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卫三畏文集
Selected Works of Samuel Wells Williams

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The Middle Kingdom

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合作项目

The principal executive bodies under these two Councils are the *Luh Pu*, or 'Six Boards,' which were modelled on much the same plan during the ancient dynasties. At the head of each Board are two presidents, called *shang-shu*, and four vice-presidents, called *shîlang*, alternately a Manchu and a Chinese; and over three of them—those of Revenue, War, and Punishment—are placed superintendents, who are frequently members of the Cabinet; sometimes the president of one Board is superintendent of another. There are three subordinate grades of officers in each Board, who may be called directors, under-secretaries, and controllers, with a great number of minor clerks, and their appropriate departments for conducting the details of the general and peculiar business coming under the cognizance of the Board, the whole being arranged and subordinated in the most business-like style. The detail of all the departments in the general and provincial governments is regulated in the same manner. For instance, each Board has a different style of envelope for its despatches, and the papers in the offices are filed away in them.

3. The Lí Pu, or Board of Civil Office, "has the government and direction of all the various officers in the civil service of the Empire, and thereby it assists the Emperor to rule all people;" these duties are further defined as including "whatever appertains to the plans of selecting rank and gradation, to the rules of determining degradation and promotion, to the ordinances of granting investitures and rewards, and the laws for fixing schedules and furloughs, that the civil service may be supplied." Civilians are presented to the Emperor, and all civil and literary officers throughout the Empire distributed by this Board. The great power apparently thus entrusted is shared by the two preceding, whose members are made advisory overseers of the highest appointments, while the provincial authorities put men in vacant posts as fast as they are needed. The danger arising from the arrangement is noticed by Biot[1] as having early attracted criticism.

This Board is subdivided into four bureaus. The first at

[1] *Essai sur l' Instruction* en *Chine*, pp. 540–589.

tends to the distinctions, precedence, promotion, exchanging, etc., of officers. The second investigates their merits and worthiness to be recorded and advanced, or contrariwise; ascertains the character each officer bears and the manner in which he fulfils his duties, and prescribes his furloughs. The third regulates retirement from office on account of mourning or filial duties, and supervises the registration of official names; it is through this bureau that Hwang Ngăn-tung, the Governor of Kwangtung, was degraded in 1846 for not resigning his office on the death of his mother. The fourth regulates the distribution of titles, patents, and posthumous honors. The Chinese is the only government that ennobles ancestors for the merits of their descendants; the custom arose out of the worship paid them, in which the rites are proportionate to the rank of the deceased, not of the survivor; and if the deceased parent or grandparent were commoners, they receive proper titles in consequence of the elevation of their son or grandson. This custom is not a trick of state to get money, for commoners cannot buy these posthumous titles; they can only buy nominal titles for themselves. The usage, however, offers an unexpected illustration of the remark of Job, "His sons come to honor, and he knoweth it not."

4. The Hu Pu, or Board of Revenue, "directs the territorial government of the Empire, and keeps the lists of population in order to aid the Emperor in nourishing all people; whatever appertains to the regulations for levying and collecting duties and taxes, to the plans for distributing salaries and allowances, to the rates for receipts and disbursements at the granaries and treasuries, and to the rights for transporting by land and water are reported to this Board, that sufficient supplies for the country may be provided." Besides these duties, it obtains the admeasurement of all lands in the Empire, and proportions taxes and conscriptions, according to the divisions, population, etc., regulates the expenditure, and ascertains the latitude and longitude of places. One minor office prepares lists of all the Manchu girls fit to be introduced into the palace for selection as inmates of the harem, a duty which is enjoined on it because the allowances, outfits, and positions of these women

come within its control. The injudicious mode of collecting revenue common under the Persian and Syrian kings, by which the sums obtained from single cities and provinces were apportioned among the royal family and favorites, and carried directly to them, has never been practised by the Chinese.

There are fourteen subordinate departments to attend to the receipt of the revenue from each of the provinces, each of which corresponds with the treasury department in its respective province. The revenue being paid in sundry ways and articles, as money, grain, manufactures, etc., the receipt and distribution of the various articles require a large force of assistants. This Board is moreover a court of appeal on disputes respecting property, and superintends the mint in each province; one bureau is called the "great ministers of the Three Treasuries," viz., of metals, silks and dye-stuffs, and stationery.

5. The Lí Pu, or Board of Rites, "examines and directs concerning the performance of the five kinds of ritual observances, and makes proclamation thereof to the whole Empire, thus aiding the Emperor in guiding all people. Whatever appertains to the ordinances for regulating precedence and literary distinctions, to the canons for maintaining religious honor and fidelity, to the orders respecting intercourse and tribute, and to the forms of giving banquets and granting bounties, are reported to this Board in order to promote national education." The five classes of rites are defined to be those of a propitious and those of a felicitous nature, military and hospitable rites, and those of an infelicitous nature. Among the subordinate departments is that of ceremonial forms, which "has the regulation of the etiquette to be observed at court on all occasions, on congratulatory attendances, in the performance of official duties, etc.; also the regulation of dresses, caps, etc.; as to the figure, size, color, and nature of their fabrics and ornaments, of carriages and riding accoutrements, their form, etc., with the number of followers and insignia of rank. It has also the direction of the entire ceremonial of personal intercourse between the various ranks or peers, minutely defining the number of bows and degree of attention which each is to pay to the other when meeting in official capacities, according as they are

on terms of equality or otherwise. It has also to direct the forms of their written official intercourse, including those to be observed in addresses to and from foreign states. The regulation of the literary examinations, the number of the graduates, the distinction of their classes, the forms of their selection, and the privileges of successful candidates, with the establishment of governmental schools and academies, are all under this department."

Another office superintends the rites to be observed in worshipping deities and spirits of departed monarchs, sages, and worthies, and in "saving the sun and moon" when eclipsed. The third, called "host and guest office," looks after tribute and tribute-bearers, and takes the whole management of foreign embassies, supplying not only provisions, but translators, and ordering the mode of intercourse between China and other states. The fourth oversees the supplial of food for banquets and sacrifices. The details of all the multifarious ritual duties of this Board occupy fourteen volumes of the Statutes. "Truly nothing is without its ceremonies," as Confucius taught, and no nation has paid so much attention to them in the ordering of its government as the Chinese. The *Book of Rites* is the foundation of ceremonies and the infallible standard as to their meaning; the importance attached to them has elevated etiquette and ritualism into a kind of crystallizing force which has molded Chinese character in many ways.

Connected with the Board of Rites is a Board of Music, containing an indefinite number of officers whose duties "are to study the principles of harmony and melody, to compose musical pieces and form instruments proper to play them, and then suit both to the various occasions on which they are required." Nor are the graces of posture-making neglected by these ceremony-mongers; but it may with truth be said, that if no other nation ever had a Board of Music, and required so much official music as the Chinese, certainly none ever had less real melody.

6. The Ping Pu, or Board of War, "has the duty of aiding the sovereign to protect the people by the direction of all military affairs in the metropolis and the provinces, and to

regulate the hinge of the state upon the reports received from the various departments regarding deprivation of, or appointment to, office; succession to, or creation of, hereditary military rank; postal or courier arrangements; examination and selection of the deserving, and accuracy of returns." The navy is also under the control of this Board. The management of the post is confided to a special department, and the transmission of official despatches is performed with great efficiency and regularity. A minor bureau of the courier office is called "the office for the announcement of victories," which, from a recital of its duties, appears to be rather a *grande vitesse*, whose couriers should hasten as if they announced a victory.

To enable this Board of War to discharge its duties, they are apportioned under four *sz'*, or bureaus, severally attending to promotion for various reasons; to the regulation of the distribution of rewards and punishments, inspection of troops and issue of general orders, answering to an adjutant-general's department; to the supply and distribution of horses for the cavalry; and, lastly, to the examination of candidates, preparation of estimates and rosters, with all the details connected with equipments and ammunition. The conception of all government with the Manchus being military and not civil, they have developed this Board more than was the case during the last dynasty, the possessions in Central Asia having drawn greatly on their resources and prowess.

The Household troops and city Gendarmerie have already been noticed; their control is vested in the *Nui-wu Fu*, and the oversight of all the Bannermen in the Empire vests in the metropolitan office of the *Tu-tung*, or Captains-general, of whom there are twenty-four, one to every banner of each race. The Board of War has no control directly over this large portion of the Chinese army, and as the direction of the land and sea forces in each province is entrusted in a great degree to the local authorities, its duties are really more circumscribed than one would at first imagine. The singular subordination of military to civil power, which has ever distinguished the Chinese polity, makes the study of the army, as at present constituted, a very interesting feature of the national history; for while it has

often proved inefficient to repress insurrection and defend the people against brigandage, it has never been used to destroy their institutions. In times of internal commotion the national soldiers have usually been loyal to their flag, though it must be confessed that discipline within the ranks is not so perfect as to prevent the soldiers from occasionally harassing and robbing those whom they are set to protect.[1]

7. The HING PU, or Board of Punishments, "has the government and direction of punishments throughout the Empire, for the purpose of aiding the sovereign in correcting all people. Whatever appertains to measures of applying the laws with leniency or severity, to the task of hearing evidence and giving decisions, to the rights of granting pardons, reprieves, or otherwise, and to the rate of fines and interest, are all reported to this Board, to aid in giving dignity to national manners." The *Hing Pu* partakes of the nature of both a criminal and civil court; its officers usually meet with those of the Censorate and Tali Sz', the three forming the *San Fah Sz'*, or 'Three Law Chambers,' which decide on capital cases brought before them. In the autumn these three unite with members from six other courts, forming collectively a Court of Errors, to revise the decisions of the provincial judges before reporting them to his Majesty. These precautions are taken to prevent injustice when life is involved, and the system shows an endeavor to secure a full and impartial consideration for all capital cases, which, although it may signally fail of its full effect, does the rulers high credit, when the small value set upon life generally by Asiatic governments is considered. These bodies are expected to conform their decisions to the law, nor are they permitted to cite the Emperor's own decisions as precedents, without the law on these decisions has been expressly entered as a supplementary clause in the code.

It also belongs to sub-officers in the Board of Punishments to record all his Majesty's decisions upon appeals from the provinces at the autumnal assizes, when the entire list is presented

[1] *Chinese Repository*, Vol. IV., pp. 188, 276-287; Vol. V., pp. 165-178; Vol. XX., pp. 250, 300, and 363. *Mémoires concernant les Chinois, par les Missionaires à Pekin*, Tomes VII. and VIII., passim.

for his examination and ultimate decision, and see that these sentences are transmitted to the provincial judges. Another office superintends the publication of the code, with all the changes and additions; a third oversees jails and jailers; a fourth receives the fines levied by commutation of punishments, and a fifth registers the receipts and expenditures. If the administration of the law in China at all corresponded with the equity of most of its enactments, or the caution taken to prevent collusion, malversation, and haste on the part of the judges, it would be incomparably the best governed country out of Christendom; but the painful contrast between good laws and wicked rulers is such as to show the utter impossibility of securing the due administration of justice without higher moral principles than heathenism can teach.

The *yamun* of the *Hing Pu* in the capital is the most active of all the Boards, but little is known of what goes on within its walls. Its prisoners are mostly brought from the provinces, officers of high rank arrested for malfeasance or failure, and criminals convicted or condemned there who have appealed to the highest tribunals. Few of those who enter its gates ever return through them, and their sufferings seldom end as long as they have any property left. The narrative of the horrible treatment endured by Loch and his comrades in 1860, while confined within this *yamun*, gives a vivid picture of their sufferings, but native prisoners are not usually kept bound and pinioned. In the rear wall of the establishment is an iron door, through which dead bodies are thrust to be carried away to burial.

8. The Kung Pu, or Board of Works, "has the government and direction of the public works thoughout the Empire, together with the current expenses of the same, for the purpose of aiding the Emperor to keep all people in a state of repose. Whatever appertains to plans for buildings of wood or earth, to the forms of useful instruments, to the laws for stopping up or opening channels, and to the ordinances for constructing the mausolea and temples, are reported to this Board in order to perfect national works." Its duties are of a miscellaneous nature, and are performed in other countries by no one department, though

the plan adopted by the Chinese is not without its advantages One bureau takes cognizance of the condition of all city walls, palaces, temples, altars, and other public structures; sits as a prize-office, and furnishes tents for his Majesty's journeys; supplies timber for ships, and pottery and glassware for the court. A second attends to the manufacture of military stores and utensils employed in the army; sorts the pearls from the fisheries according to their value; regulates weights and measures, furnishes "death-warrants" to governors and generals; and, lastly, takes charge of arsenals, stores, camp-equipage, and other things appertaining to the army. A third department has charge of all water-ways and dikes; it also repairs and digs canals, erects bridges, oversees the banks of rivers by means of deputies stationed at posts along their course, builds vessels of war, collects tolls, mends roads, digs the sewers in Peking and cleans out its gutters, preserves ice, makes book-cases for public records, and, lastly, looks after the silks sent as taxes. The fourth of these offices confines its attention chiefly to the condition of the imperial mausolea, the erection of the sepulchres and tablets of meritorious officers buried at public expense, and the adornment of temples and palaces, as well as superintending all workmen employed by the Board.

The mint is under the direction of two vice-presidents, and the manufacture of gunpowder is specially intrusted to two great ministers. One would think, from this recital, that the functions of the Board of Works were so diverse that it would be one of the most efficient parts of government; but if the condition of forts, ports, dikes, etc., in other parts of the country corresponds to those along the coast, there is, as the Emperor once said of the army, "the appearance of going to war, but not the reality"—most of the works being on record, and suffered to remain there, except when danger threatens, or his Majesty specially orders a public work, and, what is more important, furnishes the money.

9. The Lí Fan Yuen, or Court for the Government of Foreigners, commonly called the Colonial Office, "has the government and direction of the external foreigners, orders their emoluments and honors, appoints their visits to court, and

regulates their punishments, in order to display the majesty and goodness of the state." This is an important branch of the government, and has the superintendence of all the wandering and settled tribes in Mongolia, Cobdo, Ílí, and Koko-nor. All these are called *wai fan*, or 'external foreigners,' in distinction from the tributary tribes in Sz'chuen and Formosa, who are termed *nui fan*, or 'internal foreigners.' There are also *nui i* and *wai i*, or 'internal and external barbarians,' the former comprising the unsubdued mountaineers of Kweichau, and the latter the inhabitants of all foreign countries who do not choose to range themselves under the renovating influences of the Celestial Empire. The Colonial Office regulates the government of the nomads and restricts their wanderings, lest they trespass on each other's pasture-grounds. Its officers are all Manchus and Mongols, having over them one president and two vice-presidents, Manchus, and one Mongolian vice-president appointed for life.

Besides the usual secretaries for conducting its general business, there are six departments, whose combined powers include every branch necessary for the management of these clans. The first two have jurisdiction over the numerous tribes and corps of the Inner Mongols, who are under more complete subjection than the others, and part have been placed under the control of officers in Chihlí and Shansí. The appointment of local officers, collecting taxes, allotting land to Chinese settlers, opening roads, paying salaries, arranging the marriages, retinues, visits to courts, and presents made by the princes and the review of the troops, all appertain to these two departments. The third and fourth have a similar, but less effectual control over the princes, lamas, and tribes of Outer Mongolia. At Urga reside two high ministers, organs of communication with Russia, and general overseers of the frontier. The oversight of the lama hierarchy in Mongolia is now completely under the control of this office; and in Tibet their power has been considerably abridged. The fifth department directs the actions, restrains the powers, levies the taxes, and orders the tributary visits of the Mohammedan begs in the Tien shan Nan Lu, who are quiet pretty much as they are paid by presents and flattered

by honors. The sixth department regulates the penal discipline of the tributary tribes. The salaries paid the Mongolian princes are distributed according to an economical scale. A *tsin wang* annually receives $2,600 and twenty-five pieces of silk; a *kiun wang* receives about $1,666 and fifteen pieces of silk; and so on through the ranks of Beile, Beitse, Duke, etc., the last of whom gets a stipend of only $133 and four pieces of silk. The internal organization of these tribes is probably the same now as it was at first among the Scythians and Huns, and partakes of the features of the feudal and tribal system, modified by the nomadic lives they are obliged to lead. The Chinese government is endeavoring to reduce the influence and retinues of the khans and begs and elevate the people to positions of independent owners and cultivators of the soil.

10. The Tu-chah Yuen, or Censorate, *i.e.*, 'All-examining Court,' is entrusted with the "care of manners and customs, the investigation of all public offices within and without the capital, the discrimination between the good and bad performance of their business, and between the depravity and uprightness of the officers employed in them; taking the lead of other censors, and uttering each his sentiments and reproofs, in order to cause officers to be diligent in attention to their daily duties, and to render the government of the Empire stable." The Censorate, when joined with the Board of Punishments and Court of Appeal, forms a high court for the revision of criminal cases and hearing appeals from the provinces; and, in connection with the Six Boards and the Court of Representation and Appeal, makes one of the *Kiu King*, or 'Nine Courts,' which deliberate on important affairs of government.

The officers are two censors and four deputy censors, besides whom the governors, lieutenant-governors, and the governors of rivers and inland navigation are *ex-officio* deputy censors. A class of censors is placed over each of the Six Boards, whose duties are to supervise all their acts, to receive all public documents from the Cabinet, and after classifying them transmit them to the several courts to which they belong, and to make a semi-monthly examination of the papers entered on the archives of each court. All criminal cases in the provinces come under

the oversight of the censors at the capital, and the department which superintends the affairs of the metropolis revises its municipal acts, settles the quarrels, and represses the crimes of its inhabitants. These are the duties of the Censorate, than which no part of the Chinese government has attracted more attention. The privilege of reproof given by the law to the office of censor has sometimes been exercised with remarkable candor and plainness, and many cases are recorded in history of these officers suffering for their fidelity, but such instances must be few indeed in proportion to the failures.

The celebrated Sung, who was appointed commissioner to accompany Lord Macartney, once remonstrated with the Emperor Kiaking upon his attachment to play-actors and strong drink, which degraded him in the eyes of his people and incapacitated him from performing his duties. The Emperor, highly irritated, called him to his presence, and on his confessing to the authorship of the memorial, asked him what punishment he deserved. He answered, "Quartering." He was told to select some other; "Let me be beheaded;" and on a third command, he chose to be strangled. He was then ordered to retire, and the next day the Emperor appointed him governor in Ílí, thus acknowledging his rectitude, though unable to bear his censure.

History records the reply of another censor in the reign of an Emperor of the Tang dynasty, who, when his Majesty once desired to inspect the archives of the historiographer's office, in order to learn what had been recorded concerning himself, under the excuse that he must know his faults before he could well correct them, was answered: "It is true your Majesty has committed a number of errors, and it has been the painful duty of our employment to take notice of them; a duty which further obliges us to inform posterity of the conversation which your Majesty has this day, very improperly, held with us."

The censors usually attend on all state occasions by the side of his Majesty, and are frequently allowed to express their opinions openly, but in a despotic government this is little else than a fiction of state, for the fear of offending the imperial ear, and consequent disgrace, will usually prove stronger than the consciousness of right or the desires of a public fame and

martyrdom for the sake of principle. The usual mode of advising is to send in a remonstrance against a proposed act, as when one of the body in 1832 remonstrated against the Emperor paying attention to anonymous accusations; or to suggest a different procedure, as the memorials of Chu Tsun against legalizing opium. The number of these papers inserted in the *Peking Gazette* for the information of the Empire, in many of which the acts of officers are severely reprehended, shows that the censors are not altogether idle. In 1833 a censor named Sü requested the Emperor to interdict official persons at court from writing private letters concerning public persons and affairs in the provinces. He stated that when candidates left the capital for their provincial stations, private letters were sent by them from their friends to the provincial authorities, "sounding the voice of influence and interest," by which means justice was perverted. The Emperor ordered the Cabinet to examine the censor and get his facts in proof of these statements, but on inquiry he either would not or could not bring forward any cases, and he himself consequently received a reprimand. "These censors are allowed," says the Emperor, "to tell me the reports they hear, to inform me concerning courtiers and governors who pervert the laws, and to speak plainly about any defect or impropriety which they may observe in the monarch himself; but they are not permitted to employ their pencils in writing memorials which are filled with vague surmises and mere probabilities or suppositions. This would only fill my mind with doubts and uncertainty, and I would not know what men to employ; were this spirit indulged, the detriment of government would be most serious. Let Sü be subjected to a court of inquiry."

The suspension or disgrace of censors for their freedom of speech is a common occurrence, and among the forty or fifty persons who have this privilege a few are to be found who do not hesitate to lift up their voice against what they deem to be wrong; and there is reason for supposing that only a small portion of their remonstrances appears in the *Gazette*. With regard to this department of government, it is to be observed that although it may tend only in a partial degree to check

oppression and reform abuses, and while a close examination of its real operations and influence and the character of its members may excite more contempt than respect, still the existence of such a body, and the publication of its memorials, can hardly fail to rectify misconduct to some degree, and check maladministration before it results in widespread evil. The Censorate is, however, only one of a number of checks upon the conduct of officers, and perhaps by no means the strongest.[1]

11. The TUNG-CHING SZ', which may be called a Court of Transmission, consists of a small body of six officers, whose duty is to receive memorials from the provincial authorities and appeals from their judgment by the people and present them to the Cabinet. Attached to this Court is an office for attending at the palace-gate to await the beating of a drum, which, in conformity with an ancient custom, is placed there that applicants may by striking it obtain a hearing. It is also the channel through which the people can directly appeal to his Majesty, and cases occur of individuals, even women and girls, travelling to the capital from remote places to present their petitions for redress before the throne. The feeling of blood revenge prevails among the Chinese, and impels many of these weak and unprotected persons to undergo great hardships to obtain legal redress, when the lives of their parents have been unjustly taken by powerful and rich enemies.

12. The TA-LÍ SZ', or Court of Judicature and Revision, has the duty of adjusting all the criminal courts in the Empire, and forms the nearest approach to a Supreme Court in the government, though the cases brought before it are mostly criminal. When the crimes involve life, this and the preceding unite with the Censorate to form one court, and if the judges are not unanimous in their decisions they must report their reasons to the Emperor, who will pass judgment upon them. In a despotic government no one can expect that the executive officers of courts will exercise their functions with that caution and

[1] Compare an article by E. C. Taintor, in *Notes and Queries on China and Japan. Chinese Repository*, Vols. IV., pp. 148, 164, and 177, and XII., pp. 32 and 67.

equity required in Christian countries, but considerable care has been taken to obtain as great a degree of justice as possible.

14. The HANLIN YUEN, or Imperial Academy, is entrusted "with the duty of drawing up governmental documents, histories, and other works; its chief officers take the lead of the various classes, and excite their exertions to advance in learning in order to prepare them for employments and fit them for attending upon the sovereign." This body has, it is highly probable, some similarity to the collection of learned men to whom the King of Babylon entrusted the education of promising young men, for although the members of the Hanlin Yuen do not, to any great degree, educate persons, they are constantly referred to as the Chaldeans were by Belshazzar. Sir John Davis likens it to the Sorbonne, inasmuch as it expounds the sacred books of the Chinese. Its chief officers are two presidents or senior members, called *chwang yuen hioh-sz'*, who are usually appointed for life; they attend upon the Emperor, superintend the studies of graduates, and furnish semi-annual lists of persons to be "speakers" at the "classical feasts," where the literary essays of his Majesty are translated from and into Manchu and read before him.

Subordinate to the two senior members are four grades of officers, five in each grade, together with an unlimited number of senior graduates, each forming a sort of college, whose duties are to prepare all works published under governmental sanction; these persons are subject from time to time to fresh examination, and are liable to lose their degrees or be altogether dismissed from office if found faulty or deficient. Subordinate to the Hanlin Yuen is an office consisting of twenty-two selected members, who in rotation attend on the Emperor and make a record of his words and actions. There is also an additional office for the preparation of national histories.

The situation of a member of the Hanlin is one of considerable honor and literary ease, and scholars look forward to a station in it as one which confers dignity in a government where all officers are appointed according to their literary merit, but much more from its being the body from which the Emperor selects his most responsible officers. A graduate of this rank is