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Dispute Resolutions under the Li-chia (里甲) System
during the earlier half of Ming Dynasty:
An Analysis based on Hui-chou (徽州) Documents

by Yoshiaki NAKAJIMA

During the Ming dynasty, according to the provisions of "Chiao-min pang-wen" (教民榜文, Placard of instructions to the people, legislated in 1389), it was ruled that minor judicial matters such as suits over households and martial matters, lands, assaults, and fights should be adjudicated by the lao-ren (老人, community elders), accompanied by li-chang (里長, community head). In this article, I will discuss the actual conditions of dispute resolutions under the li-chia system, and their relations to the various types of private mediations or local magistrate's justice procedures during the earlier half of Ming dynasty, by analysing Hui-chou documents (mainly private documents such as wen-yüeh [文約] or hê-t'ung [合同]), mostly compiled in "Hui-chou ch'ien-nian ch'i-yüeh wen-shu" (徽州千年契約文書, published in 1991).

Here, I will analyse twenty documents, mainly drawn in Ch'i-men (祁門) county, during a span of nearly one hundred years, from 1427 to 1522. From some documents during the earlier half of 15th century, concerning Hsieh (謝) lineage in Shi-hsi-tu (十西都) of Ch'i-men county, it is recognized that village elders in their own tu (都, rural sector), accompanied several lineage members, acutually resolved disputes such

as double sales of mountains. On the other hand, in the documents from late 15th and early 16th centuries, lao-ren or li-chang settled disputes as mediators without local magistrates, but according to other documents, they engaged in inspections of the sites and mediations of lawsuits once presented to the magistrate's courts.

Generally speaking, in the Hui-chou rural society during the earlier half of Ming dynasty, lao-ren and li-chang had important roles in settlement of disputes in their own communities, accompanied by private mediators such as lineage members, villagers, or local promi-nents, and complemented the local courts with inspections or media-tions of lawsuits.

One Type of Origin of the Law for Mongolians Established by Qing Dynasty: An Analysis of the *MILITARY LAW IN THE THIRD YEAR OF CHONGDE* written in Mongolian and kept in the Pekin Library

by Mamoru HAGIWARA

We knew nothing at all about the origin and the early aspects of "Mengguli" (蒙古例) the law only for Mongolians which had deter-mined their position and treatment in the Qing dynasty (清朝), though they played an important role in early period of this dynasty before the occupation of China proper. So the author researched the origin of "Mengguli" in this treatise by analyzing the *MILITARY LAW IN THE THIRD YEAR OF CHONGDE* (1638) (崇德三年軍律) which is the oldest extant law written in Mongolian during this dynasty kept in the PEKIN LIBRARY.

This military law is a short booklet of wood-block printing written in Mongolian and it is the original text which the second Emperor Hongtaiji proclaimed and printed only for the soldiers of Eight Banners (八旗) on the 22 August, 1638 just before invading the northern territory of Ming dynasty. And also in the book *MING-QING SHI-LIAO* (明清史料) published in Taiwan, the author found a Chinese version of this law which seemed to be printed together with this Mongolian version.