

Dennis Bryans

'A Tolerable Interpreter': Robert Bell and the Chinese on the Ballarat goldfields

WHEN ROBERT BELL died aged eighty-eight in the Ballarat Infirmary on 30 July 1905, the press reported his passing in some detail. In Melbourne, the *Argus* said that '[i]t has been proved that Bell had a university education, and as a scientist and linguist was looked up to by the diggers of the fifties'.¹ Across the Tasman, the *Wairarapa Daily Times*, spoke of his 'remarkable history,' stating that Bell was a man of 'good family . . . always very temperate in his habits' who enrolled at London University in 1836 to study 'chemistry, botany, medicine and surgery' and that after arriving in Victoria in 1852 he 'studied the Chinese language, and became well acquainted with Chinese literature'.² The *Ballarat Star*, which published many of his letters to the editor in the 1850s and 60s, wrote that he 'spoke French, German, Italian, and Chinese fluently'.³ Its rival, the *Ballarat Courier*, had the least to say, commenting that 'Chinese Bell' was a native of Middlesex and that '[a] month or two ago the old fellow was found to be in a state of collapse in his hovel off the old Geelong road, and removed by the police to the Hospital'.⁴

Today Bell is mainly remembered because of his pioneering newspaper, the *Chinese Advertiser* of which he was the printer, reporter and editor.⁵ The *Ballarat Star* first noted its appearance in April 1856, saying '[w]e are to have a third [paper], which speaks more than ever of our energy, and public spirit; it will be the organ of our Chinese population, and be printed in Chinese characters; of necessity this sheet must at first be small . . . but it is likely to make more headway in a short time'.⁶ The *Chinese Advertiser*, containing official notices 'to the Chinese in their own language, extracts from Christian Composition, and the Scriptures' and its pages being 'laid open to the Native Chinese Missionaries' also offered to print Chinese tablets and handbills.⁷ Renamed the *English and Chinese Advertiser* in 1857, it was published in Chinese and English as a single sheet, four-page weekly, and distributed free on Saturdays to the Chinese villages around Ballarat.⁸ It lasted until the end of 1860.

Bell's newspaper has guaranteed passing references to his activities in local histories, ranging from Withers' *History of Ballarat* (1870) where Bell is described as a lithographer, to Weston Bate's *Lucky City* (1978) where Bate calls him 'an eccentric Englishman'. Bell's newspaper has recently gained renewed interest with the discovery of three previously unknown issues.⁹

II

How or when Robert Bell arrived in the colony remains something of a mystery. He said that he came in 'the early part of February, 1852',¹⁰ but there is no record of him doing so in the passenger lists of British or foreign ship arrivals of the period, but is

quite possible that, like many others who came to the Victorian goldfields, he may have come via a neighbouring colony. Nor can his claim of having 'studied the sciences at the foundation of agriculture under Dr. Lindley, Professor Graham (late Master of the Mint), Professor Ramsay, Dr. Grant, &c., at University College, London, thirty years ago' be verified although he certainly knew about them and their work.¹¹

In the decade that Bell settled in Ballarat, the district's progress was rapid. The first council elections were held in 1855. In 1856, temporary council chambers and the hospital were completed, the construction of the gaol was begun and Ballarat was connected by electric telegraph to Melbourne. On 5 May 1856, Ballarat East was proclaimed a municipality.¹²

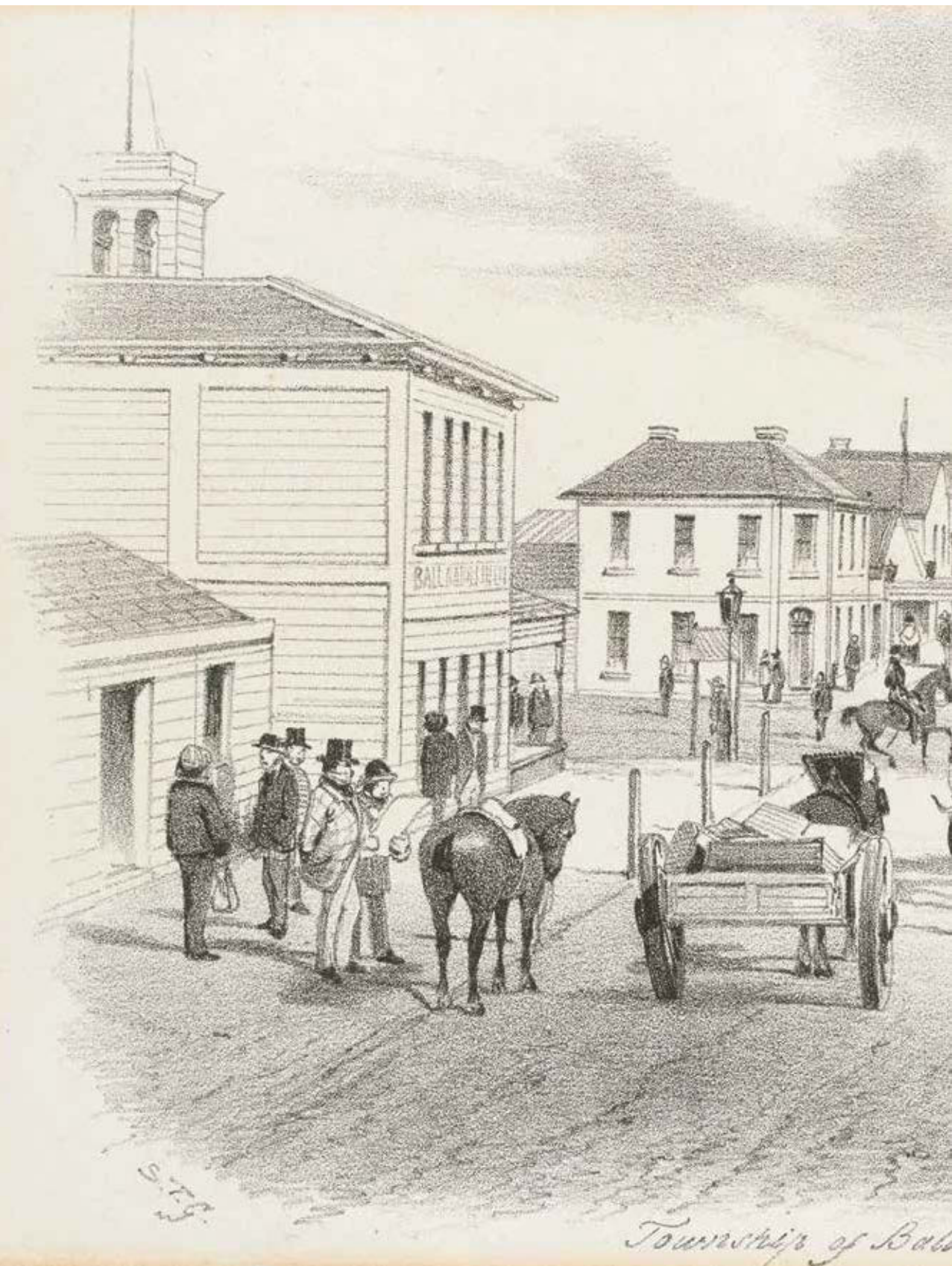
With increasing numbers of Chinese going to the goldfields, the Chinese head tax, protection tickets, business licenses and the employment of interpreters was very much in the news. Having given notice of his intention to publish the *Chinese Advertiser* in April, the paper made its appearance on Saturday 3 May 1856.¹³ The early issues were lithographed under what must have been difficult conditions. At the time some printers believed that the Australian climate made lithography impracticable, yet this belief seems not to have discouraged others. Ballarat had three lithographers: Robert Bell, Herman Deutsch and Francis Niven; while Alfred Ronalds had a lithographic press and may have used it after arriving from Geelong, as Niven purchased his first lithographic press from Ronalds.¹⁴

Bell's newspaper was given due recognition when the foundation stone of the Ballarat Miners' Exchange was laid on 15 October 1857. As the *Star* reported:

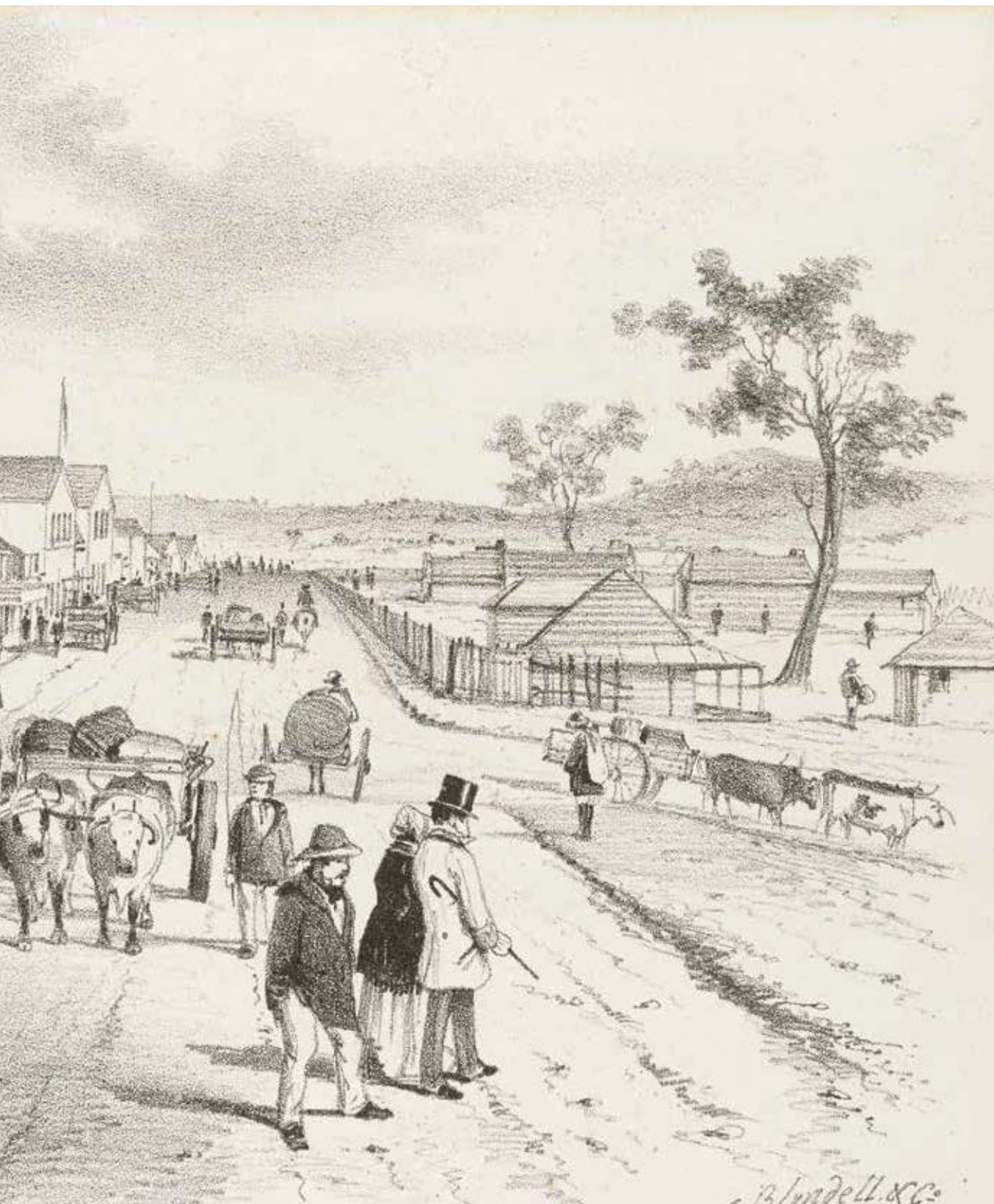
The band then struck up 'Rule Britannia,' while the stone was lowered to within a convenient distance of its final resting-place. Mr Harris, the Secretary of the Chamber of Commerce, then read over a list of the various things to be deposited in the cavity of the stone: [amongst which were] the following newspapers, &c. The *Star*, *Ballarat Times*, *Harris' Circular*, *Ballarat Advertiser*, *Chinese Advertiser*, *Argus*, *Age*, and *Herald* . . .¹⁵

Beyond publishing his paper, Bell sought in practical ways to ease the cultural differences between Europeans and Chinese. On 12 September 1857, he wrote to the Governor of Victoria, Sir Henry Barkly, asking for help in obtaining Robert Morrison's three-volume Chinese dictionary, grammars and dialogues to assist him as an interpreter and for his plan to set up a school for the Chinese.¹⁶ In his letter, he cited as referees the Rev. James Bickley, a Wesleyan Minister appointed to the Goldfields Circuit at Ballarat and already known to Barkly since their time together at Demerara, British Guiana, and the Chinese Protector William Foster.

In the absence of a reply to his request, it seems that nothing came of this, and if help was not forthcoming it is unsurprising as the government was finding it difficult to pay Chinese Protectors, Chinese interpreters and even the fodder required for their horses. In any case, it is possible that the books Bell asked for were not easily obtainable. In December 1856, the foreign factories at Canton were burned to the ground during



S.T. Gill, artist, Township of Ballarat from near Bath's Hotel, 1855. Lithograph. H1872.



View from Bath's Hotel.

James J. Bindell & Co.
Melbourne 1855.

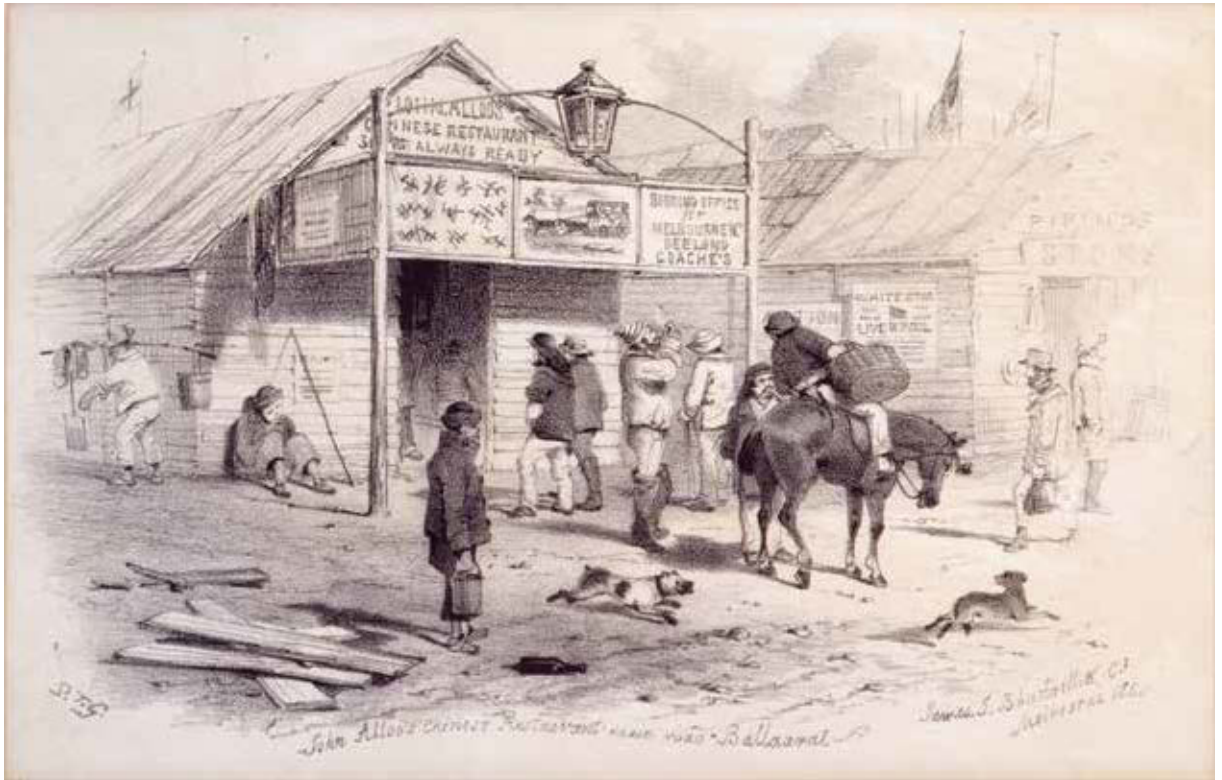
fighting directed against the British resulting in the destruction of the printing establishment that produced Morrison's dictionary.¹⁷

Bell's letter to the Governor includes a description of his printing methods: 'The paper I publish' he wrote 'was first lithographed, then printed by Zincography, then and now by Xylography, but I am about to make moveable metal Types.' He was, he added, able to supply Government announcements in 'the better sort of Chinese Writing'.¹⁸ However, with the administration of Chinese immigrants within the colony under review again in 1860 and the Chinese Protectorate about to be abolished, it is likely that the government notices in Bell's paper were cancelled and, while some revenue was generated by trade advertisements, the loss of government notices would have had an adverse impact on the credibility of his paper.

Bell, somewhat surprisingly, was not a signatory to a January 1858 petition of forty Ballarat citizens protesting against the hardship caused by the *Chinese Residents Act*. The petition highlighted cases where claims were seized by Europeans from Chinese miners who had been in possession of them for several weeks and who possessed protection tickets and miner's rights, but were, in reality, denied protection and were forced to relinquish their claims because of their inability to pay the new tax when it was demanded. Among those who did sign the petition were William Collard Smith, James Oddie; Henry Foster, Superintendent of Police; James Bickford, Wesleyan Minister; William Foster, the Chinese Protector; Councillors, barristers and solicitors; the Deputy Sheriff; a surgeon and two wardens.¹⁹

A month later, in January 1858, Sir Henry Barkly visited Ballarat for the first time and the *Star* gave a fleeting word picture of Bell's *Chinese Advertiser* office decked out in boughs and flowers as the official cavalcade passed along the plank road. While this report skips about in its narration, it suggests that the *Chinese Advertiser* office was near the Victoria Theatre in Main Road.²⁰ At the Governor's levee in 1861, Robert Bell was amongst the large number of those introduced to the Governor.²¹

The arrival of the Revd William Young on the goldfields increased the number of available interpreters but led to a challenge to Robert Bell's standing and reputation. Young and his wife arrived in Sydney from Singapore on 9 September 1854 on board the *Madras*.²² Shortly after his arrival, he began preaching in the Chinese Language to Sydney's Chinese community at the Pitt Street Congregational Church.²³ Two years later, he was resident at Castlemaine, Victoria. Young's arrival on the diggings at Castlemaine was a neat fit in the overlapping roles of Church and State throughout the Empire. While Young was in a position to help the Chinese Protector, he was himself supported by the Anglican Bishop of Melbourne Charles Perry, who in June of the same year had sent Lo Sam-Yuen, a Chinese teacher from Hong Kong, to assist Young, asking him to 'take charge of him and employ him either at Castlemaine or Sandhurst at your discretion'.²⁴ It is noteworthy that William Young was 'a non-ordained lay evangelist or Bible teacher' recruited by the London Missionary Society. His only known translation work before arriving in the colony was a New Hymn Book of 10 leaves published in 1852 in Min Nan,



S. T. Gill, artist, John Alloo's Chinese Restaurant, Main Road Ballarat, 1855. Lithograph. H11862.

the Amoy dialect.²⁵ The Chinese Warden at Castlemaine wrote in December 1856 that he had called upon the Reverend Young, Chinese Missionary and two native Chinese Missionaries to assist him and that '[t]he Hokien and Amoy dialects are almost alike and the Revd. Mr Young understands both'.

III

Legislation to restrict Chinese immigration entitled *An Act to regulate the conveyance of Passengers to Victoria* was passed by the Executive Council on Monday 11 June 1855.²⁶

As originally drafted, the Bill specified that ships' captains were 'prohibited from carrying more than one [Chinese] passenger for every two tons register' and the fine for breaking this law was £5. However, Alexander Fyfe (Member for Geelong) proposed an amendment that the limit should be raised to one [Chinese] passenger for every ten tons burden and that the tax should be £10 per head. J. P. Fawkner (Central Province) thought it should be £20 and he wanted to exclude Chinese immigrants altogether. Fyfe said very few of the Chinese paid their own passage. 'Their passages were paid by some

wealthy merchants, or other parties' who required them to work for them for twelve months under supervision and repay them in gold. He thought the profits from landing 300 Chinese might be as much as £3,000 or £4,000 and he believed his amended clause was the most effective way of stopping these practices. The Attorney-General, William Stawell, defended his Bill saying 'it would be impolitic to make so marked a distinction in it with regard to the Chinese. If such a clause as that proposed were introduced it would compel masters of vessels from China to come with virtually empty ships. It would certainly have the effect of stopping the trade with China.'

Fyfe's amendment was put to the vote and carried, twenty-one for and six against. Next, William Clark Haines (the Colonial Secretary), moved that the rate of £5 per head should be adopted. Fyfe said £10, Mr O'Brien moved that the rate be set at £15 and Fawcner said £20. Dr Murphy supported Haines saying that £5 per head was sufficient to ensure that the 'immigrants would be men of some substance' and that Chinese merchants were 'men of as high and honorable character as any in the world.' The Colonial Secretary's proposal of £5 per head was then put to the vote and lost: nine in favour and seventeen against. The rate of £10 per head was carried. The Colonial Secretary said the Bill had been so altered that he thought the Government should take time to consider whether they would go on with it or not.²⁷

The opinion of the Governor, Sir Charles Hotham, regarding the legislation endorsed the isolationist views of J. P. Fawcner, Fyfe, Horne, O'Brien and others who had wanted Chinese immigration drastically reduced if they could not be stopped altogether. Sir Charles agreed that unrestricted Chinese immigration was an 'evil'. In his closing speech to the Legislative Council on 8 June 1855, he said he had brought the subject to the notice of the Secretary of State shortly before his arrival in the colony and that while the Act 'was of a prohibitory character, it did not contravene the conditions of the treaty with China.'²⁸ Referring to its merits as a source of revenue, he said the Act made provision for a separate fund 'for the relief of destitute Chinese, and for the cost of their management and control. It also provided for the appointment of a European protector, and for minor officers, who would have control over lesser offences and quarrels . . .'²⁹

The legislation was not without effect. In June 1859, the *Star* noticed that Chinese were leaving the diggings. The paper, however, raised fears that the cause was due to 'the Peiho affair', a bloody ambush that had stalled the progress of the European powers in installing their legations at Beijing (Peking) and preventing them from implementing their treaty with the Qing Empire. After a meeting in the Chinese village at Canadian [Gully], 40 Chinese left Ballarat immediately and a coach load departed for Melbourne with the intention of returning to China.³⁰ Others moved to outlying diggings following the lure of gold. In January 1860, there were a 100 less in the Golden Point village than a year earlier. At Red Hill (Bakery Hill), the Chinese population fell from 800 to 350 between January and October 1859. However, by February, the 600 Chinese miners living at Creswick swelled in numbers to 1,100. At Smythesdale, 15 miles to the south, a Chinese population of 1,030 in January fell to 650 in November only to rise above



An issue of Robert Bell's *English and Chinese Advertiser* (formerly the *Chinese Advertiser*), 5 June 1858.

900 again in December.³¹ And as alluvial gold became harder to find, random violence and petty crime amongst the Chinese had increasingly burdened the courts with the consequence that reliable evidence in disputes involving Chinese cases caused more and more difficulties.

Charged with the unpleasant task of tax collection and checking whether protection tickets were current, Chinese Protectors were viewed in some quarters as protecting government revenues rather than the Chinese. Foster, Superintendent of Police reported the Chinese case sympathetically saying that 'a large number of the Chinese . . . will be unable to pay so large a sum [£4]. . . [being] employed on wages by headmen of their own, and should their employers be made responsible for . . . payment of the licence . . . many . . . at present employed as laborers [would] be thrown out of employment'.

IV

The manufacture of 'spurious gold' had become a hot topic in the press. Spurious, or false gold, was a concoction of copper, mercury and other ingredients and fraudulently passed off to store-keepers in exchange for goods, or sold to unsuspecting gold buyers at short weight by Chinese gangs, a ruse that caused much alarm and one widely discussed in the press. Mining companies feared that the fake gold might seriously affect gold values because purity could not be verified unless it was assayed and this remedy was said to be a costly undertaking, even for large companies.

A lead article, 'Spurious Gold and other Chinese Difficulties' in the *Star*,³² commented on the issue as being a well-organised conspiracy amongst Melbourne Chinese criminals. 'We can scarcely imagine', it said, 'that each separate gold field can have its own manufacturing establishment because the parcels of gold which have been offered for sale are too well got up – too like pure gold – to be the work of ignorant or careless experimenters . . .' and that those caught in the act of passing off the fake gold were just pawns in the game. The *Star* reported that an incomplete letter in Chinese characters had surfaced and was handed to a European at Sandhurst who claimed that he could translate it. The letter purported to deal with the manufacture and sale of spurious gold. However, when the remaining burned fragments of the letter were recovered and submitted to the Chinese interpreters, they pronounced it to be just a private business letter intended to ruin the reputation of those named in it and whose characters were being deliberately libelled. Consequently, said the *Star*, '[t]he two statements as to the tenor of the document are totally irreconcilable, and yet we have no means of proving which is to be relied on. This is certainly an undesirable state of things in every way'.

The issue of Chinese evidence was focused on as being a particularly vexed one:

When the persons before the courts are all Chinese, with rival interpreters, the whole investigation becomes ridiculous; the statement, for we can hardly call it evidence though made on oath, is so contradictory as to create astonishment even among those who are best accustomed to the hard swearing usual in our Courts. As it is, in pure Chinese cases, we defy all the judges or magistrates in the colony to say that they are able to decide the cases to their own entire satisfaction from the strangely conflicting statements made before them.

Altogether, the handling of Chinese cases in the courts was curiously lax when dealing with this subject:

Whether from the weakness of the evidence or from some other unexplained cause, the charge of uttering the base metal is not always pressed, but the offender is frequently committed under the very conveniently elastic provisions of the Vagrant Act. We do not think this right. If the prisoners have been arrested for attempting to sell spurious gold, they should be tried for that alone.³³

Robert Bell seized upon these points and wrote a strongly worded letter to the editor of the *Star* in response. In defending the Chinese community, he made clear that at Ballarat they had met 'with a view to suppress the spurious gold production of their countrymen' and that they were well aware that the fraud was injurious to their reputation as a whole:

With regard to the grave difficulties in the courts of law . . . permit me to say that whenever the public desires it, I will remove those difficulties. Properly this should be the work of members of Parliament, or of the Ministry. But all those gentlemen are profoundly obscure in what to do . . .

The remedy I offer is very simple; I propose my personal service at one place. And, if the Government will appoint half a dozen gentlemen of ability to be wardens or magistrates, to act as soon as they have acquired a sufficient knowledge of the Chinese language to enable them to watch with effect, as I could now, the proceedings of the native Chinese interpreters, I will undertake to enable those gentlemen to acquire that knowledge. This would probably take them about a year or about a year and a half. I have been much longer, but I have been much without literary assistance, and have had, as it were, to take my knowledge out of the fire. The way these gentlemen may learn Chinese is, that I will undertake to send them their lessons daily, by post if convenient to them, and with such instructions from time to time, as shall effectually accomplish the purpose if the pupils have as much ability as would enable them to acquire Greek or Hebrew, or, better still, if they have already acquired a language beside their own.

And, not without reason, he added:

The European interpreter says one thing and any number of Chinese say he is not correct, and the Court is humbugged; But if the Court can form its own opinion, the cheats are defeated, or rather, would not make the vile attempt. And as to the superior courts, the gentlemen who had acquired the knowledge I have been proposing could attend in serious cases, and watch there also. But no doubt several of them with further study, would be able to interpret for themselves. With the rudiments, a stimulus, and the means, the difficulties of the Chinese language are quite surmountable.³⁴

In a further letter he wrote 'I do not believe we can know much of any people, except as we know their language . . . Hence, if some of our magistrates and one or two of our legislators had studied Chinese as a literary pleasure, even in a dialect not spoken here, and even although they should scarcely understand a word of what these Canton Chinamen say, they would yet nevertheless be better able to understand Chinamen, and to make and execute laws to affect them'.³⁵

Expanding on his earlier offer, he proposed that there should be 'A new role for a Chinese Protector being a combination of Interpreter and Magistrate dealing only with Chinese cases':

The Chinese Protector, although a Warden and Magistrate, should be understood to be separated from European business, except in cases of quite extraordinary emergency, and he should have the whole of the Chinese, Chinese-European-Chinese and Chinese-European business turned over to him; sitting on separate days at different places in his district. But he should be entirely freed from the duty of tax gatherer, as unbecoming of his office of a Magistrate. All the taxes should be paid at the office of a clerk receiver for that purpose, with which the protector should have no more to do than the police magistrate. Under the old system the Protector was supposed to be riding about the Chinese camps to find who had not paid, while the ordinary police magistrate was confounded with Chinese cases.³⁶

This new position of Chinese Magistrate should have powers to oversee native Chinese interpreters, eliminate partiality and verify the correctness of translations.

The Ballarat Chamber of Commerce took up the issues raised by Bell in the *Star*. George Lang and a sub-committee of the Chamber assembled a report making recommendations on the management of Chinese court cases. The sub-committee's report was received at the Chamber's fortnightly meeting on 2 August 1860 and the question was discussed at length. Lang spoke in favour of Bell, saying that 'Mr. Bell, would have had a government appointment if the Premier, Mr. O'Shanassey, had not lost office'. The discussion that followed was divided. Lang said that Bell had 'a sufficient knowledge of the language to detect any false interpretation of evidence in the Chinese language, and to perceive when the instructions of a court were being carried out fairly'. He said that Bell had been encouraged by Judge Molesworth to make 'a last application on the subject' and he then put it to members that they should recommend Bell to the Government as a 'person qualified to assist in the administration of justice among the Chinese'.

Mr. W. C. Smith said he thought that Lang's motion was premature. A proper course would firstly be to ask the Government to act, and while 'Personally, he would be very happy to sign a recommendation of Mr. Bell . . . he did not think that the Chamber should at present do more'. So Smith proposed that the sub-committee's report should be adopted and that the Chamber should write to the Government 'recommending that they would offer a premium to persons who would learn the Chinese language'.

After further discussion about the distressed state of the Chinese, the taxes upon them and the desirability of finding employment for them 'as gardeners, and in other situations for which they were well qualified', Smith repeated that it would be 'a bad precedent to recommend Mr. Bell before he had asked anything whatsoever from the Chamber'. However, Chalmers and Caselli supported Lang's proposal and his motion was put and carried'.³⁷

It is clear from this discussion that Robert Bell was still trying to perfect his language skills as well as his ability to read and write Chinese characters. It is curious that, while he was a passionate advocate for assisting the Chinese, he showed a marked reluctance to do this forcefully, preferring to rely upon letters to the newspapers, the Ballarat Chamber of Commerce and government officials in the hope that they would act on his behalf.

Lang published the sub-committee's report in the *Star* on the following Saturday. It dealt with the increase in crime amongst the Chinese and the difficulties of dealing with Chinese cases in the courts including 'the difficulty of obtaining true and reliable evidence through the interpreters' while European interpreters with the necessary skills were not to be found. The difficulty of understanding the various dialects spoken was:

lessened in our colony by the knowledge of the fact that the very great majority of the Chinese with us are from the Canton district, and subsequently the knowledge of one dialect would be nearly sufficient to understand their conversations; and

furthermore the difficulties of learning . . . the words of everyday life, which would be the most useful in a court of law, are not by any means so great as the difficulties attendant upon the acquisition of the various dialects, so as to be able to converse and read and understand all the language and the variations thereof. Furthermore, a European interpreter – a mere interpreter – would not meet with much respect or consideration from the Chinese if he did his duties faithfully. It would seem that a person to check them in the courts, and watch their interpreters, should rather be a gentleman removed by his position so much above them; in fact a magistrate having power to decide justly betwixt man and man, or capable of advising with his fellow-magistrates in important cases.

On 3 August the report was submitted for consideration by Parliament.³⁸ During discussion, John Denniston Wood MLA for Ovens commented: 'The name of Mr Bell has previously been brought under my attention. I should be pleased to be informed if he is competent to translate Chinese into English although he may not be competent to translate English into Chinese.'³⁹

Bell was obliged to answer Denniston Wood's challenge in detail. In a letter of answer of 21 August he stated:

I beg to reply, yes, ordinary or simple compositions.

As the Honorable the Attorney-General has taken the interest to make this enquiry, and as the enquiry about the Chinese interpreters has cost the Government so much trouble, he will probably be willing to receive a more full explanation of my attainments than is conveyed in the above question and answer. I would, therefore, like to direct his attention to the following remarks.

In studying the Chinese language I have always endeavoured to acquire the characters or symbols as I acquire the words, so as to learn to read and write it as well as speak it, and am able to translate simple Chinese writing, such as notices, letters, and colloquial sentences into English, and thus check the native translators, but this not always or altogether at sight, that would involve a nearly perfect knowledge of the language. But although I cannot interpret off hand or translate at sight, I am perfectly familiar with the radical construction or anatomy of the characters, so as that in using dictionary help, I have the same ease and facility as those who have attained the knowledge of the conjugations and declensions of a western language, have in consulting a dictionary of such language. I have also acquired the actual knowledge of a great number of the characters and perfect facility in writing any . . . I would mention too, that the tones, the great difficulty in speaking to be understood, are yielding to my efforts to acquire them. So that altogether I consider if I could avail myself of more effective native Chinese assistance, as well as have constant intercourse in business with the Chinese, I should soon attain the desirable practical ability of conversing in the language.⁴⁰

Denniston Wood replied 'I scarcely think that Mr Bell is as yet sufficiently acquainted with the Chinese language to render his services as an interpreter of much value, yet it seems very desirable that his exertions should be encouraged and that some inducement should be held out to persons to study Chinese'. While not a direct snub, Wood's reply indicated that he would support the notion of Europeans learning Chinese, but left open the question of who might be supported, agreeing with the

Ballarat Chamber of Commerce that a 'reward – not less than £1000 each – should be offered to the three persons who within a given period from this date shall have made themselves acquainted to this effect might be submitted to the Assembly.'⁴¹

However, he opposed Bell's appointment saying Bell was unsuitable for the post of Chinese magistrate. To add weight to his opinion, Wood asked Stephen Clissold, barrister and Ballarat Police Magistrate to confirm his view that Robert Bell is '[a]s far as I am able to judge from his own statements he may perhaps be able to read Chinese but not to understand it when spoken'. To which he added the advice that '[i] am informed that the Revd Mr. Young of Ballarat is a good Chinese scholar and that it would be well worth while to secure his services.'⁴²

Clissold dutifully reported back that Bell had 'insufficient education and language skills' offering as evidence the opinion of 'the Reverend Young' who, Clissold said, had 'had several conversations with [Bell] about Chinese affairs but that he did not know whether he could speak the language, and one of the Chinese Interpreters had claimed that he could not understand Mr. Bell when he attempted to speak Chinese'.⁴³ Upon receiving Clissold's letter, Denniston Wood wrote: 'Mr Clissold's opinion as to Mr. Bell's qualifications very much correspond with my own.'⁴⁴

Perhaps in response to Denniston Wood's advice, the Attorney-General replied to the Ballarat Chamber saying that, had he received their request earlier, he would have had a clause inserted in the Bill before Parliament, 'The Law of Evidence Amendment Act', but their petition had arrived too late. At this point, Bell inexplicably withdrew his application to be a magistrate,⁴⁵ stating, to the consternation of the Chamber of Commerce, that he wished only for the post of Chinese interpreter.

On 20 September, Bell, wrote to the Attorney-General again proposing that perjury amongst Chinese witnesses might be prevented if all evidence by them was committed to paper in English and Chinese and signed by the witness. He had devised a rudimentary system of documentation, similar to head notes, written up in both Chinese characters and English and arranging in point form the facts of a case.⁴⁶ He believed that armed with such documents Chinese and English-Chinese legal difficulties, such as the identity of witnesses and the verification of the facts of each case, could be correctly reconciled. His method for collecting and translating evidence was given a trial run in November in a wages case reported in the *Ballarat Times* as involving the Tsun-Fuk-Asoi theatre company.⁴⁷

Having backed Robert Bell, but not unanimously, the Chamber of Commerce had a change of heart and wrote to the Attorney-General on 2 November informing the government that the Reverend Young was willing to 'attend the Superior Courts to watch the evidence in Chinese cases'. Young too, had written to the government independently offering his services free of charge. On the 3rd, the Attorney-General advised the Ballarat Chamber of Commerce that Young was duly appointed.

V

At the end of 1860 Bell's *English and Chinese Advertiser* abruptly and, without apparent explanation, ceased publication. However, he continued to take a close interest in Chinese cases. At the end of March or early in May 1861, he translated a Chinese almanac for Stephen Clissold for use in evidence in the Police Court. When a dispute arose as to its accuracy, he wrote to the *Ballarat Star* to chastise 'Mr. Young, of the Chinese Mission, (engaged on the opposite side to me in the Chinese case), [for stating] in open court (on his oath, I presume) . . . that it was wrong'. Bell said that he had 're-examined it, and [found] it correct in every particular, and gives his [Young's] statement, therefore, a flat denial.⁴⁸

Robert Bell recognised in William Young an enemy who threatened his reputation on the goldfields as a Chinese scholar. In reply to Bell's letter, Young replied that Bell's tables

of the 9th, 10th, and 11th years of the reigning Chinese Emperor are quite correct. At the same time I have also to state that in the table that has been presented to Mr. Clissold, for the use of the Police Court, I found that our 11th April (the day I was summoned to give evidence) was made to correspond with the 'second day of the fourth month' of the present Chinese year. With this discrepancy before me (for according to the Chinese almanac it ought to be the 'third' month) could I say otherwise than that the tables were wrong . . . Nothing is easier, Sir, than construction [of] these tabular almanacs, and informing people that the Chinese have a cycle of 60 years by which they compute time . . .⁴⁹

This was just an opening shot in the contest for which of the two possessed greater authority in Chinese matters that came before the courts. Young was noticed next for his translation of the rules of a Chinese society established to assist its members and regulate their conduct. His translation headed 'Rules of a Chinese Society Established on Ballarat' appeared in the *Ballarat Star* on 30 April 1861.

Its appearance appears to have caused Bell considerable excitement. Young's translation implied that a framework that addressed the concerns of Ballarat Chinese in dealing with European rules and regulations had been agreed to by the members of a local Chinese society. Consisting of 21 clauses, it is reasonable to draw the conclusion that Bell may have thought that the publication of rules 5 and 6 were aimed at threatening his position as a Chinese advocate in the courts appearing to legitimise the appointment of an unnamed Chinese representative. Rules 5 and 6 read:

5. Our brother . . . shall be empowered to manage all court matters, complaints, and quarrels that may arise between Chinese and Europeans. In matters of every sort, he must be fair and impartial, not helping the strong or despising the weak. His salary shall be fixed at £5 a week.

6. Brother . . . must remove the tent of the company to the spot where the greatest number of our countrymen are engaged in mining, no matter where it may be, and reside there.⁵⁰

Bell questioned the authenticity of this set of rules. He based his doubts upon

Chin Kit's assertion that there was no reference to clause 16 of Young's translation in the rules of his society nor did he, Chin Kit, 'believe that they exist in the rules of any other Chinese society. He tells me', Bell wrote, 'that the rules of his society are posted up in their council house, and I will take an early opportunity of looking through them, or perhaps translating them'.⁵¹

Young's translation of clause 16 reads as follows:

Lice found in jackets or trowsers may be hunted after inside a tent, but no one shall be allowed to go outside to whatever place he likes, and there pull off his jacket or trowsers to hunt, and kill these vermin between his teeth. Whoever is caught in the act shall be fined 10 dollars, and receive besides 40 stripes of the rattan. Of the fine the apprehender shall receive 4 dollars as a reward, and the rest shall go into the treasury of the company.⁵²

The wording itself was distasteful, but more importantly it demanded a heavy fine and a brutal whipping of anyone caught transgressing the rule, while an informer was promised a four-dollar reward for reporting the offender. A fortnight later, Bell wrote again to the *Star* saying that Young had not answered his letter in which he questioned the genuineness of the 'the rules of which he sets forth to have translated in a paper forwarded by Mr. Charles Forster, governor of the Ballarat gaol', repeating that an explanation was required. 'I still cannot understand to what Chinese Society he refers, or where those said-to-be translated rules are to be found, nor can Chin Kit . . . Mr. Young may think that the least that is said will be the soonest mended, but he should have thought that sooner; he has proceeded [too] far to stop where he is, and he must explain himself'. Proof of the document's authenticity was needed.⁵³

Bell's persistence infuriated the Revd Young who replied 'if I could invent such a thing, I should find it very difficult to make the Chinese recognise it as the code by which they were governed'. And, he added:

To suppose that a Chinese invented it is also preposterous. Some of them have occasionally dealt in spurious gold, forged notes, and uttered base coin; but then there was a prospect of making some money by the transaction. But the manufacturing of spurious rules would be found to be too profitless a speculation for any of them to embark in, as not a penny would reimburse them for the outlay that would be required, neither gain, fame, nor fun, could be got by it . . .

The code, Mr. Editor, is one of the finest Chinese productions that has fallen into my hands in this colony. It reflects great credit on the framers. Even the pediculous [infected with lice] rule, sir, cannot be found fault with. Any one who has been in China would see the necessity for the enactment of such a regulation. Great wisdom has been displayed by the Chinese law-makers in introducing it into the code. If they had not done so, many unpleasant consequences would have arisen. Why should the Chinese be looked less friendly upon because of this rule? How in the world can it be a slander on the Chinese in the district? The rule was enacted to prevent a nuisance, and why should the Chinese in trying to prevent a nuisance, be treated in an unfriendly way? Suppose, sir, a rule for the suppression of drunkenness was to be found in any of our codes worded much in the style of the Chinese rule — 'People who wish to get drunk may get drunk inside their tents, but they are

not allowed to get drunk in the streets, or in any public place, whoever does so get drunk shall be fined £10, and be subjected besides to 30 days imprisonment.'

In support of Young's assertions, Ah Koun also wrote to the *Star*.

SIR, Having myself, in conjunction with Goon Kee, Sue Nok, and Ah Yung, drawn up the rules for the See Up Society of Chinese, in November, 1855, in Melbourne, I can vouch for the correctness of Mr. Young's translations, as they were then agreed to and made known at Melbourne, Ballarat, Bendigo, &c. Chin Kit did not arrive in the colony till 1857, therefore could not possibly have anything to do with their framing. The two disputed rules have been altered without proper authority, in the Chinese Chapel, Ballarat, during the six months (now just expired) that Chin Kit was Headman of the society on Ballarat. The writing bears every appearance of being erased and re-written.⁵⁴

To all intents and purposes Robert Bell would appear to have been severely chastised.

By 1868, William Young's position of authority had become fully evident. Having progressed from missionary work in China to pastoral work on the Castlemaine goldfield and from there to Ballarat, he was now commissioned to compile an official report for the Crown Law Office that was presented to both Houses of Parliament as the *Report of the Condition of the Chinese Population in Victoria* and ordered to be published by the Government Printer.

The Chinese interpreter Abboo Mason and others assisted Young in compiling Part 1. It comprised 15 pages of statistical information that gave substance to the report. Mason, also called at times Ah Poo Mason, collected the data on the Chinese and their occupations, marital status and the number of children. These were newsworthy statistics that were seized upon by the press. Part 2 comprised a brief medical report by George Glendenning giving the names and medical condition of the Chinese lepers at Ballarat East while the Revd Young's contribution in Part 3 of the report was to revisit the rules of the Ballarat See Yup Society, an issue fiercely argued over in the press in 1861. The 1868 report included a revised set of regulations headed 'Rules of a Chinese Society on Ballarat' now increased to 28 clauses that went somewhat further than the earlier set of rules.

Rule 22 relating to urinating in public catches the eye. Young said in the foreword to his report to Parliament: 'This rule I need not translate; it merely forbids a disgusting practice among the lower classes, and also other nuisances, under a penalty of £1 and twelve stripes of the rattan'. His omission of this clause, which, had it been printed, would almost certainly have been contentious was quite deliberate, for his 'translation of a code of rules of a Chinese association' submitted to the Parliament observed that:

The mode in which the code deals with offenders may possibly suggest to those who are charged with the making of laws for the government of these people a more effectual method of dealing with the numerous Chinese petty larcenies and robberies perpetrated in all directions, and which mode of punishment hitherto adopted for suppression has been found to be insufficient.⁵⁵

Just as he and Chin Kit had objected to the rules that Young had published in 1861, Bell, who no longer denied that the code of rules existed, challenged the *Star* to publish it in what appears to have been a revised version possibly done by Young or one of his assistants, which the *Star* did:

Making water by the side of the road is indecent. Every one himself should desire to retire privately. No one may when in the road, nor when at any place getting gold, draw up his trousers and expose his legs; nor, being with friends, wear his shirt outside and expose his body, and involve the company in the loss of respect. If anyone presumes intentionally to disobey, and a Chinaman or foreigner give his name, the council fixes the punishment to be that the offender shall receive twelve strokes with the cane and pay a fine of £1, the fine to go to the person arresting the offender.⁵⁶

The differences between Bell and Young are here clearly defined. While Young referred to those effected by his report as the 'lower classes' and 'these people', Robert Bell exposed a rule that encouraged a citizen's arrest for which a reward might be paid upon the conviction of the offender.

Young's recommendations also included a proposal that assistance be given to the education of the Chinese, something that Bell had attempted to set in motion eleven years earlier.

Similarly, the question of European interpreters and the giving of Chinese evidence continued to simmer. In November 1887, Mr. Kerferd MLA, revived the issue saying that, 'some arrangement should be adopted by which Europeans should become interpreters. The evidence of the Chinese was often most unreliable, and tended rather to defeat than promote the ends of justice'. To which he added the suggestion that perhaps the government should encourage suitable candidates 'to go to Canton and learn the Chinese language'. The Chief Justice, however, said that while 'the matter was one of considerable importance', he did not support Kerferd's view that 'Chinese interpreters were always unreliable' for only '[t]he other day a Chinese interpreter had been appointed at Ballarat, almost European in his habits, and highly recommended by a number of clergymen and naval officers'.⁵⁷

VI

Bell's efforts to supply news to the Chinese in 1856, was ahead of its time. When a new Chinese paper, *Fi-pao*, appeared in 1868 featuring extracts from Young's report to parliament, the press gave this new paper wide publicity, while Bell's contribution was noticed in passing as its insubstantial and now defunct predecessor:

Chinese newspapers in Victoria (says the *Argus*) are not wholly unknown. They have been attempted more than once, but we believe the only success achieved in this direction was by a Mr. Bell, of Ballarat. He was then a tolerable Chinese scholar, and for years printed and published upon Bakery Hill a Chinese paper. It was entirely his own affair, for he cut the characters on blocks of wood, from which he took impressions. The thing was but a rude broadsheet after all, and died a

natural death long since. Now, however, a new Chinese paper, with vastly superior pretensions, has been started, and the first was printed and published yesterday by Mr. E Whitehead, of 87, Collins-street East. It is in size a sheet of white foolscap upon which the Chinese characters have been well lithographed. Its name is the *Fi-pao* literally rendered 'Flying Intelligencer' and, it resembles as neatly as possible an English commercial paper, the reading matter and advertisements being, of course, compiled and edited for Chinese readers exclusively. No 1 consists, we are informed, of a preface, a portion of the Rev. Mr. Young's Chinese report, an epitome of the late mail news, an account of the late South American earthquakes, and other intelligence. The price is 6d per copy.⁵⁸

The European attitude to Chinese immigration had hardened. It seems that *Fi-pao* appeared primarily to publicise Young's report. Its editor, 'the Rev. W. MATTHEW – a gentleman whose interest in the Chinese has led him to acquire their language, and to make himself acquainted with their actual condition – in which he states that opium smoking, gambling, and immorality prevail to a very great extent' has all the appearance of being a crony of Young's. Its judgmental tone is like that of another acquaintance of Young's, the Revd Duncan Fraser, who said in a public meeting in October 1867 that:

For himself, he would like to see other than leprous Chinese sent home in ships. He would like to see the abductors of little girls—the hellish procuresses for Chinese debauchees—drummed out of the colony. (Loud cheers.) In fact, this question of having the Chinese in the country in their present abnormal condition was one that the country must deal with if we are not to suffer from a moral plague worse than leprosy. Before the Commission of Education he had advised that only married Chinese should be admitted, and that while here the Chinese should be well attended, and their moral condition should be improved.

Far from seeing the Chinese as a moral plague, Robert Bell said that the Revd Duncan Fraser should 'get better posted up in all he thinks and says about the Chinese before he exerts himself so actively in matters that affect them and the Europeans in contact with them. In the case in view, a careful reading of the statistics of crime should correct his notions. A great deal of mutual prejudice exists for many reasons between the Chinese and European races, and it is not at all surprising that individuals should be carried away to an unreasonable extent'. Bell made clear that he had little respect for Fraser's opinion, adding that '[n]o obfuscation can exceed that of Mr. Fraser in his evidence before the Royal Commission on Education, concerning the Chinese about whom his knowledge is at zero, but about whom he says so much. Talking is a curious gift. In public I find it difficult to talk about what I understand and about what I know something; but I sometimes observe persons discourse most diffusely without possessing a particle of knowledge of their theme. I suppose it is practice in part, but there is certainly something that is properly called the gift of the gab'.⁵⁹

Robert Bell may not have had the gift of the gab and, while some may have regarded him as an 'eccentric Englishman', his role in supporting the Chinese on the Ballarat goldfields in the 1850s deserves to be remembered.