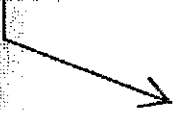


Chien deliberately brought forward a matter in which he had no standing in order to make trouble for Ch'en Hsing-lao, the government must examine its potential consequences in order to discern its roots and look at the traces in order to penetrate its motivation.

This judgment with the given reasons is to be issued to Ch'en Hsing-lao for his safekeeping as a permanent proof. If in the future Ch'en Chien should rely on craftily designed lawsuits to make another plaint, he is to be punished for doing what ought not to be done. This is to insure that good meek people survive. This judgment was reported to the judicial commissioner. His staff proposed approving what I, the controller-general, suggested. Thereafter, the commissioner Wang approved it as a detailed and well-reasoned proposal that exposed Ch'en Chien's boisterous lawsuit and his lack of compassion for the young heir, Ch'en Hsing-lao.

Start Here



Resistance to a Summons

ENCLAVE PEOPLE RESISTING A SUMMONS BY HIDING
IN DIFFICULT TERRAIN⁵⁷

author: Hu Shih-pi

The *Ch'ing-ming chi* rarely speaks of the ethnic minorities that inhabited parts of the south China. This piece is set in an area where there were many members of the Yao minority group. The major defendant here is a man who lived in a distant rugged area that bordered a Yao enclave. He apparently gathered around him a group of fugitive followers. When he was accused of having plundered someone, he did not come to court but threatened to come forth from his stronghold with a force of Yao warriors and take vengeance on his accusers. Hu Shih-pi feels he was emboldened to act in this way by the contemporaneous bandit movement in a neighboring region. The culprit, though, is in government hands. Hu sentences him to a beating and penal registration. His family is to be sent to his place of registration. Others involved in the unrest are also given stiff sentences.

Fan Ju-pin 樊如彬 relied on difficult terrain and distance to attract fugitives. With dazzling defiance, he often acted contrary to what is right. His crimes are unforgivable. This district, under orders from the military commission (*shuai-ssu* 帥司),⁵⁸ repeatedly summoned him but he refused to come out. Subsequently we relied upon some of his followers to arrest him.

On the supposition that Fan Ju-pin really might have been guilty of plundering, the prefecture referred the complaint of Ah Chung 阿鐘 to this district for investigation. The district authorities will make their decision in fairness, after weighing the rights and wrongs and what is straight and crooked. Certainly there is no reason to dismiss [Ah Chung's] case without cause. If Fan Ju-pin believed he had justice on his side, he should have promptly come to the court to confront the testimony of Lo Pang-chen 羅邦臣 with his own testimony so that whatever injustice he may have suffered could be redressed.

Instead, while in hiding, and without responding to the summons, he submitted a statement that stated that he would soon gather forty adults from the enclave, members of the Yao ethnic minority, come forth and seek vengeance by decapitating his enemy [Lo Pang-chen] and turning his head over to the government. The language of the document is rebellious and violent, intended to threaten. It reflected the utmost disrespect for and extreme defiance toward his superiors.

The reason he dared to act in this way was because at that time the rebellious bandits in the neighboring prefecture appeared to be growing very strong. Fan and his crowd, judging the government incapable of doing anything against these bandits, were thinking that they might follow in the footsteps of these bandits and make their own move. This was why they made a loud outcry in order to intimidate.

Should the government even momentarily show signs of weakness, they will no doubt gather their partisans to seize the opportunity. With strong bows and poisonous arrows they will charge forward while shouting, hoping to get what they want. Although at present things have not reached this extremity, the situation is like frost or thick ice, which grows slowly. If precautions are not taken early, there is no telling what may happen as time goes by. In the Spring and Autumn period (722-481 B.C.E.) armed elements without commanders were punished. Under Han law outlaws were executed. The present case is similar.

Basically, it would be appropriate to invoke the punitive provisions entailing [the death penalty] so as to suppress rebellious acts of this

sort. However, we will be lenient. Fan Ju-pin is to be beaten fifteen strokes on the back and sent to T'an Prefecture [present-day Ch'ang-sha] for penal registration. His whole family is also to be sent there. The details will be reported to the office of the commander in chief (*ta-shih* 大使) with the request that Fan be sent under guard to the Flying Tiger Army's prison citadel command where he will be kept under restraint, never to be released or allowed to return.

Kuo Nien-erh 郭念二, a native of this region, often went to the enclave to serve as their eagle or dog. He carried that defiant message for them to the halls of government without feeling any fear about his wrongdoing. His evil and theirs were mutually supporting. We can hardly reduce his sentence to the minimum. After being beaten twelve strokes on the back with the heavy rod he is to be penally registered in this prefecture, to be kept chained in its local jail.

The district will investigate the accusation of Ah Chung concerning the acts of Lo Ssu-liu 羅四六 ["Four-six"]. Lo Pang-chen shall be sent under guard to the district, while Lo Ssu-liu and other key persons implicated shall be sent to the prefecture to give testimony. Ah Chung is to be kept temporarily at the borough and to be escorted away after these testimonies have been completed.

The land occupied by Fan Ju-pin, which originally belonged to Lu Shih-i 陸時義, shall be confiscated and become official land. It is to be allotted to the prefectural school. If Fan Ju-pin should have his own land, Ah Chung is ordered to make a list, giving the names of the places, acreages, and the names of the tenants. This is to be verified by the notary of the administrative assistant.

The district is directed to collect the rents but every year Fan's family members may claim the rents, provided they have an order from the military commissioner. For the above, appropriate certificates will be issued. Should the family wish to conditionally sell their land they will be permitted to do so.