REMARKS ON HOMICIDES IN CHINA,

BY THE LATE REV. DR. R. MORRISON.

"From what foreigners have witnessed in cases of manslaughter, they have inferred that the Chinese government acted rather from a spirit of revenge than according to law. That this is true appears to be indeed the case from a state paper quoted in the 34th section of the Chinese penal code. During the 11th moon of the 13th year of Keünlung, A. D. 1749, the then governor of Canton, named Yeuseun, reported to the Emperor, that he had tried Aooloo
and other Macao foreigners, who had caused the death of two Chinese;* and having sentenced them to be bastinaded and transported, had to request that, according to foreign laws, they might be sent to Demaun. To this the Emperor replied, that the governor had managed very erroneously; that he should have required 'life for life.'—‘If,’ it was added, ‘you quote only our native laws, and according to them sentence to the bastinado and transportation, then the fierce and unruly dispositions of the foreigners will cease to be afraid.’ The Emperor thus declared (and his imperial decision is reprinted with every new edition of the laws), that the native law alone is not to be the guide of the local government when the foreigners cause the death of natives.—Tsze ying yih ming yih te—‘it is incumbent to have life for life,’—in order to frighten and repress the barbarians.

"The Emperor was wroth with the governor for transporting the criminals to Demaun; and directed that, if not yet sent away, the sentence should be reversed and death inflicted. If already gone, a proclamation was to be issued to the foreigners, telling them that the mode of treatment would be different hereafter,

* The European account is, that two soldiers murdered two Chinese, and were falsely represented insane.
that so foreigners might all fear and obey. By
sending the men to Demaun, said his Majesty,
it became uncertain to the Chinese whether
they received any punishment or not. The lost
lives of the two natives were therefore con-
sidered not worth a straw.

"From this account it is evident that foreigners
do not enjoy the protection of the Chinese laws.
For them there is but one rule in all cases—life
for life. For the Chinese, on the contrary, there are these three distinctions:

"1. Killing with intention,—punishable by
death.

"2. Killing by pure accident,—a mulctuary
offence.

"3. Killing in lawful self-defence,—not punish-
able at all.

"The first, indeed—killing with intention,—is
more comprehensive than in the west, includ-
ing all deaths occasioned, however remotely, by
affrays, or dangerous sports;—thus if a by-
staner is killed by a blow aimed at another,
in anger or in sport, it is reckoned intentional
murder, and usually punished by death; though
in a modified form. Purely accidental man-
slaughter is that caused by something beyond
the control of the manslayer, as the dropping of
a stone, hatchet, &c. which by chance falls on
and kills a passer-by. Killing in self-defence
is much more restricted than with us."