

are later clarification by Qing period legal scholars; the bracketed words were supplied by the translator). Clearly, Du Huailiang—and his neighbor—knew of this statute and hoped to use it as justification for the murders.

2. Jujubes are a common fruit in northern China. They can be dried or made into a paste and other confections; it is not clear what “preparing jujubes” (*zuozaos*) means in this context.

3. The reference here is ambiguous: *yan* could designate either tobacco or opium. Although its effect on the hapless victim suggests that it might have been the latter, more likely he was exhausted from work and sleepy because of the wine.

4. Du’s sentence is in accordance with Article 282, and Li’s with Article 285 of the Qing penal code. See Jones, *Great Qing Code*, 268, 271. It is likely that being a widowed mother of the only heir of her husband’s family was a factor in this decision for leniency. See Buoye, “Suddenly,” 68–70.

5. In his 1694 guide for magistrates, Huang Liuhong notes the important difference between adultery that begins through intimidation or enticement by the man and “those cases in which the parties indulge in carnal knowledge as a result of mutual admiration” (Huang Liu-hung, *Complete Book*, 439–40). Especially because Ms. Li’s report on how her adulterous relationship began was repeated several times, with greater detail after the first iteration, one may surmise that the officials involved in this case considered her willing participation to have been a function of her suitor’s pressure on her. Ms. Li’s life was saved by the Kangxi emperor’s announcement of a general amnesty in the twelfth month of the thirty-fourth year of his reign, early in 1695. Because he had committed premeditated murder, Du Huailiang’s life was not spared; he was to be executed in accordance with Article 282 of the Qing penal code. See Jones, *Great Qing Code*, 268.

CASE 7

Rui Meisheng: Manslaughter over an Outhouse (Anhui, 1722)

The matter that led to blows here was not merely the foul smell of an open latrine; it also involved crucial matters of respect between neighbors. The family of the defendant saw it as “inappropriate” that Rui Mian’s outhouse should face their front door; worse yet, when asked to correct the problem, Rui Mian adamantly refused. Even so, the matter did not escalate to violence until one day when Rui Meisheng had too much to drink. We should not imagine that the two doors were separated by a wide

boulevard. Most likely, the alley between them was really quite narrow, perhaps so narrow that it was difficult to pass when the outhouse door swung open.

In the report excerpted here, the essential interrogation is conducted by Jingde District Magistrate Wang. The final pages of the report are missing, including the date that it was forwarded to Beijing for final review. According to the cover, the imperial decision was to send the case back to the Three Judicial Offices for reconsideration of the sentence.

The detailed memorandum submitted by Judicial Commissioner Zhu Zuoding of the Anhui Judicial Commission states that he had examined a certain individual named Rui Meisheng, twenty-nine *sui* in age, of middling height, with pockmarked face and thin whiskers, a native of Jingde District of Ningguo Prefecture in Jiangnan. The complaint contends that this Meisheng, an utterly lawless country bumpkin [*xiangye yumin*], together with Rui Jiu, who has fled, beat in an affray resulting in death the late Rui Mian, a distant relative in an older generation of no recognized degree of mourning who was his near neighbor and against whom he bore no previous enmity.

To wit: when Rui Mian repaired his outhouse, he changed its door to face the outside. Rui Meisheng claimed that it faced the main door of entry and exit from his house and instructed him to return it to its previous orientation. Contrary to expectation, Rui Mian maintained that it was a matter of his own convenience, and he refused to accede to the request.

Late in the day on Kangxi 60.10.2 [November 20, 1721], after drinking, Rui Meisheng happened to go to his front door, where he was struck by a noxious odor. Thereupon, he wrongfully started an argument. Rui Mian was about to strike Meisheng, when Meisheng became enraged and pushed the outhouse over. At that time, Rui Jiu arrived, having heard the commotion; furthermore, he wrongfully took the initiative to injure Rui Mian’s nose with his fist. Thereupon, Rui Mian took up a beam from the latrine and was about to strike Meisheng when Meisheng again wrongfully snatched away the beam and struck him. It happened that he injured Rui Mian on the crown and the right temporal lobe; the wound was grievous, and before long he expired. Magistrate Song [Tingzuo] of Nanling District, who was temporarily in charge of Jingde District matters, submitted the following report:

On Kangxi 60.10.3 [November 21, 1721], Constable Rui Fan of the Twenty-second Battalion, Second Section [Ershierdu Ertu Lianbao], submitted his report on this event. His report states that one Rui Renju had filed a complaint that on the second, his father Rui Mian had been beaten, was injured,

and had died a violent death at the hands of Rui Meisheng and his brother. A constable thereupon was sent to investigate. These being the true facts, the local warden Wang dared not conceal them, and appropriately he submitted a report on this matter.

The complaint submitted by Rui Renju concerning the murder of his father further states that on 10.2, in a sudden fit of malice (*tu zao xiong 'e*), Rui Meisheng and others by force smashed and destroyed the outhouse over the pit latrine of his household. His father Rui Mian used reasoned words to oppose this force. Tragically, he was with most foul malice struck a blow that gave him a severe injury, and he perished. Witness Rui Bao can provide accurate testimony as to this foul murder of my father. In accordance with the law, I have respectfully filled out the forms and urgently request an examination be held of the injury, with submission of a full report. . . ."

This case came to the previous acting magistrate, but because that acting magistrate had received a commission to escort military provisions, on the fourth, the matter was transferred to my humble district. On the sixth, I took provisional responsibility and rode alone with few followers, taking along a clerk and the coroner; I proceeded in person to the [warden's] station where the corpse lay to inspect it. Relatives of the dead man reported that the deceased Rui Mian was fifty-five *sui* in age. Coroner Fang Qi reported orally that on the anterior of the body, there was broken skin on the forehead toward the right side measuring diagonally 1.4 *cun*, a lethal injury caused by a wooden implement, and a round, red-purple nonlethal injury on the bridge of the nose 2 *cun* across caused by a fist. Beyond this, there were no causes [of death]. I made careful entries of the coroner's findings in the record.

Constables Wang Fa and Yao Ran reported that in the case against Rui Meisheng and others brought by Rui Renju, the criminal Rui Jiu named in the search and arrest warrant given them had fled and has not yet been apprehended. Appropriately, they reported this fact. Accordingly, I separately jailed Rui Meisheng and Rui Bao and ordered an intensive search for Rui Jiu and that he be thoroughly interrogated on the day he is apprehended, with the request for authorization forwarded. Appropriately, I filled out and annotated the register of injuries to the corpse and compiled these documents reporting the procedures already carried out in the case; these I submitted to the offices of the governor-general and provincial governor. I received authorization from Anhui governor censor Li and a rescript of authorization from the judicial commission to arrest Rui Jiu for examination, provisional sentencing, and forwarding of the criminal. I thereupon awaited authorization from the governor-general.

Other procedures, including the passing of memoranda back and forth along the channels for judicial review for the purpose of discussing limitations imposed for the apprehension of the fugitive, and so on, are noted here. With final permission from the prefecture, the investigation was conducted by the new magistrate of Jingde District, Wang Manchuan; the time limit was reckoned from the date he took office, with instructions from his superiors to carry it out expeditiously.

The constables originally assigned to the case report that Rui Jiu has fled without a trace and that they have no leads on where to apprehend him. Thereupon, this humble magistrate examined Rui Meisheng and the others during a strenuous interrogation at my court.

I questioned Rui Renju: "Testify as to why your father was beaten to death by Rui Meisheng and the other man."

He testified: "Our family had an outhouse that was falling down. Last year, our family rebuilt it. That Rui Meisheng and the others said, why should my family make the door open toward their front door? Time and again they asked us to change the direction to what it had been before, but my father paid no attention. This is the truth. Then on the second of the tenth month, to our surprise, Rui Meisheng and the others knocked down my family's outhouse. At first, my father reasoned with them, but unexpectedly they beat my father up. At that time, I was working in the fields. When I heard them shouting, I ran over as fast as I could. I saw my father was already unconscious on the ground. Rui Bao and I carried him home, and then he died. I beg you to make right this injustice!"

Further questioning: "Who gave him the blow on his forehead, and what implement was used? Who gave him the blow on the bridge of his nose?"

Rui Renju testified: "The wound on his forehead was given him by Rui Meisheng when he hit him with a beam. The wound on his nose was made by Rui Jiu, who hit him with his fist."

Further questioning: "If you were working in the fields, how do you know all these details so clearly?"

He further testified: "As far as seeing it, Rui Bao saw it all and told me about it. Just question Rui Bao, and he'll explain it all."

Further questioning: "When you got to your father, what might he have said to you?"

He further testified: "By the time I got there, Father was unconscious on the ground. He couldn't talk anymore."

Further questioning: "How did your father and Rui Meisheng refer to each other in kinship terms?"

He testified: "Rui Meisheng called my father 'uncle,' but they were nine degrees of mourning apart."

Interrogation of Rui Bao: "Who injured Rui Mian and what weapon was used? You witnessed the killing; tell the whole truth about it."

He testified: "I was on my way back from the fields on that day when I heard them shouting. I walked over and saw Rui Meisheng and Rui Jiu, both of them, arguing with Rui Mian. Rui Jiu hit Rui Mian on the bridge of the nose with his fist. I pulled Rui Jiu away, but then Rui Mian picked up a beam from the outhouse and went after Rui Meisheng with it. Meisheng grabbed the beam away from him and hit Rui Mian once on the head with it. When I saw that Rui Mian had been knocked down, I held him in my arms for a while. His son Rui Renju ran up then, and he and I together carried Rui Mian home. I didn't expect that Rui Mian would die."

Further interrogation: "Since you were at the scene of the beating, why didn't you snatch the beam away from Rui Meisheng?"

Further testimony: "At that time, I was holding Rui Jiu back. I didn't expect that Rui Mian would pick up the beam to hit Rui Meisheng with. But Rui Meisheng snatched the beam away from him and hurt him with it."

Interrogation of Rui Meisheng: "How did you and Rui Mian refer to each other in kinship terms? What enmity was there between you before this? Why did you beat him to death? Make a true deposition."

He testified: "Rui Mian was my distant uncle but not within the rules of mourning. Ordinarily, we had no bad relations at all. It was all because the door of his family's outhouse used to open inside, and then, all of a sudden, in the old year, he changed this door to face outward. When it was open, it just about faced the main door of my family's house. Since it wasn't convenient for us when we went in or out, many times I asked him to change the door back to where it had been. But he was stubborn and refused. On the second of the tenth month, after I'd been drinking, I happened to be walking up to our doorway, where I smelled a foul air that hit you hard. So I went over to discuss [*lilun*] it with him. How could I know that he'd want to hit me? That made me mad, so I pushed his outhouse over. And that's the truth. Then he grabbed that beam and came after me. In haste, I grabbed the beam away from him and hit him once on the head with it. And then he fell down. They carried him home, and he died."

Further interrogation: "Who was it that hit Rui Mian on the nose with his fist?"

Further testimony: "Before I hit him, my brother Rui Jiu heard us argu-

ing and came over and hit Rui Mian in the nose once with his fist. This is the truth."

Further interrogation: "That beam that you hit him with, where is it now?"

Further testimony: "I hit Rui Mian once and saw him fall; then I threw the beam down and ran away. I don't know where it is now."

Further interrogation: "With that one blow, you hit him on a lethal spot on the head. Clearly, you intended to kill him. How can you explain this?"

Further testimony: "Really, it was because he was coming after me. On the spur of the moment, I grabbed that beam and just swung at him. I didn't expect that I'd hit him on the head. And I didn't know that it was a lethal spot. Even though we were distant uncle and nephew, ordinarily we had no bad relations at all. How could I hit and kill him with criminal intent?"

Further interrogation: "Where has your brother Rui Jiu run off to?"

Further testimony: "I've been in jail, and I don't know where he ran off to."

Interrogation of [local warden] Rui Fan: "Tell me the details about how Rui Meisheng and the other man beat Rui Mian to death."

He testified: "I wasn't there when they were hitting each other. On the third, Rui Renju came to make a report to me. He said that Rui Meisheng and his brother had beaten his father to death over an outhouse, so I went to see, and sure enough, Rui Mian was dead. So then I submitted my report [to the district *yamen*]."

All depositions were entered into the record. According to the investigation of the aforementioned magistrate of Jingde District, Wang Manchuan, Rui Meisheng was the distant nephew of Rui Mian, now deceased. . . .

Written here is a clear summary of the facts as revealed above. It concludes:

Without waiting for judicial torture, the aforementioned criminal spilled all the facts of the case without hesitation. Rui Meisheng accords with the statute on cases in which several together strike a person with the result that he dies, and the lethal wound is the most serious, and the one striking the most serious blow should be strangled.¹ I recommend that he be held in jail awaiting strangulation. Since he was at the scene, saw the affray, and attempted unsuccessfully to intervene, Rui Bao's punishment ought not to be beating with the heavy staff. Rui Fan, the local warden who did not deign to testify, ought first to be held accountable (*zhaishi*) for Rui Jiu, who has fled

and who should be tried separately upon his apprehension with all the related people taken into custody by the prefectural yamen.

The remainder of the report details the review process, during which each successive level of review agreed with the findings of the magistrate's court and added repeated injunctions to speed up the review. In the portion of the report that remains, there is no indication that Rui Jiu was ever apprehended, nor is there any change to the death sentence suggested initially. Because the emperor's decision was to command the Three Judicial Offices to reexamine the case and advise him concerning the sentence, it is likely that Rui Meisheng's execution was commuted, or at least reduced, after the autumn assizes.

NOTE

Source: *Neike tiben Xingke Xingbu Xingfa* [Grand Secretariat routine memorials, Board of Punishments, Office of Scrutiny, Crime and Punishment] 522–102. Because the final pages of the memorial are missing, I am unsure of its precise date.

1. Citing Article 302 of the Qing penal code. See Jones, *Great Qing Code*, 286–87.

CASE 8

Jia Mingyuan: Accidental Homicide (Fengtian, 1796)

In this case, three generations of close neighbors got into an argument that resulted in the death of one of the oldest among them, perhaps from a stroke, although forensic medicine at that time could not make such a diagnosis. At the beginning of the case, Bolin, a Manchu and the prefect of Fengtian near the modern city of Shenyang, quotes the synopsis offered by Wen Duxun, Department Magistrate of Fuzhou.

On Qianlong 60.6.25 [August 9, 1795], local warden Sun Rong submitted a report, saying "On 6.23 [August 7], Yu Dehai, a laborer hired by the family of Song Shichen, had come to his home to report that toward evening on 6.22 after it had rained, because he was concerned that the grain crops on the marshlands would be harmed, Song Fu instructed Yu to dig a ditch across the cart path alongside our land by which to drain the water. Jia Lun and Jia Mingkui stopped him and started a dispute. Song Fu hit and injured Jia Lun and Jia Mingkui. Jia Lun struck and injured Sun Fu. Then Song Shichen, Song Shizhong, Jia Mingyuan, and others came up. Song Shichen was carrying an

iron spear that he handed over to Song Shizhong. Jia Mingyuan snatched it away, causing him to fall, and Song Shizhong was injured. Then they took Song Shizhong to Jia Wenli's house. At sundown, Song Shizhong stopped breathing and died. As appropriate, I have reported it to you for investigation."

The magistrate then proceeded to the location of the corpse to conduct an autopsy. The coroner reported that Song Shizhong was seventy-one sui in age. He had a variety of minor scrapes on his cheeks and elbows, but the only substantial injury was a bruise from a fist on the left side of his forehead. Even so, in the summer heat, blowflies had already attacked the body, which was beginning to swell. He concluded that the elder Mr. Song had died as a result of his fall. He also examined the injuries of other parties in the scuffle, all of which were healing appropriately.

At the site, the magistrate conducted his initial inquiries. The local warden had nothing new to add, but the hired farm laborer Yu Dehai clarified the cause of the dispute and provided more details on what had happened.

"... Song Fu said that our crops in the marsh field might be damaged by flooding, and that I should take a wooden shovel and an iron mattock and go with him to open a ditch across the cart path that runs along that field in order to drain the water. Then Jia Lun and Jia Mingkui walked up and said that we were cutting off their cart path. And they got into an argument with Song Fu. Jia Lun punched Song Fu in the left eye, and Song Fu hit Jia Lun in the forehead with the iron hammer he had brought along to tighten the handle of the mattock, and he started to bleed. Jia Mingkui came up and Song Fu hit him and injured him in the left ear. Jia Lun grabbed Song Fu's hammer and left with it. Song Fu and Jia Minglun started scuffling on the ground, and I tried to pull them apart. Then, one after the other, Song Shizhong, Jia Wenli, Jia Yile, and Song Shichen carrying an iron spear in his hand all came up. Song Shichen wanted to get into the fight, but Jia Wenli stopped him. All I could hear was Jia Mingyuan yelling that Song Shichen had an iron spear. By that time, Jia Yile and I had just pulled Song Fu and Jia Mingkui apart, and when I turned around to look, I saw Song Shizhong fall down on the ground. Jia Mingyuan ran off toward the west, and Song Shizhong pulled himself up and walked away. But after a few steps, he sat down on the ground. I saw that Song Shizhong had an injury on his head. I asked him about it, and he said that his head and his left elbow hurt. Together with Song Shichen, I steadied him all the way home. By the morning of the twenty-third, Song Shizhong couldn't talk anymore, and Song Fu told me to go inform the local warden