

Classification Research On The Ming and Qing Dynasties Private Contracts of Huizhou

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Abstract

Huizhou is China's economically developed region during the Ming and Qing dynasties. Because this area's geography environment is relatively closed, Huizhou formed an independent feature of culture. Meanwhile, due to the habit of preserving folk archives, it still has a number of historical documents preserved in the ancestral hall of towns and villages. From the eighties of last century, the authors have made several trips to Huizhou area to do field investigation and specimen collection. They have investigated the area of Xiuning, Jixi, Yixian, Shexian, Qimen and Wuyuan County which belongs to Jiangxi province now, gone deep into fifty villages and towns, 200 townships to undertake relatively thorough and meticulous investigation and research. At the same time they mastered a large number of first hand data.

According to classification research on these private contracts collected in Huizhou area, obviously they have important legal value and social value. In this paper, the authors select and finish 2696 pieces from nearly 10000 pieces of private contracts, and classify them correspondingly based on different civil actions. In the end these private contracts are divided into 10 categories: trading, lending, mortgage, lease, partnership, marriage, inheritance, household division, mediation and others. The authors use statistical methods to classify and compare the incidence of different folk private contracts in this region, in order to illustrate the

occurrence of natural condition and legal value of them.

In order to make the statistics and comparison more intuitively convincing, the author takes Dong linxi, a township belongs to Xiuning County, as a specimen to analysis and compare the incidence of more than 200 private contracts which took place in this small village in the Ming and Qing dynasties. According to the probability and statistical comparison with the similar private contracts which took place in Huizhou area during the same period, the actual situation of private contracts in this area is elaborated more comprehensively.

This is the first time for Jurisprudence to use statistics and comparative analysis methods to do specialized research on private contracts which took place in clear locations and with specific behaviors since Ming and Qing Dynasties. The results of the study on the occurrence and quantitative analysis about Chinese private contracts have very important academic value, and can be used as a science basis about the direct quantification of Chinese folk private contracts.

Keywords: Huizhou, Private contracts, Classification statistics