



# Rights of the Thai People to the Land Ownership During the Reign of King Rama II-V\*

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## Abstract

Since the late Ayutthaya to the early years of King Rama V, Thai people had the rights to own land. It reveals that any people in the *Phrai* system, either *phrai som* [male commoner with group-leader or *nai*/master], or *phrai luang* [the King's man]; whether they were *phrai* [commoner], *that* [slave], Chinese immigrants, or the alien captives from wars such as Mon, Laos, Cambodian, and Cham from Vietnam; all were allowed to have rights on land ownership under the conditions that they had to exploit their labours to develop the land until it became productive.

The said rights, for those who fell down the trees and cleared the forest, to turn an area into paddy fields, and dwelling or building village and town in the olden days, occurred not in the same manner as in the western world for they did not concern any kind of supporting papers. The rights which the state made available to the people at that time such as “permit to develop an area” or *bai-yieb-yam*, “certificate of initial ownership” or *bai-jông*; and “certificate

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bearing the red seal” or *tra-daeng* [issued to those who made use of the land and paid tax each year]. These papers were the instruments which enabled to state to keep account of the people who were making use of and took over which part of the land and to what extent, including the amount and rates of taxes to be paid.

In the event that a person happened to lose the papers signifying his ownership, he could still claim his rights by producing witness in persons to testify that the area has continuously been utilized by that particular person. At the same time the ownership over that said land property could be passed on to the heirs of the owner after his death\*\*.

Moreover, the rights over the land ownership of the Thai people was somewhat inter-related to the *nai/phrai* system, due to the fact that the *phrai* always has to share the yield out of the land property to his *nai* [master] and/or the King as may be applicable.

The conditions leading to the acquisition of land ownership by the Thai people, however, had changed as clearly been noticed since King Rama IV, namely: the state had introduced the method of land acquisition principally by the purchase and sales of the property.

Should the people wish to develop any area, he shall buy, from the respective official, the permit to develop the land at the beginning. Once the land had been developed and became productive it could then be exchanged with the title deed bearing the red-seal.

Such changes were the consequence resulting from the expansion of trading economy prior to the year 1855 (B.E. 2398), making the land property to become an item bearing high values during that span of the time, namely: the area could be used as sugar factories, rice mills, saw-mills; and in the growing of economic crops

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\*\* The case of *Amdaeng* [Mrs.] Sap and *Nai* [Mr.] Mek who claimed the rights over the land by calling witness in persons for they had no papers. See detail in, the NA., M., R.5 N.2/22.

for export such as sugarcane and pepper (After the year 1855 (B.E. 2398) the demand of rice for export were higher than sugar and pepper, so the plantation of such crops became paddy fields) as well as the developed area into important business center after the construction of roads and railway lines during King Rama V.

As the prices of the land property kept going up higher as such, it became more and more important that the elite began to stockpile land as being a kind the property of easy access instead of keeping labour forces to work on the land as before.

Once purchases and sales of land becoming more tense since the time of King Rama IV, the idea on the acquisition of ownership rights was somewhat effected, i.e., only the person who exploited his labours in developing such land became the lawful owner of the said land has been changed to the fact that those who invested the money to buy the land could also become the lawful owner of such land.

This constituted the conflict between the parties of the elite--as the investor but not directly spent man-power to exploit in the development of the said land--and of the people who only exploited his energy in the development. In order to solve the said conflicts, the state therefore employed the use of a new instrument in accordance with western standard, called the title deed or *cha-note*, in which the exact mapping location was shown. The document specified that only the person with name shown on the title deed was the legal owner of the land regardless of the method of its acquisition, if by the purchase or by exploitation.

## Thai People Had the Rights over Land Ownership since the Late Ayutthaya.

Majority of scholars<sup>1</sup>, who studied in the utilization and acquisition of land ownership of Thai people in Rattanakosin [Bangkok] until the time of King Rama V, have the same thinking that the Thai people did not have the rights to become the land owners because the laws of the country specified that the King was the only and sole owner of the land in this whole kingdom. Such idea of thinking was adopted by this group of scholars as the consequence of interpretation of the laws in accordance with section or *matra* 52 of **the Three Seals Laws [Legal Code of King Rama I], Phra Aiyakan Laksana Betset** [Miscellaneous Laws] of which the original text of the laws proper has been concisely transformed into the narrative of the present style that:

“Conflict between the parties  
 Each claiming ownership of land  
 Said to be inheritance  
 Has graciously been ruled by the King  
 That the land within the Kingdom  
 All belongs to His Majesty’s  
 Permissible to reside but not belong to”

<sup>1</sup> Such as the works of Somsamai Srisuthaphan [Chit Phumisak], **Chom Na Sakdina Thai Samai Patchuban [Thai Feudalism at Present]**, (Bangkok : Nok Huuk, 1996) and Chai-anan Samudavanija, **Sakdina Kap Phathanakarn Khong Sangkhom Thai [Feudalism and the Development of Thai Society]**, (Bangkok : Chulalongkorn University/Faculty of Political Sciences, 2519 [1976]). Other details, see Kanitha Chitchang “the rights of Thai people to land use and land ownership 1901-1925: A case study of the lower Chaophraya Basin” Ph.D. dissertation, Department of History, Faculty of Arts, Graduate School, Chulalongkorn University, 2004. Preface.

The main reason which led to the understanding that the Thai people did not possess the “Rights” over land ownership was that the interpretation of laws in this connection was the irregularity in selecting only certain parts of *matra* [article] 52 of **Phra Aiyakan Betset**. At the same time King Rama IV had his view point as shown in the announcement of *Krom Phra Nakhonban*\* during his reign that all the land within the kingdom belongs to His Majesty’s<sup>2</sup>, which indication added to the understanding that the Thai people did not have any rights over land ownership whatsoever.

As more study was made into other historical papers, it could be found that the people who were under *phrai* classification, whether they were Thai nationality or *phrai* of other races as well as *that* [slaves] and the Chinese immigrants who resided in Thailand for quite a long time, had the rights over land ownership. This was meant that all these people were allowed to take over and to become the owners of the land freely to any extent, but with the conditions that the land shall be utilized continuously and that the state should officially be informed<sup>3</sup>.

The basis upon which confirming the rights of these people over such land was **Phra Aiyakan Laksana Kabotsuek** [Treason Laws], *matra* 63 and **Phra Aiyakan Betset**, *matra* 54 which indicated that the state required manpower of the people to develop the land by clearing of forest thus the state may utilize in the build up of the dwelling home and town.

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\* an office in charge of all matters in Bangkok, quite similar to the Bangkok Municipality

<sup>2</sup> NA., R.5 N. 46.1/54.

<sup>3</sup> Thammasat University, **Pramuan Kotmai Rajakan Thi 1, Chulasakkarat 1166. [Code of King Rama I, Lesser Era 1166] Volume 2**, (Bangkok: Thammasart University Press, 2529), p. 212.

**Phra Aiyakan Laksana Kabotsuek, matra 63**

“As for the bare land without cultivation  
 People should be directed to move-in  
 So that taxes may be collected ...”<sup>4</sup>

**Phra Aiyakan Betset, matra 54**

“... if the land should be outside of  
 Bangkok, but owned by individuals;  
 Sales of such to be forbidden and  
 Neither shall be left bare land,  
 Head of the village and state officers  
 Shall put to work on the land ...”<sup>5</sup>

For that reason the people could move in and make use of land at their convenience. The land was largely abandoned during the late Ayutthaya and the early Bangkok<sup>6</sup>. A person may step in to own the land, but the rights over such piece of land was subjected to the conditions of its continuous utilization. Should any person abandon the land not utilizing in the production, the said person shall lose his right to others. However, on the basis of information recorded during King Rama III the state official had never confiscate the rights of the people who developed the land, but on the contrary, the person who deserted his land would have been urged to come back and grow more paddy<sup>7</sup>.

<sup>4</sup> Ibid., p. 487.

<sup>5</sup> Ibid., p. 217.

<sup>6</sup> Simon de la Loubère, **The Kingdom of Siam**, reprinted, (Kuala Lumpur: Oxford University Press, 1966), pp. 7, 18, 19.

<sup>7</sup> Ancient Documents Service, The National Library of Thailand (NLT), **Chotmai het Rajakan Thi 3, Chulasakarat 1205 [Records of King Rama III, Lesser Era 1205]**, no. 61.

**The Royal Chronicles of Bangkok** mentioned about *phrai* of other races such as Laos and Mon having the rights to select freely the sites for their settlement and could hold the ownership of land for instance Laos voluntarily selected to settle down at Kalasin and Sakon Nakhon<sup>8</sup>. But in some part, the state specified the area for settlement and utilization of land, for instance King Rama II allowing the Mons people to settle down at Pathum Thani, Nakhon Khuean Khan\* and Nonthaburi<sup>9</sup>.

At the same time, there was information which reveals that such people had the rights to give the land, which they owned and utilized for a long period of time, to their lawful descendants though there had been no supporting papers. Here is an example in the reign of King Rama V, Phya Ratanabodin submitted a case requesting removal (or chasing) of the Laos people who moved and resided in an area for quite a long period since the time of King Rama III. This particular case, the Primary and the Appeal Courts dismissed the case on the basis of section or *matra* 76 and gave the ruling that the land in question remained the property of the Laos people because of the fact that the said group of people had been making use of the said land continuously for more than 70 years though the land bearing no written papers signifying the rights over the said land<sup>10</sup>.

In addition, in **Prachum Prakard Ratchakarn Thi 4 [Collected Proclamations of King Rama IV]**, there was a mention about *Phrai Luang Lao Phuan* and *Lao Song-Dam* who

<sup>8</sup> Chao Phraya Thipakorawong Maha Kosadhibodi, **Phra Raja Phongsawadan Krung Rattanakosin Rajakan Thi 3 [The Royal Chronicle of Bangkok, King Rama III]**, (Bangkok: Fine Arts Department, 1995), p.115.

\* a town at the mouth of Maenam Chaophraya, founded in the reign of King Rama II, now a part of Samut Prakan.

<sup>9</sup> Prince Damrong Rajanubhab, **Phra Raja Phongsawadan Krung Rattanakosin Rajakan Thi 2 [The Royal Annals of Bangkok, King Rama II]**, Vol. 2, (Bangkok : Khuru Sabha, 1983), p.137.

<sup>10</sup> NA., R.5 N.3.3 Y/38 (Volume 1 of 2).

owned the land for paddy production in Phetchaburi where these *phrai* were paying for the taxes so levied upon them being the same as other people<sup>11</sup>.

William G. Skinner did mention many cases about the Chinese immigrants who migrated into Thailand since Thonburi Period until the early Bangkok which revealed that these Chinese were free to located such area of unoccupied land where they could move in to work on and gained the cadastral rights<sup>12</sup>, as well as with the rights to buying and selling of such land being the same as the Thai people.

The example was that in **Records of King Rama III**, it was noted down that the Chinese purchased the orchards in the area of Bang Krachao, Tha Chang, and Tha Phlap on the northern side of Tambon Phaya Chak<sup>13</sup> and selling the orchards in the area of Chachoengsao to King Rama III<sup>14</sup>.

Although the Chinese were excluded from being enlisted in the stratification of *phrai*, namely: they were exempted from sharing with the state the yields produced from the land. In time of short supply of grains, the state used to request the people, both Thai and Chinese, to grow more rice for supply to the state<sup>15</sup>.

Thai people on the slavery or *that* level also had the rights to own the land as may be evidenced by the case where a slave brought

<sup>11</sup> King Rama IV, **Prachoom Prakat Rajakan Thi 4** [The Collected Proclamations of King Rama IV], Vol. 2, (Bangkok: Khuru Sabha, 1985), pp. 191-193.

<sup>12</sup> G. William Skinner, **Chinese Society in Thailand: an Analytical History**, translated by Phannee Chatrapholrak and others, (Bangkok: Thai Wathana Panich, 1986), p.99.

<sup>13</sup> Ancient Documents Service, NLT, **Chotmai het Rajakan thi 3, Chulasakaraj 1201** [Records of King Rama III, Lesser Era 1201], No. 9.

<sup>14</sup> Ancient Documents Service, NLT, **Chotmai het Rajakan thi 3, Chulasakaraj 1207** [Records of King Rama III, Lesser Era 1207], No. 281.

<sup>15</sup> Ancient Documents Service, NLT, **Chotmai het Rajakan thi 3, Chulasakaraj 1194** [Records of King Rama III, Lesser Era 1194], No. 8.

against his master, requesting him to get away from the land which belonged to the slave and the Court did rule the matter in favour of the slave<sup>16</sup>.

Once a person moved into the land, utilized for production and claimed for ownership of the said land, he was required to confirm the period during which the land has been put into production. When he showed his interest in working on any piece of land, the state will issue a certificate to that effect to the said person. Once he was ready to work on the land for production, the state would issue to him the papers called *Bai Yieb-Yam* which would be good for a period of one year. If the land being utilized for a short period, the state would issue an initial ownership to cover such area, mostly for production of floating rice. But if the land shall be used for permanent rice cultivation the title deed, *cha-node tra-daeng* would be issued<sup>17</sup>.

The *cha-node tra-daeng* would be issued to the people only after the state had dispatched its representative to inspect the land use, or to conduct that was known as *karn dern suan dern na*.

*Karn dern na*, or the inspection of land use for rice growing, the state divided the paddy fields into two categories: *Na-Khu-Kho* and *Na-Fang-Loi*. *Na-Khu-Kho* yields based upon the usage of either rain water or water from the river, with 2 cows at work<sup>18</sup>, normally to area in the vicinity of Ayutthaya, Ang Thong, Lop Buri and Suphan Buri. [There's no need to inspect this kind of land usage, for the state received each year the exact amount of tax as

<sup>16</sup> Rajburi Direkrit, Prince. **Kham Pipaksa Kammakan Dika Bang Rueng**, Lem 2, Pi 121 Thung Pi 122, (n.p : n.d.), pp. 412-415.

<sup>17</sup> See detail in, Kanitha Chitchang, "the rights of Thai people to land use and land ownership 1901-1925: A case study of the lower Chaophraya Basin", pp. 23-24.

<sup>18</sup> See detail in, Prince Damrong Rajanubhab, **Phra Raja Phongsawadan Krung Rattanakosin Rajakan Thi 2 [The Royal Annals of Bangkok, King Rama II]**. Volume 1. (Bangkok: Khuru Sabha, 1983), pp. 47-48.

mentioned in *tra-daeng*.] *Na-Fang-Loi* means the cultivation in the area where only rain water could be provided. The state had to inspect this kind of paddy fields each year and would collect the taxes either in cash or in kind as could be seen by the remains of the paddy plants on the ground<sup>19</sup>.

For the inspection of orchards, or *karn dern suan*, the state would appraise the duties on the basis of tree-counts according to the kinds of trees. The rate of duties varied in accordance with different kind of trees and in accordance with the practices set up by the state as specified in the title deed, called *na cha-node* or *cha-node tra daeng*<sup>20</sup>.

The act, that people share its income out of the land with the state in the form of rice-field taxes or duties on the products out of orchard, formed the agreement between the state and the people. The people had to seek for protection from *mun nai* in return and with such protection, the person or *phrai* had freedom to perform many things.

If the person had no master or *nai*, the said man would be in a disadvantageous condition as far as the laws are concerned. In case of lawsuits, the Court of Justice would not accept any complaint if a particular *phrai* did not have his master to endorse himself<sup>21</sup>. The *phrai* therefore had to return to his master for protection and to endorse the rights by laws. He would be required to report to his master at such period of time specified by laws during each reign such as free corvee at certain time of the year.

<sup>19</sup> Ibid.

<sup>20</sup> See detail in, Kanitha Chitchang, “the rights of Thai people to land use and land ownership 1901-1925 : A case study of the lower Chaophraya Basin”.

<sup>21</sup> Chai Rueangsilp, **Prawat Sangkom Thai Samai Boran Khon Buddha Satawat Thi 25 [Thai Society Prior the 25<sup>th</sup> Buddhist Century]**, 3<sup>rd</sup> Edition, (Bangkok : Ton Aor Grammy Co., 1996), p.195.

At the growing season the Thai people or *phrai* would then be allowed to go back and work on his own land, as in the reign of King Rama IV, there was a case whereby the *lake wat* [labours of a certain monastery] were allowed to work on their own rice fields for 5 months consecutively, from the eighth through the twelfth month in the year of small snake, Lesser Era 1219 [B.E. 2400], or until the end of the rainy season<sup>22</sup>.

The act that the enlisted *phrai* and *lake* having gone back to work on the fields or orchards, the *phrai* has to pay for other respective duties or taxes such as *akon talat* [tax on selling goods in the market] and *akon kha nam* [tax on fishery earnings]. King Rama IV therefore graciously had a pity on free corvee or labours of his *phrai luang* who had to sacrifice and also paying various types of taxes. He therefore found suitable measures to drop some of the taxes by issuing the Protection Papers called *Tra-Phum* which may be used by the *phrai luang* against paying of the duties and taxes of *akon talat*<sup>23</sup>.

It could be seen from the above that since Ayutthaya to Rattanakosin [Bangkok] period, prior to the introduction of the Title Deed Act of Rattanakosin Era\* 120 [B.E. 2444 / A.D. 1901], the Thai people had the cadastral rights as the land owners, i.e., the rights in the utilization and in owning of land on the basis of exploitation in order to gain the ownership.

<sup>22</sup> Ancient Documents Service, NLT, **Chotmai het Rajakan thi 4, Chulasakaraj 1219 [Records of King Rama IV, Lesser Era 1219]**, No. 131.

<sup>23</sup> King Rama IV, **Raja Kitcha Nubeksa Nai Rajakan Thi 4 [The Royal Gazettes in the Reign of King Rama IV]**, (Bangkok : Original Press, 1997), p. 126.

\* The first year of Rattanakosin Era (R.E.) began with the foundation of Krung Rattanakosin (Bangkok City) by the Chakri Dynasty in B.E. 2324. Such year-counting-system was used after the Bangkok Centennial Celebration, in the reign of King Rama V, through the early years of King Rama VI, who changed the year-counting system to Buddhist Era since B.E. 2456.

## Transformation of Land Ownership from Exploitation by Labour to Paper Certificate

From the above, the Thai people gained their rights of land ownership by exploitation of their own labours turning a piece of land into rice fields, orchards and plantation and share the income therefrom with the state; making it not necessary for the state or the master had to own the land directly because the state required only the labours of the *phrai* to produce from the time the conditions started changing as from King Rama II.

The expansion of foreign trade, including China and the West, had caused the increase also in the yielding of such economic crops for export as the paddy, grains, pepper, sugarcane, resulting in a more effectful usage of the land other than to change the forest into paddy field but some of the vicinity had been used for the cultivation of specific economic crops.

The data collected by John Crawford, the British Ambassador who traveled to Thailand in the reign of King Rama II, stating that sugarcane for the production of sugar were mostly grown in the area of Bang Pla Soi, Nakhon Chai Si, Bang Pakong, Paed-Riew, especially in the vicinity adjacent to the river banks, the product would then be shipped to Bangkok<sup>24</sup>. In addition, there had been an area for pepper cultivation in Chanthaburi and Thung Yai<sup>25</sup>. During the reign of King Rama III, the policy was to persuade the people to grow plenty of sugarcane around Nakhon Chai Si and Chachoengsao for the production of more sugar<sup>26</sup> and during which time rice export from Thailand was average 200,000 piculs, pepper

<sup>24</sup> John Crawford, **Journal of an Embassy to the Courts of Siam and Cochin China**, (Kuala Lumpur : Oxford University Press, 1987), pp. 422-423.

<sup>25</sup> Ibid.

<sup>26</sup> Ancient Documents Service, NLT, **Chotmai het Rajakan thi 3, Chulasakaraj 1207 [Records of King Rama III, Lesser Era 1207]**, No. 281.

was about 60,000 piculs and sugar 30,000-70,000 piculs<sup>27</sup>. [1 picul = 60.48 Kg.].

The land being utilized in the production of agricultural industry such as the manufacture of sugar, production of pepper, construction of rice mills, and business center had increased in volume continuously since the reign of King Rama IV as well as King Rama V of which the export figures of sugar had reached 200,000 piculs in the year B.E. 2402<sup>28</sup>. Production of rice also increased both for local consumption<sup>29</sup> and for export purpose. In B.E. 2411, Thailand's rice export had reached 2,090,000 piculs<sup>30</sup> and by the year B.E. 2447 (A.D. 1904), at the end of King Rama V, the export of Thai rice had reached 845,084 tons<sup>31</sup> (approximately 500 million piculs).

Moreover, the act that Thailand exposed herself officially to trading with the western countries since B.E. 2398 (A.D. 1855)

<sup>27</sup> Worasak Mahatthanobon and Suphang Chantavanich, **Teochiu Chinese in Thailand and in the Nativeland at Chaosan, the Second Period, Zhanglin Port, 1860-1949**, (Bangkok : Thammasat University Press, 1996), p. 224.

<sup>28</sup> A few years later, several reasons caused the lessened of the sugar export, i.e., the owners of the sugar factory had to pay much tax, the intrusion of the salt water, see David Bruce Johnston, **Rural Society and the Rice Economy of Thailand, 1880-1930**, translated by Pornphirom Iamtham and others, (Bangkok : Thammasat University Press, 1987), p.9, and maybe the sugar factory owners might have to close the factory because of debt, see Ancient Document Service, NLT, **Chotmai het Rajakan thi 4, no date [Records of King Rama IV]**, No. 435.

<sup>29</sup> Ancient Documents Service, NLT, **Chotmai het Rajakan thi 4, Chulasakaraj 1225 [Records of King Rama IV, Lesser Era 1225]**, No. 100.

<sup>30</sup> Kitti Tanthai, "Canals and the Economic System of Thailand, 1824-1910", MA Thesis, Department of History, Graduate School, Chulalongkorn University, 1976, p.23.

<sup>31</sup> Prince Dilok Nabarath, **Siam's Rural Economy under King Chulalongkorn**, translated by Walter E. J. Tips, (Bangkok : White Lotus, 2000), p. 124

and the inflow of more Chinese immigrants<sup>32</sup> resulting in the government's expanding the land use into business center. Later on, in the reign of King Rama V, it was noticed that there were two main purposes of land use on the plain along the Lower Chaophraya river basin: for agricultural cultivation were normally within the vicinity of Bangkok, such as Ayutthaya, Pathum Thani, Nonthaburi, Samut Prakan etc., and for construction of business area within the Bangkok City, especially where there were the roads passing by such as Chareon Krung, Bamrung Muang, Fueng Nakhon, Yawarat and Rajdamnern.

The expansion of land use for cultivation, especially in the areas of rice growing around Pathum Thani and Samut Prakan, as well as the land use in growing orchards in Ratchaburi, Nakhon Pathom, Nonthaburi, was due to the canals construction. The network of canals construction from *Klong Damnern Saduak*\* to *Klong Prawet Burirom* connecting Ratchaburi to the outer of Bangkok, such as Samut Prakan and Chacheongsao, including the construction of *Klong Rangsit*, the canal running along the east of Bangkok, thus made it possible to develop areas for production of paddy rice very vastly<sup>33</sup>. Cultivation of paddy thus was increased by 300,000 rai in each year<sup>34</sup> (Despite the damages caused by plant rodents and insects, and the intrusion of salt water)<sup>35</sup>.

<sup>32</sup> See more details about Chinese Migration to Thailand in, G. William Skinner, **Chinese Society in Thailand : an Analytical History**.

\* means "to travel conveniently" as this canal linked Bangkok to the western part of Thailand.

<sup>33</sup> See the Cadastral Map about the network of canals for rice growing plantation in, Yoshikazu Takaya, **Agricultural Development of a Tropical Delta, a Study of the Chaophraya Delta**, translated by Peter Hawkes, (Hawaii : University of Hawaii Press, 1987), pp. 21, 58.

<sup>34</sup> David Bruce Johnston, **Rural Society and the Rice Economy of Thailand, 1880-1930**, p. 172.

<sup>35</sup> *Ibid.*, pp. 157, 164, 167, and NA. R.5 KS. 3/232.

Roadway within the vicinity of Bangkok, as well as construction of the railway lines had caused an expansion of land use in connection with trading business, especially where the roads passing by, the people always put up buildings on both sides of the roads to accommodate their business shops and for dwelling purposes particularly along such roads as Yawarat (B.E.2431), Suriwong (B.E.2441), Lan Luang(B.E.2441), and Rajdamnern (B.E.2444), where many of the westerners and the Chinese liked to live in. Majority of the building owners, normally were the Privy Purse Office (Acting on behalf of H.M. the King); his royal relatives or high ranking official such as Kromma Muen [H.R.H. Prince] Naradhip Prabhanphong, Kromma Muen [H.R.H. Prince] Sanphasat Suphakit<sup>36</sup>.

In the expansion towards the complication in regards to land use, it could be noticed that the state (in this case means the King), His relatives and the *khunnang* [nobles] tended to change their behavior in respect of the income from the land, from which they received as the shares given by the people, i.e., to acquisition by working on the land directly either by providing of representative to work on such as to hire labours to work in the place of his *phrai* whose role in this connection becoming lesser.

In particular, King Rama IV did takeover the land on both sides of *Klong Maha Sawat* for bestowing upon His Children. Also, those nobles acquired for land at no charges for their families as well as to sell to public. For example, Somdet Chao Phya Borom Maha Sri Suriyawongse took over the land along both banks of *Klong Dam Noen Saduak*<sup>37</sup>. The state however, had the intention

<sup>36</sup> See more detail in, Sayomporn Tongsari. "The Impact of the Building of Roads in Bangkok During the Reign of King Rama V (1868-1910) : a Study in the Area within the City Wall, the Northern and Southern Parts of the City". MA Thesis, Department of History, Graduate School, Silpakorn University, 1983.

<sup>37</sup> Chai Rueangsilp, **Yod Khon [The Great Man]**, (Bangkok : Rueangsilp, 1981), pp. 75-77.

to have direct control of land since the time of King Rama III although such intension could not be spelled out as being done during King Rama IV.

The method of land ownership by the state as being used in King Rama III was that the state pin-pointed a state owned piece of land for production of specific agricultural crops desired by the state by exempting the payment of another form of tax called “*suai*” collecting in kinds from the *nai/phrai* System. For example, King Rama III spent his own money buying the 30 rai of land in Chacheongsao from *Nai* [a Thai man named] Ma and *Chine* [a Chinese named] Dee for the construction of the government sugar factory<sup>38</sup>. In addition, there existed the method of controlling another method of land use, namely; the appointments of taxes and duties collecting agents [called *Chao Bhasi Nai Akon*/the tax farmer]. Normally the collecting agents were those local people who were normally the Chinese voluntarily offered themselves via the governor, to do the taxes collection within the designated tax area. In the reign of King Rama III, 33 items of new taxes and duties were enforced. Mostly were agricultural and miscellaneous products from the forest<sup>39</sup>. The introduction of collecting agents [or tax farming system] was one way of controlling effectively. The use of land by a close-watch under the supreme command of the King as the system was designed for the people to make use of the system to the maximum.

Along with the expansion of the township by lots of construction<sup>40</sup> from the reigns of King Rama II to King Rama III

<sup>38</sup> Ancient Documents Service, NLT, **Chotmai het Rajakan thi 3, Chulasakaraj 1207 [Records of King Rama III, Lesser Era 1207]**, No. 281.

<sup>39</sup> Chao Phraya Thipakorawong, **Phra Raja Phongsawadan Krung Rattanakosin Rajakan Thi 3**, p.151, see more detail in Yada Prabhaphan, **Rabop Chao Phasi Nai Akon Samai Krungthep Yuk Ton [Tax Farmer System in the Early Bangkok Era]**, (Bangkok : Saang San), 1981.

<sup>40</sup> See detail in, Kanitha Chitchang, “the rights of Thai people to land use and land ownership 1901-1925 : A case study of the lower Chaophraya Basin”.

was another means to control the ownership and utilization of the land via the ethnic groups with their headmen or chiefs, captured during fighting or enlisted for use of labour as *phrai luang*. These people included those who ran away from the war, along with their headmen or chief, who in turn were absorbed the *nai/phrai* system, bestowed upon by the King, the rank of Chao Phya, thus commanding their men doing the crops growing with the land bestowed upon. Many areas given to these ethnic groups were large enough for establishment of a town and consequently the headmen were appointed governors directly under the command by Bangkok. These ethnic groups have to pay for the taxes and duties, either in kinds or in cash, such as rice, sugarcane, pepper against which these people would have the cadastral rights over the land used by them.

The act that the state decided to change its concept against direct interest in the ownership of the land during King Rama IV was that the land utilization had been more complexes and the state began to realise the value occurred within the land itself and not the value available within the labours of the *phrai* anymore. As a consequence, the state tried in all respect since King Rama II's reign to manage and to utilize the use of land directly. As this could be seen that the state had loosen its control over the command of *phrai* by reducing the period of free corvee from 6 months to only 2 months per year. In such case, the state would collect cash payment from *phrai* in place of free labour until finally the practice had been abolished at about the time it was replaced by Proclamation of the Hire of Labour Act of B.E. 2444 about the same time as the Land Title Deed of R.E. 120 (B.E. 2443).

The fact that land has become valuable by itself thus led the state, royal relatives, the noble officials and the foreigners to wish to own the land, therefore acquired for land ownership within and around the suburbs of Bangkok where the land was found suitable for cultivation as well as the area in the heart of Bangkok city where the trading zone was situated. Such area as the land

which Somdetch Phranangchao Sawabhaphongsri [H.M. the Queen] acquired without charge for 200 rai in the vicinity of Rangsit, and those belong to Phra Ong Chao Dilok Nobarath [H.R.H. Prince Dilok] which was situated along Klong Damnern Saduak. As for the area for usage in business trading it was normally owned by the Privy Purse Office – particularly the area where there were road constructions as previously stated. This group of land owners did not make use of the land by their own, but to look for suitable lessees otherwise to hire the Chinese labours to carry out the work on the land. Such act had turned the investor into landowners which means that money was the instrument in the developing of the land. The very clear example was that the Privy Purse Office who invested in the construction of roads and own the rights of way along the roads as well as to become the owners of buildings on both sides of the road; or another example was the representative of Prince Dilok who did invest in the digging of the tertiary canals in order to permit irrigation for rice cultivation and for leasing the land to the people for growing rice<sup>41</sup>. The acquisition of land in such case was not the same as those acquired by the people, i.e., the land should be used for production before the owner's right became effective<sup>42</sup>. Thus always caused the conflict of interest between the land owners being the investors and the people being the exploiters, as in the case of people leasing the land which belonged to Prince Dilok but it was claimed by the leaser on the legal point that the land was occupied by the leaser for a very long period without any attention from the original owners<sup>43</sup>.

<sup>41</sup> NA. M.-R.5, KS. 3.3/33.

<sup>42</sup> It was prescribed by King Rama IV that all people who wanted to get the land property have to buy *bai jong*, see Kanitha Chitchang “the rights of Thai people to land use and land ownership 1901-1925 : A case study of the lower Chaophraya Basin”.

<sup>43</sup> NA. M.-R.5, KS. 3.3/33.

Even though ruling by the Court of Justice over the conflict was not confirmed by documentation, it could be considered as being a case study which led to the Proclamation of the Land Title Deed Act of R.E. 120 (B.E. 2444) where the state agreed to accept the rights over the ownership by the person who did not make the development of the land by himself. This could be explained in the ministerial order in connection with the Land Title Deed Act of R.E. 120 in which it was stated that the ownership belonged to both “the investors” and “the exploiters”<sup>44</sup>. In all cases, either the investors or the exploiters would be considered the lawful land owners only when the necessary papers, i.e., the Land Title Deed, which was announced in B.E. 2444, had been issued in their names.

The matter could be seen from the ruling by the Court of Justice on the conflict over land ownership between M.R. \* Suwabhan Snidvongse and a man who moved in and developed the land used to belong to M.R. Suwabhan for a very long time until a Land Title Deed was legally issued to the said man. It took the Court of Justice quite a long time to decide on the ruling of the land, the court pronounced the man as the case winner because he submitted the supporting written documents testifying the land being utilized by him<sup>45</sup> regardless of the claim by M.R. Suwabhan that the said land situated in Pathum Thani was bestowed upon his father, Phra Ong Chao Sai Snidvongse, by King Rama V. The proclamation of the Land Title Deed Act of R.E. 120 therefore became the measures which the state had chosen as a compromise between the land owners and the people and for the acceptance of the rights over the ownership as well.

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<sup>44</sup>NA. M.-R.5, KS. 4/7.

\* *Mom Rachawongse* is the title indicates the tie of royal relations but could not be counted as a Prince. It means that the person is a son/daughter of a father with a title of *Mom Chao* (M.C.), the son of *Phra Ong Chao* (mostly the sons of H.M. the King, whose mothers are not in ranks of Royal Wives).

<sup>45</sup>NA. M.-R.6, RL. 26.2 K/1-5.

## Conclusion

The economic growth since the reign of King Rama II was the master factor to change the form of the people's rights on land ownership which was based on the customary social contact between *Phrai* (commoner), *That* (slave) and *Nai* (master) to turn to the manner rights in the western world. The western rights to land ownership would become effective for those who were issued their names in the Land Title Deed only. The said of these phenomena should be explained under the condition of the changing of the land values, which the Thai Elites judged that they were more important than to control the *Phrai* (commoner), because of the varieties of land use. So the Elites tried to become the owner of land by purchase or investment. But they have no potential to exploit the land by themselves, that's why they had to use the labours to turn an area into paddy fields. *Phrai* (labour, commoner) had the different way of thought on land ownership. They understood that when they exploit the land they would have rights to own the land like the older days, even though that land would belong to the investors. The announcement of the Land Title Deed in B.E. 2444 was one way to compromise the conflict between the investors and the exploiters on land since then.

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