

The constructed, operation and efficacy of the official system of autopsy in the cases of murder of Qing Dynasty

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Abstract

Fact finding and law application are the important functions of Criminal Procedure. Law application should be premised on certain existing facts. In order to find the fact, the judge must rely on the basis of evidence as proving. This paper intent to discuss how the official in Qing Dynasty confirm the fact by the evidence obtained through the examination of a corpse in the case of murder.

To solve this question, this paper try to discuss in three approach. First, how the official system of autopsy and its legal authority was constructed? Second, how the system operated in reality? Third, what the efficacy of this system is? According to these content, this paper try to research the relationship between “evidence” and “fact finding” in the Criminal Procedure of Qing Dynasty.

Keywords: Qing Dynasty, murder, autopsy, evidence, Xi Yuan Lu (洗冤錄), fact finding