

# SIAM.

## TREATY WITH GREAT BRITAIN.

File No. 10883/32-38.

*Minister King to the Secretary of State.*

[Extract.]

No. 484.]

AMERICAN LEGATION,  
*Bangkok, May 13, 1909.*

SIR: I have the honor to transmit a copy of the Anglo-Siamese treaty with associated papers.

I have, etc.,

HAMILTON KING.

[Enclosure 2.]

His Majesty the King of Siam and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of settling various questions which have arisen affecting their respective dominions, have decided to conclude a Treaty, and have appointed for this purpose as their Plenipotentiaries:—

His Majesty the King of Siam, His Royal Highness Prince Devawongse Varoprakar, Minister for Foreign Affairs, etc.

His Majesty the King of Great Britain, Ralph Paget, Esq., his Envoy Extraordinary and Minister Plenipotentiary, etc., who, after having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following Articles:—

### ARTICLE 1.

The Siamese Government transfers to the British Government all rights of suzerainty, protection, administration, and control whatsoever which they possess over the States of Kelantan, Tringganu, Kedah, Perlis, and adjacent islands. The frontiers of these territories are defined by the Boundary Protocol annexed hereto.

### ARTICLE 2.

The transfer provided for in the preceding article shall take place within thirty (30) days after the ratification of this treaty.

### ARTICLE 3.

A mixed commission, composed of Siamese and British officials and officers, shall be appointed within six months after the date of ratification of this Treaty, and shall be charged with the delimitation of the new frontier. The work of Commission shall be commenced as soon as the season permits, and shall be carried out in accordance with the Boundary Protocol annexed hereto.

Subjects of His Majesty the King of Siam residing within the territory described in Article 1 who desire to preserve their Siamese nationality will, during the period of six months after the ratification of the present Treaty, be allowed to do so if they become domiciled in the Siamese dominions. His Britannic Majesty's Government undertake that they shall be at liberty to retain their immovable property within the territory described in Article 1.

It is understood that in accordance with the usual custom where a change of suzerainty takes place, any concessions within the territories described in

Article 1 hereof to individuals or Companies, granted by or with the approval of the Siamese Government, and recognized by them as still in force on the date of the signature of the Treaty, will be recognized by the Government of His Britannic Majesty.

#### ARTICLE 4.

His Britannic Majesty's Government undertake that the Government of the Federated Malay States shall assume the indebtedness to the Siamese Government of the territories described in Article 1.

#### ARTICLE 5.

The jurisdiction of the Siamese International Courts, established by Article 8 of the Treaty of 3rd September, 1883, shall under the conditions defined in the jurisdiction Protocol annexed hereto, be extended to all British subjects in Siam registered at the British Consulates before the date of the present Treaty.

This system shall come to an end, and the jurisdiction of the International Courts shall be transferred to the ordinary Siamese Courts after the promulgation and the coming into force of the Siamese codes, namely, the Penal Code, the Civil and Commercial Codes, the Codes of Procedure, and the Law for Organization of Courts.

All other subjects in Siam shall be subject to the jurisdiction of the ordinary Siamese Courts under the conditions defined in the Jurisdiction Protocol.

#### ARTICLE 6.

British subjects shall enjoy throughout the whole extent of Siam the rights and privileges enjoyed by the natives of the country, notably the right of property, the right of residence and travel.

They and their property shall be subject to all taxes and services, but these shall not be other or higher than the taxes and services which are or may be imposed by law on Siamese subjects. It is particularly understood that the limitation in the Agreement of 20th September, 1900, by which the taxation of land shall not exceed that on similar land in Lower Burmah, is hereby removed.

British subjects in Siam shall be exempt from all military service, either in the army or navy, and from all forced loans or military exactions or contributions.

#### ARTICLE 7.

The provisions of all Treaties, Agreements, and Conventions between Great Britain and Siam, not modified by the present Treaty, remain in full force.

#### ARTICLE 9.

The present Treaty shall be ratified within four months from its date.

In witness whereof the respective Plenipotentiaries have signed the present Treaty and affixed their seals.

Done at Bangkok in duplicate the tenth day of March in the year one thousand nine hundred and nine.

(Signed)

DEVAWONGSE VAROPRAKAR [SEAL]

(Signed)

RALPH PAGET [SEAL]

[Enclosure 2]

*Protocol concerning the Jurisdiction applicable in the Kingdom of Siam to British Subjects and annexed to the Treaty, dated March 10, 1909.*

#### SECTION 1.

International Courts shall be established at such places as may seem desirable in the interests of the good administration of justice; the selection of these places shall form the subject of an understanding between the British Minister at Bangkok and the Siamese Minister for Foreign Affairs.

## SECTION 2.

The jurisdiction of the International Courts shall extend—

1. In civil matters: To all civil and commercial matters to which British subjects shall be parties.
2. In penal matters: To breaches of law of every kind, whether committed by British subjects or to their injury.

## SECTION 3.

The right of evocation in the International Courts shall be exercised in accordance with the provisions of Article 8 of the Treaty of the 3rd September, 1883.

The right of evocation shall cease to be exercised in all matters coming within the scope of codes or laws regularly promulgated as soon as the text of such codes or laws shall have been communicated to the British Legation in Bangkok. There shall be an understanding between the Ministry for Foreign Affairs and the British Legation at Bangkok for the disposal of cases pending at the time that the said codes and laws are communicated.

## SECTION 4.

In all cases, whether in the International Courts or in the ordinary Siamese Courts, in which a British subject is defendant or accused, a European adviser shall sit in the Court of First Instance.

In cases in which a British-born or naturalized subject not of Asiatic descent may be a party, a European adviser shall sit as a judge in the Court of First Instance, and where such British subject is defendant or accused, the opinion of the adviser shall prevail.

A British subject who is in the position of defendant or accused in any case arising in the provinces may apply for a change of venue, and should the Court consider such change desirable, the trial shall take place either at Bangkok or before the Judge in whose Court the case would be tried at Bangkok. Notice of any such application shall be given to the British Consular officer.

## SECTION 5.

Article IX of the Treaty of September 3, 1883, is repealed.

Appeals against the decisions of the International Courts of First Instance shall be adjudged by the Siamese Court of Appeal at Bangkok. Notice of all such appeals shall be communicated to His Britannic Majesty's Consul, who shall have the right to give a written opinion upon the case, to be annexed to the record.

The judgment, on appeal from either the International Courts or the ordinary Siamese Courts, shall bear the signature of two European Judges.

## SECTION 6.

An appeal on a question of law shall lie from the Court of Appeal at Bangkok to the Supreme or Dika Court.

## SECTION 7.

No plea of want of jurisdiction based on the rules prescribed by the present Treaty shall be advanced in any Court after a defence on the main issue has been offered.

## SECTION 8.

In order to prevent difficulties which may arise in future from the transfer of jurisdiction contemplated by the present Treaty and Protocol, it is agreed:

(a.) All cases in which action shall be taken subsequently to the date of the ratification of this Treaty shall be entered and decided in the competent International or Siamese Court, whether the cause of action arose before or after the date of ratification.

(b.) All cases pending in His Britannic Majesty's Courts in Siam on the date of the ratification of this Treaty shall take their usual course in such Courts and in any Appeal Court until such cases have been finally disposed of, and the

jurisdiction of His Britannic Majesty's Courts shall remain in full force for this purpose.

The execution of the judgment rendered in any such pending case shall be carried out by the International Courts.

In witness whereof the respective Plenipotentiaries have signed the present Protocol and affixed their seals.

Done at Bangkok in duplicate the 10th day of March 1909.

(Signed)

DEVAWONGSE VAROPRAKAR [SEAL]

(Signed)

RALPH PAGET [SEAL]

[Enclosure 3]

*Boundary Protocol annexed to the Treaty dated March 10, 1909.*

### 1.

The frontiers between the territories of His Majesty the King of Siam and the territory over which his suzerain rights have by the present Treaty been transferred to His Majesty the King of Great Britain and Ireland are as follows:

Commencing from the most seaward point of the northern bank of the estuary of the Perlis River and thence north to the range of hills which is the watershed between the Perlis River on the one side and the Pujoh River on the other; then following the watershed formed by the said range of hills until it reaches the main watershed or dividing line between those rivers which flow into the Gulf of Siam on the one side and into the Indian Ocean on the other; following this main watershed so as to pass the sources of the Sungei Patani, Sungei Telubin and Sungei Perak, to a point which is the source of the Sungei Pergau; then leaving the main watershed and going along the watershed separating the waters of the Sungei Pergau from the Sungei Telubin, to the hill called Bukit Jeli or the source of the main stream of the Sungei Golok. Thence the frontier follows the thalweg of the main stream of the Sungei Golok to the sea at a place called Kuala Tabar.

This line will leave the valleys of the Sungei Patani, Sungei Telubin, and Sungei Tanjung Mas and the valley on the left or west bank of the Golok to Siam and the whole valley of the Perak River and the valley on the right or east bank of the Golok to Great Britain.

Subjects of each of the parties may navigate the whole of the waters of the Sungei Golok and its affluents.

The island known as Pulo Langkawi, together with all the islets south of midchannel between Terutau and Langkawi and all the islands south of Langkawi shall become British. Terutau and the islets to the north of midchannel shall remain to Siam.

With regard to the islands close to the west coast, those lying to the north of the parallel of latitude where the most seaward point of the North bank of the estuary of the Perlis River touches the sea shall remain to Siam, and those lying to the south of that parallel shall become British.

All islands adjacent to the eastern States of Kelantan and Tringganu, south of a parallel of latitude drawn from the point where the Sungei Golok reaches the coast at a place called Kuala Tabar shall be transferred to Great Britain, and all islands to the north of that parallel shall remain to Siam.

A rough sketch of the boundary herein described is annexed hereto.

The above-described boundary shall, be regarded as final, both by the Government of His Britannic Majesty and that of Siam, and they mutually undertake that, so far as the boundary effects any alteration of the existing boundaries of any State or province, no claim for compensation on the ground of any such alteration made by any State or province so affected shall be entertained or supported by either.

### 3.

It shall be the duty of the Boundary Commission, provided for in Article 3 of the Treaty of this date, to determine and eventually mark out the frontier above described.

If during the operations of delimitation it should appear desirable to depart from the frontier as laid down herein, such rectification shall not under any circumstances be made to the prejudice of the Siamese Government.

In witness whereof the respective Plenipotentiaries have signed the present Protocol and affixed their seals.

Done at Bangkok, in duplicate, the 10th day of March 1909.

(Signed)	DEVAWONGSE VAROPRAKAR.	[SEAL]
(Signed)	RALPH PAGET.	[SEAL]

[Enclosure 4.]

*The British Minister to the Siamese Minister for Foreign Affairs.*

BRITISH LEGATION,  
Bangkok, March 10, 1909.

MR. MINISTER: In view of the position of British possessions in the Malay Peninsula and of the contiguity of the Siamese Malay Provinces with British protected territory, His Majesty's Government are desirous of receiving an assurance that the Siamese Government will not permit any danger to arise to British interests through the use of any portion of the Siamese dominions in the peninsula for military or naval purposes by foreign powers.

His Majesty's Government would therefore request that the Siamese Government shall not cede or lease, directly or indirectly, to any foreign Government any territory situated in the Malay Peninsula south of the southern boundary of the Monthon Rajaburi, or in any of the islands adjacent to the said territory; also that within the limits above mentioned a right to establish or lease any coaling station, to build or own any construction or repairing docks, or to occupy exclusively any harbours, the occupation of which would be likely to be prejudicial to British interests from a strategic point of view, shall not be granted to any foreign Government or company.

Since this assurance is desired as a matter of political expediency only, the phrase "coaling station" would not be held to include such small deposits of coal as may be required for the purposes of the ordinary shipping engaged in the Malay Peninsula coasting trade.

I avail etc.,

RALPH PAGET.

[Enclosure 5.]

*The Siamese Minister for Foreign Affairs to the British Minister.*

FOREIGN OFFICE,  
Bangkok, March 10, 1909.

MR. MINISTER: I have the honour to acknowledge receipt of your note of this date, in which you express the desire of your Government that the Siamese Government shall not cede or lease, directly or indirectly, to any foreign Government any territory situated in the Malay Peninsula south of the southern boundary of the Monthon of Rajaburi or in any of the islands adjacent to the said territory; also that within the limits above mentioned a right to establish or lease any coaling station, to build or own any construction or repairing docks, or to occupy exclusively any harbours, the occupation of which would be likely prejudicial to British interests from a strategic point of view, shall not be granted to any foreign Government or company.

In reply, I beg to say that the Siamese Government gives its assurance to the above effect, taking note that the phrase "coaling station" shall not include such small deposits of coal as may be required for the purposes of the ordinary shipping engaged in the Malay Peninsula coasting trade.

I avail, etc.,

DEVAWONGSE VAROPRAKAR.

[Enclosure 6.]

*The Siamese Minister for Foreign Affairs to the British Minister.*FOREIGN OFFICE,  
Bangkok, March 10, 1990.

MR. MINISTER: With reference to the provision contained in Article 4 of the jurisdiction protocol to the effect that in all cases in which a British subject is defendant or accused a European adviser shall sit in court, I would express the hope, on behalf of His Majesty's Government, that His Britannic Majesty's Government will be prepared in due course to consider the question of a modification of or release from this guarantee when it shall be no longer needed; and, moreover, that in any negotiations in connection with such a modification or release, the matter may be treated upon its merits alone, and not as a consideration for which some other return should be expected.

The Siamese Government appreciates that a treaty like the one signed to-day marks an advance in the administration of justice in the kingdom. The conclusion of such a treaty is in itself a sign of progress. It is the intention of the Siamese Government to maintain the high standard in the administration of justice which it has set before it, and towards which it has been working for some time.

In this connection I take pleasure in acknowledging the contribution which Mr. J. Stewart Black has made to this work.

I wish also to say that provision will be made for the treatment of European prisoners according to the standard usual for such prisoners in Burmah and the Straits Settlements.

I avail, etc.,

DEVAWONGSE VAROPRAKAR.

[Inclosure 7.]

*The British Minister to the Siamese Minister for Foreign Affairs.*BRITISH LEGATION,  
Bangkok, March 10, 1909.

MR. MINISTER: With reference to the guarantee contained in the first paragraph of article 4 of the jurisdiction protocol, I have the honour to state that His Majesty's Government will be prepared in due course to consider the question of a modification of, or a release from, this guarantee when it shall no longer be needed. His Majesty's Government are also willing that, in any negotiations in connection with such a modification or release, the matter shall be treated upon its merits alone and not as a consideration for which some other return should be expected.

His Majesty's Government learn with much satisfaction that it is the intention of the Siamese Government to maintain the high standard in the administration of justice which it has set before it and toward which it has been working for some time, and I may assure your royal highness that it will be the aim of His Majesty's Government in every manner to second the efforts of His Siamese Government in this direction.

I wish also to say that the international courts referred to in section 1 of the protocol on jurisdiction, annexed to the treaty signed to-day, need not necessarily be courts specially organized for this purpose. Provincial ("monthon") courts or district ("muang") courts may constitute international courts, according as British subjects may be established in greater or less number within the jurisdiction of those courts. The fact that an ordinary court is designated as an international court will have, as a consequence, the introduction into that ordinary court of all the provisions relating to international courts secured by the protocol on jurisdiction.

I avail, etc.,

RALPH PAGET.

**DIPLOMATIC OFFICERS ACTING AS EXECUTORS IN ADMINISTRATION OF ESTATES.**

File No. 22160.

*Minister King to the Secretary of State.*

[Telegram.—Paraphrase.]

AMERICAN LEGATION,  
*Bangkok, November 1, 1909.*

Minister King says he has been asked by British court to act as executor in will of deceased British subject and asks instructions.

File No. 22160.

*The Acting Secretary of State to Minister King.*

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,  
*Washington, November 4, 1909.*

Mr. Wilson informs Mr. King that the department considers that it would not be advisable, in view of his diplomatic privileges and immunities, for him to act as executor under will as reported in his telegram of the first instant.

**DECORATIONS CONFERRED UPON AMERICAN DIPLOMATIC OFFICERS.**

File No. 8291/31.

*Minister King to the Secretary of State.*

[Extract.]

No. 435.]

AMERICAN LEGATION,  
*Bangkok, November 18, 1908.*

SIR: I have the honor to report that on the occasion of the celebration of the fortieth anniversary of his reign His Majesty the King of Siam was pleased to confer upon Mr. Jens I. Westengard, an American citizen, acting general adviser to the Siamese Government, the second class of the Ratanabhorn medal.

We are informed that this order is given only in recognition of personal services to the King and held by very few foreigners indeed.

I have the honor to report also that His Majesty conferred upon the American minister at this post a gold medal commemorative of the occasion, but in no way of special significance, as I understand all of the colleagues of like rank were given similar recognition. This medal is held in safe-keeping subject to the orders of the State Department but, in accordance with my understanding, not to be worn in public.

I have, etc.,

HAMILTON KING.



File No. 12293/2.

*The Acting Secretary of State to Minister King.*

No. 171.]

DEPARTMENT OF STATE,  
*Washington, January 2, 1909.*

SIR: The department acknowledges the receipt of your No. 435, of November 18, 1908, reporting concerning the conferring of orders upon Jens I. Westengard, an American citizen, acting as general adviser to the Siamese Government, and the American Minister at Bangkok, on the occasion of the celebration of the fortieth anniversary of the King's reign.

The department is pleased that Americans should be so honored by the King of Siam, but regrets that without permission of Congress diplomatic officers may not accept decorations.

I am, etc.,

ROBERT BACON.

File No. 8291/32-34.

*Minister King to the Secretary of State.*

No. 461.]

AMERICAN LEGATION,  
*Bangkok, February 13, 1909.*

SIR: Replying to department despatch of January 2, 1909, serial No. 171, I have the honor to enclose the copy of department despatch No. 112, January 27, 1904, and the copy of my reply thereto.

If it be in accordance with the wisdom of the department, I shall forward to the Department of State the medal referred to through the kindness of Hon. Jens I. Westengard, a citizen of the United States and an official of the Siamese Government.

The department will please keep the same for me to be delivered to me or to my assigns at such date and under such circumstances as I may direct.

I have, etc.,

HAMILTON KING.

[Inclosure 1.]

*The Acting Secretary of State to Minister King.*

No. 112.]

DEPARTMENT OF STATE,  
*Washington, January 27, 1904.*

SIR: I have to acknowledge the receipt of your No. 172 of November 21, 1903, in regard to the medal presented to you by the King of Siam as a souvenir of the King's jubilee.

Your dispatch presents for the department's consideration:

1. Whether this medal comes within the prohibition of the Constitution and the act of Congress approved January 31, 1881; and

2. Whether it may be displayed on your person.

The first of these questions the department answers in the affirmative, and the second in the negative.

It has been held by the Acting Attorney General (Opinions of the Attorney General, Vol. XXIV, p. 116) that a simple remembrance of courtesy, even if merely a photograph, falls under the inclusion of any present of any kind of article 1, section 9, clause 9, of the Constitution.

Even were it permissible for you to accept the medal, the wearing of it would be prohibited by section 2 of the act of January 31, 1881.



Section 3 of the same act provides "That hereafter any present, decoration, or other thing, which shall be conferred or presented by any foreign Government to any officer of the United States, civil, naval, or military, shall be tendered through the Department of State, and not to the individual in person, but such present, decoration, or other thing shall not be delivered by the Department of State unless so authorized by an act of Congress."

It would seem to be proper for you, under this provision, in order that it may be constructively complied with, to transmit the medal to the department which will, as you may desire, either apply to Congress for permission to deliver it to you, or hold it until such time as you may be no longer in the service.

I shall be pleased if you will make the contents of this instruction known to your secretary of legation, Mr. Nash, and to the vice consul general, Mr. Selden, each of whom your dispatch states, is also the recipient of a medal from the King.

I am, etc.,

FRANCIS B. LOOMIS.

[Inclosure 2.]

*Minister King to the Secretary of State.*

No. 195.]

LEGATION OF THE UNITED STATES,  
*Bangkok, April 1, 1904.*

SIR: Replying to the department dispatch No. 112, dated January 27, 1904, in regard to the medals presented to myself, Consul General Paul Nash and Vice Consul General Joseph P. Selden, as a souvenir of the King's jubilee, permit me to say that I am forwarding the same to the State Department through the kindness of Dr. George B. McFarland, a citizen of the United States and an official of the Siamese Government. The department will please keep the same for us to be delivered to us severally or to our assigns at such date and under such circumstances as we may direct.

I have, etc.,

HAMILTON KING.

File No. 12293/3-5.

*The Secretary of State to Minister King.*

No. 180.]

DEPARTMENT OF STATE,  
*Washington, April 5, 1909.*

SIR: The department acknowledges the receipt of your No. 461, of February 13, 1909, inclosing copies of correspondence between the department and your legation relative to your acceptance of a medal presented to you by His Majesty the King of Siam, and stating that, if desired, you will forward the medal through the kindness of Mr. Jens I. Westengard, a citizen of the United States and an official of the Siamese Government, to be held for you.

In reply you are informed that if you will transmit the medal to the department it will be held for you pending such action as Congress may be disposed to take in the matter.

I am, etc.,

P. C. KNOX.