

Ownership and Distribution of Communal Land in Central Vietnam from Late 19th Century to 1945

Tran Thi Phuong Hoa¹

¹ Institute of History, Vietnam Academy of Social Sciences.

Email: tranphhoa@yahoo.com

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Abstract: The paper explores village land management in *Trung Kỳ* (central Vietnam during the French colonial period) from the end of the 19th century to 1945 from the perspective of land ownership and distribution of communal, or public, cultivation land. During the French colonial period, the region had two main forms of land ownership, namely, communal ownership (communal land) and private ownership (private land), with communal ownership of land accounting for a relatively high proportion and mainly characterised as small-scale ownership. The fact that ownership and allocation of communal cultivation land were for local interests coupled with lack of transparency gave rise to conflicts and lawsuits in villages.

Keywords: Communal land, village, land ownership, private land, Central Vietnam.

Subject classification: History

1. Introduction

The issue of village land is the subject of special attention of Vietnamese historians. The debates about the communal cultivated fields and the communal land, the change of the ratio of public and private fields in rural Vietnam published in the *Journal of Historical Studies* from the 1960s to the 1980s can be considered those of the most interesting and important scholarly debates in contemporary historiography². Those debates focused on the land issue from the 12th century

to the middle of the 19th century, while the issue of communal village land during the French colonial period, especially in Central Vietnam, has been poorly studied. Based on the survey data of Yves Henry published in Hanoi in 1932, combining the reports of the French Governor-General of Indochina (*Gouverneur Général de l'Indochine française*), the Resident Superior of Central Vietnam and the press published in the region before 1945, together with regulations and conventions of some villages in Central Vietnam prepared in the 1919-1942 period, this paper presents

an overview of a number of issues related to communal village land in Central Vietnam from the late 19th century to 1945, including such issues as land ownership, distribution of communal land and cadastral work (making of land registers).

2. Ownership of communal village land in Central Vietnam

During the period of French colonisation in Vietnam, the French government issued many different legal documents related to many fields, but legal documents on land ownership were quite rare. In 1915, in the report on the regime of land ownership in Indochina to the French Ministry of the Colonies, A. Boudillon, the inspector on registration of land and public properties wrote that “up to now (1915) there has been no official document regulating the entire Indochinese public properties [including land] so that regular management and planned use could be carried out in addition to the Decree issued on 15 January 1903. When it is necessary to apply the law of private ownership, we must also rely on this Decree” (Boudillon, A., 1915, p.4; Ta Thi Thuy, 1995, p.59). Before that, in Central Vietnam, some royal ordinances allowed the French to own land in Central Vietnam, for example, the one dated 1 October 1888 allowed French citizens (...) to have the right to ownership of land according to the An Nam (the name of Vietnam at that time) law; and, in the royal ordinance dated 27 September 1897, the phrase “according to the An Nam law” disappeared, and remaining was only “allow French citizens and (...) to have the right to ownership of

land” (Boudillon, A., 1915, p.143). For the management of communal village land in Central Vietnam, the French government still relied on the legal documents promulgated by the Nguyen Court, especially the royal ordinance of King Thanh Thai of 1898, which regulated on the types of fields and land. According to the royal ordinance, since 1 January 1899, crop fields were divided into 4 categories and the land was divided into 6 categories for tax calculation purposes (Department of National History of the Nguyen Dynasty, 2011, pp.102-103). Boudillon examined the public crop field policy of the Nguyen kings, especially the 1803 royal ordinance of King Gia Long that allowed a 3-year mortgage and a series of ordinances adopted by King Minh Mang in the years 1827, 1830, 1834, 1836, 1839 (Boudillon, A., 1915, p.12). In Luro's and Philastre's administrative courses they considered the Nguyen Dynasty's land regulations as a “legal” basis for land management in all the three regions of Vietnam, named Tonkin (the North), Annam (the central region) and Cochinchina (the South).

According to French surveys, in terms of land ownership in Vietnam, the only two clear legal entities were “villages” and “individuals”. Village land included “public crop fields” and “communal land”, which was acquired by the village for a long time through transforming waste land into cultivated areas, granted by the State and donated by individuals. The law ruled that this type of land was not allowed to be purchased, traded or mortgaged. In addition, the village also had land called “tradable cultivated fields” and “tradable land” which were the village's land but could be exchanged and traded. P. Feysal, the Head of the

Indochina Land Ownership Service, stated that, thanks to land-based revenues, "the village has a separate, independent life, meeting the needs of the community within its narrow limits" (Feyssal, P., 1931, p.11). Surveys of village regulations and conventions of some provinces in Central Vietnam, which were compiled mainly in 1937 after King Bao Dai issued royal ordinance No.86 in 1935 on the "reform of village administrative business" in the region (Tran Thi Phuong Hoa, 2019, p.45), show that the "public crop fields, communal land" and "village crop fields, village land" were almost not distinguished from one another, leaving only the concept of "public cultivated fields, communal land", "portioned crop fields", "per-capita equitably distributed crop fields". The use of the land was, in principle, subject to the Royal law, and the village had to pay land tax (*The Convention of Doan Thai Village*), (*The Convention of Duc Pho Village*), (*The Convention of Long Phung Village*), (*The Convention of Nam An Village*), (*The Convention of Phu Le Village*), (*The Convention of Quan Truc Village*), (*The Convention of Thi Pho Nhi Village*). Such land was managed by the village and the village was responsible for apportioning of such land for the villagers for cultivation purposes. In many cases it was possible for such land to be pledged, leased, or sold to earn income for the village.

Besides "public" ownership (i.e. village ownership), there was also private ownership. Private ownership of land, according to the An Nam law as well as the French law, according to Boudillon's judgment, "is inviolable" (Boudillon, A., 1915, p.151). This type of ownership was governed by family

relationships. For instance, in accordance with the Vietnamese law and custom, the husband/the father was the head of the family, entitled to rights over all properties, even if such properties had belonged to the wife or the child. If the father did not apportion the land for his children, then the latter did not have the right to claim the apportioned property while the former was still alive. When the father died, the mother had the right to manage the properties, including the land, except for the land inherited from their ancestors that was entitled by the law to the eldest son to own to take care of ancestor worship.

The investigation by Y. Henry, Inspector General of Agriculture in the French colonies, member of the French Academy of Agriculture (*Académie d'Agriculture de France*), showed that in Central Vietnam existing was land of mostly small-scale ownership. The number of small owners (i.e. owning 1 *mẫu*, which is equal to 0.5ha) accounted for 68.5%. The average owners (i.e. owning from 1 to 5 *mẫu*) accounted for 25.3%, and the large owners (i.e. owning from 5 to 100 *mẫu*) accounted for over 6%. In the whole of Central Vietnam there were only 51 people owning more than 100 *mẫu* of crop fields. In some provinces such as Quang Binh, Thua Thien, Quang Nam and Binh Dinh there were no owners of more than 100 *mẫu* of paddy fields. In provinces of South Central Vietnam (from Phu Yen Province to Binh Thuan Province), small-scale owners accounted for a smaller proportion, and average- and large-scale owners accounted for a higher proportion than the average level (Henry, Y., 1932, pp.144-145).

From the perspective of social class, the author temporarily classifies those who owned less than 1 *mẫu* of field as poor peasants; those with 1 to 5 *mẫu* as middle peasants; those with 5 to 100 *mẫu* as landlords and those with more than 100 *mẫu* as big landlords. Owner classification criteria by land area owned in Central Vietnam (similar to Tonkin) were very different from Cochinchina. In Cochinchina, small owners owning less than 1 hectare accounted for 33.68%, less than that of Central Vietnam (68.5%), landlords owning from 100ha to 500ha accounted for 0.96% and big landlords owning more than 500ha (i.e. 1,000 *mẫu* in terms of the Central Vietnamese unit of measurement) accounted for 0.08%³ (Henry, Y., 1932, p.182). Thus, according to Y. Henry, the proportion of poor peasants in Central Vietnam was 68.5%, middle peasants 25.3%, landlords 6.05% and big landlords 0.008%. Also according to him, in Central Vietnam there were 658,563 people engaged in agricultural activities, of whom 589,563 cultivated on their land. 68,471 people (more than 10%) cultivated on other people's land, so they were called sharecroppers or tenants. The first category included sharecroppers ("*fermiers*" by Y. Henry) who had to take care of all the stages of the farming process while the owners only supplied the seeds. The sharecroppers had to pay tax in cash or in kind, and also had to pay land tax. The amount of tax payments ranged from 100 to 600 kilogrammes of paddy (or from 10 to 60 Indochinese piastres) per hectare depending on the location of the field and the fertility of the soil. Most of the sharecroppers were indebted to the landowners when they borrowed money in advance with a 30% interest rate per crop, or a 60% interest rate

per year (Henry, Y., 1932, p.45). The second type of sharecroppers, whom Y. Henry called *métayer*, usually had to pay the owners half, or even up to two thirds or three fifths of the yield if the latter provided them with seeds, fertilisers and manpower in the harvest season. Unfortunately, Y. Henry had no segregated statistics on the number of people without arable land. In fact, many sharecroppers had land of their own but still received more land for cultivation. In addition, many villages in Central Vietnam did not have private land, only communal land. Those who received communal land for cultivation were also considered to be sharecroppers.

3. Apportioning of communal land in Central Vietnam

After the Patenôtre Treaty was signed by the French and King Tu Duc's Court recognising the French protection of Tonkin and Central Vietnam, land management in Central Vietnamese villages was still governed by the Nguyen Dynasty law. Communal land was mainly derived from self-reclamation by the village. In 1897, King Thanh Thai issued ordinance "The new rule promulgated regulating the establishment of new villages" that read, "for a newly established village, all of the land, no matter whether it is allocated for cultivation or left deserted, would be divided into three parts. Two of the parts would be used as public fields while the other - as private fields, and the tax would have to be paid accordingly as required. (Department of National History of the Nguyen Dynasty, 2011, p.272). However, very few documents provided accurate

statistics on the area of "village public fields", apart from Y. Henry's survey.

According to Y. Henry's 1932 survey data, the total land area of Central Vietnam was 147,698km², of which the area of 13 coastal provinces was 90,611km². The rice cultivation area of these 13 provinces was 760,100ha (less than 9% of the total area). On average, 1 person had about 0.15ha of cultivated land. The largest per capita rice area was in Phan Rang (0.28ha per person) and the smallest was in Nghe An (0.11ha per person). Of the more than 760,000ha of cultivated land, 200,000ha (approx. 400,000 *mẫu*) were village fields accounting for about 26%, of which 388,896 *mẫu* were used for cultivation and 57,193 *mẫu* were left uncultivated (Henry, Y., 1932, p.144). In some provinces communal fields were apportioned equally for poll-tax payers (such as Quang Binh, Quang Tri), in which ordinary people were allocated with land of the second or third class while village authorities and elder village notables were allocated with land of the first class. In Trieu Phong District (Quang Tri Province), almost all the land was communal land where some villages allocated each poll-tax payer with up to 3 *mẫu* of paddy land. In some villages with a high population density, the amount of village fields allocated to each poll-tax payer was less than 2 *sào* (equivalent to approx. 1,000m²), which was not enough to pay taxes and rents. In such cases, villagers returned their fields to village rulers in lieu of some taxes and rents and corvée (i.e. community service). According to Y. Henry, those people with too little paddy field to cultivate often found other sources of livelihood for their families, such as working in plantations, factories or going to Cochinchina to find jobs.

Others did not want to leave the village and had to take their fields to cultivate and pay taxes and rents, and they worked like poor coolies in their own home village (Henry, Y., 1932, p.145).

In 1917, the Ministry of Finance (or Revenue, *Bộ Hộ*) submitted a report to King Khai Dinh proposing to reorganise the management of public fields, stating that according to the Nguyen Court's law, communal land could not be traded, but many villages arbitrarily "violated the prohibition". In 1907, the Publishing Service (*Cục Tu thư*) published a book titled *Quốc triều luật lệ toát yếu* (i.e. *Essential Rules and Regulations of the Dynasty*) clearly stating that in 1901 King Thanh Thai issued an ordinance ruling that those who bought public and private land in the 30th year of King Tu Duc's reign (1877) or earlier would enjoy the status quo, and, for cases taking place from the first year under King Kien Phuc (1883) up to then, the sellers had to redeem the land and return it to the village. The cause of this report was that "the plotted to change the category assigned for their land and convert public fields into private ones, and the bad thing had spread" (Department of National History of the Nguyen Dynasty, 2012, pp.168-169). This shows that until 1917, the Nguyen Dynasty still advocated to maintain the regime of public cultivated land and tried to force those cases where public cultivated fields were sold and converted into private ones to be corrected by returning such land to restore public ownership of land. However, in practice that was not possible because inadequate records keeping made it impossible to track down all those people who purchased and sold the fields.

In 1926, Nghe An Province issued the *Guide des Notables* (Notables' Guide), a collection of lectures compiled by the [French] Resident [Provincial Governor] of Nghe An (French: *Résident*) - Chatel - in conjunction with the [Vietnamese] Governor of An Tinh (i.e. Nghe An and Ha Tinh) - Ton That Dan - to guide village authorities and village officers on how to administer villages in the province. In the section on communal land, it was said that the sharecropping of the communal land was carried out according to the rule of the second year under King Gia Long (1803) and the 19th year under King Thanh Thai's reign (1907), thereby the communal land was not allowed to be sold off, but only allowed to be pledged for not more than three years, subject to permission by the responsible mandarin (*The Convention of Doan Thai Village*, p.39). The *Guide des Notables* also stated that the communal land had been a source of corruption and lawsuits, because: (1) Village mandarins refused to allocate all the land to villagers, "and often for appropriation or sale"; (2) Village powerful persons seized lucrative parcels of land and left bad ones to the poor; (3) Distinguishing between originally registered and unregistered households⁴⁷. This shows that until 1925, the French government in Central Vietnam had not yet issued a law on the use of communal land and although the Nguyen Dynasty promulgated regulations on the distribution of communal land, village officials still engaged in arbitrary and discretionary treatment and acquisition of communal land. The *Guide des Notables* showed that the purposes of some types of communal fields had to be seriously complied with, such as paddy fields for

worship purposes (for villagers to produce paddy to worship the village tutelary god or persons with meritorious services to the village), paddy fields for families with soldiers (*luong điền*), and "ruộng bút" (lit. paddy fields of the pen" to cover the expenses of stationery for the village chief. The *Guide des Notables* instructed the way to divide and distribute communal public fields in a fair manner, to avoid troublesome lawsuits and avoid the abuse of justice by village officials. For villages with many communal public fields, they must be divided equally by way of drawing. The draw was held every three years. For villages with few communal public fields, sharecropping was permitted to get money. When the village had to organise an event, they had to obtain permission from the superior mandarin to spend that money (*The Convention of Doan Thai Village*, p.17). Particularly for those fields serving the common affairs of the village such as communal public fields for worship purposes, it was necessary to "auction" the sharecropping to get money for the conduct of village worship services, and "not letting one person plow such a field forever". Fields for families with soldiers had also to be checked regularly to see if those soldiers had been demobilised and returned home. If the soldiers had already, they would have to return the fields to the village management.

There were almost no official documents to provide specific written regulations on how communal land was distributed. Studying documents on the communal land allocation of Quynh Loi Village, Hanoi, Philippe Papin found that it was a very rare document, "currently, it is the only document available" (Papin, P., 1994, p.22). In particular, the

researcher also surveyed the old and new land registers of a village with a view to comparing the changes with village land use under the Nguyen Dynasty and the French rule period⁵. Vu Duy Men's survey on village conventions in the Northern Delta before the 20th century showed that the issue of communal land was rarely mentioned in the village's conventions or contracts. Some villages recorded the area of the communal land, the method of distribution of communal land, but the regulations were not clear and not consistent (Vu Duy Men, 2015, p.32).

The village conventions of some villages in Central Vietnam in the collection of village conventions of the Library of Social Science Information (of the Vietnam Academy of Social Sciences), indicate that the content of communal land management was included in the village conventions. Most of the surveyed villages included this content in Article 23, with the same record such as "Article 23 - Communal land handed down by the previous generations [of villagers] shall be equally inherited by [the current] villagers, and "Article 24 - Communal public fields shall be re-allocated every three years. Distribution or allocation of communal land was based on rations which in turn were decided upon by the number of villagers and amount of land available. The rations must be equally divided between good and bad land plots, substantiated with written records clearly stating how much each portion was, location of the land plot, numbering of the land plots based on a sequential order, and final decisions on distribution and allocation of communal land were reached by means of drawing. Those densely populated villages possessing

small amounts of communal land and being unable to distribute such land to their villagers would ask superior mandarins and officials for permissions to auction and lease such land plots to earn money revenues which would be surrendered to village public funds" (*The Convention of Doan Thai Village*), (*The Convention of Long Phung Village*). It was very rare for a village to specifically mention the amount of communal land and the distribution of communal land. Clauses 88 and 89 of the village convention of Duc Pho Village, Quang Binh Province, clearly stated that "The total amount of communal land and cultivated fields was 71 *mẫu*, 2 *sào*, less private fields, school fees and other village expenditures equivalent to 22 *mẫu* of 7 *sào* then the remaining was 48 *mẫu* of 5 *sào*. The number of villagers was 556. With the remaining fields, each person received less than 1 *sào*, so every three years an auction was conducted for lease and then it was convenient for allocation of land to villagers" (*The Convention of Duc Pho Village*). Although the village's convention clearly stated that it was the village's "community land", it still included private fields. Thus, village authorities understood the concept of "communal land" as "fields in the territory of the village". According to this convention, the amount of land used for "equal distribution" accounted for 68% of the village's land, a much higher rate than the average rate in the region of Central Vietnam (26%). That did not include the amount of fields that were not equally distributed but used for education encouragement and the work of the village authorities.

In clause 39 of the convention of Phu Le village, Quang Ngai Province, it is stated that "In the village there is no communal

cultivation land, only 10 *mẫu* of village cultivation land, in line with ancient traditions and substantiated with a paper of pledges" (*The Convention of Phu Le Village*). In that very convention was also mentioned some of the land acquired by the village, "the village allows the people to engage in tenancy farming, sharecropping, paying the money in advance... Sharecropping is encouraged and the revenues thereof will be surrendered to the village fund under the village management. Such revenues will be recorded as entries in the village cash register to pay for village worship services, while the money shortage will be covered by tax revenues collected from village tax payers" (*The Convention of Phu Le Village*). Thus, the villagers of Phu Le understood the concept of "communal land" as the land used to be equally distributed among the villagers. The land that the village bought back and transferred to the villagers for sharecropping or tenancy farming was not considered to be communal land, although the yields on such land were used for common business in the village. In the conventions of some villages was also mentioned the distribution of paddy obtained from public fields for village activities. For example, the village convention of Tan Loc Village, Kinh Dinh Canton, Ninh Thuan Prefecture, compiled in 1919, read "Clause 9: The amount of paddy annually harvested will be measured and stored, used for two spring-autumn rituals, the Double Five (the 5th day of the 5th lunar month) festival, (...), and provided for the registered villager-soldier. The remaining will be spent on public business. Clause 10: The annual harvest in the village's fields is used to provide for the incense burning rituals at village shrines and for registered villager-

soldiers. If anyone, relying vaingloriously on his/her backup, violates this provision, the village will spend its money on reporting the case to the superior mandarins for punishment. Clause 11: When harvests are collected from village fields, be they big and small, village authorities will come to calculate and collect the contributions with the correct ratios. It is forbidden to repeat the old habit of taking the money from the value of paddy expected to be harvested though the amount really harvested afterwards might be smaller. The remaining amount of taxable paddy will be shared with the hired ploughmen. A fine of three Indochinese piastres will be imposed on anyone who violates the rule". That very convention also has specific provisions on the division of paddy to the village authorities such as "Clause 14: The usual jobs in the public workplace are taken care of by only village notables' committee, clerks, the man who takes care of the village temple, and the village chief, who work hard and spend much energy. Now the village remunerates them by means of money, paddy, and rice fields as follows: one *phuong* of paddy per month (a *phuong* is a container, the volume of which is about 30 litres) for a member of the committee, clerks and village chief - half a *phuong* each paddy per month, a plot of cultivated land for the man who takes care of the temple, which he would lease and earn 1.5 *hộc* of paddy from the lessee (a *hộc* is a container, the volume of which is about 10 litres). A fine of two Indochinese piastres shall be imposed on anyone who spends more than what is permitted or violates this rule" (Department of National History of the Nguyen Dynasty, 2012, pp.369-370). The village conventions showed that many villages avoided using the term

"communal public field", when understood the term "communal public field" as "state field". Instead, they used the term "village field".

Y. Henry's survey in the villages of Central Vietnam showed that in 1932 most of the villages used the old land registers established and managed by the Nguyen Dynasty, in which the use of public fields was so complicated that it was difficult to name the correct users of communal village fields. "Land registers did not show the correct land conditions at the time of survey... Some wealthy people gave the village chief some money so that they did not have to register the land they were cultivating on in the new land register. Some village chiefs did not even clearly distinguish among owners, sharecroppers, tenant farmers, or the different ways of calling people who cultivated on village fields" (Bulletin administratif de l'Annam, 1924, p.118). By 1938, Central Vietnam only had a Service of Land Administration at the region's level and a number of cadastral offices at the provincial level such as those in Thanh Hoa, Nghe An, Thua Thien, Quang Nam and Binh Dinh. By 1945, the making of new land registers had not been completed for the whole region (Bulletin administratif de l'Annam, 1927 and 1924; Gouvernement Général de l'Indochine, 1931 and 1935).

The "public fields" and their distribution were the source of many consequences in the villages those in Central Vietnam were not exceptions. Phan Dai Doan agreed with Dang Phong's comment on the regime of communal land ownership that "it is a hybrid co-ownership system, namely, the State's ownership and the ownership of the village peasants", and "a regime that is hard to comprehend" (Phan Dai Doan, 1981, p.23).

According to Nguyen Dong Chi, regarding the "collective ownership of land", the village, representing the people, took on the obligations to the State (Nguyen Dong Chi, 1960, p.41). The feature of being "hard to comprehend" of the type of field was reflected in the variability of its use, depending on the different needs and uses of villages, and on the village governance apparatuses in terms of the allocation. Usually, after being used to serve all the obligations for the whole village⁶, the remaining fields were divided equally among the villagers. This was the phase that caused many conflicts because of the unequal division and the manipulation of public fields for one's own benefits.

In the management of public fields, "The will of the king yields to the regulations of the village" (*Phép vua thua lệ làng*) and the State was hardly able to supervise the management and use of this type of field. According to Philippe Papin, "communal land is a complicated matter..., almost nothing is known about the true practices of its distribution "behind village bamboo groves" (Papin, P., 1994, p.21). The state must allocate land to the villages for use to collect taxes and other benefits on the land. Villages, represented by village chiefs and officials, often abused their power to increase the people's dependence on collective decisions, which were, in fact, those of a specific group.

Some newspapers reported the situation of village chiefs and village authorities trying to cheat on communal land for their own benefits. In a letter to the *Ánh sáng* (Light) newspaper in 1935, Trung Tiet villagers wrote "Our commune has two plots of public field, one called Dong Voi and the other Dap Tung, totaling 76 *mẫu*. The Dong Voi plot each year has a yield of

140 Indochinese piastres which has been spent on worship rituals and tea and liquor for the village authorities, while we, the villagers, have not benefited from it at all. Regarding the Dap Tung plot, we do not know what the village authorities do with such public fields and benefits from such land. For about 17, 18 years now, we have not seen any income from our communal public fields, but we still have to pay taxes for all of the 76 *mẫu*” (*Light*, 1935). By 1937, the case of Trung Tiet Village had not been solved. The villagers continued to send letters to the Song Huong newspaper: "In our village, we have two communal public fields of Dong Voi and Dap Tung ... For a long time, village authorities have shared among themselves those fields for rice farming, the yields from which were used for village rituals and worship services. They have taken the remaining money as their pocket incomes. Facing this situation, our village commissioned 27 people to ask the superior mandarins to grant such fields to the villagers ... but with no results” (*Song Huong*, 1937). People from some other villages reflected on the situation of "assuming the farming in all village paddy fields", which means that village chiefs and officials tried by hook or by crook to assume farming in all the communal fields and did not share them with villagers. The Trang An newspaper reported: "In Quang Nam [Province], Dai Loc District, My Hoa Canton, Hoa Tay Village, the farmland area is of nearly 30 *mẫu*, with only 160 villagers, but year by year, they cannot afford to contribute to the public budget as required because the village chiefs and officials assume ownership of almost all village fields and each villager is granted a plot of four to

five square *thước* (1.3 to 1.5m²) at most. With such amount of land, the villagers can hardly engage in farming activities.” In addition, the fields granted were so scattered and small that the grassroots would rather, ultimately, lease to the village chiefs and officials (*Trang An Newspaper*, 1937).

Assessing the maintenance of policy toward public fields during the French colonial period, Nguyen Dong Chi opined that this was a "reactionary policy, a rope binding peasants' necks, an obstacle against capitalism in Vietnam” (Nguyen Dong Chi, 1960, p.34). Vu Huy Phuc's survey also gave a similar view, in which the injustice in the division of communal land in Nghe An and Ha Tinh provinces was one of the root causes of the Xo viet Nghe Tinh movement of 1930-1931. Results of the 1930-1931 movement were that in Nghe An, in no communes, land was taken back from the landlords. In Ha Tinh, the land was taken back in only nine out of 86 communes. Whereas in the former, the new administrations confiscated communal land and fields in 65 out of 87 communes; in the latter, the figures were 44 and 86 respectively⁷ (Vu Huy Phuc, 1968, p.17). This showed that it was the communal cultivated fields under the management of the villages that was the cause of conflicts and clashes there.

4. Cadastral activities in Central Vietnam from the end of the 19th century to 1945

The feudal state under the rule of King Minh Mang established a system of land registers to the village level⁸. In 1898, under the suggestion of the Resident Superior of Central Vietnam, King Thanh Thai issued

an ordinance on calculation of poll tax and cultivated land tax. However, the King's royal ordinance did not specify the basis for tax calculation, only implying that the local mandarins must guide the specific way to the people. First and foremost, it was necessary to rely on the old land registers because "the changing to the land registers is not intended to harass my people" (National History of the Nguyen Dynasty, 2011, pp.102-103). Any deviations from the old land registers must be fully and truthfully declared. The village chiefs were responsible for collecting land declarations in the village and commune and then submitting them to the French *Résident* and the provincial authorities. The royal ordinance clearly stated that "The declarations shall be made based on the correct number of the male poll-tax payers and correct amount of cultivated land, measured before the deadline of one month with the official in charge of measurements, and nothing can be omitted or concealed." The royal ordinance also gave a strict warning that if declarations were made by means of cheating, then severe punishments would be imposed. "If one fifth of the land or the field is concealed, and tax evasion is detected, then the land related to such tax evasion will be expropriated to become public fields or communal land" (National History of the Nguyen Dynasty, 2011, p.104). In 1899, Governor-General Paul Doumer established the Geographic Service (*Service Géographique*) to undertake the work of geodesy, cadastral investigation and map drawing. However, only Tonkin, Cochinchina and Cambodia had services of land administration (*Service du Cadastre*). In Central Vietnam, the cadastral section coordinated with the Department of

Agriculture and the Department of Public Works, and they were also under direct management of the Palace of the Resident Superior of Central Vietnam. On 25 July 1914, the Cadastral Service of Indochina (SGI) was established, and each of Vietnam's three regions then had a cadastral division performing the tasks of land measurements and land register making. However, in Central Vietnam there was still no Department of Land Administration at the region's level. Cadastral work was done in each province, depending on its specific resources and needs.

Land measurements in Tonkin had been carried out since 1895 and completed in 1939 (Nguyen Van Khanh, 2001, p.47) by the Department of Land Administration. Many researchers used documents from the Tonkin Department of Land Administration and village conventions to survey the land of villages in the region⁹ (Papin, P., 1994, pp.21-34; Kim Jong Ouk, 1999, pp.29-42; Bui Viet Hung, 1999, pp.32-41; Nguyen Thi My Hanh, 2011, pp.50-59). According to Nguyen Thieu Lau, by 1944 the cultivated land of many villages had been "measured". These villages all had a 1/2000 map provided by the Department of Land Administration. This map was kept at least in two places: one in the village, at the village book keeper's, and one was kept in the district office or at the Department of Land Administration located in the provincial capital. The village cadastral map could be of the size of a bed, recording all geographical features of a village such as houses, gardens, fields, public fields, private fields, communal houses, pagodas, temples, roads, rivers, ditches, mounds, wasteland, cemeteries... (Nguyen Thieu Lau, 1944, p.5).

In Central Vietnam, the land measurement for land register purposes was still carried out

by the Ministry of Finance. In 1912, Pasquier, who was the then Resident [Provincial Governor] of Thanh Hoa, commented, "It is the job of the Ministry of Finance to determine land ownership whereby to exploit land for cultivation and to determine the tax payable. All real estate transactions (purchase, sale, and lease) are almost never certified by public authorities. The measurements by the Ministry of Finance lacked scientific values, and therefore did not guarantee the cadastral authenticity. In addition, the exchange and purchase were not updated, so the name of the owner sometimes remained the same, even though the land had been bought and sold many times. The creation of land registers was usually done in three steps: firstly, to submit to the Ministry of Finance issues related to land; secondly, to submit to each province's chief; and thirdly, to take measurements in the village. Village land registration was carried out as follows: (1) determining the total number of village fields, (2) determining communal land and public fields, and (3) determining private land and private fields. The village was responsible for keeping its land registers, but every time there was the need to change anything the village had to ask the ruler of the immediate level (i.e. the Resident Provincial Governor - author's note) for permission to make such changes. The land tax was paid annually by the village, usually at the village general meetings held at the communal house yard. Usually every 5 years major changes were recorded and corrected in the village land register" (Reny, E., 1931, p.77). Pasquire further emphasised the nature of the land measurement by the Ministry of Finance. "In theory, the organisation by the Ministry of Finance was perfect. They set

up land registers through land registration, which was also the basis for tax calculation based on the official classification of each type of land, thereby allowing the village government to set a fair tax rate. However, in reality, this organisation revealed many shortcomings due to the lack of bases for each type of land, in terms of the classification as well as the information in the land register. Therefore, the land register was not a good basis for tax calculation because it contained many loopholes. In fact, each year the village was notified of the total tax payable, often in increasing numbers. The village distributed taxes without distinction of land registers (for land registration) and land tax registers (i.e. tax books). Often they used the land registers to calculate taxes. Tax distribution was determined by elder village notables, by a mechanism of majority voting. Because of the inaccuracy of land tax calculation, the French protection government had to set up an agency to measure and classify land, based on which it would calculate the tax" (Reny, E., 1931, p.78).

On 21 July 1925, the Governor-General of Indochina issued a decree on land registry of Tonkin and Central Vietnam, but limited only to the French concessions of Hanoi, Hai Phong and Danang. By the end of 1936, Hanoi city had nearly completed the measurement and registration of land registers for 9,800 buildings, Hai Phong city had conducted new registration for 4,340 buildings out of a total of 8,380 items of real estate there (Gouvernement Général de l'Indochine, 1935, p.46). Meanwhile, the making of the new land registers in Da Nang was not started until 1937.

On 26 April 1930, the Resident Superior of Central Vietnam issued a Decree on

Protection of Land Ownership. E. Reny, Director of Tonkin Land Administration, did a survey on cadastral work in Indochina until 1930, through which we can get to know about part of cadastral activity in Central Vietnam before and after the issuance of this Decree. Cadastral work was understood to include three main tasks as follows (1) land measurement, 2) creation of land registers, and (3) tracking changes in land ownership and collecting land-based registration tax¹⁰. It can be said that most of the cadastral work was done in urban areas, while only a few cadastral divisions of a few provinces conducted cadastral work in rural areas, including typical provinces such as Thanh Hoa, Nghe An, Thua Thien, Quang Nam and Binh Dinh.

At the time of 1912, the resources of Central Vietnam were not enough to establish a cadastral office to change and update all the land registers. There was only one cadastral office implementing the land measurement project in Thanh Hoa Province. In fact, the French government still had to rely on the old land registers to determine the land tax rate for the village. Until 1931, unlike in Tonkin and Cochinchina, in Central Vietnam, there had been not yet a department of land administration. The cadastral work was still purely technical, conducting measurement, and combining measurement on land and measurement by plane in line with the specific needs of and requests by the Resident Superior and each province. In some provinces, for example, Thanh Hoa, Nghe An, Thua Thien, Quang Nam and Binh Dinh, the cadastral units worked more frequently than in others.

In Central Vietnam, Thanh Hoa Province was the place where cadastral activities

took place early (from the time of Pasquier as the Resident Governor of the province in 1912). The total land area of Thanh Hoa was 1,040,000ha, with a population of about 1,300,000, mainly concentrated in the delta and midlands, on a cultivated area of 200,000ha. Similar to in Tonkin, in the province there was no large-scale ownership, with mostly small owners, and the land was fragmented. On average, one hectare contained about ten to 11 plots, which meant that there were about 2 million land plots in Thanh Hoa, and the annual land tax rate of the whole province was about 670,000 Indochinese piastres (Reny, E., 1931, p.80). In 1927, the province planned to measure land on an area of 50,000ha, combined with measurements using aerial photos on an area of 14,000ha. However, the plan was not fully implemented due to the very high cost of measuring and registering all the plots. Work was able to be carried out on only a few areas, as there were not enough resources to measure all of them. The advantage was that when measured with aerial photos, most of the plots of land would fit neatly into a single aerial image (whereas in Cochinchina, a plot of land might be too large and unfit within one aerial image). In Central Vietnam, it was difficult to have a master plan of land for the whole village to reflect correctly the situation of the local land in each land register, so that one could proceed with registration and recognition of properties.

In May 1929, the making of land registers began for 110 villages that already had aerial photographs taken in 1927, on an area of about 14,000ha. The work ended in March 1930 with 148,000 land registers completed. The cost was 32,000 Indochinese piastres, which was about 2.28 Indochinese

piastres per hectare. The locals had to pay 25 *xu* for each land register (i.e. a registration paper for a land plot).

The trial in 1929 paved the way for the implementation of a land register making programme for 30,000ha in the whole of Thanh Hoa Province. In 1930, it was expected that the work would take as long as five years, which meant that in around 1936 the making of land registers would be completed for about one fifth of the total land area of the province. After the land registers were completed, the Department of Land Administration provided each village with 1 copy of the land register, 1 copy of the list of all the owners and 1 copy of the village cadastral map. The staff of Thanh Hoa Land Administration Office included 1 measurement engineer as the Head, 1 administrative director who used to serve as the main secretary of the Resident Superior's Office, 1 assistant, who was from the locality, to assist in the operation, 15 measuring staffers, 2 accountants, 1 examiner, 1 job recorder, 7 measurement assistants and 6 designing staffers. The personnel involved in the making of and extracting from the register (*livre foncier* and *extrait des livres fonciers*) included two staffers who worked directly with the measurement division, seven monitors, 26 land registration recorders, 29 employees to make copies of the land registers, including 15 employees who were proficient in Sinographs, and 1 archivist. The total number of employees of the Department of Land Administration and Land Registration of Thanh Hoa in 1930 was 107.

The Nghe An Cadastral Office was established in 1924. On 24 September 1924, King Khai Dinh issued a royal ordinance to set up a cadastral office in Nghe An to make

new land registers in the province. The royal ordinance was approved by the Resident Superior of Central Vietnam on 15 October 1924 (Bulletin administratif de l'Annam, 1924, pp.1241-1247). This Cadastral Office was run by a European or Vietnamese engineer, and was responsible for supporting the Nghe An aerial land measurement project. In support of this project, the villages formed a council composed of a cadastral executive officer, a representative of the province government, the chief of the village, the chiefs of the neighbouring villages, 1 village elder notable and 1 elder notable of the neighbouring village. In the event of a land dispute between villages, the cadastral executive was responsible for determining the extent of the dispute from the parties' statements. In the land measurement record mention had to be made of the extent of the dispute. The minutes of village boundary demarcation were made into 5 copies: 1 to be kept by the village, 1 submitted to the district government, 1 to the provincial government, 1 to the Resident Superior, and 1 to the Ministry of Finance. Once the village boundary was determined, the land plots were numbered, from West to East. A council consisting of a cadastral executive, a representative of the provincial government, a village chief, a village secretary, a village registrar and 2 landowners helped with the numbering of plots, which proceeded simultaneously with the listing of all landowners in the village (as per the form attached in the Decree).

The form of land ownership declaration (As per the royal ordinance dated February 1924, approved by the Resident Superior of Central Vietnam as per Decree dated 18 September 1924):

Form 1: List of Village Land Owners (name of village)

Number of land plots	Name of land owners	Land properties (field, garden, waste land ...)	Land classification
1	Ng. Van H	Field	Type 1
2	Public field	Field	Type 1
3	Waste land	Land	Type 3

The Form for Land Register of Land Plots in the Village

Number of land plots
Name of land owners
Land properties (field, pond, forest, waste land ...)
Works on land (domicile on the land)
Land plot area
Land plot limits
Origin of property
The lawsuit on the land plot
Judges of the lawsuits
Real ownership
Change of owners
Village's seal / stamp

Source: Bulletin administratif de l'Annam (1924), No. 10, pp.1246-1247.

The declaration of land register of each plot of land was guided in detail. All owners must discuss with each other and agreed on the name of the owner and the name of the real owner. The village registrar would inscribe the name of the owner, which is then certified and sealed by the chief of the village. The cost for registration of a plot of land was 20 *xu* for a plot of less than 1 *mẫu*, 40 *xu* for a plot of 1-5 *mẫu*, 1 Indochinese piastres for a plot of more than 5 *mẫu*. The proceeds were transferred to the Central Vietnam's budget to cover the costs of land measurement, registration of land and property ownership (Bulletin administratif de l'Annam, 1924, p.1244).

Regarding the sale, transfer or mortgage, all activities related to land ownership had to be notified to the village chief within 1 month from the date the two parties signed the exchange. The chief had to show a change in the land register of the plot of land. During the first five days of the second, fifth, eighth and eleventh months of the lunar calendar, he had to report all land transactions for the quarter to the provincial chief via either the district or the prefecture chief. Based on that report, the mandarin in charge of land administration of Nghe An would update the land situation in the land register kept in the province.

On 13 August 1927, the Resident Superior of Central Vietnam issued a Decree to

establish the Department of Land Administration of Nghe An Province (Bulletin administratif de l'Annam, 1927, pp.1377-1383). From 1927 to 1930, the agency conducted field measurements on a total area of 35,000ha in about 152 villages.

Some provinces established Land Administration Offices as per the Decree dated 26 April 1930, including Thua Thien, Quang Nam and Binh Dinh. On 30 May 1930, Thua Thien Land Administration Office signed with the *Société Air-Asie* a contract on aerial photography for 50,000ha of land in this province. Meanwhile, the Land Administration Office of Binh Dinh Province signed with Mr. Chariot, a land surveyor, a contract to measure 8,000ha employing the traditional measurement method.

The new land register could be used as collateral for a bank loan (as in Thanh Hoa, Nghe An). Provinces that did not make new land registers could use the old ones but must be verified by the village authorities (Gouvernement Général de l'Indochine, 1931, p.472). In 1938, Central Vietnam Department of Land Administration was established, but by 1945, it had not completed the creation of new land registers in the whole region. During the research process, the author made efforts to approach the set of "new land registers" (i.e. the ones created by the French government), but there are few of such documents kept in Vietnam's archive centres.

5. Conclusion

During the French colonial period, in Central Vietnam, there were two main forms of ownership, namely, village ownership (communal land/fields) and private ownership.

In fact, in many villages the concept of "communal land/fields" was not used. The villagers, instead, used the concept of "village land", "village fields" with various forms of use. Agreeing with the judgment of many earlier studies, the author confirms that in Central Vietnam, the land was fragmented. In some villages there were only public fields and no private ones. In 1899, the French government and the Nguyen Dynasty enacted the regime of land-based and field-based taxes. However, the taxation was mainly based on the old land registers that the dynasty had created, which were the registers used under the reigns of Kings Gia Long and Minh Mang, in combination with self-declaration in the village. In Central Vietnam, cadastral activities were carried out in the early 1920s. Some provinces, such as Thanh Hoa, Nghe An, and Quang Nam, had their own Departments of Land Administration established. However, none of them managed to provide complete land registers for all types of village land. Currently, there are not many land registers created during the French colonial period still available. A controversial issue was the distribution of village and commune land (communal land). Until 1945, there were no legal documents specifying the distribution or allocation of that type of land. The division of land varied from village to village and depended on the village authorities. The reality showed that it was the cause of conflict in Central Vietnam's villages, creating opportunities for fraud and corruption of the village authorities and elder notables.

Notes

¹ This paper was published in Vietnamese in *Khoa học xã hội Việt Nam*, số 10, 2020 then developed

into this English version. Translator: Luong Quang Luyen. Language editor: Ta Quang Dong.

² Nguyen Gia Phu maintained that at the end of the 14th (the late Tran Dynasty, the early Ho Dynasty) "mainly private land" (Nguyen Gia Phu, 1961, p.51); according to Ha Van Tan et al., land ownership came into existence "when the land became a commodity that could be sold or pawned". In the Tran dynasty, the court "sold the common land, allowing people to buy such land for private fields" (Pham Thi Tam, Ha Van Tan, 1963, p.20); Phan Huy Le said that in the Le dynasty, most of the land were private land because after the Le dynasty was established, the land was granted to meritorious officials, called "appanage with inheritance". With a large scale granting of appanage, the inherited fields as such "became private fields and to be enjoyed forever" (Phan Huy Le, 1981, p.18); Vu Huy Phuc wrote until the 19th century, the Nguyen dynasty still tried their best to consolidate the communal land regime, forbid the sale and purchase of communal land, and many households sold their private fields to become public fields "which were handed over to local communes and villages to allocate to villagers for cultivation" (Vu Huy Phuc, 1964, p.45); According to Truong Huu Quynh, in the 18th century, the land concentrated in the hands of Nguyen and Trinh Lords and the land-owning class. In addition, "a series of private small farmers emerged on the basis of reviving the abandoned villages for a long time... the dominance of the form of middle and small landowners' ownership" (Truong Huu Quynh, 1982, p.68); author Nguyen Khac Dam rejected views on the victory of private fields over public fields in the period before the 19th century and affirmed that in the middle of the 19th century, "private fields surpassed public fields in area" (Nguyen Khac Dam, 1964, p.34).

³ The *mẫu* in Central Vietnam was about half a hectare; in Tonkin it was one third of a hectare; in Cochinchina it was 1 hectare.

⁴ Original registered households (*chính hộ* - lit. principal households) were native people of the village, while unregistered households (*khách hộ* -

lit. guest households) were from other places, who had moved to and settled in the village but were still considered outsiders.

⁵ Papin wrote that about 10% of the communal land was devoted to the village's administrative tasks such as for village first notables and village elder notables; nearly half of the remainder was pledged (i.e. semi-temporarily sold by the village) to pay public utility structures (such as dykes, repair of public works), "soldier-granted" fields, public buildings (such as communal houses, pagodas, temples), festivals, holidays, gifts to neighbouring villages (Papin, P., 1994, p.24).

⁶ According to the survey of Bui Xuan Dinh, village communal fields could be used for the common goals of the village such as "soldier-granted" land (*luong điễn*) which the village granted to families with soldiers; land used for the purpose of festivals, rituals and worship (*đất hương đặng*); *biểu văn* land (to be granted to writers of *văn tế* - remarks made to deities/tutelary gods/the late personages of the village... at the village temples/communal houses... - annually); village communal land (granted to village chiefs and deputy village chiefs), land allocated to communal houses, pagodas, for temples, including those to worship saints of literature and of martial arts, land provided to musicians who played at the village and villagers' events (festivals, rituals, death anniversaries...) and to village heralds (Bui Xuan Dinh, 1981, pp.29-30).

⁷ Vu Huy Phuc obtained Y. Henry's figures in *Economie agricole de l'Indochine*, (Vu Huy Phuc, 1964, pp.6-7).

⁸ Researcher Nguyen Dinh Dau studied the Nguyen Dynasty land registers and published a series of books on land registers of provinces in Vietnam.

⁹ Cao Van Bien published a series of papers on land ownership in Ninh Binh, Nam Dinh, period 1930-1945.

¹⁰ Land-based registration tax depended on the size of the land plot such as those plots of less than 1 sào (i.e. 497m²) paid 25 *xu* for registration, from 3 sào to 1 mẫu paid 30 *xu*, more than 1 mẫu paid 35 *xu* (see Reny, E., 1931, p.86).

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