

Shizhong's confined body. Furthermore, Song Shichen was ordered to provide planks as a means for carts to cross over the ditch he had dug to drain water from his field and thereby put an end to the dispute.

The case then went in the form of a memorial to the emperor, who relayed it on to the Three Judicial Offices for their consideration of the sentencing, as usual. Officials from the Three Judicial Offices summarized the case yet more tersely, in relatively elegant language, noting how "regrettable" it was that Song Shizhong had died from a fall caused by accident. At this level, too, mitigating circumstances were duly recorded, but because these events had occurred just before the coronation of a new emperor, the perpetrator would be covered by the imperial amnesty announced in celebration. Jia Mingyuan would go free, upon payment of twenty liang of silver to cover burial expenses for the victim.³ Should Jia ever become involved in this sort of criminal activity again, however, his punishment would be increased by one degree, probably execution with no chance of mitigation. The Board of Punishments judges agreed that thirty strokes of the cane would be insufficient for the crime of instigating violence and causing injury and that Song Fu, Jia Lun, and Jia Mingkui deserved thirty strokes of the heavy bamboo staff for their roles in the affray. Even so, they, too, were covered by the amnesty and their crimes could be forgiven. This concluded the case, and the final memorial was submitted in the names of twenty-four court officials. As indicated on its cover, the new Jiaqing emperor accepted their findings, and all of the convicts went free.⁴

NOTES

Source: *Neige Xingke tiben Xing* [Grand Secretariat routine memorials, Punishments] 9, dated Jiaqing 1.5.6 (June 10, 1796), submitted by Agui.

1. The term for "fields" here is *tun*, referring to the "military-agricultural colonies" (*tuntian*) established in Manchuria late in the seventeenth century. See Reardon-Anderson, *Reluctant Pioneers*, 24–26.

2. For these two articles, see Jones, *Great Qing Code*, 276, 285. Caning was done with a light bamboo rod and was extremely painful; blows from the heavy bamboo staff caused very serious injury.

3. This monetary repayment to the family who suffered the loss is in accordance with the law on unintentional killing in the Qing penal code, Article 292. See Jones, *Great Qing Code*, 278.

4. Not every criminal penalty could be reduced just because a new ruler came to the throne, as specified in Article 16 of the Qing penal code. For a list of the Great Wrongs and other crimes that could not be pardoned in any way, see Jones, *Great Qing Code*, 34–36, 46–47. Case 6 in this volume falls into this category.

PART III

INTENT AND PREMEDITATED VIOLENCE

In the cases presented in this section, magistrates probe their deponents' testimony for the reasons behind the violence. The inept kidnapers in case 9 are clearly guilty, but the testimony as recorded here seems to open further questions about the relationship between them and the father of the murdered boy. And in order to assign punishment appropriately, the motivation of each participant in the crime must be identified with great precision; even the child of one of the killers is questioned closely about his role in the case. By coincidence, both case 9 and case 10 are from Guangdong, although the crimes took place fifty years apart; they are alike in that the perpetrators of violence in both cases are presented as the victims of grinding poverty.

CASE 9

Luo Zhongyi: Kidnapping (Guangdong, 1728)

The exceptional length of the various oral depositions recorded in this case may reflect the efforts of one or more judicial officials to influence the final reviewers, including the Throne. There can be no misunderstanding, given all of this redundant testimony, about the cold-blooded, self-serving murder at the center of the case. Likewise, several of the judicial officials involved were serving in an acting or temporary

capacity, which may have caused them to err on the side of length and repetition in order to strengthen their presentation.

The case reveals a segment of the Chinese population not easily studied otherwise, the early eighteenth-century underworld: a mobile gang of strong-arm enforcers and kidnappers along with their only slightly more socially savory employers, who seem to have wielded a good deal of influence in their community and perhaps with the local administration as well.¹ They could be vicious; as we see here, members of this lowest stratum of society were only too willing to turn on their handlers if doing so seemed to be in their immediate financial interests.² The report begins with a detailed initial complaint filed by the father of the murdered boy. The report contains no indication of the fate the kidnappers had in mind for the boy beyond the immediate financial gain of selling him if their plan had succeeded. Presumably, the judicial review officials did not need to be told.

Because several of the principals in the case share the same surname, the report frequently refers to them only by their given names. It begins with an unusually long summary, in effect repeating every relevant fact of the case.

Your subject Deming, Grand Minister of the Deliberative Council, Minister of the Board of Punishments, and so on, Augmented One Degree, Recipient of Seven Citations, respectfully submits this MEMORIAL CONCERNING the kidnapping and murder of a male.

The Board of Punishments' Office of Scrutiny copies herein a report from Yang Wenqian, who formerly served as provincial governor of Guangdong, concerning a recent event. In turn, it copies the detailed memorandum from Yinjishan, Acting Manager of Correspondence for the Guangdong Judicial Commission while Detached at Guangzhou Prefecture awaiting promotion, which copies the detailed memorandum from Zhang Xiangqian, the vice prefect [*can zhifu*] of Huizhou, who forwards the report from Zhou Yuren, the assistant magistrate [*xiancheng*] of Shunde in Guangzhou Prefecture temporarily in charge of matters in Xingning District.³ To wit:

Upon receipt of a complaint, I have examined one Chen Yuanjue, twenty-nine *sui* in age, a native of Xingning District in Huizhou Prefecture. The complaint charges that Chen Yuanjue, stupid and violent by nature and utterly lawless, and Luo Yaosheng, a young boy, previously living, who was kidnapped and subsequently done to death by him, were maternal uncle and nephew of separate residences within the district seat. Previously, there had been no ill will between them. Luo Zongyi, father of Yaosheng and presently in custody, on Yongzheng 5.9.28 [November 11, 1727], sent Yuanjue together with his son Yaosheng to go to collect debts from the Pan family. Along the way, they encountered Chen Caiyu, a kidnapper [*guaigun*] who died of ill-

ness after having made his deposition, on his way back to Jiangxi. Caiyu noticed that Yaosheng was clever and consequently said secretly to Yuanjue that a boy like this could be sold for a considerable amount of money. When they finished speaking, they went their separate ways. . . .

The rest of the summary is drawn directly from the testimony below.

I examined all the depositions and the evidence, this office having received the authorization to do so from higher authorities. I, Zhou Yuren, in my acting capacity in this district, hereby submit this provisional report:

On Yongzheng 5.10.11 [November 23, 1727], Luo Zongyi filed a complaint concerning a recent event, which stated:

"I humbly submit that on the fourth of this month [November 16], my second son Luo Yaosheng by misfortune was kidnapped by the kidnappers Chen Caiyu and Chen Yuanjue. Fortunately, I was assisted by my wife's maternal uncle, Chen Tingsheng, in searching for clues. On the fifth, I humbly filed a complaint that they be arrested, and you filed a preliminary report and received permission to proceed with the investigation of Chen Caiyu and the others. They have admitted to the kidnapping and confessed that their gang members were Li Shiguang and others; a time limit was ordered within which to bring the boy back to this court. Unexpectedly, in the middle of the afternoon on the eleventh, Huang Junda reported that there was the body of a child floating near the bank of the river at the Nanji Bridge. I hastened at once to look and recognized that it was my son. I dragged the corpse out and announced it to the local warden Liang Tingren for his examination. He attests that my son was killed, having been alive when he was kidnapped by the kidnappers. This is an evil act that the law cannot tolerate! I beseech the court to investigate this kidnapping and get to the bottom of it, a favor for which I will be eternally grateful."⁴

Here, the report details the initial steps in the inquiry, including another deposition given to the acting district magistrate and to the jail warden Liu Yinchang, and his responses. The steps included the speedy arrest of all members of the gang and the inquest performed on the corpse.

Taking along the coroner and the relatives of the deceased and others, I went in person to the place where the corpse lay and ordered coroner Chen Songsheng to examine the body in accordance with the law. He reported: "I have examined Luo Yaosheng, already deceased: His corpse is 3 *chi* and 3 *cun* long.

He was ten *sui* in age. Anterior view: he is pale in color, with eyes closed and mouth open, blood coming from both nostrils, and blood coming from the right ear. Puffy, white, dry skin on both hands and feet. No sand or dirt in any of the ten fingernails. Skin on the stomach not exceptionally distended. On the anterior side of his throat, injury from a hand squeezing, 5 *cun* around and 6 *fen* across, green-black in color. On the posterior side of his neck, injury from a hand squeezing, 5 *cun* around and 6 *fen* across, green-black in color. On the left lumbar region, a pressure injury from a knee, 1 *cun* across and 1.3 *cun* long, green-black in color. On the back of the ribs on the right, a wound from pressure from a hand, finger marks visible, green-black in color. Beyond these, no further injuries."

Having personally examined the corpse, I found no discrepancies in this report. At the site, I filled out the form and annotated the form and the image of the corpse. I ordered a coffin prepared, that the body be encased, and that it be temporarily safeguarded at the warden's station. I also added the coroner's report to the record. Thereupon, I took the relatives of the deceased and the kidnappers back for examination.

Testimony of Luo Zongyi: "That Chen Caiyu is a distant uncle from my wife's father's family; Chen Yuanjue is my wife's distant maternal uncle. Both of them regularly kidnap and sell people. Chen Yuanjue also often came to my house, and so he was familiar to my son Luo Yaosheng. On the afternoon of the fourth, my son Luo Yaosheng went out in the street to play. When he didn't come home, I thought he must have been kidnapped, so I went and told my maternal uncle Chen Tingsheng, and separately we sent people to search the streets all around. I also went along the street banging a gong, looking for him. But we couldn't find a trace of him.

"The next morning, we went together to Chen Caiyu's house to make inquiries, but Caiyu was not at home. His wife told us that yesterday, a child had come there for a while and then gone away with Chen Yuanjue. That's what she said. While we were searching for Chen Caiyu, Chen Yuanjue said that he wanted to help me find my son. When we went back, Your Honor was just going out, so I went along to the warden's station to report, and they arrested Chen Caiyu and Cai Yuanjue, who admitted kidnapping my son Luo Yaosheng together with their fellow gang members Li Shiguang and Chen Sanzi to take him to Jiangxi to sell. That's what they said. I don't know how it happened that they beat my son to death.

"On the eleventh [November 23], Huang Junda came to report to me, saying, 'There's a child's body floating in the river under the Nanji Bridge.' I rushed over there to see and recognized that it was the body of my son

Yaosheng. Now you have favored me with this examination; I beseech you to arrest every member of that gang of kidnappers and get the facts on how they kidnapped my son and beat him to death. Be merciful and make right this great injustice!"

Interrogation of Chen Caiyu, he testified: "I will tell the truth. Because on the twenty-eighth of the ninth month [November 11], when I came back from the Jiangxi area, I ran into my nephew Chen Yuanjue walking along with Luo Yaosheng. I noticed that Yaosheng was a clever and smart lad; if we took him to Jiangxi, we could sell him for several *liang* of silver. On the first of this month [November 13], again I ran into Chen Yuanjue and Li Shiguang sitting together on the foundation outside the west gate. We started talking about how hard it is to be poor. Because I was thinking about how we could kidnap Yaosheng and sell him, I mentioned it to them. I told Yuanjue to work out a plan to kidnap him. On the afternoon of the fourth of the month, Yuanjue came and told me he'd already kidnapped Yaosheng. 'He's outside the west gate with your son Sanzi right now.' Then I went with Yuanjue and took Yaosheng to my house. Halfway there, we ran into Li Shiguang walking along, and so we all went to my house and ate some supper.

"Just as we were about to set off for Jiangxi to sell him, we heard Luo Zongyi and the others all around looking hard for him. We couldn't get him away, but if we let him go home, we were afraid he'd tell our names and his father would file a complaint. I thought wrongly again, and I said to Yuanjue and the others, 'Now we're stuck. The best thing to do would be to wait until dusk and then take him down to the riverbank and kill him to hide our tracks.' They all agreed.

"At dusk, we lied to Luo Yaosheng, telling him we were going to take him home, and we had Shiguang go on ahead with him. The rest of us followed behind, and we went to the bank of the river under Bamboo Grove Ridge. I told my son Chen Sanzi to go up on the hill and look to make sure there was nobody around. Li Shiguang was the first to squeeze Yaosheng's throat with his two hands and force him down onto the ground. Chen Yuanjue knelt down on him with his knee on his waist and used his hand to press down on his ribs on the right. Yaosheng kicked out hard with his two feet, but I held his feet down. Before long, he was dead.

"I used the opportunity to undo the silver necklace Yaosheng wore around his neck and to take off his blue cotton shirt. Li Shiguang quickly carried the body on his back down to the riverbank, where all of us buried him in the mud. Then we all went home separately.

"I weighed the silver necklace, and it weighed 1.06 *liang*. The next morn-

ing, I took it to Dalongtian, and in the ruins there, I traded it to somebody I don't know the name of for 760 coppers. I gave that blue shirt to my son Chen Sanzi to take out and sell; he got forty-six coppers for it. I used up all the money myself.

"On the eighth, I was arrested, and Your Lordship put us in jail. That evening, Li Shiguang came to get the news. Thinking about how we were in such a hurry that night when we buried the body by the river, I was afraid it wasn't buried well enough, and somebody might find out about it. So I told Li Shiguang to dig him up and throw him in the water so the body would go off someplace else. That would be a good way to hide our tracks. I never thought that the water wouldn't carry it away and that it would float up to the Nanji Bridge. This is the truth."

The deposition of Chen Yuanjue taken during district-level interrogations agreed totally with that of Chen Caiyu; consequently, his testimony was not recorded. Warrants were prepared for the arrest of Li Shiguang and Li Sanzi, but before they could be interrogated, Chen Caiyu became seriously ill with jaundice. Medical intervention was to no avail, and he died in jail early in the morning of the twelfth of the first month of the new year, Yongzheng 6 (February 21, 1728). The obligatory examination of the body by the magistrate having discovered no other causes of death, the appropriate image and register of marks on the body were prepared and filed along with the other documents of the case. The jailers were not charged with complicity in the prisoner's death. With this matter resolved, and the New Year festivities concluded, the district-level investigation resumed.

Interrogation of Luo Zongyi: "How was it that your son Luo Yaosheng was kidnapped that day by Chen Caiyu and the others who took him out and killed him? How did you know it was Chen Caiyu and the others when you turned in their names to the court? Normally, was there any sort of enmity or grudge between the two of you?"

He testified: "I live on North Street in the district seat. Chen Caiyu is an uncle in my wife's father's family. Chen Yuanjue is a distant uncle in my wife's mother's family. I often send Chen Yuanjue to force people to pay the rent grain they owe me so that I can clean up my ledgers. On the twenty-eighth of the ninth month of last year, I told him to take my son Yaosheng and go collect debts from the Pan family. I treated him well; there was no grievance between us. I don't know why, on the fourth of the tenth month, he kidnapped my son Yaosheng and beat him to death.

"After noon on that day, my son Luo Yaosheng went out in the street to

play. When he didn't come home, I was afraid he might have been kidnapped, so I went and told my maternal uncle Chen Tingsheng, and separately we sent people to block off the streets and to search all around. I went along the river banging a gong, looking for him. But there was no trace. Thinking that Chen Caiyu and Chen Yuanjue are generally a bad lot, the next morning, I went with my maternal uncle Chen Tingsheng to Chen Caiyu's house to make inquiries. His wife told us that yesterday a child had come there for a while and then gone away with Chen Yuanjue. That's all she said. While we were searching for Chen Caiyu, we asked Chen Yuanjue, and he misled us and said that he wanted to help me find my son. Then I went to the constable's office to petition that they arrest Chen Caiyu and the others. They admitted kidnapping my son Luo Yaosheng. The other members of their gang are Li Shiguang and Chen Sanzi. The constable gave them a deadline for bringing the boy back. . . .

At this point, Luo Zongyi reiterated his account of hearing the news that his son's body had been discovered floating in the river. The magistrate then questioned Luo about what his child was wearing when he disappeared.

Further question: "About how heavy was this necklace?"

Further testimony: "It weighed a little over a *liang*, but truth to tell, it has been a while, and I don't remember exactly."

Interrogation of Chen Tingsheng: "Luo Yaosheng, the son of Luo Zongyi: Is he your nephew, your sister's son? When he was kidnapped by Chen Caiyu and the others and done to death, how did you and Luo Zongyi know to go to them to find out about it? What relationship is that Chen Caiyu to you? Tell me the facts."

In his testimony, Chen Tingsheng confirmed the facts of the case as presented thus far. He also explained how he and Luo Zongyi had divided up the area in their search for the missing boy. Then he commented:

"Chen Caiyu is a younger clansman of my father's generation. Chen Yuanjue is a clansman of my own generation. Generally, they are the kind who kidnap people and take them away.

"The next morning, I went with my brother-in-law Zongyi to Chen Caiyu's house to make inquiries, but Caiyu wasn't at home. My niece said that yesterday afternoon, a child had come there for a while and then gone away with Chen Yuanjue. Then, while we were asking around for Chen

Caiyu, Chen Yuanjue misled us and agreed to go with us to look for Yaosheng. My brother-in-law then went to the warden's station to petition for their arrest. When Chen Caiyu and Chen Yuanjue were questioned, they both admitted that they had kidnapped my nephew Luo Yaosheng. The warden set a deadline for the return of the boy. I didn't know that they had already killed my nephew or that they had dumped him into the river. On the eleventh, that Huang Junda came to report, and my brother-in-law went to see. He recognized the body and then came to report it to you."

Interrogation of Huang Junda: "Was it you who saw the body of Yaosheng floating in the river at the Nanji Bridge and reported it to Luo Zongyi? On that day, how did you know that this body was Luo Yaosheng and that you should go and report it to his father?"

He testified: "I live near Luo Zongyi on North Street in the district seat. On the eleventh of the tenth month of last year, as I was going over the Nanji Bridge, I heard somebody say that there was the body of a child floating near the riverbank. That's what they said. I knew that Zongyi had lost his son Luo Yaosheng and hadn't found him yet, so I reported it to Zongyi to go look. I never thought that it really was the body of his son Luo Yaosheng. He dragged him out and petitioned for an investigation."

Interrogation of the jail warden Liang Tingren confirmed the discovery of the missing boy's body floating in the river.

Interrogation of Chen Yuanjue: "Where are you from? How old are you this year? How did you kidnap the boy Luo Yaosheng and beat him to death in the tenth month of last year? At that time, who was the first to come up with the idea and work it out? How many in your gang? How did you kidnap him, and where did you hide him? And how did you later take his life? What weapons did you use? Who struck first? Where did you injure him? When? What did you pilfer from the body after he was dead? How much [was it worth]? Who disposed of the body? Answer each one of these questions, one by one, truthfully if you want to avoid the instruments of torture."

He testified: "I live outside the north gate of the district seat. This year, I am twenty-nine sui. Luo Zongyi is the husband of a younger clanswoman of my generation. I've never had any enmity or grudge against him. In the past, I've often pressed people to repay the debts they owe him. On the twenty-eighth of the ninth month of last year, Luo Zongyi told me to take his son Luo Yaosheng and go to collect some money owed him by the Pan

family outside the west gate. We ran into my nephew Chen Caiyu just as he was getting back from Jiangxi. I asked him how business was, and Nephew said it was only fair. But he saw that Luo Yaosheng was clever and bright, and so he said to me, on the quiet, 'If we had a kid like this, we could sell him for several liang of silver.' That's just what he said. Then we all left.

"On the first of the tenth month, I again ran into my nephew Caiyu and Li Shiguang, who I know real well, outside the west gate sitting on the foundations of the city wall, talking about how hard it is to be poor. Nephew Caiyu said, 'Why don't we make a plan to kidnap that Luo Yaosheng who was with you the other day? We could sell him for several liang of silver and divide it up among us. It would be a good way to get us through these tough times.' Thinking wrongly, I agreed.

"On the afternoon of the fourth, I was passing Luo Zongyi's alley when I saw Yaosheng standing there. I lied to him, telling him, 'Your father told me to take you along with me to collect money from the Pan family.' That's what I said. Yaosheng went with me to the crossroads, where we ran into Caiyu's son Chen Sanzi, and I asked him if Caiyu was in the city now. I gave Sanzi three coppers to buy some fruit for him and Yaosheng to eat, and I told them to go outside the west gate and wait for me there. I hunted up Caiyu, and we went out of the city together, found Chen Sanzi and Yaosheng, and all went back to Caiyu's house. Halfway there, we also ran into Li Shiguang, so all together we went to Caiyu's house.

"Caiyu kept us to eat a meal, but just as he was about to take Yaosheng and head out for Jiangxi to sell him, we heard Luo Zongyi and his uncle Chen Tingsheng going along the streets banging a gong and looking everywhere and telling people at the mouth of every street to search for him. Then Caiyu said, 'How can we get him out? If we let him go home, maybe he'd tell our names, and that'd be no good at all. Now we've got no choice. The best thing we can do is take him down to the riverbank at dusk and do him in to shut his mouth.' And everybody went along with him.

"Just about dark, Luo Yaosheng started crying and saying he wanted to go home. All of us lied to him and said we'd take him home. Caiyu told Li Shiguang to hang on to Yaosheng's shoulder and go ahead; the rest of us followed along behind. When we got to that deserted place at the foot of Bamboo Grove Ridge, Caiyu told Chen Sanzi to climb the hill to be a lookout and give us a wave of the hand to let us know if there was nobody around. Li Shiguang then squeezed Yaosheng around the neck and throat with both his hands and forced him down onto the ground. I used my knee to press down

on the small of his back and my hand to hold him down on the right side of his ribs. Caiyu held his two feet still. Before long, Yaosheng was dead.

"Caiyu used that opportunity to undo the silver necklace Yaosheng wore around his neck and also pilfered the blue cotton shirt he was wearing. Li Shiguang carried the body on his back down to the riverbank. Everybody dug a hole in the soft mud and buried him. Then everybody went home.

"The next morning, Luo Zongyi and the others came to make inquiries, and I pretended I didn't know. 'Let me go find him for you.' That's just what I said. Then Luo Zongyi went to the constable and made a complaint and had me and Chen Caiyu arrested. When they questioned us, we confessed that we had kidnapped him, and the warden set a deadline for bringing Yaosheng back. It was late on the eighth that the warden arrested us and took us in for questioning. Just then, Li Shiguang came by to get the news. Caiyu told him secretly that he was worried that we didn't bury him deep enough because we were in such a hurry on the night we buried him on the riverbank, and it would be no good if somebody found it. So he told Shiguang to dig him up and throw him into the water so that the body would be carried away, and that would hide our tracks. Shiguang dug him up and threw him into the river, but who'd have thought the water wouldn't carry him away and he'd float up to the Nanji Bridge and be recognized by Luo Zongyi?

"The ones who made the plot to kidnap and sell him were Caiyu and me and Li Shiguang, the three of us. Chen Sanzi found out about it only later."

Interrogation of Li Shiguang: "Where are you from, and how old are you? What grudge did you have against Luo Zongyi? For what reason did you kidnap his son Luo Yaosheng and beat him to death in the tenth month of last year? Who was the first to come up with the idea that day? Where did you work out the plan? How many are there altogether in your gang? How did you kidnap him? Where did you hide him? How did it happen that you beat him to death? What weapon did you use? Who acted first? Where did you injure him? When did he die? What clothing and objects did you pilfer from the body? Who disposed of the body? Answer these questions truthfully, one by one."

He testified: "I live outside the north gate of the district seat. This year, I'm twenty-seven *sui*. I never even knew Luo Zongyi before this. I didn't have any grudge against him. On the first of the tenth month of last year, I ran into my good friends Chen Caiyu and Chen Yuanjue outside the west gate sitting on the foundation of the wall. The three of us sat there and talked for a while, and we talked about how hard it is to be poor. . . ."

The rest of his testimony is nearly identical to that of Chen Yuanjue, up to the description of the murder itself.

"We waited until about dark, but Yaosheng started to cry and wanted to go home. Caiyu lied to Yaosheng, telling him he was going to take him home. He told me to take Yaosheng by the shoulder and go ahead and said it would be best if we walked sort of fast. Caiyu and the rest came along behind. When we got to that deserted place at the foot of Bamboo Grove Ridge, Caiyu told Chen Sanzi to climb the hill as a lookout and give us a wave of the hand to let us know if there was nobody around. Then I squeezed Yaosheng around the neck and throat with both of my hands and forced him down on the ground. Chen Yuanjue caught up with us and used his knee to press down on the small of Yaosheng's back and his hand to hold him down on the right side of his ribs. Caiyu held his two feet still. Before long, Yaosheng was dead.

"Caiyu used that opportunity to undo the silver necklace Yaosheng wore around his neck and also pilfered the blue cotton shirt he wore. I carried the body on my back down to the riverbank. Everybody dug a hole in the soft mud and buried him. Then everybody went home.

"Afterward, Luo Zongyi went to the warden and accused Chen Caiyu and the others of kidnapping, and on the eighth, they were arrested and taken away to wait for questioning. When I went to find out the news, Chen Caiyu secretly told me that if they were questioned, they'd admit only to kidnapping. He was just worried that we didn't bury him deep enough because we were in such a hurry when we buried the body that night and that the body might be sticking out and somebody might find out about it. So he told me to go dig him up and throw him into the river so that he'd be carried away by the water, and that would hide our tracks.

"After dark on the tenth, I took a carrying pole and dug up the body and threw it into the river. I never thought the water would be so slow and wouldn't carry him away and that he'd float up under the Nanji Bridge and be recognized by his father."

Interrogation of Chen Sanzi: "Where are you from and how old are you? For what reason did you kidnap Luo Zongyi's son Luo Yaosheng and beat him to death in the tenth month of last year? Who was the first to come up with the idea that day? Where did you work out the plan? How many are there altogether in your gang? How did you kidnap him? Where did you hide him? How did it happen that later you did him to death? What weapon did you use? Who acted first? Where did you injure him? Who disposed of the

body? What did you strip off the body? How much [was it worth]? Answer these questions truthfully, one by one."

He testified: "My father Chen Caiyu lives outside the west gate of the district seat. I'm fifteen *sui* in age. How my brother Chen Yuanjue and my father came up with the idea or talked over kidnapping Luo Zongyi's son Luo Yaosheng, I don't know. On the afternoon of the fourth of the tenth month of last year, I went inside the city wall with my father and was playing at the crossroads there when Chen Yuanjue brought along Luo Yaosheng. When he saw me, he asked if my father was in the city, and then he gave me three coppers to buy fruit for Luo Yaosheng to eat and told me to take Luo Yaosheng outside the west gate and wait for him there. I bought two coppers' worth of glutinous rice snacks and a copper's worth of peanuts. I ate them with Yaosheng, and we went out the west gate to wait for him. Afterward, Chen Yuanjue and my father Chen Caiyu came out and took Yaosheng back to our house. . . .

The rest of this boy's testimony corresponds to that of Chen Yuanjue and Li Shiguang.

Further question: "That night, when your father and the others did Luo Yaosheng to death, since you went along, surely you must have had a hand in it. If you weren't standing beside them, how do you know so clearly who did what and when? Now tell the truth about this."

He testified further: "That night, when we got to Bamboo Grove Ridge, I had planned to lend a hand. But Father was afraid that someone would come along and see us, so he sent me up the ridge as a lookout. Really, I didn't take part in it. The lookout spot was not far from them, and I was high up, so I could see everything they did. I beg you to question Chen Yuanjue and the others, and they'll explain."

Further questioning: "That day when Yaosheng was in your house, he was wearing a silver chain around his neck. Why didn't your father and Chen Yuanjue take it away from him then instead of taking it off only after he was dead? How much were it and the cotton shirt sold for afterward? How did they divide it up? How much did you get?"

Further testimony: "That day when we kidnapped Yaosheng [and brought him] to our house, if they had taken him to Jiangxi, they could have taken that chain off his neck at any time; they had no need to do it right then. And if they had taken away his chain in our house, he might have started crying and scared people, and that would have been bad for us. Later, Father

took it off only after he was dead. The next morning, they weighed it at 1.06 *liang*. They took it to the ruins at Dalongtian and sold it there. The fence gave us 760 coppers for it. At first, they said they were going to divide it up to buy rice to eat. My father gave the shirt to me and said that it was all mine. I took it out on the street and sold it to a secondhand clothing shop for forty-six coppers, which I handed over to Father to use. Yuanjue and Shiguang didn't get any share of that. That's the truth."

Further questioning: "Where is that secondhand clothing shop? What's the name of the man there?"

Further testimony: "The secondhand clothing shop is on West Gate Street. I don't know the man's name, but if you take me there in custody, I'd recognize him."

The magistrate then questioned the adult defendants in order to clarify details about the murder and its motivation (robbery or kidnapping for the purpose of selling the child). All agreed (their testimony is recorded as a collective response rather than individual responses) that Chen Caiyu had received and kept all the proceeds from the sale of the child's stolen property. But the investigation did not end there. The youth Chen Sanzi was sent under escort to identify the used-clothing seller; this man, Peng Liangjun, was also brought to court.

He testified: "On the fifth of the tenth month of last year, that Chen Sanzi brought in a blue cotton shirt, which he said was his own, but because he was poor, he had to sell it in order to buy some rice. So I bought it from him for forty-six coppers. The next day I sold it to a passerby for fifty, and that's the truth. You can check my ledger on that. At that time, I did not know that it had been stripped off somebody they had killed. I beg you to forgive me for this!"

The used-clothing seller was released after questioning; this marks the end of the magistrate's report. The strenuous investigation at the prefectural level, in Guangzhou, uncovered no new information. The prefect concluded that the culprits should be punished in accordance with the law on premeditated homicide and that the laws concerning robbery were irrelevant. Specifically, in accordance with Article 282 of the Qing penal code, "Plotting to Kill Another," the principals should be strangled, with delay for reconsideration at the autumn assizes. As an accessory to murder, the young Chen Sanzi should be beaten one hundred strokes and exiled three thousand li from his home. However, given his youth—no more than fourteen at the time of the murder—the recommendation was that his sentence be commuted to a fine. The

jailers were found innocent of any wrongdoing in Chen Caiyu's death of illness in prison, as was the acting magistrate under whose jurisdiction the malefactor died. Because he alone had received property stolen during a murder, however, Chen Caiyu was sentenced to beheading.⁵ His debt to Luo Yaosheng's father for the stolen chain and shirt was passed on to the son Chen Sanzi to repay.

The emperor's decision, written in red on the cover of the file, reads:

"In accordance with the recommendation, Chen Yuanjue and Li Shiguang are to be sentenced to strangulation and imprisoned until execution after the autumn assizes. All others shall be sentenced as recommended."

NOTES

Source: *Neige Xingke tiben* [Grand Secretariat Office of Scrutiny routine memorials] 2-34-2334-7, Yongzheng 6.8.21 (September 24, 1728), Guangdong.

1. Brokaw, in *Commerce in Culture*, traces book trade routes that began in western Fujian and extended in all directions. It would seem that the kidnapers followed a similar route from Guangdong through Fujian to Jiangxi. The activities of these criminals contrast sharply with fanciful tales of heroic outlaws so frequently presented on the stage and in novels such as *Outlaws of the Marsh* (Shuihu zhuan).

2. After a similarly callous multiple murder in Kansas in 1959, a psychiatrist diagnosed the perpetrators as having "schizophrenia, simple type," meaning that the murderers had suffered no delusions while committing acts of violence but had simply divorced their thinking from all feelings. See Capote, *In Cold Blood*, 315.

3. Rowe describes Yinjishan (1696-1771) as a "highly sinified Manchu of minor noble origin" and a favorite of the Yongzheng emperor. A man of many talents, he held numerous important posts. See Rowe, *Saving the World*, esp. 52-53, 55, 61-62, 67-68; and *Eminent Chinese*, 920-21.

4. The complaint here alludes to a line from a text in the civil service curriculum (*The Zuo Chronicles* [Zuo zhuan], Duke Xuan 15), *xian huan jie cao*, "to express gratitude."

5. See Jones, *Great Qing Code*, 268.

CASE 10

Wang Azhen: Murder for Extortion (Guangdong, 1779)

The perpetrators in this case are represented as having committed a brutal murder with neither mercy nor remorse. Instead, they expressed only their own urgent need

to find some relief from their constant financial difficulties, even though the case report gives no details to substantiate their claims. In fact, there are very few details of any kind beyond those required by law and ordinary judicial practice. This case does suggest, however, the vulnerability of the handicapped in late imperial China.

The following selection is from the beginning of the report, the initial investigation and testimony the magistrate takes at the inquest. The final memorial was presented by Defu after the provincial judicial review, relaying a report by the governor-general of Liangguang, concurrently acting governor of Guangdong, based on the judicial commissioner Liang Dun's report on the case, which was presented initially by Xu Xian, Magistrate of Chenghai, in Guangdong.

... On Qianlong 43.5.13 [June 7, 1778], a petition was filed by Gao Lai, a *jiansheng*, stating that when he arose and opened his door early on the morning of the twelfth of the fifth month of the current year, he discovered a dead body lying on the ground outside his door, covered with blood.¹ He recognized that it was a local man, Lu Ayu [Simpleton Lu]; he had wounds on his right temple, the occipital bone of his skull, the lower neck, and the throat. There were no bloodstains on the ground. He then cried out for the local warden Wang Tingbao to inform the deceased's next of kin Lu Ajiang to come and identify the corpse. He did not know who had killed him but reported the matter as is only right, and he entreated the court to investigate.

That same day, accompanied by Wang Tingbao, the warden of the aforementioned area came to the district court. Together with coroner and constables, I proceeded in person to the place where the corpse lay in order to investigate. Gao Lai's testimony there was identical with his petition.

According to the testimony of Lu Ajiang: "Lu Ayu is my own younger brother, but he is dull-witted. Every night, he goes down to the seashore to catch crabs to sell in order to earn a living. During the second watch of the night of the eleventh of the fifth month of this year, he went out the door carrying a bamboo cage to go down to the shore to catch crabs. But by morning of the twelfth, he had not returned. Thereafter, the local warden Wang Tingbao said that somebody had killed my brother at the *jiansheng* Gao Lai's gate. At once, I rushed over there to examine him, and it was indeed my brother. He had wounds on his right temple, the skull above the temple, his neck, and his throat. I don't know who killed him. I beg you to investigate and find out—that's the thing."

Thereupon, I instructed the coroner to conduct the examination of the corpse in accordance with the law. The coroner called out his report: "I have determined that the deceased Lu Ayu was twenty-five *sui* in age. Facing