[律/lü 211 | Simai zhanma 私賣戰馬](http://lsc.chineselegalculture.org/eC/DQLL_1740/5.5.2.211)

凡軍人出征，獲到敵人馬匹，須要盡數報官。若私下貨賣與常人者，杖一百。軍官私賣者，罪同，罷職。買者，笞四十。馬匹價錢，並入官。若出征軍官軍人買者，勿論。賣者，追價入官，仍科罪。

Statute 211: Selling Military Horses without Authorization

Any soldier on campaign who captures horses from the enemy must report the entire number to the administration. If he sells them to a civilian without authorization: one hundred blows of the bamboo rod. For an officer who sells without authorization: the same punishment, and loss of rank. For the buyer: forty blows of the bamboo switch. The horses and the profit of the sale are both requisitioned by the administration. If the buyer is a soldier – or an officer – on campaign, do not prosecute him. Requisition the price of the sale from the seller, who will still be punished.

[條例/tiaoli 1](http://lsc.chineselegalculture.org/eC/DQLL_1740/5.5.2.211.1)

凡披甲隨圍，將肥官馬偷賣，到家交瘦馬者，照竊盜例治罪。

Sub-statute 1

Any banner soldier or member of the army retinue who secretly sells a sturdy army horse and replaces it with a weak horse when he returns to camp is to be punished according to the statute on furtive theft.

[律/lü 212 | Simai junqi 私賣軍器](http://lsc.chineselegalculture.org/eC/DQLL_1740/5.5.2.212)

凡軍人將自己關給衣甲、刀鎗、旗幟、一應軍器，私下貨賣與常人者，杖一百，發邊遠充軍。軍官私賣者，罪同，罷職，附近充軍。買者，笞四十。其間有應禁軍器，民間不宜私有而買者，以私有論。一件，杖八十，每一件加一等，罪止杖一百、流三千里。所買軍器，不論應禁與否，及所得價錢並入官。官軍買者，勿論。賣者，仍坐罪，追價入官。

Statute 212: Selling military equipment without authorization

In all cases where a soldier sells armour, bayonets, banners, or any other military equipment that he has been issued with, to a civilian without authorization: one hundred blows of the bamboo cane and military exile on a remote frontier. For an officer who sells without authorization: the same punishment, and loss of rank and military servitude in the near region. For the buyer: forty blows of the bamboo switch. If the items include forbidden military equipment, prosecute the civilian who bought what he has no right to possess without authorization for unauthorized possession. For one item: eighty blows of the bamboo cane. For each additional item increase the punishment by one degree. The punishment is capped at one hundred blows of the bamboo cane and exile 3000 miles away. Requisition both the military equipment that had been sold – regardless of whether or not it is forbidden – and the profit of the sale. If the buyer is an officer or a soldier, do not prosecute him. The seller is still to be punished, and the profit of the sale requisitioned.

[律/lü 214 | Sicang yingjin junqi 私藏應禁軍器](http://lsc.chineselegalculture.org/eC/DQLL_1740/5.5.2.214)

凡民間私有人馬甲、傍牌、火筒、火炮、旗纛、號帶之類，應禁軍器者，一件，杖八十，每一件加一等。私造者，加私有罪一等。各罪止杖一百、流三千里。非全成不堪用者，並勿論，許令納官。其弓箭、鎗刀、弩，及魚叉、禾叉不在禁限。

Statute 214: Unauthorized Possession of Forbidden Military Articles

In all cases where a commoner possesses armour or horse armour, shields, muskets, cannons, standards, flags or other forbidden military articles without authorization: eighty blows of the bamboo cane for one item; increase the punishment by one degree for every item. In cases of manufacturing without authorization add one degree to the punishment for unauthorized possession. Each sentence is capped at one hundred blows of the bamboo cane and exile three thousand miles away. For both incomplete and un-useable articles, do not prosecute and order the items to be handed over to the administration. Bows and arrows, spears and knives, and crossbows, as well as harpoons and pitchforks are not counted as forbidden.

[條例/tiaoli 1](http://lsc.chineselegalculture.org/eC/DQLL_1740/5.5.2.214.1)

私鑄紅衣等大小砲位者，不論官員軍民人等，及鑄砲匠役，一併處斬，妻子、家産入官。鑄砲處所鄰佑、房主、里長等，俱擬絞監候。專管文武官革職，兼轄文武官及該督撫、提鎮俱交該部議處。

Sub-Statute 1

In case of unauthorized casting of ‘red barbarian’ cannons, or other cannon of any size, all - regardless of whether officials, soldiers or commoners, and including casters who are enslaved craftsmen – are to be beheaded and their wives, children, homes and fortunes are to be requisitioned by the administration. For the neighbours, the landlord, and the community head of the place where the cannon was cast the punishment incurred is strangulation, after review at the Autumn Assizes. Military and civil officials specially charged with surveillance are to be removed from office, and military and civil officials with several jurisdictions as well as the local Governor General, Governor, Provincial Military Commander and Regional Commander[[1]](#footnote-1) are all to be handed over to their respective ministries who will determine how they are to be sanctioned.

［红衣 ＝ 红夷］

[條例/tiaoli 2](http://lsc.chineselegalculture.org/eC/DQLL_1740/5.5.2.214.2)

各處鄉村及商民防禦盜賊、猛獸應用鳥鎗，俱照營兵鳥鎗尺寸製造，上刻姓名，具呈該地方官編號登冊，以備稽查。如有不報官私造者，杖一百。該管官不行查出，交部議處。如兵丁有借查鳥鎗名色擾民者，該管官一併議罪。倘有因爭鬥擅將鳥槍私放傷人者，旗人發往**[寧古塔]**，民人酌發**[雲]**、**[貴]**、**[川]**、**[廣]**煙瘴少輕地方，交該地方官嚴加管束。

Sub-statute 2

Villagers and merchants from all regions who use bird-guns to defend themselves against bandits or wild animals must use guns that are manufactured entirely in conformity with the measurements for bird-guns for soldiers in camp, with their surname and forename carved on the gun and bearing a mark of registration from the local administration so that they can be checked. If bird-guns are manufactured without informing the administration and without authorization: one hundred blows of the bamboo cane. If local surveillance officials do not carry out checks their sanction is to be determined by their ministry. If soldiers hassle the common people on the pretext of checking bird-guns the officials of the competent service are all to deliberate their punishment together. If there is a case where in the course of a struggle a bird-gun is heedlessly fired without authorization and injures somebody: a banner soldier is to be sent to [Ningguta], and commoner is to be sent, after consideration, to a malarial region where light work is scarce in [Yunnan], [Guizhou], [Sichuan] or [Guangxi] where he is to be under the close surveillance of the local administration.

[條例/tiaoli 3](http://lsc.chineselegalculture.org/eC/DQLL_1740/5.5.2.214.3)

**[臺灣]**民人停止製造鳥鎗，違者，照例治罪。

Sub-Statute 3

Commoners of [Taiwan] are to stop manufacturing bird-guns, those who disobey are to be punished as laid out in the sub-statutes.

[條例/tiaoli 4](http://lsc.chineselegalculture.org/eC/DQLL_1740/5.5.2.214.4)

內地私犯硫黃五十觔、焰硝一百觔以上者，杖一百、徒三年。窝藏囤贩及知情賣與私販者，俱照私販例治罪。囤積未曾興販者，減私販罪一等，硝黃俱入官。鄰保知情不首，杖一百；不知情者，杖八十。挑夫、船戶知情不首，減本犯罪二等。知情分贜者，與犯人同罪。贜重以枉法從重論。首報者，除免罪外，仍向本犯名下照所獲硝黃入官價值，另追給賞。如合成火藥賣與鹽徒者，發邊衛充軍。其出產硝黃本省銀匠、藥鋪需用硝黃，每次不許過十觔，令其呈明地方官批限買完繳銷。違者，以私囤論罪。

Sub-Statute 4

For cases in the interior of unauthorized possession of more than fifty pounds of sulphur or more than one hundred pounds of saltpetre: one hundred blows of the bamboo cane and three years of penal servitude. For cases of stockpiling or trafficking, as well as of knowingly buying from traffickers, sentence entirely in conformity with the sub-statute on unauthorized trafficking. For cases of stockpiling but never having sold, reduce the penalty for unauthorized trafficking by one degree, and requisition the saltpetre and sulphur. For neighbours who knew but did not report: one hundred blows of the bamboo cane; for those who did not know: eighty blows of the bamboo cane. For porters and boatmen who knew but did not report the original punishment is reduced by two degrees. For those who knowingly store part: the same punishment as the offender. If a significant amount is stored in order to pervert the law: prosecute according to the most serious charge. The first to inform is not only exempt from punishment but receives the price of the saltpetre and sulphur requisitioned in addition to a reward. Those who combine [saltpetre and sulphur] to form gunpowder or sell to salt-smuggling convicts are to be sentenced to military servitude in a border garrison. When sulphur is produced for the needs of the silversmiths and pharmacies of a province, each time the amount cannot exceed ten *jin* and must be clearly marked by the local administration. Punish those who disobey according to the sub-statute on unauthorized stockpiling.

[條例/tiaoli 5](http://lsc.chineselegalculture.org/eC/DQLL_1740/5.5.2.214.5)

**[苗]**猓、蠻戶，俱不許帶刀出入，及私藏違禁等物。違者，照民間私有應禁軍器律治罪。該管頭目人等知而不報者，杖一百。地方文武官弁失察，照例議處。

Sub-Statute 5

Miao and Man are all forbidden from carrying blades in public or in private and from possessing forbidden articles without authorization. In cases of infraction, punish in conformity with the statute on unauthorized possession of forbidden military equipment by commoners. In cases where the chieftains of the administration concerned are aware but do not report: one hundred blows of the bamboo cane. The punishment for local civil and military officials who neglected to investigate is to be deliberated in conformity with the sub-statutes.

[條例/tiaoli 6](http://lsc.chineselegalculture.org/eC/DQLL_1740/5.5.2.214.6)

官員出差赴任、回籍，及商民出外貿易等事，如有携帶軍器途中防護者，在京取具兵部印票，在外取具該差遣衙門及該地方官印票，註明所帶件數，以備出城沿途照驗。仍知會所到地方，限一月繳銷，如隱匿原票不繳者，照違令律治罪。

Sub-Statute 6

Officials sent out to take up a post or to return to their home town, as well as merchants who go abroad for trade and other affairs, must – if carrying military equipment to defend themselves during the journey – in the capital obtain a permit from the Ministry of War, and in the provinces obtain permits from the *yamen* that sent them and from the local administration. These should be clearly marked with the number of articles they are carrying in case of checks during the journey. Furthermore they must notify their destination, and hand over their permit within a month. In cases of hiding the original permit and not handing it over, punished in conformity with the statute on disobeying order.

1. Translation of titles taken from Charles O. Hucker *A Dictionary of Official Titles in Imperial China* (Stanford: Stanford University Press, 1985). [↑](#footnote-ref-1)