[Da Qing lüli 大清律例 (1740)](http://lsc.chineselegalculture.org/eC/DQLL_1740/) → [目錄 | Content](http://lsc.chineselegalculture.org/eC/DQLL_1740/5) → [名例律 Mingli lü](http://lsc.chineselegalculture.org/eC/DQLL_1740/5.1) → [Mingli lü shang 名例律上名者，五刑之罪名。例者，五刑之體例也。](http://lsc.chineselegalculture.org/eC/DQLL_1740/5.1.1) → [Wuguan fanzui 無官犯罪](http://lsc.chineselegalculture.org/eC/DQLL_1740/5.1.1.13)

**律/lü 13 | Wuguan fanzui 無官犯罪**

凡無官犯罪，有官事發，所犯公罪，笞、杖以上，俱依律納贖。

卑官犯罪，遷官事發；在任犯罪，去任考滿、丁憂、致仕之類。事發，公罪，笞、杖以下，依律降罰，杖一百以上，依律科斷。本案黜革，笞、杖以上，折贖俱免。若事干埋沒錢糧，遺失官物，雖係公罪，事須追究明白。應賠償者賠償，應還官者還官。但犯一應私罪，並論如律。其吏典有犯公私罪名，各依本律科斷。

**Article 13 : Non-incumbent Officials Who Are Guilty of Misconduct**

**Warning : Incumbent means “currently holding office”: is it the case (implies that the person has already an official status**

In all cases involving non-incumbent officials who are guilty of misconduct, but who have become incumbent officials by the time their actions come to light, with regard to those guilty of public misconduct that is subject to penalties of beating with the light or heavy bamboo or above, they shall all be allowed to redeem their punishments by payment of a fine, in accordance with the appropriate statute.[[1]](#footnote-1)

Concerning lower-level officials who are guilty of misconduct, but who have been transferred to an official post by the time their actions come to light, as well as those who are guilty of misconduct while in office, but whose actions come to light after they leave office because of a failure at the triennial test, of mourning for one parent, of retirement,i, and the like, those who are guilty of public misconduct that is usually subject to beating with the light or heavy bamboo and below, they instead shall be subject to demotion or suspension of salary, in accordance with the appropriate statute (Article 7). Those who are guilty of misconduct that is usually subject to 100 blows of the heavy bamboo and above, also shall be sentenced in accordance with the appropriate statutes.

In cases that are subject to explusion and penalties of beating with the light or heavy bamboo and above, 折贖俱免. If the matter involves the concealment of tax receipts or the loss of government property, then, although these actions are considered to be forms of public misconduct,[[2]](#footnote-2) the affair should be thouroughly examined and clarified. Let those who should make restitution, make restitution ; let those who should refund the government, refund the government. However, those who are guilty of actions that should be considered to be forms of private misconduct, should also be sentenced in accordance with the appropriate statutes. Regarding clerks and functionaries who are guilty of acts that fall under the categories of public or private misconduct, each shall be judged in accordance with the appropriate statutes.

biguan 卑官

chuge 黜革

dingyou 丁憂

huiguan 還官

jumian 俱免

kaoman 考滿 triennial professional test

lidian 吏典

maimai qianliang 埋沒錢糧

nashu 納贖

nashu 納贖 Redemption by “fiscal contribution”

 redemption of punishment by payment at the highest price, for officials and other persons “having means”

peishang 賠償

qianguan 遷官

quren 去任 Leave office (function)

wuguan 無官

wuguan 無官 incumbant officials ; officials not on active duty

yishi guanwu 遺失官物

youguan 有官 non-incumbant officials ; officials on active duty

zheshu 折贖

zhishi 致仕

zhuijiu 追究

**條例/tiaoli 1**

無官犯贓，有官事發，照有官參提，以無禄人科斷。有官時犯贓，黜革後事發，不必參提，以有禄人科斷。

Concerning non-incumbant officials who, while not on active duty, are guilty of misconduct involving illicit gains, but who have become incumbant officials by the time their actions come to light, their impeachment should be carried out in accordance with the regulations governing incumbant officials and judged in accordance with the regulations governing non-salaried persons. Concerning incumbant officials who are guilty of misconduct involving illicit gains, but whose actions come to light after they have been expelled from office (for another reason), there is no need carry out an impeachment, but determine judgment according to the regulations governing salaried persons.

can1ti2 參提 to carry out an impeachment

chu4ge2 黜革 dismissed

fan4zang1 犯贓 misconduct involving illicit gains

na4shu2 納贖 to redeem a penalty

pei2chang2 賠償 to make restitution ; to make good a loss

wu2guan1 無官 non-incumbent officials, non-active duty officials

wu2lu4 ren2 無禄人 non-salaried persons

you3guan1 有官 incumbent officials, active-duty officials

you3lu4 ren2 有禄人 salaried persons

[Da Qing lüli- version du Duli cunyi 大清律例-讀例存疑 (1906)](http://lsc.chineselegalculture.org/eC/DQLL_DC_1905/) → [目錄 | Content](http://lsc.chineselegalculture.org/eC/DQLL_DC_1905/3) → [Mingli lü名例律](http://lsc.chineselegalculture.org/eC/DQLL_DC_1905/3.1) → [Mingli lü shang zhi er名例律上之二 名者，五刑之罪名，例者，五刑之體例也。](http://lsc.chineselegalculture.org/eC/DQLL_DC_1905/3.1.2) → [Wuguan fanzui 無官犯罪](http://lsc.chineselegalculture.org/eC/DQLL_DC_1905/3.1.2.13)

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**條例/tiaoli 1**

無官犯贓，有官事發，照有官參提，以無祿人科斷。有官時犯贓，黜革後事發，不必參提，以有祿人科斷。

1. Article 22. [↑](#footnote-ref-1)
2. Here’s an example of a [↑](#footnote-ref-2)