ing. This applies to many other doctrines that the Government may desire to spread throughout the country.

Equally useful is the talking picture from the standpoint of public speakers. The radio carries only the voice, not the personality. The talking picture carries both. The picture supplements what the speech cannot convey, and speech emphasizes what the picture portrays. Had “talkies” been perfected at Dr. Sun’s time, we could have had a rich heritage of some of his most famous speeches recorded and his personality perpetuated for the benefit of the generations to come.

In the schools talking pictures may be most useful in the teaching of the phonetic writing. The pupils may learn the sound of each letter and the way of writing at the same time. If the Ministry of Education should have pictures made for this purpose, they will hasten the unification of the spoken language.

For the spread of health education talking pictures are easily the best means. Motion pictures have been employed for considerable time to show physical exercises, for instance, and yet the effect is often lost because of the interruption caused by the insertion of titles. Now that all explanation can be given verbally, the students may watch the whole exercise without interruption and at the same time listen to the necessary instructions.

There are many other ways by which the talking pictures may be used for educational purposes. All the suggestions in the foregoing paragraphs anticipate the unification of the educational system throughout the country. It is obvious that no school can individually produce talking pictures for its own use. The cost would be prohibitive, and the viewpoint too provincial.

Another factor which has direct bearing upon the future of talking pictures is the means of transportation. The cost of each picture cannot be realised from one theatre or one school, and therefore the faster it circulates the sooner will the cost be brought back. The motion picture industry in Japan, for instance, is far more advanced than that in China, and yet its population is much smaller than ours. The advantage lies in the proximity of the cities and consequently the convenience of transportation. In Japan one picture may finish playing in one city one day and begin to play in another the next without loss of time. In China it takes at least ten days for one picture to be sent from one city to another, and as a result it requires considerable time to realise any profit on a picture.

A third factor is the irksome duties which are collected from place to place, and the lack of a standard rate of valuation of films. A picture may be booked for one evening in some outport, and the taxes that have to be paid by the distributor may be more than the rental he is to receive for his picture. In consequence he does not send it. The theatre loses a good picture, and the distributor the legitimate revenue from his investment.

All these factors and others should be considered before China can take full advantage of the talking picture as a medium for education. The possibilities are innumerable, and it rests with the authorities to realise them.

Abolition of Extraterritoriality in China

By Wang Wen-Jui (王文瑞)

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The system of extraterritorial jurisdiction is fundamentally at variance with the principle of territorial sovereignty, which has become the cornerstone of the present structure of international intercourse. But owing to circumstances obtained from time immemorial, this peculiar institution is so deep-rooted that even today its existence, though destined to be shortlived, is still maintained and causing a great deal of anxiety and unrest in certain parts of the world, notably in China. It is true that the origins of extraterritoriality are by no means the same throughout all the countries in which it has existed; in ancient and mediaeval Europe it was more for the convenience of the territorial sovereign than for the benefit of the alien that special rights of exemption from the local jurisdiction were granted, and it was only in modern times that the system became adapted to remedy the shortcomings of the laws and judicial administration in certain countries.

In China, the establishment of the extraterritorial system was brought about by force, the first treaty provision for it being Article XIII of the General Regulations of Trade of 1843. Prior to the formal introduction of the system there had been serious conflicts between the local and foreign jurisdictions, and in the end the Chinese Government took the line of least resistance, allowing more often than not the foreign authorities to have their own way. This laissez-faire attitude on the part of the Chinese Government, coupled with the result of the Opium War, which added considerable strength to the foreigners’ complaints against the alleged defects of China’s legal system, led inevitably to the inauguration of the extraterritorial regime in this country.

Owing to the general recognition of the principle of territorial sovereignty, the innumerable defects and
abuses of the present practice of extraterritorial jurisdiction, and the improvement of the legal and judicial systems in the various countries concerned, the special institution of extraterritoriality has rapidly dwindled in importance and is destined to decline. At present, most of the countries which has been shackled with the anomaly of extraterritoriality have been permitted to regain their judicial autonomy.

China is one of the last countries in which the peculiar institution is still in existence, but ever since the opening of the present century she has made repeated efforts to secure from the Powers their consent to abolish extraterritoriality. Various promises have been given by the Powers, but as yet very few have actually abandoned their rights of consular jurisdiction.

In pursuance of Article XI of the International Protocol of 1901, new commercial treaties were entered into between China and each of the three Powers, Great Britain (1902), the United States (1903) and Japan (1903). By these treaties the Powers engaged to relinquish their extraterritorial rights in China when they were satisfied that "the state of the Chinese laws, the arrangement for their administration, and other conditions" would warrant them in so doing. Later, other countries, Portugal (1904, unratified), Sweden (1908) and Switzerland (1918), concluded treaties with China, which, while still extending the privileges of extraterritoriality to these countries, contained provisions for the conditional relinquishment of the same.

During and after the European War several Powers were constrained to give up the extraterritorial rights hitherto enjoyed by their nationals in China. The first was Germany, and the second, Austria, whose extraterritorial rights were terminated by China upon her declaration of war on these countries on August 14, 1917. The act of the Chinese Government was later confirmed by the German Treaty of 1921 and the Austrian Treaty of 1925. Another Power which lost her extraterritorial rights in China during this period was Russia, whose system of consular jurisdiction was also terminated by a Presidential Mandate of the Chinese Government in 1920. The Sino-Russian Agreement of 1924 gave formal recognition to the fact accompli.

In the comparatively recent treaties between China and the Powers it has been the consistent policy of the Chinese Government not to grant any extraterritorial rights to foreigners. The Chilean Treaty of 1915, the Bolivian Treaty of 1919, the Persian Treaty of 1920, and the Finnish Treaty of 1926 all provide for the subjection of the nationals of the High Contracting Parties to the jurisdiction of the territorial sovereign. In an exchange of notes explanatory of the most-favoured-nation clause in the Bolivian Treaty, furthermore, it was agreed by the Chinese and Bolivian Governments that the most-favoured-nation clause did not cover rights of extraterritoriality.

At the Paris Peace Conference, China submitted a statement asking for the relinquishment of certain outworn practices including extraterritoriality. Unfortunately the case was not given a hearing by the Peace Conference, which regarded it as not falling within the competence of the Conference.

The Washington Conference on the Limitation of Armament, 1921-1922, gave China another opportunity to bring her case to the attention of the Powers. As a result of the deliberations of this Conference, a Resolution was adopted, providing for the constitution of a Commission within three months after the adjournment of the Conference to investigate into the practice of extraterritorial jurisdiction in China and into the laws and judicial system and methods of judicial administration in this country. The Commission did not meet in China until January 12, 1926. After eight months' labour, in the form of conference discussions and inspection tours, the Commission published a lengthy Report on Extraterritoriality, on which no action has as yet been taken by any of the Governments.

When the Nationalist Government was established, the prestige of China as a member of the family of nations was suddenly enhanced. Gradually the Powers have seen their way to giving as much of their sympathetic support as possible to the enterprising diplomacy of this awakening people. On January 26 and 27, 1927, the British Government made their "Proposals" to China, which contained the celebrated seven points. Simultaneously, on January 26, the United States Government issued a "Statement Concerning the United States Policy in China," in which the American Government promised to carry out the recommendations of the Extraterritoriality Commission and to negotiate the abolition of extraterritoriality.

As time went on, the Nationalist Government won fresh laurels in its attempt to put an end to extraterritoriality. Five Powers, viz., Belgium, Italy, Denmark, Portugal, and Spain, engaged in treaties concluded toward the end of 1928 and on certain conditions to subject their respective nationals in China to the jurisdiction of the territorial sovereign on January 1, 1930. Later, on April 29, 1929, identical notes were communicated by the Chinese Government to the diplomatic representatives of the American, British and French Governments, requesting the abolition of their extraterritorial rights. On the same day three other notes to substantially the same effect were sent to the diplomatic representatives of the Netherlands, Norwegian and Brazilian Governments. It is reported that replies have been received from some of these Governments, but the contents of the replies have not yet been made public.

The above record speaks for itself. It shows how feverishly the Chinese Government has been at work in endeavouring to throw off the yoke of extraterritoriality. The attention of the entire country is now focussed upon this important problem, and it appears that the Chinese masses will not be satisfied unless they see with their own eyes the abolition of the antiquated system of consular jurisdiction on January 1, 1930.

It has been seen that extraterritoriality is a decadent institution and that many countries which have been burdened with it have one by one attempted to throw off
its shackles. Of these countries there are three which have set particularly instructive examples for China and whose methods of procedure in the restoration of their judicial autonomy should give China much food for thought. We mean Japan, Turkey, and Siam. It would be profitable for China to bear in mind the brief history of the abolition of extraterritoriality in these three countries.

a. Japan.

The early treaties of Japan with the Powers generally provided for their revision in 1872. In accordance with this provision the Japanese Government appointed in 1871 a special commission headed by Prince Iwakura and including such important personages as Kido, Okuba, Ito, and Yamagishi, to negotiate the revision of treaties and to study institutions abroad. From that time onward the Japanese Government threw itself enthusiastically into the work of abolishing extraterritoriality. The method adopted was at the beginning that of collective negotiation, several diplomatic conferences being convened by the Tokyo Government between 1878 and 1887. During these conferences Japan made various concessions to the foreign diplomatic representatives. But having obtained from Japan the consent to engage European and American judges in her courts, the diplomatic representatives insisted that these judicial officers should be nominated by the Diplomatic Corps and that the laws governing foreigners as well as their judicial procedure should be subject to the control of the Diplomatic Corps. Upon receiving such tidings, the Japanese masses openly voiced their opposition and the conferences were thus held in abeyance.

At this juncture Count Okuma became the incumbent of the Foreign Office. Mindful of the failures of the past, Count Okuma adopted the method of separate negotiation. In 1889, he instructed the Japanese minister at London to transmit to the British Government a draft treaty and two draft notes, which contained the Japanese proposals for the revision of the existing treaties. But the offers made by Japan again included the engagement to employ foreign judges in the Supreme Court, and were again resisted by the Japanese public. The party in opposition to Count Okuma declared his treaty measure to be unconstitutional. The popular indignation became so intense that on Oct. 19, 1889, a fanatic threw a bomb at Count Okuma, and the work of treaty revision was again suspended.

After these failures the Japanese Government abandoned the hope of immediate success in diplomatic negotiation, and directed its efforts to the continuation of the reform movement, with a view of winning over foreign sentiment by means of visible signs of progress. The reforms culminated in the completion and promulgation of the Imperial constitution in 1889. Two years later, the Civil Code, the Code of Civil Procedure, the Commercial Code, and the Code of the Constitution of Courts were promulgated, thus completing the entire Japanese legal system. At the same time various improvements of the judiciary were also carried into effect.

The conscientious efforts made by the Japanese Government aroused the sympathy of Great Britain and the United States, which gradually gave their hearty support to the Japanese cause. At last, on July 16, 1894, the treaty between Japan and Great Britain was concluded, the other Powers followed in rapid succession in the footsteps of Great Britain. The provisions having to do with extraterritoriality were briefly: (1) the abolition of extraterritoriality in Japan; (2) the entry into force of the treaty five years after its signature, the aim of the interval being to give Japan an opportunity to put into force all her new Codes; and (3) the opening of the whole of Japan to foreign trade and residence. All the treaties went into force in the autumn of 1899, in which year all the Japanese Codes had been brought into actual operation.

From the above resume it can be seen that the most important reason for Japan’s restoration of judicial autonomy was her judicial reform. It is sometimes said that owing to Japan’s successful emergence from the Sino-Japanese War all the Powers suddenly became impressed with the military prowess of Japan and that this state of mind on the part of the Powers was chiefly responsible for the new treaties putting an end to extraterritoriality. This is a misconception which ought to be dispelled from the mind of every student of history. For as a matter of fact, negotiations for the British treaty had been going on for more than twenty years before the Sino-Japanese War and the signing of the treaty also took place before the actual outbreak of hostilities between China and Japan. The other Powers, among which the United States was particularly friendly to Japan throughout the negotiations for treaty revision, were also not in the least affected by the result of the Sino-Japanese War, as their treaties were simply verbal reproductions of the British treaty. The most important reason for Japan’s success in throwing off the yoke of extraterritoriality lay rather in the starting progress made by her in the direction of legal and judicial reform. This is not only discernible from the provision in all the treaties for an interval of from four to five years in which Japan was to be given an opportunity to bring into force all her new Codes, but it was clearly envisaged by the statesmen of Japan before the conclusion of the new treaties, as illustrated by the illuminating remarks of Viscount Enomoto in the Diet in 1892:

“In considering the clauses in need of revision as a whole, our motto must be simply the protection of our ancient national rights and national interests, and for the accomplishment of this purpose there is one method, and one only, that of enacting and carrying into effect a Code of Laws fit to be accepted by the civilized nations of the world.

“However eagerly all classes of Japanese may desire to possess a Treaty free from all imperfections and defects, it admits of no doubt that until such a Code of Laws shall be in operation friendly countries will withhold their consent to revision.”

(To Be Continued)