

Discussion of the “Autumn-Trial Documentary” in the Ching era

Sun, Jia-Hong

Abstract

The 「Autumn-Trial Documentary」 was a judicial practice created in the Ching era, concerning death-penalty cases to be executed pending on the outcome of the autumn-trial. The documentary was either selected and edited by the legal experts for their private works, or was promulgated and enforced by the government officials. It had played an important function in the annual autumn trial. Before to-day no scholars had ever paid attention to this part of the legal history literature, which was rather peculiar in itself. The main conclusion is that the 「Autumn-Trial Documentary」 does not only come from the judicial practice of the autumn-trial in Ching era, but also becomes its partial character. Furthermore, these important documentaries play a key role in the judicial practice of the autumn-trial, which are helpful for us to know better what is the peculiar character and functions of the judicial practice of the autumn-trial in Ching era. This paper will focus on describing and discussing the simplified cases of the autumn trial, its rules and regulations and the precedent cases, so as to discover and identify the causes of autumn trial and to finalize its peculiarities. It is hoped that this paper will contribute to the academic study of the political and legal history of the Ching era.

Keywords: Autumn-trial, procedure, rules and regulations,
Precedent Cases