

Modern Siam and the Map title Deed*

Kanitha Chitchang

*History Department, Faculty of Social Sciences
Kasetsart University*

fsocketc@ku.ac.th

Abstract

The introduction of the Map Title Deed during the reign of King Rama V of the Rattanakosin era is one of the indicators that showed that Siam was in the process of Modernization. It was an important mechanism for the Thai Elite to use as tool to centralize their power under the bureaucratic administration, because the Government could check on who owned any land, and who was residing there, especially with regard to the Chinese. As the complexities of land use increased, especially in the area of the lower Chaophraya-Basin, there was increased conflict between the State and the commoners based on “what kind of persons” could own land, with arguments between those who could afford the high land prices and those who wanted to exploit the land by themselves. The Government resolved these problems by an edict on the Map title Deed, so that anyone who had registered land was considered the owner. Moreover, the Deed could also be used to clear up any conflict by differentiating between the State’s property and private ownership.

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Introduction

“The factors leading to the issue of Map Title Deed” presented one of the major problems in Thai history, because, in fact, over the past 20 years, debates have occurred among the scholars on the community’s rights and whether the Thai people did have such rights (Anan Kan Chon Phan, 2001). This debate arose from the many cases in the courts in which there were conflicts between the Thai people and the Government concerning the tenure throughout most of North and Northeast Thailand. The conclusion of the researches (Kanitha Chitchang, 2004, pp.1-131.) on the tenure system showed

That the Thai people had the rights especially in the form of community rights. For this reason, any study of the Map Title Deed should make clear the point that besides the community rights, there were also individual rights, in the form of a ‘social contract’ between the State and the Thai people, which the government had recognized by tradition and law, especially in the area of the lower Chaophraya Basin. Moreover, the second part of the problem in Thai history about the modernization was to clarify that the mapping in Siam during the reign of King Rama V not only served the international political strategy (Thongchai Wi Ni Chot Kun, 1995) of the time but also served the plan for the modernization process too. Thus, it is necessary to be concerned with the minor points in the historical framework that help to explain the history of mapping in a holistic manner.

The main purpose of this article is to prove that modernization is one of the major factors leading to the edict on the Map Title Deed. Over the past 40 years, almost all scholars who have studied land tenure in Siam have explained the factors leading to the State edict on the Map Title Deed from two points of view.

The first group consists almost entirely of, Thai scholars. Prince Dilok Nabarath (Prince Dilok Nabarath, 2000.) and Prince Rajaburi Direkrit (Prince Rajaburi Direkrit, 1959.) were the first to explain that the Edict arose from a compromise among the Siamese who were quarrelling about land ownership. After their papers had been published, other publications, such as Master degree thesis from Chulalongkorn University used this reason to explain why the Edict was issued during the reign of King Rama V. (Noppharat Nu Sot Tham, 1987.) The limitation of this group's position is that they sought only to clarify that there was quarrelling among the Siamese, and not specifically that there were the conflicts also about land ownership between the State and commoners. A case in point is that of Mrs. Sap (Amdaeng Sap) and Mr. Mek (Nai Mek) (Eksarn Krasuang Nakorn Barn [Document of the Ministry of Municipal Affairs], Anon., n.d.) who having lost their lands for the constructing of a railroad project, tried to seek compensation from the Government, even though they had no certificates that proved their ownership. Finally, the Government consented. This case shows that eventually, the State had to push the edict on the land registration law to prevent conflict about land ownership between the State and the Siamese.

The second group, involving people such as David Feeney (David Feeney, 1992.) argued that after capitalism came to Siam in the nineteenth century, the value of land increased. Land was commodity and it had a price, especially because of the expansion of the paddy fields for the purpose of providing rice as a world trading commodity. Moreover, he suggest that the easy way for the Government to collect taxes was via the Edict, since this could be used by the government to prove who owned the land. Since then, almost all researchers working on the land tenure system in Thailand such as Chutharat Bang Yi Khan (1993, pp. 34-35.) and Achara Rakyutitham (2005) have explained the issuing of Map Title Deed in the same way. The limitation of this group's position is that they were concerned only about the short term cause, and ignored the long term causes, especially the process of modernization and the complexity of land use, particularly in the lower Chaophraya Basin since the early Rattanakosin era.

The two points of view above were the immediate causes for the government to issue the Edict. However, additionally, the underlying causes and especially the process of the modernization in Siam is more important, in the memorandum of RolinJaquemyns, The General Advisor of King Rama V(1996),he suggested that the process of modernization in Siam should include “ the organization of property, survey, and land registers”. The majors purpose of this article is to analyze the components involved in the General Adviser’s opinion.

1. Rights of Thai people to land ownership before modernization

Fromat least the period of late Ayuthaya until early in the creation of Bangkok (or the early Rattanakosin Era) the Thai people had the right of land use and land ownership by the “social – contract” between the State and the commoner [phrai](Kanitha Chitchang,2006,pp.66-90) The title deed wasn’t important at that time, because there was much more land than commoners could occupy. At the same time the State needed the commoners to develop the land by clearing the forest, so that the State could utilize the buildup of the number of dwellings and homes to form towns. For this reason the people or commoners could move in and make use of land at their convenience. However, the rights over such a piece of land were subjected to the conditions of its continuous utilization. If any commoner abandoned land , so that it was not being used productively, that person would lose any right over the land to others, Even so, on the basis of information recorded during the time of King Rama III, state officials never confiscated the rights of people who developed land, but on the contrary, the person who had deserted the land would have been urged to return and grow more paddy *Chotmai het Rajakarn Thi 3, Chulasakarat 1205 [Records of King Rama III, Lesser Era 1205], no.61.*(Anon.,1843)

Moreover not only Thai people but, commoners of other races, such as Laos, Mons, and Chinese (even though the slaves) had the rights to select freely the sites for their settlement and could own land (Prince Damrong Ra Chanu Phap,1983).

At the same time, there was information which reveals that such people had the rights to give land, that they had owned and utilized for a long time, to their lawful descendants, even though there were no supporting papers. As an example in the reign of King Rama V. Phraya Rattanabodin submitted a case requesting, an area for quitet a long time since the reign of King Rama III .In this particular case, the Primary and Appeal Courts dismissed the case on the basis of Section or Matra 76 of three seals law ruling that the land in question remained the property of the Laos people because they had been making use of the land continuously for more than 70 years, though there was no certificate signifying any rights over that land.*R.5.N.3.3 Y/38 (Volume 1 of 2)(Anon,n.d.).*

There were many cases during this reign that were the same as the case of Phraya Rattanabodin's and the people who had lost their certificate could claim their rights to land ownership such as in the case of Mrs.Sub and Mr. Mek.*R.5 N.2/22. EkasarnKrasuangNakorn Barn [Document of the Ministry ofMunicipal Affairs](Anon,n.d.).*

Thus, the title deed or “ChanodeTraDaeng” at hat time was not important neither for the commoner nor the official. However, the land had to be used for productive purpose before the owner's right became effective.

2. The process of how to claim ownership rights before the rise of nation – state

When the people showed an interest in working on any pieces of land, the State would issue a certificate to that effect to that person. If the person was ready to work on the land for productive purpose, the State would issue a paper called “Bai – Yiebyam” which was valid for one year. If the land was being utilized for a short period, the State would issue initial ownership to cover such an area called “Chanodetrachong” mostly for the production of floating rice. However if the land was used for permanent rice cultivation, the State would issue the title deed or “ChanodeTradaeng” to the worker (Kanitha Chitchang, 2004.). Through the social contract between the State and the commoner, the commoner shared his income from the land with the State in the form of rice - field taxes or the duties on the products out of the orchard.

3. Modernization and it's necessity of the issue of the map title deed

First of all, it is necessary to define modernization within the scope of the process of building up the “Nation – State” during the reign of King Rama V. To do this, it is necessary to take issue with Thongchai Wi Ni Chot Kun (1995), because the meaning of the sovereignty of the Nation State can be explained not only from the concept of space in the western style, but also based on the separation of territory between the Thais and the state of Imperialism. The sovereignty of the Thai Governor involved going through the bureaucratic administration as well as the codification .Land registered under law and the Map TtitleDeed were one step of this new administrative process.

The bureaucratic administration that was established as the variety in land uses increased, made it necessary for survey work involving cadastral and national mapping to commence at the same time (1881 – 1893) as noted by Sir James A. McCarthy (1994,p.vii,p.5) :

“The Siamese Survey Department, now provided with a numerous staffHave settled down to regular cadastral work. Their labours are facilitated by The large - scale surveys near the capital, and by the chain and compass Preliminary surveys of the districts in the valley of the Me Nam Chao Pia..”

And:“ While the large – scale surveying of Sampeng was being prosecuted, I had to go to map the country in the valley of the Me Tun...”

This could be considered to prove that the Governor’s sovereignty for the internal state administration was very important, since at that time, the trouble with the Chinese was becoming serious. They had formed themselves into the form of Mafia (known as “Angyee”). King Rama V (n.d.) was concerned about this problem as it was a criminal offence and challenged his absolute power.

“...We thought of Angyee for a long time, We should have the law to prevent and beat it,

The same as the Strait Settlement had,

These criminal news go far to Europe, that the

Chief of Angyee had more power than the King..”

During the Modern Siam Regime, there were two activities, that required the organization of property and laws on land registration, firstly the expansion of land use and secondly the establishment of the “Monthonthesapiban” administration.

3.1 The expansion of land use and the organization of property

The expansion of land use in Siam was complicated by the fact that it was not clear which land belonged to whom. Factors involved were:

- The expansion of villages in the northern part of Siam since the reign of King Rama III .
- The expansion of the paddy fields and orchard

The expansion of foreign trade, including with China and the West, had driven increased yields of economic crops for export including paddy, grains, pepper and sugarcane, resulting in a more fruitful usage of the land other than just converting the forest into paddy field with some vicinities being used for the cultivation of specific economic crops.

Data collected by John Crawford (1987, pp. 422-423), the British Ambassador who traveled to Siam in the reign of King Rama II, stated that sugarcane for the production of sugar was grown mostly in the area of Bang Pla Soi, Nakhon Chai Si, Bang Pakong, Paed-Riew, especially in the vicinity of the river banks, and the product would then be shipped to Bangkok. In addition, there had been an area for pepper cultivation in Chanthaburi and Thungyai (Crawford, 1987, pp. 422-423). During the reign of King Rama III, the policy was to persuade the people to commit land around Nakhon Chai Si and Chachoengsao for the production of more sugar (Chotmaihet Rajakanthi 3, *Chulasakaraj 1207 [Records of King Rama III, Lesser Era 1207]*, No. 281. (Anon, 1845) during which time rice exports from Siam averaged 200,000 piculs, pepper exports were about 60,000 piculs and sugar was 30,000-70,000 piculs (picul = 60.48 kg.) (Won Sak Mahatthanon Bon and Su Phang Chantha Wanit, 1996, p. 224).

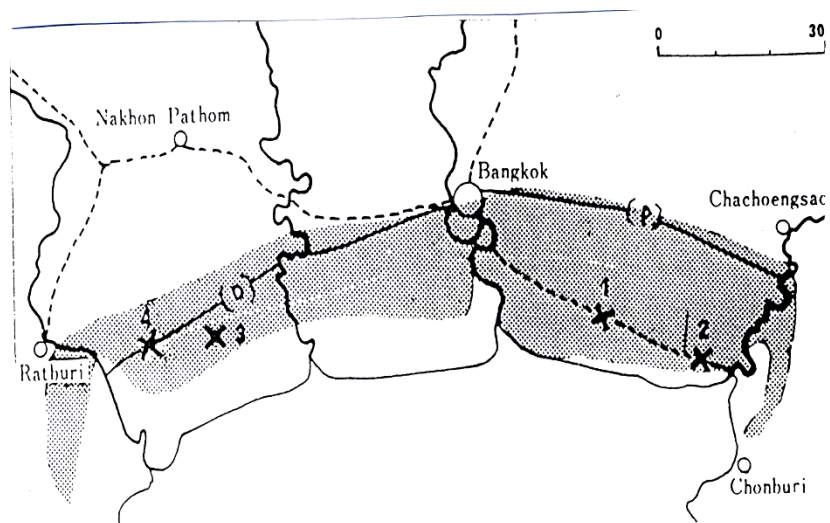
The land being utilized for agricultural production, such as the manufacture of sugar, production of pepper, construction of rice mills, and for business centers had increased in size continuously since the reign of King Rama IV as well as in the reign of King Rama V by which time the sugar exports had reached 200,000 piculs in the year BE. 2402 (Johnston, translated by Phon Phi Rom Iamtham and others, 1987, p. 9). Production of rice also increased both for local consumption (Chotmaihet Rajakanthi 4, *Chulasakaraj 1225 [Records of King Rama IV, Lesser Era 1225]*, No. 100. (Anon, 1863) and for export. In BE. 2411, Siam's rice exports had reached 2,090,000 piculs (Kitti Tan Thai, 1976, p. 23) and by the year BE. 2447 (AD. 1904), at the end of the reign of King Rama V, the export of Siamese rice had reached 845,084 tons (approximately 500 million piculs) (Prince Dilok-Nabarath, 2000, p. 124).

Moreover, since BE. 2398 (AD. 1855) the deliberate action by Siam to open up her borders officially to trading with western countries and the inflow of more Chinese immigrants (Skinner, 1986) resulted in the government expansion of land use into a business center. Later on, in the reign of King Rama V, it was noticed that there were two main types of land use on the plain along the Lower Chao Phraya river basin: for agricultural cultivation normally in the vicinity of Bangkok, such as at Ayutthaya, Pathum Thani, Nonthaburi, Samut Prakan etc., and for the construction of business areas within Bangkok City, especially where there were major roads,

such as Chareon Krung, BamrungMueang, FuengNakhon, Yaowarat and Ratchadamnoen.

The expansion of land use for cultivation, especially in the rice growing areas of around PathumThani and SamutPrakan, as well as the land under orchards in Ratchaburi, NakhonPathom and Nonthaburi, was due to the construction of canals. The network of canals constructed from *KhlongDamnoernSaduak* (means “to travel conveniently” as this canal linked Bangkok to the western part of Thailand) to *KhlongPravetBuriRom* connected Ratchaburi to the outer parts of Bangkok, such as SamutPrakan and Chachoengsao, and included the construction of *KlongRangsit*, the canal running along the eastern side of Bangkok. Thus it was possible to develop vast areas for the production of paddy rice (Takaya, 1987, p.21,58). Consequently, cultivation of paddy increased by 300,000 rai each year (Johnston, 1987, p.172) (despite the damages caused by plant-eating rodents and insects, and the intrusion of salt water) (Johnston, 1987, p.157,164,167 and R.5 KS. 3/232, n.d.)

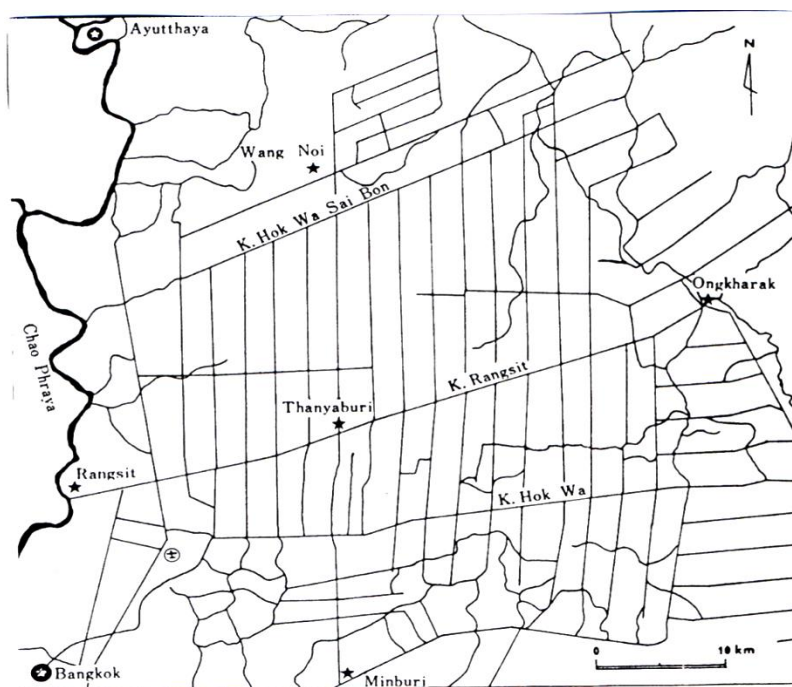
- The expansion of irrigation projects, such as the DamneunSaduek, Pravetburirom and Rangsit canals, along the western and eastern banks of the Chao Phraya River to serve the expansion of paddy fields and orchards



D =DamnoenSaduak

P =PrawetBuriRom

source: (Takaya,1987, p.58).



The Irrigation Project at KhlongHokWa

source: (Takaya,1987,p.21)

With the expansion in land use, the State tended to change its behavior with respect to the income received from land, as the “share” given to the State by the people, that is, by working on the land directly or by providing a representative for him, or by hiring labourers to work in the place of his *sphrai* whose role in this connection was reducing.

In particular, King Rama IV reclaimed land on both sides of *KlongMahaSawat* for bestowing to His Children. In addition, at no charges, nobles acquired land for their families and also to sell to the public. For example, Somdet Chao PhyaBoromMaha Sri Suriyawongsetook over land along both banks of *KlongDam NoenSaduak* (Chai Rueangsilp, 1981, pp.75-77). The State however had had the intention of direct control of land since the time of King Rama III, although such an intention was not made as clear as was being done during the reign of King Rama IV.

During the reign of King Rama IV, the State decided to change its thoughts against direct interest in the ownership of the land because land utilization had become more complex and the State began to realize that the value was within the land itself and not attributable simply to the labours of the *phrai*. As a consequence, in all respect, the State tried to manage and to utilize the use of land directly. To accomplish this goal the state loosened its control over the *phrai* by reducing the period of free corvee from six months to only two months per year. In such cases, the state would collect a cash payment from *phrai* in place of the free labour until finally the practice was abolished at about the time it was replaced by Proclamation of the Hire of Labour Act of BE. 2444, which was about the same time as the Land Title Deed of R.E. 120 (BE. 2443). (or what is referred to in this paper as the Map Title Deed)

Thus the fact that land had become valuable in its own right resulted in the State, royal relatives, noble officials and foreigners wishing to own land, and, therefore, all these parties acquired land within and around the suburbs of Bangkok where the land was suitable for cultivation as well as in the heart of Bangkok city where the trading zone was situated. Such an area was 2000 rai of land which SomdetchPhranangchaoSawabhaphongsri [H.M. the Queen] acquired without charge in the vicinity of Rangsit, and the land belonging to Phra Ong Chao DilokNobarath [H.R.H. Prince Dilok] which was situated along KlongDamnernSaduak. Land use in business-trading, was normally owned by the Privy Purse Office – particularly any land use for road constructions. This group of owners did not make use of the land on their own, but looked for suitable lessees, or otherwise hired Chinese labourers to carry out work on their land. Such behaviour turned the investors into landowners which meant that money was the principal instrument in the development of the land. A very clear example was the representative of PrinceDilok who invested in digging tertiary canals in order to permit irrigation for rice cultivation and to lease his land to people for growing rice *M.-R.5, KS. 3.3/33*(Anon.). The acquisition of land in such cases was not the same as for land acquired by the people, that is, where the land had to be used for production before the owner's right became effective.

As mentioned above, the expansion of the trading economy prior to the year 1855 (BE. 2398), caused land to become an item of high value during that time .As the price of land kept increasing ever higher, it became more and more important for the elite to stockpile land as a kind of asset that was readily convertible into cash, instead of keeping a labour force to work on the land, as before, The land was developed into a commodity for the absentee landlords (or for the land owners if they were investors), and this required a new system of tenure. A conflict of interest arose between the absentee land lord and the people doing the development, as in the case of people leasing land which belonged to Prince Dilok where it was claimed by the lessee on a legal point that the land had been occupied by the lessee for a very long period without any attention from the original owners *M.-R.5, KS. 3.3/33*(Anon.). Even though the ruling by the Court of Justice over the conflict was not confirmed by documentation, this could be considered as being the case study which led to the Proclamation of the Land Title Deed Act of R.E. 120 (BE. 2444) where the State agreed to accept the rights over ownership by the people who had not developed the land themselves. This could be explained in the ministerial order in connection with the Land Title Deed Act of R.E. 120 in which it stated that the ownership belonged to both “the investors” and “the exploiters” *M.-R.5, KS. 4/7*.(Anon.). In all cases, either the investors or the exploiters would be considered the lawful land owners only when the necessary papers, that is, the Land Title Deed (or the Map Title Deed), which was announced in BE. 2444, had been issued in their names. Furthermore, this explains why private ownership became so important at this time too.

- The expansion of infrastructure during the reign of King Rama IV and King Rama V.

The provision of infrastructure, considered in terms of the development of events during this period, related to the construction of roads, streets, and railways that were perceived as crucial to the establishment of provincial administration and governorship, as the existence of such infrastructure made travel and transportation easier for the people. It had always been stated in the proclamation that roads or streets were to be built, especially where they passed through communities (For instance, the Royal Decree on the construction of the street in part of the Hualumpong community destroyed by fire) *Ratchakitjanubeksa* 34, (1917, p.580.), The construction of roads, streets and railways not only served a strategic purpose related to the centralization of administrative power, it contributed also to the development of commerce along either side of roads, streets, and railways. The purpose of the building Rajadamnoen Avenue was to facilitate the development of commerce R..5 9/41. *Document produced by the Ministry of Constructional Work on the Streets in the District of Panthom* (Anon). Construction of roads or streets affected landowners, as they were legally deprived of land and the State was obliged to provide proper compensation to them. The use of the “Map Title Deed” facilitated attempts to check the identities of the landowners whose land was to be expropriated and to prevent them from erecting buildings on the land designated as the sites for the construction of a road or street R..5 9/41. *Document produced by the Ministry of Constructional Work on the Streets in the District of Panthom* (Anon).

The importance of using the “Map Title Deed” in checking the ownership of land before initiating the projects involving the construction of roads or streets became evident during the reign of King Rama VII. Such importance was reflected in what was stipulated by article 5 *Ratchakitjanubeksa* (1931, pp.357-365) with regards to mapping the areas designated as sites for the construction of roads or streets. The task of mapping these designated areas was required to be carried out by the Department of Land and the Department of Metropolitan Affairs (the current researcher suggests this might have been renamed as “the Department of Administration”, which is still functioning today)

During the reign of King Rama V, the Government require land in the vast area for the construction of 932 kilometers of railways, with 690 Kilometers remaining to be built (*research report:The Summary for the Executives in the Fiscal Year of 2004Regarding“The Utilization of the Expropriated Land”* cited in Senate,2008,p.75)⁷ Thus, it was obvious that the State needed vast areas of land. Railways construction was comparable to the construction of roads and streets ⁸ The availability of Map Title Deeds facilitated the check of ownership that was required .⁹ The information obtained from the check of ownership enabled the authorities to determine the proper compensation, to prohibit the erection of buildings on the land where the railways were planned to run, and to designate areas of land as sites for the construction of such facilities as platforms ¹⁰. (The checking of ownership was also for the purpose of controlling the “Angyee” that has been mentioned earlier on page 5.) At the same time the Map Title Deed could be used to distinguish between official sites and the land of the commoner’s.

⁷Colonel NaiyanaKerdvichai, research report:The Summary for the Executives in the Fiscal Year of 2004Regarding“*The Utilization of the Expropriated Land*” p.75 referred to in [www.senate.go.th/wed-senate/research47/101.htm][cited 1 July 2008].

⁸The Proclamation Made by the Ministry of Construction with Regards to the Construction of Petchburi Railway, Ratchakitjanubeksa[Record of the Royal Orders] Book 16, 16th July AD.1899, p.202.

⁹ The Proclamation Made in Advance with Regards to the Survey of Land to be Designated as the site for the Construction of Arunyapraphet Railway. Record of the Royal Order Book 38, 12th February AD.1921, p. 3431.

¹⁰ The Additional Proclamation made by the Ministry of Construction with Regards to the Construction of PetchburiRailway,Ratchakitjanubeksa[Record of the Royal Order] Book 17, 31st March AD.1900, p.764.

3.2 The new form of the administration: “MonthonThesapiban”

The use of land by the State was marked by the need for the management of land used to facilitate the establishment of [MonthonThesapiban] provincial administration and governorship, as the administrative power became centralized in the hands of the King. Administration of the state was systemized in hierarchical order, with: villages subordinate to “Tambons” “Tambons” subordinate to “Ampurs” (districts) “Ampurs” subordinate to towns and towns (which became provinces in the reign of King Rama VI) were subordinate to MonthonThesapiban . Provincial governors or “KaluangThesapiban” were to report to the Interior Minister, while the Interior Minister was to report to the King ¹¹. The establishment of a provincial administration and governorship required the demarcation of the areas of land that constituted towns, with several towns forming provinces.

¹¹ See more details in WudthichaiMoolsilpa and

SomchokeOngsakuleditors,KarnPatiroopMonthonthesaPiban[The Provinces : Comparison of academic] papers produced by Social Science Association of Thailand (Bangkok: Saengrung publishing house). Towns were exalted to “Changwat” during the reign of King Rama VI.



Source: Map featuring the location of “Monthonthesapiban” (groups of provinces) /
[Provincial].(online) available at : www.en.wikivisaul.com/index.php/Monthon
[accessed 26 August 2008].

The use of maps was crucial to the establishment of [Monthon] / provincial administration and governorship because maps were used to demarcate areas of land that were to be designated as villages, Tambons, and Ampurs (district). The demarcation of areas of land was carried out by order of the central government in Bangkok.¹² The process of demarcation started before AD.1897, when the cartographic department embarked on nationwide exploration and survey of land. They plotted the position of the rivers, waterways and paths used by commuters travelling on foot or by cart, as well as the boundaries of Tambons and towns on the map. These were determined as parts of the effort to give birth to the “Map of Siam”.¹³ These were also related to the requirement of the Article 5, 22 and 33¹⁴ of the Local Administration Act AD.1897.

¹²Ibid, p.165.

¹³National Archive, KS.7/670 Documents produced by the Cartographic Department of the Ministry of Agriculture.

¹⁴Ratchakitjanubeksa[Record of the Royal Orders], book 14 sheet No 19, 30th May AD.1897, p.106, 110 and 115.

The nationwide survey helped to determine the exact boundaries of such local administrative units as Tambons and towns; it therefore, further contributed to gathering information on the number of people, animals, and used land as referred to in the requirements of Article 7 pertaining to the matter of house ownership ¹⁵ Article 11(6) pertaining to the registration of people living in a house ¹⁶ Article 12(4) ¹⁷ pertaining to the registration of wandering people, Article 17 (1) ¹⁸ pertaining to the increasing number of villagers and, Article 25 (7) pertaining to the registration of paddy fields and orchards ¹⁹. Thus, the registration of land being used related to issuing the “Map Title Deed”, as in the title deed was to be issued on condition that evidence of land utilization was shown to the authorities. The documents signifying the evidence of land utilization were required to feature the identities of the landowner, the kinds and the name of the administrative units in charge of the areas inhabited by the landowner, and the identities of the authorities who issued the title deeds ²⁰. Issuing the “Map Title Deed” also contributed to the resolution of conflict over the ownership of land, as the traditional way of demarcating areas of land designated as towns relied on the use of mountains, waterways, and embankments at the sides of paddy fields as natural markers ²¹. The use of the “Map Title Deed” helped to resolve the problem of areas of land deemed under the control of one administrative unit and also under ownership by an individual. Therefore, the issue of the “Map Title Deed” in 1901 was consistent with the enactment of the Local Administration Act in AD.1897. Thus, the nationwide exploration of land to facilitate issuing “Map Title Deeds” can be viewed as part of

¹⁵ Ibid.p.106.

¹⁶ Ibid.,p.108.

¹⁷ Ibid. p.108.

¹⁸ Ibid.,p.109.

¹⁹ Ibid., p.112

²⁰ Proclamation of the issue of title deeds AD.1901 in the Ratchakitjanubeksa [Record of Royal Orders] Book18 20th September AD.1901. p.370-371.

²¹ See more details in CaptSumaleeViravongse.*Op.cit.*, p.56.

the effort to establish provincial administration and governorship to standardise (or centralised) local administration throughout the country²²

Construction of the offices for the Bureaucracy and the use of the “Map Title Deed”

The establishment of provincial administration and governorship led to the construction of bureaucratic offices in every “Ampur” for the convenience of the local people when they had to contact the local authorities. The provision of offices for the bureaucracy was indispensable²³. Just after the plan to establish the provincial administration and governorship was implemented, the construction of offices started in numerous “Ampurs”. For instance, construction of the office in the district (Ampur) of Bangkla in the province of Prachin commenced, after MS Auam from the “Tambon” called “Taosura” allowed her land to be expropriated²⁴, as sub-offices were considered the property of the State. After that, the state was required to produce the documents signifying its ownership of government offices

²² The effort to standardize local administration is reflected not only in the establishment of provincial administration and governorship and the issuing of “Map Title Deed”, but also in the westernization of the judicial system, see more details in Kanitha Chitchang, *The Causes of the Drafting of Penal Code Year R.S. 127*. [Moonhet Kong Kar n Rang Kodmai Laksana Aya R.S. 127.] MA. thesis, submitted to the Department of History, Faculty of Arts, Thammasat University 1989.

²³ Manas Tanakaset .Karn Patiroop Monthon Tesa Piban Monton Rajaburi. [Reform of the Local Administration in the Province of Rajburi During the Reign of King Rama V (AD.1894-AD.1914)] in Wudthichai Moolsilpa and Somchote Ongsaku (editors) *Karn Patiroop Monthon Tesa Piban [The Establishment of Provincial Administration and Governorship]. Comparison of Academic Papers Produced by the Social Science Association of Thailand*, (Bangkok: Saengrung Publishing House, 1981) p.283.

²⁴ Ratchakitjanubeksa [Record of the Royal Orders], 8th April AD.1906, Book 23, p. 36.

and the land on which such offices were located²⁵. With the title deed held by the State, this helped not only prevent intrusion onto land designated as public areas, but also to distinguish private and State ownership.

4. Issuing Map Title Deeds

Instituting land ownership through issuing a “Map Title Deed”, always referred to as the Torrens System, was devised by the English Governor, Sir Robert Torrens. The Torrens System was originally used in Australia, before it was introduced in Great Britain and other countries. The so-called ‘Map Title Deed’ was different from the certificate bearing the red seal (ChanodeTradaeng) issued to those holding the right to use the land in that the holders of a certificate bearing the red seal (ChanodeTradaeng) were required to make use of the land by themselves, while the holders of a ‘Map Title Deed’ were not obliged to fulfill such a requirement; they could be just investors, known in English-speaking countries as “absentee land lords”²⁶, who leased the land out to others who intended to use their (the investors’) land.

²⁵ The case of the State being the holder of title deeds was reflected in the proclamation made during the reign of King Rama VII prior to the Revolution of 1932 on the issue of the title deeds to be held by the State in the Ratchakitjanubeksa[Record of Royal Orders], Book 49, 9th October A.D. 1932, p. 2391.

²⁶ See more details regarding this matter in KanithaChitchang’s thesis entitle “The Rights of the ThaiPeople...op.cit.

The issuing of title deeds was carried out gradually. Its inception was marked by the embarkation of the Cartographic Department's on a nationwide exploration and survey of land before AD.1897. Land was surveyed along rivers and, waterways, as well as along paths used by commuters traveling on foot or by cart. The boundaries of "Tambons" were determined, and the areas of land designated as the sites of towns were mapped. This was carried out by the Cartographic Department and was essential for the making of "The Map of Siam" After this task had been accomplished, the survey of land in minute detail was conducted to serve the purpose of the issue of title deeds commencing in Bangkok and its vicinity²⁷.

The statistics relating to the issue of title deeds show that during AD.1902 to AD.1905, title deeds were granted to 93,424 landowners whose land accounted for 1,830,339 rai²⁸. Those yet to be granted title deeds included anyone laying claim to areas of land deemed unable to be claimed, anyone involved in an unresolved conflict over the right to the ownership of certain areas of land, and those who were foreigners²⁹. During the reign of King Rama VI, issuing title deeds was still limited to Bangkok and its vicinity, including the districts of Talingchan, Bangkhuntian, Phasicharoen, Bangkapi, Bangkhen, and Bangsue³⁰. Issuing title deeds in large numbers did not occur until May 1939, when the 'Title Deed Act' became effective in 33 provinces, resulting in the distribution of 678,692 title deeds to landowners whose land covered 11,665,955 rai³¹.

²⁷National Archive, K.S.7/670. Document produced by the Cartographic Department of the Ministry of Agriculture.

²⁸Ibid.

²⁹Ibid.

³⁰National Archive, R 6N. 15.2 K/33. Document produced by the Ministry of Metropolitan Affairs entitled "The Distribution of Title Deeds".

³¹ R. Lingat, *The History of Thai Law* Book 2, p. 341.



Source: Certificate bearing the red seal [chanodetradaeng] used in the early period of King

Rama V.(Online) available at :<http://phila07-12.eursereee.com/cgi-bin/info/picserve.cgi?picserve=/324601b.jpg> [accessed 22August 2008].



Source Map attached to [ChanodeTrachong] the cerficate of initial ownership as required by the law governing the issuing of a title deed.(Online) available at :<http://www.pantip.com/cafe/library/topic/K6722551/K6722551.html> [accessed22August 2008].

Conclusion

The two factors leading to the adoption of the Torrens system were; 1) the need for the centralization of Thai government through the newly formed [Monthonthesapiban]; and 2) the need for instituting ownership of land by individuals. Title deeds were issued not only for the taxation of land, (Feeney,1992) or for the resolution of conflicts over land ownership among people (NopparatNussadham, 1977)or for the establishment of clear boundaries between Siam and its neighboring states, but also for the demarcation of the areas owned by the State and those owned by people. Thus, the nationwide survey and inspection of land use, and the organization of the property and land registers were consistent with modernization, an important instrument of which was ‘The Map Title Deed Act’.

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