

22: Khun Phaen wins the case against Khun Chang

[II/125]

The gracious king slept in his jeweled prang, the radiance of the world. At the right time when the sun was high, he went out before the audience.

Phrameun Si Saowarak-rat bowed his head, and wai-ed in obeisance. Prostrate, he reported about the case. 'We now have Khun Phaen.'

The king was as angry as if the heavens were on fire. Not yet knowing the details, he angrily stamped his foot in the audience hall.

'That trickster thinks he has powers, and I can't match him. He kidnapped Khun Chang's wife off into the forest, and chopped dead the people sent out after him.

If he's so good, why didn't he fly away instead of burying his head and coming here on foot. Which city caught him? Give them a reward. Was he locked up on the way here?'

Phrameun Si placed his hands on his chest in homage, bowed his head, and addressed the king from the contents of the report. 'My life is under the royal foot.

Khun Phaen reported to Phra Phichit and gave himself up to face the charges. He was securely restrained. Phra Phichit sent a report saying he is loyal with no crooked ideas.

He questioned Khun Phaen and Wanthong who gave evidence which was completely correct. Khun Chang wronged him so he repaid him, but he had no ideas of rebellion.

In the past, Wanthong's name was Phim. Khun Phaen asked for her hand from her mother, who consented. They built a bridal house, and she was sent in. This is generally known. After living together for three days,

he had to go up to Chiang Thong with the army. He did not divorce, reject, or sell her. Khun Chang told the mother-in-law that Khun Phaen had died on campaign.

He asked for her hand, married her, and built a bridal house. When Khun Phaen returned from royal service,

he did not sue the lover of his wife for compensation but lived with Laothong from then on. [126]

When it was his turn for guard at the palace, out of hate and jealous rivalry, Khun Chang told the king that Khun Phaen climbed

the palace wall. This lie resulted in him being wrongfully charged.

He had no way to tell the king the truth because he was barred from audience. He became a miserable fugitive, and Laothong had to go and live in the palace.

Khun Phaen wanted revenge on Khun Chang, so he kidnapped Wanthong. He knows that the fact he killed officers and men in the deep forest carries the death penalty.

He avoided capture but gave himself up to clear himself. If the king does not favor him, he asks to surrender his life, not wishing to make trouble out of consideration for the royal merit.' Ending the report, he made obeisance.

The king, acme of the beautiful city, heard the report and his anger eased.

'Bring Khun Phaen and Wanthong here immediately. I want to see their faces.' A guard took the king's order, backed out, and brought Khun Phaen and Wanthong in.

They wai-ed and made obeisance, but the king was still too angry to look at them. Khun Phaen chanted a mantra he had used before, and blew it with faith in its science.¹

The king's mood relaxed, and he turned towards them. 'This couple is clever, stealing off into the forest, not fearing anyone.

Now they come back and give evidence against the mother-in-law that she gave her away to a new husband. Is she really your wife as said? Did you come back because you think you can fight the case?'

Prostrate, Khun Phaen said, 'It is as the king says. If investigation shows that Wanthong is not my wife, as my testimony states,

I willingly surrender my life. Do not waive the execution such guilt demands.' He made obeisance and remained prostrate before the king.

The king listened to these points. 'I will have this matter contested in court. Whoever loses will be executed as they deserve. [127]

On the killing of Khun Phet and Khun Ram, I absolve you of guilt because you had no thought of rebellion. Release them so they may contest the case.'

Phrameun Si made obeisance to take leave, and led the couple

¹ Kukrit (213) is so horrified by Khun Phaen's effrontery to use his magic on the king, he suggests that Khun Phaen's later misfortunes are the consequences.

away. He promptly had the chains removed.² He ordered a guard to hasten

to Suphan and bring back Khun Chang. The guard rode his horse to Khun Chang's house and went straight in.

Khun Chang had been moaning and groaning gloomily in his room since Wanthong left almost a year earlier. With no bedmate, he suffered.

He slept less than half the night and woke with a start before the cock could rouse him at dawn. Touching the mattress and pillow was like a fire licking. His stomach felt cramped day and night.

But on the day Wanthong came to the city, he slept through to dawn, and also had a dream. On his way to cut firewood, he waded through shallow water and found a huge pond.

He saw a blooming lotus that looked dazzling, but the stamens had wilted and the petals were hollow inside. He wanted to pluck it, but a bo tree got in the way. Then he woke with a start at dawn.

Thinking about the dream made his chest tremble and his thoughts race. 'This is about Wanthong. The stamens were fallen and the bloom hollow because a lover is enjoying her.

This'll make me unsettled for many days.' That evening as the sun sank, he came to the hall to sit in the evening breeze, thinking of Wanthong.

Nai Phan Thakan reached Suphan and hurried to the house. He dismounted by the gate and looked up at Khun Chang who was sitting reciting sakkawa³ verses

in lament over Wanthong. He spoke a couple of words, and made a mistake in the verse, over and over again. He was about to reach the 'oei' at the end, but wandered off many times. Phan Thakan got tired waiting for him to finish,

and went in. Khun Chang greeted him, 'Where are you going?' Phan Thakan shot back, 'They've got Khun Chang and Wanthong. [128]

They gave evidence subtly implicating you. There will be a trial in the palace. The king sent for you. Come along with me right now, don't delay.'

² As the king has absolved Khun Phaen of the charge of rebellion, there is no reason for him to be restrained. He and Wanthong now face only the 'civil' case brought by Khun Chang, but this case is special because it is to be heard 'on royal command.'

³ An entertainment in which poets sing improvised verses to the music of an ensemble. Often this was played on boats in moonlight.

Knowing she had been found, Khun Chang felt reborn. He jumped up and down in joy. He ran into the ruean

and unlocked chests to find upper and lower cloths. Feeling as bright as the moon, he summoned his gaggle of servants and gave them orders.

'You stay behind here to look after the house and possessions. Pay attention!' He went off immediately, mounted his elephant, and made for Ayutthaya.

On arrival he dismounted, took a bath, and merrily changed his clothes. He scurried along behind Phan Thakan to the inner court sala.

Looking around there, he saw all the nobles but could not see her. He pushed his way through the crowd and sank down to wai the accomplished Phrameun Si.

'Khun Phaen and Wanthong are over there.' Khun Phaen dashed to the front, sank down to wai, and asked 'My dear sir, where is my wife?'

Phrameun Si indicated, 'Over there! Isn't that Wanthong for sure?' Khun Chang turned round and grabbed hold of Wanthong in delight.

Wanthong shrieked and clutched her chest. Khun Phaen punched, elbowed, and kicked him away, then stood shielding her. Khun Chang shouted out loudly:

'Oh dear, Wanthong! You have your lover elbow me, and kick me too. You don't love me any more. I've missed you, and never forgotten you for one moment.

What's this? Are you with child, Wanthong? This means you were pregnant in the forest. When we were living together, you missed your period for more than a month.

I dreamt I got a wasp's nest ring⁴ that sparkled like pure undying fire. That means our child will be male. When you left me, I had morning sickness, [129]

and couldn't eat or drink anything. I was sad because you were out-of-sorts. I craved tamarind, and pickled thornweed.⁵ I'm happy to see your face today.

Come back to the ruean without delay. I won't scold or beat you, Wanthong.' He grabbed her wrist. 'Don't be reluctant.' Wanthong pushed and pulled.

⁴ A ring with jewels in the conical shape of a wasps' nest.

⁵ *Phak nam*, *lasia spinosa*, a thorny semi-aquatic creeper (thornweed is our invention).

Phrameun Si was as furious as a roof on fire. He bellowed fiercely and fearsomely, 'You vile tribe! You wheedle and blather shamelessly.'

Didn't you say you were angry at Wanthong? You followed here because of your possessions and had no interest in her. If you got her, you wouldn't love her but wanted to chop off her head. Now you see her face, your eyes go blurry, and you forget your anger.

This is the way you rock back and forth, you son-of-a-slave. That's why you got knee-ed and elbowed until you fell over on your back. Your talk is a dribble of nonsense.

Don't you know you have to answer your case on royal order? How are you going to get Wanthong?⁶ Find yourself a guarantor quickly. Hey, guards! Hold all three of them.'

Then at the appointed time, the judges assembled, and the guards brought in the plaintiff and defendants. The plaint was written down, and then the questioning began.

'Khun Chang stated that he had asked for Wanthong's hand, and her mother had granted it. People were aware that they held a prayer chanting and sprinkled holy water.' Khun Phaen responded, 'I did not know.'

Khun Chang entered as witnesses the many villagers who had seen this. 'Next issue. Khun Chang stated he lived with Wanthong

for about two months, and then she disappeared, taking a large amount of property including gold, silver, and cloth.

He went after her and found her at a banyan tree. He saw Wanthong sleeping beside Khun Phaen and hence knew her lover had kidnapped her. Khun Phaen had many forest bandits under his command.'

Under questioning, Khun Phaen responded, 'Not true.' Khun Chang entered his witnesses and proceeded to another issue. [130]

'Next issue. Khun Phaen and his forest bandits launched a murderous attack in which Khun Phet and Khun Ram died.' Khun Phaen accepted that this was true.

'Next issue. Khun Phaen and his bandits mischievously constructed a royal lodge. When they saw Khun Chang coming, they chased after him with guns, tied him to a tree,

and lacerated him with rattan thorns all over his body.' Khun Phaen responded, 'Not true.' Khun Chang went round in circles and got lost. He stated that he had no witnesses to call

because the army ran and scattered in defeat, but the marks on his back were still visible. He would prove his words by diving into the

⁶ Referred to here as *khon klang*, the one in the middle.

whirlpool. With this, the plaintiff rested his case.

The testimony was recorded, The case had many issues. Khun Phaen used his skills to chant an anus-stuffing mantra,

and blew it onto Khun Chang's chest. Sweat fell down his chest in floods. His face reddened, his hair stood up, and he looked flustered. 'I beg your pardon, I'm not well.

My head is spinning and my bowels are churning. I don't think I can answer the case today. My stomach is swollen and bubbling. Please grant a recess until tomorrow, your honor.'

Phrameun Si said, 'This is a case on royal order. Are you trying to delay the case to create confusion? Nobody will grant the recess in your favor. Officers, continue. Don't listen to him.'

Khun Chang shouted out with bulging eyes, 'I've got diarrhea and I can't stand it. I'm bursting. Please delay for just one day.' 'Overruled. Continue with the questioning.'

Khun Chang jumped up, 'For life or death, please let me go to shit.' Khun Phaen said, 'Objection, your honor. The plaintiff will escape.'

Khun Chang was angry and frustrated. Immediately he took a step, the shit burst out over his clothes and splashed down in bowlfuls in the middle of the sala. People laughed and scattered.

The judges ran off to all points of the sala. 'Smellier than dogshit, you commoner face.' Khun Chang looked for Wanthong's face and felt even worse. Sitting or standing, the shit flowed out. [131]

'Oh Wanthong my darling! The shit has ruined the whole cloth. Please help me to delay for one night. You cheer me up but you don't help me.'

He lunged to grab Wanthong and out came another pile. 'Oh my darling!' Phrameun Si called out, 'Hey, hey, guards! Why aren't you doing something?'

Guards rushed in, grabbed him round the waist, and pushed him out of the sala in front of the crowd. He ran off spraying shit around.

He reached the riverbank, descended to the quayside, and jumped into the water, submerging and coming back up like a porpoise. He got out and ran up to the landing of Granny Mi,

who shouted, 'What's this? A *krasue*?⁷ No, it stinks of shit!' Khun Chang cried back, 'You evil old woman!' and rushed back to the inner court sala.

He changed his clothes and went to sit beside the defendants. The judges looked up. The smell was still unbearably strong, and they sat

⁷ A specially nasty spirit that eats dirt and rubbish.

holding their breath. They instructed the clerks to take down the proceedings.

'First issue. Khun Phaen stated they had been lovers since the time she was still called Phim. He had definitely asked for her hand from her mother, Siprajan, who had given Wanthong to him in marriage.

They had lived together happily as a couple until he left on the Chiang Thong campaign.' Khun Chang responded, 'Your honor, on this issue, I do not know.'

Khun Phaen entered several villagers as witnesses. 'Next issue. When the army returned to Ayutthaya,

Khun Phaen went back home and found Khun Chang had been very high-handed. He had asked for Phim in marriage, built a bridal house, and made love to his wife as well. Hence Khun Phaen was angry.'

Under questioning, Khun Chang responded, 'Not true.' Khun Phaen entered several witnesses and proceeded to the next issue.

'Next issue. Although Khun Phaen did not press charges, Wanthong was certainly his wife. He came to take her back, but did not take any of the property cited.' [132]

Khun Chang turned with green eyes and said angrily, 'Not true.' Khun Phaen said he could not enter witnesses as this took place in the forest. He continued to the next issue.

'Next issue. Khun Chang came after her and wanted to chop Khun Phaen down dead. Under provocation, Khun Phaen joined the fight and they exchanged slashes with one another in the forest.'

Khun Chang did not accept this whole issue. Khun Phaen said he could present further evidence on this point for entry into the court record. He indicated two legal points

why the evidence should be accepted into the court record as admissible. He withdrew any further issues, and requested to proceed to taking depositions from witnesses. The record was folded, tied, and sealed by fingernail.

Then Wanthong's testimony was recorded. It concurred with Khun Phaen's without fail except for some additional material. 'Mother forced me to marry against my will.

When I refused to enter the bridal house, she grabbed me by the neck and beat me. This could be heard all over the village. When Khun Phaen went on royal service, Khun Chang came to say that Khun Phaen was dead.

He brought bones wrapped in cloth to show, as several people had seen.' Khun Chang cried out, 'Shameless! You change everything, Wanthong.

You've got someone new and forgotten the old, you trickster. It makes you change evidence and act arrogantly.' He jumped up, pulling up his lower cloth with eyes bulging. 'I'm going to kick you,

you evil woman.’

Wanthong appealed to the judges. ‘This baldie is making a fuss. If I give evidence, the villain will beat me. How much did you pay for me?’⁸

Khun Chang was furious but the guards obstructed him. He jumped up and down and his cloth slipped off. Phrameun Si shouted, ‘The whole five rai,⁹ you blind idiot!

Your cloth has slipped off and we can see your whole belly, you disaster.’ Wanthong called out to Phrameun Si, ‘Khun Chang is making trouble because of what I said.’

Seeing his own thighs, Khun Chang felt ashamed. He sat down, pulled up his cloth, and grumbled to himself, ‘It’s a pity I can’t kick her over. Even if it cost me a bowlful of money, I wouldn’t mind.’ [133]

Phrameun Si said angrily, ‘You scum. This case will bring problems down on your head. You can’t see what’s serious and what’s not. Quieten down and be more careful.’

Wanthong’s testimony was then taken down, but was ruled as inadmissible. ‘This woman in the middle is impetuous. She finds herself in the wrong but she has no fear.

She loves her lover so she sides with him. She lives with her husband and so she sides with him. The evidence is muddled and hence inadmissible.’ The papers were tied and sealed by fingernail.

At dawn they went to take depositions from several witnesses. The three parties to the case walked to Siprajan’s house.¹⁰

Khun Chang pointed to Siprajan who walked out trembling and took the oath. Khun Phaen promptly lodged an objection.

‘The mother-in-law is on the side of plaintiff. She is very badly disposed towards me and totally prejudiced. She separated me from Wanthong,

and gave her to Khun Chang to enjoy. She is deceitful and without scruples. She likes talking to her son-in-law one-on-one. She had him massage her stomach in the ruan

so much a baby popped out, and he still went on massaging her from dawn until he was red in the face. She’s such a shriveled old fraud even vultures warn off her. She’s a member of the household yet she volunteered to appear as a witness.’

⁸ Meaning, how much did he pay her mother, but she uses the words for ransoming a slave (ช่ายโถ) to make it more pointed.

⁹ งามทั้งห้าไร่, *ngam tung ha rai*, 5 rai was the saktina of a slave, the lowest rank.

¹⁰ The case is being heard in Ayutthaya but Siprajan’s house is in Suphan. This seems to be a continuity error.

Listening to this objection, Siprajan shook with anger so much that her droopy breasts slapped against her chest. She wagged her finger at him, ‘Hey, hey! You foul slanderer!’ The judge ordered, ‘Quieten down!’

Siprajan admitted she was the mother-in-law, but rejected all the other points in the case. They passed on to take depositions from all the remaining witnesses,

including those of Khun Phaen. ‘The witnesses for the plaintiff are correct in certain parts, but their evidence is not substantial.’ The documents were tied and sealed by fingernail, and then they left. The witness depositions were copied out,

and a summary made to put in the record of evidence.¹¹ Discussion was held on how to present the matter to the court. In the afternoon, everyone assembled including Phra Maharatchakhru,¹² [134]

Luang Yanprakat, and Theprachthada.¹³ They sat and listened to the record of the evidence.¹⁴ The legal code was brought in for reference and both sentencers¹⁵ were present.

The case was taken to present to the royal audience. The parties to the case were taken under guard and left in the palace. Siprajan was sent for and arrived trembling with confusion.

She turned to look at Khun Chang and let out a torrent of invective. ‘You disaster! You low-life baldie! You got me into this.’ Khun Chang told her to quieten down.

Just before the time for the audience, all the nobles assembled. At the time, Phrameun Si led the way in, followed by the parties to the case.

¹¹ กระทงแดง, *krathong thalaeng*, a record of the defendants’ evidence, point by point (Red: 676; Mc:33: synopsis.)

¹² The royal court had two sets of judges, each headed by someone with the *tammaeng* of Phra Maharatchakhru and sakdina of 10,000, on par with the ‘four pillars.’ Their full titles were Phra Maharatchakhru Phrakhu Mahithon Thammaracha Suphawadi, and Phra Maharatchakhru Phrarachaparohit-acharn Suphawadi, abbreviated to Phra Ratcha Mahithon and Phra Ratcha Phrarohit (KTSD, I, 264; Red: 265.)

¹³ Phra (Luang) Yanprakat was the *athibodi horadajan* of the first set of judges, and Phra Theprachadabodi Siwasuthep was the *palat phrarachakhru prarohit* in the second set, each with sakdina of 3,000. These titles indicate the intermingling of ritual and judicial duties. The holders would be Brahman. The post of *athibodi hoiradajan* originally indicated the head of Brahmins who led prayers and appeals to the gods in offering rituals, while a *prarohit* was a Brahmin adviser to a king (KTSD, I, 265; Red: 265; RI:1314, 665).

¹⁴ ไบสัตย์, *bai sat*, meaning they listened to a reading of the record of evidence (Red 676; Mat:516).

¹⁵ The judges decided on the issue of guilt or innocence, but the sentencing was the responsibility of two other officials: Phra Kasem Ratchasuphawadi Simonthathularat, head of the department of civil peace (*krom phaeng kasem*), and Khunluang Phra Kraisi Ratchasuphawadi Simonthathularat, head of the central civil department (*krom phaeng klang*), both sakdina 3000 (KTSD, I, 266; Red: 265)

Old Siprajan tottered along open-mouthed and gasping, looking pitiful. The guards escorting them said, 'Come along you old crone, you piece of fish shit.'

Siprajan shook and mumbled delirious nonsense. A clerk shouted, 'Tut! Why are you so slow?' She hurried along behind feeling flustered.

When they reached the inner guardhouse and saw lots of people, she took fright and her stomach churned. A puff of wind knocked her over, and she crawled along with her bottom stuck up in the air. Khun Chang leapt over and grabbed her round the throat.

'You're not listening.' He grabbed her by the shoulder blades. She burped and retched with her mouth open and eyes staring blankly. She got up, hitched up her cloth, made an angry face, and called out, 'Give me a kaffir lime. Did anyone bring one?'

Wanthong put a piece of betel in her mouth and angrily looked the other way, saying 'She doesn't deserve pity.' Khun Phaen walked past with his eyes averted.

At the royal pleasure, the almighty king came out to preside, and groups of nobles of all ranks entered the audience.

The king roared his question. 'How is the case, Phrameun Si?' Phrameun Si promptly replied, 'My life is under the royal foot.'

On Friday of the eighth month, the plaintiff Khun Chang laid charges as follows. He had arranged for elders to ask for the hand of his wife named Wanthong. [135]

Siprajan gave her daughter to him. He assembled a large dowry. They lived together as a married couple for about two months. Then at midnight,

Khun Phaen put a spell on people, boldly came up to the house, made love to Khun Chang's wife, Wanthong, and kidnapped her away.

Khun Phaen does not accept the charges. He states that Wanthong was not the wife of Khun Chang. Previously she was named Phim Philalai, and she and Khun Phaen were lovers.

He then asked her mother for her hand, and happily took care of her as his wife. They had slept in the bridal house for two days when he had to go on royal service with the army.

When he returned from Chiang Thong, he found Khun Chang living and sleeping with her. He did not sue for damages, but missed her and came back to take her away.

Khun Phaen's claims have been investigated and found correct on the basis of the testimony of independent witnesses. Khun Chang called Siprajan as witness, but Khun Phaen objected on grounds she was the mother-in-law.

The judges have consulted together and reached the following judgment. The mother-in-law acted with prejudice and negligence in giving away her daughter to two men. She is judged guilty in the extreme instead of Wanthong.

Khun Chang was intent on marrying Khun Phaen's wife, and hence stated that Khun Phaen was dead. He rashly dismantled Khun Phaen's bridal house, and married her. Khun Chang is liable to fines according to the legal code,

calculated using the *sakdina* of Khun Phaen, and also damages for the wrong to his wife according to his status. Siprajan and Khun Chang are guilty and will be fined in place of Wanthong.

In addition, Khun Chang, Siprajan, Kloi, and Sai are sentenced to be flogged. Finally, if Khun Phaen fears for his own karma and does not want to [invoke the full force of the law], he will be awarded damages according to the code.¹⁶

If Khun Phaen does not fear for his own karma and is so disposed, Khun Chang will be executed. Wanthong is returned to Khun Phaen. By order of the royal court.'

After listening to the judges, the king said, 'Hey, Khun Phaen, what do you think of that? Should Khun Chang be executed or not?' [136]

Khun Phaen prostrated. 'I do not want the karma. Impose only the damages and fines, as has been proposed.'

The king said, 'Yes, there will be karma for certain. You might think you're friends, but this baldie of bad birth has an evil heart.'

Close the case and impose the judges' sentences. Phrameun Si, hurry back to the court.' Phrameun Si made obeisance, and backed away on all fours from where he had been sitting.

He had guards escort the parties to walk along together including Khun Phaen, Khun Chang, Kloi, Sai, and Siprajan.

They reached the sala where the guards were gathered, and read out the sentence for all to hear.

Khun Chang counted out the money. 'I'll pay commutation fees for the flogging, no problem.' Siprajan, Sai, and Kloi were trembling and flustered.

They counted out the money as if it would break their hearts.

¹⁶ Khun Wichitmatra made an estimate of the fines. The code prescribed a level of fine in *bia*. This was then multiplied by the *sakdina* of either the defendant or plaintiff. In this case, the sentencer mandated the use of Khun Phaen's *sakdina* which was 600. This would make the total fine 2 chang and 8 tamleung, a significant sum. Next came the fine transferred from Wanthong, which was calculated on the basis of Wanthong's age. If this was 22 or 23, the fine would be 12 tamleung. The commutation fine instead of 20 strokes of the lash would be 8 tamleung. Siprajan's transfer fine from Wanthong and commutation for flogging would be around 1 chang. Kloi and Sai would each pay 8 tamleung for commuting the flogging. (Red: 266)

Their tears plopping down. ‘The rich are like cottonwool floating on water. But for us poor people, this is almost killing us.’

After making the payments, they set off home. Khun Chang was annoyed at not achieving his intent. He crawled in to see Phrameun Si. ‘Sir, please cut me a little slack.

I can spend money without a thought as long as I’m alive. Sir, have mercy on one point – please let me have Wanthong back.

I’ll repay your merit with twenty chang. I’ll give this to you as long as you can make it lasting and not let things change and disappoint me.’

Phrameun Si said angrily, ‘You fool! Nobody can overturn a royal order. Don’t bother me. Get out.’ Khun Chang backed out feeling helpless.

He sat down with a big sigh beside Wanthong, overwhelmed with love and craving. His thoughts slipped out of his mouth, ‘Oh, heavenly flower of mine!’ [137]

People around laughed. ‘Please sing some more, my good sir, it’s so beautiful, so captivating.’ Khun Chang ignored them and left.

The faces of Khun Phaen, Wanthong, and Kaeo Kiriya were shining from having won the case. Phrameun Si suggested they leave and hurry home.