

pardoned except for the murderer Liu Xinglong. The Three Judicial Offices at the capital recommended that he be held in custody awaiting execution, but the decision of the youthful Qianlong emperor was unequivocal: he decreed that Liu be taken to the place of execution and that the sentence of beheading be carried out immediately. The others, he ruled, should receive the reduced sentences as recommended by the lower courts.

NOTES

Source: *Neige tiben Xing* [Grand Secretariat routine memorials, (Bureau of) Punishments] 164, Qianlong 1 (1736).

1. For additional evidence suggesting such class distinctions in values in late imperial China, see Hegel, "Distinguishing Levels."

2. In this initial complaint, Li Huaiyin refers to himself with the unusual pronoun *yi* (lit., "ant[like in insignificance]"). As in other cases, all other male deponents use the more standard deferential first-person pronoun *xiaode* ([my] humble [self]) in their testimony.

3. By law, investigations of possible malfeasance of duty were assigned to a magistrate from another district in order to ensure objectivity.

4. Presumably this was red paper, for making conventional New Year's decorations and wishes for good fortune during the coming year.

5. This most likely means that torture was inflicted during interrogation.

6. This refers to Articles 282 (of which the fifth section refers to obtaining property as a result of premeditated murder) and 266 (theft with the use of force) of the Qing penal code. See Jones, *Great Qing Code*, 268, 246.

CASE 3

Ms. Guo: Accidental Homicide Concealed (Zhili, 1795)

TRANSLATED BY MARAM EPSTEIN

This case is of interest because it implies that a newly married wife did have some power to resist her husband—at least among the lower gentry. As in other cases, the deposition of the party of highest status sets the tone and the rhetoric for the entire case. Note the details that suggest the shrewish potential of the victim: her angry response to her husband, to the point of hitting him, the mess she leaves on the kang and the odd detail that she was naked when their final struggle took place. Atypical

is the number of depositions taken in a minor homicide case; this is likely because of the elite status of both families.

The preceding officials of the Board of Punishments' Office of Scrutiny respectfully copy here the case forwarded by Liang Kentang, the governor-general of Zhili, based on the memorial of the judicial commissioner, Suonuomu Zhamuchu, concerning the report forwarded by Yang Junwen, Prefect of Zhengding.

The detailed brief submitted by Xia Wenjiong, Magistrate of Huolu District, states:

On Qianlong 59.4.22 [May 20, 1794], the local warden Zhang Sanzhong reported that on the same day, in Yangling Village east of the Zhengding District seat, *zhiyuan*, Guo Tingyi, personally informed him that his niece, Ms. Guo, had on 4.9 married Zuo Qingxuan, the son of Zuo Yuanrang, of the same village, as a second [primary] wife.¹ On 4.21, he heard that his niece, Ms. Guo, had hanged herself, and he hurried over. He discovered that there was a wound on his niece's chest. Suspicious, he and Zuo Yuanrang subsequently questioned Zuo Qingxuan. He said that he had quarreled with his wife, Ms. Guo, and had stabbed her with a knife, that she had died soon after, and that he had disguised the death as suicide by hanging. [Zhang Sanzhong] personally went to see and had Zuo Qingxuan bound and transported to the court to request an interrogation as appropriate. On this same day, the uncle of the deceased Guo Tingyi filed his complaint by bringing it to the *yamen*.

This humble magistrate [Xia Wenjiong] accordingly proceeded to the place where the corpse lay, accompanied by a clerk and the coroner. In accordance with the law, I conducted an investigation.

In his oral report, the coroner declared: "The deceased, Mrs. Zuo née Guo, was twenty-five *sui* in age. From the front view, her facial color has begun to change. Her eyes are swollen, and her mouth is slightly open; her tongue is pressed against her lower teeth. A lethal wound is beneath her throat; the mark is slightly raised in front, and it extends around to the nape of her neck; the encircling mark is 4 *fen* wide and not quite 1 *fen* deep, of white color. Her two hands are slightly clasped. A lethal wound from a knife lies to the right of her heart, 5 *fen* long and 3 *fen* deep, slightly bloody. There are no other indications. I conclude that she died after being stabbed by a knife. Her death was then disguised as suicide by hanging."

This humble magistrate [Xia] then examined the body to verify that there were no discrepancies. The register of wounds was filled out and annotated.

After questioning, it was established that the oral testimony of the village head Zhang Sanzhong was no different from his written report.

The deposition of Guo Tingyi states: "I am from Yangling Village east of Zhiding District, neighboring the *yamen* here in Song Village. The deceased Ms. Guo is my own niece. Her parents are both deceased, and I raised her myself. On the ninth of the fourth month of Qianlong 59, Ms. Guo was married as a second [primary] wife to Zuo Qingxuan, the son of Zuo Yuanrang of Song Village under your jurisdiction. On the eleventh, because it was the third day, I received the couple in my home and saw that they had harmonious relations.² I sent them back home on the fourteenth. On the twenty-first, I heard that my niece had hanged herself. I quickly rushed over and discovered that there was a wound near my niece's heart. I grew suspicious, and Zuo Yuanrang and the others said that the facts surrounding my niece's death were not clear. Everyone asked Zuo Qingxuan [what had happened].

"He said that on the night of the twentieth, my niece said that she wanted to return to my home the next day. He refused her, and she did not give in and argued with him. My niece was angry and then did not speak to him. The two went to bed separately. My niece completely ignored him the entire night. The next morning at dawn, he got up and began to smoke. Since his pipe was broken, he was sitting on the *kang* using a small knife to repair it. Because he saw my niece's clothing strewn about the *kang*, he at first told her off for being lazy. My niece paid no attention and sniped back. He used the pipe and hit her on the back, and my niece cursed him. He grew angry and took his knife to threaten her; undressed, my niece sat up and tried to hit him. He was unable to pull his hand back in time and wounded her in her chest by her heart. She was still for a moment and then died. Afraid, he came up with the idea of disguising it as suicide by hanging. He got her fully dressed and then tied her belt around her neck and carried her corpse over to the rafters behind the door, where he tied her up. He opened the windows and left. There was no other reason. I then notified the local warden and came to the *yamen* to report it. All I ask is that you investigate fully."

The deposition of Mrs. Zuo née Chen states: "Zuo Yuanrang is my nephew; I am also his neighbor. Originally, Zuo Qingxuan was my second grandson; in childhood, he was adopted by Zuo Yuanrang as a son. I have two other grandsons. The deceased is Zuo Qingxuan's second wife. It was only on the ninth of the fourth month that she came into the family. Most days, the couple got along fine. At breakfast time on the twenty-first of the fourth month, I heard Zuo Yuanrang's mother, Mrs. Zuo Zhang, yelling in her house, saying that her granddaughter-in-law, Ms. Guo, had hanged to

death. I rushed over and saw that the doors to Ms. Guo's room were closed and that Zuo Qingxuan was not at home. Only Mrs. Zuo Zhang was inside. I saw that the window was open and climbed in through the window, and I saw Ms. Guo hanging by her belt from the rafters behind the door. We, Mrs. Zuo Zhang and I, laid out the body and untied the belt but were unable to revive her. We noticed a wound on her chest near her heart, and it did not look as though she had died from hanging.

"At that time, Ms. Zuo and I opened the door and went out. Afterward, Zuo Yuanrang and Zuo Qingxuan came back separately; Ms. Guo's uncle, Guo Tingyi, also rushed into the house. Everyone asked Zuo Qingxuan what had happened; . . ."

Her account of Zuo Qingxuan's testimony is identical to Guo Tingyi's, except for the following:

"He was unable to pull his hand back in time and wounded her in her chest near her heart. She fell over onto the *kang*, was still for a moment, and died. . . ."

The deposition of Mrs. Zuo Zhang states: "I am fifty *sui* in age. Zuo Yuanrang is the son of my husband's former wife. Zuo Qingxuan is Zuo Yuanrang's adopted son. Because his former wife, Ms. Fan, died of an illness, on the ninth of the fourth month, Zuo Qingxuan took Ms. Guo, the niece of Guo Tingyi, as a second wife. The couple got along well and had no friction. On the eleventh, because it was the third day, Guo Tingyi received the couple in his house. It was on the fourteenth that he brought them back. At dawn on the twenty-first, my son Zuo Yuanrang went to supervise the work of the laborers in the fields. At breakfast time, I got up, and because I didn't see Zuo Qingxuan or his wife, I opened the door and went to the back courtyard to call them, but they did not respond. I saw that the window was open. I was surprised, and so I entered through the window and saw Ms. Guo hanging by her belt from the rafters behind the door. She was already dead. Zuo Qingxuan was not in the room. I was shocked and began to call out.

"Just at that time Mrs. Zuo Chen, came over to help. . . ."

Again, virtually identical wording, until the concluding statement.

"As to how my grandson argued with Ms. Guo during the night, and how she cursed at him at dawn the next morning, because I live in the front courtyard with a courtyard separating us and my room has no windows in the rear, I did not hear a thing, and that's the truth."

The deposition of Zuo Yuanrang states: "I am from Song Village near the *yamen*. Ms. Zuo Zhang is my father's second wife.³ Originally, Zuo Qingxuan was my nephew; I adopted him as my son when he was a child. Because his former wife, Ms. Fan, died of illness, he took Ms. Guo as a second wife on the ninth of the fourth month. On the eleventh, her relative Guo Tingyi received my son and daughter-in-law as they returned to her home. On the fourteenth, he brought them back. The couple had harmonious relations.

"At dawn on the twenty-first, I went to supervise the work of the laborers in the fields. When I came back at breakfast time, . . ."

Identical wording until:

". . . and then tied her belt around her neck and carried her corpse to the rafters behind the door where he tied her up to disguise it as suicide by hanging. He opened the window and left, thinking that if he pretended not to know about it, he could avoid prosecution. Little did he think that I and the others would see through it. I can only tell the truth."

Zuo Qingxuan without hesitation made a full confession that he had used a knife to wound his wife, Ms. Guo, and she had died. He then disguised it as suicide by hanging. Zuo Qingxuan was transported under escort to the jail, where he remained in custody. Depositions were recorded, and a report was made.

Having received permission to conduct an investigation and make a detailed report, and having received this dispatch, the accused, Zuo Qingxuan, and all concerned parties were gathered at the *yamen* for detailed interrogation. The testimony of the deceased's uncle and of all others was in agreement with their earlier depositions. There was no need to make further inquiry.

Interrogation of Zuo Qingxuan: "I am from this district and am twenty-three *sui* in age. Mrs. Chen née Zuo is my own grandmother; I also have older and younger brothers. During my childhood, I was adopted as a son by my uncle Zuo Yuanrang. My former wife, Ms. Fan, died of illness. On the ninth of the fourth month of Qianlong 59, I took Ms. Guo of Zhiding District, the niece of the official Guo Tingyi, as a second wife. Our relations were harmonious and there was no friction. . . ."

The murderer repeats information already supplied above. Then he explains:

"On the night of the twentieth, Ms. Guo and I were chatting in our room. My wife said that the next day was the twelfth day and she wanted to return

to her natal home. I said that she had just gone home several days earlier and had only just returned. 'What do you want to go back for?' I refused her, but she did not give in. I argued with her for a bit. My wife became angry and would not speak to me. We went to bed separately. During the night, I wanted to have marital relations with my wife (*xing fang*), but she was absolutely unwilling; she ignored me, so I stopped. The next morning at dawn, I got up to smoke. Since my pipe was broken, I was sitting on the edge of the *kang* using a small knife to repair it. At that time, my wife was already awake. When I saw that her clothing was a mess, strewn all over the *kang* and not picked up, I first said she was lazy and told her off a bit. My wife did not heed me and instead sniped back. I then hit her across the back with the pipe. She blocked it with her hands and then started to curse me. I grew angry and took my knife to threaten her, thinking only that it would shut her up. How was I to know that, undressed as she was, she would sit up and start hitting me? I was unable to pull my hand back in time and ended up wounding her in the chest. My wife screamed and fell over onto the *kang*; she was still a moment and then died of the wound.

"I was afraid and didn't dare tell my grandmother, Mrs. Zuo Zhang, or my father Zuo Yuanrang and came up with the idea of disguising it as suicide by hanging in order to cover things up. So I then got my wife fully dressed. I looked for a rope, but when I couldn't find one, I used her waist sash and tied it around her neck and tucked her pants in tightly. My wife's body is small and thin. I carried her corpse over and tied her up to the rafter behind the door. I then opened the windows and went out, pretending I didn't know anything about it. At that time, no one knew anything. I came home after breakfast. My stepfather and wife's uncle started questioning me; I couldn't deny it and had no choice but to tell the truth. I truly had no intention of killing her, and there was no other quarrel. This is the truth."

This is followed by several more layers of summary and repetition of testimony. The final summary, written in smaller characters at the end of the document, reads:

Your subject Agui and others respectfully MEMORIALIZE concerning the case of Zuo Qingxuan, who used a knife to stab his wife, Ms. Guo, killing her, and then disguised it as suicide by hanging. According to the statements reported by Zhili governor-general Liang Kentang, Ms. Fan, the childhood wife of Zuo Qingxuan, had died from an illness. In Qianlong 59.4.9, he remarried, taking Ms. Guo as a second wife. The two had harmonious relations. On the evening of the twentieth, Ms. Guo said that she would return to her mother's

home the next day. Zuo Qingxuan refused her; Ms. Guo did not submit, and they began arguing. They then went to bed. In the middle of the night, Zuo Qingxuan tried to take his pleasure with Ms. Guo, but she adamantly refused him, and he stopped. At daybreak on the twenty-first, Zuo Qingxuan was sitting on the *kang*, using a small knife to repair his tobacco pipe. Seeing Ms. Guo's clothing strewn about the *kang*, he told her off, but she did not heed him and talked back. Zuo Qingxuan then struck her across the back with his pipe. Ms. Guo blocked it with her hand and started cursing. Zuo Qingxuan grew angry and used the knife to threaten her. Unexpectedly, although she was not dressed, Ms. Guo struck him. Zuo Qingxuan was unable to pull back his arm in time and stabbed Ms. Guo to the right of her heart. Soon afterward, she died. Zuo Qingxuan was terrified and came up with the idea of disguising it as suicide by hanging. He got Ms. Guo fully dressed and then used her belt to hang her by the neck from the rafters behind the door. He opened the windows and went out. Upon interrogation, he made a full confession, denying nothing. Accordingly, Zuo Qingxuan is provisionally sentenced to strangulation according to the statute.

Thus, as MEMORIALIZED by the said governor-general, Zuo Qingxuan, in accordance with the statute on a husband striking and killing his wife, has been provisionally sentenced to death by strangulation subject to review at the autumn assizes. Your subjects, not daring to arrogate [powers not our own], respectfully submit this MEMORIAL FOR IMPERIAL APPROVAL.

NOTES

Source: *Neige tiben Xingfa* [Grand Secretariat routine memorials, Crime and Punishment], 2-1949-7, film 60, 6-9.

1. *Zhiyuan* is an honorific term used by lower-degree holders; Guo Tingyi uses it as a first-person pronoun to refer to himself throughout his deposition. A man might have only one primary wife, but if she died, he was encouraged to remarry.
2. Traditionally, a bride visited her natal family on the third day after her wedding.
3. Zuo Yuanrang uses the term *jiansheng*, a purchased title that designates scholars eligible to participate in the metropolitan examinations, as a pronoun here.

CASE 4

Li Cang: Blackmail and Arsenic (Shanxi, 1803)

The following case depicts, with startling precision, the effects of ingesting poison; the point is to leave no ambiguity about the cause of death and no discrepancies between the testimony as recorded and the physical evidence of the case. As with case 3, this translation omits repetitions of identically worded testimony.

Your subject Dong Gao [here follows a long list of titles] respectfully humbly submits this MEMORIAL to explain a case. The Board of Punishments has copied out a case submitted by Bolin, Governor of Shanxi, concerning a past event: According to the report submitted by Zhu Shaozeng, Judicial Review Commissioner [of Shanxi], which forwards the report submitted to his office by Ye Ruzhi, Magistrate of Jiangzhou, in which according to the report submitted to his office by Li Ze, Magistrate of Jishan District, on Jiaqing 7.7.15 [August 12, 1802], local warden Duan Wu reported that according to a petition filed by Li Fu, on 7.13 (August 10), his elder first cousin Li Cang ate steamed dumplings that had been poisoned, suffered great pains in his belly, vomited, and later that night died.

Thereupon, I [Magistrate Li Ze] personally went to ascertain the facts. In order to make my report properly, I went in person to examine the body. At the site, the coroner Yang Shi reported orally that he had examined the corpse of the deceased Li Cang, forty-four *sui* in age; from the frontal aspect, his face was blackened, a fatal condition. On his forehead, a contusion in one place, 1 *cun* wide and 2 *fen* broad, nonfatal; his eyelids were swollen open, the two eyes enlarged and bleeding, a fatal condition; blood from the two ear canals, nonfatal; in addition, blood from both nostrils; darkened gums top and bottom; mouth opened; pustules on the tongue; lips cracked; belly distended; all ten toenails darkened. From the posterior view, all ten fingernails darkened; rectum swollen and protruding. When a silver hairpin inserted into the mouth of the deceased was examined for color, it had turned black and could not be wiped clean, unquestionably a case of death by poison.¹ When his examination was concluded, I personally inspected [the body] and found no discrepancies. I completed the report and entered it into the record.

Warden Duan Wu reported that in response to the complaint, he questioned the neighbors Duan Liang, Duan Shihui, and Li Jinlin; they all testified that before noon on 7.13, Li Jinlin saw Li Cang squatting in his doorway