



1.-ROLIN-JAEQUEMYS (CHAO PHYA APHAY RAJA ), General Advisor  
to the Siamese Government ( 1892-1902 ).

**ROLIN-JAEQUEMYNS (CHAO PHYA APHAY RAJA) AND THE  
BELGIAN LEGAL ADVISORS IN SIAM AT THE TURN  
OF THE CENTURY**

by

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“Once upon a time . . . .” thus begins Prince Damrong’s “Story of Chao Phya Aphay Raja”, in his delightful “Tales of Olden Days”.

But who was Chao Phya Aphay Raja? In 1892, a Belgian lawyer and statesman, Gustave Rolin-Jaequemyns, was invited to Siam by King Chulalongkorn as his General Advisor. He served Siam well and faithfully in her hour of greatest need, when her independence was gravely threatened. He also was instrumental in implementing the Reforms which were to transform old Siam into modern Thailand.

Here is his story and the story of a number of Belgians who helped him in this great task.

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To the first Kings of the Chakkri Dynasty befell the duty of reconstructing a Kingdom devastated by decades of almost continuous warfare. As to King Mongkut, his main role was probably that of opening Siam to the world at large by establishing relations with the main maritime and trading nations of his time.

The great and wise King Chulalongkorn realised that it was imperative for Siam to modernize her institutions, not only for domestic reasons but also as the only way to retain her independence. Through Chulalongkorn’s far-sightedness, Siam became one of the few nations to remain independent in the whole of Asia.

King Rama V had already conceived some important reforms in the first years of his reign: the abolition of slavery is, of course, one of the most important royal reforms of this period.

By 1890, however, the King realised that Siam needed a far-reaching policy of reforms if the monarchy was to survive. It may

be remembered that Great Britain and France were then acquiring territories in South-East Asia and Siam consequently found herself in a rather uneasy position between these two great powers.

So, when Prince Damrong went to Europe in 1891, he was asked by the King to find someone with integrity and high ability who would be willing to come to Siam as advisor in international law and foreign affairs.

In his delightful "Nithan Borankhadi" ("Tales of Olden Times") Prince Damrong recalls how his quest for a suitable person had not been successful until he reached Egypt, on his way back to Bangkok.

He was there introduced to a Belgian gentleman, Gustave Rolin-Jaequemyns who had recently been appointed as Attorney General by the Egyptian Government. Prince Damrong was impressed with Rolin's bearing as well as with his knowledge and past experience.

At their first meeting, he offered him the post of Advisor in Foreign Affairs. Rolin-Jaequemyns accepted the proposal provided he could free himself from his obligations vis-à-vis the Egyptian Government. A correspondence ensued between King Chulalongkorn and Khedive Abbas; the latter finally agreed to part with Rolin-Jaequemyns' services when Rama V pointed out that Egypt was closer to Europe, and it would thus be easier for him to find another European Attorney General than for Siam to acquire the services of another man of Rolin's calibre.

Rolin-Jaequemyns arrived in Bangkok in September 1892 and King Chulalongkorn was soon convinced that Prince Damrong's judgement was excellent. The King saw that Rolin's past experience—both in legal and in administrative matters—made him the ideal man to foster and coordinate Siam's Policy of Reforms. Rolin-Jaequemyns thus became the country's first General Advisor, an appointment he held until his death in 1902.

In fact, the General Advisor's work was twofold: his part in Siam's foreign relations and his work connected with the Policy of

Reforms. In this second aspect his influence was indeed very extensive, dealing with the judicial, the administrative, the financial, even the military aspects of the country's modernization.

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Gustave Rolin-Jaequemys was born in Ghent in 1835 into a family of lawyers and politicians (for a number of years, his father was Minister of Public Works in the Belgian Cabinet).

After graduating from the University of Ghent, Rolin-Jaequemys was called to the Bar and was later appointed professor at the University of Brussels. He soon became interested in international law and, in 1869, founded the "*Revue de Droit International et de Législation comparée*" which is still published and is considered very authoritative in matters related to public and private international law. Four years later, Rolin set up the "Institute of International Law", the 90th anniversary of which was recently celebrated. Rolin's work in this field made him famous and both Oxford and Cambridge Universities gave him honorary doctorates in law.

Rolin-Jaequemys also entered the political arena. He was elected to the Belgian House of Representatives and then appointed by the King as Minister of the Interior, a position he held for six years (1878-1884)

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Two "leitmotif" can be perceived in Rolin-Jaequemys' speeches and in his writings as a professor, an authority in international law and a member of the Cabinet: the importance of international arbitration as a means to settle differences between states and the equality among states, i.e. that small states have equal rights vis-à-vis international law as the big powers.

After Rolin had become Siam's General Advisor these two principles were to be the mainstays of his dealings with foreign powers.

On the other hand, his past experience in public administration—acquired during his years as Minister of the Interior of Belgium—

provided him with a good stead in his work of modernizing Siam's public institutions.

Lastly, from a Siamese point of view, another favourable factor was that Rolin was a citizen of a country which had no territorial ambitions in South-East Asia. Belgium was then following a policy of neutrality and was thus not linked to any of the big European Powers.

Rolin-Jacquemyns once wrote to a friend :

"My position here is somewhat strange. I do not possess the least bit of executive power, nor do I care for it. For instance, I am not entitled to give instructions to a mere policeman. All my authority is the advice I give which is generally followed and the confidence which the King and the Princes have in me. I also have daily proof that this confidence is shared by the people at large."

"When the members of the Cabinet wish to bring some new measure to the attention of the King, they usually ask me to speak to him on their behalf. In this way, all important affairs of the various Ministries pass through my hands".

This quotation shows that the General Advisor's powers were based entirely on the personal trust granted him by the King and by the three great statesmen who helped him to transform Siam into a modern State: Prince Damrong, the Minister of the Interior, Prince Devawongse, the Minister of Foreign Affairs, and Prince Rabi of Rajburi, the young and efficient Minister of Justice who had recently completed his law studies in England.

All through Rolin-Jacquemyns' service to Siam, this confidence in him always continued.

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Rolin-Jacquemyns contributed, in no small measure, to the preservation of the independence of his country of adoption. He also laid the foundations of Thailand's present policy of legality in international dealings.

He secured this by making Siam conscious of her national rights: by providing the arguments of international law which could be opposed to those who threatened Siam's independence and territorial integrity; and by initiating the process of judicial reforms which were to allow the gradual elimination of extraterritorial restrictions to Siam's sovereignty.

When Rolin arrived in Bangkok the tension between Siam and France, which had been building up since 1888, was about to reach its climax.

The Paknam Incident, the blockade of the Chao Phya River and the Treaty of 1893, by which Siam renounced its rights to the territories on the western banks of the Mekong River are well-known historical events.

The General Advisor did his best to prevent the clash, but in vain. On the other hand, he was not able to use his knowledge of international law and his diplomatic skill on behalf of Siam during the ensuing negotiations, for the French plenipotentiary refused to allow him to take part in them.

After the crisis, the General Advisor's first thought was to prevent a recurrence of the events of 1893.

Taking into account the military aspects of the question, he requested General Brialmont to draw up plans for the defense of Bangkok. Brialmont, a famous Belgian military engineer, had recently built Belgium's defense system. He was the inventor of a type of concrete fort, armed with retractable steel gun-turrets, which was then the last word in modern fortifications. The plans, provided for the building of three forts at the first bend of the river above Paknam. They were duly handed over to Prince Syasdi, in Brussels, in 1895.

On the other hand, Rolin spent several months in Europe in 1895, during which he had many meetings with Lord Salisbury, then Foreign Minister, and a number of influential British politicians and jurists—many of them his close friends. The General Advisor also went to France and held talks with Hanotaux, the French Minister of Foreign Affairs, and other statesmen who were then shaping France's foreign policy.

In this way, Rolin contributed to pave the way for the Treaty which Britain and France signed in January 1896. By this Treaty the two Powers agreed to respect Thai sovereignty upon the territories comprised in the Chao Phya River basin. Bangkok and the richest and most densely populated regions of Siam were thus protected by an international guarantee.

Border incidents did continue to take place along the Mekong and other "affairs" originated in the vast number of French-protected persons of Asiatic origin living in Siam. Never again, however, did the tension rise to boiling point as it had in 1893. Due to Rolin's efforts, these differences were settled amicably.

Siam's relations with France gradually became friendlier as efforts made by Rolin and the Siamese Government were being met halfway by French statesmen who opposed the exaggerated claims of the "parti colonial".

In 1897, King Chulalongkorn visited a number of European countries. France was among them and he was well received there. Two years later, the Governor-General of French-Indochina, Paul Doumer (a future President of the Republic) paid an official visit to Siam, whereupon, he was received in stately welcome by the King and the Court. On this occasion, important talks were held in which Rolin took an outstanding part.

When the General Advisor died, in 1902, the Treaties of 1904 and 1907 which were to open a new era in Franco-Siamese relations were only a little way off.

The relations with France were by no means the only aspect of Rolin's activities in Foreign Affairs. Under his auspices, amicable solutions—mainly through arbitration—were found to a number of differences with other foreign nations. Such were the "Railway Arbitration Case", with Great Britain, and the Cheek and Kellett Arbitration Cases, with the United States.

The General Advisor's experience was also invaluable to Siam at the time of the negotiations which culminated in the Treaty of 1898 with Japan. Rolin, at the time, journeyed to Japan to iron out

some last-minute difficulties. This Treaty can be considered as Siam's first step towards the gradual abolition of extra-territorial privileges since, for the first time, the disappearance of extra-territoriality was formally linked to the setting up of a new legal and judicial system in Siam.

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While Rolin was dealing with Siam's foreign relations, he was also active in directing Siam's Policy of Reforms. He was helped in this task by a number of advisors and technicians of various nationalities, among whom was Rivett-Carnac, the gifted British Financial Advisor.

The General Advisor saw that the reform of the country's legal and judicial systems was probably the most urgent one—not only for internal considerations but also because these reforms would deprive foreign governments from many excuses for intervening in the internal affairs of the country. On the other hand, these reforms were linked to the elimination of extra-territorial privileges.

It should not be thought however that Rolin's views were to do away altogether with all the venerable laws of Siam. Time and time again, he stressed the point that an introduction of a purely western legal system in a country possessing such a high degree of civilization as Siam would be a folly. There was thus no attempt to displace Siamese law by European law but rather to leaven up existing legislation by interpretation according to the principles evolved in Western countries.

To help him in this work, the General Advisor recruited a number of young and enthusiastic jurists, most of them Belgians, about whom a few details are given further on. The first of them to arrive here in 1894, was Kirkpatrick who was soon appointed Legal Advisor to the Siamese Government while his colleagues were styled Assistant Legal Advisors.

Their first task was to dispose of cases that had not yet been tried. In short time, four thousand cases were disposed of in Bang-



kok alone. This special procedure was deemed so successful that it was extended to the provinces with special powers to institute inquiries about negligent judges. Great popular respect was thus won for the new reforms.

Next, foreign Assistant Legal Advisors were appointed to each of the main newly reorganized courts. Their job was not to judge but to help the Siamese judges to apply the new laws.

These laws were being prepared by a Codification Committee where the same Assistant Legal Advisors set under the chairmanship of the Legal Advisor. As seen above, their work consisted in blending, so to speak, the old Siamese laws with modern legal principles. They did a good and fast job of it: a Code of Civil Procedure was issued in 1896 and a temporary Code of Criminal Procedure in 1897.

A Civil and Commercial Code was also being drawn up, while the preparation of a Penal Code was rushed ahead, since it was usually in penal matters that the trouble with "protected" Asiatics cropped up.

These legal reforms at the turn of the century were to bring Thailand's legal and judicial systems to the high degree of perfection, they have now reached. These reforms also constituted Thailand's most valid argument for requesting that extra-territoriality should be done away with: this gradually became effective between 1907 and 1937.

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The General Advisors' activities also extended to other domains. His hand can be seen in many measures, taken during that important decade, to modernize the country: the establishment of an annual budget, which contributed to a sound financial situation; the abolition of the *corvée* system and the setting up of a paid government labour service; the first mining and forestry regulations; the pawnbrokers Act., etc. . .

In 1900, the Legal Advisor (Kirkpatrick) and nine out of the eleven Assistant Legal Advisors were Belgians. The other two Assistant Legal Advisors were Patijn, a Dutchman, and Masao, a Japanese.



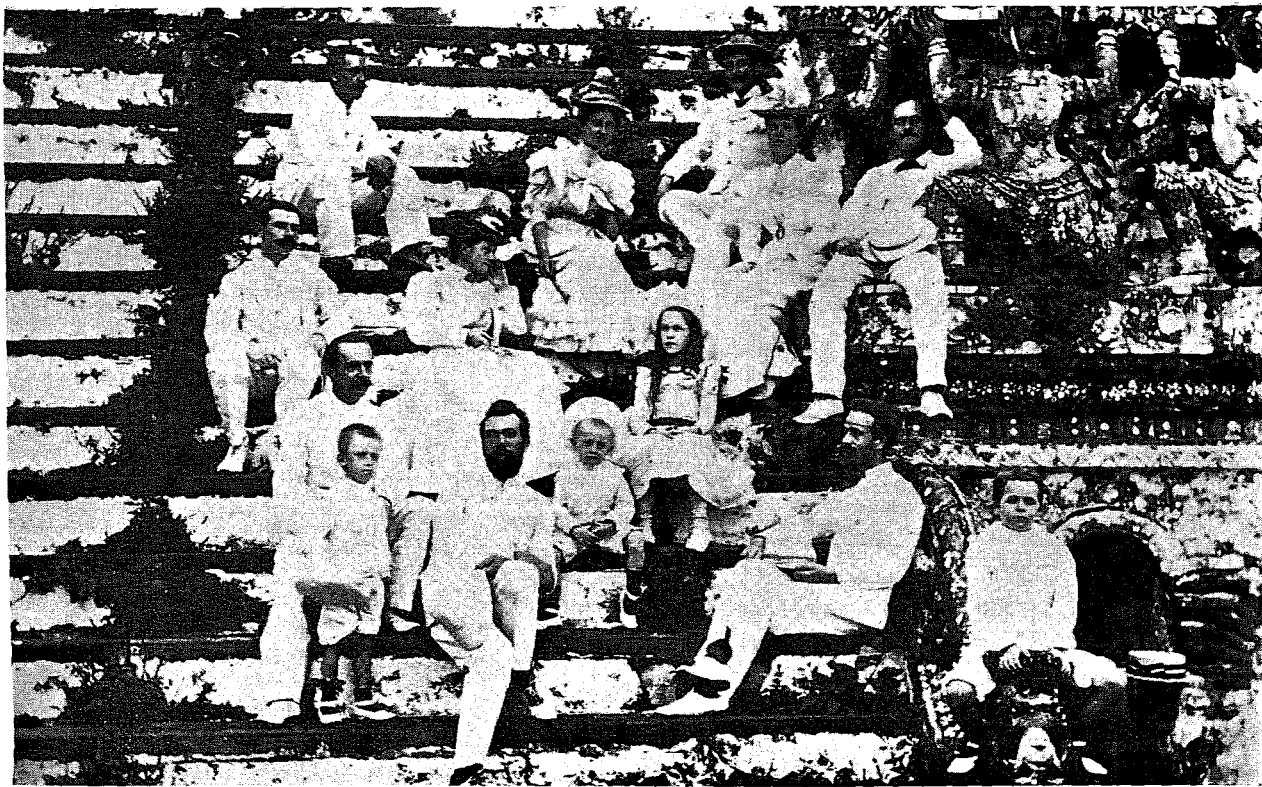
2.-DR. E. REYTTER ( PHYA PRASIRTSATR DAMRONG ), physician to King Chulalongkorn from 1895 until the King's demise ( 1910 ).





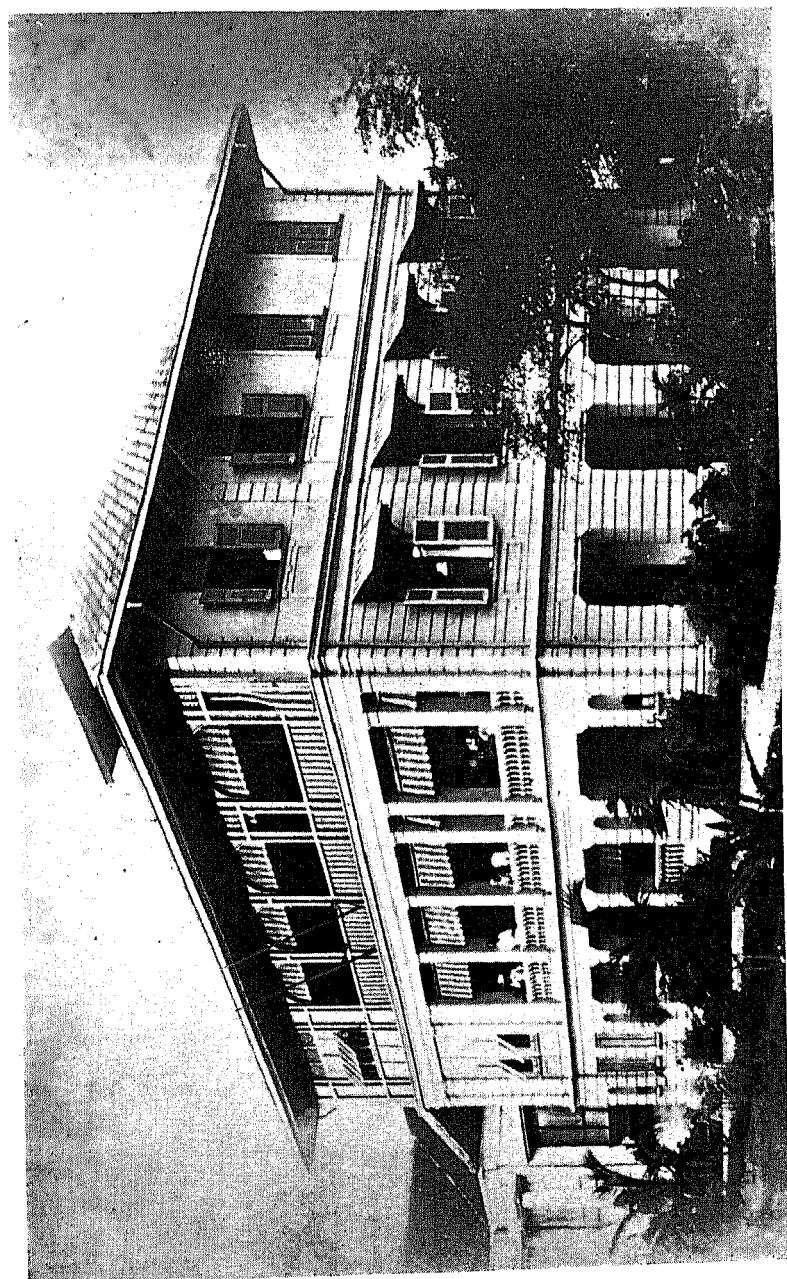
3.—The General Advisor and Mrs. ROLIN-JAEQUEMYNS with a group of Belgian Legal Advisors.





4.—Dr. and Mrs. REYTTER, with a group of Belgian Legal Advisors at Wat Arun in 1899.





5.—The General Advisor's Residence, in the Sapatum, District.





A few words about each of these men: . . .

**Kirkpatrick** served Siam from 1894 to 1900, when he returned to Europe on sick-leave and soon died. During Rolin's trip to Europe, in 1895, Kirkpatrick successfully exercised the functions of Acting General Advisor, and, as a reward, was promoted to Legal Advisor. In 1896, Kirkpatrick married Rolin's eldest daughter and the "Bangkok Times" for May 9th 1896 wrote that "the Protestant Church was yesterday the venue of the prettiest wedding that Bangkok has seen for a long time,—with Prince Damrong, Prince Devawongse and Prince Bhanurangsi acting as witnesses at the ceremony".

**Schlesser** succeeded Kirkpatrick as Legal Advisor. His contribution in the preparation of the Penal Code was great.

**Orts** was the General Advisor's "Chef de Cabinet" and dealt mainly with legal cases concerning Siam's relations with foreign powers. He later entered the Belgian Diplomatic Service, and, after a distinguished career was appointed Secretary General of the Belgian Foreign Office.

Three other Assistant Legal Advisors, *Dauge*, *Symons* and *Tilmont*, served both in Bangkok and in the provincial towns where International Courts had been set up (Phuket, Pitsanuloke, etc. . . ). After leaving Siam, they also entered into the Belgian Diplomatic Service.

**Jottrand** served in Bangkok (at the "Borisphah", the International Court and on the Codification Committee) and in Korat. He later wrote a delightful book on Siam which is full of the flavour of those times. Mr. Jottrand is still living in Brussels and, at the ripe age of 93, enjoys speaking about "good old days" in Bangkok. We thank him for the photographs appearing here and on other pages.

When Their Thai Majesties visited Belgium in 1960, They graciously received the surviving members of Bangkok's Belgian Community at the turn of the century (Mr. Jottrand, Mrs. Kirkpatrick and Miss Rolin-Jaequemys) as well as Mrs. Polain, (widow of a Belgian diplomat who represented his country here for many years and was the negotiator of the Treaties of 1926 and 1927 between Thailand and Belgium).

Other Belgian Assistant Legal Advisors were *Cattier* (later an important financier) *Henvaux*, *Robyns*, *De Busscher* and *Baudour*.

After the relations between Siam and France had improved, the French Government requested that French jurists should also be appointed as Legal Advisors. The Belgian Advisors were gradually replaced by Frenchmen. However, one Belgian Legal Advisor, *René Sheridan*, stayed on and served Thailand for 25 years; until his death, in Bangkok, in 1927. In recognition of his services, the title of Phya Vides Dharmamontri was given to him by King Vajiravudh.

As we have seen, the General Advisor's powers were based solely on the trust which the King and the Princes placed in him. As a token of this trust and of his pleasure with the services rendered by Rolin, King Chulalongkorn bestowed upon him the title of Chao Phya Aphay Raja, in 1896. Rolin-Jaequemyns thus became the only "farang" ever to be made a Chao Phya with the sole exception of Constantin Phaulkon (Chao Phya Wijayen) in the 17th century.

The General Advisor was also appointed one of the five members of the Council of Regency which governed Thailand during King Chulalongkorn's trip to Europe in 1897.

By 1901, Rolin's health was very poor and he had to leave Bangkok to recuperate in Europe. On this occasion, the King knew how to show his affection for a man who had worked tirelessly at the expense of his health and without ever thinking of personal aggrandizement: He called on him at his house and placed the royal yacht "Maha Chakkri" at Rolin's disposal to take him and his family to Singapore.

Thailand's loyalty to the memory of her late General Advisor is shown by a commemorative bust placed at the Bangkok Law School (now at Thammasat University), in 1928. On that occasion, King Prajadipok graciously paid homage to the memory of Siam's "most devoted and loyal friend whose help was so valuable to the country in its hour of greatest need".

