This book reopens the question of consular jurisdiction and extraterritoriality in China and Japan. The book combines recent findings in Qing history on the nature of ethnicity and law with the history of the treaty ports in both China and Japan, especially Shanghai, Yokohama, and Nagasaki. Extraterritoriality was not implanted into East Asia as a ready-made product but developed in a dialogue with local precedents, local understandings of power, and local institutions, which are best understood within the complex triangular relationship between China, Japan and the West. A close reading of treaty texts and other relevant documents suggests that a Qing institution for the adjudication for Manchu-Chinese disputes served as the model for both the International Mixed Court in Shanghai and the extraterritorial arrangements in Sino-Japanese Treaty of Tianjin in 1871. The adaptability of Qing legal procedure provided for a relatively seamless transition into the treaty port era, which would have momentous consequences for China’s national sovereignty in the twentieth century. There was no parallel to this development in the Japanese case. Instead, Japanese authorities chose not to integrate consular courts and mixed courts into the indigenous legal order, and as a consequence, consular jurisdiction remained an alien body in the Japanese state, and Japanese policymakers were determined to keep it that way.
Analyzing a series of criminal cases in China and Japan, this chapter demonstrates that the Sino-Japanese “Treaty of Tianjin” amounted to an extension of the Qing legal order into Japan. While Qing statesmen were quite successful in exporting their understanding of consular jurisdiction into Japan, they were not particularly impressed with contemporary Japanese legal reforms, which were designed to convince the Western treaty powers to abolish consular jurisdiction in Japan. The Japanese authorities, on their hand, resolved to circumvent their obligations to China under the “Treaty of Tianjin,” by skillful use of international law and Western criminal procedure.

Submitting and Receiving a Complaint in Minor Matters
Linxia Liang

in Delivering Justice in Qing China: Civil Trials in the Magistrate's Court

This chapter discusses how to submit and receive a complaint in minor matters. It examines the jurisdiction for accepting a complaint, specifically the jurisdiction of magistrates. The next section covers the requirement concerning time limits for submitting and receiving a petition, followed by a discussion of petitioners and their agents, scriveners, and litigation masters. The proper form of the complaint and submitting and receiving a complaint are discussed in the last portion of the chapter.