

THE FRAGMENT OF THE T'ANG ORDINANCES
OF THE DEPARTMENT OF WATERWAYS
DISCOVERED AT TUN-HUANG

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This manuscript, which is one of the most important documents concerning T'ang administrative law, was discovered by Pelliot at Tun-huang, and is now MS. No. 2507 of the Pelliot Collection of Tun-huang documents in the Bibliothèque Nationale. It is a part of a paper scroll, lacking both beginning and end. The back of the document has been used to write a *dhāraṇī*, and the scroll which we have was formed, presumably at this later date, by joining two fragments.¹ This can be seen from the discontinuity between lines 102 and 103, and there was clearly a passage here which has been lost.² It is clear, however, from similar material in *T'ang liu-tien* and from the content and writing of the two portions, that both originally formed parts—though not continuous parts—of the same document.³ The fragment which we have amounts in all to 144 lines, and apart from the last twelve lines, where the lower margin has been torn away, the document is in good condition and perfectly legible. A facsimile was published by Lo Chên-yü 羅振玉 in the second volume of his *Ming-sha shih-shih ku-i-shu* 鳴沙石室故佚書 (1913).

Accompanying the text, Lo Chên-yü published a postface in which he made some preliminary study of the text. By means of a parallel passage⁴ preserved in the T'ang encyclopaedia *Po-shih liu-t'ieh* 白氏六帖, which was quoted as from the Ordinances of the Department of Waterways, *Shui-pu shih* 水部式, he identified the present document as a more extensive portion of the same Ordinances.⁵ Lo Chên-yü also pointed out the

¹ Close inspection of the join between lines 102 and 103 reveals that the upper sheet has actually been pasted over a line of writing.

² It is not certain, however, whether the missing portion amounted to a whole sheet of paper, to several sheets, or to only a few lines.

³ For instance, lines 97-100 and lines 112-116 both have summaries in *TLT* 23 under the Directorate of Waterways (see Appendix B, p. 77), and in *TLT* 7 (*ibid.* p. 72).

⁴ See Art. 4 of the Translation, lines 12-15 of the MS., and compare *Po-shih liu-t'ieh* 23, *T'ang Sung Po-K'ung liu-t'ieh* 81.

⁵ The identification of the MS. still depends on this single parallel. The only other passage from the *Shui-pu shih* which is known to exist in quotation (Appendix C) and which is cited by Niida in his article in the Hattori Memorial Volume (see below, note 6) has no parallel in the MS. Presumably it was in one of the lost sections.

connection between certain parts of the manuscript and passages in *T'ang liu-tien*, but he confessed himself unable to date the document precisely.

In 1936 Niida Noboru 仁井田陸 published a detailed study of the document,⁶ in which, by the use of internal criteria and a technique of dating which he had already successfully applied to the *T'ang-lü shu-i*,⁷ he showed that the fragment is in fact part of the Ordinances promulgated in 737. Takikawa Masajirō 瀧川政次郎 has also arrived at the same conclusion.⁸

The document has been used by a number of scholars dealing with T'ang financial and economic problems.⁹ The sections on irrigation have been the subject of detailed studies by Niida¹⁰ and Naba Toshisada 那波利貞.¹¹ The latter, in a brilliant study based on a mass of material from Tun-huang, has shown how the Ordinances fitted into the pattern of local practice, and into the substratum of detailed administrative rulings covering local situations which were outside the scope of codified law. But no detailed study of the whole document has yet appeared. This short article is an attempt to cover certain aspects of the document which have been neglected until the present, and to introduce this most interesting manuscript to western readers.

⁶ Niida Noboru, *Tonkō hakken Tō Sui-bu-shiki no kenkyū* 敦煌發見唐水部式の研究 in *Hattori sensei koki shukuga kinen rombun-shū* 服部先生古稀祝賀記念論文集 (1936), pp. 761-88.

⁷ See Niida Noboru and Makino Tatsumi 牧野雲 *Ko-Tō-ritsu-sogi seisaku nendai kō* 故唐律疏議製作年代考 in *Tōhōgakuho* (Tokyo) 1 and 2 (1931). The method depends largely on changes in official nomenclature, place names, etc. In the case of the present MS. place names alone are sufficient to date the document precisely.

⁸ Takikawa Masajirō, *Shina hōsei-shi kenkyū*, p. 111 (1940). Takikawa depends on changes in official titles.

⁹ For example, by Chū Ch'ing-yūan in his *T'ang-tai ts'ai-ch'eng shih* 唐代財政史 (1940), p. 110, p. 157, etc., by Hamaguchi Shigekuni, *Tō ni okeru ryō-zai-hō izen no yōkei-rōdō* 唐に於ける兩税法以前の徭役勞勩 in *Tōyōgakuho* 20, iv; 21, i (1933), etc.

¹⁰ Niida Noboru, *Tōsō jidai ni okeru suiri-ken* 唐宋時代に於ける水利權 in *Shigaku Zasshi* 43, vii, pp. 121, 122 (1932), and the study mentioned above (note 6) pp. 780-8.

¹¹ See Naba Toshisada, *Tōdai no nōden-suiri ni kansuru kitei ni tsukite* 唐代の農田水利に関する規定に就きて *Shigaku Zasshi* 54, i, pp. 18-56; 54, ii, pp. 48-80; 54, iii, pp. 43-84 (1943). This masterly account of the problem is by far the best account of irrigation rules in China.

THE ORDINANCES 式 AND THEIR PLACE IN T'ANG LAW

The T'ang dynasty is the first period in Chinese history from which adequate material has survived for a systematic study of codified law. In

place of the scattered fragments surviving from the earlier periods¹ the scholar dealing with legal problems in T'ang times is confronted with rich material in the form of transmitted texts, an extremely full and important body of manuscript material discovered during the present century, and a very considerable corpus of legal studies of the highest quality produced by modern Japanese scholars.

During the T'ang codified law was divided into four divisions,^{1a} the *Code* [lū 律], the *Statutes* [ling 令], the *Regulations* [ko 格], and the *Ordinances* [shih 式]. The precise fields which were covered by each of these divisions are by no means clear. The definition given in *T'ang liu-tien* 唐六典 is very vague,² and that in the Legal Monograph of *Hsin T'ang shu*³ little better, though this does make a clear-cut distinction between the penal criminal law embodied in the *Code*, and the administrative rules contained in the other three divisions. To clarify this definition, and to gain a more precise appreciation of the importance of the various bodies of law, we must examine the surviving documents.

¹ This is not to minimize the work of Shên Chia-pên 沈家本, Ch'êng Shu-tê 程樹德 and others in reconstructing the Codes and other legal material of Han and later periods. But the reconstructions are by no means complete, and as Hulsewe's recent *Remnants of Han Law* (1955) has shown, the changes in the law between Han and T'ang make it much more difficult to project back later conditions on to earlier periods than is the case with the T'ang and later dynasties.

^{1a} A passage in des Rotours *Traité des fonctionnaires et de l'armée*, p. 454 and note 2, would suggest a sixfold division of written law. However, this is based on a mistranslation. *Fa* 法 and *li* 例, which the author has taken as specific types of legal writing, should in fact be read as *Fa-li* 法例, collections of precedents. *HTS* lists a *Fa-li* in two chapters by Chao Jên-pên 趙仁本, while *CTS* 46 lists a *Fa-li*, also in two chapters, by Ts'ui Chih-t'í 崔知悌. *CTS* 50 tells us that the use of Chao Jên-pên's compilation was banned in the courts after 677, but as the passage translated by des Rotours is concerned with the School of Law, *Lü-hsüeh* 律學, it is quite possible that they were retained as works of instruction. Works with the same title are quoted by *Ryō-no-shūge*, and from the quotations it is plain that they were collections of decisions, real cases as distinct from the hypothetical decisions *p'an* 判 many of which survive today. On this problem see Takikawa Masajirō *Ryō-no-shūge ni mieru Tō no hōritsu-shiryō* 令集略に見える唐の法律史料 collected in his *Shina hōseishi kenkyū* (1940), pp. 115-18.

² *TLT* 6 (Konoe edition, p. 20 a-b), cf. Büniger, *Quellen zur Rechtsgeschichte der T'ang-zeit* (1946), p. 22. "The *Code* fixes offences by providing correct punishments. The *Statutes* set up an administrative system by establishing a model. The *Regulations* correct wrong-doing by prohibiting transgressions. The *Ordinances* provide a norm for affairs by standardizing things."

³ *HTS* 56, p. 12, cf. Büniger *op. cit.*, p. 142 (the following translation differs in minor particulars from that of Büniger). "The penal writings 刑書 under the T'ang were of four kinds, called the *Code*, the *Statutes*, the *Regulations*, and the *Ordinances*. The *Statutes* set the order and precedence between honourable and base, noble and low born, and provided the administrative system of the state. The *Regulations* are the matters which must be constantly enforced by the hundred offices and by those in authority. The *Ordinances* are the laws which are permanently to be enforced by them. The governance of the State must be conducted by these three types of laws. Where there is any infringement or where a person does evil and falls into crime, all cases should be dealt with under the *Code*..."

There is no question whatsoever about the role of the *Code*, for the 737 edition of the *Code* survives, together with its detailed commentary, as the *Ku T'ang-lü shu-i* 故唐律疏議.⁴ Although it is incorrect to describe this as a purely criminal code, for it contains many rules covering purely administrative matters, it is a body of laws which prescribe penalties for specific offences, and thus conforms closely enough to the description given by the traditional sources.

Of the other three categories of laws, none has survived in its full original form. Remembering the distinction made in the *Hsin T'ang shu*, this is readily understandable, for while the bulk of the provisions in the *Code* dealt with criminal offences which were always considered as such, a large proportion of the administrative law was relevant only under the conditions of its own time. Fortunately, however, the loss has not been complete, and sufficient of each category survives to enable us to form our own judgement upon their respective roles.

It is well known that the T'ang *Code* became the model for the legal systems of the various states within China's cultural orbit.⁵ In the same way the *Statutes* of T'ang China were taken as a pattern by the Japanese legislators of the seventh to the tenth centuries. Two surviving Japanese works preserve for us the greater part of these *Statutes* [*ryō* 令] which, although they have been modified and adapted to suit the different social and administrative situation in Japan, preserve for us the form and much of the actual text of their T'ang model. The first of these two works is the *Ryō-no-gige* 令義解 an officially compiled commentary to the *Statutes* which was put into force in 834.⁶ The second, which is in many ways the most interesting legal compilation of either the Chinese or Japanese middle ages, is the *Ryō-no-shūge* 令集解. Probably compiled between 859 and 868,⁷ it is a digest not only of a multitude of earlier commentaries, both official and

private,⁸ but also of parallel and conflicting passages from both Chinese and Japanese legislation.⁹ From its commentaries we may derive a vivid picture of the lively contemporary interest in jurisprudence not only in China, but also in Japan, and also perceive something of the large volume of non-codified matter which was held to have legal force.¹⁰ For the present purpose, it provides the text of the greater part of the *Statutes* of 718 which are generally known as the *Yōrō-ryō* 養老令,¹¹ together with fragments of earlier Chinese and Japanese series.

The *Ryō-no-shūge* lay forgotten in manuscript throughout the Japanese middle ages, and was only brought to light again early in the seventeenth century.¹² Using it as a basis, Japanese historians, beginning with Matsushita Kenrin 松下見林 in the eighteenth century,¹³ have attempted the restoration of the T'ang original, by collecting the numerous quotations preserved in various literary sources and arranging them on the pattern provided by

⁴ The best survey of the material quoted is to be found in Takikawa and Miura, *op. cit.*, preface, pp. 9-17. They have identified with some measure of certainty thirteen Japanese commentaries and six Chinese commentaries to the *Statutes*, and a number of the unidentified works cited are probably of the same nature. Clearly there was great activity among legal writers at this period, and the large number of law books included in the catalogue *Nihonkoku genzaisho mokuroku* 日本國見在書目録 compiled in 885-97 by Fujiwara no Sukeyo 藤原佐世 shows that Japanese jurists had access to the bulk of Chinese codified law and to some private compilations.

⁵ The official compilations cited include not only the *Code*, *Statutes*, *Regulations* and *Ordinances*—usually of Yung-hui 永徽 Chui-kung 垂拱 and K'ai-yüan 開元 date—but older Japanese *Statutes*, Departmental rules 省例 and 八十一例, and Supplementary statutes 別記. The Chinese compilations of *Edicts supplementary to the Regulations* 格後勅 are also cited. It is not clear whether these were the series in thirty chapters noted in the *Nihonkoku genzaisho mokuroku*, which were probably one of the later sets either of 785, 807, or 818, or those of 827-30, 833, and 851 which were of fifty or sixty chapters. Takikawa makes a not altogether convincing case for considering them as quotations of the *Ch'ui-kung-hou ch'ang-hsing ho* 垂拱後常行格, fifteen chapters, issued in 705 (see *THY* 39).

¹⁰ Beside private compilations of a legal nature, Chinese classical and ritual texts are often quoted as authorities. This is the case also in the T'ang *Code*, though to a much more limited degree. *Ryō-no-shūge*, however, quotes from various heterodox philosophers, from the histories, and even cites such unlikely texts as the *Shan-hai ching*. The official commentaries on the Classics are clearly felt to have very strong force by the compilers.

¹¹ See Takikawa and Miura, *op. cit.*, p. 1. Also see Takikawa, *Nihon hōsei shi*, pp. 89-90. The present texts lack seven sections out of thirty, those on Military Defence 軍防令, Granaries and Stores 倉庫令, Medicine 醫疾令, Customs and Markets 關防令, Arrest of Criminals 捕亡令, Trials 獄令, and Miscellaneous 雜令. Fragments of the last three sections survive.

¹² The first mention we have in modern times is in 1614. Imadegawa Harusue 今出川晴季 presented Togugawa Ieyasu with a copy of the *Ryō-no-shūge*, which had been handed down to him from Toyotomi Hidetsugu 豐臣秀次 together with a copy of the *Ritsu* 律 and *Ryō-no-gige*. Early in the eighteenth century Kada no Azumamaro 河田春滿 requested that it should be printed, but nothing came of his suggestion, and the earliest printed edition appeared as late as 1872.

¹³ Matsushita Kenrin's MS. entitled *Shutaku Tōryō* 手澤唐令 is now in the possession of the Seikadō Bunko.

⁴ See the full details about this work contained in the article of Niida and Makino cited above (Introduction, note 7).

⁵ On this aspect of T'ang law see Yang Hung-lich 楊鴻烈 *Chung-kuo fa-lü tsai tung-ya chu-kuo chih ying-hsiang* 中國法律在東亞諸國之影響 (1937). On T'ang law as adopted in Japan there is a very extensive literature of which the most important items are cited in later notes.

⁶ See the Preface to the Shintei zōho Kokushi taikē edition 1951. Also see Takikawa Masajirō *Nihon hōsei shi* 日本法制史 (1928), p. 92. This official commentary, like the commentary *shu-i* attached to the T'ang *Code*, had full legal force in the same way as the *Statutes* themselves. It was compiled following a memorial in 826 of Nukada no Imatari 額田今足 a jurist whose personal commentary on the *Statutes* is frequently cited in *Ryō-no-shūge* under the title *Nuka ki* 額記. The compilation took seven years to complete. Among the compilers was another famous jurist Sanuki [no Ason]-Naganao 讃岐朝臣永直 whose works, cited as *Sanu ki* 讃記, also played a large part in the *Ryō-no-shūge* commentary.

⁷ See the preface to the edition *Teihon Ryō-no-shūge shakugi* 定本令集解釋議 of Takikawa Masajirō and Miura Hiroyuki 三浦周行 (1931). The date given in Sansom, *Japan, a short cultural history*, p. 156, as 920 is incorrect.

the Japanese *ryō*. This work has been continued by a number of scholars¹⁴ and finally brought to completion in Niida Noboru's 仁井田隆 monumental *Tōryō shūi* 唐令拾遺 (1933).¹⁵ Niida was aided in this task by the discovery among the Tun-huang documents of certain fragments of the *Statutes*.¹⁶ It is clear that he has recovered a substantial proportion of the original, and we can use his reconstruction to gain a general picture of the *Statutes* as a whole.¹⁷

The *Statutes* were quite clearly the major administrative laws of the Empire. They are purely administrative rules, and contain no sanctions for use against offenders. The sole legal sanction against offenders under administrative law in T'ang times is contained in an article of the *Code* which rules that:¹⁸

"All who offend against the *Statutes* 令 will receive a beating 笞 of fifty strokes. (Commentary: This means where the *Statutes* contain a prohibition which is not classified as an offence in the *Code* itself.) In the case of offences against separate *Ordinances* 別式 the punishment shall be mitigated by one degree."

Not only are these punishments among the lightest specified in the *Code*,¹⁹ but they are only one degree higher than those provided in a similar general article for unspecified offences which offend only against "reason".²⁰

As Hulsewé has pointed out in a recent study, this rigorous distinction

¹⁴ Prominent in such studies have been Miyazaki Michisaburō 宮崎道三郎 who was also responsible for the first textual critique of the *Ryō-no-shūge* text, and Nakada Kaoru 中田薫, who began so many important studies in comparative Chinese-Japanese institutions.

¹⁵ Niida's work explored for the first time the full range of the *Statutes*, where Nakada's *Tōryō to Nihonryō no hikaku kenkyū* (1904) 唐令と日本令の比較研究 had confined itself mainly to topics of economic administration.

¹⁶ Most important of these fragments were the fragment of the *Chih-yüan ling* 職員令 of uncertain late seventh century date, in the British Museum Stein, No. 1880; the fragment of the *Kung-shih ling* 公式令 of K'ai-yüan date (either 719 or 737) which is in the Bibliothèque Nationale; Fonds Pelliot Chinois Touen-houang. A most important further fragment of the *Chih-yüan ling* 職員令 of 651 [also in the Bibliothèque Nationale P. 4634 B verso] was later published by Naba Toshisada in *Tō shōhon Tōryō no ichi ibun* 唐抄本唐令の一遺文 *Shirin* 20 (1935), iii, pp. 527-66; iv, pp. 715-38; 21 (1936), iii, pp. 507-63; iv, pp. 752-810.

¹⁷ Naba, *loc. cit.* (*Shirin* 20, iii), however, rightly expresses some reservations regarding the completeness of the individual quotations, which he suggests are often abbreviated. "I consider that the cases where it is impossible to recover integrally the text of the original clauses of the laws are probably very numerous." Nevertheless, a comparison of the quotations and their parallels in the Japanese *Ryō* and recovered fragments suggests that, while we should preserve a critical attitude, the quotations are generally full and accurate, omitting only supplementary or secondary rules rather than tampering with the text of the main clauses. The only regular offender in this sense is *T'ang liu-tien* which often reworded and abbreviated the original texts.

¹⁸ See *Code* 27, Art. 27.

¹⁹ A beating of fifty strokes was the fifth grade of punishment, that of forty strokes for offences against the *Ordinances* the fourth grade.

²⁰ See *Code* 27, Art. 28.

between an entirely penal *Code* and the purely administrative *Statutes* was a post-Han development, and a conscious expression of the Confucian bureaucrats' instinctive distrust of penal law.^{20a} This divorce between penal and administrative law is underlined by the general impression that during the T'ang the rulings of the *Code* were by no means always carried out to the letter, whereas the *Statutes*, whose application we can examine in the Tun-huang MSS., seem to have been rigorously enforced.²¹

Though we can thus make fairly confident assertions as to the nature and scope of the *Code* and *Statutes*, when we come to the other categories of codified law, the *Regulations* and *Ordinances*, the position is far less satisfactory. The fragments which remain in acknowledged quotation are comparatively few, and the ground has been covered so thoroughly by previous scholars that there seems to be very little hope of any considerable body of material remaining to await discovery.²² Recently Akitsuki Kan'ei 秋月觀暎 has made a partial reconstruction of the fragments of the *Tao-seng-ko* 道僧格, the *Regulations on Buddhist and Taoist priests*, but this is an exceptional case for a number of reasons,²³ and may not have formed a part of the general corpus of *Regulations* at all. It would clearly be fruitless to undertake a similar task for the other sections of the *Regulations* and *Ordinances*.

That both bodies of law were detailed rules relating to official practice is clear not only from the *Hsin T'ang shu* passage already mentioned,²⁴ but from what we know of their arrangement. Whereas the *Code* and *Statutes* were arranged under various topics—types of offence in the *Code*,²⁵ and

^{20a} See Hulsewé, *Remnants of Han law* (1955), pp. 30, 31. Some further remarks on this topic may be found in the introduction to Balázs *Le traité juridique du "Souei-chou"* (1954). During the period discussed in the latter work (roughly the sixth century), the division of fields of law was already complete.

²¹ This is a general impression, in so far as the application of the *Code* is concerned. Hulsewé, *op. cit.*, p. 9, makes a similar tentative suggestion.

²² As I shall point out below *T'ang liu-tien* undoubtedly contains a large corpus of silent quotation from the *Ordinances* 式, but it is practically impossible to identify these passages with any degree of confidence.

²³ See Akitsuki Kan'ei, *Tōdai shūkyō heihō ni kansuru kanken* 唐代宗教刑法に關する管見 in *Tōhō Shūkyō* 4/5 (1954), pp. 137 ff., and the fragments published by the same author in *Rekishi* 4 (1952). The reconstruction of these fragments is possible because the Japanese *Ryō* contained chapters devoted to Buddhist matters. For these chapters there was no model in the Chinese *Ling*, and the commentators cited by *Ryō-no-shūge* had to draw heavily on the nearest Chinese equivalent—the *Tao-seng-ko*—for authority, instead of the corresponding texts in the *Statutes*. All mention of the *Tao-seng-ko* has vanished in China, and it is impossible to say with any certainty that they formed part of the general corpus of *Regulations*. However, the existence in the *Nihon koku genzaisho mokuroku* of the *Seng-ko* 僧格 in one chapter, as a separate work, suggests that they may have been a special category. See my article *Monastic Estates in T'ang China*, *Asia Major* V, 2 (1956), p. 134, note 56.

²⁴ *HTS* 56, p. 12 (see Note 3 above).

²⁵ The *Code's* contents are set out in Balázs, *op. cit.*, p. 208.

fields of administrative activity in the *Statutes*²⁶—it is obvious from those titles of chapters which have been transmitted that both *Regulations* and *Ordinances* were subdivided according to the office of the central government under whose responsibility the matter would normally fall.²⁷

The *Regulations* were subdivided into two types, the *Generally Promulgated Regulations*, *san-pan-ko* 散頒格, which were distributed to the relevant subordinate offices of the local administrations, and the *Regulations retained in the Department*, *liu-ssü-ko* 留司格, which were compiled for reference by the staff of the central office.²⁸ They were periodically amended, in order to bring their contents into line with the Edicts which had subsequently revised them. Between the actual series of amended *Regulations*²⁹ compilations of *Edicts supplementary to the Regulations*, *ko-hou-ch'ih* 格後敕, were issued,³⁰ to enable officials to keep up to date with amendments

²⁶ For the contents of the *Statutes* see Büniger *op. cit.*, pp. 33, 34. His list of chapters, which is that of *T'ang liu-tien* 6, is, however, incomplete, and should be compared with the table in Niida, *Tōryō shūi*, pp. 55–8, and with the historical discussion of the form of the *Statutes*, *op. cit.*, pp. 1–55. To Büniger's list should be added the following: (i) *hsieh-ling* 學令, *Statutes on Schools*; (ii) *Fêng-chüeh-ling* 封爵令 *Statutes on fiefs and nobility*; (iii) *Fêng-lin-ling* 俸廩令 *Statutes on emoluments*; (iv) *Yo-ling* 樂令 *Statutes on music*; (v) *Pu-wang ling* 捕亡令 *Statutes on the arrest of fugitives*; (vi) *Hsia-ning ling* 假寧令 *Statutes on leave of absence, mourning, etc.* The list given by Balazs, *op. cit.*, p. 209, should also be amended. This list purports to give the contents of the 624 *Statutes*. In fact it again is the *T'ang liu-tien* list applying to 719. We know nothing about the contents of the 624 series. Büniger's rendering of category 7 *Titel der Frauen hoher Beamter* is also incorrect. The *nei-wai ming-fu* 內外命婦 were consorts bearing noble titles (see *Tz'ü-hai* sub. *ming-fu*). The *chih-yüan* is the general section of the *Statutes Chih-yüan-ling* 職員令 *Statutes on official posts*, of which all Büniger's categories 2–7 formed parts.

²⁷ This is also the case with the Japanese *Regulations*. These are collections of Edicts dealing with specific periods. They arranged matter under government departments with the exception of miscellaneous 雜 and temporary 臨時 measures. See *Honchō hōke monjo mukuroku* 本朝法家文書目錄 (*Zoku-zoku gun-sho rui-jū* 16, pp. 149–52). Takikawa, however, in his *Nihon hōsei shi*, p. 92 ff., stresses the fact that the Japanese *kaku* were somewhat different in function from the Chinese *ko*, and too much dependence should not be placed on their arrangement.

²⁸ See Naba, *Tōdai no nōden-suiri ni kansuru kitei ni tsukite*, *Shigaku Zasshi* 54, i, pp. 23–9; Büniger, *op. cit.*, p. 40. Series of *ko* sometimes included only one of the two categories.

²⁹ *Regulations* were first promulgated in 637 comprising the *Chên-kuan ko* 貞觀格 in eighteen chapters (*CTS* 50, 6a–b, *THY* 39; *Nihonkoku genzaisho mukuroku*, however, lists a *T'ang Chên-kuan ch'ih ko* 唐貞觀勅格 in ten chapters), and a *Liu-ssu ko* in one chapter (*CTS* 50, *THY* 39). Revised versions appeared in 651, 652–5, 676, 677, 685, 705, 707, 710–12, 715, 719, 737.

³⁰ On this problem see Takikawa, *op. cit.*, note 1a above. The first series appears to have been the *Chui-kung-hou ch'ang-hsing-ko* of 705 (see note 9 above). Another set appeared in 731 entitled *Ko-hou ch'ang-hsing ch'ih* in six chapters. Further sets were promulgated in 785, 807, 818, 827–30, 833, 851. One of the early ninth-century sets, or perhaps that of 785, is included in *Nihonkoku genzaisho mukuroku*, which mixes indiscriminately *ko* 格 and *ch'ih* 勅 (Edicts).

pending the publication of a new series of *Regulations*. During the early part of the dynasty (624–737) when codified law was constantly revised³¹ these compilations of *Edicts* were of little importance, but after An Lu-shan's rebellion they seem to have become a most important part of the corpus of laws.³²

The Tun-huang MSS. fortunately include a fairly lengthy fragment of a *T'ang Regulation*, the fragment of the *Generally Promulgated Regulations of the Board of Justice* issued in 706.³³ Its contents consist for the most part of supplementary rulings, and some of these include penal sanctions in the manner of the *Code*, in direct contradiction to what is said in *Hsin T'ang shu* 56.³⁴ It would be unwise to make any sweeping generalization on this basis, however, for detailed rules of the Board of Justice would contain specification of punishments in the normal course of events, even where such sanctions did not figure in the *Regulations* of other government departments.

Nevertheless, it is also clear from the fragment that the *Regulations* contained emendations based upon Edicts³⁵ not only affecting the administrative law of the *Statutes* [and in all probability of the *Ordinances* as well], but the penal law of the *Code*.³⁶ It would seem in fact that they were a codification of amendments to the *Code* and *Statutes* which had originally been embodied in *Edicts*, and that their essential function was that of a body of supplementary legislation bringing codified law into line with current

³¹ For an account of the successive revisions see the introduction to Niida, *Tōryō shūi*, pp. 1–55, Büniger, *op. cit.*, pp. 239–45. (The latter is incomplete.)

³² It is, of course, possible that it was the termination of compilation of new *Regulations* embodying amendments issued as Edicts, rather than the suspension of frequent wholesale revisions, which gave the *ko-hou-ch'ih* their new significance. After An Lu-shan's rebellion they were practically the only forms of law which were promulgated. The only exceptions to this were the doubtful revision of codified law in 779, ordered as part of the reforms at the beginning of T'ê-tsung's reign, and the publication in 851 of the legal encyclopaedia *Ta-chung hsing-fa* [or *hsing-lü*] *t'ung-lei* 大中刑法 [律] 統類 in twelve chapters.

³³ The fragment is Fonds Pelliot Chinois Touen-houang No. P. 3078. It is mentioned and quoted in part by Naba in *Shigaku Zasshi* 54, i (1943), pp. 26–8, and mentioned also by Tung K'ang 蕭康 in *Shu po yung-t'an* 1, 書伯庸譚. But the whole text has not yet been printed. The MS. is 92 lines in length and covers 13 clauses.

³⁴ The ninth article is the embodiment in the legal corpus of the death penalty for counterfeiting, first promulgated as an Edict in 682 (see *TT* 9). For the *Hsin T'ang shu* passage, see note 3 above.

³⁵ The connexion between the *Regulations* and *Edicts* is quite plain from the way in which bibliographies mix the two categories indiscriminately.

³⁶ Their effect on penal law clearly went farther than is envisaged by Balazs when he said (*op. cit.*, p. 22): "Les règlements enfin . . . statuaient sur les modes d'application et concernaient essentiellement le droit administratif et la procédure." They could alter the penal sanctions, and bring new categories under the scope of the *Code*.

developments.³⁷ The existence of such a body of amendments probably helps to explain the fact that the main bodies of codified law remained apparently unchanging in the face of repeated revisions and re-editions.

There is no doubt that the *Ordinances* were a body of administrative rules supplementary to those in the *Statutes*,^{37a} and that they provided the detailed rules, especially local rules, for the implementation of official policies. The close connexion between the *Statutes* and *Ordinances* is confirmed by the passage from the *Code* already cited, and it is notable that this text makes no provision for offences against the *Regulations*,³⁸ thus underlining their place apart from the other bodies of codified law, and suggesting that they normally contained their own sanctions rather than that this was the case only with those issued by the Board of Justice. The accounts of the compilation of the administrative handbook *T'ang liu-tien* also link *Statutes* and *Ordinances* as the principal sources.³⁹

Like the other categories of codified law, the *Ordinances* were

³⁷ Büniger, *op. cit.*, pp. 36-43 has a good account of this aspect of the *Regulations*, though he mentions neither Tun huang materials nor the work of Japanese legal historians. See also Nakada Kaoru, *Kohō Zakkan 古法雜觀 in Hōseishi kenkyū* 1 (1951), pp. 5-12, and *Ritsuryō hōkei no hattatsu ni tsuite: hōkō 律令法系の發達に就いて補考 Hōseishi kenkyū* 3, pp. 67-88. In Nakada's view the *ko* 格 fulfilled the same task of codifying legislation promulgated as Edicts, as had the *ling* in Han times.

^{37a} The best discussion of the interconnections between *Ordinances* and *Statutes* will be found in Niida, *Tō gumbō-ryō to Hōsui-seido 唐軍防令と律儀制度一瀧川博士の批評に答へて in Hōseishi Kenkyū* 4 (1953), especially pp. 201-9. This article is an answer to Takikawa who had attempted, in an article *Tō heibu-shiki to Nihon gumbō-ryō 唐兵部式と日本軍防令 Hōseishi Kenkyū* 2 (1952), pp. 73-80, to prove that certain parts of the Japanese *Taihōryō* were not copied from Chinese models in the *Statutes*, but from parts of the *Ordinances*. Niida produces a bulk of evidence which clearly shows that the existence of a passage in the one corpus did not mean that it occurred only there. Many articles in the *Ordinances* seem in fact to have been paraphrases and amplifications of articles in the *Statutes*. Niida also cites Japanese memorials from 759 and 830 which make clear the interdependence of Code Statute and Ordinance. The second of these addressed to the throne by Fujiwara no Ason no Mitsumori 藤原朝臣三守 is quite explicit: "The ancient codifications of Statutes and Code only present the basic rules 本條. When it comes to their actual imposition 體履 they are mutually dependent. While the clauses of the *Ordinances* remain defective, if we discuss the art of government, there are certainly some respects in which it is incomplete."

³⁸ See *Code* 27, Art. 27. Also see *Code* 11, Art. 17, which says that if there is anything in *Code Statutes* or *Ordinances* which is unsuitable for local conditions, local officials should draw up a deposition and send it in to the Department of State before changing the local rules. Here administrative law is quite obviously in question, and again the *Regulations* are left out of account.

³⁹ See HTS 58 commentary, and *Chih-chai shu-lu chieh-ti* 6, which tell us that the compilers first arranged the materials in the *Statutes* and *Ordinances* under the six authorities 六司 in imitation of the *Liu kuan* 六官 of the *Chou-li*. See also Tamai Zehaku, *Dai-Tō riku-ten to Tsū-ten no Sō-kanpon ni tsuite 大唐六典と通典の宋刊本について in Shina shakai-keizai-shi kenkyū* (1942), pp. 429-36. Des Rotours, in *Traité des Examens* (1932), p. 99, mistranslates the HTS passage missing the whole point of *ling-shih* 令式, which undoubtedly stand here in the specialized sense.

frequently revised, and we know of eleven series^{39a} issued between 624 and 737. During the reigns of Kao tsu and T'ai tsung they seem to have comprised only fourteen chapters, but later⁴⁰ the number was increased to twenty chapters.⁴¹ In almost every case these chapters, where there are names preserved, bear the name of the relevant official department, in the same way as the *Regulations*,⁴² but a passage in *T'ang hui yao* 39 suggests that

^{39a} We know of the series of 624, 637, 651, 665, 677, 685, 705, 712, 715, 719 (or 716), and 737. See THY 39, CTS 50, TT 165, etc. Also see Niida, Hattori Memorial Volume (1936), pp. 763-70. The alternative date 716 for the 10th series is provided by a quotation in *Yü Hai* 66 of *T'ang liu-tien*; it may well be a copyist's error.

⁴⁰ It is possible that the *Ordinances* took their final shape in 637 when one understands the passage in CTS 50, p. 6b, to refer to this series as does Büniger, *op. cit.*, p. 91, p. 149, and p. 239. However, there seems little reason to do this, especially as there is some reason to believe that the series of 651 had fourteen chapters, as had that of 624. This is the number given by CTS 50, CTS 46, and HTS 58. The forty chapters mentioned in THY 39 is clearly corrupted from this (十四 into 四十). However, *Nihonkoku genzaisho mokuroku* says there were twenty chapters. This is the uniform size from 685 onwards. There is slight evidence of a change in the contents of the *Ordinances* at this latter date (see Note 43 below) and I am inclined to believe that they contained fourteen chapters until this date. The additional six chapters are accounted for by the four chapters of the *Yung-hui chung shih-pên* 永徽中式本 added in 665, and the two chapters added in 685 (THY 39). The *shih-pên* existed as a separate work from 665 to 685, as a supplementary *Ordinances*.

⁴¹ HTS 58, which gives the 637 *Ordinances* in 33 chapters 卷, has confused the number of *p'ien* 篇 sections in the later series with the chapters.

⁴² A lost text of TLT cited in *Yü hai* 66, p. 9a, tells us "The old system was that the *Ordinances* consisted of thirty-three sections [*p'ien*], which took their titles from the Department of State, the Censorate, the nine Courts the three Directorates and the Armies." This differs from the present texts of TLT 6 (Konoe edition, 19b-20a) which says "The *Ordinances* comprise thirty-three sections, *p'ien*. These, too [like the *ko*] take as their titles the various sub-departments of the Department of State [尙書省 刺曹: 刺曹 in Konoe edition and Kuang-ya edition must be an error for 諸曹] with the *Pi-shu* 秘書, *T'ai-ch'ang* 太常, *Ssu-nung* 司農, *Kuang-lu* 光祿, *T'ai-p'u* 太僕, *T'ai-fu* 太府 *Shao-fu* 少府, with the *Chien-mên* 監門, and *Su-wei* 宿衛 guards, Tax registers *chi-chang* 計帳, etc." This list, if we take the *chu-ts'ao* 諸曹 as the correct reading for the *hsing-ts'ao* 刺曹 in the present texts, gives thirty-four sections and not thirty-three. Moreover, the account is quite different from that of the *Yü hai* fragmentary quotation, as the Censorate and armies are not mentioned at all, while only certain of the Courts and Directorates figure in the list. Niida, in his *Tonkō hakken Tō Suibu-shiki no kenkyū*, pp. 772, 773, gives a list of known quotations from specific sections of the *Ordinances*. The titles which he recovered are the eighteen following:

(1) <i>Li-pu-shih</i> 吏部式	(2) <i>K'ao-kung-shih</i> 考功式	(3) <i>Hu-pu-shih</i> 戶部式
(4) <i>Tu-chih-shih</i> 度支式	(5) <i>Li-pu-shih</i> 禮部式	(6) <i>T'ü-pu-shih</i> 祠部式
(7) <i>Chu-k'o-shih</i> 主客式	(8) <i>Ping-pu-shih</i> 兵部式	(9) <i>Chih-fang-shih</i> 職方式
(10) <i>Chia-pu-shih</i> 駕部式	(11) <i>K'u-pu-shih</i> 庫部式	(12) <i>Hsing-pu-shih</i> 刑部式
(13) <i>Ssü-mên-shih</i> 司門式	(14) <i>Shui-pu-shih</i> 水部式	(15) <i>Pi-shu-shih</i> 秘書式
(16) <i>T'ai-p'u-shih</i> 太僕式	(17) <i>Shao-fu-shih</i> 少府式	(18) <i>Chien-mên-shih</i> 監門式

More quotations are cited by Naba in *Shigaku Zasshi* 54, i (1943), pp. 32, 33, including (19), *Kuang-lu-shih* 光祿式. Further quotations are mentioned by Takikawa in his *Ryō-no-shige ni mieru Tō no hōritsu-shiryō* (see note 6 above) and *Tō Heibushiki to Nihon Gumbōryō* (see note 37a above), and by Niida in his *Tō Gumbōryō to Hōsui-seido* (see note 37a above), but no further sections are mentioned by name. These nineteen known sections fit the account of the present TLT 6, and mention none of the extra divisions mentioned by *Yü hai* 66.

this rule may not have been universal, and that certain important topics had special chapters devoted to them.⁴³

Unlike the fragment of the *Regulations* mentioned above, the fragment of the *Ordinances* which is the subject of the present study, and which is the only passage of any considerable length surviving from them, confirms rather than modifies our conception of the place of the *Ordinances* within the framework of codified law. As the accounts in the histories tell us,⁴⁴ the contents of the fragment prove to be detailed administrative rules, concerned above all with the functions of various government offices and their respective fields of responsibility. Like the *Statutes*, the *Ordinances* contain no mention of sanctions, and these were again presumably covered by the general clause previously quoted from the *Code*.

The fragment bears out the impression which is given by other short quotations from the *Ordinances*, that much of their contents was taken up with rules supplementing, expanding, or elucidating the general rules in the *Statutes* and *Code*,⁴⁵ and that they stood in a very intimate inter-relationship with these other bodies of law.⁴⁶ Unfortunately the relevant clauses of the *Statutes* concerned are imperfectly preserved in Chinese sources⁴⁷ and some of them formed part of the last chapters of *Ryō-no-shūge*,⁴⁸ although the text itself is certainly reflected in *Ryō-no-gige*.⁴⁹ These related clauses of *Code* and

⁴³ THY 39 (cf. Büniger, *op. cit.*, p. 177), "685, iii, 23. The *Regulations* and *Ordinances* were revised. *Ordinances* on tax-registers *chi-chang*-[shih] 計帳式 and [auditing?] *kou-chang*-shih 句帳式 were added, which together with the old *Ordinances* formed twenty chapters." See also TT 165, T'FYK 612. The meaning of *kou-chang* 句帳 is not altogether certain, and this introduces yet another otherwise unknown section into account. The Old *Ordinances* are presumably those of 677 in fourteen chapters plus the separate *Yung-hui chung shih-pên* in four chapters.

⁴⁴ See TLT 6, HTS 56, CTS 50.

⁴⁵ On this inter-relationship see Niida, *Tō Gumbōryō to Hōsui-seido*, pp. 201 ff. and note 37a above. The relevant clauses in the T'ang Code are 27, Art. 2 and 3. There is little doubt that there were *Ordinances* related to Code 27, Art. 4, 5, which deal with official shipping and must thus have come under the cognisance of the *Shui-pu*. These parts are, however, not preserved. The relevant material in the *Statutes* is in the *tsa-ling* 雜令 and *ying-shan-ling* 營繕令.

⁴⁶ It is probable that, as Niida suggests, the sense of *pieh-shih* separate Ordinance is an Article which was supplementary in some sense to a part of the *Code* or *Statutes*. In this case, the clause of the Code 27, Art. 27, provided sanctions only against offenders under these "supplementary articles", and not against offenders under the *Ordinances* as a whole. The occurrences of the term *pieh-shih* are, however, too infrequent for us to be dogmatic on this point. A further demonstration of the relationship of *Statutes* with *Ordinances* is the frequent usage of such terms as 依令式 "according to *Statutes* and *Ordinances*". No other combination of the various categories of codified law occurs with the same regularity.

⁴⁷ The Statute on dykes [*Ying-shan-ling* 營繕令] is quoted only in the *Shu-i* commentary to Code 27, Art. 2. That on irrigation [*Tsa-ling* 雜令] is quoted in shortened form in TLT 7 (Konoe edition, p. 27a).

⁴⁸ That is the *Tsa-ling*.

⁴⁹ See *Ryō-no-gige* 6 [Section 20] Shintei Zōho Kokushi taikē, pp. 223, 224, *Ryō-no-gige* 10 [Section 30], p. 335.

Statutes are translated and discussed in Appendix A. Though the case is not such a simple one as that of the surviving fragments of the Ordinances of the Finance Board, *hu-pu shih* 戶部式, which seem to have been very closely linked to the *Taxation Statutes*, *fu-i-ling* 賦役令, and where the two clearly formed an inseparable corpus of rules for administrative practice,⁵⁰ the general pattern of relationship is quite clear.

Where the *Statutes* embody general principles for administration and seem to be conceived as having the same universal and uniform application as the *Code*, the *Ordinances* are the detailed rules by means of which these principles were put into practice and applied. Hence they deal either with amplifications of the general rules, or with the application of the general principles to local conditions.⁵¹ Many of the clauses in the fragment fall into the latter category. It is often difficult to be absolutely sure where new clauses begin, as no special word (such as *chu* 諸 or *fan* 凡) is used to mark the beginning of each clause, but I have provisionally divided the text into thirty-four paragraphs. Of these five are of general application, and amplify general policy, while the remainder deal with specific local problems.

The local rules included in the fragment, although a certain part was applicable in the area of its provenance in north-western China, cover a wide area in China Proper (omitting only Szechuan among those parts of China which were fully sinicized in T'ang times), and there is no question that the fragment is the remains of a body of administrative law which was promulgated throughout the empire, and was not a special set of local administrative rules designed for a specific area alone.⁵²

Since the *Ordinances* are the lowest form of centrally codified administrative law of which we have knowledge⁵³ the document gives us a valuable

⁵⁰ See the quotations of the *Hu-pu-shih* in the *Po-shih liu-t'ieh* 22, under *chêng-i* 征役. Compare the *Statutes* on taxation and households.

⁵¹ The most important local condition dealt with by the fragment is the local arrangements for corvée. These presumably are the corvées not covered by a clause in the *Statutes* 凡令條之外雜徭 mentioned in the Japanese *Statutes*. See *Ryô-no-shû* 14 (Takikawa and Miura edition, pp. 388, 389).

⁵² The areas mentioned in the fragment include all of northern China, including the northern bend of the Huang-ho and the Kansu Corridor, Shantung, the Yangtse valley, Hunan, and Kuang-tung. The bulk of the items deal with the two Metropolitan Districts around Ch'ang-an and Lo-yang, and the intervening areas.

⁵³ There were several bodies of law outside the scope of the four codified categories. Most important were probably the *li* 例, which played a very important role in contemporary Japanese law. (See Takikawa *Nihon Hôseishi*, pp. 98, 99.) There, they were departmental collections of rules, mostly detailed provisional rules on application. In China not even the titles of any of these *li* survive in any of the bibliographies or accounts of legislative activity, and the mentions of them are confused by the constant use of *li* in a non-specialized sense as "a rule" or as a "precedent" or analogy. In this latter sense it appears in the works known as *Fa li* which were collections of actual precedent, as distinct from the various *P'an chi* 判集 collections of theoretical judgments. A further term which remains to be explained are the *pieh chi* 別記 again apparently supplementary rules attached to the *Statutes*.

pointer to the limit in local administration between the ground covered by central codified law, and that covered by local administrative compilations.⁵⁴ There is not the slightest doubt that the latter played a most important role in T'ang administration. Fortunately there is at least one Tun-huang MS. which represents this category of local law in the field of irrigation. This invaluable document, which was published by Naba Toshisada in 1943, deserves a separate study.⁵⁵ It shows the essential difference between the *Ordinances* which dealt with amplification of policy and problems which involved co-ordination between different official bodies, and these local laws which dealt with detailed application within the jurisdiction of a single Prefect.⁵⁶ It also demonstrates clearly the part played in such administrative rules by usage and precedent.⁵⁷ It would, however, be rash to make too much of this, for irrigation is a field where usage and local experience are particularly vital factors.⁵⁸

To sum up, the fragment clearly shows that the *Ordinances* were differentiated from the *Statutes* in the general field of administrative law in that whereas the latter were widely applicable general rules, the former normally dealt with problems which were the responsibility of a limited number of specific offices, and which were confined to limited areas. This limit, however, was not a rigid one, for it is certain that the *Ordinances* frequently quote, gloss, or paraphrase, passages from the *Statutes*. At the lower end of the scale, the *Ordinances* do not seem to have covered administrative problems which were the internal responsibility of individual prefectures and which did not involve questions of co-ordination.

⁵⁴ In view of the short tenures of provincial offices which were normal in T'ang times, such local legislation was a necessary means of maintaining administrative control over a long period. These rules provided a continuity of policy in the same way that the sub-bureaucratic staff (the *li*) provided continuity of personnel.

⁵⁵ The document is in the Bibliothèque National P.3560 verso. The text is published by Naba in *Shigaku Zasshi* 54, i (1943), pp. 49-55. The original scroll lacks both beginning and end, and bears no title, so that we are unable to suggest which category of laws it belongs to.

⁵⁶ A comparison of the many place-names and names of canals with other Tun-huang material clearly proves that it applies only to the Tun-huang oasis, that is Sha-chou 沙州 prefecture.

⁵⁷ See P.3560, lines 45-7, 64, 65, 89, 90 (damaged). These passages refer to enquiries into traditional usage, the experience of former officials employed in irrigation, and normal procedure where in the past official decisions have been conflicting.

⁵⁸ Moreover, Tun-huang was an area where the effective functioning of the irrigation system was specially vital.

THE DEPARTMENT OF WATERWAYS

In order to gain a clear picture of the fragment as a part of the complex of codified administrative law, we must give a brief account of the field of responsibility of the Department of Waterways whose name it bears.

It is quite certain that the Chinese bureaucracy in T'ang times had evolved a system of precedent and procedure by which the scope of various offices was defined, and by which clashes of responsibility were avoided. However, with the scanty material remaining at our disposal, the most important items of which, the *T'ang liu-tien* and the Monographs on Officials in the Standard Histories, are extremely imprecise, we are given the impression that the official hierarchy contained many duplicated offices and a great many anomalies which it is now quite impossible to explain. The question is further complicated by the changes in responsibility of various offices during the course of the dynasty, and it is only in the case of the more important organs of administration that we have adequate material to trace the shifts of responsibility.

It becomes clear from the fragment that the definition of fields of responsibility was one of the most important functions of the *Ordinances*. The fragment deals in fact not only with the affairs of the Department whose name it bears, but with several other bodies whose fields of activity overlapped its own.

The *Shui-pu* 水部 itself was a sub-department of the Board of Works, *Kung-pu* 工部 the lowest ranking of the Six Boards which formed the nucleus of the executive machinery of the Department of State *Shang-shu shêng* 尚書省. This organization had been inherited by the T'ang from the northern dynasties.

Theoretically the Department of Waterways was responsible for all the waterways of the Empire, for flood-control, irrigation, water-transport, fishing, and mills. It also controlled certain key bridges and fords. The various sources differ regarding the details, but it seems probable that its control of irrigation and bridges was restricted to the Metropolitan areas, and since none of the sources gives any details regarding water-transport or fisheries, it is likely that in those fields its duties were purely nominal.

Alongside the system of the Six Boards, the T'ang also maintained a secondary series of executive departments, the Nine Courts 九寺 and the Five Directorates 五監, which in many cases apparently duplicated their functions. One of the Directorates, the Directorate of Waterways *Tu-shui-chien* 都水監, stood in such an anomalous relationship with the Department itself.

The Directorate of Waterways was responsible, nominally, for rivers and marshes, fords and bridges, canals, dams and dykes. It also controlled two subordinate offices, one responsible for shipping, the *Chou-chi-shu* 舟楫署, and the other for rivers and canals, the *Ho-ch'ü-shu* 河渠署. It seems clear from the details we have that the Directorate held actual responsibility for transport and fisheries, and that, while both it and the Department were concerned in irrigation and water-conservancy, on balance the Directorate was the more important authority in these fields.

The matter was further complicated by the fact that all major constructional works were the responsibility of the parent Board of Works, which itself acted in close collaboration with another of the Directorates, the Directorate of Works, *Chiang-tso-chien* 將作監.

In the provinces all such business was the responsibility of the Administrative clerks of the Prefectural Office of Works, *Shih-ts'ao-ts'an-chün-shih* 土曹參軍事, and his equivalent at the County level the Assistant of the Office of Works, *Ssü-shih-tso* 司士佐. These officers held responsibility for all fords and bridges, for boats, and for construction works. They in turn were closely linked with the Prefectural office of Finance, *Hu-ts'ao* 戶曹 which provided funds and materials, and assigned the necessary labour force.

The fragment unfortunately throws little light on the machinery of co-operation between the various organs of central authority directly involved, though it gives some most valuable material on the organization of prefectural labour services on behalf of the central agencies. The matters with which it is concerned include irrigation, water-transport, bridges, fords, fishing and mills. We may thus presume that, as the issuing authority, the Department of Waterways held nominal responsibility for all these fields. However, certain of the clauses refer specifically to the activities of the Directorate of Waterways, and the same Ordinances apparently covered their field of responsibility also.

There is no question, however, that the overall authority of the Department was more than a vague nominal responsibility. In fact, far from being subordinate officers, the Commissioners *Shih-ché* 使者 of the Directorate held higher rank than the Chief Secretary *Lang-chung* 郎中 of the Department.

The organization of the *Ordinances* in this instance does not imply the pre-eminence of the Department of Waterways in its own field, but was simply a device to bring under one heading the affairs of the various authorities involved in this highly complex field of administration, and to provide definitions and limitations of the powers of these theoretically overlapping offices.

FRAGMENT OF THE ORDINANCES OF THE DEPARTMENT OF WATERWAYS

..... [beginning missing]

1. At all places on the Ching 涇, Wei 渭, the Pai-ch'ü 白渠¹ and all major canals where water is used for irrigation, wherever there is placed a

¹ The Pai-ch'ü was the principal canal of the irrigation network which watered the plain to the north of the Wei river in the vicinity of Ch'ang-an. It was the descendant of the canals built for the Ch'in by Chêng Kuo 鄭國 (cf. Shih chi 29, Chavannes,

sluice-gate 斗門 stones should be piled up and timbers erected to form side-walls 傍壁 and thus make the place firm and solid. Dams may not be built in the canal itself.

2. Wherever there is a major canal used for irrigation where the water level is low and the land high, dams may not be constructed² in the canal itself. It is permissible, however, to construct a sluice-gate to take off water at a higher place further upstream. All such sluice-gates must be set up under the supervision of the officers of the Prefecture and County, and may not be established on private initiative. On minor branch canals 傍支渠 where the land is high and the water level low, it is permissible to temporarily dam the canal for a short while 須臨時壅堰 to irrigate the land. Whenever fields are to be flooded³ prior

Mémoires historiques III, ii, 523-5; *Han shu* 29, etc.), and developed under the Han by Ni K'uan 倪寬 in 111 B.C. (the so-called Liu-fu ch'ü 六輔渠, cf. *Han shu* 29, 11b-12a), and by "Duke" Pai 白公 in 96 B.C. (cf. *Han shu* 29, loc. cit., TT 2, and TCTC 22, which gives the date as 95 B.C.). It is from the last named that the canal system as a whole took its name. There is some controversy among the commentators whether *kung* 公 is actually a noble title, or simply a title of respect. I follow Yen Shih-ku and adopt the latter reading. This irrigation system was said to have watered 44,500 *ch'ing* of land, whose productivity was the basis of Kuan-chung's prosperity in Han times. By the middle of the seventh century this area had shrunk to about one quarter (see TT 174, 925 a), and by 766 it had decreased still further to only 6200 *ch'ing*. As Tu Yu points out (TT, loc. cit.) this involved a decrease in grain production of four or five million *shuh*, and this was an important factor in the development of economic instability in the Kuan-chung region. In the T'ang period, the term Pai-ch'ü referred not to any single canal, but to a whole complex of waterways in the area. Normally it refers to the canals deriving their water supply from the Ching shui 滎水, but the term was also applied in popular use to the canals west of the Ching-shui as well, a system which was based on canals built in the sixth century under the Western Wei, and properly known as the Ch'eng-kuo ch'ü 成國渠. (See CAC 14, 3b-4a.) Some, at least, of these canals were remnants of the Ch'in and Han system such as the so-called Liu-tao hsin-ch'ü 六道新渠 in Yün-yang county 雲陽縣 (see YHCHTC 1, p. 8b. TPHYC 31, 10a-11a). Art. 4, 5 of the MS. mentions the Chung Pai-ch'ü 中白渠, Nan Pai-ch'ü 南白渠, Pei Pai-ch'ü 北白渠, and T'ai Pai-ch'ü 太白渠, besides another subsidiary stream called the Ou-nan ch'ü 偶南渠 and a canal called the Ch'ing-ch'ü 滎渠. The Chung Pai-ch'ü, T'ai Pai-ch'ü, and Nan Pai-ch'ü are well authenticated in other texts. They are for instance mentioned in the fragmentary quotation in CAC 17 of the lost *Shih-tao chih* 十道志. [It is uncertain, however, which of the three works bearing this name, and attributed to Liang Tsai-yen 梁載言, Chia Tan 賈耽, and Li Chi-fu 李吉甫 respectively, is meant.] The same three waterways are mentioned in YHCHTC 2, p. 3b, from which it appears that the T'ai Pai-ch'ü was the main canal from which the Chung Pai-ch'ü branched off, while the Nan Pai-ch'ü branched off from the latter towards the south-east. The YHCHTC text seems explicit, but the map contained in *Ch'ang-an chih* t'u C, 3b-4a, which is said by its author the Yüan scholar Li Hao-wén 李好文 to be based on the Sung work *Ch'ang-an t'u-chi* 長安圖記 of Lü Ta-fang 呂大防, shows an entirely different arrangement of waterways in the area.

² There is a blank in the MS. between *tang-ch'ü* 當堰 and *yen* 堰. The missing character is clearly *tsao* 造 as in line 2 of the MS.

³ *Chiao-t'ien* 澆田 appears as a general term for flooding the fields, both before planting and during growth. The techniques of watering fields commonly employed at this period may be seen in *Ch'i-min yao-shu* 2 (Section 11), pp. 39-41. The techniques in this work relate early sixth century practise in the Shian-tung area.

notification of the area should be given, and they should take their needs in turn 依次. When the water has reached everywhere, the flow should be blocked up 令閉塞. It is the first duty [of the authorities] to ensure that [water benefits] are equitably spread everywhere, and they must not show partiality.

3. The Overseers of Canals 渠長 and Overseers of Sluices 斗門長 should be in complete control of regulating the amount of water when it comes to the time for flooding the fields. The Prefectures and Counties will each annually assign one official to inspect the work, while the senior official 長官 and the officers of the Directorate of Waterways 都水官司 should make tours of inspection from time to time. If the use of water is properly carried out so that the fields flourish and bear abundantly, or if the water is not fairly distributed and water benefits are wasted away, the [responsible official's] achievements or failings should be put on record at the end of the year, and appended to his merit-assessment 附考.⁷

⁴ The *ch'ü-chang* 渠長 and *tou-men-chang* 斗門長 are mentioned in TLT 23, p. 22a, under the Directorate of Waterways. This passage informs us that they should be "appointed from commoners 庶人 of over fifty years of age, or from Honorary Officials 勳官 or suspended officials 停家 who have qualifications for employment and ability." Des Rotours, *Traité des fonctionnaires et de l'armée*, p. 491, notes that these overseers, according to HTS 46, existed only in the Metropolitan District. The TLT 23 passage might also be read in this light. Naba Toshisada (*Shigaku Zasshi* 54, i, pp. 42-5) has drawn attention to the occurrence in a number of fragmentary tax lists of the *ch'ü-chang* 計帳 type discovered at Tun-huang [P.2803, 3559] of persons designated as *ch'ü-tou* 渠頭. These *ch'ü-tou* he takes as equivalent to the *ch'ü-chang* in the MS. and TLT 23. He may possibly be correct, but of the persons whose cases he cites two were adolescents *chung-nan* 中男 aged 19 and 20, and the third was the son of an official (?) *san-p'in* 三品子 aged 35. None of them come within the rule laid down in TLT 23 as to age and status. The parallel term *ch'uan-t'ou* 船頭 meant a person who went surety for a tax-boat rather than the person in charge of it, and it is possible that the *ch'ü-t'ou* was some sort of surety for canal works in the same way. In any case the *ch'ü-t'ou* was certainly a slightly less official post than a *ch'ü-chang*. Since they are mentioned only in the *ch'ü-chang*, which are primarily taxpayers' lists, it is probable that the term refers to some special responsibility for service. They do not seem to have been actual *corvée* labourers, for, as Naba suggests elsewhere (*Shigaku Zasshi* 54, iii, pp. 249-54), the duties of repairing canals and sluices were performed by groups of *ch'ü-jên* 渠人 who were organized at the sub-bureaucratic level. The Fonds Pelliot Chinois Touen-houang contain a number of duty rosters for such groups of labourers.

⁵ The *Chang-huan* 長官 would be either the Prefect 勳史 or the County Magistrate 縣令.

⁶ This rule must surely have been restricted in practise to the Metropolitan area. TLT 23 makes no mention of overall inspection by the Directorate.

⁷ *Fu-k'ao* 附考 refers to the annual report on an official's conduct and ability which was rendered by his superiors in office to the Board of Officials 吏部. These merit assessments, which were divided into twenty-seven classes for officials "in the current" and four classes for those "outside the current", were the basis on which promotions were made. TLT 23 writes *k'ao-k'o* 考課 for *fu-k'ao*. The whole of Art. 3 is paralleled in TLT 23, p. 22 b. See Appendix B, below for translation. TLT writes the text as follows:

flowed through rain.²¹ Let the Prefectures and Counties along the canals make a joint inspection of these and dredge and clear them, to prevent [flooding] harming cultivated lands.

6. At the Lung-shou 龍首, Ching-yen 涇堰, Wu-mên 五門, Liu-mên 六門, Shêng-yüan 昇原, etc., dams²² the officials of the nearest

²¹ Such overflow basins are not mentioned elsewhere, nor are they marked on the map in *Ch'ang-an chih t'u*. The Ching-shui drained a loess-covered upland, and thus contained a very heavy silt load. *YHCHTC* 1, p. 66, quotes a Han poem "One shih of water from the Ching contains several tou of mud. It both irrigates and manures our land, makes grow our grain, and clothes and feeds the myriad mouths in the Capital". Any basins of the type mentioned would have quickly silted up and might be converted into farm land.

²² We know little about these dams. The Commentary to *HTS* 48 mentions officials responsible for each of the six dams Hsing-ch'êng 興成, Wu-mên 五門, Liu-mên 六門, Lung-shou 龍首, Ching-yen 涇堰, and Tzu-yen 滋堰. These were abolished in 632. Des Rotours, *Traité des fonctionnaires et de l'armée*, p. 496, has some notes on these dams but has missed a good deal of information, and identified only two of them.

(1) The Ching-yen is correctly identified by Des Rotours as the main dam at the point where the Pai-ch'ü canal took its head water from the Ching river where the latter emerges from the hills between the Lao-lung shan 老龍山 and Hsi-fêng shan 西鳳山. Its site was probably south of the village Miao-chia 苗家 [US AMS China Proper NW 1: 250,000, sheet I, 49 G ref. B] 8139]. This agrees with the location given by *CAC* 17, p. 52, as 60 li north-west of Ching-yang hsien (the modern town of the same name). The main waterway leading from this dam was almost certainly the T'ai Pai-ch'ü 太白渠.

(2) The Liu-mên dam was in Wu-kung county according to *CAC* 14, p. 122, which quotes a *Shih tao chih* 十道志 (see note 1 above) saying that it was established in 547, and took its name from its having six sluice gates to regulate the flow of water. *CAC* 14, pp. 36-42 in its commentary quotes another older text *T'ang Li shih chi* 唐李石記 apparently dating from the end of the ninth century, which confirms this date, and adds that it provided water for an irrigation system covering the plain north of the Wei and west of the Ching in the counties of Wu-kung 武功 Hsing-p'ing 興平 and Hsien-yang 咸陽. The main canal leading from the dam is called Ch'êng-kuo ch'ü 成國渠 by the author of *CAC*, but the *T'ang Li shih chi* quotation adds that it too was commonly referred to as Pai ch'ü 白渠, and this possible source of confusion must be borne in mind when reading about the Pai-ch'ü system. The dam was probably somewhere on the course of the modern Chao-ho 趙河 between Chien-hsien 乾縣 and Wu-kung 武功. The canal tapped a number of minor tributaries of the Wei, the Wei-ch'uan 韋川, Mo-k'u 莫谷, Hsiang-k'u 香谷, none of which are identifiable. After 696 the waters of a further stream, the Wu-an 武安 were diverted into the system to improve its water supply. The whole system was particularly liable to silting, and we read of repairs carried out in 627-49, 654, 696-9, 700 (*CAC* 14), 779 (*TFYK*, 497, p. 116), 870 and 873 (*CAC* 14, and *HTS* 203, biography of Li P'in 李頻). In the latter year, when the local populace requested the repair of the dam, they stated that the dam had not supplied them with any irrigation water for 20 years (*CAC* 14: *HTS* 203 says "it had been in decay for 150 years"). There was another dam of the same name which is mentioned in *Nan shih* 15 [Liu Hsiu-chih 劉秀之 appended to Liu Mu-chih 劉穆之 biography], but this was situated on the Han river, and is not in question here.

(3) The Wu-mên dam is otherwise unknown, though the name is confirmed by *HTS*. It cannot be the dam of the same name mentioned in *Pai Shih* 70 [Biography of Chao Kuei 趙軌] as this was in the Huai valley.

County are to have sole authority, and to carry out inspections.²³ Furthermore, for each of these dams twenty adolescent males 中男²⁴ and twelve artisans²⁵ should be assigned by the Prefecture and County to take turns of duty as watchmen 分番看守. They should open and shut the sluices to regulate the flow of water, and should also repair any damage there might be. Should the damage be too extensive and the number of men too small, it is permitted for the County to notify the Prefecture to assign labour to assist them.

(4) The Shêng-yüan dam does not occur in the *HTS* list, but its existence is confirmed by an entry in *THY* 89 reading,

"In Chêng-yüan 14 (798) xi month, Hsü Pan 潘崇 Commissioner for payments and provisions for the Eastern Wei Bridge was made concurrent Commissioner for the Pai-ch'ü, Ts'ao-ch'ü 漕渠 and for the canals and dams Shêng-yüan, Ch'êng-kuo, etc. 兼白渠漕渠及昇原成國等堰壩使".

The Ts'ao-ch'ü was a canal running parallel with and south of the Wei, which was predominantly a transport canal. The Ch'êng-kuo-ch'ü 成國渠 is presumably the same as the Ch'êng-kuo ch'ü 成 mentioned above in connexion with the Liu-mên dam. Another text, quoted in *TFYK* 497, p. 8 a, *TFYK* 498, p. 15b, *YHCHTC* 2, p. 15a, *TPHYC* 30, p. 10b, *TT* 10, p. 56c., reads,

"In the 3rd year Hsien-ting (672) a canal was opened up south-east of Ch'ên-tsang county in Chi-chou 岐州 drawing water from the Wei 渭水 into the Shêng-yüan canal 昇原渠 and opening transport for boats and rafts as far as the old capital."

Since Ch'ên-tsang 陳倉 was the modern Pao-ch'ü 寶渠 lying at the foot of the Ta-san pass 大散關 into Szechuan, it is clear that this canal must have run south of the Wei and roughly parallel to it, while the dam must have been on a southern tributary of the Wei. However, from *CAC* 14, p. 42, it appears that it was north of the Wei rising from NW of Kuo-hsien 醴縣 50 li east of Pao-ch'ü, and flowing through Wu-kung and Hsien-yang joining the Ch'êng-kuo 成國 system of canals.

(5) The Lung-shou dam, as Des Rotours has already shown, was on the Ch'an river 澧水 south east of Ch'ang-an. From this dam ran the Lung-shou canal, which skirted the east of the Capital and ran northwards to flow into the Wei. (See *CAC* 12, p. 7b, *T'ang liang-ching ch'êng-fang k'ao* 4). It was extended into the city in 798 (*TFYK* 497, p. 13b). See Map I reproduced by Des Rotours from the *T'ang liang-ching ch'êng-fang k'ao* in the *Traité des fonctionnaires*, and also the interesting fragmentary engraved map of Ch'ang-an belonging to Maeda Shinten 前田真典 reproduced in *Teyō rekishi daijiten*, vol. 6, p. 110. The canal was also known as the Ch'an-shui ch'ü 澧水渠. Certain verification of these identifications must await a long overdue archaeological survey of the Kuan-chung area, employing modern techniques.

²³ The counties would presumably be Ching-yang 涇陽 for the Ching-yen dam; Wan-nien 萬年 for the Lung-shou; Wu-kung 武功 for the Liu-mên; and Ch'ên-tsang 陳倉 for the Shêng-yüan dam.

²⁴ *Chung-nan* 中男 were men aged from 16 to 20, under the Statutes of 737. See Niida, *Tōryō shū*, p. 225, *TT* 7, etc. This mention of *chung-nan* recalls the occurrence of similar persons as *ch'ü-t'ou* in other T'ang documents (see note 4 above), and reinforces my argument that the latter were connected with local services rather than that they were direct employees as suggested by Naba.

²⁵ Throughout the MS. *chiang* 匠 is written in a rather careless form which might easily be confused with *chin* 近, as the top stroke often almost disappears. In the present instance, Naba has read *chin*, but I am confident that *chiang* is the correct reading.

7. On the newly constructed canal in Lan-t'ien 藍田,²⁶ an Overseer 長 should be appointed for each sluice gate, and two persons appointed for places where there are storage tanks.²⁷ They should constantly make patrols of inspection, and should there be any damage to the canal or the dams persons living nearby should be employed to make repairs. It is permitted to transport both privately and officially owned lumber down this canal. At the places where the common people ought to irrigate their lands, sluice gates should be constructed to regulate their supply of water, but no stoppage of transport may be caused. To the east of Lan-t'ien where there are already some water-mills²⁸ the mill-owners 碾主 should be made to construct sluice-gates to regulate the flow of water, and allow free passage by on the water.²⁹
8. At the deep places on the old Ho-pi Palace Canal 合壁宮舊渠³⁰

²⁶ The "newly constructed canal in Lan-t'ien" almost certainly refers to the canal constructed in 623 by Yen Hsü 顏旭 Magistrate of Ning-mín (the name of Lan-t'ien from 621 to 629 according to HTS 37, etc., but from 621 to 627 according to Pi Yüan's commentary to CAC 16, p. 1 b). This canal led water from the Nan-shan to the Capital (see HTS 37, Lan-t'ien county). Another account of the building of this canal, in T'FYK 497, p. 7b, tells us that when they reached the Shih-mén valley 石門谷 there was a hot-spring which gushed forth. These hot-springs are mentioned by TLT 19 and CAC 16, p. 7b, which states that they were 40 li south-west of Lan-t'ien. They are probably remembered in the name T'ang-yü chieh 湯峪街 and the small river called T'ang-yü ho 湯峪河 which exist today in roughly the correct place. [See US AMS China Proper NW 1:250,000 sheet I 49 N, ref. CH 3858]. The T'ang-yü ho is one of the headwaters of the Ch'an ho 澗河, and its valley provides a minor pass across the Tsin-ling range to the Han valley. This is an alternative route to the more important Lan-t'ien kuan 藍田關 or Yao-kuan 峽關 further to the east (YHCHTC 1, p. 12b), and to the Lo-ku kuan 洛谷關 further to the west (YHCHTC 2, p. 6a). It seems quite likely that the "new canal" of 623 was a canalized course for this river down the valley of the Ch'an ho to the capital. It is clear from the text that it was an important transport route.

²⁷ I take it that the shui-t'ao 水槽 were some sort of reservoir to store water and supply a constant supply for the canal. The map in Ch'ang-an chih t'u C, 3b-4a, shows such shui-t'ao at the point where the Ching-yen dam diverted the waters of the Ching shui into the Pai-ch'ü system. Presumably they provided an emergency supply for the system. To judge from the map they were not of any great size.

²⁸ These mills were presumably on the upper course of the Pa-shui 灊水 or its tributaries above Lan-t'ien.

²⁹ I take it that this means that the mills were not to impede the use of the Pa-shui for traffic.

³⁰ Pi 壁 in the MS. line 33 is obviously an error for pi 壁. The Ho-pi kung 合壁宮 palace was in the Imperial Park Shên-tu yüan 神都苑 to the West of Loyang. See T'ang liang-ching ch'êng-fang k'ao 4, p. 13b, and 5, p. 11 b. See also Maps 7 and 8 in the supplementary volume to Ch'uan to Rakuyô. There is no other trace of the "former canal", but it may have been to the north of the Lo-shui, and possibly connected with the Ku-shui 穀水 which flowed south through the Park to join the Lo-shui. CTS 4 and THY 30 give the date of the construction of the Palace as 660.iv.8 on the removal of the Court to Loyang. At first it was named the Pa-kuan kung [THY calls it Pa-kuan liang kung 八關涼宮]. It received the name Ho-pi kung in 660, v. 22, when the Emperor first visited it. Thus the former canal, unless it antedated the Palace from which it took its name, cannot have been very old. It is possible that the canal was

sluices should be planned and established to regulate the water, and enable it to be constantly kept full. The common people are to be permitted to take off the water which they need in turn. Overseers 長 for the canal and for the sluices should be appointed to inspect matters. When irrigation has been everywhere completed, the stream should be allowed to flow as previously, but there must be no wastage of the water supply through this.³¹

9. In the prefectures of Ho-hsi 河西 where water is used to irrigate the land, the area of land cultivated 營 as Land of the Public Administration 公廩田³² and Land pertaining to Office 鐵田³³ of the Prefectural, County, Militia 府,³⁴ and Garrison 鎮 officers should be estimated. These authorities should then provide labour for the repair of canals and dams in equitable proportion with the common people.³⁵ Where the lands are large and the water supply is small, a reduction of the amount under official cultivation should be estimated in accordance with the [requirements of the] common people.

constructed during the period in office as Director of the Western side of the Imperial Park Yüan hsi-muen chieh 苑西面監 of Ch'u Lang 褚朗. (The Ho-pi kung came under the hsi-mien chieh.) Ch'u Lang made an attempt in 656 to make transport possible through the dangerous rapids on the Huang ho at San-mén 三門. See HTS 53, THY 87. The canal in the Park may well have been his work also.

³¹ The sense of this article is that although the canal is to be restored to use for irrigation, the authorities were to take care to maintain a head of water in it.

³² Kung-chieh-t'ien 公廩田 did not strictly belong to officials as the text implies. They were lands set aside under the chin-t'ien system to provide an income for the upkeep of official buildings and for similar public charges. See, for details of the system, Niida's reconstruction of the Land Statutes Art. 29, 30, in Tōryō shūi, pp. 644, 645. See also TLT 3 (Konoe edition, p. 33b-34a), TT 35, WHTK 65. For a modern discussion see Chü Ch'ing-yüan 瞿清遠 Tang-tai tsai-ch'eng shih 唐代財政史, pp. 118-26. Such lands were in the normal course of events not cultivated officially, but let out to tenant farmers who had to pay a grain rent ti-tsu 地租, and until 742 an irregular supplementary levy called sang-k'o 桑課 as well. For details see THY 92.

³³ 鐵田 is here a miswriting for chih-[fên]-t'ien 職分田. These lands were set aside to provide a regular income in rents for every established post in the bureaucracy. The lands were worked by tenants in the same way as kung-chieh-t'ien, but unlike the latter, which remained in existence throughout the T'ang without significant alteration, the chih-fên-t'ien were often modified and abolished. The income from these lands provided part of an official's salary, as a perquisite of his post. They must not be confused with the lands he was allowed to possess as a perquisite appertaining to his rank p'in 品. See Niida, op. cit., Art. 31, 32, pp. 645-51. TLT 3 p. 34a-b, TT 2, TT 35.

³⁴ The Fu 府 here are almost certainly militias and not prefectures of superior rank. Ho-hsi Province contained thirteen militias of which three were stationed at Tun-huang. See Ku Chi-kuang 谷霽光 Tang ch'ê-ch'ung fu k'ao chiao-pu 唐折衝府考校補, p. 17. Erh-shih-wu shih pu-pien VI, p. 7659. Ho-hsi Province was created in 711 and governed the Kansu corridor region.

³⁵ The fact that the occupiers of these lands in official possession are here made liable for labour services connected with the irrigation of the land they farmed suggests that such tenants normally held a relatively privileged position regarding their fiscal liabilities. The rents mentioned in the texts are by no means high. Ho-shi had both an unusually large military population, and a low proportion of productive land, so that such a special rule was a local necessity.

10. At the two series of sluices at Yang-tzū chin 楊子津³⁶ in Yang-chou 楊州 troops should be assigned from the three militias under [the Prefecture's] jurisdiction³⁷ with partially disabled persons 輕疾 to act as watchmen in turns of duty, and to open or close the sluices in accordance with what is necessary. Should there be any damage, the two places should join forces to make repairs.³⁸
11. Below the Chung-ch'iao 中橋 bridge³⁹ on the Lo shui 洛水 and out-

³⁶ Yang-tzū 楊子 was the county dependent on Yang-chou situated to the south, at the junction between the Yangtse and the Grand Canal, which ran directly northward to the Huai river. The sluices here mentioned were those which separated the canal from the Yangtse and kept the tide out of the canal. These sluices must have been those mentioned in P'ei Yao-ch'ing's famous memorial of 730 (TT 10, T'FYK 498, YHCHTC 5, CTS 49). See Pulleyblank, *The Background of the rebellion of An Lu-shan*, p. 183, but it is probably incorrect to render *tou-mên* as lock-gate, as he has done. Probably the boats entered the canal through a haulover of the type described in detail by Jōjin. The two principal dams on the canal were slightly to the north of Yang-chou, and known as the Hui-ch'uan 閘舟堰 and Ch'ang-pai 常白堰. These are known only through the account of Ennin (see *Diary*, I, 839, II, 21, 22). They cannot be in question here, however, as they were not in Yang-tzū County. The Yang-tzū crossing 楊子津 is otherwise unknown in T'ang material, but is clearly the major ferry across the Yangtse between Yang-tzū County and Jun-chou 潤州 on the southern bank. It was a link between the canal systems north and south of the Yangtse. The existence of this crossing undoubtedly provides an explanation for an otherwise nonsensical passage in HTS 53 which reads: 'Previously cargoes were transported from Jun-chou to Yang-tzū by land haulage at a cost of 19 cash per peck. [Liu]Yen ordered that the rice should be bagged and carried by boat, reducing the cost by 15 cash...' Since Jun-chou and Yang-tzū were on the opposite banks of the Yangtse, this makes nonsense unless we assume that Yang-tzū means the Yang-tzū crossing as mentioned here. I intend to deal with the details of this question in a forthcoming article on the canal system in T'ang times. In Sung times, the great dam at the entrance of the Canal, clearly the successor of the sluices in question here, was known as the Chiang-k'ou dam 江口堰. In 1026 locks were built in it, for the first time, as a result of the number of boats wrecked in crossing the haulover. (See *Hsi tzu-chih t'ung-chien ch'ang-pien* 104, p. 23 a-b.)

³⁷ There were four, and not three, militias in Yang-chou. These were the Hsin-lin-fu 新林府, the Fang-shan-fu 方山府 which was stationed in Liu-ho-hsien 六合縣, the Han-chiang-fu 邗江府 in Yang-chou itself, and the Chiang-p'ing-fu 江平府. Probably the Fang-shan militia which was isolated from the others, is the one which was not concerned in this instance.

³⁸ The "two places" are the two sluices. Although the MS. runs straight on after *hsiu-li* 修理, there is clearly a break here, as the next passage treats an entirely different problem in another area.

³⁹ The Chung-ch'iao bridge 中橋 was a bridge connecting the north and south bank of the Lo River in the centre of Loyang. YHCHTC 5, p. 3b, tells us that it was constructed in 672 with masonry piers similar to those used in the reconstruction of the T'ien-chin bridge in 640. There were two bridges of this name during the T'ang, but des Rotours (*Traité des fonctionnaires et de l'armée*, pp. 497, 498) has been misled by the *T'ang liang-ching ch'êng-fang k'ao* 5, map and text, p. 185, into believing that both existed side by side. THY 86, p. 1577, gives us some further information. Prior to the repair of the Yüeh dam 月堰 (the point at which the Ts'ao-ch'ü 漕渠 branched from the Lo River) in 660, v, there were two bridges east of the great T'ien-chin Bridge, the Chung Ch'iao and the Li-shê Ch'iao 利涉橋. In 674 Wei Chi 韋機 President of the Court of Agriculture moved the Chung Ch'iao further to the east and did away with the

side the city walls⁴⁰ "floating mills" 浮礮⁴¹ and (?) dams⁴² may not be constructed.

12. At each of the bridges Chung-ch'iao, T'ien-chin-ch'iao 天津橋,⁴³ etc., over the Lo shui, the police-guards 捉街衛士⁴⁴ should water and sweep the approach-roads north and south of the bridge. Any holes there might be should be filled up. The Police Inspectors 巡街郎將⁴⁵ should further inspect this work, and must not allow damage to go unrepaired. Should there be any flooding, the County officials⁴⁶ should inspect it.
13. Regarding all water-mills, if the flow of water is obstructed and silt amassed so as to block the canal, should the owners themselves fail to clear the obstruction, so that the water overflows the canal and the banks are

Li-shê Bridge. This bridge was apparently rebuilt somewhat later by the eunuch Li Shao-tê, with stone piers with pointed ends to eliminate damage by flood water. The former (western) Chung Ch'iao was presumably demolished—there is never any mention of two bridges in any T'ang source. Another stone bridge across the Lo slightly to the west of the new Chung Ch'iao and very near the "Floating Bridge" was constructed in 744-9 by a great merchant of Loyang called Li Hsiu-shêng 李秀昇. This is again mentioned in *THY* 86. However, *T'ang liang-ching ch'êng-fang k'ao* 5, p. 185, says that a pontoon bridge to replace the Floating Bridge was built privately after 667, and this may be a confusion of the same event. In general the *T'ang liang-ching ch'êng-fang k'ao* seems to be rather unreliable.

⁴⁰ That is to say both on the banks of the Lo inside Loyang and outside. The fierce current below the Yüeh sluice caused severe damage, and it was clearly a suitable place for mills. The object of the present rule was to prevent further congestion of the stream. In 742, shortly after the promulgation of the *Shui-pu shih*, the piers of the Chung ch'iao were reconstructed to allow a better flow of water, while the sluice was removed from the position shown in the map in *T'ang liang-ching ch'êng-fang k'ao* 5 to a place east of the floating bridge, so as to reduce damage to the bridges. See *THY* 86.

⁴¹ *Fou-twei* 浮礮 are otherwise unknown. Presumably they comprised a raft anchored to the bank and carrying a water-wheel actuated by the current of a swift flowing river, and not, as normally, by using the head of water produced by a dam.

⁴² I am not sure whether or not *na-yen* 捺堰 was a technical term.

⁴³ The T'ien-chin ch'iao 天津橋 was the main bridge over the Lo at the western end of Loyang. There were, in fact, three bridges side by side, the Hsing-chin ch'iao 星津橋, T'ien-chin ch'iao, and the Huang-tao ch'iao 皇道橋. In 732, shortly before the compilation of the *Ordinances*, the T'ien-chin ch'iao had been widened and built together with the old Huang-tao ch'iao to form a single bridge. See *THY* 86. According to *YHCHTC* 5, p. 3b, the bridge was first built by Sui Yang-ti in 605, when "great hawsers were used to tie the boats together, and they were all connected with iron chains and hooks...." But this floating bridge was soon destroyed by the fierce current of the Lo, and in 640 masons were ordered to build masonry piers to replace it.

⁴⁴ The guards at the bridges are mentioned in *HTS* 48 (des Rotours, *op. cit.*, p. 498) where they are said to have come under the control of the Chu-chin shu 諸津署 a subordinate department of the Directorate of Waterways. Cho-chieh 捉街 is clearly a term for some type of police, and may well be a compound term referring to the two police departments known as Cho-pu 捉捕, 捉舖 and as Tso-yu chieh-shih 左右街使.

⁴⁵ The "colonel in charge of patrolling the streets" is not mentioned as a specific office either in *TLT* or the histories. He was presumably one of the officers under the Tso-yu chieh-shih who was in charge of the police duties of the Chin-wu Guard.

⁴⁶ The text reads *hsien-chia* 縣家. This may be a copyist's error for *hsien-kuan*, although the term does occur, meaning a County Magistrate, in Sung texts.

destroyed, causing harm to both public and private interests, the mills should be demolished.

14. On the Fên shui 澧水⁴⁷ in Ho-hsi County 河西縣 of T'ung-chou 同州, the common people are permitted to use water for irrigation from the 1st of the 4th month until the 30th of the 7th month. Some of the water should also be diverted into the T'ung-ling storage lake 通靈陂.⁴⁸
15. When the transport boats from the various prefectures on their way north to the Great Granary 太倉⁴⁹ pass through the Inner Park 子苑內⁵⁰ should they have to stay there overnight, one or two men should be left on board as watchkeepers, and all the rest should retire outside.
16. In Sha-chou 沙州⁵¹ where water is used to flood the fields, the County officials should inspect the work. Further, four [experienced] former officials 前官 should be appointed. During the period from the 3rd to the 9th month, when the waters are flowing,⁵² one officially-owned horse should be loaned to each of these officials.⁵³
17. At the Hui-ning customs barrier 會寧關⁵⁴ there should be fifty

⁴⁷ The Fên-shui was one of the northern tributaries of the Wei river. *YHCHTC* 2 mentions three separate rivers of this name.

⁴⁸ On the T'ung-ling pi, see *HTS* 37 (under Chao-i County 朝邑縣) and *YHCHTC* 2, p. 10b. The dam was fed by the Lo river 洛水 and by a dam on the Huang ho, and supplied an irrigation system covering more than 2000 *ch'ing* of paddy fields. The system was built in 719 by Ch'iang Shih-tu 姜師度.

⁴⁹ The Great Granary was the principal grain store in the Capital. None of the standard topographical works on the T'ang capitals specify its situation, though it is possible to deduce that it lay in the north of the city. On a fragment of a map of Ch'ang-an engraved on stone published in 1935 in *K'ao-ku chuan-pao* 考古專報 and reproduced in *Ch'ao-an to Rakuyô*, supplementary volume of maps, plate 12, it is shown north of the I-ting kung 掖庭宮 and to the west of the Chia-hsien gate 嘉猷門. The map in *T'ang liang-ching ch'êng-fang k'ao* reproduced by des Rotours, *op. cit.*, as map III, should be corrected. The Granary should be placed where Hsü Sung has marked the I-ting kung, which should occupy only the very southernmost part of the western walled enclosure of the Palace City.

⁵⁰ The exact sense of Tzu-yüan 子苑 is not clear. It is possible that it means the "inner park", in which case the obvious choice would be the Tung yüan 東苑 or Tung nei-yüan, 東內苑, an enclosed park next to the Ta-ming kung 大明宮, usually placed on its western side. This park was traversed by canal traffic from the east.

⁵¹ Sha-chou was the district around Tun-huang.

⁵² *Hsing-shui* 行水 may also possibly mean "when the inspection of waterways should be carried out".

⁵³ Unfortunately the numerous documents relating to officially owned horses recovered from Tun-huang do not mention such loans as far as I have been able to ascertain.

⁵⁴ The Hui-ning kuan 會寧關 was 180 li south-east of the County of the same name, in Hui-chou 會州 (Kansu). (See *YHCHTC* 4, p. 6a; The *Yüan-ho chün-hsien fu-chih k'ao-chêng* 4 of Chang Chü-hsien 張駒賢 says that the correct reading should be south-west.) Hui-ning is said by the *Tu-shih fang-yü chi-yao* 62, p. 2708, to have been near modern Ching-yüan 靖遠 to the North-east. (See maps in *Tôdai no gyôsei-chiri* 唐代の行政地理 of Hiraoka and Ichihara). At this place the channel of the

boats.⁵⁵ The authorities should be ordered to depute strong and capable officials to inspect them, and troops should be established to guard and protect them. They must not be allowed to anchor on the northern bank.⁵⁶ At the other places along the Huang-ho which are suitable for crossing, the Prefectural and Army administrations⁵⁷ should be empowered to be rigorous in arresting [those crossing illegally].⁵⁸

18. The ten Prefectures Ts'ang 倉, Ying 滎, Pei 貝, Mo 莫,⁵⁹ Têng 登, Lai 萊, Hai 海, Ssü 泗, Wei 魏, and Tê 德⁶⁰ should together provide for duty 共差 5400 sailors 水手, of whom 3400 shall be for transport by sea 海運 and 2000 for the P'ing ho 平河.⁶¹ They should be relieved

Huang-ho had been diverted in 719 by the Prefect An Ching-chung 安敬忠 to prevent a repetition of flooding in the city. Hui-ning kuan was a customs and police barrier on the route between Hui-chou and Lan-chou, at the crossing of the Huang-ho. The figures given suggest that it was near modern Chiang-chia-wan 蔣家灣, but it may have been at Ching-yüan itself, the most important crossing in the region.

⁵⁵ *TLT* 7, p. 29a, however, says that there were only three ferry-boats at the Hui-ning kuan.

⁵⁶ Presumably the northern bank was on the side away from the customs barrier, and the rule was designed to prevent the theft of ferry boats in this very loosely controlled and sparsely peopled area.

⁵⁷ The armies mentioned were the Yü-lin Army 羽林軍 at Lan-chou, the Ching-lüeh Army 經略軍 at Ling-chou, the Ting-yüan Army 定遠軍 further north, and possibly the Fêng-an Army 豐安軍 on the west bank between Hui-chou and Ling-chou.

⁵⁸ The people to be arrested were persons attempting to cross the river without passing through the official customs barrier. They would have included not only smugglers, but illegal entrants and persons leaving without official passports *kuo-so* 過所.

⁵⁹ Mo-chou 莫 was known as Mo-chou 莫 from its establishment in 712. The name was altered in 725 to avoid confusion with the characters of Chêng-chou 鄭州 in southern Hopei. (See *HTS* 39.)

⁶⁰ All these prefectures were in southern Hopei or eastern Honan (i.e. modern Shantung). Those which were not coastal towns (Hai, Lai, Têng, Ts'ang) were canal centres. Sau-chou was on the Pien-ho canal, the rest on the Yung-chi ch'ü 永濟渠 which was the main waterway in Hopei.

⁶¹ The P'ing-ho 平河 is never mentioned in any of the T'ang geographical works. Unfortunately the chapter of *YHCHTC* covering northern Hopei and the Manchurian marches is missing. The name is very probably a reference to the *P'ing-lu-ch'ü* 平盧渠 canal, which was dug around 707 by the Prefect of Ts'ang-chou 滄州 Ch'iang Shih-tu 姜師度 along the coastal plain of northern Hopei, to avoid the dangers of sea-transport for grain transport to the garrisons of the north-eastern border with the Khitans. (See *CTS* 49, *THY* 87.) This canal was still in use at the beginning of the ninth century, as *THY* 87 concludes "Until the present we have continued to depend on it." Since this part of *THY* is certainly direct quotation of the *Hui yao* of Su Mien 蘇冕 completed in 805, we know that the canal was still in use until that date. The construction of the canal did not destroy the importance of sea-transport, however, for in 739—only two years after the promulgation of this document, the Provincial Governor of Ho-pei was granted the additional title of Commissioner for Sea-transport for Hopei, *Hopei hai-yün shih* 河北海運使 (see *THY* 78), and probably acquired some overall authority over the traffic. There is clearly some connection between this new appointment and the suppression in 735 of the Office of Shipping *Chou-chi-shu* 舟機署, the department of the Directorate of Waterways previously responsible. (*TLT* 23,

after two years of service, and may not be changed for frivolous reasons. They should be given honorific rank and rewards 勳賜, and granted exemption from taxation and labour services 課役⁶² in years when they are liable to *chiang-i* 將役年 and in years when they are liable to *chéng-i* 正役年.⁶³ In accordance with the rule applied to persons working as personnel of military colonies 准屯丁例,⁶⁴ one adult should be assigned to each sailor annually.⁶⁵ These adults should be taken from persons exempt from miscellaneous labour services 雜徭⁶⁶

(Konoe.) At first sight it is tempting to accept the date given in HTS 48 of 738 for the dissolution of this office. It is just possible that TLT could have recorded this, the compilation having been completed in the same year. If the date 735 of TLT is a mistake for 738 we may assume that the arrangements detailed in the MS. in 737 were under the control of the *Chou-chi-shu*, and this fits in with the other mentions of the other subordinate department of the Directorate of Waterways directly afterwards. However, it is not certain that the transfer of responsibility to the Governor of Hopei would have taken the matter out of the scope of the *Ordinances*.

⁶² The arguments of Sogabe Shizuo 曾我部靜雄 notwithstanding, it is clear from a host of contexts that *k'o-i* 課役 is a composite term for taxes and labour services. The *Statute* on tax-exemptions, Niida Tōryō shūi, p. 676, is quite clear evidence.

⁶³ *Ché-mien* 折免, as can be seen from the above quoted *Statute*, was an exemption which could be transferred to a future year. Such transfers of exemption could normally not be carried over more than two years. The precise meaning of *chiang-i-nien* 將役年 and *chéng-i-nien* 正役年 here is very doubtful. They cannot be alternate years like those for paying the greater and smaller household tax; as *chéng-i* was the regular corvée due each year from every adult taxpayer and normally compounded as the *yung* 庸 tax. I suggest tentatively that it might be rendered "the years when they had to go to perform the duties specified here and those when they were liable to normal labour service", but I am by no means confident about it. It is also somewhat curious that the *Ordinances* should specifically mention tax-exemption, as the granting of honorific titles would have carried automatic exemption. (See *Statutes*, Niida Tōryō shūi, 686, 687.)

⁶⁴ The *t'un-t'ien* 屯田 in question here are obviously not the classical type of "colony" farmed by soldiers, as were set up on the borders, but those inside China cultivated, apparently, by some type of corvée labour. See Chū Ch'ing-yüan 鞠清遠 *T'ang-tai tsai-chéng shih* 唐代財政史 p. 86 ff.

⁶⁵ *T'ieh-ting* 貼丁 are otherwise unknown in T'ang financial literature. It seems that they were wealthy commoners who were selected to pay a tax to help pay for the maintenance of the seamen. They were thus a parallel institution to the *t'ieh-hu* 貼戶 of Yüan times. When conscription was enforced in China by the Mongols, two types of family were involved, *chéng-chün-hu* 正軍戶 who actually served as soldiers, and *t'ieh-hu* 貼戶 who paid a money tax for their support. (*Yüan shih* 98, pp. 2a-b.)

⁶⁶ *Tsa-yao* 雜徭 were recognized as a part of a person's duties towards the government supplementary to the payment of *tsu-yung-tiao* taxation. See TLT 3 (Konoe edition, p. 352) 一曰租。二曰調。三曰役。四曰雜徭。Hamaaguchi Shigekuni, in his *Tō ni okeru ryōzai-hō izen no yōkei rōdo*, *Tōyō Gakuhō* 20, iv, 21, i (1933), came to the conclusion that they were distinguished from *chéng-i* in that where the latter were labour services owed to the central government, the latter were services performed for the local authorities. Sogabe Shizuo in his recent *Kindenō to sono zaiyaku-seido* (1953) 均田法とその税役制度, pp. 221 ff., follows this. Miyazaki Ichisada, in his *Tōdai fushi-seido shinkō* 唐代賦役制度新考 *Tōyōshi kenkyū* 14, iv, pp. 1-24, has made some important refinements to these works, and in particular has attempted to show how persons with special duties *fan-i* 番役 fitted into the pattern.

whose family circumstances⁶⁷ are comparatively prosperous, and shall each⁶⁸ pay a maintenance tax 資助⁶⁹ of 2500 cash.⁷⁰

19. Sailors for transportation to Shéng-chou 勝州⁷¹ should be provided proportionately by the two Prefectures of Chin-chou 晉州 and Chiang-chou 絳州.⁷² Honorific officials should be taken to fill these duties,⁷³ but should there not be sufficient of these, simple commoners 白丁 may also be taken.⁷⁴ They shall all be relieved after two years. The honorific officials shall be granted promotion of one degree in rank each year, and rewarded with three lengths 疋⁷⁵ of silk 絹, and three bolts 端⁷⁶ of hemp cloth.⁷⁷ These should be provided out of the money and goods

⁶⁷ *Chia-tao* 家道 undoubtedly refers to the financial condition of a family.

⁶⁸ *jén* 人 must mean "each" and refer to the *t'ieh-ting*.

⁶⁹ *Tsu-chu* 資助 is otherwise unknown as a technical term. There is a suggestive similarity with the term *tsu-k'o* 資課 or 實課 which was a money payment made in lieu of actual service by persons liable to special duties *fan-i*. See Miyazaki, *op. cit.*, p. 259, where he points out the error in the commonly accepted view that it was a commutation payment for *tsa-yao* (cf. Sogabe, *op. cit.*, pp. 228, 229). However, *tsu-k'o* was paid by the person actually liable to perform the duty, whereas in the present case the *tsu-chu* was to be paid not by the *fan-jén* (i.e. the sailor) himself, but by an "assigned person", the *t'ieh-ting*. There is little doubt that many *fan-i* were in fact either nominal duties, or were actually performed by persons other than the designated individual, who merely paid the commutation fee. Since this absolved him from *tsa-yao* 雜徭 and responsibility for labour service, it was by no means unadvantageous to have some special duty. It seems possible that here this state of affairs has been recognized. The sailors were skilled men, who had, by the nature of their job, to be employed on a long term basis, not in short annual spells of duty. Moreover they had to be paid. It seems that the *t'ieh-ting* might be considered as a type of special duty holder, who did not have the option of performing his actual task, but had been converted into a taxpayer of a special type. Perhaps *tsu-chu* should be understood as a payment made to maintain the seaman to whom the *t'ieh-ting* was assigned.

⁷⁰ The sum of 2500 cash also suggests a connexion with the normal system of *tsu-k'o*, for this was the rate of *tsu-k'o* for many special duties (see THY 91) and a maximum rate for others (see TT 35).

⁷¹ Shéng chou 勝 was on the northern bend of the Huang-ho. There were a number of important garrisons in the area.

⁷² *Chün-ch'u* 絳 clearly has the same meaning as 淮戶均徭 in line 137 of the MS. Both Chin and Chiang prefectures were in the Fén valley in Hotung.

⁷³ It was this passage which prompted Chū Ch'ing-yüan's theory that *fan-i* were a means of exploiting the otherwise tax-exempt honorific officials, who had become extremely numerous during the early eighth century, following the cheapening of the honours. See on this the preface to TT 148. TT 7, in dealing with the reforms of Yü-wén Jung 宇文融 in the preceding decade, mentions fraudulent honorific titles as a contemporary problem. This may account for a passage in HTS 47 (Li-pu, S50-hsün) ordering local officials to verify the honorific ranks before granting exemptions.

⁷⁴ *Pai-ting* 白丁 were commoners of free 良 status, but with no title or rank.

⁷⁵ A *p'i* 疋 was a standard length of silk cloth as produced for the payment of the *yung* and *tiao* taxes, and used as currency on a wide scale; it was 1.8 *ch'ih* in width and 40 *ch'ih* long, theoretically, but there were many complaints of variation.

⁷⁶ A *tsun* 端 or 段 was the equivalent standard length of hemp cloth, which was also 1.8 *ch'ih* wide but 50 *ch'ih* in length.

⁷⁷ *Pu* 布 is official documents always refers to hemp cloth as opposed to silk.

which the Prefectures concerned are liable to pay into the Capital.⁷⁸ Those simple commoners who are taken to fill these duties shall be given exemption from taxation and labour services 免課役 and have maintenance payments made on their behalf in accordance with the rule for sailors engaged for sea-transport 准海運水手例.⁷⁹ Those who do not wish to be superseded are permitted [to continue in employment].

20. At the Ho-yang bridge 河陽橋⁸⁰ 250 watermen 水手 shall be appointed. At the Ta-yang bridge 大陽橋 in Shan-chou 陝州⁸¹ 200 watermen shall be appointed. At each bridge there should also be appointed ten artisans to work in bamboo or timber 竹木匠.⁸² Of these numbers of watermen, 100 of those at the Ho-yang bridge shall be taken from Ho-yang County 河陽縣⁸³ and the remainder provided by the Counties of Ho-ch'ing 河清, Chi-yüan 濟源, Yen-shih 偃師, Ssu-shui 汜水, Kung 鞏, Wên 溫,⁸⁴ etc. The watermen for the

⁷⁸ That is, the income of Chin-chou and Chiang-chou. These were both prosperous prefectures, whose exportable surplus of grain was used on occasion in the seventh century to avert famine in Ch'ang-an.

⁷⁹ This passage does not give very good sense. According to the rule for seamen in Art. 17 the exemption from taxation and labour service, and the *tsu-chu* refer to different persons. Even if we force the former passage into taking *tsu-chu* as an equivalent to *tsu-k'io* and understanding it as being paid by the seamen themselves if they wished to avoid duty, it will still make nonsense here, as the question of their paying such a commutation themselves would not arise while they performed their allocated duty. We must take the passage then to be very abbreviated, meaning "The exemption from taxation and the [provision of] supplementary payments [by *t'ieh-ting*]".

⁸⁰ The Hoyang Bridge 河陽橋, also known as the Mêng-chin Bridge 盟津橋 (TLT 7) was a bridge of boats spanning the Huang-ho at Ho-yang hsien in the Eastern Metropolitan Province 東都府河陽. It was some 30 li west of modern Mêng hsien 孟縣. YHCHTC 5, p. 13a, tells us that it was first constructed by Tu Yüan-k'ai 杜元凱 at the former Fu-p'ing Crossing 富平津. WYFH 545, p. 10a, contains a judgement by Sun Ch'ung-ku on a suggestion to replace the pontoon bridge with one built on stone piers.

⁸¹ The Ta-yang Bridge was also a bridge of boats crossing the Huang-ho, 3 li north-east of Shan-chou 陝州 (YHCHTC 6) at the former Customs barrier of Ta-yang, also known as the Mao chin 茅津 crossing, or Shan chin 陝津 crossing (HTS 38). This had been set up in 580 under the Northern Chou. The bridge was built in 637 by Ch'iu Hsing-kung 丘行恭 (HTS 38; YHCHTC 6) and was 760 *ch'ih* (feet) long and 20 feet wide (YHCHTC 6).

⁸² The passage 河陽橋置水手二百五十人. 陝州大陽橋置水手二百人仍各置竹木匠十人. MS. lines 67, 68 is quoted in TLT 7 (Konoe 28b). TLT omits 陝州 before and 橋置 after Ta-yang, and omits 竹.

⁸³ Ho-yang hsien, see note 80 above.

⁸⁴ These were all northern counties belonging to Ho-nan fu. Ho-ch'ing 河清縣 was 50 li south-west of modern Mêng-hsien Honan; Chi-yüan 濟源縣 was modern Chi-yüan Honan; Yen-shih 偃師 the modern town of the same name; Ssu-shui 汜水 was near the modern town, but until 741 the seat of the County was at Hu-lao ch'eng 虎牢城 (YHCHTC 5, p. 146) and this is the place referred to in our text; Kung-hsien 鞏縣 was the modern town of that name in Honan; Wên-hsien 溫縣 was also the modern town of the same name. See map, *Li-tai yü-ti fu* (T'ang, pp. 34b-35a).

Ta-yang bridge shall be provided by the County itself.⁸⁵ They shall all be selected from simple commoners belonging to the eighth grade or below⁸⁶ who clearly understand watermanship. They are to be divided into four turns of duty. They should receive exemption from taxation and labour services, and should not come within the scope of liability for military service 征防, miscellaneous levies 雜抽 or labour service 使役, nor for conscription 簡點.⁸⁷ Once they have been recruited 一補以後, they shall not be replaced without due cause unless they themselves die, or meet with misfortune.⁸⁸ If they do not maintain their duties of investigation and this leads to loss and damage, the responsible officials will receive a merit-assessment of "inferior" 與下考⁸⁹ and the watermen will be summarily punished with thirty strokes.⁹⁰

21. Regarding the rations for the guards 防人 of the Tu-li-chên 都里鎮 Garrison⁹¹ in An-tung District 安東,⁹² the authorities of Lai-chou 萊州 should select men who have acquired honorific rank by crossing the seas,⁹³ and who are thoroughly versed in the ways of wind and

⁸⁵ That is, Shan-hsien 陝縣.

⁸⁶ This refers to the division of families into nine grades in accordance with their wealth, which was carried out every third year, and which formed the basis for the levying of Household Tax *hu-shui* 戶稅. See Niida Tōryō shūi, p. 242, Art. 13, and the sources quoted.

⁸⁷ All these terms refer to additional forms of imposition besides those envisaged in the *tsu-yung-tiao* framework. *Chêng-fang* 征防 is a common enough term for military service, and *Chien-tien* 簡點 is some form of conscription. A passage in a *Statute* quoted in Niida Tōryō shūi, p. 689, Art. 23 (see Code 3, Art. 3, Code 13, Art. 9) gives an indication that such services came into roughly the same category as *tsu-yao* 雜徭, using the term *Tien-fang* 點防. 並不在雜徭及點防之限. The *Shaku* 釋 to the parallel article in *Ryō-no-shūgi* 13 (p. 371), defines *tien-fang* as "mobilization as a guardsman or a soldier". Whether the other two terms have a specific technical meaning is unknown. *Tia-ch'ou* 雜抽 are perhaps miscellaneous irregular levies of tax, and *shih-i* 使役 some sort of local service, perhaps the same as the *tsu-shih* 雜使 which Code 13, Art. 9, *Shu-i* mentions as a minor labour service; 其小徭役課充夫及雜使.

⁸⁸ The type of service envisaged for these watermen is quite different from that for the seamen. Instead of doing two years continuous duty, they were given the permanent position as a *fan-jên* 番人 performing turns of duty in rotation. It is notable that in this case there is no question of *tsu-chu* being paid, nor are *t'ieh-ting* assigned to them. This would support the view that the latter was an exceptional system used only in the case of persons employed continuously and thus prevented from pursuing their normal livelihood.

⁸⁹ This refers to the annual assessments of abilities, *k'ao* 考. See note 11 above. An assessment of *hsia* 下 involved a setback in promotion and a loss of part of the official's salary. See des Rotours, *Traité des fonctionnaires et de l'armée* I, pp. 59-71, and especially pp. 68, 69.

⁹⁰ *Chieh* 決 means to inflict a summary punishment, normally of a beating.

⁹¹ Tu-li chên 都里鎮 was a garrison at or near Dairen in the Liao-tung peninsula.

⁹² An-tung 安東都護府 was the Military Governorship which covered southern Manchuria and Liaotung. In 714 the seat of the Governor had been withdrawn from Manchuria to Ping-chou 平州 inside the Shan-hai kuan 山海關.

⁹³ Presumably this means that they were to have acquired honorific rank in employment as seamen under the preceding article 18 of the MS.

waters, and appoint two sea-going ship-masters 海師 and four master-helmsmen 舵師. They should be attached to⁹⁴ P'êng-lai-chên 蓬萊鎮 Garrison,⁹⁵ and should wait [there] until the winds are favourable and the seas calm, and then transport the rations for the Garrison. Subject to the same rules as honorific officials on service in the Capital, when their years of service are completed, they are to be permitted to take a selection examination.⁹⁶

22. The coin cast in the two Administrations of Kuei-chou 桂州 and Kuang-chou 廣州⁹⁷ together with the cloth 物 from the *yung* and *tiao* taxes 庸調 and goods acquired by "harmonious purchase" 和市⁹⁸ and as substitute goods for the grain tax 折租⁹⁹ from the various prefectures

⁹⁴ The character 隸 is an alternative writing of 隸. This is listed in *Kan-lu tsü-shu* 千祿字書 p. 7b (Hsiao-hsüeh hui-nan).

⁹⁵ P'êng-lai chên 蓬萊鎮 was established in 634, 50 li to the north of Huang-hsien, on the northern tip of the Shantung coastline. Although the MS. implies that this came under Lai-chou 萊州, P'êng-lai had become part of a new prefecture, T'êng-chou 登州 created in 692. In 707 a new county was created 1 li north of the P'êng-lai chên and given the same name, and the administration of T'êng-chou was transferred there. See *YHCHTC* 11, p. 16a-b. *HTS* 38, however, also lists the garrison as being under Lai-chou, and tells us that its troops were known by the alternative title of Wen-chiang-ping 挽疆兵. In another passage *YHCHTC*, p. 18a, tells us that the principal centre of sea traffic with Korea was at Ta-jên ku-ch'êng 大人鼓城 slightly west of P'êng-lai.

⁹⁶ On selection examinations see des Rotours *Traité des Examens*, introduction, p. 42 ff. It is possible that the rule cited as a parallel is the passage in *TLT* 2, p. 278, cited by Niida *Tōryō shūi*, p. 290, as Art. 10 of the Statutes on examinations. See also *TLT* 5, pp. 12b, 13b.

⁹⁷ The mint at Kuei-chou was established in 623. (See *CTS* 48, *THY* 99, etc.) Apart from this passage there is no mention of minting at Kuang-chou in the early T'ang. The lists of mints in *TLT* 9, *TLT* 22, *CTS* 44, *HTS* 54, do not contain it, nor was Kuang-chou known as a copper producing area. After 845, when a Provincial Mint Ch'ien-fang 錢坊 was established here, it seems to have become an important centre. Coins with its mint mark are very widely known, and figure in all the standard numismatic works.

⁹⁸ *Ho-shih* 和市 was taken by Balázs, *Beiträge zur Wirtschafts-geschichte der Tang-zeit*, p. 214, as "Harmonischer Kauf" or as the equivalent of *Ho-ti* 和糴. Des Rotours *Traité des Fonctionnaires*, p. 78, also accepts this with some reservation. That there is a connexion between *Ho-ti* and *Ho-shih* is clear, from the passage in *TLT* 3, p. 44b, 凡和市糴, 皆量其貴賤, 均天下之貨, 以利於人. . . . cited by des Rotours. *Ho-ti* refers in most cases to purchase of grain. This cannot be the case here, as in such contexts *wu* 物 almost invariably means cloth. I therefore take *Ho-shih* to be a term parallel to *Ho-ti* meaning equitable purchase at a fair price of commodities other than grain. The composite term *shih-ti* which provides a link between the two, occurs in the sense of harmonious purchases in general in *Code* 15, Art. 26.

⁹⁹ *Ché-tsu* 折租 meant the payment of the *tsu* tax in some medium other than grain. An article of the 737 *Land Statutes* (*TT* 6; Niida *Tōryō shūi*, p. 608), visualized two distinct types of *ché* 折, one the conversion of unhulled grain into less bulky hulled grain, the other (called *tsa-ché* 雜折) into some local product. 應貯米處折粟一斛輸米六斗, 其雜折皆隨土毛, 準當鄉時價. *HTS* 51 tells us that some time before 728 (or 650; the text is very vague) Yang-chou had paid its grain tax and *tiao* in cash, and Ling-nan in hulled rice 米. . . . and that in 728 an Edict was issued ordering Chiang-nan to pay cloth 布 in place of the *tsu* tax. Certainly the 737 Statutes (*TT* 6,

of Ling-nan, will be transported [by the Prefectures] only as far as Yang-chou. The authorities at Yang-chou should appoint transport units 差綱部 to take charge of its transport on to the Capital.¹⁰⁰ The necessary costs of transportation shall be provided out of the goods which are to be conveyed.¹⁰¹

23. On all minor irrigation canals where there have formerly been water-mills, and where the water has been let run to waste below them, these mills are permitted to be used after the 30th of the 8th month, and before the 1st of the 4th month. During the remaining months, the officials under whose authority they fall are to place a lock on the sluice gate of the mill, and seal and stamp it.¹⁰² They should also take out the mill-stone. When the irrigation of the common peoples' fields has been

Niida, *op. cit.*, pp. 659-61) contain such a rule. 其江南諸州租, 並運達納布. Harauchi Shigekuni, *Tō no Gensōchō ni okeru Kōei jōkyō-mai to chizei no kanken ni tsuite* 藤の玄宗朝に於ける江淮上京米と地稅の關係について, *Shigaku Zasshi* 45, i-ii (1934) suggested that this rule was inserted into the Statutes only after the abandonment of P'ei Yao-ch'ing's transportation reform at the beginning of 737. It seems certain that if this is so, it was not an innovation but the revival of a system which had been in force from the seventh century. This is clear from the existence of a cloth used to pay *tsu* grain tax in 684, which was discovered in a grave at Astana, and published by Stein in *Innermost Asia*, III, plate CXXXVII. This cloth's inscription is translated by Giles in Vol. II, chapter xiv, iii, Appendix 1, but the description is faulty. Some important corrections were made by Niida in his very detailed study of these tax-cloths, *Tōryōfuan hakken Tōdai no yō-chō-fu to sofu* 土香香發見唐代の唐調布と和布. *THGH* (Tokyo) XI, i (1940), p. 243 ff. Niida concluded that the system had been in existence already in the earliest T'ang Statutes, though he admits that the evidence is too scanty to be dogmatic on this point. Ch'ên Yin-k'o 陳寅恪 discussed the system in his *Sui T'ang chih-tu yüan-yüan lüeh-lun k'ao* (1944) and also concluded that it was of long standing, having been enforced under the Southern Dynasties. Besides simple *ché*, this practice was known as *ché-tsao* 折造, or by the terms *pien-tsao* 變造 and *hui-tsao* 迴造. These terms are all more commonly employed for the other type of *ché-tsu*, the transfer of unhulled grain into hulled grain. See Yü Ta-kang 俞大綱 *Tu Kao Li-shih wai-chuan shih* "pien-tsao", "ho-ti" *chih fa* 讀高力士外傳變造和糴之法. *Ac. Sin.* 5 (1935), pp. 75-85, and Pulleyblank's criticism in *The background to the rebellion of An Lu-shan*, p. 190.

¹⁰⁰ The normal responsibility for tax-transportation lay with the Prefecture of origin. They levied a supplementary tax known as *Chüeh-chih* 腳直 to pay for the expenses. This tax must have varied according to the locality. The taxes were sent off in a convoy known as a *Kang-pu* 綱部, the officers *kang-tien* 綱典 or *kang-kuan* 綱官 and their crews of *Chüeh-shih* 腳士 being theoretically special duty men. In fact they were often hired professional sailors. (See Chü Ch'ing-yüan, *T'ang-tai ts'ai-ch'eng shih*, pp. 157-9.) There are a number of rules concerning their conduct in *Code* 27, Art. 4, 5. The point of the present clause was to prevent the original *kang-pu* of the far southern prefectures from having too long an annual journey. They were relieved at Yang-chou. Perhaps we may see in these *kang-pu* sent from Yang-chou up the canal a beginning of specialisation in this canal navigation which foreshadowed the later reform of Liu Yen 劉晏.

¹⁰¹ This prevented the *chüeh-chih* 腳直 in the southern areas from becoming too great.

¹⁰² On the type of mill and stone likely to be involved here, see Gernet, *Les aspects économiques du Bouddhisme* (1956), pp. 138-40, and my supplementary notes to this in *BSOAS* (Oct. 1957).

first completed, if the weather is rainy and there is sufficient water for there to be no need to flood the fields, then the mills are permitted to be used. Mills on petty branch canals, where there is some doubt whether they rob the water [needed for the land] should also be stopped¹⁰³ in accordance with this rule.

24. At each of the three fords 津¹⁰⁴ under the Directorate of Waterways 都水監, there should be assigned 配 thirty bridgekeepers 守橋. They shall be selected from simple commoners and adolescent males who clearly understand watercraft. They shall be divided into four turns of duty and go to and from [the ford] in turn.¹⁰⁵ They shall not come within the scope of conscription 簡點 or of miscellaneous labour dues 雜徭. From the 1st of the 5th month until the middle of the 9th month they must not go further than 10 li from their homes. Whenever there is a great flood they shall thereupon go to the bridge. If they are able to intercept and recover any lumber, timber-rafts, etc., whether these be privately or officially owned, they may receive part as a reward 分賞 in accordance with the *Statutes*.¹⁰⁶ At each of the three fords, furthermore, there shall be assigned eight carpenters 木匠 who shall be divided into four turns of duty and go to and from [the ford] in turn. Should there be too much damage for the bridgekeepers and carpenters of the bridge concerned to repair, the personnel of the three bridges should labour on it jointly 通役. If they are still insufficient, the chief official of the County concerned shall estimate their needs and mobilize

¹⁰³ The character 斷 is left as illegible by Naba. Niida's reading is supported by *Kan-lu tzu-shu*, p. 69.

¹⁰⁴ It is not certain what were meant by the three "crossings" under the Directorate of Waterways. The *Chu-chin-ling* 諸津令, subordinate to the Directorate were said to have jurisdiction over all *chin* in the Capital Districts, while those in the provinces were controlled by the Prefecture concerned. *TLT* in its present form contains nothing parallel to the present passage, but the Commentary to *HTS* 48, which may possibly reflect an earlier recension of *TLT*, clearly draws on the same rule when it says that at each bridge there shall be thirty bridgekeepers (it replaces 守橋 by 橋丁) and eight artisans (see below, MS., line 90). Since this same Commentary to *HTS* 48 goes on to speak of the three bridges 三橋, that is the three bridges over the Wei river in the region of Ch'ang-an, the Pien ch'iao 便橋, Wei-ch'iao 渭橋, and Wan-nien ch'iao 萬年橋 (see des Rotours, *Traité des fonctionnaires et de l'armée*, pp. 498, 499), it seems very likely that these three bridges were the three crossings in question here.

¹⁰⁵ *Shang-hsin* means to go up to the capital for their turn of duty and to return. This is clear from many passages in *TLT* dealing with various types of special service men.

¹⁰⁶ The *Statute* in question is to be found in Niida *Tōryō shūi*, p. 849, Art. 11. *Sung hsing-t'ung* 27. "Regarding all bamboo and timber, both privately or publicly owned which is washed away by a flood, if anyone is able to catch and retain it, he should pile it on the bank of the river and place a plain notice 標榜 upon it, and notify the nearest official authority. If the owner recognizes and claims it, on the Huang ho and Yangtse he shall give the finder two-fifths as a reward, on other rivers one-fifth. If after the lapse of thirty days no owner comes forward to claim it, it shall become the property of the finder." Cf. also *Ryō-no-shūge*, p. 892, which has an identical rule.

labour 差役. On the day when the work is completed [these additional labourers] shall be dismissed.¹⁰⁷

25. Under the Directorate of Waterways there should be 250 master fishermen 漁師. Ten of these should be in permanent service 長上 and should follow the Imperial Cortège between the Capitals. One hundred and twenty should be on short-time service 短番 and should be provided by Kuo-chou 鄒州.¹⁰⁸ One hundred and twenty more should be brilliantly talented 明資 and these should be provided by Fang-chou 房州.¹⁰⁹ Each of [these categories] should be divided into four turns of duty to go on service [at the Capital], each turn of duty sending in thirty men. All of them are to be selected from among simple commoners and persons of various categories 雜色人¹¹⁰ and

¹⁰⁷ This is clearly the beginning of a new section, although the MS. (line 90) makes no break.

¹⁰⁸ Kuo-chou was 40 li south of Ling-pao 靈寶 Honan.

¹⁰⁹ Fang-chou 房州 was the modern Fang-hsien Hupeh, situated on a southern tributary of the Han river. The various categories of master fishermen listed here are also given as personnel of the Ho-ch'ü-shu 河渠量 under the Directorate of Waterways in *TLT* 23 (Konoe, p. 8a). *HTS* 49, which gives a total of thirty master fishermen 魚師 has clearly made a confusion with the number in each turn of duty. (See line 94 of MS.)

¹¹⁰ *Tsa-sé-jên* 雜色人 is a term which occurs fairly frequently in T'ang laws, and in *TLT*, often in conjunction with *po-ting* 白丁, or *po-hsing* 百姓. I know of no definition of the term under the T'ang, but the article of *Ryō-no-shūge* 13 concerning the *Gisō* 義藏 has a number of comments on the term. The Commentary from *Ryō-no-shūge* 10 (p. 118), the *Shaku* 釋 to the *Statutes*, and various individual jurists agreed that the term referred to the *tomobe* 品部 and *zakko* 雜戶—that is the lowest categories counted among the free 良, but did not include the *ryōko* 良戶 who were the highest category of bondsman 隸. (See p. 349.) It is quite certain that this definition is a Japanese one, for *tomobe* 品部 did not exist in China, and the nature of *tza-hu* (see below, note 118) was quite different from that of the *zakko*, who were various specialists and technicians rather similar to the *tomobe* but of lower status. They were perhaps closest to the *kung-yüeh hu* 工樂戶 (see *TLT* 6, p. 429; *Code* 3, Art. 10; *Code* 17, Art. 8; *Code* 14, Art. 11), the specialists attached to the *Shao-fu Chien* 少府監 Directorate of Workshops, and *T'ai-ch'ang-szu* 太常寺 Court of Imperial Sacrifices, in their function. However, unlike these, who under the T'ang had no register of their own and were considered as attached to their office, and unlike even the more privileged *T'ai-ch'ang yin-sheng-jên* 太常音聲人 Musicians of the Court of Imperial Sacrifices, who received lands as commoners, had their own registers, and could intermarry freely with commoners, the Japanese *zakko* and *tomobe* were theoretically free 良人 whereas their equivalents in China were bondsmen 隸人. It is possible then that *tza-sé* refers in our MS. and similar contexts in *TLT* to various types of status, and *sé* 色 alone is very commonly found in this sense in the *Code*. For instance 雜戶配隸諸司, 不與良人同額. 止可當色相娶 (*Code* 14, Art. 11). On the analogy with the Japanese usage we might expect it to apply to the groups such as those we have mentioned, and the *tza-hu* 雜戶 who lay on the border between bondsman and freeman status, though in China we would have to assume that the relevant groups lay in the bondsman class rather than in the free. Unfortunately the Chinese *Statute* corresponding to the key passage in *Ryō-no-shūge* (Niida *Tōryō shūi*, p. 674, Art. 9) is differently worded and has no mention of *tza-sé-jên*, which would perhaps strengthen our belief that the meaning here is a purely Japanese usage. The *Kamua daigien* of Koyanagi, however, refers to a Chinese precedent from the *Pei shih* for this meaning related to distinction of status.

from households of the 5th grade and below. In each case they should be chosen from persons who are good at catching fish. They should be given exemption from taxation and labour services and from miscellaneous labour dues. The *tsa-hu* 雜戶 and *kuan-hu* 官戶 slaves¹¹¹ should also be instructed. When they have completed twenty years'

I am unable to identify the original passage. There is another possibility without a direct connection with status. Sogabe, *Kindenhō to sono zaiyaku seido*, pp. 286, 287, discusses several of the passages relating to corvée in this MS. He glosses this passage "The *tsa-sē-jēn* who were already subject to *tsa-i* 雜役 which was a special type of *tsa-yao*". In this case the *sē* 色 would have not the sense of status distinction, but of special duty, as in *sē-i* 色役. On the whole I am inclined to follow Sogabe, and translate "persons with various special duties". There is little doubt also that his distinction between *tsa-yao* and *tsa-i*, the former being the general duty of performing forty days' service for the local authorities, and the latter being the various specific local services (see Sogabe, *op. cit.*, pp. 226 ff.) is a valid one.

¹¹¹ *Tsa-hu* 雜戶 were a category of unfree person, the highest in personal status of the bondsmen 隸人 under the control of the state. The best available discussion of their standing is to be found in the excellent study of Tamai Zehaku 玉井星傳 *Tō no semmin-seido to sono yurai* 唐の隸民制度とその由来 *Shina shakai-keizai shi kenkyū* (1942—the article appeared in 1929, in Korea), pp. 147–209, and especially pp. 149–70. The *tsa-hu* were (theoretically at least) either criminals who had been enslaved or the descendants of such persons, who had been through a progressive series of manumissions. The first of these made the slave proper *ku-pi* 奴婢 into a *fan-hu* 番戶 or *kuan-hu* 官戶 (see note 119), the second into a *tsa-hu* 雜戶. The third made him a free man 良人. These manumissions, which followed Acts of Grace 赦宥 according to *TLT* 7, pp. 40b–41a, could also eliminate one or both of these steps. The *tsa-hu* was attached to a specific office, and had a permanent special duty involving five turns of duty, *fan* 番, every two years. They received rations and clothing from the authorities (*TLT* 27, p. 118). They were, however, registered on the Household Registers *hu-chi* 戶籍 of their own Prefecture, and must thus have constituted a legally recognized family. Their age-status system was the same as that for commoners, and they received land grants in the same way as commoners. However, their tax responsibilities were not the same (*Code* 12, Art. 10). Unfortunately we do not know the details of their tax-position. The chief restriction under which they lived was that they were not permitted to marry free women, or to adopt children of free persons (*Code* 14, Art. 11). *Kuan-hu* 官戶 was also a category of bondsmen attached to the government. They were one degree lower in personal status than were *tsa-hu*. Like them they were attached to an office, but unlike the *tsa-hu* they had no registration apart from that in the roll of the office, and thus did not constitute legal households. In the same way their marriages were restricted to women of the same category 同色. Their duties were restricted to three periods of one month *fan* 番 per annum. They were also known, because of this, as *fan-hu* (*TLT* 7, p. 41a). It is just possible that they were permitted to commute service into a money payment, but the authority for this is a very ambiguous text in *HTS* 46, which may well be a confusion with *fan-i* corvée men. Their lands, too, were much smaller than those granted to a *tsa-hu*. These lands raise an interesting question. As the *kuan-hu* existed as a legal entity only upon the rolls of the office to which he was attached, and had no register of his own, the legal title to his land must have belonged ultimately to the office. This may lie behind the somewhat mysterious alternative term for *kuan-hu*, *kung-chieh-hu* 公隸戶 "households of the public administration" (see *Code* 17, Art. 5, *Shu-i*). Their lands must have become virtually part of the land farmed by the public administration, but granted to the bondsmen for their own support. Rations and clothing for *kuan-hu* and *tsa-hu* were said to be provided by the authorities, but this probably referred only to their period on duty.

service the master fishermen should be replaced. In the case of those due to go up to the Capital, they must submit a certificate 文牒 by the 30th of each month, and themselves go to the authority under whom they are to serve 身至所由.¹¹² The fish needed by the Kitchen Department of the Palace 尚食, by the Intendant of Delicacies for the Palace 典膳, for sacrifices 祠祭, and for the Chancellery and Secretariat 中書門下, shall all be caught and provided by the Directorate of Waterways. That required at the Imperial tombs should be provided by the Counties in which they are situated. For the other places where fish need be provided and for winter stores,¹¹³ the Department of Public Revenue 度支 shall annually pay 200,000 cash which shall be sent to the Directorate of Waterways, who shall provide their needs by purchase at current prices.¹¹⁴ At the end of each quarter a statement should be drawn up showing whether they had currently a deficit or a surplus, and this should be sent to the Department of Judicial Control 比部¹¹⁵ for audit

¹¹² A similar rule for artisans 工匠 is contained in *Ryō-no-gige* 10, p. 123, and *Ryō-no-shūge* 14, pp. 378, 379. "A register of all artisans going to perform their services. This register should be sent to the Da-jō-kan 太政官 three days before the artisans arrive, so that they can assign them tasks..." The parallel ruling in the Tang Statutes is lost, and the *Code* 16, Art. 22–4, and *Code* 28, Art. 11–12 dealing with labourers on service also makes no mention of it. Presumably the *wén-tieh* 文牒 was not an individual labourer's certificate, but a list of the persons sent for a turn of duty by the responsible prefectures (Kuo-chou and Fang-chou), the equivalent of the register 簿 mentioned in the Japanese Statutes.

¹¹³ The precise nature of these winter stores *tung-ts'ang* 冬藏 is by no means clear. Possibly it refers to dried stockfish.

¹¹⁴ This passage (line 97–100) is paralleled in *TLT* 23 (Konoe edition, pp. 27b–28a). The parallel, however, is by no means as simple as in the other cases, and it is possible that the long clause inserted in *TLT* which does not appear in the MS. might be considered as a part of the Ordinances of 719 which was omitted in the series of 737. For simple comparison, I set out the two passages side by side.

MS: ○○○其尚食典膳祠祭○中書門下所須魚鮑者水採供。諸陵各所管饗供
TLT: 每日供尚食○○○○及中書門下○○○○○○○○○○○○○○○○○○○○
MS: ○○○○ ○○○○○○○○○○○○○○○○○○○○○○○○○○○○○○○
TLT: 官廳給者, 若大祭祠則供其乾魚鮑, 以充薦豆之貢。諸司○應給魚○
MS: 及冬藏度支每年支錢二百萬送都水監○○○量依時價給通
TLT: 度冬藏○○每年支錢二百萬送都水○命河渠○○以時價市供之

In the sections where the parallel is close, it is clear that the editing of *TLT* was by no means faultless. The omission of *Tu-chih* 度支 in the last half makes nonsense of the passage, implying as it does that the *chu-ssu* 諸司, and not the Department of Public Revenue *Tu-chih*, supplied the 200,000 cash.

¹¹⁵ The Department of Judicial Control *Pi-pu* 比部 was one of the sub-divisions of the Board of Justice. This was the chief auditing department of the central government. They audited the accounts not only of the various official departments in the Capital, but also those of the Prefectures, and the constituent Counties of the Capital Districts. Des Rotours' translation of the passage in *HTS* 46 referring to this office (*Traité des fonctionnaires*, pp. 121, 122) is defective. I venture to correct it as follows:

"The Chief Secretary and Under-Secretary of the Department are in charge of accounting for the taxes from the Capital and the provinces, current expenditure, salaries, official buildings, honorific titles and awards, cases of corruption, the payment

勾覆。At the end of the year a record should be drawn up and sent to the offices 申所由 for them to draw up their accounts 計會。If there should be any remaining money 迴殘¹¹⁴ it should be incorporated in the amount of the grant for the next year.¹¹⁷¹¹⁸

25A. finished, or there is a great surplus of water, the water needed for irrigation is also permitted to be used with it.¹¹⁹

26. At the Pa-ch'iao 灞橋¹²⁰ bridge in the Metropolitan District, and the

of money fines, convict labour, the extent of impositions, commodities owed to the state, provisioning of the armies, weapons, Harmonious Purchases, and the income from Military Colonies. They are to make an audit of the granaries and stores of the Capital every three months. The various services and Commissioners will present their accounts to the Department of State in the Capital each quarter. During the subsequent season, they shall audit the accounts for the season before. The Prefectures shall have a general audit at the end of each year.¹²¹

See also the parallel passage from CTS 43, which is much more straightforward than the above. The best detailed accounts of the system of submitting accounts for audit are to be found in two memorials dated 780 and 792, both included in THY 59.

¹¹⁴ *Hui-t'ien* 迴殘 is a financial surplus remaining on balance.

¹¹⁵ *Ju lai-nien chih shu* 入來年支數 presumably means that the balance was carried over into the next year, and the grant from the Department of Public Revenue was reduced in accordance.

¹¹⁶ There is clearly a hiatus in the MS. here. The join between the lines 102 and 103, has covered a line of text. It is, of course, quite impossible to tell whether two sheets have merely been pasted together inexactly to cover one line, or whether a sheet or sheets of the original have been lost. The patching together of documents in the wrong order was by no means uncommon, and presumably this was done to provide a scroll for the writing of the *dharani* on the reverse, not to preserve the text of the *Shui-pu shih*.

¹¹⁷ This is undoubtedly an entirely different clause from the preceding, as it deals with irrigation rules. However, it is not possible to agree, on the basis of the fragment, precisely what type of rule it was.

¹¹⁸ The Pa-ch'iao Bridge 灞橋 was to the east of Ch'ang-an and bore the main road connecting the Capital with Hua-chou, 華州 Shan-chou 陝州 and places east thereof. According to YHCHTC 1, p. 3b (Wan-nien hien) it was built in 583 under the Sui (not 591 as in des Rotours, *op. cit.*, p. 497). Under the T'ang in 681 they built another bridge on the site of an old bridge, so that there were two Pa ch'iao, a northern and southern one. The one mentioned by des Rotours as existing today was the southern bridge. See the map *Seian fukin koseki-zu* in Adachi Kiroku 足立喜六 *Chōan shiseki no kenkyū* (1933). *Ch'ang-an chih* 11 reproduces YHCHTC 1 (p. 3b), and elsewhere places the bridge and its garrison 鎮 40 li east of Ch'ang-an (p. 3a). Pi Yüan's note identifies the "old bridge" of both texts with the Han bridge renamed Ch'ang-tsun ch'iao 長孫橋 by Wang Mang. See *Ch'u hsüeh chi* 7, p.p. 19b-20a, which has much information on many lesser bridges, otherwise unknown. It seems probable that our text refers to the Sui bridge. In 785 the wooden planks of the roadway were replaced with wood from dead trees cut from those lining the main streets of Ch'ang-an. The Ch'ang-ch'iao 滻橋 which lay between the Pa-ch'iao and Ch'ang-an, spanning the Ch'ang shui, was repaired at the same time. (THY 86, p. 1578) TLT 7, tells us that the Pa ch'iao was built on stone piers. There is no mention of two bridges. Probably only the Sui bridge (the one surviving) came in the category "great bridges" which were maintained by the Department of Waterways. The northern Pa-ch'iao was probably a minor bridge in the control of the Capital Administration. (See TLT 7.) The MS. must, of course, be concerned with the Sui bridge.

Yung-chi-ch'iao 永濟橋¹²¹ bridge in Honan-fu, a separate honorific official on service at the Capital 應上勳官 or a titular official of the Board of War 兵部散官 should be assigned each quarter to divide up the turns of duty 析番 and to make investigations.¹²² Lightly disabled persons 殘疾¹²³ and adolescent males from the Counties concerned should be taken and divided into turns of duty to watch the bridges. At the Pa-ch'iao each turn of duty should comprise five persons. At the Yung-chi-ch'iao each turn of duty should comprise two persons.

27. In all the Prefectures where there are places where official ships are stored, the provision of necessary fish-oil¹²⁴ should be made by first estimating the quantity needed and then employing guards 防人 of the locality to catch the fish. In localities where there are no guards, those liable for miscellaneous duties 雜職¹²⁵ may be employed.

28. At places within the Imperial City 皇城¹²⁶ where the canals are blocked, and the flow of water stopped up, or the roads damaged, in

¹²¹ The *T'ang liang-ching ch'êng-fang k'ao* 5 (pp. 185, 186) is quite nonsensical when it attempts to pass off this bridge as a graphic error for the T'ung-chi-ch'iao 通濟橋. des Rotours rightly doubts this feeble explanation (*op. cit.*, p. 498). The Yung-chi-ch'iao according to YHCHTC 5, p. 10a, was 47 li west of Shou-an hsien in Honan-fu (the modern I-yang 宜陽 Honan) spanning the Lo river. It was a bridge of boats (cf. TLT 7), 403 feet long and 26 feet wide. It was first built in 607, but destroyed during the disturbances at the end of the Sui and rebuilt in 634. TLT 7, however, says it was a bridge on stone piers.

¹²² This passage appears to be reflected in HTS 48 in a passage dealing with the *Chu-chin chien* 諸津監 which is not paralleled in the current editions of TLT 23. See des Rotours, *op. cit.*, p. 498.

¹²³ The category of disablements *ts'an-chi* 殘疾 is defined in an article of the *Household Statutes*, Niida Tōryō shūi, p. 228, Art. 9, (Code 22, Code 29, *Po-shih liu-tieh shih lei chi* 9, etc.). "All such persons as are blind in one eye, deaf in both ears, lacking two fingers of one hand, or three toes from one foot, have lost either a big toe or a thumb, who are baldheaded without hair, have a chronic discharge, dropsy (?), or any large tumours, shall all be considered partly disabled, *ts'an-chi*. . . ." There were two more serious grades of disablement; seriously disabled, *fei-chi* 廢疾; and totally disabled, *tu-chi* 篤疾. These categories affected a person's liability to taxation and other duties, and the lowest category also affected his position in criminal competence.

¹²⁴ Presumably this fish-grease was to be used in caulking seams.

¹²⁵ *Tsa-chih* 雜職 are presumably persons in minor official posts such as are envisaged by the article of the *Statutes* quoted by Niida Tōryō shūi, p. 687. "All officials of the 6th rank and below both within the current and outside it, together with the various sorts of persons holding minor posts in the offices of the Capital 及京司諸色雜有職掌人 should be entitled to exemption from tax and labour services" (see TLT 3, p. 38a; THY 58, and TFFK 474, also quote this passage, but word the crucial point in a different way). The *tsa-chih* here in question are minor employees of local offices, who did not receive exemption from taxation or labour service under the *Statutes*. This is clear from an important quotation in *Ryō-no-shūge* 13, p. 361 of the Ordinances of the Board of Finance *Hu-pu shih*, where the *chu-sē tsa-jen* 諸色雜任 are listed with various well-known categories of *sē-i* 色役 duties performed on behalf of the local authorities.

¹²⁶ For a map of the Imperial City, showing the layout of the major government offices, see *T'ang liang-ching ch'êng-fang k'ao* 1, pp. 8, 9. See also *Chōan to Rakuyō* Supplementary Vol., Map 4.

every case the official department in the place concerned shall make repairs. The bridges should be repaired and constructed by the Directorate of Works 將作監.¹²⁷ Where [the damage] is beside a main road crossing 十字街¹²⁸ the Guards 衛士 of the nearest Police-post 鋪 should make repairs.¹²⁹ In the Capital City and within the outer wall of the city 羅郭牆¹³⁰ in each case [damage] should be repaired by the ward 坊¹³¹ in which it is.¹³²

29. Regarding the rattan hawsers needed annually at the Ho-yang-ch'iao 河陽橋¹³³ bridge, the three Prefectures of Hsüan-chou 宣州, Ch'ang-chou 常州, and Hung-chou 洪州¹³⁴ should employ adults and artisans¹³⁵ and make a stock in advance.¹³⁶ Hsüan-chou and Hung-chou

¹²⁷ The Directorate of Works, *Chiang-tso chien* 將作監, was responsible for the erection, upkeep, and repair of official buildings. See *TLT* 23, *HTS* 48 (des Rotours, *op. cit.*, p. 476 ff.).

¹²⁸ This may be read "at crossings or besides the main roads" rather than simply "besides cross-roads". In any case the places concerned were in the main streets 街 outside the internal walls of the wards *fang* (see below, note 131), which lay under the surveillance of the police.

¹²⁹ The Guards 衛士 were the detachments of the Chin-wu Guard who were responsible for policing the streets of the Capital. See *HTS* 49a (des Rotours, *op. cit.*, pp. 535, 536).

¹³⁰ *Lo-kuo ch'iang* 羅郭牆 refers to the outer city. *Lo-ch'êng* 羅城 and *lo-kuo* 羅郭 are synonymous terms which normally refer to the outer walled portion of a city, as opposed to the *tsü-ch'êng* 子城, *ya-ch'êng* 牙城, *hsiao-ch'êng* 小城, etc., which referred to the inner city or citadel. See, in connection with these terms, Katō Shigeru *Sōdai ni okeru toshi no hattatsu ni tsuite* 宋代に於ける都市の發達に就いて [*Shina keizaiishi kōshō*, Vol. 1, p. 299 ff. Original edition *Kuwabara Hakase kanreki kinen Tōyōshi ronsō*, 1931] *Ch'iang* 牆 in such contexts usually refers to the walls surrounding the wards, in opposition to *ch'êng* 城 the outer walls designed for defence. It is not clear why both the *ching-ch'êng* 京城 and the *lo-kuo* 羅郭 figure in the text in reference to Ch'ang-an. There was a double wall only on the east of the city, but this is usually referred to as *chia-ch'êng* 夾城. The space between the walls was so small that it seems curious that it should receive special mention.

¹³¹ The *fang* 坊 wards within a city fulfilled the same administrative functions as the *li* in the countryside. It was ruled over by a headman, *fang-ch'êng* 坊正, whose office constituted a form of special service 雜役. He was responsible for policing and keeping order within his ward. The police guards of the Capital were restricted in their responsibility to the main streets and markets. The ward was a walled enclosure which was (theoretically) closed at night. All buildings, save those of very high-ranking inhabitants, faced inwards on to the internal alleys *ch'ü* 曲 or *hsiang* 巷.

¹³² There is a break after *hsü-li* 修理 (line 112) and a new clause certainly begins here, although the MS. runs straight on.

¹³³ See above note 81. *YHCHTC* 5, p. 13b, gives confirmation of the supply of hawsers.

¹³⁴ These prefectures were all in the lower Yangtse basin. Hsüan-chou 宣州 was the modern Hsüan ch'êng 宣城, Anhwei. Ch'ang-chou 常州 was Wu-chin 武進 in Kiangsu. Hung-chou 洪州 was modern Nan-ch'ang 南昌 in Kiangsi. This special industry is otherwise unknown from T'ang texts. Bamboo products did not figure in the tribute items listed from the three prefectures in *HTS*, *TPHYC*, *TT*, *YHCHTC*.

¹³⁵ The last two characters of line 112 are illegible. I follow the reading of the parallel in *TLT* 7 (see note 137) and restore 役工.

¹³⁶ This I take it is the sense of 預造.

should each provide twenty great hawsers, and Ch'ang-chou should provide 1200 small ropes.¹³⁷ The cost of transport should be defrayed from official funds, and transport units 綱部 should be assigned to transport them. Estimating the stages of the journey, messengers should be despatched to arrive by the set time limit.

30. Regarding the rattan hawsers for the Ta-yang-ch'iao 大陽橋 and P'u-chin-ch'iao 蒲津橋¹³⁸ bridges, every three years the Directorate of Bamboo works 司竹監¹³⁹ should provide bamboo, and the fordsman's families 津家 and the watermen 水手 employed to make the ropes.¹⁴⁰ As for the old ropes, the responsible authorities in each case are charged with examining them, and should they be considered to be firm and in good condition they should be put into use again. They must not be wantonly destroyed and replaced. The materials required by the various

¹³⁷ The passage from Ho-yang ch'iao 河陽橋 (line 112) to the end of line 113 is paralleled in *TLT* 7 (Comm.) (Konoe, p. 28a). The first part of this passage of commentary consists of a résumé of this part of the *Shui-pu shih* and certain later portions (see notes 137, 142, 146, 150 below), by passages from lines 67, 68 of the MS., and a passage so closely related to the contents of the MS. as to be almost certainly derived from a lost portion of the *Shui-pu-shih*. *TLT* mistakenly writes Ho-liang ch'iao 河梁橋; omits 每年; writes 役工 for the missing and damaged characters at the end of line 112, adds 支 after 預 (line 113), and writes 二十 in place of 廿.

¹³⁸ The P'u-chin ch'iao 蒲津橋 bridge was a bridge over the Huang-ho in Hontung hsien 河東縣 the modern Yung-chi 永濟 Shansi. The customs barrier at the bridge P'u-fan kuan 蒲坂關 or P'u-chin kuan was 4 li west of the county city. (*YHCHTC* 12, p. 3b.) The bridge was made of boats (*TLT* 7, *YHCHTC* 12) and was a particularly intricate one (*YHCHTC* 12). The cost of the bamboo hawsers was levied annually, under the name of Ch'iao-ch'ieh-ch'ien 橋脚錢 and amounted to 20,000 (strings?) from which was also paid the cost of the local river defences. (*YHCHTC* 12.) Presumably the payment was made to the Ssu-chu chien 司竹監. The bridge was rebuilt in stronger form in 721 (*THY* 86, p. 1577). Chang Yüeh wrote an inscription to commemorate this event which is preserved as the P'u-chin ch'iao tsan 蒲津橋贊 (*Chang Yen-kung chi*, 8). This provides us with some detail about the bridge. The previous system had employed ten boats connected together with bamboo hawsers formed by plaiting together long rattan ropes lashed on to poles. But the bridge was smashed nearly every year by the ice floes coming down the river at the thaw. In 724 (this date seems more likely to be correct than 721 as in *THY* 86) great iron oxen were cast to form anchors on the banks, and these were joined together by iron chains replacing the bamboo hawsers. (see Anonymous, *Shan-chou t'ieh-niu sung*; *T'ang wên-sui* 22). The MS. seems, on the surface at least, to refer to the system as used before 724.

¹³⁹ The Directorate of Bamboos *Ssu-chu-chien* 司竹監 had plantations in Chou-chih hsien 蠡縣 and Hu hsien 鄆縣 to the north-west of Ch'ang-an (*TLT* 19, *Ch'ang-an chih* 18, p. 8a-b). Chang Yüeh, *loc. cit.*, says that in 824, the bamboo supplies of Wei-nan 渭南 were used up in supplying the bridge. Whether Wei-nan here means the south-bank of the Wei, or whether we should assume that the *Ssu-chu chien* had further plantations in Wei-nan hsien north-east of Ch'ang-an, is not certain.

¹⁴⁰ From T'ai-yang (line 115) to 造充 (line 116) is paralleled in *TLT* (Konoe, p. 28a). *TLT* omits 橋, and writes 每年 in place of 每三年一度. (This, however, may be the change in the Ordinances between 719 and 737 reflected the reduced need for replacements brought about by the reconstruction of the bridge in 724.) In line 116 役 is written 令. 造充 is written 自造.

artisans¹⁴¹ to be supplied to the bridges should first be reported to the authorities together with the amounts required. In assigning [artisans]¹⁴² persons living near to the bridges should be taken first, but if there are none who are skilled, they may be assigned from further afield and perform their duties in turn 依番追上. Should they all be required together, the officials of the crossing 津司 are permitted to assess the urgency of the matter together with the Prefectures under whose charge the artisans live, and to divide up the turns of duty, and send the artisans to work as necessary. If during a given year there is no such employment, commutation 徵課¹⁴³ should be collected [from the artisans] in accordance with the Ordinances.¹⁴⁴

31. Regarding the pontoons of the floating bridges 浮橋脚船, replacements for half their number should be ready prepared. For the rest, they should make provision for a full set of replacements¹⁴⁵ and replace them as they become deficient.¹⁴⁶ The pontoons for the Ho-yang-ch'iao bridge should be constructed by adult labourers and artisans employed by the two Prefectures of T'an-chou 潭州 and Chiang-chou 江州,¹⁴⁷ and sent to the bridge site. Those for the Ta-yang-ch'iao and P'u-chin-ch'iao bridges should be constructed and supplied by employing artisans on the site of the bridge, and using timber cut by adult labourers assigned by the Prefectures of Lan-chou 嵐州, Shih-chou 石州, Hsi-chou 隰州,¹⁴⁸ Shêng-chou 勝州, Tzû-chou 慈州, etc.,¹⁴⁹ and floated

¹⁴¹ The *tsa-chiang* 雜匠 are mentioned below, and 雜匠料 must mean the materials required by the various artisans.

¹⁴² From 其供 (line 117) to 充 (line 118) is paralleled in *TLT* 7, *loc. cit.* *TLT* omits 量, and in place of 配先取 writes 其匠先配. The *TLT* text gives a slightly easier reading, and provides an acceptable gloss by including 其匠, but there is no grounds for asserting that these two characters have fallen out of the text of the MS.

¹⁴³ *Chêng-k'o* 徵課 means the collection of money payments in lieu of service. *K'o* 課 may thus be understood as standing for *tsu-k'o* 資課 *tsu-k'o* 賞課 or *na-k'o* 納課. The present passage makes it perfectly clear what the nature of such payments in fact was.

¹⁴⁴ The precise passage of the Ordinances (presumably the *Hu-pu-shih* 戶部式) is lost.

¹⁴⁵ The whole passage from 浮 (line 123) to 一副 (line 124) is identical to a passage in *TLT* 7, *loc. cit.* The sense of *fu* 副 seems likely to be "replacement", but I am none too confident of it.

¹⁴⁶ The four characters 隨調代換 are omitted from *TLT* 7.

¹⁴⁷ Tan-chou 潭州 was the modern Ch'angsha 長沙 Hunan. Chiang-chou 江州 was Tê-hua 德化 in Chianghsi. *TLT* 7 writes Hung-chou in place of Chiang-chou. This is corroborated by *YHCHTC* 5, p. 13b.

¹⁴⁸ 隰州 is written 濕州 in the current editions of *TLT* 7, but the fragmentary Sung print has the same reading as the *Shui-pu shih*.

¹⁴⁹ These prefectures were all in northern Shensi and Shansi. Chang Yüeh says that the forests of Lung-ti 隴坻 were denuded for timber for the bridge. It appears that an alternative source of timber had been found between early K'ai-yüan times and 737, but this would suppose that the new arrangement had been incorporated into *TLT* after the compilation of the 719 Ordinances. This seems unlikely.

down to the bridge sites.¹⁵⁰ If the artisans present in the region of the bridge cannot adequately supply the need, it may be reported to the authorities 申所司, who should estimate the matter and assign [labour from elsewhere]. In the case of other provisions¹⁵¹ and miscellaneous goods to be provided to the bridges, even in the case of a single item¹⁵² an exchange must be made [with the place where the bridge is].¹⁵³ It is not permitted to supply what is needed by trade employing official goods. If, however, the supplies are insufficient, the authorities may, having previously reported to the Ministry¹⁵⁴ act in consultation with the Prefectures and Counties beside the bridge, and estimate the matter and supply their needs out of official goods. Every year, the incomings and outgoings, and the materials which have been used up should be reported to the authorities who should control the matters. Where it is possible to cut timber and construct the boats in the neighbourhood itself, watermen, garrison troops 鎮兵, miscellaneous artisans 雜匠, etc.,¹⁵⁵ should be employed to construct and store them. The expenditure may be provided for as necessary, but an estimate of payments must be made beforehand, and the matter may not be settled provisionally.¹⁵⁶

32. At all places where floating bridges are established, after the 10th month of each year, when the ice begins to set hard,¹⁵⁷ the fastenings should be taken apart. . . .¹⁵⁸ For all miscellaneous services such as labourers required for unfastening and joining,¹⁵⁹ making stone-

¹⁵⁰ TLT 7 has a parallel to the passage from 河陽 in line 124 to 造供 in line 126. 江 is written 洪. 役丁匠 is omitted. 船 (line 125) is omitted. 應 is written 應 in current editions, but corrected in Konoe's commentary. This correction is substantiated by the Sung print (see note 148). 折丁 is omitted. The character 樑 is written 材 in current editions of TLT 7, and as 休 in the Sung print. 浮 is omitted. 役匠造供 is replaced by simple 造.

¹⁵¹ Tiao-tu 調度 are special provisions. The term does not refer in the present instance to the levying, but to the provisions themselves.

¹⁵² The end of line 127 is damaged.

¹⁵³ The sense of this passage is not clear.

¹⁵⁴ Shêng 省 here stands for the Department of State, Shang-shu-shêng. The report went, of course, to the Shui-pu which was a subordinate office of the Department of State.

¹⁵⁵ That is to say, they should employ persons with special duties tsai-i 雜役 who were employed locally on their turns of duty.

¹⁵⁶ Official shipbuilding seems to have been a field of administration where financial malpractice was rather common. The Transport Commission under Liu Yen was later guilty of making excessive preliminary estimates and provisional payments (see TCTC 226).

¹⁵⁷ 凌壯 seems to mean "the ice grows firm".

¹⁵⁸ At least two characters are missing at the end of line 132.

¹⁵⁹ This clause bears out the evidence of Chang Yüeh's inscription as to the danger constituted by ice to the floating bridges.

baskets 石籠¹⁶⁰ and ropes 絙索, etc., the watermen and assigned troops 配兵 of the crossing in question shall be first employed. If they are not sufficient, they may be supplemented by garrison troops and men from the Prefectures and Counties beside the bridge to provide the necessary numbers. Should the bridge fall between two Prefectures or two Counties¹⁶¹ . . . labour should be mobilized in both Prefectures or Counties, in proportion with their respective populations 准戶均差. Acting in consultation with the officials of the crossing. . . .¹⁶² the amounts necessary to allow them to complete the business. The employment of such labour must not exceed ten days in any case.

33. At the P'u-chin-ch'iao bridge there should be fifteen water-artisans 水匠. At the Ta 大 . . . shui 水 in Ch'ien-chou 虔州¹⁶³ with rocks and dangerous and difficult . . .¹⁶⁴ Fifteen water-artisans should be provided. All should be selected in the Prefecture concerned from simple commoners who understand the water, and have some skill in working in wood.¹⁶⁵ They shall be divided into four turns of duty to go to and from their place of employment, and should be exempted from taxation and labour services.
34. Regarding the bamboo baskets 竹籠 needed at the Hsiao-i-ch'iao 孝義橋 bridge,¹⁶⁶ the Prefectures of Hsüan-chou 宣州, Jao-chou 饒州, etc.,¹⁶⁷ are assigned the responsibility for making and transporting them. For each of the boats which should be tied to the baskets

¹⁶⁰ The precise meaning of shih-lung 石籠 "stone baskets" is not altogether clear. I would suggest that they may have been a form of anchor to keep the bridge pontoons in position and to take the strain off the main hawsers during the winter. The term huan-so 絙索 is used in YHCHTC and by Chang Yüeh for the main hawsers across the stream. Here, however, it may refer to the mooring ropes attached to the shih-lung.

¹⁶¹ The end of this and all subsequent lines is missing.

¹⁶² The Chin-ssü 津司 were the Chu-chin-chien 諸津監 which were established at each of the eleven major bridges under the control of the Directorate of Waterways. See TLT 23, HTS 48.

¹⁶³ Chien-chou was the modern Kan-chou 贛州 in Kiangsi. It lay on an important water route to Kuang-chou and Ling-nan. This route was particularly difficult, as we know from a Memorial dated 862 in TFYK 498, p. 26b.

¹⁶⁴ This passage is damaged in two places. Unfortunately, contemporary geographical works give hardly any details about Chien-chou, and it is impossible to suggest what the missing characters were.

¹⁶⁵ The passage 諸津橋水匠一十五人是 paralleled in TLT 7, p. 28b, where 水匠 is omitted. In the previous sentence to which this refers back, the artisans are called 木匠 not 水匠 as in the MS.

¹⁶⁶ The Hsiao-i bridge was in Yen-shih county, Honan-fu, the modern place of the same name. See YHCHTC 5, p. 3b. We know very little about it except that it was a pontoon bridge crossing the Lo river. See TLT 7. In 748 a new post road was opened up across this bridge along the foot of the eastern mountain in Yen-shih. The accounts of this business are very confused. THY 86 says that it was the work of Ch'i Huan 齊幹, but YHCHTC 5 and the derivative HTS 38 give the name Wei Chi 韋濟. Moreover THY implies that the route joined the I-t'ang-lu 義堂路 road on the north bank of the Lo, while YHCHTC says that the latter road was thereafter abandoned.

¹⁶⁷ Jao-chou was modern P'o-yang, Kiangsi.

應塞繫船¹⁸⁸ one watermen should be provided. They should be organized in four turns of duty. Regarding the baskets [needed by ?] the Lo . . . they shall be provided from those used ones returned from the Ho-yang-ch'iao bridge.¹⁸⁹

.....[ending missing].....

The text of the last three articles is damaged, and the above translation is given with reservations.

I wish to acknowledge the kindness of Professor E. G. Pulleyblank, who read the translation in manuscript and made a number of valuable corrections and suggestions for its improvement.

¹⁸⁸ The *chu-lieh* "bamboo nets" are another unidentified item of equipment. They are certainly the same as those mentioned in *YHCHTC* 5, p. 13b, under the Ho-yang bridge, which reads 以船爲脚:竹羅互之. "The pontoons are made from boats, and connect them with bamboo nets." Whether the latter constituted part of the mooring equipment or whether they supported the roadway is not clear from the text.

¹⁸⁹ *YHCHTC* 5, *loc. cit.*, informs us that these *chu-lieh* for the Ho-yang bridge were produced by Hung-chou. *TLT* 7, p. 28b, has the following passage which appears to be connected in some way with the last clause of the MS. (see Appendix B p. 73).

APPENDIX A

RULINGS ON PARALLEL TOPICS IN THE CODE AND STATUTES

Code 27, art. 2

In all cases where dykes are not repaired, or where they are repaired at the wrong season, the responsible official 主司 shall receive a flogging of seventy strokes;¹ if the flood destroys or damages people's homes, or floods and carries away their property, he shall be answerable for financial malpractice 贓 reduced by five degrees. Where persons are killed or injured by this means, he should be punished as for killing or wounding in a brawl, reduced by three degrees.

[Comm. This means where there is a flood which causes damage to the people. If a person involves himself in a flood and dies, this rule is not applicable.]

Should the flow of water and rainfall be unusually heavy, and it is beyond human power to give protection against them, [the responsible official] has no crime to answer for.

At places where there are river crossings, if bridges or pontoons 橋航 ought to be constructed but are not, or where boats or rafts ought to be

¹ Needless to say, under this and similar rules, the culpable official did not suffer the actual punishment stipulated. His punishment could be offset either by a fine or by the exercise of the privilege called *tang-kuan* 當官, which entailed a set-back in his official career proportionate to the punishment.

positioned, but are not, or where the position of a bridge or crossing is moved without official sanction, the person responsible should receive a flogging of seventy strokes. If he thereby prevents the passage of travellers, he should receive a flogging of 100 strokes.

Code 27, art. 3

Those persons who break through dykes to steal water for their own use shall receive a flogging of 100 strokes. If they cause the destruction of or damage to peoples' homes, or the flooding away and loss of property, should the loss involved be considerable, they shall be answerable as for financial malpractice. If because of their action any persons are killed or injured, they shall be answerable as for killing or wounding in a brawl reduced by one degree. If they divert water so that it flows into any person's house causing destruction or damage, they shall be liable to the same punishment [as if they had broken a dyke].

Those who wilfully breach dykes shall be punished with three years' hard labour. If the property lost through flooding is considerable, they shall be answerable as if for stealing it. If through their actions any persons are killed or injured, they shall be answerable as if for wilful homicide or wilful wounding.

[The *Shu-i* commentary to the above is omitted, being mostly paraphrase of the text. The considerable property is taken as property of such a value that the misappropriation or theft of it would involve a heavier penalty than that generally applicable. That is ten lengths of silk under the first section of 27, art. 3, and thirty lengths under the second section.]

Statutes on Building and Repairs

According to the Statutes on Building and repairs *Ying-shan-ling* 營繕令. In places near to the rivers or great waters where there are dykes, the Prefects and County Magistrates shall inspect them periodically and if there is anything which requires to be repaired, each autumn when the harvest is completed the amount of labour necessary should be estimated, and people mobilized to repair it. If a fierce flood overflows the banks and damages and bursts the dykes and causes disaster to the people, they should first repair it without keeping to the correct time limit.

See *Shu-i* commentary to Code 27, art. 2, above. See also *Sung hsing-t'ung* 27, art. 2, which is identical. See also *Ryō-no-shūge* 30 [Takikawa and Miura edit., p. 681-3], and *Ryō-no-gige* 20 [Shintei Zōho Kokushi taikēi edition, p. 224]. There is little doubt that Art. 11-12 of *Ryō-no-gige* 20, concerned with the repair of bridges, and Art. 13-15, concerned with the upkeep of official ships [pp. 223, 224], are also reflections of lost T'ang originals.

Miscellaneous Statutes

In all cases where water is used to irrigate the fields, they shall begin by watering the lowest fields.

Niida, *Tōryō shū-i*, pp. 850, 851, cites this from *TLT* 7 (see Appendix B below) and identifies it as part of the *Statutes* by comparison with *Ryō-no-gige*, 30 (p. 335). The Japanese statutes continue, "If any person wishes to build a mill along the canal he must inform the local authorities. If there is no harm done to public or private interests it may be allowed. When it is necessary to repair the canals or dams, they should first employ the households using the water from them." This is almost certainly copied from a T'ang text, for the Sung statute parallel to this rule reads, "Further, they shall first water paddy fields, and then the dry fields. If the canal or dams need repairs, they should first employ 役 the families using the water. Such things as mills which block the stream should be demolished if there is any harm done either to public or private interests." [Quoted by Niida from MS. copy entitled *Ch'ing-yüan t'iao-fa shih-lei* 慶元條法事類 in the Seikadō Bunko Collection].

APPENDIX B

RELEVANT PASSAGES FROM T'ANG LIU TIEN

T'ang liu tien 7 (Konoe edition 25 下 a.).

Department of Waterways.

Chief Secretary 郎中 one person. Lower 5th rank A 從五品上.

...under the Sui the President of the Board of Works controlled him. The present dynasty followed this. In Wu-te 3 (620) the character 中 *chung* was added to the name of the title. In Lung-shuo 2 (662) his title was altered to *Ssü-ch'uan tai-fu* 司川大夫. In hsien-ting 1 (670) the old title was revived.

Under Secretary 員外郎 one person. Lower 6th rank A 從六品上.

Under the Later Chou there was a Hsiao-ssu-shui shang-shih 小司水上士 under the *Tung kuan* 冬官 whose employment was the same as that of the Under-secretary of the Department of Waterways. The Sui established the latter post in K'ai-huang 6 [585]. Yang Ti changed its name to *Ch'eng-wu lang*. The present dynasty once again made it *Shui-pu yüan-wai-lang*. Its name was altered following that of the office as a whole in 662 and 670.

Managing officers 主事 two persons. Lower 9th rank A.

The Chief Secretary and Under Secretary of the Department of Waterways are responsible for the administration of the rivers, ditches, ponds, and lakes of the Empire. They are to ensure that the watercourses [溝洫] are led to their proper destination, and to control the damming up

and clearing of the rivers and canals. They shall have complete overall control of the benefits accruing from water transport [舟楫]¹ and irrigation [紙灌]. The number of springs [水泉] in the Empire is 333,559. There are still others of which we cannot learn because they are in the distant wastes and inaccessible frontier regions.

The Yangtze and the Huang-ho flow from the farthest west into the Eastern deep. They are the great rivers [大川] of the Central Country. Of the others there are 135 rivers which are considered medium rivers [中川].

The 137 rivers included in the *Shui ching* 水經 of Sang Ch'in 桑欽 include the Yangtze and Huang Ho.

The 1252 other rivers are those considered small rivers 小川.

Li Shan-ch'ang [sub-comm. Li Tao-yuan's style was Shan-ch'ang] 's *Shui ching chu* quotes "The branch streams 支流 number 1252".

If the Wei 渭, the Lo 洛, the Fên 汾, the Chi 濟, the Chang 漳, the Ch'i 淇, the Huai 淮, and the Han 漢 all penetrate to the various borders [皆直達方域], and open communication for ships [通濟船楫] from the places where there are [goods] to the places where they are not, and are things which are of benefit to the people. The benefits of the other ponds 陂 marshes 澤 fish, turtles, sedge and rushes, and paddy rice 秬稻 are to be prepared subject to some things which may not be done.²

On rivers where there is irrigation, water mills 碾磑 may not compete for the benefits of water.

From the last month of summer to the second month of spring all the sluice-gates should be closed. If there is a surplus of water it may be permitted to be used.

Those who conduct irrigation also must not flood the houses 人廬舍 of the people, or destroy their grave-mounds 墳. From the second month of spring³ should be put in hand the clearing out of the canal channels 通溝瀆 and the setting up of flood-dykes 立隄防. This work is to be completed by the first month of winter 孟冬. Should there be continuous and heavy rainfall during the spring and summer, causing the canals to overflow and burst and damage the dykes, repairs 修葺 should be made at once without waiting until the prescribed season.⁴

The use of water should begin with those of inferior status.

The bridges made of boats [造船之梁] of the empire are four in number.

¹ The *ILT* passages are based on the Konoe edition. In the case of Chapter 7, the readings of the fragmentary Sung print, as recorded in the collation notes of Tarnai Zshaku, are followed.

² 楫 is written 楫 by Konoe and Kuang-ya editions.

³ 有 is omitted by the Sung print.

⁴ The texts are all identical here, but there must be something wrong with the date.

⁵ 其時 is written simply as 時 in Konoe and Kuang-ya.

Three on the Huang-ho and one on the Lo 洛. Those on the Huang-ho are those of P'u-chin 蒲津, Ta-yang 大陽, and Meng-chin 盟津—also known as Ho-yang 河陽. That on the Lo is the Hsiao-i 韋義.

There are four bridges on stone piers [石柱之梁].

Three are on the Lo 洛 and one on the Pa 灤. Those over the Lo are the T'ien-chin 天津, Yung-chi 永濟, and Chung-ch'iao 中橋.⁵

That over the Pa is the Pa-ch'iao 灤橋.

There are three bridges with wooden piers [木柱之梁].

All are on the Wei river 渭川. They are the Pien-ch'iao 便橋, the Chung-wei-ch'iao 中渭橋 and the Tung-wei-ch'iao 東渭橋. All are key arteries of traffic 衝要 to the Capital.

The [above] eleven great bridges [巨梁] are all maintained by the State [國工修之]. The others should all be built and repaired by the Prefectural or County authorities in whose jurisdiction they are, at the required times.

Regarding the rattan hawsers [竹索] needed at the bridges on the Huang-ho 河梁橋,⁶ the three prefectures of Hsüan-chou 宣, Ch'ang-chou 常, and Hung-chou 洪 should be ordered to conscript workers and artisans [役工匠] and make a stock in advance [預支造].⁷ The two prefectures Hsüan-chou and Hung-chou should each make twenty great hawsers. Ch'ang-chou should make 1200 small ropes. Regarding the rattan hawsers for the Ta-yang and P'u-chin (bridges) each year the Directorate of bamboo-works [Ssu-chu-chien 司竹監] should be ordered to provide bamboo, and the fordsmen's families [chin-chia 津家] and watermen [shui-chou 水手] themselves made to make the ropes. The miscellaneous workmen [tsa-chiang 雜匠] and materials [料] to be supplied to the bridges should be previously reported to the authorities with the amount required. For the duties as artisans men living near the bridge should be first assigned to supply their needs. The pontoons of floating bridges [浮橋脚船] should in all cases have replacements for half their number ready prepared. For the rest, arrangements should be made for the provision of a whole set of replacements. The boats [船] for the Ho-yang bridge should be constructed in the two prefectures of T'an-chou [潭] and Hung-chou [洪] and sent to the spot. [Those for]

⁵ Sung print reads 洛三灤一洛則天津永濟中橋灤則灤橋也. Konoe and Kuang-ya omit 洛, though Konoe notes that it has fallen out. In Konoe's text Lo has been misplaced and later we read 永洛濟. In Kuang-ya this has been further corrupted to 永洛濟. Konoe and Kuang-ya both omit 灤則. The reading of the Sung print is supported by CTS 43, p. 176.

⁶ All texts read thus. Undoubtedly the correct reading is that of the MS. See note 137 to the translation. Liang 梁 must be restored to yang 陽.

⁷ This passage lacks 支 in the parallel in the MS.

the Ta-yang and P'u-chin bridges should be built on the site of the bridge from timber⁸ sent there from the Prefectures of Lan-chou [嵐], Snih-chou [石], Hsi-chou [隰],⁹ Shêng-chou [勝], Tzû-chou [慈], etc. At the Ho-yang bridge 250 watermen [水手] should be appointed, at the Ta-yang bridge 200 watermen. Besides, at each bridge ten carpenters should be appointed, and fifteen at the P'u-chin bridge. For the rattan ropes needed at the Hsiao-i bridge those returned from the Ho-yang bridge should be taken to provide their needs.

At those major fords which are without bridges, in each case boats and men should be provided for them. Their different grades shall be fixed by estimating the importance and difficulty [of the crossing].¹⁰

At the Pai-ma chin [白馬津] ford, four boats. At the Custom Stations [關] of Lung-men [龍門], Hui-ning [會寧], Ho-ho [合河], etc., three boats. The ferryman shall all be provided from the guards [防人] of local garrisons [當處鎮].¹¹ At the Custom Station of Wei-chün [渭津關], two boats. The ferryman [渡子] to be provided from the guards [防人] at the Yung-fêng Granary [永豐倉]. At the Hung-tu crossing [鴻渡] on the Wei [渭川], four boats. At the Ching-ho [涇合] crossing on the Ching river,¹² the Han crossing [韓渡], the Liu-k'ung-fan crossing [劉控叛澗],¹³ the Hui-ch'êng-fan crossing [隄城坂澗]¹⁴ and the Fu-li crossing [覆離澗], there should be one boat at each place. At the Chi-ch'uan chin ford¹⁵ [濟川津], the P'ing-yin ford [平陰津], the Fêng-ling ford [鳳陵津], and the Hsing-tê ford [興德津]¹⁶ there should be two boats at each place. At the Tu-k'ou crossing of the Lo [洛水渡口] there should be three boats. The ferryman are to be taken in all cases from partly disabled persons and adolescents [殘疾, 中男] of nearby places who understand watermanship. At Hui-ning there should be five men to each boat. At Hsing-tê, four to each boat. In the other places, three men to each boat. At the Chiang-chin crossing [江津渡] (of the Yangtze) in Hsin-chou [蕪州] at the Hung-t'ing [江亭] and Sung-tzu [松滋] crossings in Ching-chou [荊州], and at the Ma-chia [馬頰] and Shan-tou [檀頭] crossings in Chiang-chou [江州]

there should be one boat in each place, with six men to each boat. At the crossing of the Chê-chiang [浙江渡] between Hang-chou [杭] and Yüeh-chou [越], and at the Ch'êng-hsia [城下渡] crossing and the Chiu-chiang [九江渡] crossing in Hung-chou [洪], there should be three boats at each place with four men to each. In every case the ferryman should be provided from commoners living near the rivers who are suitable for water duties. They are to be divided into five turns of duty, and should be superseded annually [年別一替].¹⁷

T'ang liu tien 23. (Konoe edition 19b-26b).

The Directorate of Waterways [都水監].

Commissioners [使者] two persons. Upper 5th rank A [正五品上].

... (p. 21b). Under the Sui, in K'ai-huang 3 (583) the Tu-shui [都水] was abolished and made part of the Ssu-mung [司農] (Court of Agriculture). In the 13th year (593) it was re-established. In Jen-shou 1 (601) its name was changed to Tu-shui-chien [都水監]. Yang-ti again set up Commissioners [使者] of the upper 5th rank to control the two Offices [署] for Shipping [舟楫], and Rivers and Canals [河渠]. In Ta-ye 5 (609) he again changed the Commissioners into Directors [監] and increased their rank to the 4th rank. He also established Sub-Directors [少監] of the 5th rank. He later again changed the title of the Directors [監] to Controllers [令] and made them lower 3rd rank [從三品], and the Sub-Directors [少監] became Sub-Controllers [少令] of the lower 4th rank [從四品]. Our present

¹⁷ Identification of these fords is very difficult. (i) The Pai-ma chin was also called Li-yang chin 襄陽津 and was situated at a city called Lu-ming ch'êng 鹿鳴城 30 li north of Hua-chou 滑州. This was 20 li east of the modern place of the same name. See YHCHTC 8, p. 2b. (ii) Lung-mên kuan was 22 li west of the county town of the same name. See YHCHTC 12, p. 11a. (iii) Hui-ning kuan, see note 54 above. (iv) Ho-ho kuan was 35 li north of the county of the same name in Lan-chou (this was 50 li north-west of modern Hsing hsien Shansi). See YHCHTC 14, p. 3a. All these were crossings over the Huang-ho. (v) Wei-chün kuan is not listed anywhere, but as it was to be manned from the Yung-fêng Granary, it must have been across the mouth of the Wei, somewhere near Hua-yin county. (vi) The Ching-ho or Ho-chung crossing is unidentified. (vii) The Han crossing may be across the Huang ho at Han-ch'êng near the entry of the Fên shui. (viii) The Hung crossing is unidentified. (ix) Liu-kung-fan crossing, unidentified. (x) Hui-ch'êng fan crossing unidentified. (xi) Fu-li crossing unidentified. (xii) The Chi-chou or Chi-ch'uan crossing is not certainly identified but probably crossed the lower Huang-ho. (xiii) The P'ing-yin crossing was also probably across the Huang-ho near the county of the same name (the modern town of the same name). (xiv) The Fêng-ling kuan was a crossing of the Huang-ho 50 li south of Ho-tung fu (Modern Yungchi, Shansi) see YHCHTC 12, p. 3b. (xv) Hsing-tê or Tien-tê crossing is not mentioned in any T'ang work, but later there was a crossing of this name on the Huang-ho west of Hsi-chou. This may be the same [see Tu shih fang-yi ch'i-yao 41, p. 1783]. (xvi) Tu-k'ou must mean a crossing at the mouth of the Lo into the Huang-ho, which was called Lo-k'ou (see YHCHTC 5, p. 5a). This commentary is almost certainly a quotation of a lost passage of the Ordinances, Shui-pu shih.

⁸ Konoe and Kuang-ya read 材木, the Sung print reads 休木. There is little doubt that 材木 as in the MS. was the original reading.

⁹ 隰 reads 濕 in Konoe, whose commentary suggests emendation as in the Sung print and our MS.

¹⁰ The Sung print writes 量 for 量. The latter is undoubtedly correct.

¹¹ After 渡子 Konoe interpolates 一, and Kuang-ya interpolates 等.

¹² The Sung print reads Ho-ching for Ching-ho.

¹³ 澗 is written 澗 by Konoe and Kuang-ya.

¹⁴ 隄 is written 隄 by Kuang-ya.

¹⁵ 川 is written 州 by the Sung print.

¹⁶ 興 is written 興 by the Sung print.

dynasty changed this, and set up an Office of Waterways [都水署] under the control of the *Chiang-tso* [chien] [將作監]. Its Controller [令] was given the lower 7th rank B [從七品下]. In the *Chên-kuan* period, this office was again changed to *Commissioner for Waterways* [都水使者] with the lower 5th rank A. In *Lung-shuo* 2 (662) its name was changed to *Ssu-chin chien* [司津監]. In *hsien-ting* 1 (670) they again became *Commissioners for Waterways* [都水使者]. In the 2nd month Kuang-chai 1 (684) the title was changed to *Shui-hêng tu-wei* [水衡都尉]. In *Shên-lung* 1 (705) the old name was revived.

The Commissioners of the Directorate of Waterways [都水使者] are responsible for the administration of rivers, marshes, fords, and bridges. They exercise overall control over the officials and subordinates [官屬] of the two Offices [署] of Shipping [舟機] and of Rivers and Canals [河渠].

The Office of Shipping [舟機署] was suppressed in *K'ai-yuan* 23 (735).

They should make distinctions between distant and near, and estimate profit and harm.

The prohibitions on fishing and catching (of game), and the preservation of wild lands [衡虞之守] all depend on their control for overall supervision.

When offerings are made to guests then they should provide libations for the rivers and marshes [獻享賓客則供川澤之奠].

In the case of breach or damage to canals, dams, ponds, and lakes within the Metropolitan area [京畿], then they should give orders down to the local authority concerned [所由] and then afterwards make repairs. On each canal and sluice-gate [渠及斗門] they should appoint an overseer [長].

These should be appointed from commoners [庶人] of fifty years or more, or Honorific Officials [勳官] or suspended officials [使寮] who have the qualities for employment and capability [職資有幹用者].

When it comes to the time for irrigating the fields, then they are to regulate the amount of water, and irrigate the lands equitably. Every year the Administrations [府] and Counties should assign one official to control and inspect the work. At the end of the year his achievement should be recorded, in order to make his merit-assessment [考課].

Assistants [丞] two persons. Lower 7th rank A.

... At the beginning of Sui when the *Tu-shui-t'ai* [都水臺] was set up, there were two *Assistants* of the upper 8th rank A. In *Ta-ye* 3 (607) their rank was increased to lower 7th. The present dynasty changed their name to Assistants in the Office of Waterways [都水署丞], and made their rank lower 8th B. When in the *Chên-kuan*

period the head was changed to Commissioner [使者], and the Office [署] became a Directorate [監], they increased the rank of the Assistants in due order to lower 7th A.

Registrar [主簿] one person. Lower 8th rank B.

... Registrars were not appointed under the Later Wei and Northern Ch'i. In *Ta-ye* they established a post for one Registrar [置主簿一員], and the present dynasty followed it.

The *Assistants* are responsible for decisions about the business of the Directorate.

On all the waterways of the Metropolitan area people must be prevented from being wasteful in the use of irrigation waters, and from carrying out construction works [穿鑿] which will draw off water without benefit [to the people]. Regarding those streams which flow into the Palace [其應入內諸水] and in which there is a surplus water-supply it is permitted for the various Princes, Dukes, Princesses, and the families of officials [百官家] to use it within the limits of moderation.

The *Registrar* is responsible for the sealing [印] of documents, and investigation into delays and losses.

Where water transport and fishery have set times [有程者], on the appointed date they should send a demand for their performance [會其日月而爲之紮舉].

The Office of Shipping [舟楫署].

Controller [令] one person. Upper 8th rank B.

... The Commissioners for Waterways under the Sui controlled two *Chuan-chü tu-wei* [船局都尉], Yang ti replaced these with one Controller of the Office of Shipping [船楫署令], and the present dynasty followed this.

Assistants [丞] two persons. Upper 9th rank B.

... Sui Yang-ti established two Assistants in the Office of Shipping, and the present dynasty followed it.

The Controller of the Office of Shipping is responsible for state owned and private ships [公私舟船] and for the business of water-transport. The Assistants are his deputies [爲之貳]. Regarding transport to the capital from the various prefectures, they control their comings and goings, and regulate irregularities and losses. They dispatch Traffic Overseers [監漕] to control the business.

The Office of Rivers and Canals [河渠署].

Controller [令] one person. Upper 8th rank B.

... Sui Yang-ti named the office taking the meaning from the *Ho-ch'ü-shu* [河渠書] of *Shih-chi*. He appointed a single Controller [令]. The present dynasty followed this. He controls river dykes visitors [Ho-ti-ye-ché 河堤謁者] and Master Fishermen [漁師].

Assistant [丞] one person. Upper 9th rank B.

Sui Yang-ti established one Assistant to the Office of Rivers and Canals. The present dynasty followed this.

The Controller of the Office of Rivers and Canals is responsible for providing fish-preserves from the rivers and marshes [供川澤魚醢]. The Assistant is his deputy.

In the opening and closing of canals, and in imposing seasonal prohibitions on fishery, in every case the benefit and harm involved should be estimated, and the extent of their actions thus regulated.

Fish must be provided daily to the Kitchen Department in the Palace [尚食], and be provided for the officials of the Chancellery and Secretariat [中書門下官]. When there is a great sacrifice [大祭祀] then they shall provide dried fish and fish-preserves, wherewith to fill the pien [饌] and tou [豆] vessels.

Regarding the fish and winter stores which should be provided for the various offices [諸司], each year 200,000 cash should be paid and sent to the [Directorate] of Waterways, who shall order the Office of Rivers and Canals to provide their needs by purchase at current market prices.

Controllers of Fords [諸津令] one person. Upper 9th rank A.

... Under the Sui, the Directorate of Waterways controlled all fords [諸津]. Superior class fords [上津] had each a *wei* [尉] and an assistant [丞]. Medium class fords had a *wei* and an assistant. Inferior fords had a *wei* alone. Each ford also had a chief of works [典作] and four head fordsman [津長]. The present dynasty replaced them with the *Controllers* [令] and *Assistants* [丞].

Assistant [丞] one person. Lower 9th rank B.

The present dynasty established various fords following the pattern of the Sui. Those within the Metropolitan Districts of Ch'ang-an and Loyang come under the Directorate of Waterways, while those outside come under the Prefecture in which they are situated.

The Controllers of the various fords will each be responsible for the crossing, the boats, and bridges, at his ford. The Assistants act as their deputies.

APPENDIX C

A FURTHER FRAGMENT OF THE ORDINANCES

According to the *Ordinances of the Board of Waterways*, there are appropriate times for clearing and draining the channels, and appropriate amounts of water to be released into the drains between the fields. Those living on the upper stream must not block up the sources and monopolize its richness. Every year, one of the Deputy Governors [of the Metropolitan District] shall go and inspect it.

Liu Mang-té wén-chi 28, p. 18a. *Kao-ling ling Liu-chün i-ai pei*.

SOURCES AND EDITIONS EMPLOYED

- CTS *Chiu T'ang shu*. Po-na edition.
- HTS *Hsin T'ang shu*. Po-na edition.
- TLT *T'ang liu-tien* edition of Konoe Iehiro 近衛家熙 1724, together with collation by Tamai Zehaku 玉井是博 in his *Shina shakai keizai shi kenkyū* 1942.
- Code *Ku T'ang lü shu-i* Tai-nan-ko ts'ung-shu edition.
- TT *T'ung tien* Shih-t'ung edition 1936.
- THY *T'ang hui-yao* Kuo-hsüeh chi-pên ts'ung shu edition, and the Wu-ying tien print from which this is reprinted.
- TTCLC *T'ang ta chao-ling chi* Shih-yüan ts'ung-shu edition, and microfilm of MS. from which this is printed in the rare books of the National Library, Peking.
- TFYK *Ts'ê-fu yüan kwei* edition of Li Ssü-ching 1642.
- WYYH *Wên-yüan ying-hua* edition of 1567, collated with Ming MS. in possession of the University Library, Cambridge, and microfilm of Ming MS. among the rare books from the National Library, Peking.
- CTW *Ch'üan T'ang wên* Kuang-ya shu-chü edition 1901.
- TPHYC *T'ai-p'ing huan-yü chi* Chin-ling shu-chü edition 1882.
- YHCHTC *Yüan-ho chün-hsien t'u-chih* Tai-nan-ko ts'ung-shu edition.
- CAC *Ch'ang-an chih* with the commentary of Pi Yüan 畢沅, edition of Ssü-hsien shu-chü.
T'ang liang-ching ch'êng fang k'ao edition of Ts'ung-shu chi-ch'êng.
- PSLT *Po shih liu-t'ieh shih-lei chi* 白氏六帖事類集 [T'ang recension] reprint of Sung print, 1933.
- PKLT *Po-k'ung liu-t'ieh* 白孔六帖 [Sung recension] Ming print.
- Ch'i-min yao-shu*. Nōrinshō Nōgyō sōgō-kenkyūjo reprint (1948) of the MS. copy dated 1274 and known as the Kanazawa Bunko text, now in possession of the Kōza bunko library in Nagoya. This MS. is a copy of the Northern Sung edition of 1023-31 of which a fragmentary copy is in the Kōzanji library, and was published in facsimile in 1914 by Lo Chên-yü. All modern editions from Ming times onwards are based on a southern Sung edition dated 1144 which differs from the earlier edition in many respects.
- Ch'u hsüeh chi* 初學記. edition of the Hsü Shou-ming, at the Ning-shou t'ang, 1587.
- Ryō-no-gige*. Shintei Zōho Kokushi taikai edition, 1951.
- Ryō-no-shūge*. Shintei Zōho Kokushi taikai edition, 1953. Together with Takikawa and Miura's *Teihon Ryō-no-shūge shakugi*, 1931.

Tu-shih fang-yü chi yao: reprint of Kuo-hsüeh chi-pên t'sung-shu edition, by Chung-huah shu-chü, 1955.

Li-tai yü-ti t'u: print of 1911.

Chōan to Rakuyō: the first (mimeographed) edition, 1951. The second (corrected) 1957 edition reached my hands only when this article was in the press.

All collected works quoted are from the Ssü-pu ts'ung-k'an editions.

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