

FOUR RARE STATUTORY COMPILATIONS OF THE EARLY CH'ING DYNASTY*

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Even in its first century of rule the Ch'ing dynasty had published numerous statutory works, official and private. These works are essential to an understanding of the functions, rules, and operational procedures of various offices in the early Ch'ing central government. More important, they provide insight into the judicial, legal, and social institution of traditional China. Indeed, no student of traditional Chinese institutions, especially Ch'ing, could afford to neglect these statutory compilations.

In a short article, however, one can only evaluate a few of the early Ch'ing statutory works. This paper will focus on four such collections compiled during the K'ang-hsi and Yung-cheng periods (1661-1722; 1723-1735). Pertaining to the K'ang-hsi reign are the *Liu-pu t'i-ting hsin-li* 六部題定新例 (The Newly Endorsed Sub-statutes of the Six Boards) and the *Liu-pu tsê-li ch'üan-shu* 六部則例全書 (A Complete Collection of the Sub-statutes of the Six Boards). The two others, the *Pên-ch'ao chêng-chih ch'üan-shu* 本朝政治全書 (The Complete Work on the Political Administration of the Ch'ing Dynasty) and the *Liu-pu tsê-li hsin-pien* 六部則例新編 (A New Compilation of the Sub-statutes of the Six Boards), concern the Yung-cheng period.

The above compilations are selected for discussion because of two reasons. First, they covered the sub-statutes of the K'ang-hsi and Yung-Cheng reigns, a crucial period in Ch'ing history. It was under the K'ang-hsi Emperor that the Ch'ing dynasty effectively consolidated its rule over China by defeating challenges both from within and from without.¹ During the Yung-cheng reign the Ch'ing regime was able to extend its authority to every corner within the empire, even to the non-Han ethnic minority groups in the interior of Southwest China. It was

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1. The Revolt of the Three Feudatories (*San-fan* 三藩) was a serious challenge to the Ch'ing regime from 1673 to 1681. With Taiwan as their base, Chêng Ch'eng-kung 鄭成功 (1624-1662) and his successors formed another challenge between 1661 and 1683. The Russians challenged the Ch'ing dynasty from the Amur River and the disputes were finally settled by the Treaty of Nerchinsk in 1689.

an era of political stability and economic prosperity.² The sub-statutes of the K'ang-hsi and Yung-cheng reigns laid the foundations for the rest of Ch'ing rule, and therefore deserve our attention.

Second, the four statutory compilations are rare documents not generally available to the public. For instance, the *Chung-kuo fa-chih shih shu-mu* 中國法制史書目 (An Annotated Bibliography of Chinese Legal History) is a 3-volume work by Chang Wei-jên 張偉仁, published in 1976 by the Academia Sinica of the Republic of China. It extensively covers the Chinese materials attainable in Taiwan, but none of the four books is on the list.³ In 1957 Chinese scholars on the Mainland published the *Chung-kuo fa-chih shih ts'an-k'ao shu-mu chien-chiai* 中國法制史參考書目簡介 (A Brief Introduction to the Reference Books on the History of the Chinese Legal System). It lists three of the four statutory compilations, but not the *Pên-ch'ao chêng-chih ch'üan-shu*.⁴ Apparently the accessibility of these books in Mainland China is limited. In all likelihood, they are not included in the Sinological collections in Japan.⁵ Students of Ch'ing studies in the United States should feel gratified, however, that these four compilations are available in the Far Eastern Law Division, Library of Congress. Certainly this rarity enhances the importance of the four statutory books. It is hoped that a critical examination of their nature and uses will be helpful to scholars.

For a better understanding of the subject it is perhaps necessary to discuss the formulating of the early Ch'ing statutes and sub-statutes. One may conveniently divide their development into two stages, formative and mature, with the conquest of China in 1644 as the dividing line. Before their unification by Nurhaci 努兒哈赤 (1559-1626), the Manchus were governed by a conglomeration of customs and habits. At first Nurhaci also followed these practices. With the expansion of his conquered population, the old customs and habits were no longer serviceable for administrative purpose. They needed supplementaries and reinterpretations. Many of the injunctions and orders given by Nurhaci attested to such a need, and some Chinese statutes seem to have been adopted to facilitate his

2. The Yung-cheng Emperor suppressed factionalism in officialdom, transformed both the aristocracy and the bureaucracy, and reformed the taxation system. For details, see my *Autocracy at Work: A Study of the Yung-cheng Period, 1723-1735* (Indiana University Press, 1974).
3. In addition, Professors and Mrs. Tung-kuei Kuan 管東貴 kindly verified this after checking for me the libraries of their institutions, Academia Sinica and National Taiwan University.
4. This bibliography was edited by the Bureau of Legal Affairs, State Council, People's Republic of China, and published in Peking (228 p.). For the three works included in it, see the same book, pp. 112-113. One of the three books, *Liu-pu tsê-li ch'üan-shu* appears as *Pên-ch'ao tsê-li ch'üan-shu* 本朝則例全書 (A Complete Collection of Sub-statutes of the Ch'ing Dynasty), only in 16 volumes.
5. For instance, *Naikaku bunko kanseki bunrui mokuroku* 內閣文庫漢籍分類目錄 (A Classified Catalogue of Chinese Books in the Japanese Cabinet Collection) (Tokyo, 1956, 598 p.) does not list any of the four compilations.

rule.⁶ But he failed to codify them.

During the reign of Hong-taiji 皇太極 (r. 1626-1643), Nurhaci's successor, the need for statutes became even more urgent because the small Manchu regime had developed into a powerful state. In 1631 Hong-taiji founded the Six Boards (*Liu-pu* 六部) as his major ruling machinery. About the same time he sponsored the translation of the penal code from the *Ta-Ming hui-tien* 大明會典 (Collected Statutes of the Ming Dynasty) into Manchu. Finally there was the publication of the *Shêng-ching ting-li* 盛京定例 (Regulations Issued in Mukden), which, one may assume, carries certain elements of the Ming statutes.⁷ This was the first Manchu statutory compilation and the most significant development of early Ch'ing legal institutions during the formative period.

The early Ch'ing statutes grew to maturity after 1644. The Shun-chih Emperor (r. 1644-1661) organized his administrative machinery after the Ming government. He appointed many Chinese officials—to name just a few, Fêng Ch'üan 馮銓 (1595-1672) and Kung Ting-tzu 龔鼎孳 (1616-1673)—who were familiar with the Ming statutes. This created a situation which needed more detailed statutory books and resulted in some publications. One of such compilations was the *Ta-Ch'ing lü* 大清律 (The Great Ch'ing Code) of 1646, largely a copy of the Ming Code, as a recent study points out.⁸ After revisions it appeared in 1729 as *Ta-Ch'ing lü chi-chiai fu-li* 大清律集解附例 (Great Ch'ing Code with Collected Commentaries and Appended Sub-statutes), the first Ch'ing Code which combined statutes and sub-statutes.⁹

6. For instance, some of his injunctions and orders in December of 1615 concerned military affairs, disciplinary matters, and the conduct of officials. In the meantime, he appointed officials to take charge of judicial matters. See Kuang Lu 廣祿 and Li Hsieh-chih 李學智, *Ch'ing T'ai-tsu ch'ao lao Man-wên yüan-tang* 清太祖朝老滿文原檔 (Records on Nurhaci's Reign from the Original Old Manchu Archives), (Taiwan, 1970), pp. 44-50. For a study on the judicial institution under Nurhaci, see Oshibuchi Hajime 鴛淵一, "Shin Taiso jidai keisei kō" 清太祖時代刑政考 (The Criminal Law of the Time of Ch'ing T'ai-tsu) in *Haneda hakushi shōju kinen Tōyōshi ronsō* 羽田博士頌壽紀念東洋史論叢 (Asiatic studies in Honor of Toru Haneda on the Occasion of His Sixtieth Birthday), (Kyoto, 1950), pp. 321-352.

7. For Hong-taiji's sponsorship of the translation and publication, see Liu Ching-hui 劉景輝, *Man-chou fa-lü chi-ch'i chih-tu chih yen-pien* 滿洲法律及其制度之演變 (The Manchu Law and Its Institutional Evolution) (Taiwan, 1968), pp. 50-51. For a general study of the judicial system under Hong-taiji, see Oshibuchi Hajime 鴛淵一, "Shin Taisō jidai keisei kō" 清太宗時代刑政考 (The Criminal Law at the Time of Ch'ing T'ai-tsung), *Jimbun kenkyū* 人文研究 2.11:1-32 (November 1931). The *Shêng-ching ting-li* is perhaps, as Kanda Nobuo 神田信夫 mentions, "a certain hui-tien of which the nature is not obvious." See his "Shinsho no kaiten ni tsuite" 清初の會典について (The Hui-tien 會典 in the Early Ch'ing Dynasty) in *Wada hakushi koki kinen tōyōshi ronsō* 和田博士古稀紀念東洋史論叢 (Oriental Studies Presented to Sei Wada in Celebration of His Seventieth Birthday) (Tokyo, 1960), pp. 337-348.

8. See Derk Bodde and Clarence Morris, *Law in Imperial China* (Cambridge, Mass., 1967), pp. 60 and 65.

9. For its contents and revisions, see *ibid.*, 57 and 66. For its completion, see *Ta-Ch'ing li-ch'ao shih-lu* 大清歷朝實錄 (Veritable Records of Successive Reigns of the Ch'ing Dynasty) (Taipei, reprint in 1964), Yung-cheng Reign, 76: 11b, dated 6/12/20.

Another example of the statutory publications during the Shun-chih era was the *Li-pu t'i-chüin kêng-ting k'o-ch'ang t'iao-li* 禮部題准更定科場條例 (Regulations on Examinations Revised by the Board of Rites and Sanctioned by the Throne). See *Chung-kuo fa-chih shih ts'an-k'ao shu-mu chien-chiai*, p. 131.

Under the K'ang-hsi Emperor the Ch'ing government completed in 1690 the *Ta-Ch'ing hui-tien* 大清會典 (Collected Statutes of the Ch'ing Dynasty), the first comprehensive Ch'ing statutory compilations. Revised and enlarged in 1732, 1746, 1818 and 1899, this work has five editions altogether. The last three editions are each accompanied with voluminous sub-statutes (*tsê-li* 則例) or precedents (*shih-li* 事例) and are hence the most comprehensive of their kind.¹⁰ The above discussion sufficiently demonstrate that after 1644 the early Ch'ing statutes reached maturity.

The publication of the *Ta-Ch'ing hui-tien* encouraged more official and private compilations of the early Ch'ing statutes and sub-statutes. Almost every major office in the Ch'ing central government such as the Six Boards, the Office of the Imperial Household (*Nei-wu fu* 內務府), and the Imperial Clan Court (*Tsung-jên fu* 宗人府) published its regulations and commands as operational guides.¹¹ Even the subunits of each major office also provided its special rules. For example, the Board of Civil Appointments (*Li-pu* 吏部) operated according to the *Ch'in-ting Li-pu tsê-li* 欽定吏部則例 (Sub-statutes of the Board of Civil Appointments) in various editions, one of which was published in the Chia-ch'ing 嘉慶 period (1796-1820), with 49 volumes. In turn, the Board's major departments published their own regulations. One of such departments was the Department of Grants (*Yen-fêng ssü* 驗封司) in charge of the bestowal of titles, presents, and privileges on officials, and also on headmen of the non-Han ethnic minority groups in China's interior. It published the *Ch'in-ting Li-pu yen-fêng ssü tsê-li* 欽定吏部驗封司則例 (Regulations and Precedents of the Department of Grants, Board of Civil Appointments).¹² Since the second half of the eighteenth century many provincial governments reproduced in the book form certain sub-statutes and regulations received from the central government.¹³ This further enriched the official publications of Ch'ing statutes.

Many early Ch'ing statutory compilations available today were edited and printed largely as private projects by individual government officials or their advisors, especially those at the provincial level. These projects became possible and prospered for two reasons. First, the Ch'ing dynasty was highly centralized. Local and provincial administrators were mainly the agents to carry out whatever

10. The 1764, or Ch'ien-lung 乾隆, edition contains 100 chüan 卷 of statutes and 180 chüan of sub-statutes. The Chia-Ch'ing 嘉慶, or 1818, edition has 80 chüan of statutes, 132 chüan of illustrations, and 920 chüan of sub-statutes. The last, or Kuang-hsi 光緒, edition, covers altogether 1220 chüan of statutes, sub-statutes, and so on. For a brief discussion of the compilations of the *Ta-Ch'ing hui-tien*, see Momose Hiromu 百瀬弘, "Dai Shin kaiten no hensan ni kansuru ichi kōsatsu" 大清會典の編纂に關する一考察 (A Study of the compilation of the *Ta-Ch'ing hui-tien* 大清會典), *Tōho Gakuhō, Tokyo* 東方學報, 東京 (Journal of Oriental Studies), 11.2:360-369 (March 1940).

11. For example, *Tsung-kuan nei-wu fu hsien-hsing tsê-li* 總管內務府現行則例 (Current Sub-statutes of the Imperial Household), comp. by Wên-pi 文璧 *et al.*, (Peiping Palace Museum, 1937, 7 vols.).

12. It had several editions, one of which was published in 1826, with 6 chüan in 4 volumes.

13. For a detailed discussion, see Fu-mei Chang Chen, "Provincial Documents of Laws and Regulations in the Ch'ing Period," *Ch'ing-shih wen-ti* 3.6:28-48 (December 1976).

the central government had ordered. And only the top officials at each administrative level enjoyed some authority and were responsible to the next higher office. Because of this tradition, the official statutory works were made accessible to very few administrators in the central and provincial governments. For example, in the provincial government only the governor had the privilege to receive a copy of the *Ta-Ch'ing hui-tien* after its publication in 1690.¹⁴ Besides, the official statutory compilations were generally multi-volume works, which created difficulties for printing and circulation. Therefore, the private projects became important to provide more copies of statutory compilations in cheaper edition, or in condensed version, or in both, for the convenience of administrators.

Second, the official Ch'ing statutory works had two intrinsic weaknesses, which called for the private projects. For one thing, the official statutory books had to undergo a tedious procedure from compiling to publishing. The 1732 edition of the *Ta-Ch'ing hui-tien* was completed in 10 years; the 1764 and 1899 editions each took 21 years to complete.¹⁵ Owing to this tediousness, it is almost impossible to keep the statutes up-to-date. For another, many provisions of the Ch'ing statutes were put in rather terse language, which resulted in vagueness. Meanwhile, despite their close relationship, many clauses were interspersed, and the scattered items created confusion when they were applied to actual cases. Free from the irksome process, the private projects could add new regulations to the old compilations, clarify the vague provisions, and combine the related clauses, without having to recompile the whole thing.¹⁶ In consequence, they brought about new, handy, and yet broadly covered copies of sub-statutes, with wider circulation. Because of their advantages over the official publications they remained prosperous to the end of the Ch'ing dynasty.

The four early Ch'ing statutory compilations to be discussed in this paper were the product of the private projects. Although in many ways they differ from each other, they share some common points. They were chiefly administrative guides, deriving materials from various official statutory works, the *Peking Gazette*, and other pertinent sources. On the whole, the four compilations are essentially a subject treatment, with data first divided into six major subjects after the Six Boards and then subdivided into topics. Each topic forms a unit of its own and within a topic the materials are arranged in a chronological order. Thus the user is assured the greatest convenience. In the beginning the four compilations were not rare works, but for two reasons they finally became so. First, they faded out

14. See the preface to the *Pên-ch'ao chêng-chih ch'üan-shu*. But one may believe that the governors-general should have the same privilege.

15. The 1690 edition of the *Ta-Ch'ing hui-tien* was completed in 12 years; the 1899 edition in 18 years. For the length of time each edition took for completion, see the table in Momose Hiromu's article, p. 365.

16. See discussion on the *Pên-ch'ao Chêng-chih ch'üan-shu* below, especially on pp. 243 and 245.

when new statutory books continued to be published. Second, most of their copies were lost in the political and social upheavals during the last century of the dynasty. Either factor would suffice to make them rare.

Of the four statutory compilations, the *Liu-pu t'i-ting hsin-li* (hereafter *T'i-ting hsin-li* 題定新例) was the earliest. It is a composite work of sub-statutes, penal rules, and miscellaneous matters. The sub-statutes consist of three consecutive issues by different compilers. The first issue was completed in 1670, containing a foreword by Kung Ting-tzu, then the president of the Board of Rites. For this foreword, he was mistaken by the Library of Congress as the compiler of the entire work. The true compiler of the first issue was P'an Ching 潘敬 (T. 餐玉).¹⁷ Although no source reveals his biographical information, he was presumably a personal advisor of a provincial administrator. By an unknown compiler, the second issue covers the data for the years 1670-1673. Also of obscure authorship, the third issue appeared about mid-1678 or shortly after. It added the sub-statutes for the years 1673-1678 to the earlier issues. These three parts form the main body of the whole work.

The penal rules in the *T'i-ting hsin-li* were a revised and abridged version of those operative in the Six Boards since 1670. With imperial sanction in 1676, the new version was entitled *Ch'in-tin shan-fan ts'ung-chien ch'u-fên tsê-li* 欽定刪繁從簡處分則例 (Penal Rules of the Six Boards, Revised and Abridged). It was originally an official publication, but the book was made, perhaps by the publisher or another compiler, a subordinate entity to the *T'i-ting hsin-li*. The miscellaneous part of the *T'i-ting hsin-li* appears as three long appendices. They include various tax forms, details concerning the inauguration of office, and materials regarding public announcements and stipulations. The appendices were apparently prepared for the novice administrators. Although of diverse origins, these sub-statutes, penal rules, and miscellanea were put together about 1678 by Wan-yü chai 宛羽齋, Peking, in one work of 20 volumes (*tsê* 冊).¹⁸

In short, the *T'i-ting hsin-li* mainly covers the data for the first 17 years (1662-1678) of the K'ang-hsi reign. It focuses not only on the regulations of individual boards but on those concerning interboard relations. For example, transportation was connected with the courier service of the Board of War while taxation was the function of the Board of Revenue. Hence, matters concerning the transportation of grain or the transfer of tax money were entered under both boards. Many other features of the *T'i-ting hsin-li* will be discussed when compared with the *Liu-pu tsê-li ch'üan-shu* because these two compilations fall into the same sub-category.

17. P'an's authorship is also supported by the editors of the *Chung-kuo fa-chih shih ts'an-k'ao shu-mu chien-chiai*, p. 113.

18. But the Library of Congress lists the year 1673 as the book's publication date. Of the 20 volumes, the first 13 volumes contain the sub-statutes. The abridged penal rules are in volumes 14-17; the last three volumes cover the three appendices.

The *Liu-pu tsê-li ch'üan-shu* (hereafter *Liu-pu tsê-li* 六部則例) was compiled by Ohai 鄂海 (d. 1725) of the Manchu Boarded White Banner. A very successful member of the relatively obscure clan named Undu 溫都, he started his official career as a drafter of the Grand Secretariat (*Nei-ko chung-shu* 內閣中書). He spent most of his official life in the provincial government and reached the governor-generalship.¹⁹ Since being appointed the judicial commissioner (*An-cha shih* 按察使) of Shensi province in 1697 he had begun to collect information for the book, which he prefaced in 1716. But a careful examination of the content discovers an imperial decree dated as late as November 1718.²⁰ One may conclude, therefore, that after 1716 somebody else added material to the work. Originally in 16 volumes, the compilation now is composed of 40 volumes, of which 30 volumes cover the sub-statutes while the rest the penal rules.²¹ This may further prove that the book was enlarged after 1716.

The *Liu-pu tsê-li* and the *T'i-ting hsin-li* may be compared in many respects. Because both compilations cover the period 1662-1678, some of their data are identical, except few wording changes.²² In some cases the *T'i-ting hsin-li* provide more details about regulations that also appear in its counterpart. Under the sub-heading "Granaries and Treasuries" (*Ts'ang-k'u* 倉庫), for instance, the *T'i-ting hsin-li* contains a long document about the punishment for scholars who refused to pay their taxes, but the other compilation only keeps a greatly simplified version of the regulation.²³ The *T'i-ting hsin-li* even preserves some material not available in Ohai's work. One of such rare data is found in the section entitled "Reductions and Reinstatements of Office" (*Ts'ai-fu* 裁復), which records 11 reductions and 2 reinstatement.²⁴ In addition to the years 1662-1678, the *T'i-ting hsin-li* covers some sub-statutes of the Shun-chih period, but the compilation by Ohai is devoted exclusively to the K'ang-hsi reign.

To examine the balance sheet closely, one may notice the advantages of the

19. *Man-chou Ming-ch'ên chuan* 滿洲名臣傳 (Biographies of Eminent Manchu Officials), ed. Ch'ing-shih kuan 清史館, (Chin-hsiang 巾箱 ed.), ch. 24, "Ohai," pp. 38-44.
20. See the two edicts dated 57/9 of the K'ang-hsi period, under the topic "Chien-ho" 薦劾 (Recommendation and Impeachment) in *Liu-pu tsê-li ch'üan-shu* (n.p., prefaced in 1716, hereafter *Liu-pu tsê-li*), Vol. 32, p. 43.
21. According to Ohai's preface, the first 12 volumes were for the sub-statutes and the last 4 volumes for the penal rules. This is also supported by *Chung-kuo fa-chih shih ts'an-k'ao shu-mu chien-chiai*, pp. 112-113. But Ma Fêng-ch'un 馬奉琛 mentions that the book has only 6 volumes. See his *Ch'ing-tai hsing-ch'eng chih-tu yen-chiu ts'an-k'ao shu-mu* 清化行政制度研究參考書目 (Bibliography for Research on the Administrative System of the Ch'ing Dynasty), (Peiping, 1935), p. 52.
22. See *Liu-pu tsê-li*, Vol. 1, "*Hsüan-fa*" 選法 (System of Appointment) under the Board of Civil Appointments, p. 7. Cf. *T'i-ting hsin-li*, Vol. 1, "*Hsüan-fa*," under the Board of Civil Appointments, p. 1.
23. See the sub-heading "K'ang-liang ch'u-fên" 抗糧處分 (Penalty for Resistance to Taxation) under the section on the Board of Punishment, *T'i-ting hsin-li*, Vol. 1, pp. 3b-7a. Cf. *Liu-pu tsê-li*, Vol. 25, "*T'ien-tsê*" 田宅 (Land and Dwelling), p. 33.
24. *T'i-ting hsin-li*, Vol. 2, pp. 1-6.

Liu-pu tsê-li. It generally contains more material on the K'ang-hsi reign because it was completed near the end of the era. In many cases it covers more details than the other compilation, even if the same data appears in both works. The case can be made that under the sub-heading "Evaluation of Officials" (*K'ao-ch'êng* 考成) the *Liu-pu tsê-li* lists the functions of the 14 bureaus of the Board of Revenue. The listing is more informative than the similar record in the *T'i-ting hsin-li*.²⁵ Both books record the prohibitions regarding the attire under the same sub-heading "Ceremonial Usages" (*I-chih* 儀制), and Ohai's book is again more informative.²⁶

The aforesaid differences between the *T'i-ting hsin-li* and the *Liu-pu tsê-li* may have resulted from the divergent focuses and editing techniques of their compilers. Whatever their causes, such differences indicate the fact that the two compilations complement each other.

The *Pên-ch'ao chêng-chih ch'üan-shu* (hereafter *Chêng-chih ch'üan-shu* 政治全書) is the most comprehensive of the four works under discussion. It has 31 volumes, printed by Ch'êng-ên t'ang 承恩堂 and also composed of two parts, sub-statutes and penal rules, with the section on the Board of Rites incomplete. Although it was foreworded in 1725 by Chêng Ta-tê 鄭大德, a magistrate, the book contains material dated 1734. Despite my effort, I was unable to find sufficient biographical information about its compiler, Chu Chih-jên 朱植仁 (T. 心菴). According to the foreword and preface to the book, he was a scholar from Shan yin 山陰, Che-kiang province. He might have held a *chin-shih* 進士 degree under a different name, for in the foreword, Chêng Ta-tê was self-addressed as "fellow degree-holder" (*nien-chia ti* 年家弟). Chu was once made a candidate for the position of a secretary in the Board of Civil Appointments. Nevertheless, he preferred to serve as a personal advisor in various provincial governments. The work is said to have been the product of his service for 30 years in the provinces.

The *Chêng-chih ch'üan-shu* casts a shadow on the scholastic integrity of its compiler. In terms of its paging, organization, data for the years 1662-1718, and even the wording of the preface, the book is almost identical with the *Liu-pu tsê-li*. What was the relationship between the two compilations? In the absence of evidence, one could only venture a brief analysis. The chief compilers of the two works were qualified authors. Besides the *Liu-pu tsê-li*, Ohai authored *Fu-Miao lu* 撫苗錄 (An Account of Pacifying the Miao People), a work of 8 volumes printed by Ch'üan-shih t'ang 拳石堂 in 1713, and *Ch'in-Shu chien-ch'ou* 秦蜀兼籌, a literary record about his administrative work in Shensi and Szechwan provinces.²⁷ As a personal advisor of high provincial administrators, Chu Chih-jên must be familiar

25. *Liu-pu tsê-li*, Vol. 5, pp. 5b-7a. Cf. *T'i-ting hsin-li*, Vol. 3, pp. 2b-3a.

26. *Liu-pu tsê-li*, Vol. 26, pp. 53-54. Cf. *T'i-ting hsin-li*, Vol. 11, p. 2a.

27. *Ch'in-shou chien-ch'ou* was edited by Hsü Jung 徐容 and Fêng Ching-hsia 馮景夏 and printed by K'uan-shu t'ang 寬恕堂 in 1716 (2 *chüan* in 8 volumes). The Harvard-Yenching Library, Harvard University, has a copy of the book.

with various government regulations and also a skilled literary man. With such credentials, each person was capable of compiling his work. But the *Liu-pu tsê-li* had appeared a few years earlier than the *Chêng-chih ch'üan-shu*. Therefore, it is possible that the latter was based on the former, with additions and modifications. As mentioned earlier, Chu's compilation was foreworded in 1725. This suggests another possibility that Chu added to Ohai's book the material for the years 1718-1725, while another person compiled the data for the period 1725-1734. Of course, one may provide even more interpretations for the same puzzle, but this is not the major focus of this paper. It would be more serviceable to compare the contents of the two books than to pursue the case itself.

The *Chêng-chih ch'üan-shu* and the *Liu-pu tsê-li* share many common features because they are identical to a great extent. For example, each devoted a special volume to cover the "Gracious Imperial Proclamations and Pardons" (*En-chao shê-k'uan* 恩詔赦款) issued by the early Ch'ing rulers up until the printing of the work.²⁸ These proclamations and pardons are fully recorded and chronologically arranged for the convenience of the user. Each topic has its own pagination and new material are given subnumbers and added simply as attached sheets to the last page of each subject.

The two compilations also share common weaknesses. They were poorly proofread. The text was not always in agreement with the table of contents. For instance, Ohai's book contains in volume 26 an imperial decree of 1717 about the taxation fraud committed by officials, but the table of contents failed to list it.²⁹ A spot check of Chu's work discovers that the text left out four imperial decrees on the subject "Office and Merit by Purchase," although they were included in the table of contents.³⁰

The pagination is also a common weakness of the two compilations. Besides the regular paging practice, each work frequently duplicated the numbering of two consecutive leaves. To make a distinction, it marked the second leaf with the character "yu" (又), meaning "also."³¹ This duplicate numbering made it possible to insert data in the middle of a section. The use of subnumbers is another paging practice. When new leaves were added to the end of each section, they were assigned subnumbers. In one case, there are as many as 17 leaves with subnumbers.³² Although they gave the compiler flexibility to add to a book whatever he

28. See *Liu-pu tsê-li*, Vol. 30; *Chêng-chih ch'üan-shu*, Vol. 25.

29. For the decree, see *Liu-pu tsê-li*, Vol. 26, p. 44 (duplicate paging); for the related table of contents, see *ibid.*, Vol. 25, (Table of Contents) p. 4a.

30. For the four decrees, see the section entitled "ch'üan-hsü" 捐敘, in *Chêng-chih ch'üan-shu*, Vol. 5, "Table of Contents." But they are not in the text (Vol. 9) as they are supposed to be.

31. The page number (44) given in the first reference, n. 29, is an example. It appears with the mark "又" 44 immediately after the leaf paged 44.

32. Under the topic "*Kuan-hsia*" 管轄 (Jurisdiction), Vol. 3, the *Chêng-chih ch'üan-shu* has 17 leaves of new material attached to the last sheet (#31) of the regular pagination. In consequence these attached leaves were paged as subnumbers of the sheet #31

saw fit, these practices create confusion in pagination. There are differences between the *Chêng-chih ch'üan-shih* and the *Liu-pu tsê-li*. The former has a much broader coverage, especially for the Yung-cheng reign. The following table indicates the number of additional items found in Chu's compilation.

A. For the sub-statutes

Board	Number of Added Items
Civil Appointments	213
Revenue	109
Rites	140
War	89
Punishment	160
Public Works	30

B. For the Penal Rules

1. Board	Number of Added Items
Civil Appointments	26
Revenue	36
Rites	7
War	25
Punishment	52
Public Works	4
2. Police Commission in Charge of the Bannerman Affairs	2

The usefulness of Chu's work is further enhanced by some special information. It lists, for example, in a convenient manner the total number and breakdowns of clerks allowed for government offices throughout the Ch'ing empire.³³ On occasion, however, Ohai's compilation contains some material not included in Chu's work. The four decrees about "Office and Merit by Purchase," as previously mentioned, are found in Ohai's book, though not covered by its counterpart.³⁴ These differences between the two compilations make it possible for one to supplement the other.

Of the four rare statutory works, the *Liu-pu tsê-li hsin-pien* (hereafter *Tsê-li hsin-pien* 則例新編) is the smallest. Published anonymously in 1730, it covers data concerning the first eight years of the Yung-cheng period, between January 1723 and May 1730. The book contains mainly the penal rules of the Six Boards. In view of the fact that many of its documents are marked as "added items," the book available today is a revised edition.

33. See *Chêng-chih ch'üan-shu*, Vol. 3, "Li-tien tsung-ê" 吏典總額 (The Total Number of Government Clerks), pp. 14-16.

34. See n. 30 above and *Liu-pu tsê-li*, Vol. 10, the last two leaves under the section "Ch'üan-hsi, part 2."

The *Tsê-li hsin-pien* has many advantages. In only six volumes it contains various kinds of information important to provincial and local administrators. Some of its material include annotations, which could minimize the possibility of misunderstanding.³⁵ Many data in it are not found in some major official compilations. In volume 6, for instance, the book preserves two useful documents regarding prisoners and the bad gentry. One of these two documents was based upon the memorial of Li Wei 李衛 (1687?-1738), then governor of Chekiang; the other on the recommendations of T'ien Wên-ching 田文鏡 (1662-1732), then governor of Honan. The two documents were left out even by the *Ta-Ch'ing li-ch'ao shih-lu* 大清歷朝實錄 (Veritable Records of Successive Reigns of the Ch'ing Dynasty, hereafter *Veritable Records*).³⁶ Some of its information, such as the six rules set in 1728 by the throne as a response to the memorial of the education commissioner of Fukien province, can not be located in *Chêng-chih ch'üan-shu*, which generally covers more material.³⁷

The *Tsê-li hsin-pien* is a handy and practical statutory reference. Most of its material is highly condensed so as to make room for more data. It achieves condensation mainly through three methods. First, it abridges the texts of imperial orders and the memorials of officials. The document concerning the purchase and delivery of copper, as seen in the book, is an abridged version of the original.³⁸ Second, it combines similar data in short entries. The document on the deadline for new officials to take up their duties resulted from combining two separate items.³⁹ Third, through tabulating it cuts many words from regulations such as official deadlines and therefore saves considerable space.⁴⁰

Nevertheless, the *Tsê-li hsin-pien* is sometimes inaccurate in dating. One document in it, for example, is dated several days later than a similar entry in the *Veritable Records*.⁴¹ This dating discrepancy may have come from the errors in sources such as the *Peking Gazette*, from which the *Tsê-li hsin-pien* seems to have collected information. It may also have been the errors of the compiler who

35. See the item entitled "T'i-tiao hsiieh-chêng tso-pi" 提調學政作弊 (Frauds of Education Commissioners) in the book, Vol. 4, p. 4.

36. For instance, the *Veritable Records* (Yung-cheng reign) and the *Shang-yü nei-ko* 上諭內閣 (Edicts and Decrees to the Grand Secretariat) (1741 ed.) are two major sources for the Yung-cheng period. But neither covers the documents.

37. For the six rules, see *Tsê-li hsin-pien*, Vol. 4, (the section on the Board or Rites) p. 7.

38. *Ibid.*, Vol. 3, the item entitled "Pan-chia t'ung-chin t'iao-ch'ên" 辦解銅觔條陳, pp. 21b-22a. Although the full texts of the imperial decree and the memorial can not be found, part of the document is an abridged version of the entry in the *Veritable Records*, Yung-cheng reign, ch. 7, pp. 12b-13a.

39. For this combined document, see *Tsê-li hsin-pien*, Vol. 1, pp. 4a-5a. But it appears as two separate documents in *Ta-Ch'ing hui-tien* (1732 ed.), Vol. 6, ch. 14, pp. 20 and 21a.

40. See the table in *Tsê-li hsin-pien*, Vol. 1, p. 8b and the first reference in n. 39 above.

41. The document concerning the purchase and delivery of copper in *Tsê-li hsin-pien* (Vol. 3, pp. 21b-22a) was dated 1/5/21 (Yung-cheng reign), but it was dated five days earlier in the *Veritable Records*, Yung-cheng reign, ch. 7, pp. 12b-13a.

confused the dates of the documents when he tried to incorporate them into brief entries. Of course, this is a small flaw, which will not detract from the merits of the book.

Without a doubt, the four rare statutory works are very useful. An analysis of the origins of the sub-statutes and regulations they contain will bring to light the actual working of the Ch'ing government. All the sub-statutes and regulations owed their origins to the imperial decrees issued on the ruler's own initiative or at the recommendations of officials or offices. In the traditional Chinese state, the ruler embodied in himself the executive, judicial, and legislative powers. Whenever necessary, he could initial edicts to modify, replace, or introduce regulations.⁴²

There were three kinds of recommendations that might prompt imperial pronouncements. Into the first category fall the proposals from certain individual officials in the central or provincial government. As mentioned on page 11, the memorials of T'ien Wên-ching, Li Wei, and the education commissioner of Fukien province resulted in imperial pronouncements of new regulations. Among the second category are the proposals by individual boards, each of which could make recommendations about its functions or rules. In 1723, for example, the Board of Revenue recommended a new regulation concerning the purchase and delivery of copper and it was endorsed by the throne.⁴³

The third kind of recommendations is of interboard nature. The Six Boards were related to one another by function. This functional relationship brought together two or more boards to make recommendations for matters of common concern. In 1673 the Boards of Rites and Civil Appointments cooperated to make a new rule to prohibit the banner clients (*t'ou-ch'ung-jên* 投充人) from taking examinations by false identification.⁴⁴ In one case, as many as five boards worked together for a new rule.⁴⁵ With imperial approval and pronouncement, these recommendations became enshrined in the sub-statutes. Because of their convenient arrangements and versatile nature, the four rare compilations illuminate the Ch'ing administrative process more clearly than official statutory publications.

The four rare works also shed light on two major official compilations: the *Veritable Records* and the *Ta-Ch'ing hui-tien*. They had many data in common, but the data were handled differently. The *Veritable Records* condensed its data to the greatest extent. For example, an imperial edict of 1673 prohibited the banner servants and slaves from taking their own lives at the death of their masters. While appearing in the *T'i-ting hsin-li*, the edict has more than 150 words, but it

42. Bodde and Morris, p. 64.

43. See the first reference, n. 38.

44. *T'i-ting hsin-li*, Vol. 2, "Addenda," the ruling about the two banner clients who took and passed the examination in 1656, p. 2a, dated K'ang-hsi 12/7/2.

45. See the first reference, n. 23.

has only 16 words in the *Veritable Records*.⁴⁶ This discrepancy arose from the fact that these works had different objectives. As administrative guides, the four statutory compilations focused not only on the rules *per se* but on their annotations. Naturally they had more wordage. An account of dynastic affairs, the *Veritable Records* cover information on various aspects of the empire. As a reference for the ruler, they were compiled by eminent scholars who recorded events by terse and polished language. They made wording forceful and create space for other information.⁴⁷

The *Ta-Ch'ing hui-tien* deals with the organization, function, operational procedure, and disciplinary rules of Ch'ing governmental institutions. It arranges material by subject and in a chronological order; each subject is divided into many subunits. This is also the layout of the four rare statutory works. A storehouse of institutional information, the *Ta-Ch'ing hui-tien* covers most of the data included in the four rare publications. In both format and content, the latter very much resemble the former, but they are quite variant because they were compiled for different objectives.

Intended as a standard administrative reference, the *Ta-Ch'ing hui-tien* contained all the sub-statutes and rules that had been sanctioned by the throne. Like other voluminous publications of similar nature, it is unhandy and frequently intersperses regulations of the same category for the sake of chronological order.⁴⁸ Because it was an official compilation, its wording is rigid and concise. Besides, it is also difficult to revise, for any revision required a tedious bureaucratic process. Later it was supplemented with many precedents (*shih-li* 事例) and became known as *Ta-Ch'ing hui-tien shih-li*, which is also difficult to revise.⁴⁹ The material in the *Ta-Ch'ing hui-tien*, as well as in the *Veritable Records*, was mainly from the imperial archives, which were closed to the public.

On the contrary, the four rare statutory compilations drew data from various accessible sources—imperial edicts, other statutory publications, and so on. Their compilers selected the most useful material, arranged it in the most convenient manner, and added new data to it as they saw fit. Consequently these four statutory works are distinguished by their own characteristics and provide a fruitful comparison with the *Veritable Records* and the *Ta-Ch'ing hui-tien*.

In brief, the four rare statutory compilations cover the most needed items for

46. *T'i-ying hsin-li*, Vol. 7, the document dated K'ang-hsi 12/6/28, p. 1. Cf. *Veritable Records*, K'ang-hsi, ch. 42, pp. 16b-17a, dated 12/6/17.

47. See my "Five Major Sources for the Yung-cheng Period, 1723-1735," *Journal of Asian Studies*, 27, 4: 849 (August 1968).

48. For instance, the listing of imperial edicts was interrupted by the insertion of a different document in the 1732 edition of the *Ta-Ch'ing hui-tien*, Vol. 6, ch. 14, pp. 20a and 21a.

49. For a brief discussion on the relations between the *Hui-tien* and the *Shih-li*, see Liu Chen-ch'ing 劉振卿, "Hui-tien yü t'ang-an" 會典與檔案 (The *Ta-Ch'ing hui-tien* and the Archives), *Pei-p'ing Ch'ên-pao: I-pu* 北京晨報: 藝圃, (April 24, 1935).

the local and provincial administrators, and were conveniently compiled for quick reference. They have many common features and are even overlapping to a great extent. But each work distinguishes itself from the others and has values of its own. Broad as its coverage is, the *Liu-pu tsê-li* could not replace the *T'i-ting hsin-li*, nor could the *Chêng-chih ch'üan-shu* devalue the *Tsê-li hsin-pien*. Versatile and practical, they circulated far and wide as administrative guides. They guided not only the administrators but the common people to do things in accordance with the imperial norms, mores, and values. They championed the ruler's interest to maintain his authority absolute and universal within the Ch'ing empire.

四種少見的清代則例書

黃 培

本文討論四種清代私人所編的則例書。它們大都由省的行政官員或幕僚，斟酌實際需要，摘錄官方發行的則例要點，增入新頒的各種規定，加上必要的註釋，以私人之力重新編印，以便隨時參考。其中出版最早的是六部題定新例，原為潘敬（字養玉）所編，完成於康熙九年（1670），以後另經他人增編兩次。現行本共廿冊，於康熙十七年（1678）左右印出，取材以康熙最初十七年中的法規為主，偶然也有些順治時代的規章。

出版稍晚的是六部則例全書，編者鄂海，姓溫都，滿洲人，累官至川陝總督。自康熙卅六年（1697）出任陝西按察使開始，他即着手編輯本書，大概完成於康熙五十五年（1716），但收錄了晚到康熙五十七年（1718）的材料，這顯然是他人增編所致。原書十六冊裝，但現行本則有四十冊之多。再其次出版的是本朝政治全書，承恩堂版，其中禮部則例不全，現行本共卅一冊。編者朱植仁，浙江山陰人，歷任督撫等官的幕僚。細考本書的序文、內容、材料的編排，則發現它和六部則例全書幾乎全同，因此這兩部書間究竟有什麼關係，實堪懷疑。但是史料不足，難下判斷。就一般而言，本朝政治全書收集材料較多，除康熙朝的則例外，還包括了雍正元年（1723）至十二年間的規定，這也該是後人增編所致。鄂海一書只以康熙元年（1662）至五十七年間的規章為重心。

在這四部私家則例書中，六部則例新編卷冊最少。初刊時間不詳，經增修後於雍正八年（1730）印出。京刊本，沒有編者姓名，以康熙六十一年（1723）十二月至雍正八年三月間的處分則例材料為主。雖然全書只有六冊，但編者運用了各種精簡方法，在有限的篇幅中，增加了材料的份量，在某些方面，甚而還較本朝政治全書的含量為多。

這四部則例書的材料，都以六部為大綱，每部又分成若干細目，再各按時間先後編排。每一細目內的材料自成頁數，因此隨時可加入新材料，而不致影響全書的編排。由於參考方便，它們很受省和地方各級行政人員的歡迎，這可從它們一再增編的事實中看出。但是流行較久後，新陳不斷交替，再因各種戰亂關係，難免遺失，甚至毀滅，所以現在這四部私家編印的則例書，已是少見的版本了，幸而都可在

美國國會圖書館、遠東法制部中找到。

就它們的重要性而言，這四部則例書不但是當時許多行政人員的工作手冊，也是今日研究清朝行政、法律制度的必需資料。它們雖比不上大清會典及事例的完備，但也有超過後者的地方，值得我們的重視。