References on Bachi hangshi 把持行市

1. Other Instances of *bachi* in the Qing Code:

律/lü 50 | Lanshe guanli 濫設官吏

凡內外各衙門，官有額定員數，而多添設者，當該官吏，指典選者。一人，杖一百，每三人加一等，罪止杖一百、徒三年。若受贜，計贜，以枉法從重論。若吏典、知印及承差、祇候、禁子、弓兵人等，額外濫充者，杖一百，遷徙。比流減半，准徒二年。容留一人，正官笞二十，首領笞三十，吏笞四十，每三人各加一等，并罪止杖一百，罪坐所由。容留之人，不坐。

其罷閑官吏，在外干預官事，結攬寫發文案，把持官府，蠹政害民者，並杖八十。於犯人名下追銀二十兩，付告人充賞。有所規避者，從重論。

若官府稅糧由帖，戶口籍冊，雇募攢寫者，勿論。

律/lü 52 | Gongju fei qiren 貢舉非其人; 條例/tiaoli 4

凡學臣考試，如提調官通同作弊及引誘為非者，同學臣一併革職提問。其學臣暗通關節，私鬻名器，提調官雖無通同引誘情弊，而防範不嚴者，交部議處。學臣應用員役倘有招搖撞騙，及受賄傳遞等弊，提調官不行訪拿究治者，亦交部議處。若學臣操守清廉，杜絕情弊，而提調官不得遂其引誘，反行挾制把持者，該學臣即行指參，審實將提調官照貪官例治罪。

律/lü 141 | Yanfa 鹽法一十一條; 條例/tiaoli 4

各處鹽場無籍之徒，號稱「長布衫」、「趕船虎」、「光棍」、「好漢」等項名色，把持官府，詐害客商，犯該徒罪以上，及再犯杖罪以下者，俱發邊衛充軍。

律/lü 146 | Nishui 匿稅; 條例/tiaoli 1

京師及在外稅課司局、批驗茶引所，但係納稅去處，皆令客商自納。若權豪無籍之徒，結黨把持，攔截生事，攪擾商稅者，徒罪以上，枷號兩個月，發附近衛分充軍；杖罪以下，照前枷號發落。

律/lü 312 | Weli zhifu ren 威力制縛人; 條例/tiaoli 2

旗下家人莊頭等，有在外倚勢害民，把持衙門，霸占子女，將良民無故拿至私家，綑縛拷打致死者，除本犯照律例從重治罪外，若係內府之人，將該管官交該部議處。係王、貝勒、貝子、公家人，將管理家務官，亦交該部議處。係民，公、侯、伯、大臣官員家人，將各主交該部議處。係平人，鞭一百。

2. References in other codes :

表一之3）〈把持行市〉/〈賣買不和較固〉律文

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| 律典 | 律文 | 引文來源 |
| 明律 | I.                 凡買賣諸物，兩不和同，而把持行市，專取其利；及販鬻之徒，通同牙行，共為姦計，賣物以賤為貴，買物以貴為賤者，杖八十。II.                若見人有所買賣，在傍高下比價，以相惑亂，而取利者，笞四十。III.              若已得利物，計贓重者，准竊盜論，免刺。 | 黃彰健，1979：579。 |
| 清律 | I.                 凡買賣諸物，兩不和同，而把持行市，專取其利；及販鬻之徒，通同牙行，共為姦計，賣（己之）物以賤為貴，買（人之）物以貴為賤者，杖八十。II.                若見人有所買賣，在傍（混以己價）高下比價，以相惑亂，而取利者，（雖情非把持），笞四十。III.              若已得利物，計贓重者，准竊盜論，免刺。 | 吳壇，1992：532。註：此條唐律系「買賣不和較固」，明始改為「把持行市」。其小注系順治初年律內集入（吳壇，1992：532） |
| 唐律 | I.                 諸賣買不和，而較、固取者（較，謂專取其利。固，謂障固其市）；及更出開閉，共限一價（謂賣物以賤為貴，買物以貴為賤）；若參市（謂人有所賣買，在傍高下其價，以相惑亂），而規自入者：杖八十。II.                已得贓重者，計利，準盜論。 | 劉俊文，1986：500 |

Jiang Yonglin, *The Great Ming Code*, 108: *Article 173 Monopolizing Markets*

[1] In all cases where various goods are purchased or sold, f persons monopolize the markets without mutual agreements and solely take the profits, or if traders collude with commission agents and they jointly formulate crafty plots to make the sale prices of cheap goods expensive or of expensive goods cheap, they shall be punished by 80 srokes of beating with the heavy stick.
[2] For those who see others are engaged in purchase and sale and then aside claim high or low prices and compare prices in order to cause confusion and seek profits, they shall be punished by 40 strokes of beating with the light stick.
[3] [In the above cases,] if profits are already obtained, the amount of the illicit goods shall be calculated. If it results n a heavier penalty, the offenders shall be punished as comparable to having committed theft but be exempted from tattooing.

Wallace Johnson, *The T’ang Code*, vol. II, 484: Article 421

*Sellers and Buyers Not Reaching an Agreement and Attempts to Monopolize the Market*

Article 421.1. – All cases where sellers and buyers do not reach an agreement or where one party monopolizes (*jiaogu*) the market and obtains the profits,
Commentary: *Jiao* means to have a sole hold on the profit. *Gu* means to close the market against outsiders.

Article: as well as where some persons control the market so that they together set all the prices,
Commentary: This means that in buying they cause expensive articles to be bought cheaply, and in selling they cause cheap articles to be sold at a high price.
Subcommentary: Those who sell articles and those who buy – those two persons – do not reach an agreement but one party monopolizes the market means that they operate the market by force and do not permit outsiders to buy. Closing the market against outsiders means that the sellers devise and evil scheme whereby when they sell, what is cheap has an expensive price, and when they buy from others, what is expensive is bought cheaply. This is what is meant by closing the market. Furthermore they asset all the prices with a view to causing their victim to be cheated so that profits go into their hands.

Article: or where a person confuses the market
Commentary: This means that when a person is selling or buying to stand next to him and raise or lower the price, thereby causing confusion.

Article: with the purpose of profiting thereby, are punished by eighty blows with the heavy stick.

421.2 – If the punishment for the illicit goods would be heavier, then the profit is calculated and punished as comparable to robber.

Subcommentary: Confuse the market means that the villains who carry on trade take sides so as to confuse what is expensive with what is cheap and thereby mislead outsiders…

The value of the illicit goods must be returned to the original owner.