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Women, family, and litigation in nineteenth-century Chongqing

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Abbreviations

BXA—Ba County Archive, held at Sichuan Provincial Archive, Chengdu; all cases cited are from the category “women”; each case is cited by serial number and date of earliest document in file.

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Appendix

A: Layout of “Cover” of Case Records

Zheng Tang (Main Court)		
For [cause of action]		
Date②	[address]	(Dealt by)
	[name of plaintiffs]	Which
	charge	Office and
		Which
		Runner(s)①
③	[name of defendants]	

The position of ① and ② might be exchangeable

③If the case has an official result, it would say “jie” (case closed)

B: Format of Legal Complaints

zhu yu usually in this part

[illegible]

There was basic information of plaintiff(s) in the first column, including status (such as widows, or if the plaintiff passed a civil examination and held a title, it would also be clarified), name, age, address, and the name of attorney if any.

C: Articles on Women's Special Treatments in the *Great Qing Code*

條例 1.08 贖刑[五刑中俱有應贖之款附列於此以便引用]

納贖[無力依律決配有力照律納贖]

收贖[老幼廢疾天文生及婦人折杖照律收贖]

贖罪[官員正妻及例難的決並婦人有力者照律贖罪]

Substatute 1.08 Monetary redemption

Nashu: if a criminal is not able (to pay the redemption), he shall be punished according to the law; if a criminal is able to, he may redeem.

Shoushu: if the old, the young, the disabled, the astronomers or the women shall receive the heavy strokes of bamboo, he or she may redeem according to the code.

Shuzui: if a woman is the wife of an official, or if her does not necessarily receive actual penalty according to the code and she is able to pay the redemption, she may redeem according to the code.

[specific amount omitted]

條例 1.14

婦女犯姦杖罪的決枷罪收贖

Substatute 1.14

If a woman commits illicit sex, she shall receive actual penalty of the blows of heavy bamboo, and the penalty of cangue may be redeemed.

條例 1.15

婦人有犯姦盜不孝者各依律決罰其餘有犯笞杖並徒流充軍雜犯死罪該決杖一百者與命婦官員正妻俱准納贖

Substatute 1.15

If a woman commits a sexual offense, theft or gross unfilialness, she shall receive actual penalty according to the code. If she

- (1) commits other kinds of crime and shall receive penalty of light or heavy strokes of bamboo, or
 - (2) shall receive penal, exile, military exile or she commits miscellaneous capital offense, but the punishment shall be converted into 100 the blows of heavy bamboo, or
 - (3) is a woman with a title of honor, or the main wife of an official,
- she may redeem (*nashu*).

『律』 20.00 工樂戶及婦人犯罪

Statute 20.00 [Government] Artisans and Musicians, or Women Who Commit Offences

其婦人犯罪應決杖者姦罪去衣[留褲]受刑餘罪單衣決罰皆免刺字若犯徒流者決杖一百餘罪收贖

.....If a woman commits an offence punishable by blows of the heavy bamboo, for fornication she shall be stripped of her clothing (and wear the drawers) to receive punishment. For other crimes she may wear unlined garments to receive punishment. All female criminals shall be exempted from tattooing. For crimes punishable by penal servitude or life exile, the punishment shall be converted into 100 the blows of heavy bamboo; the remaining punishment may be redeemed.

條例

Substatute

20.02

婦女有犯毆差闕堂之案，罪至軍流以上者，實發駐防為奴；犯徒罪者，若與夫男同犯，一體隨同實發，亦不准收贖。若婦女專犯徒罪者，仍照律收贖。

If a woman commits striking officials or disturbing court and should receive penalty of military exile or above, she shall receive actual penalty and become a slave. If she commits a crime with her husband and shall receive penal servitude, both of the couple shall receive actual exile, and redemption (*shoushu*) is forbidden; if she commits a crime alone and shall receive penal servitude, she may redeem.

20.03

各直省審理婦女翻控之案，實係挾嫌挾忿、圖詐圖賴，或恃係婦女，自行翻控，

審明實係虛誣，罪應軍流以上及婦女犯盜後，經發覺致縱容袒護之祖父母、父母、並夫之祖父母、父母畏罪自盡，例應問擬雲貴兩廣極邊煙瘴充軍者，壺免其實發駐防為奴，各監禁三年，限滿由有獄管、獄官察看情形，實知改悔，據實結報，即予釋放。儻在監復行滋事，犯該笞杖者，仍准收贖；犯該徒罪以上，加監禁半年；軍流以上，加監禁一年，再行釋放。若官吏獄卒故意陵虐者，照陵虐罪囚例，加等治罪。其婦女翻控，訊明實因伊夫及尊長被害、並痛子情切，懷疑具控及聽從主使出名誣控，到官後供出主使之人，俱准其收贖一次；如不將主使之人供明，仍照例監禁，俟三年限滿，再分別禁釋。

When the provincial court investigates the countercharge cases filed by women,

- (1) if it is because of anger or enmity, or it aims to money fraud or put blame on others, or a woman relies on her gender and does countercharge by herself, the case is indeed a false accusation after making a factual determination, women are punishable by military exile or above; or
- (2) after a woman committing theft and being discovered, her parents or grandparents or her husband's parents or grandparents suicide because he or she facilitated and shielded the woman, in this case, the woman should be exiled to farthest frontier, or a malarial region in Yunnan, Guizhou, Guangdong, Guangxi (Article 338.03)

The female criminals, in the two above situations, may avoid actual exile, but be incarcerated for three years, when the term is completed, if the criminal shows remorse and mend her way, the jail warden would report based on truth, the criminal should be released. If the criminal still causes trouble in the jail, and if it is a crime punishable by the blows of light or heavy bamboo, she still may redeem (*shoushu*); if it is a crime punishable by penal servitude, she shall be incarcerated for another half a year; if it is a crime punishable by military exile or above, she shall be incarcerated for another year, then be released. If officials or jail guards abuse of her intentionally, the punishment shall be increased one degree according to the article on *Abuse of and Cruelty to Prisoners* (398.00). If the woman countercharges because her husband or a relative who is superior or older or her son was killed, she has doubt and charges, or she follows someone else's orders, but she has given the name behind the scenes, she may redeem once; if she does not give the

name after the falsely accusation, she shall be incarcerated according to this substature, when the term of three years completed, she shall be incarcerated or released after the situation is distinguished.

20.04

京城姦媒有犯誘姦、誘拐罪，坐本婦之案，如犯該軍流，俱實發各省駐防為奴。其罪止徒杖者，准其收贖。徒罪所得杖罪，即照婦女犯姦之例，一體的決，不准收贖。

If a wicked and evil broker seduces or kidnaps others in the capital city, and if it is a crime punishable by military exile, she shall receive actual penalty and become a slave; if it is a crime punishable by penal servitude or blows of heavy bamboo, she may redeem. For the blows of the heavy bamboo coming with penal servitude, she shall receive actual penalty, and it is forbidden to be redeemed, according to the substature on women committing illicit sex (Substatute 1.14).

20.05

婦女犯軍流等罪，除例載實發駐防為奴[按此應實發者]，及酌量監禁免其實發各條外[按此應監禁者見上條]，若係積匪、並窩留盜犯多名，及屢次行兇、訛詐，罪應外遣者，實發駐防給官兵為奴。罪應軍流者，准其收贖一次，仍詳記檔案；如不知悛改，復犯前罪，即行實發駐防，不准收贖。犯該徒罪以下者，仍准收贖，不得加重實發。

If a woman commits a crime punishable by military exile, besides the situations described in legal articles that require actual exile and being slave and those articles that require incarceration and exempt the criminal actual exile (Note: for those crimes that require incarceration, see the last substature), and if she is a recidivist and harbors several criminals or she commits violence crimes or extortion several times, she shall be actually exiled and become a slave. (Except these,) if she commits a crime punishable by military exile, she may redeem (*shoushu*) for the first time, which should be recorded carefully; if she does not show remorse and mend her ways and commits the same crime again, she shall be exiled actually and the redemption is forbidden; if she commits a crime punishable by penal servitude or below, she may still redeem (*shoushu*) and it is forbidden to increase the

punishment to actual penalty.

『律』 420.00 婦人犯罪

Statute 420.00 Women Committing Crimes

1 凡婦人犯罪除犯姦及死罪收禁外其餘雜犯責付本夫收管如無夫者責付有服親屬鄰里保管隨衙聽候不許一概監禁違者笞四十

In all cases in which women commit an offence, for fornication and capital crimes they shall be imprisoned; for all other miscellaneous crimes they shall be put in the charge of their husband for supervision. If the woman has no husband, she shall be put in the charge of her relatives within the degrees of mourning, or of the neighborhood for supervision. The women shall be held at the disposition of the yamen to be called [to appear]. It is forbidden to incarcerate [women] generally. Any violation of this rule shall be punished by 40 blows of the light bamboo.

2 若婦人懷孕犯罪應拷決者依上保管皆待產後一百日拷決若未產而拷決因而墮胎者官吏減凡鬥傷罪三等致死者杖一百徒三年產限未滿而拷決[致死]者減一等

If pregnant women commit crimes and should be interrogated or beaten, they shall be put in charge as above [para. 1]. They shall be interrogated or beaten 100 days after the delivery. If they are interrogated or beaten before the delivery and as a result they abort, the official or clerk shall be punished for injury in ordinary affray [Art. 302] reduced three degrees. If as a result death occurs, the penalty shall be 100 blows of the heavy bamboo and penal servitude for three years. If the interrogation or beating is administered after they have given birth (which results to the death of the women) but before the term [of 100 days] has passed, the penalty shall be reduced one degree.

3 若[孕婦]犯死罪聽令穩婆入禁看視亦聽產後百日乃行刑未產而決者杖八十產訖限未滿而決者杖七十其過限不決者杖六十

If (pregnant women) commit capital crimes, allow midwives to come to the prison and examine them. The penalty shall also be executed 100 days after the delivery. If the penalty is executed before the delivery, the offenders shall be punished by 80 blows of the heavy bamboo. If the penalty is executed after they have given birth but before the term [of 100

days] has passed, they shall be punished by blows of the heavy bamboo. If the penalty is not executed after the term has passed, they shall be punished by 60 blows of the heavy bamboo.

4 失者[失於詳審而犯者]各減三等[兼上文諸款而言如不應禁而禁笞一十懷孕不應拷決而拷決墮胎杖七十致死者杖七十徒一年半產限未滿而拷決致死者杖六十徒一年及犯死罪不應刑而刑未產而決者笞五十未滿限而決者笞四十過限不決者笞三十]

If [interrogation or beating is administered to the women] negligently, ([the punishment for the officials] who fail to make an investigation so that there is a violation of these rules) shall be reduced three degrees.

(This applies to all the situations described in the paragraphs. If [women] shall not be imprisoned, but they are imprisoned, the penalty will be 10 blows of the light bamboo. If the interrogation and beating induced abortion when this shall not be done, the penalty is 70 blows of the heavy bamboo. If death results, 70 blows of the heavy bamboo, and one and a half years of penal servitude. If the term [of 100 days after delivery] has not passed and the women are put to the interrogation and beaten, which result to death, the penalty is 60 blows of the heavy bamboo and one year of penal servitude. If women are condemned to death, and the punishment shall not be inflicted, but is inflicted, if she has not delivered and is executed, the penalty is 50 blows of the light bamboo. If the term [after delivery] has not expired and she is executed, the penalty is 40 blows of the light bamboo. If the delay expires and there is no execution of the penalty, the penalty is 30 blows of the light bamboo.)

條例 Substatute

420.01

未產拷決不墮胎及產限未滿拷決不致死者依不應輕律

If [the pregnant women] have not delivered and are put to the interrogation or beaten with no result of abortion, or if the term after birth has not elapsed and the women are put to the interrogation and beaten, and it does not result in death, (the officials or clerks) shall be sentenced to the lighter penalty in the [Art. 290] *[Doing] That Which Ought not to be Done*.

420.02

婦女有犯姦盜人命等重情及別案牽連身係正犯仍行提審其餘小事牽連提子姪兄弟代審如遇虧空累賠追贓搜查家產雜犯等案將婦女提審永行禁止違者以違制治罪

If women commit sexual offences, theft, homicide (*renming*) or other felonies, or women are the principal offender in some cases, the women shall still be interrogated; if women are involved in other minor matter cases, her sons, nephews, elder or younger brothers shall be interrogated instead. It is forbidden permanently to interrogate women if it is for confiscation of illegally obtained property or searching for property or other miscellaneous offences, (the officials or clerks) shall be punished according to [Art. 385] *Violating an Order*.

420.03

婦女除實犯死罪例應收禁者另設女監羈禁外其非實犯死罪者承審官拘提錄供即交親屬保領聽候發落不得一概羈禁

Only if women commit crimes punishable by actual death penalty, they shall be imprisoned according to laws, and there shall be women's prisons. Except this, after investigation and interrogation, female criminals shall be bailed, put in charge of her relatives for supervision and be held at the disposition to be sentenced. It is forbidden to incarcerate [women] generally.

420.04

凡擬徒收贖婦女除係案內緊要證犯仍行轉解質審外其經該州縣審訊明確毋庸解審者即交親屬收管聽候發落

The women who may redeem the penal servitude, only if they are important witnesses and shall be transferred under escort, interrogated and investigated, (shall be imprisoned; except that,) as long as the local governments (*yamen*) have investigated and confirmed that their crimes are clear and there is no need for more investigation, they shall be put in charge of her relatives and be held at the disposition to be sentenced.

420.05

斬絞監候婦女秋審解勘經過地方俱派撥官媒伴送其業經解勘一次情罪顯然無可改擬者下次即停其解審如有外省定擬情實可矜具題經九卿會核改擬緩決者次年

秋審核准無異亦即停其解審

When the female criminals who shall receive strangulation or beheading with delay, are transported by escort for autumn assizes, the local governments shall send official brokers as escort. If the women have been transported once, the circumstances and nature of the offences are clear and cannot be changed anymore, they may not be transported again. If the provincial governments propose that though circumstances deserve of a capital punishment, the female criminals are worthy of compassions, the Nine Chief Ministers verify and defer execution, and the Autumn Assizes in the second year also verify the situations without any doubt, it is permitted to stop transporting the women again.

420.06

犯婦懷孕律應凌遲斬決者除初審證據未確案涉疑似必須拷訊者仍俟產後百日限滿審鞫若初審證據已明供認確鑿者於產後一月起限審解其罪應凌遲處死者產後一月期滿即按律正法

For pregnant women who shall receive death penalty by slicing or immediate beheading, only if the evidence in the first trial is not strong enough, or there is still doubt about the case, then women may be interrogated and beaten; (except this), wait until 100 days after the delivery and then conduct the interrogation. If the evidence in the first trial is good enough, and the testimony is clear, the women should be transferred by escort one month after the delivery. If women shall receive death penalty by slicing, the penalty shall be executed one month after the delivery according to the law.

420.07

婦女犯該斬梟者即擬斬立決免其梟示

If women commit crimes punishable by beheading, even though the penalty shall be executed immediately, the women may avoid being beheaded publicly.

D: Articles on Human-trafficking in the *Great Qing Code*

『律』 275.00 略人略賣人

Statute 275.00 Kidnapping Persons or Kidnapping and Selling Persons

凡設方略而誘取良人[為奴婢]，及略賣良人[與人]為奴婢者，皆[不分首從、未賣]杖一百流、三千里；為妻妾、子孫者，[造意]杖一百、徒三年。因[誘賣不從]而傷[被略之]人者，絞[監候]；殺人者，斬[監候]，[為從各減一等]，被略之人不坐，給親完聚。若假以乞養過房為名，買良家子女轉賣者，罪亦如之。[不得引例。若買來長成而賣者，難同此律。]

In all cases of devising tricks and enticing and seizing persons of commoner status or kidnapping and selling persons of commoner status (as slaves), the offenders (without distinction between the principal and accessory and regardless of whether the person has been sold) shall all be punished by 100 blows of the heavy bamboo and life exile to 3,000 li. If [the offenders take the kidnapped persons] as wives, concubines, sons, or sons' sons, they shall be punished by 100 blows of the heavy bamboo and penal servitude for three years. If, because the persons who are kidnapped resist the aggression, the offenders injure (the victims), they shall be punished by strangulation (with delay); if they kill (the victims), they shall be punished by decapitation (with delay). The persons kidnapped shall not be punished and shall be returned to be reunited with their families. For those who, by using the pretext of raising and adopting [children] to have them change households, purchase persons' children of commoner status and then sell them, the penalty shall be the same. (It is not permitted to refer to the statutes. If [the victims] are bought [when they are young] but sold when they grow up, this statute cannot be applied.)

若和同相誘[取在己]，及[兩]相[情願]賣良人為奴婢者，杖一百、徒三年；為妻妾、子孫者，杖九十、徒二年半。被誘之人減一等，[仍改正給親]。未賣者，各減[已賣]一等。十歲以下，雖和亦同略誘法。[被誘略者不坐]。

In the case of enticing others [to agree to be taken into the offenders' households] or, with mutual agreement, selling persons of commoner status as slaves, the offenders shall be punished by 100 blows of the heavy bamboo and penal servitude for three years. If [the offenders take the victims] as wives, concubines, sons, or sons' sons, they shall be punished

by 90 blows of the heavy bamboo and penal servitude for two and one-half years. For the persons who are enticed, the penalty shall be reduced one degree. (Moreover, correct his status and return him to his own family). If the kidnapped persons are not yet sold, in each case the penalty shall be reduced one degree. If those who are enticed are 10 *sui* or younger, although they agree, the penalty shall be the same as that for kidnapping and enticing. (The one who is enticed and kidnapped shall not be punished.)

若略賣、和誘他人奴婢者，各減略賣、和誘良人罪一等。

For kidnapping, selling, or enticing others' slaves, in each case the penalty shall be reduced one degree from that for kidnapping, selling, or enticing persons of commoner status.

若略賣子孫為奴婢者，杖八十；弟妹及姪、姪孫、外孫，若己之妾、子孫之婦者，杖八十、徒二年。[略賣]子孫之妾，減二等。同堂弟妹、堂姪及姪孫者，杖九十、徒二年半。和賣者減[略賣]一等；未賣者又減[已賣]一等。被賣卑幼[雖和同，以聽從家長]不坐，給親完聚。

For those who kidnap and sell [their own] sons or sons' sons as slaves, they shall be punished by 80 blows of the heavy bamboo. [For kidnapping and selling their own] younger brothers, younger sisters, brothers' sons, brothers' sons' sons, daughters' sons, [the offenders'] own concubines, sons' wives, or sons' sons' wives, the penalty shall be 80 blows of the heavy bamboo and penal servitude for two years. [For selling and kidnapping] sons' concubines or sons' sons' concubines, the penalty shall be reduced two degrees. [For kidnapping and selling] father's brothers' sons or daughters who are younger than the offenders, father's brothers' sons' sons, or father's brothers' sons' sons' sons, the penalty shall be 90 blows of the heavy bamboo and penal servitude for two and one-half years. If these relatives are sold by consent, the penalty shall be reduced one degree; if they are not yet been sold, then again reduce the penalty (for the completed sale) one degree. The inferior or younger relatives who are sold (although they have agreed [to the sale], but [has done so] on the basis of obeying and following the head of the household) shall not receive any punishment. Return the victims to their families to be reunited with it.

其[和略]賣妻為婢，及賣大功以下[尊卑]親為奴婢者，各從凡人和略法。

For those who sell wives (with her agreement or by kidnapping) as slaves, or who sell

(superior or inferior) relatives of the third mourning degree or more distant as slaves, in each case they shall be punished according to the law on enticing or kidnapping ordinary persons.

若[受寄所賣人口之]窩主，及買者知情，並與犯人同罪，[至死減一等]。牙保各減[犯人]一等，並追價入官。不知者，俱不坐，追價還主。

If those who (are entrusted to receive, hold and) harbor the persons who are sold, and the buyers know the circumstances, they shall be punished by the same penalty as that for the offenders (up to death which is reduced one degree). The broker-guarantors will have the penalty reduced (from that of the principal offenders) one degree; and the prices shall be forfeit to the government. For those who do not know the circumstances, in both cases they shall not be punished; and the prices shall be returned to the owners.

條例 Substatute

275.02

凡誘拐婦人子女，或典賣，或為妻妾子孫者，不分良人奴婢、已賣未賣，但誘取者，被誘之人若不知情，為首擬絞監候，為從杖一百、流三千里，被誘之人不坐。如拐後被逼成姦，亦不坐。若以藥餅及一切邪術迷拐幼小子女，為首者絞立決，為從發極邊足四千里充軍。其和誘知情之人，為首者亦照前擬軍，為從及被誘之人，俱減等滿徒。若雖知拐帶情由，並無和同誘拐，分受贓物，暫容留數日者，不分旗民，俱枷號兩個月發落。有服親屬犯者，分別有無姦情，照例科斷。婦人有犯，罪坐夫男。夫男不知情，及無夫男者，仍坐本婦，照例收贖。

In all cases of the abduction of women, (other people's) sons or daughters, no matter whether (the victims) are from commoner status or debased, sold or not, and no matter whether selling (the victims) to others or being his wife or offspring, as long as the abduction crime consummates, if the one who is abducted does not know of the situation, the principle offenders shall be strangled after the assizes, and accessories shall receive 100 blows of the heavy bamboo and life exile at a distance of 3,000 *li*; those being abducted shall not be punished; even if the woman is forced to commit illicit sex, she also shall not be punished. If the young kids are enticed by drugs or all kinds of sorcery, the penalty for the principal offenders shall be strangulation to be executed immediately, the accessories

shall be sentenced to military exile to the extreme frontier (4,000 *li*). In the case of enticing people who know the circumstances, the principal offenders shall be punished by military exile on the basis of the former sentence; the accessories and the people who are enticed should be reduced to the highest degree of penal servitude. If the people know the circumstances harbor the people for several days, but do not participate in abduction and share illegally obtained property, no matter whether they are Bannermen and civilians, they shall wear the cangue for two months. If the relatives within the degrees of mourning commit the abduction, distinguished by whether there is illicit sex or not, they shall be punished on the basis of statutes. If women commit abduction, their husbands and sons shall be punished instead; if the husbands and sons do not know the circumstances or the women do not have husbands or sons, the women shall be punished and may redeem according to the statutes.

275.03

凡夥衆開窩，誘取婦人子女，藏匿勒賣，事發者，不分良人奴婢、已賣未賣，審係開窩情實，為首照光棍例擬斬立決，為從發黑龍江，給披甲人為奴。

In all cases where a group of people open brothels, entice women and children, and hide them for sale, no matter whether they are commoner status or slaves, the victims have been sold or not, as long as the circumstance of opening brothels are true, the principles on the basis of statute (275.07) on “Rootless Rascals” shall be sentenced to immediate beheading, the accessories shall be exiled to Heilongjiang as slaves for soldiers.

275.05

凡外省民人有買貴州窮民子女者，令報明地方官，用印准買，但一人不許買至四五人，帶往外省。仍令各州縣約立官媒，凡買賣男婦人口，憑官媒詢明來歷，定價立契，開載姓名、住址、男女、年庚，送官鈐印。該地方官預給循環印簿，將經手買賣之人登簿，按月繳換稽查。倘契中無官媒花押，及數過三人者，即究其略賣之罪。倘官媒通同棍徒興販，及不送官印契者，俱照例治罪。至來歷分明，而官媒掊索，許即告官懲治。如地方官不行查明，將苗民男婦用印賣與川販者，照例議處。至印賣苗口以後，給與路照，填註姓名、年貌，關汛員弁驗明放行。如有兵役留難勒索，及受賄縱放者，俱照律治罪，該管員弁分別議處。

in all cases where people from other provinces who buy kids from poor families in Guizhou Provinces, shall report the cases to local officials who may give permission with seals to buy persons; but every person is not permitted to buy more than four or five person and take them to other provinces. Every department and county shall set up official brokers, in all cases where buy and sell men and women, the official broker shall check the background of the persons, make contracts with names, addresses, genders, and ages, and send the documents to officials for seals. The local official shall prepare rosters, and the persons who handle the sales shall be registered in the rosters, and the persons in the rosters shall be checked on a monthly basis. If there is no signature of official brokers on the contracts, and if one person sells or buys more than three persons in one month, those shall be punished on the basis of the crime of kidnapping persons. If the official brokers communicate with the villains or they do not send the contracts to have official seals, the brokers shall be punished by on the basis of statutes. If the background of people is clear, but the official brokers extort, it is permitted for those who buy or sell persons to sue in the court. If local officials do not find out the facts, but apply seals to allow to sell Miao men and women to Sichuan traffickers, they shall be punished on the basis of statutes. When the procedure of applying seals and selling Miao people completes, people shall be given passes with names, ages and appearance, the officers in the passes shall verify and release these persons. If there are soldiers to detain or extort them, or accept bribes to release them illegally, the soldiers shall be punished on the basis of statutes, and the military officers of higher and lower ranks shall be punished separately.

275.06

凡窩隱川販，果有指引捆拐，藏匿遞賣確據者，審實，照開窩為首例，同川販首犯，皆斬立決，在犯事地方正法。其無指引捆拐遞賣情事，但窩隱護送分贓者，不論贓數，不分首從，俱發近邊充軍。其止知情窩留，未經分贓者，無論人數多寡，為首者杖一百、流三千里，為從杖一百、徒三年。其鄰佑知而不首者，杖一百。

In all cases where people who harbor Sichuan traffickers, if they guide the traffickers and take part in binding, hiding and selling persons, and if the evidence is enough, after making

a determination of the facts, they shall be punished on the basis of the statute (275.03) on opening brothels, together with the principal Sichuan traffickers, they shall be punished to immediate beheading and it shall be executed in the place where the offense happens. For those who harbor, escort Sichuan traffickers and share illegally obtained property, but never take part in guiding, binding, enticing and selling, they, no matter how much they share and without distinction between the principal and accessory, shall be punished by (military exile to the) near frontier (2,500 *li*). For those who know the circumstances and harbor the traffickers, but do not share illegally obtained property, the principals, no matter how many persons they harbor, shall receive 100 blows of the heavy bamboo and exile to 3000 *li*, the accessories shall receive 100 blows of the heavy bamboo and penal servitude of three years. For those neighbors who know the circumstances but do not report to the court, they shall receive 100 blows of the heavy bamboo.

275.07

貴州、雲南、四川地方民人，誘拐本地子女在本省售賣，審無勾通外省流棍情事，仍照誘拐婦人子女本例分別定擬。如捆綁本地子女在本地售賣，為首擬斬監候，為從發近邊充軍。

Civilians from Guizhou, Yunnan and Sichuan, who entice and sell kids in the province, and there is no collusion with villains from other provinces, shall be punished according to the statute (275.02) on abducting women, sons and daughters. For those who bind local kids and sell them in the local places, the principal shall be beheaded with delay and the accessories shall be punished by military exile to the near frontier (2,500 *li*).

275.08

凡貴州地方有外來流棍勾通本地棍徒，將荒村居民苗人戶殺害人命，虜其婦人子女，計圖販賣者，不論已賣未賣，曾否出境，俱照強盜得財律，不分首從皆斬，梟示。其有迫脅同行，並在場未經下手，情尚可原者，於疏內聲明，減為擬斬監候，請旨定奪。至殺一家三人以上者，仍從重定擬。其用威力強行綁去，及設方略誘，往四川販賣，不論已賣未賣，曾否出境，為首者擬斬立決，為從者擬絞監候。其有將被拐之人傷害致死者，除為首斬決外，為從者擬斬監候。若審無威力捆縛，及設計強賣，實係和同誘拐往川者，不論已賣未賣，但起行在途，為首者

擬絞監候，為從者杖一百、流三千里。被誘之人，仍照例擬徒。其窩隱川販在家，果有指引殺人捆虜，及勾通略誘和誘子女，藏匿遞賣者，審實，各與首犯罪同。其無指引勾串等情，但窩隱護送分贓，與僅知情窩留而未分贓者，仍照舊例分別定擬。雲南、四川所屬地方，如有拐販捆虜等犯，亦照貴州之例行。(下略)

In all cases where the roving villains from other places collude with local villains of Guizhou, kill the Miao people living in desolate villages, kidnap the women and children, and plot to sell the persons, no matter whether they are sold or not, whether they leave the place or not, without distinction between the principal and accessory, the offenders shall be punished by beheading immediately and publicly on the basis of Statute (266.00) on *Theft with Force*. For those who are forced to join the criminal teams and do not participate in the crime, though present in the scene of crime, the officials shall state the pardonable circumstances in the memorials and reduce the penalty to beheading with delay, to ask the imperial edicts to make the decisions. For those who kill three persons from the same family, they shall be punished in accordance with the heavier penalty. If the offenders forcibly tie up the victims, or devise tricks and entice people to sell in Sichuan, no matter whether the persons have been sold or not, whether they have left the province or not, the principals shall be sentenced to immediate beheading, the accessories shall be punished by strangulation after the assizes. If the victims are injured, which results in death, in addition to the principals who shall be sentenced to immediate beheading, the accessories shall be sentenced to beheading with delay. If there is no tying, or other forces, or tricks to sell persons by force, and it is indeed by mutual agreement to sell persons to Sichuan, no matter whether the persons have been sold or not, as long as they are on their way, the principals shall be sentenced to strangulation after the assizes, the accessories shall be punished by 100 blows of the heavy bamboo and exile to 3000 *li*; those who are enticed shall be sentenced to penal servitude on the basis of the statute. For those who harbor Sichuan traffickers at home, if they guide the traffickers to kill and tie up persons, or collude to kidnap, hide and sell kids, after making a determination of the facts, the penalty is the same as the principals. For those who do not guide or collude with the traffickers but harbor, escort and share the illegally obtained property, or those who know the circumstances and

harbor them, but do not share illegally obtained property, they should be sentenced on the basis of the old statutes. In Yunnan and Sichuan, if there are crimes such as enticing and kidnapping persons, the penalty is the same as those in Guizhou. [sentence omitted]

275.09

凡流棍販賣貴州苗人，除本犯照例治罪外，其知情故買者，照違制律杖一百，仍將苗人給親收領。

In all cases where the roving villains traffic the Miao people from Guizhou, the offenders shall be punished by the statute (275.08); for those who know the circumstances, they shall receive 100 blows of the heavy bamboo on the basis of the statute Violating Imperial Edicts, and the Miao persons shall be collected by their relatives.

275.12

興販婦人子女，轉賣與他人為奴婢者，杖一百、流三千里。若轉賣與他人為妻妾子孫，杖一百、徒三年，為從各減一等。地方官匿不申報，別經發覺，交部議處。

For those who sell women and kids to others as slaves, they shall be punished by 100 blows of the heavy bamboo and exile to 3000 *li*; for selling to others as wives, concubines, or offspring, the principals shall be sentenced to 100 blows of the heavy bamboo and penal servitude of three years, the penalty for accessories shall be reduced one degree. If the local officials do not report the cases, when the case is detected, the Ministry of Personnel shall propose a provisional sentence to them.

275.15

凡姦夫誘拐姦婦之案，除本夫不知姦情，及雖知姦情而迫於姦夫之強悍，不能禁絕，並非有心縱容者，姦夫仍依和誘知情為首例擬軍，姦婦減等滿徒。若係本夫縱容抑勒妻妾與人通姦，致被拐逃者，姦夫於軍罪上減一等，杖一百、徒三年；姦婦及為從之犯再減一等，杖九十、徒二年半。本夫本婦之祖父母、父母縱容抑勒通姦者，亦照此例辦理。

In all the cases where the adulterers entice the adulteresses, and if the husbands of the adulteresses do not know the affairs, or if the husbands know the affairs but are forced by the fierce adulterers and cannot stop it, and the husbands are not deliberately tolerate the adultery, the adulterers shall be sentenced to military exile on the basis of the principals in

the substatute (275.02) “enticing people who know the circumstances,” and the penalty to the adulteresses shall be reduced one degree to the highest degree of penal servitude. If the husbands facilitate and tolerate the wives or concubines to commit adultery with others, which results in abduction, the penalty for the adulterers shall be reduced one degree to 100 blows of the heavy bamboo and penal servitude of three years, the penalty for the adulteresses and the accessories shall be reduced one more degree to 90 blows of the heavy bamboo and penal servitude of two and half years. The paternal grandparents or parents of the husbands or wives who facilitate and tolerate adultery, shall also be sentenced on the basis of this substatute.

