

*Ruiju sandai kyaku* – 類聚三代格  
Supplementary Legislation from the Three Eras

類聚三代 - 格卷十九 禁制事

Ruiju Sandai Kyaku - Scroll 19, Prohibitions

Passages from *Shintei Zōhō Kokushi Taikei* edition, pp. 605, 612, 613-614, 616, 617-618, 625

**PAGE 605**

[原]

太政官符

應禁断諸院諸宮王臣家假民私宅号庄家貯積稻穀等物事

右諸院諸宮王臣家。於諸國部内。或本有田地自立庄家。或新占山野收其地利。曰此等「一」事各求便宜。借民私宅積聚稻穀才物。号稱庄家好妨官物。國史之力不敢制止。出舉收納不能自由。公事難濟職此之由。去天平九年九月廿一日。及天平勝寶三年九月四日兩度格云。臣家之物貯蓄諸國。自今以後。宜皆禁断。若有犯者科違勅罪。其物沒官國司郡司即解・見任者。左大臣{藤時平}宣。奉勅。先後格旨禁制嚴峻。諸國牧宰無有履行。宜重下知勿使更然。仍須仮号庄家爲國致妨者科違勅罪。物皆沒官。其稱使及庄檢校專當預蒔。放縱不遜以妨國務者。不論蔭贖決杖六十。但元來實爲庄家不妨國務者不在制限。

延喜二年（902）三月十三日

[訓]

太政官符す

まさに諸院、諸宮、王臣<sup>おうしん</sup>家は民の私宅<sup>したく</sup>を仮<sup>かり</sup>に庄家<sup>しょうけ</sup>を号<sup>ごう</sup>し、稻穀<sup>とうこくら</sup>等の物を貯積<sup>ちよせき</sup>すること  
 禁断<sup>きんだん</sup>すべしこと。

右に諸院、諸宮、王臣<sup>おうしん</sup>家は諸国の部内に、或いは本の有<sup>しゅうけ</sup>る田地を自らの庄家<sup>しょうけ</sup>に立つ、或いは新<sup>さんや</sup>に山野をせめ、其の地の利<sup>お</sup>を收さむ。此等「一」の事により、各<sup>おのおの</sup>の便宜<sup>べんぎ</sup>を求め  
 。民の私宅<sup>たみ</sup>を借りて、稻穀<sup>さいぶつ</sup>は才物<sup>せきしゅう</sup>に積聚<sup>しょうけ</sup>す。す庄家<sup>ごうしょう</sup>を号稱<sup>かんもつ</sup>し、このみに官物<sup>さまたぐ</sup>を妨ぐ。  
 国吏<sup>あ</sup>之力<sup>せいし</sup>を敢えて制止<sup>すいこ</sup>せず、出舉<sup>しゅうのう</sup>・收納<sup>あたわず</sup>、自由<sup>くじ</sup>に能<sup>すみがたき</sup>ず。公事<sup>あ</sup>濟難<sup>き</sup>き職<sup>い</sup>此<sup>ちよ</sup>之<sup>よ</sup>由<sup>か</sup>。さんぬる天平九年九月廿一日。及び天平勝寶三年九月四日、兩度の格<sup>か</sup>に云く。『臣家<sup>せん</sup>之物を諸国<sup>ちよちよく</sup>に貯蓄<sup>よろしく</sup>すこと、今自<sup>もしはん</sup>り以後<sup>い</sup>宜<sup>い</sup>く皆<sup>ちよ</sup>禁断<sup>か</sup>すべし。若<sup>あ</sup>犯<sup>ちよ</sup>有<sup>か</sup>らば、違勅<sup>い</sup>罪<sup>か</sup>の科<sup>か</sup>なり。其の物<sup>もつかん</sup>は沒官<sup>こくし</sup>し、国司<sup>こくし</sup>郡司<sup>ぐんじ</sup>即<sup>す</sup>見任<sup>すなわ</sup>の解<sup>げん</sup>にせよ。』左大臣<sup>せん</sup>宣<sup>う</sup>す。勅<sup>う</sup>を奉<sup>う</sup>るに、先後<sup>う</sup>の格旨<sup>せん</sup>は嚴峻<sup>きやくし</sup>に禁制<sup>げん</sup>せよ。諸国<sup>ぼくさい</sup>の牧宰<sup>りこう</sup>が履行<sup>ある</sup>すること有<sup>な</sup>無し。宜<sup>よろし</sup>しく、重ねて、下知<sup>げ</sup>し

て、更さら然に使し勿くべし。仍なほりて須すべからいつわりて假かり庄家と号なし、国くにの爲ために、妨さまたげをいたさば、違い勅ちやくのすみを科し、物ものは、皆みな、没もつ官かんせよ。

それ使し及および庄しょう檢けん校ぎょう・専せん当とう・預よかり等らと称なし、放ほう縦じゆう・不ふ遜そん以もつつて国こく務むを妨さまたぐるは蔭おん贖しやくを論ろん不ぜず、杖じょう六十けつに決けつせよ。但ただし元がん来らい実じつとして庄しょう家けと為なし、国こく務むを妨さまたげざらば、制せいずる限かぎりに在あらざ

延喜二年（902）三月十三日

[英]

The Council of State [orders](#):

Regarding prohibiting various [powerful](#) households of royals and nobles from claiming the private residences of commoners as their [estates](#) and stockpiling rice [therein](#)

The [powerful](#) households of royals and nobles mentioned [here create](#) their own estate offices in various provinces on land that was originally [rice paddies and take over uncultivated](#) countryside [land, collecting rent on it. Through such](#) [actions], they seek every [benefit](#) [for themselves]. They take [over the private residences of the people and accumulate](#) rice there, [and by calling these places their estates](#), they hinder the collection of [provincial](#) taxes. [The provincial governor is unable to prevent this and can neither oversee rice lending nor tax collection easily.](#) In Tenpyō 9<sup>th</sup> year [737 CE], 9<sup>th</sup> month, 21<sup>st</sup> day, and also in Tenpyō Shōhō 3<sup>rd</sup> year [751 CE], 9<sup>th</sup> month, 4<sup>th</sup> day, [there were supplementary laws to this effect](#): “The stockpiling of things in the provinces by noble households must hereafter be prohibited. If there are such crimes, they constitute a violation of the tennō’s edicts. [The goods](#) shall be confiscated and [\[guilty parties who are\]](#) provincial [governors](#) or district [officials](#) shall [have their offices terminated.](#)” The Minister of the Left {Fujiwara Tokihira} declares, “I have received the tennō’s command: ‘In the Tenpyō and Tenpyō Shōhō eras, the [intent of the law was strictly enforced.](#) But [administration in](#) the provinces [has not improved.](#) Let orders [be sent out once again, such officials should not be tolerated.](#) Those who [persist in calling places “temporary estates” and obstruct government shall be considered guilty of the crime of lèse majesté and all their goods shall be confiscated.](#) Their [agents and estate agents calling themselves ‘shokengyō,’ ‘sentō,’ or ‘azukari’ and who persist in obstructing provincial administration shall receive 60 blows of the cane.](#) However [those who actually hold a \[valid\] estate and who do not obstruct government](#) are not [party](#) to this prohibition.”

Engi 2<sup>nd</sup> year (902), 3<sup>rd</sup> Month, 30<sup>th</sup> Day

---

PAGE 612 (First Full Entry)

[原文]

## 太政官符

## 應禁遏諸使越關私買唐物事

右左大臣宣。頃年如聞。唐人商船來着之時。諸院諸宮諸王臣家等。官使未至之前遣使爭買。又堀内富豪之輩心愛遠物。踊直？易。曰茲貨物價直定准不平。是則關司不愷勘過。府吏簡略檢察之所致也。律曰。官司未交易之前私共蕃人、交易者准盜論。罪止徒三年令云。官司未交易之前不得私共諸蕃交易為人糺獲者。二分其物。一分賞糺人。一分沒官。若官司於所部捉獲者。皆沒官者。府司須曰准法條（条）慎（慎）其檢（檢）校（校）而寬縱（縱）不行。令人狎侮。宜更下知公家未交易之間嚴（嚴）加禁遏勿復乖違。若猶犯制者。沒物科罪。曾（曾）不寬宥。

延喜三年（903）八月一日

## [訓読]

## 太政官符す

まさに諸使關を越えて私くしに唐物を買うを禁遏すべき事

右、左大臣{藤時平}宣す。頃年如聞、「唐人の商の船、來着の時に、諸院諸宮諸王臣家等官使いまだ至らざる前に使を遣し、争い買う。また、堀内の富豪の輩、遠物を心に愛し、直踊して（おどらせて）、貿易す。茲に曰り貨物の價直の定准するも平らがならず。是れ則ち關司勘過を愷にせず。府吏は檢察簡略を致す所なり。律に曰く。「官司未だ交易せざるの前、私くしに蕃人共交易せば、盜に准じて論ぜよ。罪、徒（ず）三年に止めよ」。令に云く、「官司は未だ交易せざる前、私くしに諸蕃と共に交易することを得ざれ、人の為に糺獲せられれば、其物を二分し、一分は糺人を賞す。一分官に沒つ。若官司所部に於て捉獲せば、皆沒官せよ」てえり。府司須く法條に因准して、其の檢校を慎むべし。而かれども寬縱して行わず、人をして、狎れることを侮しめん。宜しく更に下知して公家いまだ交易せざる間、嚴しく禁遏を加え、復乖き違ふこと勿かるべし。若し猶制を犯さば、物を沒し、罪を科し、曾て寬宥せざれ。

延喜3年（903）三月一日

## [現代]

## 太政官符する

諸々の王家や貴族家の使が關（せき）を越えて個人的に中国からの物を買うことを禁止すべきこと

右、左大臣ふじ[わらの]ときひら藤時平が命令を述べた。最近、聞くところによると、「中国人の商船が着く時に、諸院諸宮諸王臣家等は、朝廷の使が着く前に自分の使を派遣し、争い買いつけている。また、太宰府にいるお金持ちの人達も、遠物を好んで、値段が高くなっても、貿易す。これによって貨物の価値に於いては定めて決まるべき値段が変動してしまふ。是れに、關司せきしは確かに調べていない。太宰府の役人のけんさつ檢察も簡略にできて、十分に行っていないので、こういう状態が起きている。

### [英文]

The Council of State orders:

That agents from the various powerful houses (royal and aristocratic) shall be forbidden from bypassing barriers and privately buying goods from China.

In this regard Minister of Left {Fujiwara no Tokihira} proclaims: "In recent times, we have heard: "When the ships of the Chinese merchants arrive, the various powerful households send their emissaries and compete to make purchases before the official emissaries can reach [the port]. Furthermore, the wealthy people at the *Dazaifu* love foreign goods, and though prices rise they still make purchases. As a result, the set value of the goods is unstable. Since barrier officials do not investigate carefully and check into these matters, and officials of the Dazaifu conduct lax investigations, this situation has resulted. The penal code states, "If people trade privately with foreigners without the involvement of government officials, it is considered a crime of theft and shall be punished by more than three years [of hard labor]." The administrative code states, "If people trade privately with foreigners before government officials have done so, they shall be investigated and their property divided into two parts. One part shall be a reward for the investigators; the other part shall be seized by the government. If government officials themselves seize the property, then all will be confiscated." Officials at the Dazaifu must, in accordance with the law, investigate diligently. Even though there should be no leniency, people ignore [the law]. Now it is again ordered that, before official trading, strict prohibitions are imposed. Let there be no transgressions. And if there are transgressions, the goods will be seized and crimes punished. There shall be absolutely no leniency.

First Day of the Eighth Month of Engi 3 [903]

**PAGE 613-614** (First Full Entry)

[原文]

太政官謹奏  
禁断双六事。

右頃聞。官人百姓不畏憲法私聚徒衆任意双六。至於淫迷。子無順父。終亡家業亦損孝道。望請。遍仰京四畿内七道諸国。固令禁断。其六位己下無論男女決杖一百。不洎蔭贖。但五位者則鮮却見任及奪位禄位田。四位己上停廢封戸。職国郡司阿容不禁亦皆鮮。若有顯申廿人已上者无位叙位三階。有位賜物絶十疋布十端。其所賭資財皆悉没官。臣等商量如前。伏聽。 天裁。謹以申聞。謹奏。奉勅。依奏。

天平勝宝六年十月十四日

### [訓読]

太政官謹奏す。

双六禁断する事。

右、この頃聞くならく、「官人百姓憲法畏まれず、私に徒衆に聚め、任意に双六す。淫し迷するに於いて至る。子父に順わず、終わりに家業亡くなり、また、孝道に損す。」  
 。望み請ふすらく、遍く京四畿内七道諸国に仰せ、固く禁断せしめん。其の六位己下、男女を論ずること無く、杖一百を決し、蔭贖をもちいざらん。但し、五位は 則見任を鮮却し、及び位禄位田を奪えよ。四位己上は封戸を停廢せん。職国の郡司阿容して禁ざれず、亦皆見任を鮮かん。若、顯申すこと、廿人已上有者、无位は位三階を叙し、有位は物を賜うこと、絶十疋布十端とせん。其の賭所の資財は皆悉く官に没せん。臣等商量するに前の如し。伏して天裁を聴かん。謹みて以って申聞す。謹奏すらく。勅奉るに。奏に依れ。

天平勝宝六年（754）十月十四日

### [現代]

太政官 謹んで奏す。

双六を禁止する事。

右、最近聞いたのは、「官人も庶民も法令を承らなく、わがままに群を集め双六する。それらは程度をすごして、迷っていることに及ぶ。子は父に従わなく、ついに家業がなくなる。これは孝行にも損を与える。望むのは、京・四畿内・七道・諸国へ双六が禁止であることを仰せてほしい。其の六位己下の人にかんしては、男女を考慮せず、百回杖で打つ刑罰を決めてほしい。蔭贖をもちいざれ。ただし五位にかんして、役を首にし、位と位禄位田を奪ってほしい。四位以上にかんして、封戸（ふこ）を取りやめてほしい。職国郡司にかんして、禁止しなければ、役を解除（かいじょ）してほしい。もし密告することあらば、二十人以上であったら、位がない人には位三階を授ける。位があ

る人には物として 絶あしぎぬ 十足ひき、布十端ぬの たんを賜わせるようお願いする。その賭かけるところ所の資財しざいを  
 すべて政府に没収してほしい。臣下は以前のようにご商しょうりょう量りょうさせていただいた。伏して  
 天裁てんさいを聴かせていただいて、謹つつしんで申し上げます。謹つつしみて奏す。上うけたまわ勅を奉るに、奏  
 に依れ。

天平勝宝六年（754）十月十四日

[英文]

The Council of State humbly presents a memorial to the throne

Concerning the banning backgammon<sup>1</sup>

As to this, of late we have heard that the various officials and commoners do not show reverence for the law, and instead assemble in groups and play backgammon without restraint. They play beyond reason, and lose themselves in the game. Sons do not heed their fathers, and household livelihood crumbles, impacting the way of filial piety. Therefore we wish that you widely command the capital, the home provinces, the seven circuits, and all the provinces that the playing of backgammon be strictly banned.

For those of the sixth rank or below [who persist in playing backgammon], (a punishment of) one hundred blows is set with no consideration of gender. One should not have recourse to the use of rank or paying fines to compensate [for the punishment]. However, if one is of the fifth rank, then one should be relieved of one's post and divested of rank as well as rank and salary fields. Persons of the fourth rank and above shall have their prebendal tax units taken away. [If] the Capital Office or provincial and district officials turn the other way and do not prohibit it, they will all have their appointments terminated.

In the event of an informant, if there are 20 people turned in, for the [informant] without rank he shall be raised three levels. For one with rank, he/she shall receive goods: ten *hiki*<sup>2</sup> of coarse silk and ten *tan*<sup>3</sup> of cloth. Let the gambler's goods be fully confiscated by the authorities. In the forgoing, your ministers have given careful consideration, and we beg the monarch's permission. Humbly stated and petitioned.

[In response, the senior counselor proclaims:] I have received the royal decree, it shall be as memorialized.

<sup>1</sup> *Sugoroku*

<sup>2</sup> Counter for rolls of cloth (two han in size). (Jim Breen)

<sup>3</sup> Variable measure of fabric (28.8 cm in width); for kimonos: at least 10 m in length; for haori: at least 7.27 m in length; for other clothes: at least 6.06 m in length. (Jim Breen)

PAGE 616

[原]

太政官符

應禁止諸司諸家徵物使冤勘調綱郡司雜掌事

右得丹波。伊豫。土左等国解尙。調庸雜物貢進立限。若違其期罪有恒法。而今件徵物使等多集黨類。候郡司雜掌入京校之日各競冤勘。先号前分責取官物。次稱土毛掠奪私糧。縱不叶其求遂加凌轢。爰郡司爲免身辱偏忘公損。或折納官内徒賂遺之贈。或取封戸物還致本家之費。又雜掌処職專在公文不預雜物。而郡司未到之間勘責如前。公糧竭於酒食。資盡於苞苴。曰茲不濟預事。並以逃歸。調物難濟。公文濟濟。職此之由。於是國司常被絆解由。郡司亦不免決罰。不加禁止何弭苛酷。望請。官裁。被停件。將令貢調使并郡司務進納之事。然則納官封家無末進之弊。國宰郡司免罪責之料者。左大臣{源}宣。奉勅。依請。若有背符旨強遮之輩捕身言上殊處重料。宜令有司亦加糺彈。諸國准此。

寛平三年（891）五月廿九日

[訓]

太政官符す

まさに諸司諸家の徵物使が調綱郡司と雜掌の冤勘を禁止すべき事

右、丹波・伊豫・土左等の国の解を得るにいらく：「調庸雜物の貢進に限りを立つ。若し其の期に違あらば、罪の恒法有り。而して今、件の徵物使等多く黨類集どい、郡司の雜掌京入の日に候えて、各競いて冤勘す。先に前分と号し官物を責取り、次で土毛と稱し私糧を掠奪す。縱し其の求め叶ずんば、遂に凌轢を加う。爰に郡司身の辱めを免れんが爲に偏に公損を忘れ、或いは納官の内を折ぐ、徒に賂遺の贈にあつ。或いは封戸の物を取り、還えりて本家の費に致す。又た雜掌を職とする処、専ら公文に在りて雜物に預からず。而れに郡司いまだ到らざるの間、勘責、さきの如し。公糧を酒食に竭き○資を苞苴に盡す。茲れに曰り預り事を濟ず、並に以て逃げ歸る。調物濟み難く、公文濟すは職此れに由る。是に於て國司、常に解由絆され、郡司亦た決罰を免れず。禁止を加ずんば、何ぞ苛酷弭めんや。望み請らくは官裁。「件の使を停られ、まさに貢調使并に郡司をして進納の事を務めしめんことを。然らば則ち納官封家末進之弊無く。國宰郡司の罪責の料を免れる」てへり。

左大臣{源〇}宣す。勅を奉<sup>うけ</sup>たまわるに、請いに依れと、若し符の旨に背きて、強<sup>し</sup>いて遮<sup>さえ</sup>ぎる之<sup>ともが</sup>輩ら有らば、身を捕らえ言上し、殊<sup>こと</sup>に重料<sup>じゅうか</sup>を處<sup>しよせ</sup>せ。よろしく有司をして亦た糺<sup>きゆうだん</sup>彈<sup>なぞらえ</sup>を加えしむべし。諸國此れに准えよ。

寛平三年（891）五月廿九日

## [現代]

太政官が符する

諸司諸家の徴物使は調綱郡司や雑掌をおどしづける「冤勘」ことを禁止すべき事

右、丹波・伊豫・土左などの国は解を得て、言ったことには：「調庸の雑物の貢進は期限が定めている。その期限をまもらないと、それは違犯であると決まっている〇〇。

而かるに今、件の徴物使等多く黨類集どい。郡司の雑掌京入之日候じて、各の競いて冤勘す。先に前の年の分と言ひ、その官物を無理に矢理とってしまう。次で土毛と稱し私糧を掠奪す。縦し其の求め叶ずんば遂に凌轢を加う。爰に郡司が身の辱しめを免がれんが爲偏へに公損を忘れ。或いは納官の内を折ぐ徒に賂遺の贈にいたす〇。或いは封戸の物を取り還えして本家の費に致す。

## [Part II missing]

## [英]

The Council of State orders:

That false accusations made by tax collectors from various government offices and noble households against district officials and agents delivering taxes shall be prohibited

As to this, petitions from Tanba, Iyo and Tosa provinces note the following: “There are deadlines for the delivery of taxes in kind, labor taxes, and miscellaneous tax goods. There is a long-standing law stating that missing these deadlines is a crime. However these days collection agents gather in menacing bands and wait for the day when tax-delivering district officials and agents enter the capital. They compete for their goods, and accuse them of various crimes. First they assess tribute goods (*kanmotsu*), calling it payment of back taxes. Then they take the tax-delivery district official’s personal provisions, calling it special provincial levies. When the district officials refuse their demands, they become violent. To save themselves, the district officials ignore the public loss – some split up the goods to be given to the government, giving them out as bribes. Some take the goods due prebendal holders, diminishing the livelihood of that household. District agents are primarily to handle public documents rather than dealing with tax goods (*zōmotsu*). But during the interval when the district officials have not yet arrived [in



the capital], they too are subject to trumped up charges. So they use official tax rice for food and drink, and they use up their travel allowances for bribes. It is therefore hard [for both the tax delivery district officials and district agents] to fulfill their duties, and they flee home. Completing collection of tax goods is difficult, and stagnation of paperwork stems from this. Provincial governors are constantly limited by their term-end accounting reports (*geyu*), and district officials do not avoid punishment [either]. Why has there been no prohibition? Why is strictness abandoned in this case? What we ask is a judgment by the Council. Let these tax collectors be stopped, and let the district officials and tax delivery agents do their duty and deliver taxes. Then there will be no non-payment of tax goods or prebendal stuffs, and the provincial governor and district officials can avoid accusation of committing such crimes.” [In response:] Minister of the Left {Minamoto no Tōru} received the royal edict and transmits it as follows: “Let it be as you requested. If there are any who go against this order and forcibly obstruct the delivery of taxes, arrest them and report it—and consider it a serious crime. Let the offices with jurisdiction exercise effective control and let the provinces do the same.”

Kanpyō 3<sup>rd</sup> year (891) 5<sup>th</sup> month 29<sup>th</sup> day

---



---

## PAGE 617–618

### [原文]

太政官符

應停止諸院諸宮諸家不剥經國司召勘郡司雜色人等事

右得播磨國解稱。太政官度度・下山・近江・美濃・紀伊等國符稱。彼國解稱。凡  
 処部非違國同処糺。若不糺効法有罪料。而前件院宮諸家偏就田宅資財之事。不經國宰直  
 放家符。召捕郡司雜免人等。勘責禁固殆過囚人。或涉月不免已絶家業。或經日被繫遂弃  
 公務。加以為使之人多變從類。追喚之間酷加陵轢。凡家長濁被召捕舉姻騷動。妻子流冗  
 親族逃竄。国司之政以誰辨行。望請。官裁。停止件事。若有強召。即捕身進上。謹請官  
 裁者。中納言從三位藤原朝臣諸葛宣<sup>もろくづ</sup>。依請者。此国部内曠遠庶務繁多。而今郡司雜色等犯<sup>ぞうしき</sup>  
 過有稱強以召捕。是故可行之務自過時節。可貢之物既以懈怠。望請。官裁。準件等国。  
 為使來者捕身進上者。左大臣 [藤原時平] 宣。依請。諸国准此。

延喜五年八月廿五日

### [訓読]

太政官符す

まさに諸院諸宮諸家、国司を経ずに郡司の雜色人等を召し勘えることを停止すべき事

右、播磨國の解を得るにいえらく：「太政官度度山城・近江・美濃・紀伊等の國に下す符いえらく「彼の國の解いえらく、「凡そ所部の非違は国司が糺す所なり。若し糺劾せざれば法に罪を料こと有り。而して前の件は院宮諸家が偏に田宅を資財に就きて、國宰を経ずに直に家に符を放ち、郡司の雑色人等を召し捕る。勘責は禁固で、殆ど、囚人に過ぎる。或いは月涉りて免れず、已に家業が絶える。或いは日を経て繫被れ、遂公務を棄る。」

加 以 使 いと 為 す人、多く従類を率いて。追喚之間、酷く陵轢を加ふ。凡家長獨に召捕らり、姻擧げる、騒動す。妻子流冗し、親族逃竄す。国司之政、誰を以て辨を行わせんか。望み請らくは、官裁、件の事を停止す。若し、強く召す者有らば、即身を捕り、進上し、謹み官裁を請えす。

中納言従三位藤原朝臣の諸葛宣すらく。「「請へに依れ」てへり。此の國の部内は曠遠なり、庶務繁多なり。而して、今郡司・雑色ら犯過有ると稱し、強いて以て召し捕らえば、是の故行ふべく務め自ら時節を過ぎ、貢べく物、既にを以て懈怠す。望み請らく官裁。件らの國進え、使として來たる者身を捕らえるものを進上せよ。」てへり。

左大臣〔藤原の時平〕宣すらく。「「請えに依れ。諸國此れに准え。」

延喜五年 (905) 八月廿五日

## [英文]

The Council of State orders:

That various princely, royal, and noble families should be made to cease their calling up and investigating of district official functionaries without consulting the provincial governor

As to the above, there has been a complaint from Harima province as follows: “Orders sent down from the Council of State to such provinces as Yamashiro, Ōmi, Mino, and Kii state: ‘Complaints from these provinces say, ‘As a rule, crimes falling within their jurisdiction should be corrected by the provincial governors. If they do not investigate and correct [the crime], that is itself a crime.’ However regarding the previous matter, the royal, princely, and noble houses are determined to take the fields and houses as their own. Without going through the provincial governor, they send orders directly to the households, and they call up the various district officials and functionaries (for investigation). They judge those officials and functionaries harshly and make them into near prisoners. Some may spend a month without being let go. Their livelihoods (as district officials) cease and many abandon their official duties for days when they are so denied their freedom.

Moreover, many of [these](#) messengers command followers. [When they are assembled](#), they resort to [harsh](#) violence. [And when](#) a household [head is himself arrested](#), the household itself falls into [chaos](#). Wives and children [are impoverished](#) and relatives flee. [Who is then to help](#) the provincial governor carry out his administration?

What we [ask for](#) is a judgment of the [government—let this sort of thing cease](#). If there is [someone who takes \(district officials and functionaries\)](#) by force, then [that](#) person [should be] arrested and [sent up \(to the capital\)](#).’

(In regards to [all](#) this, we [again](#)) appeal [for a decision from the Council](#).”

(In response to such please) the Middle Counselor Junior Third Rank Fujiwara Ason [no Morokatsu \(the Council minister in charge of this matter\)](#) declared: “This [province’s](#) area is vast, and its government affairs numerous. However, even now some are claiming that [district chieftains](#) and low-level functionaries have committed crimes and [using force to arrest](#) them. [And because](#) of this, [their](#) duties are not [carried out](#) in time, and [collections are ignored](#). We ask that [there](#) be a [decision that affects all](#) provinces. [When such agents from the great houses](#) come out, [let them](#) be arrested and [sent up to the capital](#).”

In response [to this memorial from the Council] Minister of the Left (Fujiwara [no Tokihira](#)) proclaims, “Let it be as requested, in every province.”

Engi 5<sup>th</sup> Year ([905](#)), 8<sup>th</sup> Month 25<sup>th</sup> Day

## PAGE 625

### [原文]

太政官符

應禁断喫田夫魚酒事

右大臣{藤繼繩}宣被佯[僞]。奉勅。凡制魚酒之狀。頻年行下已訖。如聞。頃者畿內國司不導格旨。曾無禁制。曰茲殷富之人多畜魚酒。既樂產業之易就。貧窮之輩僅辦蔬食。還憂播殖之難成。是以貧富共競竭己家資喫彼田夫。百姓之弊莫甚於斯。於事商量深乖道理。

亙仰所由長官嚴加捉搦。專富[當]人等親臨鄉邑子細檢察。若有違犯者不論蔭贖隨犯決罰。永爲恒例。不得阿容。

延曆九年（909）四月十六日

### [訓讀]

だいじょうかんぶ  
太政官符

でんぶ うおぎけくらはしむるきんだん あたる  
田夫の魚酒 喫 禁断に於る事

右、右大臣{藤継縄}が宣せられていわく。勅を奉る。凡そ魚酒の制するの状。頻年行  
い下し已に訖ぬ。如聞、「頃者畿内國司格の旨を導ず。曾て禁制無し。茲に回り殷富  
人多く魚酒畜える。既に産業の就は易楽。貧窮の輩に僅蔬食を辨。還って  
播殖を成すに難憂す。是を以て貧富共に競い、すでに家資を竭し、彼田夫喫す。百姓  
の弊に於て斯れ甚しきなし。事に於て商量深く道理を乖く。よろしく所由を長官に  
仰せ、厳しく捉搦を加え、専ら富人等親郷邑を臨して子細を檢察すべし。若し違犯  
有らば陰贖論せず犯隨って決罰せよ。永く恒例と爲せ。阿容を得ず。

延暦九年（909）四月十六日

[英文]

Order from the Council of State

That the fêting of field workers with fish and sake should be prohibited

The Minister of the Right (Fujiwara no Tsugunawa) proclaims, “The royal order states: ‘The rule against (the fêting of field hands with fish and sake) has already been handed down many times. However we have heard ‘Of late provincial governors of the five inner provinces do not follow the purport of the supplementary laws and there are no prohibitions (being enforced) whatever. As a result, wealthy people pile up fish and sake and enjoy ease in their livelihoods (because they can hire workers easily). But the poor can only provide simple food, and as a result they worry over the difficulty of planting (their fields). So do the wealthy and the poor compete with each other, using up their household resources to feed field workers. There is nothing worse than when people starve. Having given this serious consideration, we find that this runs deeply counter to the way things should be. Let the official in charge resort to strong measures. Those in authority must oversee the countryside and investigate in detail. If there are crimes, no special privileges<sup>4</sup> will apply, and the punishment must be decided according to the crime. This shall become the practice going forward. Do not be swayed by flattery.’”

Enryaku 9<sup>th</sup> year (909) 4<sup>th</sup> month 16<sup>th</sup> day

<sup>4</sup> 陰贖