

The Penang Chinese and the Electoral Process of the Republic of China's National Assembly, 1913

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Abstract

At the Overseas Chinese Electoral College in February 1913 in Peking (now Beijing), six delegates were elected to the Senate of National Assembly of the Republic of China. It was reported that the overseas Chinese passionately participated in the electoral process and showed their eagerness to contribute to build a new and strong China which would protect their interests in the various colonial territories. This study examines the issues and concerns surrounding the nomination of a delegate to the National Assembly among the Chinese in Penang. It will show that the Chinese in Penang were involved in the electoral process to ensure their security in China rather than in Penang. The study demonstrates that though the Chinese in Penang responded actively to the electoral process, they were not quite prepared to travel to China to fulfill the role of an assemblyman. Having earlier failed to nominate delegates to the Provisional Provincial Assembly in Fujian, the Penang Chinese took a different approach to select their delegate to the National Assembly.

Key words: Penang Chinese, ROC's National Assembly, electoral process, overseas representatives

Introduction

The introduction of legislative bodies was a key focus of the Republic of China (ROC) that was established in 1911 after centuries of imperial rule. The new National Assembly comprising a Senate and a House of Representatives was instituted on 8 April 1913. In the Senate, seats were allocated to each of the provinces of China and the dependencies of Mongolia, Tibet and Qinghai. In addition, six seats were allocated to representatives of the Chinese overseas.

Many studies have been conducted on the introduction of seats for the Chinese overseas in the Senate (杜裕根/Du Yugen and 蒋顺兴/Jiang Shunxing, 1992; 张坚/Zhang Jian, 2004;

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张赛群/Zhang Saiqun, 2006; 蒋贤斌/Jiang Xianbin and 李琴/Li Qin, 2008; 张盛满/Zhang Shengman, 2010). These studies were mainly concerned with the process of the introduction of seats based on the writings and compilations of Liu Shimu (刘士木, 1913). In contrast, little research has been conducted on how the Chinese overseas responded to the introduction of these seats in the Senate. Among the six overseas Chinese appointed to the Senate, one was nominated by the Chinese in Penang. The nominee was Xie Liang Mu. Prior to Xie's nomination, the Chinese community in Penang had failed to send delegates to the Provisional Provincial Assembly of Fujian.

This paper aims to throw light on the reaction of the Chinese communities living overseas with reference to the case of the Chinese in Penang. Section one examines the relations of Penang Chinese with China prior to 1911, focusing in particular on the Penang Chinese Chamber of Commerce (PCCC) and the Penang Reading Club.¹ Section two discusses the reconstruction of relations with China and the restructuring of the Penang Chinese society through the establishment of branches of the Joint Association of Overseas Chinese (JAOC). The next section deals with the reasons behind the failure to send delegates to the Provisional Provincial Assembly in Fujian. The following section then draws on materials in the *Penang Sin Poe* newspaper (《檳城新報》) and in Liu's description (刘士木/Liu Shimu, 1913) to review the process of the introduction of seats in the Senate for the representatives of the Chinese overseas. The final section explains how the Chinese in Penang overcame their earlier "failure" to finally despatch a delegate to the Overseas Chinese Electoral College that was held between 10 and 14 February 1913 in Peking (now Beijing) to elect representatives of Chinese overseas to the Senate.

Penang Chinese Relations with China prior to 1911

In the Penang Chinese community, the PCCC was very active in building a relationship with the Qing Dynasty government. Founded in June 1903 and duly registered with the Department of Commerce of the Qing government in 1907, the main purpose of the PCCC was to nominate a Chinese representative to the Legislative Council of the Straits Settlements of which Penang was one of the three components with Singapore and Malacca. The Straits Settlements government had granted the Chambers of Commerce in Singapore and Penang the privilege to nominate members of the Legislative Council that was largely dominated by Europeans. It was to take advantage of this privilege that the Chinese in Penang established the PCCC. The regulations of the PCCC, including procedures for the selection of the representative to the Legislative Council, were patterned upon those of the Penang Chamber of Commerce (Shinozaki, 2006).²

The PCCC established relations with the Qing government from January 1907 and subsequently changed its Chinese name to Penang Island Chinese General Chamber of Commerce. Most members of the PCCC were engaged in the tin mining and rubber

planting industries the development of which depended on the supply of cheap labour from China. These industries in turn stimulated the emergence of shipping, trade, distribution and related enterprises among the Chinese in Penang. To the Chinese who worked and lived in and around Penang, economic ties with China were vitally important.

The purpose of PCCC to foster relations with the Qing government was to secure the safety for Chinese who wished to return to China. In the coastal areas of China, crimes targeting returnees had been frequent since the 1840s. The Qing Consulate in Singapore had begun issuing a certificate of protection, known today as the visa (护照),³ in 1894 and had initiated measures for returnees to obtain protection from local officials in China, but to little avail. In response, the Qing government's Ministry of Commerce, instituted in September 1903, began setting up a bureau of commerce in each province with authority to protect returnees. Following the promulgation of the Concise Provision for Chambers of Commerce in January 1904, many chambers were established throughout China. Apart from strengthening their ties with the Qing government, the Chinese in Penang also established networks with the chambers of commerce in China in an attempt to improve their security in China (Shinozaki, 2017).

With the establishment of the ROC on 1 January 1912, the PCCC had to re-appraise its relations with the deposed Qing authorities. This was a time when three factions, that is, the *Tongmenghui*, the traditional elites of the deposed Qing government, and the regional warlords and military commanders, competed with each other for the political control of China. The *Tongmenghui* then aggressively sought the support of the Chinese overseas.

There were many groups which had cultivated close relations with the *Tongmenghui* in Penang but the PCCC was not one of them. A branch of the *Tongmenghui* was established in Penang as early as September 1906, followed two years later by the Penang Reading Club (张少宽/Teoh Shiaw Kuan, 2004: 32). Between 1909 and 1910, the *Tongmenghui* shifted its base in Southeast Asia from Singapore to Penang, and Sun Yat Sen and his family had also visited Penang (张少宽/Teoh Shiaw Kuan, 2004: 48-49). The household expenses of Sun Yat Sen and his family were borne by the *Tongmenghui* and Reading Club members in Penang. Among them were Goh Say Eng, Wee Kim Kheng⁴, Tan Sin Cheng and Khoo Beng Cheang (张少宽/Teoh Shiaw Kuan, 2004: 116). On 4 December 1910, a newspaper *Kwong Wah Yit Poh* (《光华日报》) was launched. It was supported by Cheng Gun Ann, who had been publishing and managing *Kwong Wah Pao* (《光华报》) in Rangoon and had then moved to Penang to join Wee Kim Kheng and Tan Sin Cheng (林文立/Lin Wen Li, 1983: 414). From 1910 onwards, Penang became the base of the *Tongmenghui* in Southeast Asia, which subsequently provided resources to promote better relations with the newly established ROC.

Reconstruction of Relations with China

Establishment of Joint Association of Overseas Chinese

After the establishment of the ROC, the *Tongmenghui* was most active in building relations with overseas Chinese communities, as evidenced by the formation of the JAOC.

The JAOC was founded in Shanghai under the order of the President of the ROC in January 1912 (《檳城新報》/ *Penang Sin Poe*, 23 March 1912). It was to unite the Chinese in China and abroad for co-operating in the Chinese polity, economy and diplomacy and pursuing the interests of the Chinese residing abroad. As for the Chinese overseas, JAOC represented an attempt to create a “strong China”.

At the inaugural meeting held on 7 February 1912, the founders were appointed as temporary executives (《叻報》/ *Lat Pau*, 25 April 1912). They were primarily leading Tongmenghui figures in Guangdong and abroad. Among them was Goh Say Eng, the central figure of the Tongmenghui Penang Branch and the Penang Reading Club (《檳城新報》/ *Penang Sin Poe*, 26 March 1912). Executive elections were held between 8 March and 8 May 1913. Representatives of each city voted on a named ballot, resulting in a total of 25 votes. Wang Jingwei was elected as President of JAOC with 17 votes, and Goh Say Eng as Vice-President with 18 votes (《檳城新報》/ *Penang Sin Poe*, 26 May 1913).

At the same time, the JAOC drew up regulations that provided for the protection of overseas Chinese upon their return to China (《檳城新報》/ *Penang Sin Poe*, 21 March 1912). The JAOC was well aware of the necessity of such protection for the returning Chinese. It called upon Chinese associations, reading clubs of the Tongmenghui, and Chinese chambers of commerce throughout the world to JAOC to assure its members of protection in China and abroad. It stated that protection in China was guaranteed and uphold by the governor of each province. It also stated that the ROC government would ask foreign governments to protect the Chinese residing in their territories (《叻報》/ *Lat Pau*, 25 April 1912). These promises, nevertheless, did not imply that the JAOC or the ROC government would directly protect the Chinese living abroad.

Response of Penang Chinese and Restructuring of the Community

Penang became the base of Tongmenghui activities between 1909 and 1910. Members of the Penang Tongmenghui and Reading Club had close relationship with the executives of Tongmenghui in China largely through the JAOC which served as a channel of communication. On the other hand, the PCCC, which hardly had any relations with the Tongmenghui elites, attempted to establish rapport with the Tongmenghui leadership through the JAOC. The inauguration of the JAOC in Shanghai was followed by a meeting in Penang two months later on 10 April. Attendees were mainly leaders of both the PCCC and the Chinese Town Hall.

The establishment of a JAOC branch in Penang was mooted in the context of securing the protection of those who wished to return to China. Leong Lok Hing, who served as Chairman of the PCCC, pointed out that although there were no particular problems in China with regard to the protection of returnees, there would be procedural difficulties in establishing such an organization in the British colony. Quah Beng Kee, Vice-Chairman of the PCCC, argued that the PCCC was meant to provide protection in China and urged anyone who needed protection to join the organization instead. Adding to the debate was Oon Boon Tang, founding member

of the PCCC as well as committee member of the Chinese Town Hall, believed that many were held back by the high annual fee imposed on members. His solution was that the PCCC should lower its annual fee by amending its enrolment regulations. To do this, he would have to submit a proposal on behalf of the Chinese Town Hall to the PCCC for the matter to be considered for a decision (《檳城新報》/ *Penang Sin Poe*, 11 April 1912). At a board meeting on 18 May 1912, it was resolved that PCCC would be reorganized to function as a branch of JAOC. It was also resolved that the PCCC should actively extend its hospitality to prominent figures from China during their visits to Penang (*Straits Echo*, 20 May 1912; 《檳城新報》/ *Penang Sin Poe*, 20 May 1912). These were indeed initiatives by the PCCC to establish rapport with the leadership of the Tongmenghui in China.

Meanwhile, at the meeting of the Penang Reading Club on 17 May, Goh Say Eng, Vice-President of PCCC, urged the establishment of an overseas Chinese association in Penang (《叻報》/ *Lat Pau*, 21 May 1912). After preliminary discussions, the PCCC and the Penang Reading Club issued a statement calling for a joint meeting (《檳城新報》/ *Penang Sin Poe*, 21 May 1912).

About 200 people, including members of the PCCC and those of the Penang Reading Club, attended the meeting on the formation of the Overseas Chinese Association (OCA). Quah Beng Kee, who was elected to chair the meeting, suggested that the OCA and PCCC should be combined to facilitate its operation. The opposing opinion from the Penang Reading Club was that the OCA should be an independent organization. Ultimately, by a majority vote, it was decided to run the OCA in conjunction with the PCCC, but under the name of Joint Overseas Chinese Chamber of Commerce. Eighteen people were elected as temporary committee members responsible for the management of the association, of whom seven were from the combined PCCC and Chinese Town Hall group,⁵ one from the Chinese Town Hall,⁶ and ten from the Penang Reading Club (《檳城新報》/ *Penang Sin Poe*, 28 May 1912).⁷

The temporary committee members held a meeting on 22 June. A decision was made to change the name of the association to Overseas Chinese Association. The entrance and annual fees were fixed: 5 and 3 Straits dollars respectively for individual members, 10 and 12 dollars for corporate members. Oon Boon Tang, Tan Sin Cheng, Xu Yang Yi and Qiu Zhe Qing were tasked with the preparation of a draft of the association's regulations based on those of the JAOC and PCCC (《檳城新報》/ *Penang Sin Poe*, 25 June 1912).

The purpose of the OCA of Penang was defined as uniting Chinese overseas to provide China with political, economic, educational and cultural support, to deepen the friendship between China and Britain, to observe the laws of their host country and to maintain public order (《檳城新報》/ *Penang Sin Poe*, 28 May 1912). Membership of the association was open to all Chinese residing abroad, on condition that they were introduced by one committee member or two ordinary members of the Association (《檳城新報》/ *Penang Sin Poe*, 29 May 1912).

However, little is known of the subsequent activities of the Association, while those of the PCCC continued to appear in materials under the name of Chinese Chamber of Commerce. The presence of members of the Penang Reading Club in meetings of the Chinese Chamber of Commerce indicated that they had joined the Chamber. In the meeting of the Chinese Chamber of Commerce on 22 November 1912, Club members were involved in the discussion on appointing a representative to the Overseas Chinese Electoral College organized to elect overseas Chinese Senators (see below) and the entrance fee reduction of the PCCC (《檳城新報》 / *Penang Sin Poe*, 23 November 1912). The PCCC was able to adapt to the emerging need to connect with the new power elite represented by the Tongmenghui by endorsing integration with the Penang Reading Club. This was a move that was accepted by both parties which at the same time also enhanced their relationship.

Failure to Nominate Delegates to the Provisional Provincial Assembly of Fujian

The Civil Affairs Department of the Fujian Provincial Governor's Office placed a notification in the *Penang Sin Poe* on 13 March 1912 to announce that the Provisional Provincial Assembly in Fujian would convene on 20 May 1912 and hold an election to elect its members. The notification made it known that 15 out of the 90 members were to be elected by the Chinese residents in Southeast Asia and Japan. Of the fifteen members, two each would be allocated to Singapore and the Philippines, three from Java, one each from Vietnam, Siam, Penang, Sumatra, Burma, Sulawesi and Sunda Islands, Borneo, and Japan (《檳城新報》 / *Penang Sin Poe*, 13 March 1912). The Penang constituency referred to the states of Penang, Perak, Selangor and Kedah (《檳城新報》 / *Penang Sin Poe*, 14 March 1912).

In response to this announcement, the Chinese in Penang held a meeting on 3 April 1912 among leaders of the Penang Hokkien community⁸ including Quah Beng Kee, Ong Hun Chong, Cheah Tek Soon, Lim Seng Hooi, Yeoh Paik Tat, Lim Eow Hong. The meeting decided that representatives from Perak, Selangor and Kedah be invited to a meeting on 15 April to be held in Penang to elect the sole representative to the assembly in Fujian (《檳城新報》 / *Penang Sin Poe*, 4 April 1912).

The meeting on 15 April was attended by four delegates from Selangor, four from Kedah, one from Perak (Foo Choo Choong)⁹ and 29 from Penang. The Penang delegates were the leaders of the Chinese Town Hall, the PCCC and the Penang Reading Club. The sole attendee from Perak wished to discuss the matter with the Chinese community in his state to send four delegates to the election. It was agreed that the election would be postponed until 18 April. The meeting also decided to limit the number of delegates from Penang to 12. It turned out that all were members of the PCCC and the Penang Reading Club (《檳城新報》 / *Penang Sin Poe*, 16 April 1912).

Despite the initial excitement, the meeting on 18 April was an anti-climax. Except for the Penang delegation, all other states decided to stay away from the meeting. Selangor excused itself to address some urgent issues in the state (《檳城新報》 / *Penang Sin Poe*, 26 April

1912). Kedah was to send a delegate but none turned up. Perak complained that the schedule was inconvenient and left the matter entirely in the hands of the Penang delegates (《檳城新報》/ *Penang Sin Poe*, 19 April 1912).

Despite the lack of enthusiasm and because the date of the inauguration of Provisional Provincial Assembly in Fujian was approaching, the Penang delegates decided to go ahead with the election. Eventually, with two delegates absent, and two acted as electoral commissioners without voting rights, only eight delegates collected their votes (《檳城新報》/ *Penang Sin Poe*, 19 April 1912). The votes were counted on 22 April, with Wee Kim Kheng securing three votes, Foo Choo Choong and Qiu Yi Ling securing two, and Cheng Gun Ann getting one (《檳城新報》/ *Penang Sin Poe*, 26 April 1912). The election itself was not the end of the saga as Wee Kim Kheng and Foo Choo Choong declined the position to represent the Penang constituency, citing commitments to their own businesses. Cheng Gun Ann was excluded for being a non-resident in the Penang constituency. He had stayed in Penang for about a year just before the Xinhai Revolution of 1911 and had originally lived in Burma and was engaged in Tongmenghui activities there. The choice then fell on Qiu Yi Ling, a Tongmenghui member from Kuala Lumpur, to represent the Penang constituency at the Assembly (《叻報》/ *Lat Pau*, 11 May 1912). However, Qiu Yi Ling too declined to assume the position (《檳城新報》/ *Penang Sin Poe*, 23 May 1912).

Thus, the Penang constituency eventually failed to dispatch its representative to the Provisional Provincial Assembly. The constituencies that were represented were Singapore (Jiang Yu Tian and Zhang Ji Sheng), Luzon (Hu Chu Qing and Hong Wan Xin), Vietnam (Lin Bei), Japan (Wang De Jing), Java (Gong Xiang Can) and Rangoon (Zhang Qi). Besides Penang, the representatives of Siam, Sulawesi, Sumatra, Borneo, Eastern Java, and Western Java, were not present (《檳城新報》/ *Penang Sin Poe*, 9 July 1912; 《叻報》/ *Lat Pau*, 10 July 1912).

The Civil Affairs Department of the Fujian Provincial Governor's Office, at the request of the Provisional Provincial Assembly in Fujian, telegraphed to ask all constituencies to send their delegates promptly to Fujian, with a joint signature of the delegates who had already arrived in Fujian (《檳城新報》/ *Penang Sin Poe*, 9 July 1912; 《叻報》/ *Lat Pau*, 10 July 1912). In response, Quah Beng Kee, President of the Hokkien Association in Penang, in a letter on 22 July to the Hokkien associations in Kedah, Selangor and Perak, proposed that a meeting be held at the Chinese Town Hall on 3 August to resolve the election issue (《檳城新報》/ *Penang Sin Poe*, 22 July 1912). However, there is no evidence to show that the meeting was held. The result was that while the Chinese community was in favour of being represented, none among the leaders was committed to making the trip to China to shoulder the heavy responsibilities and also be away from their daily lives and business in Malaya.

Seats in the Senate for Overseas Chinese

Debate in China

The National Assembly of the ROC, consisting of the Senate and House of Representatives, was officially established on 8 April 1913. The Senate consisted of representatives from each province, Mongolia, Tibet, Qinghai and Chinese communities abroad. The idea of Chinese Senators from abroad did not exist initially as Chinese residing outside China were allowed to vote and were eligible for election in their hometowns in China. This idea was accepted only after much lobbying by Chinese communities overseas for the right to elect and send their representatives to the legislature in China.

Much credit was due to Xie Bi Tian for his active involvement in lobbying for the rights of the Chinese residing overseas. Xie left China around 1900 and was involved in Tongmenghui activities in Aceh (张克恭/Zhang Kegong, 1913). Introducing himself as “the representative of overseas Chinese in Nanyang Aceh”, he appealed to the Committee of Provincial Governors’ Representatives, formed on 15 November 1911 by the representatives of the provinces that had declared independence from the Qing Dynasty and the Nanjing Provisional Senate¹⁰ inaugurated on 28 January 1912, that they should allow overseas Chinese to send representatives to the Assembly to partake in the national decision-making process (刘士木/Liu Shimu, 1913: 1-6).

The *Penang Sin Poe* on 28 June 1912 published an undated petition from Xie Bi Tian addressed to the Chairman of Senate. The petition stated that the Chinese of various territories took care of the people who fled to Nanyang after the failure of the armed uprising against the Qing government and to escape assassination attempts on high-ranking officials. It also stated that Chinese communities had provided funds to newspapers such as *Minbao* (《民报》), *Zhong Xing Bao* (《中兴报》) and *Zhong Hua* (《中华》) to support the revolution, financed armed uprisings, including the *Huanghuagang* (黄花岗) uprising, as well as the post-revolution work of restoring law and order. The petition argued that those who sought rights without obligations were the enemy of the people, but the Nanyang Chinese were trying to fulfil their obligations even before their status in the new Republic was ascertained, that is, whether they would be treated on par with the domestic residents in terms of rights and obligations as citizens of the Republic (《檳城新报》/ *Penang Sin Poe*, 28 June 1912). Xie Bi Tian’s logic was that the new republic should grant political rights to Chinese communities overseas because they had been fulfilling their obligations as citizens of China.

According to Gu Zhong Xiu, who represented the Zhili province at the Nanjing Provisional Senate, there was a positive attitude initially towards allowing overseas Chinese to be involved in the process of legislation of the Provisional Constitution of the Republic of China, which recognized the contribution of overseas Chinese to the establishment of the ROC (《檳城新报》/ *Penang Sin Poe*, 21 June 1912).

A committee was later established to examine the rights of overseas Chinese to have representation in the National Assembly, with Gu Zhong Xiu as one of the committee members.

Its report submitted to the Nanjing Provisional Senate commended the contributions of overseas Chinese in the establishment of the Republic, but concluded that it was difficult to allocate seats to them in the context of international practice and the need to strike a balance between the rights of domestic and foreign Chinese residents. The report stated that granting representation rights to nationals residing away from home was limited to those living in colonies rather than to those living in foreign territories. The granting of such rights to Chinese residing in foreign territories would raise doubts in the international community that China viewed these territories as its colonies, and would raise disputes with the countries claiming sovereignty over these territories. The report also pointed out that overseas Chinese would enjoy more rights than domestic residents because they would be given the right to vote in their hometowns in China and in the National Assembly (《檳城新報》/ *Penang Sin Poe*, 28 June 1912).

The Nanjing Provisional Senate accepted the report and decided not to allocate seats for overseas Chinese (《政府公報》/ *Government Gazette*, No. 11, 11 May 1912; 《檳城新報》/ *Penang Sin Poe*, 28 June 1912). What the Provisional Constitution stipulated was that five seats were to be reserved for each province of China as well as for Inner Mongolia, Outer Mongolia and Tibet, and one seat for Qinghai (《東方雜誌》/ *Oriental Magazine*, 1912a: 21,005).

On the other hand, around the same time, the JAOC appealed to the Nanjing Provisional Senate, President Yuan Shi Kai, and Vice-President Li Yuan Hong for granting representation rights to overseas Chinese (劉士木/Liu Shimu, 1913: 8-11). Partially as a result of these appeals, the issue of granting representation rights to overseas Chinese came up for discussion again at the Beijing Provisional Senate.¹¹

The Beijing Provisional Senate had a divided opinion on this issue. There were some who, in accordance with the conclusion of the report submitted to the Nanjing Provisional Senate, pointed out that overseas Chinese had voting rights and election rights in their hometowns in China as citizens of the ROC, and should not require such rights at the national level. Others said that it would cause international problems if overseas Chinese elected their representatives in foreign territories. It was pointed out that although overseas Chinese did make significant contributions to the revolution, they should not be compensated by being granted representation rights (《政府公報》/ *Government Gazette*, No. 11, 11 May 1912).

On the other hand, there were also strong voices in favour of granting representation rights to overseas Chinese, on the grounds that they had contributed significantly to the success of the revolution and it would be important to recognize their past role and their possible support for the future government. These voices urged that this issue be dealt with in the context of political expediency rather than as a legal issue (《政府公報》/ *Government Gazette*, No. 11, 11 May 1912). In consequence, a status that allowed participation in the Senate with the right to speak but without right to vote was proposed. On the process of electing overseas Chinese members, the proposal was to follow the election system of the Provincial Assembly that was

established towards the end of the Qing Dynasty (《政府公报》/ *Government Gazette*, No. 12, 12 May 1912). It was also proposed that the Chinese Chambers of Commerce in various foreign cities should nominate members to the Assembly. This proposal, however, drew objections on the grounds that the Chambers of Commerce represented only a section of the Chinese communities (《政府公报》/ *Government Gazette*, No. 18, 18 May 1912).

Ultimately, a majority vote was taken at the eighth meeting on 17 May that resulted in the reservation of seats in the Senate for overseas Chinese (《政府公报》/ *Government Gazette*, No. 21, 21 May 1912). The Organic Law of the National Assembly of the Republic of China and the Electoral Law of the Senate, promulgated on 10 August, stipulated that the rights of overseas Chinese representatives were equal to those of other representatives.

The Organic Law of the National Assembly stipulated the number of representatives from provinces and areas from within and outside China. Article 2 stated that the Senate would consist of the following members:

- (1) 10 representatives elected by each provincial assembly,
- (2) 27 representatives elected by the Mongolian Electoral College,
- (3) 10 representatives elected by the Tibetan Electoral College,
- (4) 3 representatives elected by the Qinghai Electoral College,
- (5) 8 representatives elected by the Central Academic Society (中央学会),
- (6) 6 representatives elected by the Overseas Chinese Electoral College.

(《东方杂志》/ *Oriental Magazine*, 1912b: 21,997)

The Electoral Law of the Senate contained several stipulations on the election of overseas Chinese members.

Article 3 : A person who is eligible for election to the House of Representatives¹² and who is over 30 years old can become a representative of the Senate. In addition to this, representatives elected by the Overseas Chinese Electoral College must have a good command of the Chinese language.

Article 38: The number of representatives of the Senate elected by overseas Chinese is as regulated in Article 2 and Article 6 of the Organic Law of the National Assembly.¹³

Article 39: The electorate must be a member of the Overseas Chinese Electoral College.

Article 40: The Overseas Chinese Electoral College consists of representatives elected respectively by the Chambers of Commerce in each city. The Chamber of Commerce is limited to those approved by the ROC government.

Article 41: The Overseas Chinese Electoral College will be set up at the location of the ROC government.

Article 42: The Minister of Economy, Trade and Industry¹⁴ will serve as election supervisor. Election time and place are determined by the election supervisor (《东方杂志》/ *Oriental Magazine*, 1912b: 21,999-22,009).

Article 2 of the Organic Law of the National Assembly stipulated that overseas Chinese representatives were to be elected by the Overseas Chinese Electoral College. According to the Electoral Law of the Senate, the Overseas Chinese Electoral College was to be constituted by the representatives elected by the Chinese Chamber of Commerce of each city. This article granted exclusive authority to the Chambers of Commerce in the election of the representatives but did not prescribe that they had to be members of these Chambers of Commerce.

Voices of dissatisfaction emerged from the overseas Chinese community in various cities in response to these election methods. Telegraphs were despatched to the central government seeking modifications of the law (《檳城新報》/ *Penang Sin Poe*, 25 October 1912). As a result, the Enforcement Law of the Overseas Chinese Electoral College of the Electoral Law of the Senate was promulgated on 15 November, and the provision regarding the election of representatives was changed.

Article 1 of the Enforcement Law stipulated that Article 40 of the Electoral Law of the Senate stipulating that the representatives of the Overseas Chinese Electoral College were to be elected by the Chambers of Commerce, but this would not apply to the first election. Article 2 of the Enforcement Law stipulated that the Electoral College was to comprise representatives elected by the Chambers of Commerce, the Chinese Association, and the Reading Club respectively in the first election. It also stipulated that the Chambers of Commerce were to be limited to those that had already been approved by the government of the ROC and that the Chinese Association and the Reading Club were to be limited to those established before the Electoral Law was promulgated. Article 3 of the Enforcement Law established that the same law was to be abolished at the end of the first election (《东方杂志》/ *Oriental Magazine*, 1913a: 22,792).

Ultimately, provisions concerning the election of overseas Chinese representatives were stipulated by the Detailed Enforcement Regulation of the Electoral Law of the Senate promulgated on 8 December. Article 22 of the regulation stipulated the following:

The Chambers of Commerce, Chinese Associations, and Reading Clubs should elect the representatives to the Overseas Chinese Electoral College among those who fulfil all the listed conditions below apart from possessing a great deal of experience as heads of the above organizations. The representatives should be:

- (1) Nationals of the ROC and are over 25 years old.
- (2) Persons who have real estate and other assets of 500 yuan or more.
- (3) Persons who do not fall under the matters listed in Article 6 of the House of Representatives Election Law.

Representatives arriving in Beijing were to present themselves to the Election Supervisor to confirm their identity. Upon confirmation, their names would be listed in the list of voters of the Electoral College (《东方杂志》/ *Oriental Magazine*, 1913a: 22,814).

As stated earlier, the election method of overseas Chinese representatives for the Senate was finally confirmed in December 1912. These representatives were to be elected through mutual vote at the Electoral College held in Beijing. The Electoral College was to be constituted by leaders of the Chinese community such as the presidents of the Chinese Chambers of Commerce, Chinese Associations, and Reading Clubs in each city.

Legal Status of the Chinese in Penang

The British Foreign Office felt the need to pay attention to the moves of the Chinese in Penang and to impose some restrictions on the sending of representatives to the legislative body of China. It also saw that this issue was a domestic matter in China and there was no international law forbidding residents in a foreign territory to express their views on their home country through voting (CO273/402/10753). There was no legal problem with the Chinese in Penang sending representatives to China, as most of them, including those who possessed British nationality, had voting rights and eligibility to run for election as citizens of the ROC.

A citizen of the ROC was stipulated in Article 1 of the Nationality Act promulgated on 18 November 1912 as follows:

- (1) A person whose biological father is Chinese.
- (2) A person who was born after the death of his father and was a Chinese citizen when his father died.
- (3) A person born in China whose father is of unknown nationality or stateless and whose mother is a Chinese citizen.
- (4) A person born in China whose parents are of unknown nationality or stateless.

On the other hand, a person could also lose his nationality of the ROC as stipulated by Article 12 of the Nationality Act:

- (1) A person who becomes the wife of a foreign national and has acquired the nationality of her husband's country.
- (2) A person who is recognized as his own by the father of a foreign national.
- (3) A person whose father is unknown or is not recognized by his father and whose mother is a foreigner and is recognized by his/her mother.
- (4) A person who naturalizes himself in a foreign country and has foreign nationality.
- (5) Those who become foreign officials or military personnel without the permission of the Chinese government and who do not quit the post against the order from the Chinese government to do so.

The Nationality Act also prescribed that those who acquired the nationality of another country by their own were to forfeit their nationality of ROC, but there was no provision for those who had nationality of another country by birth.

The Straits Settlements government granted British nationality to everyone born in the British territory.¹⁵ There was no provision forcing the natural-born British subjects to abandon

the nationality of another country. As a result, the Chinese in Penang who possessed British nationality by birth also had the nationality of the ROC.

Additionally, the Detailed Enforcement Regulation of the Electoral Law of the Senate stipulated that those who ran for election had to be nationals of the ROC, but there was no provision in the same law to restrict the electorate to domestic nationals.

Electing Representatives in Penang for the ROC Senate

Following the introduction of seats for overseas Chinese in the Senate, *Penang Sin Poe* urged the Chinese in Penang to prepare early for the election and not to abandon their rights easily, as in the case of the Provisional Provincial Assembly in Fujian, where they had failed to send their representatives (《檳城新報》/ *Penang Sin Poe*, 6 September 1912).

Regarding the dispatch of delegates to the Overseas Chinese Electoral College, the PCCC held a meeting on 15 November, during which the Chamber of Commerce decided to elect representatives independently of the Penang Reading Club (《檳城新報》/ *Penang Sin Poe*, 16 November 1912).¹⁶ However, the members of the Penang Reading Club had joined the Chamber of Commerce by then. Indeed, members of the Penang Reading Club had attended the meeting of the Chamber of Commerce when the election issue was tabled for discussion. It is then correct to assume that the election of representatives that was held at the PCCC reflected the predominant opinion among the Chinese in Penang.

The PCCC held a meeting on 22 November which included members such as Wee Kim Kheng, Tan Sin Cheng and Khoo Beng Cheang from the Reading Club who had also joined the Chamber, and committee members of the PCCC. The meeting intended to nominate Chang Pi Shi to the Overseas Chinese Electoral College. As Chang declined to take up the position, it was necessary to elect another representative to the Electoral College. Wee Kim Kheng informed the meeting that they could elect a person who was not a member of the PCCC. The names of several candidates were put forward comprising the following: Wu Chubi, Chen Fei Shi, and Xie Liang Mu. Tye Chee Teng was added to the list for the final voting that was fixed on 28 November (《檳城新報》/ *Penang Sin Poe*, 23 November 1912).

The meeting on 28 November by the PCCC was held at the Chinese Town Hall and attended by 30 delegates. Wu Chubi's nomination was withdrawn as he had been elected as a representative by the Singapore Reading Club. Votes were cast on the final list of Chen Fei Shi, Xie Liang Mu, and Tye Chee Teng. All had proven track records for their contributions in China, but none had much experience in Penang. Although they had worked outside China, it was difficult to call them overseas Chinese. Nevertheless, Xie Liang Mu, who garnered 21 votes against nine for Tye Chee Teng, emerged as the nominee to represent the Penang constituency at the Electoral College in Beijing (《檳城新報》/ *Penang Sin Poe*, 29 November 1912).

Xie Liang Mu was born around 1882 in Meixian, Kaying district, Guangdong Province and was of Hakka descent. He studied at the Kobun Institute in Tokyo, Japan, and served as the accountant of the Executive Affairs Department of the Tongmenghui, during which he became friends with those who became leaders of the Tongmenghui and the Kuomintang. After the 1911 Revolution, he was posted to the secretariat of Guangdong Governor's Office (深町/Fukamachi, 1999: 38, 102). Xie's uncle, Cheah Choon Seng, served as Vice-Consul for the Qing government in Penang from 1898 to 1903 and 1906 to 1907. Cheah had been a committee member of the Chinese Town Hall since 1906. Many of the leading figures in the PCCC also served as committee members of the Chinese Town Hall, and had close relationships with Cheah.

Tye Chee Teng was born in 1871 in Yongxing, Dabu prefecture, Guangdong Province and was of Hakka descent. At the age of 20, he became a *Shengyuan* (生员, or one who passed the state/prefectural examination and entered a state/prefectural school) and served as a prefectural governor of Ninyang prefecture, Longyan district, Fujian Province in 1904, Acting Governor of Quanzhou in 1907, and the governor of Longyang district in 1909. He retired in 1910 and moved to Penang (《檳城新报》/ *Penang Sin Poe*, 25 November 1912). Tye's father, Tye Kee Yoon, had served as Vice-Consul for the Qing government in Penang from 1907 to 1912, and his younger brother, Tye Seok Yuen, was Consul of the ROC in Penang from 1912 to 1930.

Chen Fei Shi was born in Nanjing in 1884, graduated from the Institute of Zunjing, which later became Sichuan University, and became a teacher in Nanjing. Chen studied law in Japan from 1906 to 1908, and joined the Tongmenghui from then on. In 1912 he served as a reporter of *Kwong Wah Yit Poh*, but returned to China the following year and served as a reporter in Shanghai (柳定生/Liu Dingsheng, 1984).

In the election, the Penang Chinese emphasized that the representative they chose would definitely have to go to China on behalf of them. Choosing a representative from among themselves would likely result in a failure again for none of them would be willing to go to China. Under these circumstances, the Chinese of Penang traced their connections to China and chose someone who had appropriate experience there. Xie Liang Mu did not disappoint the Chinese in Penang. He participated in the Electoral College held in Beijing from 10 to 14 February 1913 and was elected as one of the six overseas Chinese Senators.¹⁷

The overseas Chinese Senators were registered as members of Kuomintang at the National Assembly. Having won elections in the House of Representatives and Senate, the Kuomintang had the majority in the National Assembly. However, the worsening political conflict between the Kuomintang and President Yuan Shi Kai led to the dissolution of the former in November 1913 and the expulsion of their elected members from the National Assembly (深町/Fukamachi, 1999: 115-116). In January 1914, Yuan Shi Kai dissolved the National Assembly altogether.

The Chinese of Penang were aware of the political instability in China arising from Yuan Shi Kai's manoeuvre for power. A party close to Yuan Shi Kai called the Republican Party was

established in May 1912 in Shanghai. A Penang branch of this party was formed in February 1913 (《檳城新報》/ *Penang Sin Poe*, 1 March 1913). The executives of the party were the leading figures of the PCCC, with Tye Chee Teng as Branch Chief, Quah Beng Kee as his deputy, Lim Seng Hooi and Koh Leap Teng as secretaries, Khaw Joo Tok as treasurer, Lim Seng Tek as auditor, and 12 others as trustees (《檳城新報》/ *Penang Sin Poe*, 1 March 1913).

According to the party regulation, the activities of the Republican Party Penang branch included promoting unity and harmony among the Chinese in Penang, establishing good relations with other branches within and outside China and advising the Chinese government so that it could promote mutual understanding and friendship with great powers such as the United Kingdom. The party rules also stipulated that party members should strictly observe the laws of the resident country in implementing these activities (*Straits Echo*, 13 May 1913). The Chinese in Penang, considering their own position in the country of residence, were aware of the political developments in their country of origin and attempted to establish some formal relationships with its public authority.

Conclusion

The relationship between the PCCC and the Qing government came to an end with the formation of the ROC and the collapse of the Qing Dynasty. The PCCC was forced to reconnect with China's new public authority, but at a time when there were no clear indications whether the Kuomintang or other rival political entities were in effective control of the young republic. From China, the leaders and organizations of the Kuomintang-affiliated Tongmenghui provided channels in the form of establishment of the JAOC branch, dispatch of representatives to the Provisional Provincial Assembly in Fujian and Senate of the National Assembly.

The PCCC tried earnestly to respond to new developments in the republic but was found wanting in its relations with the leaders and organizations of the Tongmenghui. Under these circumstances, the PCCC established rapport with the Tongmenghui by integrating members of the Penang Reading Club within the PCCC. Although the Chinese in Penang failed to dispatch a member to the Provisional Provincial Assembly in Fujian, they were able to send a delegate to the Overseas Chinese Electoral College and who succeeded in being elected as one of the six overseas Chinese Senators.

The political situation in China following the downfall of the Qing government was one of uncertainty and intense rivalry between the National Assembly and President Yuan Shi Kai. Yuan expelled the elected members of the Kuomintang, most of whom were members of the Tongmenghui, and eventually dissolved the National Assembly. In the context of the uncertain outcome of the conflict between competing factions in China, the PCCC also saw it fit to work towards building a cordial relationship with the President's Office and hence founded the Republican Party Penang Branch.

Notes

- 1 The Penang Reading Club was registered as the Penang Philomathic Society in the Straits Settlements in March 1909 (*Straits Settlements Government Gazette*, 17 May 1912).
- 2 A member of the PCCC had been appointed as a member of the Legislative Council since 1923. But this did not mean that the PCCC won the same right as European Chambers of Commerce to nominate the member of the Legislative Council.
- 3 *Huzhao* (护照) means “passport” in Chinese. A passport has the function of protecting its holder when he/she is abroad; it also helps in immigration control. On the other hand, the *huzhao* of that time was limited to the function of securing safety when the holder returned to China. For this reason, *huzhao* is translated as a “certificate of protection” in this paper.
- 4 Wee Kim Kheng had led revolutionary activities in Penang together with Goh Say Eng, as one of the founding members of the Tongmenghui in Penang and the Vice-President of the Penang Reading Club. However, he had never engaged in political activities or business in China. Wee Kim Kheng was born in a family engaged in business in southern Siam over several generations, and he developed his own business in and around Penang.
- 5 Cheah Tek Soon, Quah Beng Kee, Lim Seng Hooi, Ong Hun Chong, Lim Eow Hong, Goh Taik Chee, and Oon Boon Tang (《檳城新報》/ *Penang Sin Poe*, 28 May 1912).
- 6 Lim Joo Tek (林如德) (《檳城新報》/ *Penang Sin Poe*, 28 May 1912).
- 7 Wee Kim Kheng, Tan Sin Cheng, Khoo Beng Cheang and others (《檳城新報》/ *Penang Sin Poe*, 28 May 1912).
- 8 In Penang, the Hokkien community refers to those “who speak the Xiamen dialect originating from Zhangzhou and Quanzhou,” and other Chinese were supposed to belong to the Cantonese community, even though one was from Fujian province (张少宽/Teoh Shiaw Kuan, 1994: 249).
- 9 Foo Choo Choong was a thriving businessman based in Perak who had invested in businesses in China such as coal mining and the construction of the Fujian railroad from 1907 to 1908. However, his main business interests remained in Perak, Selangor and southern Siam.
- 10 For convenience, the Provisional Senate held in Nanjing from 28 January to 8 April 1912, is termed Nanjing Provisional Senate. The meeting was held in accordance with the Outline of Organizing Provisional Government of the Republic of China established by the Committee of Provincial Governors’ Representatives.
- 11 The Provisional Senate held in Beijing from 29 April 1912 to 8 April 1913 is termed Beijing Provisional Senate, held in accordance with the Provisional Constitution of the Republic of China.
- 12 The relevant provisions in the Electoral Law of the House of Representatives were as follows: Article 5: All male nationals of the Republic of China who are 25 years of age or older have the right to be elected to the House of Representatives. Article 6: Any person who falls under any of the following conditions does not have voting rights and the right to be elected: (1) those whose civil rights have been suspended and have not been restored yet, (2) those who have been declared bankrupt and the declaration has not yet been withdrawn, (3) psychiatric patients, (4) opiate sufferers, (5) illiterate individuals. Article 7: The right to vote and the right to be elected to the following shall be suspended: (1) active maritime military personnel and reserve soldiers during conscription, (2) active administrative officials, judicial officials and police officers, (3) monks and other religious teachers. Article 8: The right to be elected for the following persons is suspended. (1) elementary school teachers, (2) students (《东方杂志》/ *Oriental Magazine*, 1912b: 22,001-22,002).
- 13 Article 6 stipulated that “the term of office of the House of Councillors is six years and one third will be selected every two years”.

- 14 The Minister of Economy, Trade and Industry at that time was Liu Kui Yi (《东方杂志》/ *Oriental Magazine*, 1913b: 24,156-24,158).
- 15 However, the certification criteria for British citizens of the Straits Settlements government were not shared with the British officials in China. As a result, there were many cases in which those who were certified as British citizens in the Straits Settlements could not secure protection from the British officials in China. See Tang (1971).
- 16 Penang Reading Club held a general meeting on 29 November, with about 50 attendants and discussed the selection of representatives to the Overseas Chinese Electoral College. A vote was held from 10 am to 12 pm on 5 December (《槟城新报》/ *Penang Sin Poe*, 30 November 1912), and Goh Say Eng was elected as the representative (《槟城新报》/ *Penang Sin Poe*, 28 January 1913).
- 17 Other five overseas Chinese Senators were as follows: Tong King Chong of San Francisco Chinese Chamber of Commerce, Wu Hsiang of Singapore Tongde Reading Club (《槟城新报》/ *Penang Sin Poe*, 21 April 1913), Chu Chao Hsin of New York Chinese Chamber of Commerce and Chinese Consolidated Benevolent Association of Chicago (《槟城新报》/ *Penang Sin Poe*, 10 and 21 April 1913), Tsiang Pao Ho of Surabaya Chinese Chamber of Commerce, and Lu Hsin of Cuba Reading Club (《槟城新报》/ *Penang Sin Poe*, 21 April 1913).

Glossary

Chang Pi Shi (张弼士)
 Cheah Cheang Lim (谢昌林)
 Cheah Tek Soon (谢德顺)
 Cheah Choon Seng (谢春生)
 Chen Fei Shi (陈匪石)
 Cheng Gun Ann (庄银安)
 Chu Chao Hsin (朱兆莘)
 Foo Choo Choong (胡子春)
 Goh Say Eng (吴世荣)
 Goh Taik Chee (吴德志)
 Gong Xiang Can (龚贤灿)
 Gu Zhong Xiu (谷鍾秀)
 He Zi Xiu (何子秀)
 Hong Wan Xin (洪万馨)
 Hu Chu Qing (胡诸清)
 Jiang Liang San (江两三)
 Jiang Yu Tian (蒋玉田)
 Khaw Joo Tok (许如琢)
 Koh Leap Teng (辜立亭)
 Khoo Beng Cheang (邱明昶)
 Leong Lok Hing (梁樂卿)
 Li Yuan Hong (黎元洪)
 Lim Eow Hong (林耀煌)
 Lim Joo Tek (林如德)

Lim Seng Hooi (林成辉)
Lim Seng Tek (林成德)
Liu Kui Yi (刘揆一)
Liu Zi Kuan (刘子宽)
Lin Ke Zong (林可宗)
Lin Bei (林北)
Lu Hsin (卢信)
Ooi Hock Boon (黄学文)
Oon Boon Tang (温文旦)
Ong Hun Chong (王汉宗)
Qiu Fu Tai (邱福泰)
Qiu Guo Er (邱国尔)
Qiu Yi Ling (邱怡领)
Qiu Zhe Qing (邱哲卿)
Quah Beng Kee (柯孟淇)
Tan Sin Cheng (陈新政)
Teoh Soon Kheng (张舜卿)
Tong King Chong (唐琼昌)
Tsiang Pao Ho (蒋报和)
Tye Chee Teng (戴芷汀)
Tye Kee Yoon (戴喜云)
Tye Seok Yuen (戴淑源)
Wang De Jing (王德经)
Wang Jingwei (汪精卫)
Wee Kim Kheng (黄金庆)
Wu Chubi (吴楚碧)
Wu Hsiang (吴湘)
Xie Bi Tian (谢碧田)
Xie Dian Qiu (谢殿秋)
Xie Liang Mu (谢良木)
Xu Ji Jun (徐季钧)
Xu Yang Yi (徐洋溢)
Yeoh Cheang Aun (杨章安)
Yeoh Paik Tat (杨碧达)
Yuan Shi Kai (袁世凯)
Zhang Ji Sheng (张昇)
Zhang Qi (张旂)

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- 12. <参议院第三次会议速记录> (Proceedings of the Third Meeting of the Senate, *Government Gazette*, No.12, Republic of China, 12 May 1912).
- 18. <参议院第七次会议速记录> (Proceedings of the Seventh Meeting of the Senate, *Government Gazette*, No.18, Republic of China, 18 May 1912).
- 21. <参议院第八次会议速记录> (Proceedings of the Eighth Meeting of the Senate, *Government Gazette*, No. 21, Republic of China, 21 May 1912).