

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.<sup>1</sup> 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

eating steamed dumplings. As they chatted, Li Cang said that the dumplings tasted bad, and he threw the remainder to Li Jinlin's family dog. Li Cang went inside, and before long, the dog died from the dumpling he ate. Hearing that Li Cang had a bellyache and was vomiting, Li Jinlin went in to tell him that the dog had died. Duan Liang and Duan Shihui also went over to have a look. His younger cousin Li Fu tried to save Li Cang, but to no avail; Li Cang died in the middle of that night. Duan Shizhuo had been a regular visitor at Li Cang's house prior to this. Sometimes when Duan Shizhuo went in, Li Cang left, making it look like Duan Shizhuo and Li Cang's wife, Mrs. Li Jia, were having an improper affair. [They affirmed that] this was the truth.

Li Fu, younger cousin of the deceased, testified: "Li Cang was my older first cousin. Around midday on the thirteenth of the seventh month, I heard that my cousin Li Cang had a bellyache and was vomiting, so I went over to see him. Li Cang was rolling around on the *kang* and crying out. I asked him about it, and my cousin said that it was because he had eaten some steamed dumplings. Just then, Li Jinlin came in and said that Li Cang had given his dog the remainder of his dumpling and that the dog had died. I realized that he had been poisoned, and I tried to save him, but it was no good. Around the middle of the night, Li Cang died. Last year, I heard the rumor that Duan Shizhuo and Li Cang's wife, Mrs. Li Jia, were having an improper affair. I mentioned it to Li Cang, but he paid no attention. I beg that you investigate this matter."

Thereupon, I questioned and cross-examined Mrs. Li Jia. In her testimony, without hesitation, she confessed to having illicit sex with Duan Shizhuo and to cooperating with Duan Shizhuo in poisoning her husband Li Cang to death. In his testimony, Duan Shizhuo confessed that he had plotted with Mrs. Li Jia to poison her husband to death. This is the truth. On the basis of this testimony, I arrested Duan Shizhuo and Mrs. Li Jia, recorded their testimony, and filed my reports.

When I received authorization to carry out the investigation, I again assembled all relevant people and evidence, brought out the offenders, and conducted a strenuous investigation. The testimony of the younger cousin of the deceased and the others being in no way different from the preliminary investigation, I do not record it here.

The adulterer Duan Shizhuo testified: "I am a resident of Ma Village, and I am thirty-five *sui* in age.<sup>2</sup> My parents have both passed away. My wife is from the Liu family. I practice medicine to make a living. I live on the same street as Li Cang. During the seventh month of Jiaqing 5, Li Cang developed an ulcer on his back, and he asked me to cure it with medicine. On the after-

noon of the twenty-sixth of the eighth month, I went to Li Cang's house and lied to him that the medicine had been made from the finest ginseng and that he owed me ten *liang* of silver in gratitude. Li Cang's wife, Mrs. Jia, reported that Li Cang was not at home. So I flirted with Mrs. Li Jia, and we had illicit sex. After that, we had illicit sex whenever it was convenient [*guobian*]; I don't remember how many times. During the ninth month, Mrs. Li Jia said that her husband knew about it and would allow us to continue to get together without interfering. I don't know how much money and clothing I gave Li Cang and his wife on successive occasions after that. During the fourth month of Jiaqing 7, Li Cang asked me to lend him four *liang* of silver, but because my business was only mediocre then, I did not have any silver to lend him. During the fifth month, he again asked me to lend him three thousand coppers, but I didn't have any money to lend him. From that time onward, whenever I saw Li Cang, he would ignore me. Afterward, Mrs. Li Jia said that Li Cang told her he would not allow her to have anything to do with me, and if he caught us together, he'd kill the both of us. So she told me I ought not to come again. I got mad and went home, and I thought that because our illicit sexual relationship was really hot [*qing re*], we couldn't just break it off. I conceived the idea of doing Li Cang in. On the tenth of the sixth month, I went to Mrs. Li Jia and told her that the best thing to do would be to murder Li Cang so that we could be husband and wife forever. But Mrs. Li Jia was scared, and she wouldn't agree. On the third of the seventh month, I took over a packet of arsenic powder [*pixinmo*] left over from making medicine and a packet of crushed croton seeds [*badou*]. Taking advantage of Li Cang being out of the house, again I went to talk to Mrs. Li Jia about poisoning Li Cang. Mrs. Li Jia said, 'How could we poison him?' I took out the arsenic powder and the crushed croton seeds and told Mrs. Li Jia to mix them into steamed dumplings. Wait until Li Cang is going out to sell fruit and then give them to him to eat. If he dies outside . . ."

*Here, the case report is missing a page that recorded the end of Duan Shizhuo's testimony and the beginning of the testimony of Li Cang's wife.*

[The adulteress Mrs. Li Jia testified:] ". . . that he would not interfere with my getting together with Duan Shizhuo. Duan Shizhuo on many occasions gave me and my husband money and food; I don't remember how many times. During the fourth and fifth months [May and June] of Jiaqing 7, my husband on two occasions asked Duan Shizhuo to lend him money, but Duan Shizhuo didn't lend him any. So then my husband told me that he would not allow

me to get together with Duan Shizhuo, and he also said that if he ever came again he would kill the both of us. I secretly told Duan Shizhuo that he'd better not come here any more. On the tenth of the sixth month, Duan Shizhuo came by and said that our illicit sexual relationship was so hot that he couldn't break it off and that the best thing would be to do in my husband so that he and I could be husband and wife forever. I was very scared and would not agree to it. On the third of the seventh month, Duan Shizhuo came again and talked about poisoning my husband. I asked him how we could poison him, and Duan Shizhuo brought out a packet of arsenic powder and a packet of ground croton seeds and told me to mix this into steamed dumplings. We'd wait until my husband went out to sell fruit and then give them to him to eat; if he died outside, then there would be no trouble about it. I agreed and hid them away.

"On the thirteenth, my husband planned to go out to sell peaches. I mixed the arsenic and seeds into the flour and made a poison dumpling. I also made several dumplings that didn't have poison. At noon, I steamed the dumplings and gave my husband one good dumpling and one that had poison in it. My husband wanted to keep an eye on his load of peaches, so he went to eat them outside the door. Afterward, he came back in; he said that eating the dumplings made him feel bad in his heart, and he lay down on the *kang*. In just a little while, his belly began to ache; he rolled around and cried out and vomited on the *kang*. He kept it up until he injured his forehead. I knew it was the poison taking effect. My husband's younger cousin Li Fu came by to see him, and my husband said it was all because he had eaten the steamed dumpling. Li Jinlin also came by and said that his dog had died from eating a piece of leftover dumpling that Li Cang had given to it. Li Fu tried to save my husband, but it was no good. My husband died around the middle of that night. Nobody else knew about it, and no one plotted with us. This is the truth."

I cross-examined them, and they insisted that no one else knew of the matter and no one had plotted together with them.

On the basis of his investigation, the aforementioned Li Ze, Magistrate of Jishan District, recommended that Mrs. Li Jia should be sentenced to immediate beheading in accordance with the statute that prescribes beheading without delay for adulteresses who plot to kill their own husbands when the husband knows about the affair and allows the wife or concubine to have an adulterous affair with another man.<sup>3</sup> Duan Shizhuo should be sentenced to imprisonment until beheading after the autumn assizes, in accordance with the statute that adulterers should be beheaded with delay.

This report was transferred to the department, where the aforementioned Ye Ruzhi, Magistrate of Jiangzhou, reexamined the case and found no discrepancies. The report was in turn transferred to the province where the judicial review commissioner reexamined the case.

On Jiaqing 7.10.16 [November 11, 1802], Jin Ruchao, Magistrate of Yangqu District, submitted a report stating that the aforementioned offender, Mrs. Li Jia, had fallen ill, and on 11.8, he subsequently reported that the aforementioned offender had recovered and was transferred.<sup>4</sup> Zhu Shaozeng, the aforementioned judicial commissioner [of Shanxi], examined the case and reached the same conclusions. Thereupon he transferred the case to Your subject. . . .

*Hereafter, the memorial presents the summary of the case as determined by the Board of Punishments in the capital, Beijing. The summary generally repeats the wording of the synopsis given at the head of the document, with the following significant changes:*

. . . Duan Shizhuo began to flirt with Mrs. Li Jia, which resulted in illicit sexual relations. Thereafter, they had illicit sex whenever it was convenient, not only one time. During the ninth month, Li Cang became aware of it and questioned Mrs. Li Jia. Mrs. Li Jia deceived him about their previous affair, and Li Cang did not express his consent. On several occasions, Duan Shizhuo gave Mrs. Li Jia and Li Cang money and food, without keeping an account of the quantities. . . .

*The report also describes their adulterous relationship as "close" (qing mi) rather than "hot." Despite these changes, the Board agreed with the punishments for the lovers recommended by the magistrate, the prefect, and the commissioner. The Board further stipulated that Duan should have the words "vicious criminal" tattooed on his face; Ms. Li was spared that suffering. The Board also noted that Li Cang deserved punishment for abetting his wife in the commission of adultery, but since he was already dead, the matter merited no further discussion. Nor was there any reason to consider the amounts of food and money that Duan had given to the Li family; the identity of the purveyor of the arsenic that killed Li Cang was also not to be sought.<sup>5</sup> This memorial was then returned to the Three Judicial Offices for their review of the recommended sentences; their summary merely repeats that of the Board of Punishments. This body also determined whether every level of judicial review was carried out within the legally defined time limits (all had, except for the acceptable delay when Mrs. Li Jia was ill).<sup>6</sup> After their own extensive examination, summarized in*

the same terms as at lower levels of review, the Three Judicial Offices endorsed the recommended sentences. The emperor's comment on the cover of the memorial reads:

"Ms. Jia is to be confined until beheading; Duan Shizhuo should be incarcerated as suggested until after the autumn assizes, when he is to be executed. The others as recommended."

#### NOTES

Source: *Neige tiben Xing* [Grand Secretariat routine memorials, (Board of) Punishments] 73, Jiaqing 8.2.29 (March 22, 1803).

1. This was a common way of determining whether a person had been poisoned in late imperial China; the poison remaining in the mouth would tarnish the silver pin.

2. In the name Macunbao (Ma Village), the term *bao* indicates a walled village in contrast to others that had no such enclosure. Presumably, Ma Village was larger than many and had reason in the past to protect itself against bandits and other external threats by constructing a defensive wall of some sort. This was not a fortification having military value.

3. Article 285 of the Qing penal code prescribes dismemberment as the penalty for a wife who, after adultery, plots to murder her husband. See Jones, *Great Qing Code*, 271.

4. Presumably, she had been incarcerated during her illness; it is likely she fell ill while being transferred from one jurisdiction to another.

5. According to the Qing penal code, knowingly selling poisons to be used against persons was a very serious crime during the Qing period, see, for example, Article 289. See Jones, *Great Qing Code*, 274-75.

6. Those who were ill were exempt from legal action until they recovered.

#### CASE 5

### *Cao Ligong: Attempted Rape That Led to Murder* (Zhili, 1803)

The memorial on this case is translated here in its entirety. It begins with an exceptional meditation by the magistrate on the probable events surrounding the murder; the testimony he presents thoroughly confirms his "suspicions." The redundancies

demonstrate the concurrence of each successive level of administration on the substantial facts of the case and their interpretation. The emperor, however, did not reach a conclusion on whether the murderer should be summarily executed as recommended and as the law stipulated. His decision, written on the cover of the case, was that the Three Judicial Offices should review the sentence and prepare a memorial on how and when to punish the murderer.

Bracketed headings have been added to draw attention to the structure of the report, with its several restatements of the basic facts followed by corroborative details and then a summary. The carefully constructed arguments in these reports are reminiscent of the general structure required for civil-service examination essays.<sup>1</sup> The first line, the list of titles held by the author of the memorial, written in smaller characters, is not fully legible in this copy.

... Secretary of the Board of Punishments, Your subject Yan Jian respectfully submits this MEMORIAL to report a matter. Qing Zhang, the judicial commissioner of the Zhili Provincial Judicial Commission, reports on the submission of Yao Liang, Prefect of Hejian, concerning the detailed brief submitted by Zhao Lun, Acting Magistrate of Dongguang District, that he had investigated a complaint filed on Jiaqing 7.8.12 [September 8, 1802] by Zhu Zhaolong, a local warden in the Cao Family Manor [Caojiazhuang] area under the jurisdiction of said district:

[Local warden Zhu Zhaolong's complaint quoted in the magistrate's report:]

"On the morning of this day, a resident of said village, Cao Fugui, came in person to complain that on the afternoon of the eleventh of that month, his wife, Mrs. Cao Wang, had gone to a field north of the village carrying a square basket to pick string beans. By evening, she had not returned, and his search yielded no trace. Early this morning, he discovered his wife, Ms. Wang, lying facedown in Kang Juncheng's field north of the village; a cotton sash was wrapped tightly around her neck as she had been strangled by some person. At that time, he requested that I make a report on this matter; I thereupon confirmed the facts of the complaint and hereby request that you make an investigation of the matter, make arrests, and so on. On this same day, the husband of the deceased, Cao Fugui, brought the matter to my attention, and together we have come here to the district *yamen*."

[District Magistrate Zhao Lun's review:]

Thereupon, this humble magistrate, together with a clerk and the coroner, proceeded to the site. According to the preliminary report prepared at Cao Family Manor, Kang Juncheng's sorghum field is about two *li* from the village. The body of the aforementioned woman lay facedown in Kang