.

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<sup>1</sup> The wages are expressed in pounds (£), and are money wages only as food and lodging was provided by the employer.

**TABLE 11a**  
**Shepherd and Labourers Wages Compared, 1849-1955**

TOWN		1849	1851	1852	1853	1854	1855
COLONY	SHEPHERD	7-18	18-23	25-30	25-30	25-35	30-35
AVERAGE	LABOURER	7-18	18-22	25-30	26-31	25-40	30-40
ARMIDALE	SHEPHERD	25	25	30	30	35	28
	LABOURER	22	25	30	40	40	40
WELLINGROVE	SHEPHERD	24	25	26			35
	LABOURER	24	25	39		45	52
TABULAM	SHEPHERD	22		30	30	45	30
	LABOURER	22		35	35		30
GRAFTON	SHEPHERD	18	23	28	30	35	30
	LABOURER	18	23	23	35		50
WARWICK	SHEPHERD	26		25	35		30
	LABOURER	30		35	40	37	32
BRISBANE	SHEPHERD	19	25	28	35	30	32
	LABOURER	20	22	28	40	37	32
IPSWICH	SHEPHERD	25	28	28			35
	LABOURER	25	28	28			40
MARYBOROUGH	SHEPHERD		28	30			
	LABOURER		25	80			
GAYNDAH	SHEPHERD		26	26	35	65	22
	LABOURER		26	30	35		

SOURCE: Statistical Register of New South Wales, 1849-1858, p. 115: Appendix to the Report from the Immigration Agent, 1849-1854, *NSWLC V&P*, various years and *Journal of the New South Wales Legislative Council*, 1856-57.

The effect of this on the economic position of the squatters was all positive. The low and static wages of the Chinese shepherds and the relative stability of non-Chinese shepherd wages during this period of labour shortage and increasing wages maintained the squatter's wages bill at a minimum. As wages could account for 90% of a station's expenses,<sup>2</sup> and shepherds comprised the majority of the labour force, any reduction in this expense was most welcome. The Northern District squatters clearly recognised and articulated that:

*...the arrival of the Chinese in the district at the critical period that they did, was in a great measure the salvation of the squatting interest, which without the presence of these people would have been, if not utterly ruined, at least vastly deteriorated, and in this abridged prosperity every other branch of industry in the district must have in a greater or less degree*

<sup>2</sup> G. Blainey, cited by P. McMichael, *Settlers and the Agrarian Question: Capitalism in Colonial Australia*, Cambridge, Cambridge University Press, 1984, p. 129.

participated. The employment of this outlandish description of labourers therefore has been of more service to the colony than has heretofore been allowed.<sup>3</sup>

Concurrent price increases also provided many squatters with a more secure labour force, as labourers with recourse only to a station store and receiving a fixed wage readily found themselves in debt against unearned income. Absconding in debt, a criminal offence could, and usually did, attract the heaviest penalty permissible under the Master and Servants Act. When sentences for this offence included the stipulation that the labourer return to his master at the expiration of his sentence the master was still ensured of a relatively stable labour force. Low and stable wages, a relatively secure labour force and increasing prices for wool and mutton provided the squatters with an economic edge which allowed many to live a life of politics and ease, either in England, Sydney or Brisbane, but rarely on their stations. Even "W. H. W", who reviled the Chinese as shepherds, recognised that the squatters '...with the assistance of the Chinese...has been hitherto able to produce plenty for the market, consequently he has not been so anxious...'.<sup>4</sup>

A number of industries also received a fillip through the importation of Chinese labourers, the shipping industry in particular, an industry in which many squatters had or acquired an interest in. The carriage of the Chinese provided Robert Towns, Robert Campbell and Henry Moore with a market during a slow period in the ocean carriage trade. The coastal steam industry, in transferring the Chinese between Sydney, Moreton Bay, Clarence River and Wide Bay also benefited to some degree. Although the coastal steam-ships in particular the *Phoenix* and the *Favourite* carried cargo and other passengers along with the carriage of the Chinese labourers, the owners of these ships must have openly welcomed the importation of the labourers. In 1852 the rate charged upon the *Eagle* steamer for steerage passengers from Sydney to Moreton Bay was £2 10s.<sup>5</sup> and that to the Clarence River per the *Phoenix* was £1 10s.<sup>6</sup>, providing the owners of these ships with an income of between £960 and £1600 for the carriage of the 640 Chinese labourers known to have been transferred north from Sydney.

The importance of shipping and the costs involved in moving wool and stores from Sydney to the Northern Districts may be assumed to have led Oswald Bloxsome, Stuart Donaldson and John Doherty, all substantial northern squatters, to join forces

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3 "The Late Public Meeting", *MBFP*, 14th March, 1852.

4 Original Correspondence by "W. H. W", *MBFP*, 13th May, 1852.

5 "Shipping Intelligence", *MBFP*, 27th Mar, 1852.

6 Robertson was charged £15 for the passage of the 10 labourers he indentured from the *Arabia*. Account of R. R. C. Robertson with Campbell and Company, *Wellington Vale Station Records*, (UNE A185).

with John Thacker to establish the "Clarence River Steam Navigation Company".<sup>7</sup> Apart from shipping from Sydney there was also the carriage of goods by river from Brisbane to Ipswich, Newcastle to Morpeth, and from Grafton to Lawrence. The Ipswich squatters even had the audacity to attempt to establish a major port at Ipswich and then Cleveland to rival and detract from the increasing economic and political power of Brisbane.<sup>8</sup> The dependence of the squatters on efficient and relatively cheap wharf facilities through which to ship their wool and receive provisions was the impetus for the formation of steam ship companies and deep-water port facilities. Facilities which added to the colony's existing infrastructure, which in turn assisted and promoted further economic development.

Other commercial areas provided with some degree of stimulus by the trade were the shipping of provisions, particularly rice; "shoes for coolies"; "slops for Chinamen"; the services of interpreters to assist in the signing of the contract; and the employment of bullock-drivers to transfer the Chinese labourers inland. "Chinese Soap" which would '...not (as might be apprehended) in any way rot or impoverish clothes...' was also advertised for sale; yet what differentiated Chinese from any other soap is unknown, although it did come with "printed directions".<sup>9</sup>

## B: REASONS FOR CESSATION

The gold-rush rather than driving the squatters to import Chinese labourers partially removed the need for further importations to be undertaken at the time of the rushes.<sup>10</sup> Disillusioned miners moved into the towns and onto the stations, where the demand for shepherds, watchmen and general labourers continued as a result of labourers joining the rush and an increased demand for meat; therefore increased sheep numbers and increased demand for shepherds.<sup>11</sup> Many of the unsuccessful miners were Chinese who had arrived late in the rush, diminishing their chances

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7 This company owned the *Phoenix* which was brought out from England under the direction of Captain Wiseman. "Clarence River Steam Navigation Company Notice", *SMH Supplement*, 1st July, 1850.

8 The battle over Cleveland Point at Moreton Bay can be viewed in "The "Courier" and Cleveland", *MBFP*, 30th November, 1852; *MBC*, 28th April, 1853; "The Grant for Cleveland", and Original Correspondence by "Cleveland", *MBFP*, 3rd May, 1853; "To the Squatters in the Northern Districts", by Arthur Hodgson, *MBFP*, 7th June, 1853. An good coverage of the fight over the location of the premier port is by Dushen Salecich, 'Brisbane, Ipswich or Cleveland: The Capital Port Question at Moreton Bay, 1842-1859', in Brisbane History Group Papers, *People, Places and Pageantry*, No. 6, 1987, pp. 79-86.

9 "Chinese Soap", *MBFP*, 27th February, 1855.

10 This argument against the gold-rush and the move of labour to the gold-fields being the motive for the importation of Chinese labourers was propounded in Chapter Six.

11 The Everetts found many of their "old hands" leaving for the gold fields, but also an increase in the price of sheep, with wethers doubling in price, '...two years ago thousands were boiled down for their tallow.' John Everett to Charles Everett, 16th August, 1853, 'Letters sent by John Everett to his family, 1851-67', *Ollera Station Records*, (UNE A103 V3052/4).

striking it rich, and forcing them into employment in order to survive. For those squatters located near the gold-fields their indentured Chinese population was quickly replenished or replaced by free Chinese labourers, removing the need to re-active the importation process during the mid to late 1850s. These free Chinese labourers are later found providing the bulk of the labourers that cleared and fenced the squatting runs during the 1860s.<sup>12</sup>

Also, the influx of Chinese with the gold-rushes increased the incidence and virulence of racist views and attacks. The views expressed during the period of Chinese labour importation were mild in comparison to those that were aired and acted upon within the gold-rush colony. The increased racism of the European population against further Chinese emigration would have stifled any future attempts to import labourers, especially under the widened political franchise.

Although the Australian Colonies Government Act, 1850, brought the Northern squatters into parliament, the same act in combination with population growth, would ultimately decrease the amount of power that the squatters could wield. By decreasing the rent requirement from £20 to £10, a low yearly rental figure for the colony, the electorate to which those seeking election were beholden was increased substantially.<sup>13</sup> Initially these changes did not impact greatly upon the northern squatters, as towns were few and small, and the squattages were rarely organised along the lines of an estate. Most employees received lodgings as part of their wage contract, and therefore would have been ineligible to vote under the rent requirement; only in rare cases was a labourer in possession of the £100 property qualification.

As the population and prosperity of towns like Ipswich, Armidale and Warwick increased, squatters aspiring to a parliamentary career had to increasingly modify their actions and their platforms to a larger and more diverse population of electors.<sup>14</sup> To

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12 On "Maryland" station in 1856-7, 43 Chinese labourers are recorded in the Day Book as making purchases from the station store; *Maryland Day Book, 1856*, (UNE A1352): On "Rangers Valley, ten Chinese were employed in shepherding, labouring, well-sinking, and fencing, *Rangers Valley Wages and Rations Book, 1863-6*", (UNE A123).

13 In Sydney the lowering of the franchise brought the electorate close to household suffrage. The action of the House of Lords in accepting the arguments of Robert Lowe, now residing in England, that the franchise should be lowered, was greeted by Nicholson wishing to know why '...the British government and parliament act as if their aim was to republicanize and democratize the country.' J. Hirst, *The Strange Birth of Colonial Democracy: New South Wales, 1848-1884*, Sydney, Allen and Unwin, 1988, p. 26.

14 The isolation of many squatting runs also worked against the squatters political aspirations, preventing many franchisees from reaching the polling stations in the towns. For example, in 1860 although the town of Armidale contained only 13% of the electorate it recorded 39% of all votes cast. R. B. Walker, *Old New England*, Sydney, Sydney University Press, 1966, p. 157. The distances that had to be covered to reach a polling booth was highlighted in the 1854 election for the County of Stanley where rumours abounded that '...a Drayton policeman had ridden eighty miles (128 km) to Myall Creek...to round up an errant vote...'. M. French, *A Pastoral Romance: The Tribulation and Triumph of Squatterdom*, Toowoomba, USQ Press, 1990p. 133.

highlight the growth in electoral accountability, the table below presents the growth in the number of electors within the Northern Districts for 1851-2, 1854, and 1856.

**TABLE 11b**  
**Number of Electors- Northern Districts, 1851-1856**

DISTRICT	1851	1854-55	1856
New England and McLeay	245	259	461
Clarence and Darling Downs	198	324	650
Moreton Bay, Burnett and Mararoa	76	105	213
Stanley (County)	117	371	789
Stanley Boroughs (Brisbane & Ipswich)	291	480	-

SOURCE: Return of Number of Electors, 1852, *NSWLC V&P*, 1852, Vol. II, p. 1221; Return of Number of Electors, 1854, *NSWLC V&P*, 1854, Vol. II, p. 1513; Return of Number of Electors, *NSWLA V&P*, 1856-7, Vol. II, p. 599.

It is only necessary to recall the about-face done by Richard Jones on the question of Chinese labour when seeking re-election in 1851 for the electorate of Stanley Boroughs; and Hodgson's cry that he would never '...import another Chinamen as long as he lived...' <sup>15</sup> to realise the impact that population and economic growth had on the ability of the squatters to continue importing Chinese labourers.<sup>16</sup> By 1856, when the contracts binding the majority of the Chinese labourers had expired, any further importations would have impacted negatively on a squatter's political aspirations. Population growth had brought with it shop-keepers, labourers and aspiring agriculturalists, whose interests were in the main antithetical to those of the squatters, leading to a long and acrimonious '...struggle between squatter, selector, and store-keeper...'.<sup>17</sup>

Struggles also in Amoy between the Chinese and the European agents and their coolie brokers, then amongst the Chinese, destroyed the labour trade between that port

15 "Mr Hodgson's Address to Electors, *MBFP*, 8th August, 1854. It must be noted that both Jones and Hodgson were also arguing against the introduction of exiles in their attempts to get elected.

16 In 1851 Henry Hughes was proposed as a "fit and proper person" to represent Stanley Boroughs as he '...has from the beginning been strongly opposed to the introduction of Chinese labour, and does not employ, nor ever has employed Chinamen.' "Domestic Intelligence", *MBC*, 21st June, 1851; Jones was to counter this by arguing that he had no intention of importing or employing any more Chinese. "To the Independent Electors of the County of Stanley", *MBC*, 26th July, 1851: Both stances were sneered at, as a '...mere ruse, and contrary to their consciences...[having]...seen their names in legible black ink on the list of those who had sent the *Duke of Roxburgh* for a cargo of the miserable immigrants whose introduction they affected such indignation at.' "Chinese Immigration", *MBC*, 20th September, 1851.

17 French, *op.cit.*, p. 144. French provides the best analysis and description of this struggle in the Darling Downs up to 1859. After this date refer to D. B. Waterson, *Squatter, Selector, and Storekeeper: A History of the Darling Downs, 1859-93*, Sydney, Sydney University Press, 1968. For the New England district refer to Walker, *op.cit.*, pp. 153-169.

and European colonies. The publicity that the Amoy riots, and their embodiment in the disastrous voyage of the *Spartan* in 1853-53 received in the colonial press revived calls against any continuance of the trade, and altered the attitude of employers and importers towards further involvement. Robert Towns increasingly complained to Tait about the quality of the emigrants that Tait was dispatching to the colony, and employers complained to Towns regarding the ill-health and disobedience of their Chinese employees. The increasing incidence of death and disease amongst the labourers, both during the voyage and while in employment, were manifestations of the increased use of deception and kidnapping to fill quotas in a market of excess demand. Another result of the decline in the conduct of the trade was a decrease in the levels of health and conformability of the labourers when delivered to their employers. An inability or disinclination to labour according to the dictates of their employer on the part of the Chinese because of the manner in which they were procured and transported to the colony, would be expected to deter prospective employers. In this manner the trade, and how it was conducted and mis-conducted, destroyed part of the demand market by which it had originally been created.

Although the gold-rush brought in a flood of potential shepherds the Northern Districts continued to be short-staffed in this regard with many leaving the district for the gold-fields.<sup>18</sup> Plans for the importation of Scottish<sup>19</sup> and German labourers;<sup>20</sup> direct petitioning of the British Government for an increased rate of assisted emigration to the north;<sup>21</sup> moves to import Indian labourers;<sup>22</sup> the fight for exiles and separation;<sup>23</sup> and the commissioning of Edward Hargreaves by the Northern squatters to search for

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18 In 1852 and 1853 every region within the Northern Districts recorded a shortage of labour, particularly single-men for shepherding, watching, and general labouring employment. Report from the Immigration Agent, 28th July, 1852, *NSWLC V&P*, 1852, Vol. II, pp. 69-70 and 4th July, 1853, *NSWLC V&P*, 1853, Vol. I, p. 78.

19 Foremost in this move was the formation of the Highland and Island Emigration Society, C. E. Trevelyan chairman; which was closely aligned to the Glasgow Association of the Squatting and General Interests of New South Wales that had fought Gipps' Squatting Regulations. The emigrants sent out by this society only numbered 5,000, and were described as '...not of a class likely to find favour among the colonists...'. Governor-General Fitzroy to Sir John Pakington, 18th February, 1853, No. 7, Correspondence Relating to Emigration to the Australian Colonies, *BPP*, 1854, (436), Vol. XLVI, p. 11; Eric Richards, 'Australia and the Scottish Connection, 1788-1914' in Bob Cage, (ed.) *The Scots Abroad: Labour, Capital, Enterprise, 1750-1914*, London, Croom Helm, 1985, p. 135.

20 "German Immigration", *MBFP*, 21st June, 1853; "German Immigrants", *MBFP*, 25th January, 1853; "Mr Lord and German Immigration", *MBFP*, 2nd August, 1853; "German Immigration", *MBC*, 9th December, 1854; "German Immigrant Ships", *MBFP*, 6th February, 1855.

21 "Public Meeting to Petition for Direct Immigration", *MBFP*, 11th March, 1852; "Labour for Moreton Bay", *MBC*, 29th October, 1853; "To the Squatters in the Northern Districts", by Arthur Hodgson, *MBFP*, 7th March, 1854; "Direct Immigration", *MBC*, 17th June, 1854; Louis D. Hope and G. F. Leslie to Sir John Pakington, 18th June, 1852, No. 6, Sir John Pakington to Governor-General Fitzroy, 6th August, 1852, Papers Relative to Emigration to the Australian Colonies, *BPP*, 1852-53, (1627), p. 69.

22 "Immigration from India", Original Correspondence by Robert Towns, *MBFP*, 28th November, 1854; Report from the Select Committee on Asiatic Labour, *NSWLC V&P*, 1854, Vol. II.

23 Original Correspondence by "W. F. W.", *MBFP*, 3rd June, 1852.



gold;<sup>24</sup> were manifestations of this shortage. These attempts to expand the labouring base of the north only included suggestions that the importation of Chinese labourers be resumed.<sup>25</sup> It must therefore be questioned why Chinese were not reconsidered at this time, especially when the production of cotton and sugar was being promoted.<sup>26</sup>

Two explanations account for the importers not following the trade to Macao when the northern squatters required labour; firstly, the price of the Chinese and secondly, the lack of servility that the Chinese had displayed. By 1854 the cost of passage from China had increased from an average of £13 to £17,<sup>27</sup> and the trade to the colony, which then comprised "free" labourers, was closely watched by the authorities for any breaches of the Passengers Act.<sup>28</sup> The second aspect of the Chinese labourers price was the level of wages that the Chinese demanded, one estimate placing the wages at £36 per annum.<sup>29</sup> Part of this increase from approximately £7-£9 to £36 was a result of labour scarcity and the conclusion of contracts binding the Chinese to the lower wage. However, the increase was also a result of the Chinese labourers being '...fully as much alive to their own interests, and [having] quite as good a notion of their own value, as any of their English employers'.<sup>30</sup> Reports from the Northern Districts describe how the Chinese '...worked all right until they got to understand that they were not being paid as liberally as the white workers';<sup>31</sup> "white workers" eagerly bringing the wage discrepancy to the notice of the Chinese.<sup>32</sup>

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- 24 "Mr Hargraves", *MBFP*, 13th May, 1852. Original Correspondence by "An Ancient Moretonian", 13th May, 1852. Original Correspondence, by "Auri Sacra fames", *MBC*, 29th November, 1853.
- 25 "More Labour", *MBFP*, 2nd May, 1854; This suggestion was argued against in "Immigration and Labour", *MBC*, 20th May, 1854.
- 26 "Cotton in Moreton Bay", *MBFP Supplement*, 30th November, 1852;
- 27 "To the Squatters in the Northern Districts" by Arthur Hodgson, *MBFP*, 7th March, 1854. Evidence of R. Towns, 29th August, 1854, Select Committee on Asiatic Labour, *NSWLC V&P*, 1854, Vol. II, p. 12.
- 28 This was brought to the attention of any parties interested in the trade by the *Moreton Bay Free Press*, which reported instances of captains being fined £2 for each passenger above the limit. Robert Towns' ship the *Statesman* incurred a fine of £301 for carrying 150 $\frac{1}{2}$  excess passengers. "Caution to Importers of Chinamen", *MBFP*, 8th May, 1855.
- 29 "To the Squatters in the Northern Districts" by Arthur Hodgson, *MBFP*, 7th March, 1854. '...some of the Chinese shepherds in my employment are receiving as high a rate of annual pay as the best European shepherd', Evidence of G. Sandemann, 29th August, 1854, Select Committee on Asiatic Labour, *NSWLC V&P*, 1854, Vol. II, p. 9.
- 30 "Cotton in Moreton Bay", *MBFP Supplement*, 30th November, 1852.
- 31 Thomas Hall, *The Early History of Warwick District and Pioneers of the Darling Downs*, (new ed.) Toowoomba, Vintage Books, 1988, p. 121. W. A. Duncan to H. H. Browne, 27th October, 1853, Enclosure 2 in No. 22, Fitzroy to the Duke of Newcastle, 30th December, 1853, Correspondence Relating to Emigration to the Australian Colonies, *BPP*, 1854, (436), Vol. XLVI, p. 44.
- 32 A rebellion amongst the Chinese on G. Sandemann's station "Burradowan" had been '...occasioned through a white man travelling from hut to hut, and assuring them that they were fools to shepherd for four dollars a month, when Europeans were getting £1 a week.' "Burnett District", *MBC*, 23rd October, 1852.

It is not difficult to find contemporary reports of the Chinese being "bad shepherds", who either left their flocks to the ravages of native dogs or took to killing above their quota for meat.<sup>33</sup> Even Gordon Sandemann was to state that his '...experience of Chinaman for pastoral employment would not encourage the introduction of that class of labour.'<sup>34</sup> These attitudes to the shepherding capabilities of the Chinese are however, countered by an equivalent number of reports of their taking great pains in the care of their flocks.<sup>35</sup> The majority of complaints about the Chinese bemoaned their lack of servility; violent and intractable nature when challenged;<sup>36</sup> and that they had generally '...proved very troublesome'.<sup>37</sup>

The demands for higher wages, attempts to sue employers for wages or mistreatment although usually ending in front of the bench to the labourers disadvantage, display the willingness of the Chinese to look after their own interests. This lack of servility on the part of the Chinese labourers provides the strongest reason why the squatters in the Northern Districts did not look again to China when in need of a bound labour force. However, the increased price of landing the Chinese; the profitability of other shipping trades, especially the carriage of free Chinese; and the growing anti-Chinese agitation within the colony also impacted to a significant degree.

The Master and Servants Act had been manipulated to ensure the '...strictest subordination, and...[to exact]..the most laborious exertion...' from the Chinese.<sup>38</sup> However, the independent nature of the Chinese labourers; the worsening labour shortage with the gold-rushes; and increasing public condemnation of the treatment, on the stations and in the courts that the labourers received prevented the squatters from enforcing this degree of servility. Reports of violence perpetrated against the Chinese; public questions over the manner in which some benches were operated, especially in regard to the issuing of warrants and sentencing patterns; and the insistence upon interpreters were all given sympathetic treatment within the

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33 Original Correspondence by "W. H. W.", *MBFP*, 13th May, 1852; "Burnett District", *MBC*, 23rd October, 1852

34 "To the Electors of the Pastoral Districts of Clarence and Darling Downs" by Gordon Sandemann, *MBC*, 27th January, 1855. In contrast to this is Sandemann's evidence to the Select Committee on Asiatic Labour that in regard to Chinese labourers, 'Generally, I like them, as being adapted to pastoral pursuits...'. 29th August, 1854, Report from the Select Committee on Asiatic Labour, *NSWLC V&P*, 1854, Vol. II, p. 6

35 "Burnett Correspondent", *MBFP*, 30th August, 1853; Evidence of Ellen Bundock, G. Farwell, *Squatters Castle. The Story of a Pastoral Dynasty- Life and Times of Edward David Stewart Ogilvie, 1814-96*, Melbourne, Landsdowne Press, 1973, p. 192; P. Leslie to W. Leslie, 1st January, 1853, Leslie Family Letters, 1840-53, (ML A4094: FM4/3099), pp. 47-48; Captain Chauvel to R. Towns, 15th November, 1853, *RTC*, (MI MSS307/196); Evidence of R. Towns, 29th August, 1854, Report from the Select Committee on Asiatic Labour, *NSWLC V&P*, 1854, Vol. II, p. 12.

36 Original Correspondence, by "W. H. W.", *op.cit.*,

37 "To the Squatters in the Northern Districts" by Arthur Hodgson, *op.cit.*,

38 Governor Bourke cited by P. Mc Michael, *op.cit.*, p. 133.

newspapers. A treatment not afforded the squatters apart from within the pages of the *Moreton Bay Free Press*. The squatters' inability to retain the Chinese in a subordinate, servile position ensured that the Chinese labour trade was not resumed when labour needs again pressed hard on the Northern District squatters.

*They have, however, of late become somewhat distasteful to the employers here, in consequence of the disinclination evinced by many of them to perform their part of the agreements, and of the difficulty which exists in punishing them for their offences at the courts of petty sessions, from the absence of any means of interpreting their language.*<sup>39</sup>

### C: CONCLUSION

This thesis has addressed how and why indentured Chinese labourers were imported into the colony of New South Wales between 1847 and 1853. The major conclusion that can be drawn from this study is that the arrival of the labourers was an accident of circumstance. Denied slaves, convicts, exiles and Indian labour, and facing the repugnance of free labourers to shepherding, the squatters turned to China as an answer to their labour requirements. The positive attributes of Chinese labour, industriousness, agricultural and irrigation skills, and general labouring ability, as lauded by pre-1840 plans and proposals, were not considered when the squatting clique were seeking a labour force. In none of the early proposals and plans were the Chinese perceived as shepherds, nor did the squatters hire them for their shepherding ability. The Chinese were employed simply because they, unlike other cheap, servile labour options could be contracted, contracted for five years and have their contracts enforced under Colonial law.

There can be no doubt that if the squatters had been afforded the right to import Indian labourers or exiles, there would have been no moves made in the direction of the Chinese labour market; regardless of the number and integrity of earlier proposals to import Chinese labourers.

*The coolies never came because we could not get them, and Chinamen took their places.*<sup>40</sup>

The extent of the actual colonial Chinese labour trade was dictated by supply rather than demand. The profits perceived by shipping and mercantile interests to accrue from participation, not some innate sense of the worth of the Chinese as shepherds, determined the number of Chinese labourers imported. Even Robert Towns was only partially motivated to enter the trade because of familial and

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39 H. H. Browne to Governor-General Fitzroy, 15th December, 1853, Enclosure 1 in No. 22, Fitzroy to the Duke of Newcastle, 30th December, 1853, Correspondence Relating to Emigration to the Australian Colonies, *BPP*, 1854 (136), Vol. XLVI, p. 43.

40 "Public Dinner to A. Hodgson", *M BFP*, 23rd January, 1855.

mercantile connections to the pastoral industry; as evidenced by his late entry into the trade, and quick exit when he realised that the venture was not as profitable as hoped.

Overall, the importation of Chinese labourers to the colony of New South Wales was a manifestation of the strength within the colony of the squattocracy, which strength was extended by their employment of Chinese labourers as shepherds. The squatters were able to utilise their employment of Chinese labourers to achieve economic ascendancy at a time of declining political fortunes. From this position many retired to England, wealthy and willing to fight for the rights of their squatting associates and on behalf of any personal interests remaining in the colony. Others remained in the colony and made their names in the field of politics, firstly in the colony of New South Wales, and then in the new colony of Queensland. Separation from the economic and political stranglehold of Sydney was the focus of lobbying by repatriated Northern District squatters throughout the 1850s. Once granted self-government in 1860 the squatters dominated the new parliament<sup>41</sup> and again looked overseas for bonded labour. Continuing a cycle, involving many of the same participants, that had earlier resulted in the importation into New South Wales of indentured Chinese labourers.

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<sup>41</sup> The first Queensland parliament included many notable northern squatters and employers of Chinese labour: Sir Charles Nicholson, John Balfour, Maurice O'Connell, Francis Bigge, Alfred Compaigne and H. B. Fitz; who were soon joined by Alfred and Gordon Sandemann, R. R. Mackenzie and Robert Towns. Even in 1881 the pastoral interest was represented by 20 out of the 55 members of the Queensland Legislative Assembly. Oscar De Satge, *Pages from the Journal of a Queensland Squatters*, London, Hirst and Blackett, 1901, p. 352.