WITCHCRAFT IN THE CHINESE PENAL CODE

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The practice of witchcraft has characterized all races of men in the lower stages of culture. It is the logical outcome of the rudimentary philosophy by which the savage seeks to account for the mysterious phenomena of life, and is a necessary step in the progress of humanity towards a control of the forces of nature and their utilization for the benefit of mankind.

Dr. Eitel found in the superstition of feng-shui the rudiments of natural science. It may be said, at least, that natural science has sprung from the same spirit of inquiry that has given birth to this pseudo-science. We should look upon all forms of sorcery and magic as but gropings of the human mind after the reasons of things, and as bungling attempts to subdue natural forces to the service of man. We make a great mistake if we conceive of witchcraft as originating in intentional imposture. Tylor tells us that "magic has not its origin in fraud, and seers seldom practised as an utter imposture. The sorcerer generally learns his time honored profession in good faith, and retains his belief in it more or less from first to last; at once
dupe and cheat, he combines the energy of a believer with the
cunning of a hypocrite. Had occult science been simply
framed for purposes of deception, mere nonsense would
have answered the purpose, whereas, what we find is an
elaborate and systematic pseudo science. It is in fact a
sincere but fallacious system of philosophy, evolved by the
human intellect by processes still in great measure
intelligible to our own minds, and it had thus an original
standing ground in the world."[2]

Though witchcraft seems to us to-day so foolish a
superstition, if we look aright, we may find in it the origin of
many of our sciences; the beginnings of meteorology and
astronomy, of physics and chemistry, the commencement
of that movement, indeed, which has given us the steam
ingine and the telegraph, the telephone and the electric
light, and which has wrought the still greater miracles of
modern medicine and surgery.

But, while believing thoroughly in the power of witchcraft,
even the primitive man distinguished between the use of
that power for the welfare of men and its employment to do
him injury. When, from the thirteenth to the seventeenth
centuries in Europe the Church manifested such great zeal
in hunting down and punishing witches, it still permitted the
practice of what it called "white magic" for the cure of sickness or to protect the fields and flocks from injury by storm or disease. When this occult power was used, as was believed, to blast the crops, injure the herds, or bring sickness or other calamity upon men, it was called "black magic," and its employment, unless it might be for the destruction of the enemies of the tribe or state, was always forbidden by primitive law, and thus naturally also by the unenlightened Church of the Middle Ages.

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Nothing but the progress of science, which has given men a knowledge of the laws in accordance with which the forces of nature operate, has ever been able in any land to dispel the dread of sorcery and witchcraft, and it is no more than we ought to expect, therefore, to find this fear still operating with great power in the minds of the Chinese of to-day, among whom, for the most part, the elements of science are only just beginning to be known.

It is no less to be expected that the laws of China should provide the severest penalties for the practice of those evil arts which are believed capable of securing the aid of diabolical powers to work injury to the individual or bring calamity upon the State. This is all the more to be anticipated in the case of such a code as that of the Ta Ch'ing Dynasty, which is practically that of the Ming Dynasty, and which may be said to date in many of its
provisions from a very much earlier period.

In this expectation we are not disappointed. We find in the fourth volume of the Code a definition of the Ten Great Crimes. The fifth of these is called *Pu Tao*, which may be freely translated *Inhuman Crimes*, and is defined as including such offences as (a) the murder of three or more persons in one household who have not been guilty, themselves, of any capital crime; (b) mayhem; (c) the mutilation of the living body to obtain certain members or organs for use in witchcraft; (d) the manufacture of the *ku* poison, or witch's potion, keeping it in one's possession, or teaching the art of its preparation to others; and (e) the employment of incantations and charms to inflict the curse of the nightmare demon.

In the section of the Code which provides for the punishment of these crimes a very careful distinction is made between ordinary mayhem and the mutilation of the human body for purposes of witchcraft. The one is a crime originating in enmity and inspired by a desire for revenge; the other is not prompted by any ill-feeling towards the victim, but is committed in the most cold-blooded fashion with no other object than to secure parts of the body for magical uses. The full text of the fundamental law relating to
The full text of the fundamental law relating to this crime is as follows. The authoritative notes interspersed, which in the original are printed in smaller type, I have indicated by placing in parentheses:

"A principal in the crime of collecting vitality by mutilation of the human body (no matter whether resulting in the death or the wounding of the victim) shall be executed by the slicing process; his property, personal and real, given to the family of the victim, and the wife of such principal, his sons, and all who dwell in the same house with him, even though ignorant of the facts, shall be banished for life to a distance of 2,000 li. (The offence of collecting vitality by mutilating the human body, that is by taking the ears, eyes, viscera or other parts of the living man or by cutting off his limbs, may be said to be like the crime of mayhem, but the latter is done with the object of killing the victim, while the former, though it may result in the death of the victim, is done with intent to practice magic in order to delude men, and therefore has a special gravity.) Accomplices (taking an active part) shall be beheaded. (Their property shall not be disturbed nor their families subject to banishment. Accessories not taking active part shall be sentenced to a penalty one degree lighter than that provided for the crime of plotting murder.)"[7]

"If the attempt do not result in injury to anyone, (the principal) shall be beheaded, and his wife and sons be banished for life to a distance of 2,000 li, (but other persons dwelling in the house with him shall not be punished; nor shall the property of such principal be confiscated). Accomplices (taking an active part) shall receive 100 blows of the heavy bamboo and be banished for life to a distance of 3,000 li. (Accessories not taking an active part shall receive sentence lighter by one degree.) Any village headman who is cognizant of the facts and
any village headman who is cognizant of the facts and takes no action shall receive 100 blows of the heavy bamboo, but, if ignorant of the facts, shall not be punished.

"Any person giving information leading to arrest shall be rewarded by the local authorities with a gift of Tls. 20."

The notes which follow the text of the Law still more clearly differentiate the crime from that of mutilation, as described in the preceding section of the Code, and from the crime of premeditated murder, both of the latter being defined as due to malice and undertaken to secure vengeance, conditions which are wanting in the crime treated of in the resent section.

The solitary Statute annexed to this Law provides that relatives of the criminal who give information against him or arrest him and send him to the authorities shall secure for themselves and for the wife, and sons of the criminal, as well as the other inmates of the house, immunity from punishment.

The Commentary gives us to understand that it is not merely the crime of maiming or murder that is punished, but rather the witchcraft in whose practice mutilation and murder are but incidents.

"The gravity of the crime of mutilation for purposes of witchcraft " says the Commentary, " lies in the practice of the witchcraft. Therefore those who exercise it, even though
they have injured no one, are nevertheless beheaded and their wives and sons are sent into banishment."

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It is because this law is directed against witchcraft rather than the crimes to which witchcraft may lead that no distinction is made in the punishment of those who maim and those who kill, both alike being subject to the full penalty the awful death by slicing, the confiscation of property, and the banishment of wives and sons for life. "For," says the Commentary, "although the victim may not have died, the criminal has exercised his black art and is equally guilty with him whose victim has been killed." . . . . "

The harm done by murder falls upon one family and one generation, but the injury done by witchcraft is that it poisons a whole community and bequeaths calamity for after generations to dread. Therefore it is the more serious crime."

The arts of the sorcerer are exercised not only in manufacturing remedies of magical power out of the organs of the mutilated body, but also beforehand in deluding his victim, as is commonly believed, and bringing him into his power so that the limbs or organs needed may be obtained. Sometimes the object is to enslave the victim's ghost and thus secure a spiritual attendant who can come and go unseen and do his master's evil will. The Commentary acknowledges the reality of the sorcerer's
power in these words: "There are those who by obtaining the year, moon and day of one's birth are able to bewitch him and lead him into a mountain forest where they deprive him of his vital vapor and capture his soul, of which they make a spirit slave to serve them."

The *Tu Lū P'ei Chieh* says: "Those guilty of the crime of collecting vitality by mutilating the human body are such as seize a living person, and, putting him to death, take his sense organs for use in magic; or such as by the use of some magic art and evil principle, having secured the year, moon and day of one's birth, bewitch him and cause him to wander into some lonely spot deep in the mountains, where they kill him, cut off his limbs, scoop out the vital vapor of his five viscera and capture his soul which becomes a spirit-slave and does their bidding. Those persons in the two Kuang Provinces, in Fukien, and in Honan, who deal in spirit revelations are of this class. There is another sort, comprising those who delude and kidnap the young, and roast their sense organs and their bones for the manufacture therefrom of medicine, a marvellously efficacious remedy for diseases of the various organs.

"There is still another class, comprising those who, perhaps by drugs, stupefy and delude pregnant women, causing them to wander deep into the mountains where the
foetus is taken from the womb to he made into a most
reliable remedy for barrenness. There are others still who
use human beings as sacrifices to evil spirits."

The eight cyclical characters which express the year,
moon, day and hour of one's birth are used in the
calculation of one's horoscope, and it is easy to see that if
a sorcerer were to get possession of them he might be
credited with power to affect the destiny of the person
involved.

It is the common belief of the Chinese to day that men
and women may be bewitched and compelled
unconsciously to do the will of others. This belief reflects
itself not only in this Law, but in the provisions of the
Statute, as revised so recently as 1870, relating to
kidnapping, which declares that, "° if drugged cakes, or any
sort of sorcery or magic be used to befool and kidnap
young boys or girls, the principals shall be decapitated
immediately, and the accomplices sent into military
servitude for life on the extreme frontiers of the Empire, a
full four thousand li's distance."

Many illustrations could be given from Chinese literature
of the belief in the power of sorcery to call the soul out
of the living body as well as to control the spirits of the dead
and avail themselves of their service. The use of various organs of the human body in the manufacture of magical remedies for disease is quite in harmony with the orthodox theories of disease and medicine. All residents of China are familiar with attempts of dutiful sons or daughters; by cutting pieces of flesh from their own arms or thighs, to prepare a remedy that may save the life of a dying parent. One of the most popular stories related of the Goddess of Mercy, Kuan-yin, is that of her sacrifice of a hand and an eye to save her father.

The Commentary cites a case referred to the Board of Punishments in the XIV Year of Ch`ien lung (1749 A.D.) in which one Ku Ching-wên of the province of Kiangsu was convicted of the boiling of the bodies of certain children in order to manufacture medicine of them. In one instance it was the corpse of a child, taken from the grave by a man named P'an Ming-kao, who delivered it to Ku; in another a living child kidnapped by another confederate, Li Yüan-fang, was put alive into the cooking vessel and boiled to death.

Another case was that of a leper, Liu Kung-yo of Hsiang-shan Hsien, Kuangtung, who, having heard that

human gall mixed with rice was a cure for his disease, mentioned the matter to Liu Jui-wei, who saw a chance to
make a little money. After a few days the latter came to the leper and said that he could get some gall and rice, and asked what price would be paid for it. The leper said he could give Tls. 120 if a cure were effected. Liu Jui-wei then attempted to secure the gall bladder of Yuan A-chu. He succeeded in cutting open the abdomen of the unfortunate victim, but failed to find the gall bladder, and two days later Yuan died. The criminal Liu Jui-wei suffered death by ling-ch'ih and the leper was sentenced to 100 blows with the heavy bamboo and three years exile, but, being diseased, was permitted to compound for a money payment. All this occurred in Ch'ien lung XII (1747 A.D.)

The use of the organs of living persons as medicine is based upon the belief that the vitality of one person can be made to prolong the life of another. This belief has led to other crimes than mutilation. A most revolting case is cited in the Commentary, into the details of which it is not necessary to enter. For sixteen years from 1796 to 1810 A. D. a certain Chang Liang-pi had followed a practice, well understood among the Chinese, by which he derived, as he believed, the vitality of little girls, bought or otherwise secured by him. Eleven of the children died in that time as the result of these practices, and one other was in an enfeebled condition when the trial occurred. The criminal paid the full penalty,
being executed by the process of ling-ch’ih, his head exposed, and his property confiscated and given to the families of the victims. In this case the Edict directed that notice of the execution should be circulated to a distance of 400 li from scene of the crimes and that the families of the children injured should stand around the criminal while he was being slowly cut to pieces.

Another use of the organs taken from the bodies of living persons is that of communicating vitality to an image used for magical purposes. The Commentary says:

"Those who practice witchcraft take the eyes and ears of human beings, cut off their hands and feet and fasten these members upon the image of a man either carved out of wood, or moulded of clay, which image they then by their evil arts cause to do work for them."

This cruel practice finds its origin in that animism which seems to have swayed the minds of all races in their earlier history, the belief that by the observance of a certain ceremonial stocks and stones and graven images could be made to be the habitation of spirits and thus to become miracle working agents. As the blood was commonly held to be the vehicle of life, a part of the ceremonial usually consisted in smearing the stone or the image with blood, and to this day in China when the idols in a temple are dedicated a little blood, or its substitute red paint, is placed in the eyes, ears, nostrils and mouth of each image, by which it is supposed to be quickened. If the blood of
animals can give life to an image made by man, the blood of a human being ought to be much more efficacious. Thus no doubt early men reasoned themselves into the practice of human sacrifice. The attempt to give the image the sense organs and the limbs of a human being is certainly one of which little has been heard, but it is easy to see that those who believe that images can be quickened could persuade themselves without difficulty that the possession of the real organs of sense and not their likenesses merely would make the image still more powerful. The early Christians did not deny that the idols of the heathen were sometimes quickened by spirits; they merely claimed that they were evil spirits. Nor has Christian Europe yet freed itself from the belief in miracle-working images. It is hardly proper for us, therefore, to throw stones at China because some of her people believe that their idols are animated and can perform wonderful cures or work other marvels. But the crime of the sorcerer is not that he possesses a miracle working image; it consists in securing power for his image at the expense of his fellows, and the Chinese Law, though not denying the reality of the power, supposed to be working through such an image, regards the profession and practice of the black art by which such results are believed to be secured as hostile to the best interests of society, and therefore prohibits such pursuits under the awful penalties
The test of the law regarding magic potions, spells and charms, is as follows, authoritative notes in parentheses:-

"Anyone who makes or keeps ku poison capable of destroying human life, and any person who instructs others in the art (of making or preserving it) shall be beheaded. (It is not necessary to prove intent to kill.) The property, personal and real, of those who make and those who keep it (No matter whether or not anyone has been killed) shall be confiscated to the State, and the wives and sons of the criminals and all inmates of the same house with them, although ignorant of the facts, shall be banished for life to a distance of 2,000 li. (The property of the person, who instructs in the art, and his wife and sons are not included.) If the ku poison be used to poison an inmate of the same house with the criminal, the father, mother, wife and concubines of the victim, and his sons and grandsons, if ignorant of the fact that ku poison has been made, shall be exempt from sentence of banishment. (If one have knowledge of the facts, even though poisoned, he shall still suffer the penalty.) If any of the headmen of the hundred, or village, have knowledge of the facts and neglect to give information, they shall each be beaten with one hundred blows of the heavy bamboo. if they have no knowledge of the facts, they shall not be liable to punishment. Anyone giving information leading to arrests shall be rewarded by the official with Tls. 20.00. If anyone make a nightmare demon enchantment, or write any charm or curse with desire to commit murder thereby, he shall be punished (according as he may be unrelated to the intended victim, or related as son, grandson, slave, hired servant, elder or junior relative) under the provisions for plotting murder (execution of the plot attempted but
"If anyone should die as the result of such efforts the criminal shall be punished under that clause of the Law for (premeditated) murder, which is applicable to his case. But, if the desire be merely to bring distressing illness upon another, (i.e. there is no intent to kill), the penalty shall be two degrees lighter (than that for plotting to kill with attempted execution of the plot but without injury to anyone). But a son or grandson thus plotting against his parents or grandparents (wives and concubines plotting against parents-in-law or grand-parents-in-law are not mentioned but they are in the same category as sons and grandsons), or slaves or hired servants plotting against a master, shall not be allowed any reduction of the penalty. (They shall suffer the penalty for plotting murder with attempted execution of the plot, that is, decapitation.)

In the translation of the above Law, I have left the word, ku, untranslated, because a word or a phrase would hardly convey the meaning. Giles says that it is "a virulent poison prepared by putting all kinds of poisonous insects and reptiles together in a box and letting them eat each other (sic) until only one remains." This definition is incomplete. If the ku poison were nothing more, there would be no reason for giving it special treatment in the Law; it could be classed with other poisons, and the user of it for criminal purposes be punished as any other poisoner. The definition fails to take note of the magical character of the compound. The notes
appended to the text of the Law call particular attention to the distinction between *ku* poisoning and ordinary cases of poisoning. Of common poisons it says: "They are such substances as arsenic, already prepared for use, and not like the *ku* poison which must wait to be manufactured. Ordinary poisons are sometimes needed in the treatment of disease; they are unlike *ku* poison which is made especially for murder, and is not allowed to be kept on hand." The notes point out also that no distinction is made by the Law between principal and accomplice in the use of the *ku* poison, while such distinctions must be made in the case of those who employ ordinary poisons for criminal purposes. It states further that it is not necessary to prove that the *ku* poison has been used with intent to kill but merely that it is a deadly poison, in which case the maker or keeper of it, and the instructor in its manufacture, must all pay the full penalty, whether the poison be used or not. The provisions with regard to ordinary poisons are quite different, make a distinction between accidental and intentional poisoning, and require dealers to inform themselves as to the character of the purchaser and his purpose in buying.

The Commentary enters into an explanation of the manner in which the *ku* poison is made. It says: "*Ku* poison is made in many ways, though mostly of a mixture of poisonous insects or reptiles. There is snake *ku*, goose *ku*, *ku* made from young children, and the golden caterpillar *ku*. 
In some cases the use of the ku-tu produces immediately death, and in others does not result in death until after a number of years. But the golden caterpillar ku is said to be the most virulent, and those who take it cannot escape death. It is found in Fukien, Kuangtung Szechuen, and Kueichou" A Chinese friend explaining to me the nature of the ku-tu or ku poison, said that a woman might prepare

such a potion for her husband, and administer it to him without his knowledge as he is about to leave home for a term of years with the purpose of killing him only if he shall prove unfaithful or neglect to return within the specified time. The potion in such case would not take effect until the period of years had elapsed, and not even then unless the husband should prove unfaithful. This agrees with the statement of the Commentary that death may not result until after a number of years, and it is evident that we are here dealing with a species of witchcraft. This is evident too from its place in the Code between the section on mutilation for purposes of magic and that on invocation of demons and preparation of charms and curses.

With reference to this last mentioned crime, the Notes say:--- " The Laws of the Tang Dynasty tell us that there are many who, having grudges against others, invoke the nightmare demon or write some charm or curse. The invoking of the nightmare demon and the use of spells and
curses are two different things. The invoking of the nightmare demon is the use of sorcery to put one under the power of a devil or an evil spirit, such practice, for instance, as drawing a likeness or carving an image of a person and then piercing its heart or eyes, or binding its hands and feet.\[12\]

By a spell or curse is meant the writing of a charm or the drawing of a cryptogram by the methods of witchcraft, which is then either buried in order to summon devils or burned so as to secure the aid of evil spirits. It includes also the taking of the year, moon and day of the birth of the person whom it is desired to kill, and writing the characters for the same in such a way as to work them into a curse.

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All who employ such methods with intent to kill, have murder in their hearts and must be dealt with according to the Law provided for plotting to murder. Hence this Law says such criminals are to be punished according as they may be related or unrelated to the victim, under the clause providing for plotting to kill with attempted execution of the plot but without injury to any person, if, notwithstanding the desire to invoke the nightmare demon or employ a spell, or cure with intent to kill, the intended victim shall have escaped injury. But if the process shall have resulted in the death of the victim, then he shall be punished according to the clause providing for murder accomplished (after
deliberate planning), due distinction being made between
the murder of relatives and of other persons.

With regard to the invocation of demons, and the use of
spells and curses, the Commentary says: "But examination
must be made as to the method employed to kill by
invoking demons, or by use of spells and curses, all of
which are black arts, but not all intended to produce death
directly. Of these some aim first to injure one's ears, eyes
or other member of the body; others to first render one
crazy or confused, and cause him gradually to die. If the
original intention be to kill and the process have already
resulted in injury to the eyes, ears or other members of the
body, or in the insanity of his victim, then he shall be
punished under the Law providing for plotting to kill
resulting in wounding." The penalty for this offence is
sentence to strangling subject to revision at the Autumn
Assize.

The Commentary mentions another form of witchcraft
'whose punishment is provided for in an Edict of Chia
ch'ing, XXII, which says: " Anyone who, in cherishing a
grudge shall take a peg of peach or ailanthus wood and
attempt therewith to spoil the feng-shui of another person's
ancestral tombs, shall suffer the same penalty as one who,
with desire to bring sickness or distress upon another,
invokes the nightmare demon or uses spells and enchantments, i.e. two degrees lighter than the penalty for plotting murder, resulting in assault but without injury to the person attacked; that is exile for two years."

The retention of these laws in the Chinese Code in spite of recent revision indicates for China a stage of culture similar to that which prevailed in Europe in the seventeenth century. Whether we look East or West, in short, we find the same law of progress holding good, and similarity of belief marking similar degrees of advancement.

Primitive man was not troubled by distinctions of animate and inanimate; to him all nature was animate. He found no difficulty in ascribing to rocks and stones, to sun and wind, to stars and clouds, the lightning and the sea, both intelligence and will. Storm and sunshine, rain and drought, the earthquake and the pestilence, all the processes of nature, gracious or malevolent, were to him the manifestations of the power of other beings, good or evil --- probably capricious; gods, it might be; angels, perhaps, or demons; or, perchance, the spirits of the dead. To win the favor of such powerful beings meant life; to incur their hatred meant destruction. To be able to control such powers and command the assistance of such intelligence, this was the aim of the savage medicine-man, fore-runner of the priest, the physician, and the man of science. It was Herbert Spencer who pointed out this connection between the modern man of science and the primitive medicine
man. Of the latter he said: "Ever striving to maintain and increase his influence over those around, (he) is stimulated more than others to obtain such knowledge of natural phenomena as may aid him in his efforts."

"He speculates as to the causes of the striking things he observes in the Heavens and on the Earth; and whether he regards these causes as personal or impersonal, the subject-matter of his thought is the subject matter which in later times is distinguished as philosophical. . . A further reason why he becomes distinguished from men around by his wider information and deeper insight is that he is, as compared with them, a man of leisure. From the beginning he lives on the contributions of others; and, therefore, he is better able to devote himself to these observations and inquiries out of which science originates." [13] Among the Mexicans at the time of the discovery of America the medicine men had already become an organized priesthood, and we learn that there as well as among the priesthoods of ancient Egypt, India, and elsewhere, there was preserved much knowledge of astronomy, mathematics and medicine. [14] Such knowledge was of course much mixed with superstition, and employed to increase and strengthen the influence of the priesthood over the people, but it cannot be denied that, in so far as it was a real knowledge of facts, it greatly aided the progress of civilization. But as the medicine-man pondered the
problems committed to him for solution, and sought to discover satisfactory theories for the explanation of the phenomena of the natural world, and invent means for controlling and directing natural forces, he fell into many errors.

Any unusual event, such as the appearance of a comet, if followed by war or other calamity, would thenceforth be considered as an omen of disaster; the post hoc, would become a propter hoc. Dreams were messages from the dead; for did not the dead appear and speak? Fanciful resemblance, between various parts of a plant and certain organs of the human body led to the doctrine of signatures. We derive strength from the food which we eat, and man is variously affected by the varying qualities of that food; it is an easy step to conclude that by eating the heart or liver, already regarded as the seat of courage, of a brave enemy, one may acquire his courage. The name of a friend at once calls up a mental picture of that friend; at an objective portrait of him we will gaze as tenderly as though the man himself were there. To a child her doll is a real person; so to the child-mind of the primitive man the connection between the real object and its name or the mental picture of it is a very close one, and it is not difficult to understand how the belief arose that one could be injured through his name or an image called by that name. [15] Thus through
imperfect observation, fallacious reasoning from the sequence of events, and a confusion of the subjective processes of the mind with objective realities, a great number of superstitions arose. Civilized man has travelled very far from some of these early superstitions, for the reasoning faculties of the enlightened mind are much keener than those of the savage; but great as the progress may be, a very little observation will show that superstition is by no means eradicated from the minds even of the highly cultured, while in out-of-the-way corners of the most highly civilized countries and among the uneducated classes we may find numerous survivals of primitive belief and practice.

So long as astrological almanacs find purchasers in Great Britain; so long as relics of the dead are touched for healing in other European countries, and so long as spiritualism and occult Buddhism find numerous adherents in the United States, while charms and quackery are resorted to for protection against evil and the cure of disease in all parts of the Western world, so long must we refrain from claiming that the West has emancipated itself from the magic which was the pseudo-science of our forefathers. Multitudes of persons in all lands are still influenced by dreams and by supposed communications from the dead; miracles of
healing are reported by faith cure establishments and by the Christian Science adepts in the United States, as well as by pilgrims to the holy shrines of Europe; and even in recent years the World has been shocked by horrible crimes committed in the most highly civilized states of the West under the delusion that some magical results were to be accomplished thereby, or to avenge some injury believed to have been inflicted by witchcraft. We need not linger over the voodooism of the negroes in the United States or the West Indies, since the black race is but a few generations removed from savagery, and as "witchcraft is part and parcel of savage life" [16] we cannot be surprised to find survivals of it among the negroes of to-day. It is worth noting, however, that a witch was burned at Camargo in Mexico as late as 1860. [17] It is still more remarkable to read that in 1877 an Irish immigrant and his wife in New York City burned their child to death under the delusion that it was not their child but a changeling. A more horrible case resulted in the murder of two children who were beaten to death by their mothers under a similar delusion at a village in Prussian Posen on November 19th, 1871. [18] In 1881 a village community in the interior of Russia tried and burned a witch; [19] and in October 1889 a Samoyede, Jefrern Pyrerka was tried in the Criminal Court of the province of Archangelsk in Northern Russia for the murder of a maiden named
Ssavaney. It appeared during the trial that he had lost all his children the previous winter through illness and had become possessed of the notion that some devil was angry with him. He therefore strangled the girl and offered her in sacrifice to an image of the devil which he had made out of wood and set up on a hillock.[20] In the article from which the last incident is quoted there will be found a long list of such crimes committed in various parts of the Western world, some of them as recently as 1896. Some of the crimes mentioned are very similar to those referred to in the Chinese Commentary, such as the opening of a grave in Poland by a shepherd who mutilated the corpse in order to obtain the liver for magical purposes; or the murders committed in various parts of Europe with the object of securing the fat of the human body for the manufacture of candles, much in demand among thieves for their supposed soporific powers. Where such a candle is used it is believed that the household will fall into a deep sleep and the thief be able to rob with impunity. The Chinese crime of securing unborn children for purposes of magic is also paralleled by numerous instances given. It is quite evident therefore that it makes no difference whether we look East or West, in certain stages of culture we shall find the practice of witchcraft. There is this to be said for the West, however, that the number of its people who still linger in the lower stages of culture is much smaller than
that of the Chinese in the same condition. The instances that have been given above show that the superstition in question is found only among the uneducated and in out-of-the-way places to which modern learning has scarcely penetrated as yet. But a more important difference between the East and the West is the attitude of the State toward the practice. Penal Codes in the West long since refused to recognize any power in magic to help or to injure; witchcraft as an offence in itself indictable does not exist. In China the mere practice of sorcery with intent to injure, even if no one be injured, is a capital crime. Science is still in its swaddling clothes in China, and therefore all forms of witchcraft flourish, and believers in the reality of its power are found not only among the ignorant peasantry but among the gentry and scholars as well, and in some of its forms it finds recognition in the rites and ordinances of the State. On every street corner you find the physiognomist and the diviner; the booths of the fortune-teller and the medical quack abound in the market-places; and the walls are placarded with advertisements of spirit mediums. Demon possession is a phenomenon of frequent occurrence and its reality is vouched for by a Christian Doctor of Divinity.[21] The State locates its palaces, temples and tombs by geomancy; astrologers determine the lucky days for the commencement of its important public works; the highest officials are deputed to rescue the sun and moon from the dragon or the dog that is causing an eclipse, and the Son of Heaven prays to the magical iron tablet that can bring the long-desired rain.
Charms and amulets protect the home from calamity and the body from disease, and the mumbled incantations of the lamas at the new year's season, as they make their offerings in the skull of an executed criminal and dance in masques about the image of a demon, are still depended upon to frighten away the evil spirits whose malignant power might disturb the harmony of the State or cause the husbandman to toil in vain. The river god is invoked to stay the ravages of the flood, and votive offerings are decreed by Imperial Command to multitudinous saints and deities whose intervention has brought success in arms or opposed the march of the pestilence. Are not all these superstitions close akin to witchcraft? There can be no doubt that for the Chinese the Age of Miracles still continues, and that for the most part they still linger at a stage of culture wherein witchcraft cannot but flourish. If it be said that the laws against witchcraft are perhaps obsolete; that they are but survivals from the legislation of an earlier age when fear of the black art was more common, we have only to turn to the files of the Peking Gazette to show that belief in the power of witch potions and magical incantations and spells is still a living principle affecting judicial decisions in some of the highest courts of the Empire. On September 8th, 1870, a memorial was submitted to the Throne, transmitting a report from the Prefect of Ch'eng-te, in Jehol, concerning
the crimes of two men who had been accused of witchcraft and who had confessed *under the severest tortures* that they were engaged by a third person to supply hearts and eyes taken from living persons at fifty taels a set, and that they had decoyed children either by blowing a powder into their eyes or giving it to them to eat in red jujubes; that such children would then follow them in a trance, and that when a solitary place was reached they would cut the child's body open with a sickle and take out the heart; that they would also gouge out the eyes; and that the child would neither bleed nor cry. In two attempts, one in Shantung and one in Chihli, they had succeeded, and had been paid for the hearts and eyes; but in the third they had been caught before the child was seriously injured. The men were both ordered to immediate execution.

That murders are committed with the purpose of securing certain organs of the human body needed in magic or quack medicine cannot be doubted, but that such has been the ease in any particular instance confessed to only under the severest tortures may well be doubted. During the trials for witchcraft in Europe in the sixteenth and seventeenth centuries thousands of innocent persons confessed under torture to the performance of all sorts of crimes, even the creation of storms and the manipulation of the lightning. The torturer has only to suggest the confession wanted and it...
will be made, for men and women will acknowledge the truth of any charge however impossible in order to secure release from the agony being suffered. That children can be bewitched by a little powder into following perfect strangers in a trance and submitting to mutilation without bleeding and without crying is of course absolutely incredible, yet the judge had no hesitation in believing such a tale.

On February 25th, 1877, the Governor of Kiangsu submitted a memorial, reporting the trial and execution of certain witches and wizards who had during previous months disturbed the quiet of the province by use of incantations and the manufacture of paper men, through which means queues were cut off and various injuries inflicted upon the bodies of the victims of such sorcery. One man arrested was put to torture to discover his confederates. Under such conditions he accused a neighbor and his wife of supplying him with the paper men and the words of the incantation. These neighbors were then arrested, but very stubbornly refused to confess their guilt. They were then subjected to rigorous interrogation without intermission day or night. Is it not easy to foresee the result? The woman finally yielded to such persuasion and confessed that she had met a stranger whose speech indicated that he was from foreign parts, who gave her some foreign money and taught her the
words of an incantation and the art of making paper men that would become able to attack and injure human beings. This secret they had communicated to the recently executed criminal who had accused them. The woman was at least more merciful than her neighbor, since she implicated no one by name save the dead man, and made it impossible to extend the chain of unfortunate victims. Her husband, being confronted with the confession of his wife, admitted its truth, but to make sure that the truth had been told the prisoners were again put to the torture three times and confirmed their previous statements, upon which they were promptly executed. The Governor gravely comments that such crimes are scarcely expiated by death, and he gives solemn assurance that no relaxation of vigilance will be allowed, but that all such offenders will be arrested and punished. All this occurred less than thirty years ago and in one of the most enlightened provinces of the Empire.

It is only fair to say that, as there were men in Europe in the sixteenth century who dared to oppose the popular delusion respecting witchcraft, even at the loss of their liberty or life, as in the case of Loos, Flade and others, [22] so there have been enlightened officials in China, less credulous than the Governor of Kiangsu in 1877, who have refused to cater to popular prejudice, and who have either acquitted the accused or remanded the prisoners from time to time,
apparently in the hope that the superstitious fears of the people would subside and make it possible to release the suspected persons. In the case of Chang Liang-pi, cited above,[23] the Commentary states that the District Magistrate and the Prefect had refused to punish the accused, and the memorialist quoted had recommended that they be cashiered. A more recent case is one that occurred in Uliasut'ai in 1881. A certain Mongol noble was accused by the Deputy Lieutenant General of assembling a number of lamas to utter diabolical incantations resulting in the death of the Lieutenant General's son. After a preliminary trial the case came before a Military Secretary, who after much wavering found the accused guilty and sent them with the evidence to the Military Governor, where the prisoners denied their previous confessions and refused to admit their guilt. The Governor then investigates, and finds the whole case based upon mere hearsay evidence, and obtains proof that the Secretary had been bribed to secure a conviction. The case then turns against the Secretary and the prosecutors, who are recommended for various punishments.

So long, however, as the State ritual, official customs and the Imperial Statutes recognize certain superstitions and magical practices as legitimate, it will be impossible for magistrates and judges to make public declaration of their disbelief in the power of magic. On July 22nd, 1882, for instance, the Viceroy and Governors were commanded by Imperial Decree to resort to the traditional
methods for expelling the scaly dragon which causes floods. This was in response to a memorial submitted by a Censor, Kuang-hsi, who declared that the position of the dragon in the ground would be indicated by the color of the soil, the light emitted by it or the sounds sent forth, and by the fact that in winter no snow lies on the spot, and no herbage appears there in spring. The animal will always be discovered after digging to a depth of five feet or so. The Censor asks: "Would it not be better to destroy the hidden evil than merely to provide against the floods which it causes, especially since such floods are worse than those caused by the overflow of the rivers?" [24]

The so-called Imperial College of Astronomy is really a college of astrology, and the almanac prepared by it for the use of the Government contains a great deal of information as to lucky days, signs, omens, etc. Eighteen official professors of feng-shui are employed and must be consulted before building enterprises are undertaken. Attention to the requirements of feng-shui is necessary, not only to secure the present prosperity of the Empire but to preserve it to the Dynasty in the future. When the Comptroller of the Imperial Household in 1878 appropriated for a family burial ground certain lands belonging to a temple where prayers were sometimes
offered for rain, it was held that he had interrupted the dragon pulse, and that the prayers for rain had therefore become inefficient. When the Emperor Yung-cheng began to plan a tomb for himself, the professors of geomancy informed him that the site which had been selected near the sepulchres of Shun-chih and K'ang-hsi was not a felicitous one, and, after various places had been examined, it was decided to establish another imperial Cemetery to the west of Peking, at a place which was extolled is the highest terms by the geomancers consulted as capable of insuring the prosperity of the Dynasty for a myriad years [25]

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The Hsi Yüan Lu [26] is a work which has been made by Law an authoritative guide to magistrates in the discharge of their duties as coroners. A part of it, indeed, is embodied in the Code itself. The last edition, issued in 1891, has omitted none of the anatomical misinformation which its authors compiled, and none of their curious prescriptions.

Among other directions are the following for identifying the bones of a deceased parent, when there is some doubt upon the subject:--- "Drop a little of the child's blood upon the supposed bones of the parent; if the bones be really those of a parent the blood will soak in, but if otherwise it will not do so. Care must be taken, however, that the bones be not washed in brackish water, lest in that case the blood
and bones refuse to unite, even though they be related. Elder and younger brothers have a common origin, and may prove their relationship by dropping a little of the blood of each in a vessel of water. If the persons concerned be really brothers the drops of blood will flow together. But if by any chance vinegar or salt be mixed with the water; the union will take place, even though there be no relationship: Some say that husbands and wives may establish the fact of such relationship by the blood and water test; others say that the blood and bone test cannot be made to apply to such a relationship, so that there is some room for doubt upon this point. If, however, the vessels of water be too large, or the quantity of water too great, the drops of blood, being too widely separated, may not unite; and if an interval elapse between the dropping of one person's blood and that of the other, there will be a difference of temperature in the two drops which may prevent their union.." [27]

[p.88]

A number of instances from Chinese history are given of the employment of the blood test to establish relationship between long separated kinsmen, and between children and their deceased parents. Other instances are given in which the blood test is used to defeat the schemes of impostors who claim relationship with the dead in order to levy blackmail. How easy it would be in China to dispose of the pretences of a Tichborne claimant! In the fourteenth
year of Ch’ien-lung a wife is held to have been probably guilty of unfaithfulness to her husband, and her daughter to have been born of an illicit connection, because neither the blood of the wife nor that of the daughter would unite with the bones of the deceased husband and father.[28] The test is a recognized one in the courts to day. The *Peking Gazette* of November 25th, 1882, records its use to identify the bones of a deceased parent by a young man in Chehkiang. The grave had been opened and the bones scattered by a cousin who wished to revenge himself in a family quarrel.

More remarkable is the method prescribed by the *Hsi Yüan Lu* for the discovery of the location and character of wounds on a body which has already been entirely destroyed, or of which but a few odd bones remain. This method is referred to and described a number of times in the work just mentioned. In one case the grave was opened and but a few bones were found. These were taken out and a hot fire made in the grave pit. Sesamum seed was then thrown in and scattered about. The grave was covered over for an hour, and afterwards the sesamum seed was swept out with a broom. But some of the seed clung to the soil, and on examination it was found that there was outlined by it, on the bottom of the grave, the image of the dead man.

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A clot of the sesamum seed was found at a spot
corresponding to the navel. The remainder of the seed was then taken out and another fire built in the pit. Some dregs of grain from a still were mixed with water and thrown in. The fire was then increased in intensity and later some hot vinegar was poured in. A new table, lacquered with gold lacquer, was then placed top down over the grave and left there for a few moments. When it was taken off there was found outlined on its surface the image of the dead man, and just over the navel was the mark of a stab, an oblique wound 1.3 inches in length, a mortal wound inflicted by a wooden instrument.\[29\] In Volume V of the work another instance is given in which a man had been killed and his body burned, so that no trace of it could be found. The grass and weeds had grown over the spot where the corpse had been consumed. This was all cut down and cleared out even to the roots. Kindling was brought and a hot fire built on the spot. This was kept burning until the ground was thoroughly heated. Several pecks of sesamum seed were then scattered over the place, the oil of the seed being extracted by the heat and absorbed by the earth. When the seeds had been swept away, the image of the dead man was seen outlined on the surface of the ground, the wounds which had been inflicted upon his body being indicated by clots of sesamum seed, large or small, square or round, according to the shape and size of the wound. These seeds were then all swept away and another hot fire built. Dregs of fermented grain mixed with water and hot vinegar were poured over the place, and a lacquered table placed upside down on the spot as in the previous case,
and the image of the dead man with the wounds in his body appeared upon the surface of the table. [30]

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Another case is cited in which two men were killed and their bodies burned. The images of both men were produced upon the table at the same time, showing the wounds inflicted upon their bodies. [31]

Even more marvellous are the directions given in Vol. I for procedure in a case in which the body of the dead had been burned and the very site of the burning forgotten by the criminal himself, except that it was near a certain village and in a certain direction from a temple in the village. The spot was a wild and lonely one, but in obedience to the directions given examination of the district was made until a spot was found where the grass had grown much higher and more luxuriant than elsewhere. This growth outlined the image of the dead man, thus indicating the spot where the corpse had been burned. [32] That this method of discovering the wounds upon a body which cannot be produced is believed in to-day is evident from the fact that the latest edition of the Penal Code embodies in its instructions to coroners a list of articles needed at inquest, among which we find the sesamum seed, the vinegar and the lacquered table.

Still another illustration of authorized magic is that in
Volume V, where directions are given for finding a corpse that has been lost in the river: "Take a piece of reed matting and place on it an old pencil; put them on the surface of the river, and allow them to float away. When they pass over the spot where the body is lying, the pencil will move and point to the place. Let those who are searching for the corpse then drag the river at that spot, and the body will be recovered." [33]

[p.91]

It is well known that the Chinese Code permits a husband to avenge his honor by killing an unfaithful wife and her paramour. Sometimes, however, there is doubt as to the guilt of the wife. In such a case the Hsi Yüan Lu prescribes an infallible method for determining the fact:--- "Take a water jar and fill it with water, one half from the river and the other half from the well. This is called 'yin yang' water. Take a stick and stir the water into a swiftly whirling eddy. Then take the heads of the decapitated corpses of the man and woman and place them without delay in the water. If the pair were really guilty, the heads will turn nose to nose; but, if they were innocent, they will turn back to back, one above and the other below in the jar." [34]

Antidotes to various poisons are given by the Hsi Yüan Lu and many prescriptions for the cure of wounds. Some of these are very good, but others are to be compounded on certain days and at certain hours only, as on the 5th of the fifth moon, or the 9th of the ninth moon, at high noon, or
otherwise, thus showing the magical character of the prescription. Thus in the directions for the rescue of a person from the effects of the *ku* poison, the witch's potion, described above, the medicine, which among other things contains two centipedes, one alive and one roasted, is to be compounded on the 5th of the fifth moon or the 9th of the ninth moon, and the patient must entirely avoid the other sex.

Another section of the work warns the reader against incautiously entering an empty house or a grove that has been closed for a long time. Great care must be exercised, for lascivious fox-spirits or dangerous demons may have made such a house or grove their lurking place. Serpents and wild beasts, too, may have made it their lair. If the grove be in a very retired spot it is all the more dangerous. One should shout before entering, or carry a torch with which to frighten the uncanny creatures.

Many more illustrations might be given to show that a certain kind of magic is regarded by law and by public opinion as quite legitimate. The same distinction exists, indeed, as was made in Europe in the sixteenth century, that between "white" and "black" magic, that which promotes the general welfare being "white" or good magic, and that which is employed to bring evil upon a man or a community being regarded as "black" or unlawful. Among
all primitive peoples the latter has fallen under the condemnation of the law, save, perhaps, when employed to injure the enemies of the State.

In the Code of Hammurabi the person accused of sorcery was allowed the privilege of establishing his innocence by throwing himself into the water. If the water overcame him, he was held to be guilty and his property was given to the informer. If, on the other hand, he escaped from the water [swimming must have been a valuable accomplishment in those days] his accuser was put to death for making a false charge. This was much more merciful than the ordeal by water prescribed by old English custom, which enabled the accused to establish his innocence only by getting drowned, for it was the common belief of all Europe in the Middle Ages that the conscious water would reject the witch, and King James in his Dœmonology says:--- "It appears that God hath appointed for a supernatural sign of the monstrous impietie of witches, that the water shall refuse to receive them into her bosom that have shaken off them the sacred water of baptism." [38]

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The Code of Manu was the most merciful of all the old codes. It provided a fine of 200 panas for all incantations intended to destroy life, for magic rites with roots, and various kinds of sorcery. [40]
By the Twelve Tables of Rome, magical incantations were punishable with death.[41] The Hebrew Law was equally severe, for it said: --- "Thou shalt not suffer a witch to live."[42] Nor was this law a dead letter, for we read of various attempts made by the kings of Israel and Judah to exterminate the wizards and those that had familiar spirits.

By the time of Charlemagne the European world began to grow more enlightened. His laws were "directed against such as should put men or women to death on the charge of witchcraft."[43] But five hundred years later the world had slipped backward into darkness. At no other time in history has there been such a sacrifice of innocent men and women on the charge of witchcraft as during the period embraced between the thirteenth and seventeenth centuries in Christian Europe, when the dread of ghost and vampire, and the fear of the black arts of the sorcerer were increased by the religious superstition of the age. A wave of madness seems to have swept over the Western world, and thousands upon thousands of inoffensive people were imprisoned, tortured and burned or hanged for an imaginary crime. After the Reformation, Protestants rivalled Catholics in the zeal shown in this awful persecution. "The giving up of witchcraft is in effect the giving up of the Bible," said John Wesley.[44]
would have no pity on these witches," said Martin Luther, "I would burn them all" [45] and Richard Baxter, after writing *The Saints' Rest*, found time to urge a revival of witch persecutions' in England, where it had already died away. Fortunately his efforts were in vain. Throughout Europe during that period witchcraft was a felony without benefit, of clergy, and punishable with death by burning. Being felonious, it naturally brought forfeiture of lands and goods, so that the punishment was scarcely lighter than that in China, though there may be some who regard burning as less terrible than death by the slicing process. European law, however, did not condemn the relatives of the witch to suffer any other punishment than that entailed by the loss of the property belonging to the accused, and by the social ostracism of the community.

Burning was chosen in preference to some other form of execution in Europe in order to avoid bloodshed, for the holy men engaged in this war with the devil had no scruples about subjecting delicate women to the rack, or condemning them to the flames, but they shrank from bloodshed. Blackstone says: "To deny the possibility, nay, actual existence, of witchcraft and sorcery, is at once flatly to contradict the revealed word of God in various passages both of the Old and New Testament: and the thing itself is a truth to which every nation in the world hath in its turn borne testimony, either by examples seemingly well attested, or by prohibitory laws, which at least suppose the possibility of commerce with evil spirits. The civil law punishes with
death not only the sorcerers themselves but also those who consult them, imitating in the former the express law of God, 'Thou shalt not suffer a witch to live.' And our own laws, both before and since the Conquest, have been equally penal, ranking this crime in the same class with heresy, and condemning both to the flames . . . . Our forefathers were stronger believers when they enacted by Statute 33, Henry VIII, c. 8, all witchcraft and sorcery to be felony without benefit of clergy; and again by Statute 1, Jac. I, c. 12, that all persons invoking any evil spirit, or consulting, covenanting with, entertaining, employing, feeding, or rewarding any evil spirit, or taking up dead bodies from their graves to be used in any witchcraft, sorcery, charm, or enchantment; or killing or otherwise hurting any person by such infernal arts, should be guilty of felony without benefit of clergy and suffer death."[46]

We are also told by Blackstone that unsuccessful attempts to injure anyone by witchcraft, or to provoke unlawful love, restore goods, discover treasure, etc., were punished, if the first offence, by the pillory, if a second, by death. These English laws were repealed in 1736, but an unrepealed Statute of 28 Elizabeth remained in force in Ireland until 1821, in accordance with which witchcraft, sorcery, etc. were liable to capital punishment.[47] In Prussia the last
execution for witchcraft took place in 1796.

For over a hundred years, therefore, the Western world has been free from legal prosecutions for witchcraft. While they still occur occasionally in China, the pages of Chinese history have never been stained by such a mad epidemic of witch killing as disgraced Europe and America in the seventeenth century.

The Chinese law has been greatly modified by recent rescripts, which substitute decapitation for the \textit{ling ch'i}h and forbid the punishment of the relatives of a criminal and the members of his household, unless they are also accomplices in the crime. In spite of these improvements, however, it still remains possible in China to put a man to death upon a charge of witchcraft, even though no one can be shown to have been injured by his arts.

The Commission appointed to revise the Penal Code of China has had for its most influential member H.E. Wu T'ing-fang, under whose guidance great changes have already been made in the Statutes of the Empire. Death by the \textit{ling ch'i}h has been entirely abolished. The punishment of the household of a criminal for no other offence than that of their unfortunate relationship is also done away.
Branding and flogging are no longer permitted; fines and imprisonment at hard labor are substituted for them. Torture to secure confession in criminal cases is prohibited, except in case of murder where the guilt of the prisoner is established. The Commission has also secured an edict commanding the establishment of workhouses, and these are being rapidly built throughout the Empire. Humane prison regulations, the establishment of law schools, and the admission of attorneys to practice in the courts, these too are notable achievements of the Commission. This is a splendid catalogue of reforms for the brief time in which it has been at work.

We know that the more enlightened officials in China have no faith in the professed powers of the sorcerer and the magician, and we can but hope that before the Commission completes its work the Code may be so amended as to make future prosecutions for sorcery and witchcraft: impossible.
The law for plotting murder provides that, if the premeditated murder be accomplished, the principal shall be sentenced to decapitation, subject to revision at the Autumn Assize, and the active accomplices to strangulation, subject to revision at the Autumn Assize. Other accessories are punished by 100 blows of the heavy bamboo and banishment for life to a distance of 3,000 li. If the victim be not killed, the punishment of the principal varies from strangulation subject to revision in case of wounding, to 100 blows and three years exile in case no injury is done. Accomplices correspondingly
De Groot in his *Religious System of China*, vol. IV, p. 101 relates how T'ang Pao-hêng obtained from Chang T`ao-ling, the Taoist Pope, some charms which enabled him to capture souls of living beings and cause them to serve him. It is a common practice in China today to attempt to call back the souls of the dying. I have myself witnessed the ceremony. As for pretended communion with the dead, that is more common in China than in the West where also it still lingers, a survival from an earlier and less enlightened age.

For a detailed discussion of this subject, consult De Groot *Religious System of China*, vol. IV, chapter xiv.

Vide file of *Peking Gazette*, September 5th, 1881, and elsewhere.

While engaged in writing the above my attention has been called to an article in the *Peking and Tientsin Times* of September 19th, 1906, quoted from the *Kobe Herald* of the 6th of September, which relates how a miller, Katustaro Baba of Hirade, Shinano Province, Japan, had made a practice of killing women and selling their livers which were held to be effective remedy for certain diseases. Three women were said to have been murdered by him in 1905 and one in 1906. Recently he attempted to kill another, but
the woman made such resistance that he had to desist, and
then to escape arrest he tried to commit suicide. He is
reported to have made a full confession.

The liver as being the supposed seat of courage is highly
prized by the soldiery and we often read in Chinese
literature of the eating by warriors of the livers of their
enemies.

12 Tyler, *Early history of Mankind*, pp. 118 and 119,
mentions similar practices among the Indians of North
America, the ancient Peruvians, the Hindus and Karens.
13 "Professional Institutions: VI, Man of Science and
739.

14 Prescott's *Conquest of Mexico*, vol. I, pp. 70, 101, 122
ff. Vide also Fiske's *Discovery of America*, vol. I, p. 119,
and Bancroft's *History of the United States*, vol. 1, p. 133

15 Vide Tylor's *Early History of Mankind*, pp. 116 and 117,
and *Primitive Culture*, vol. 1, p. 116,


17 "Superstition and Crime," by L. P. Evans, in *Popular
Science Monthly* for December 1898, p. 210

19 *Schaff Herzog Encyclopedia*: Article "Witchcraft."

20 Evans on "Superstition and Crime," *vide* above.


23 p. 69

24 *Vide* Translation of *Peking Gazette, North-China Herald*.


26 洗冤錄

27 寶鑑編, 7 and 8. Incorporated in vol. V of *Hsi Yüan Lu*.

28 *Hsi Yüan Lu* vol. 1, 67.
29 Hsi Yüan Lu vol. V, 3. 30

30 寶鑑編, 8, also Hsi Yüan Lu, vol. I, 60.


32 Hsi Yüan Lu vol. I, 60.

33 石香秘錄, 7 Incorporated in vol. V of Hsi Yüan Lu.

34 石香秘錄, 6.

35 Hsi Yüan Lu, IV, 21.

36 Hsi Yüan Lu, III, 50.


38 Tylor's Primitive Culture, I, p. 140.

39 A pana was equal to 150 grains of copper: Sacred Books of the East, XXV, p. 277.

40 Sacred Books of the East, XXV, p. 394.
41 Gibbon, III, p. 709.

42 Exodus, XXII, 13.

43 Tylor, *Primitive Culture*, vol. I, 139.

44 White's *Warfare of Science with Theology*, I, 363.


46 Blackstone, IV, 61.

47 Blackstone, IV, 62.