

第3門

新嘉坡

明治四十二年七月一日接受

主官 政務局

心第九九號

明治四十二年六月十七日

在新嘉坡

領事 鈴木栄作

外務大臣 伯耆守 村喜守 太郎殿

英運條約、對スル當地一般ノ

意向、付報告ノ件

英領ト暹羅國トノ間ニ於ケル新條約ハ外交
文書ト共ニ本日発表セラレシムルカ右條約中
「暹羅國」ハ馬來半島ニ於ケル全國領有地ヲ
他國陸海軍ノ使用ニ供シ延テ全地方ニ於
ケル英領ノ利益ヲ危カラシムルカ如キコトナキ旨

在新嘉坡日本領事館

及暹羅國ニ直接又ニ間接ニモンソンラジャ
ブリ (Malakman Rajaburi) 所以南ノ地及附近
島嶼ヲ他國ニ貸借シ又ハ全地方ニ於テ石
炭貯藏場其他航渠ノ設備ヲナスノ權利
ヲ他國ニ與ヘサルノミナラス軍事上英領ノ利
益ニ有害ナル港灣ノ占用ヲ他國ニ許進シ
スルコトナカシムル但シ沿岸航路ニ使用セラレ、
船舶ノ寫メ小貯炭場ヲ設ケルハ此限リ、ア
トノ意味ヲ有スル約款存スル故リ以テ常時
新聞紙ニ右ノ條約ノ内容を電報ヲ掲載
致居候
「モンソンラジャブリ」河ニ緊接シ南方約二百哩
ニ在リ英領「テナッセル」河 (Tana-Serim) ト相併

善區 附屬

署名

行シテ馬東半島、北端ヲ兩分スルカ如キ形ヲ
 以テ南、北長セル暹羅灣沿岸一帯ノ地ナルカ
 其南端、即ハクラ地峽 (Isthmus of Kra) :
 レテ其幅僅カニ三十哩内外、迄キス且ツ其
 開鑿、要スル工事も亦比較的容易ナルヲ以テ
 先年東比地峽、運河ヲ設テ印度洋及
 支那海間ノ航海、當リ馬東半島ヲ迂回
 スルノ勞費ヲ省略セントシテ企畫或ニ歐
 家間、起リタルコトアリ右ニ對シ樂觀
 派者ハ假令該運河、シテ念開通ノ曉、至
 レモテナシ
 河、恰モ其用、極リ扼スルヲ以テ軍事上又ハ
 政治上何等ノ危險ナキノミナラズ尙
 亦備カ、五百海里ノ航路ヲ短縮セシカ
 爲ナシ巨
 費ヲ投スルノ愚念ハ素ヨリ運河航行ノ危
 険、ハ果シテ是レテ此新航路ヲ取ルヤ否
 ヤハ俄、斷言スル能ハカル所ナリトテ深
 シ之レヲ意、介、シテ反シ多數ノモノハ其
 必スヤ新嘉坡ノ盛衰、ニ重大ナル關係
 有ルヘキヲ憂慮シテ、運河開鑿ノ企畫ハ一
 旦立止メトナリシモ何時、如何ナル企圖
 ヲ生センモ許ラズトテ不安ノ状態、立
 リ折柄今同英國、カ新條約、依リ此事ノ
 疑惑障害ヲ一掃シタルハ尙、尙、上、一段
 ノ進歩ナリトテ感想ヲ述フハ一般、之レヲ
 歡迎スルノミナラス又、活上、於テモ亦
 益々、東、モ、シ、ラ、フ、リ、以、南、馬、東、半、島、に、於、テ、ル、運、河、開、鑿、地、カ、馬、東、半、島、に、對、シ、英、國、印、度、領、土、間、に、介、在、

在新嘉坡日本領事館

此種ノ不便アリシヲ新條約ニ依リ兩者間
 連續セル沿岸ノ特權ヲ取得シタルハ多大ノ
 成效ナリトテ頗ル好影響ヲ造つタルモノ、如ク
 有之者未ダ岸揚沿岸航路ニ使_用セ_らル、
 船隻ノ多クハ小船_等ノ便場ノ伴ニ_同本條約ニ
 例外ヲ設ケタルハ元來_{本條約}ハ暹羅國海
 軍ノ多ク盡瘁スル一所不_足ク_以テ_當地及
 峇谷河、航路ヲ有スルイーストアジヤ_等ナク
 會社 (Cool-Industrie Company) 對_シテ特權
 ヲ附_與スルモノナリト傳_へラレ_ル店_價
 右_レ報告_書ニ_依テ_復故_事ニ

暹羅國海軍日本領事館

明治四十二年七月十日 警務局

附屬書類添付

第二課 第一課

受第一三三四一

11

明治四十二年六月十五日

在莖

勅命令格大臣加藤高明

外務大臣 佐野 尚武 閣下

第8門

英暹條約

英暹條約ニ乘スル件

今般發表せらるる英暹條約(本年三月十日
締結)於テ「調印」及「附屬文書」係レハ英
國ハ暹國ヲミテ「ケラントリ」カヌ「ケダ」ヘルリス
及「附近諸島(「ランカウ」港ヲ含ム)ヲ割讓セシメ
廣ニ面積約一萬五千平方哩人口約四十五萬、

在英國日本公使館

土把ヲ其馬來聯邦ニ合併スル耳ナラズ暹
國ヲミテ其「モンソ」ラ「ジャバ」河ノ南境ト英
國領土トノ中間ニ在テハ直接ニト同接スルト同
ハズ如何ナル地モ之ヲ他國ニ讓與スル者クハ
租賃セサルベリ又外國政府者クハ會社ニ對
シテ該方面ニ於テ石炭貯蓄所者クハ造
船所ノ設立又ハ港灣者クハ軍略的地點
ノ独占ヲ許シヤルベキヲ約セシム要シ暹國
ヲシテ其國內到ル處内國人ト同様ナリ英國人
ノ財產及居住旅行ノ權ヲ認メシム之ニ對
シテ英國ハ一定ノ條件ノ下ニ其治外治權ヲ撤
去セリ即チ本條約批准前ニ英國領事
館ニ及ミ其條約ニ對シテ英國人ハ當分一八三

The British

ノ條約ニ依リ設置セラルル暹國公使裁判所
ノ管轄ニ屬スルモ暹國法律典完以施行ノ時
ニ於テハ普通ノ裁判所ノ管轄ニ歸スル
其他ノ英國臣民ハ暹國法律典完ニ依リ
ニ屬スルモ暹國法律典完ニ依リ
テ法律ノ手續ヲ定メル中ニ暹國君主
ハ英國臣民ガ被告ナル場合ニ在テハ亦一審裁
判ニ於テハ裁判人一名法律顧問見ルハ該
被告ガ英國ノ亞細亞臣民ナラバ法律顧問
由自ラ判事ト爲リ裁決スベク亦二審ニ於テハ
英國領事ハ文書ヲ以テ意見ヲ具スルコトヲ得且
ツ控訴判決ハ裁判人判事二名ノ署名ヲ要ス
ルコトニ在リ本條約ニ對シ暹國新法中
ハ及ラスルコトトシテ各新法ヲ指シテ
論評ヲ試
ミ偶々英國ノ得ル利益ヲ以テ政治上
實益上
好ム重寶ナルニ相違ナキコトヲ認メ
其モ暹國ニ屬スル
國裁判人ノ智識ノ不備ヲ指摘シ得喪果
シテ相若クヤ否ヤニ非ズルコトヲ示
シ然中英國固有ノ臣民又ハ歸化人ト
同シ
英國臣民多ク亞細亞人トノ間ニ
差違
ヲ設ケ後者ヲシテ英國政府ハ被告
ノ權利々
益ヲ犧牲ニ依リ以テ有ルルコトヲ
讓與シテ
ルモナリトノ疑念アリテ其
印度近
時ノ情状ニ鑑ミ其間ニキリ得ル
コトヲ
右本條約ニ對シ白冊ヲ提出シ
申送ル

在英國日本公使館

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コトヲ
右本條約ニ對シ白冊ヲ提出シ
申送ル

S.M. No. 1 (1909).

DESPATCH from His Majesty's Minister in Siam,
forwarding a Treaty between Great Britain
and Siam, signed at Bangkok, March 10,
1909, together with an explanatory Memo-
randum.

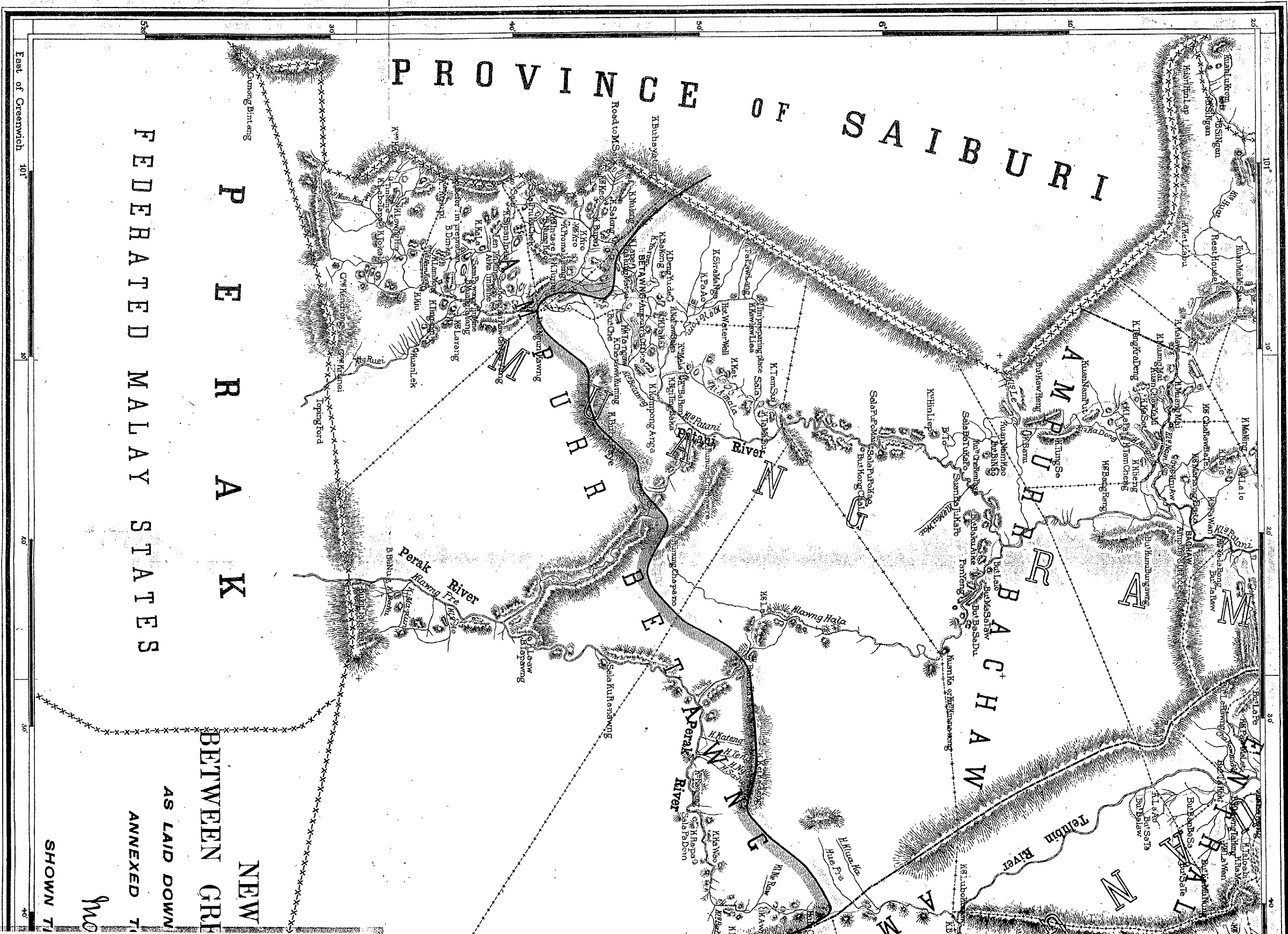
[WITH MAP.]

*Presented to both Houses of Parliament by Command
of His Majesty. June 1909.*

LONDON:
PRINTED BY HARRISON AND SONS.

REEL No. 1-0346

0520



FEDERATED MALAY STATES

P E R A K

PROVINCE OF SAIBURI

NEW
BETWEEN GREEN
AS LAID DOWN
ANNEXED TO
SHOWN TO

REEL No. 1-0346

Franco-Siamese Treaty in the spring of 1907. The solution which has eventually presented itself and which appears to satisfy both British and Siamese requirements, is that British subjects shall become amenable to Siamese jurisdiction, while the Siamese Government should furnish guarantees to insure a satisfactory administration of justice. These guarantees, which consist in the employment of Europeans in certain capacities in the Siamese Courts, appear as substantial as any the Siamese Government could well concede, and as adequate as any which could with fairness be desired.

The fact that the rights of European and Asiatic British subjects in the Court of First Instance are slightly dissimilar may possibly attract attention. The dissimilarity, however, is more apparent than real. The principle which has here been followed is that either race shall be justiciable by a Judge of similar race, and this arrangement appears to be the most equitable.

In reference to the subject of personal security generally, a perusal of the Treaty and inquiry into the actual conditions existing in Siam will make it evident that British subjects in Siam stand in a far more favourable position than British subjects in other non-extra-territorial countries where no guarantees of any kind exist in the Courts, and where the good offices of the British Diplomatic or Consular officials constitute the sole protection and support in any legal proceedings, a resource which is of course also still open to British subjects in Siam.

As regards the transfer to Great Britain of jurisdiction over the territories referred to in the Treaty, it may also be pointed out that owing to their distance from Bangkok and the difficulties of communication, especially during the north-east monsoon, it was impossible for Siam to control their administration effectively. The people are Malays and Mohammedans, like the natives of the States to the south which form the Federated Malay States. The administration of the States is at present self-supporting, and there is no reason to fear that it will become a burden either on the Federated Malay States or the British tax-payer.

The possession of the fine harbour of Langkawi is a matter of considerable importance in connection with the trade route to the Far East.

While enabling Siam to consolidate her power and render her administration effective in the northern part of the peninsula which remains to her, the transfer will lead to a great expansion of the trade and commerce which finds an outlet through the ports of the Straits Settlements.

The transfer of Kedah, the opium farm for which has always been let with the Penang farm, will greatly facilitate the carrying out in Penang of the recommendations of our Opium Commission.

Memorandum explanatory of the circumstances which render a modification of the present system of British Extra-territorial Jurisdiction in Siam desirable, with notes on the position of British Subjects in relation to Siamese Jurisdiction under the new Treaty.

BY the Anglo-Siamese Treaty of 1855 full extra-territorial privileges were guaranteed to British subjects in Siam. Comparatively little being then known concerning Siamese laws and customs, it was considered necessary by the British negotiators that British subjects for their security should be placed under the sole jurisdiction and control of their Consular authorities; and as the British subjects in Siam at that time were exceedingly few, and consisted mostly of Europeans resident in or trading to Bangkok, it is unlikely that the Siamese Government themselves attached any special importance to exercising jurisdiction over them, or that they suffered any inconvenience from not doing so. Moreover, whilst under the 1855 Treaty British subjects gained the privileges of extra-territoriality, they also, by the same Treaty, incurred certain disabilities in respect of the right to hold land, of travelling, or residing beyond the somewhat narrow limits laid down in the Treaty. The provisions to this effect being originally no less binding than the provisions which establish Consular jurisdiction, it was only within a restricted area that the administrative difficulties inseparable from a system of extra-territoriality were present.

The arrangement thus entered into might, no doubt, have remained suitable for all time had no change taken place in the numbers and character of the British community in Siam. But, with the opening up of the country, Burmese, Shans, and other Asiatics entitled to British protection gradually entered the northern provinces in increasing numbers until the Siamese Government were confronted by the fact that in one portion of their dominions there existed a considerable native population which, having regard to the stipulations of the 1855 Treaty, was on the one hand entitled to the privileges of extra-territoriality and on the other, strictly speaking, debarred from residing there at all.

To meet the altered conditions for which the provisions of the 1855 Treaty had become unsuitable a separate Treaty was concluded in 1883, relating to the northern provinces alone, by which British subjects were placed under Siamese jurisdiction in a so-called International Court, in which the British Consul had the right to sit, with the only reservation that the Consul should possess the right of transferring any case in which a British subject might be defendant or accused, to his own Court. The reasons which called for a new Treaty in the north now equally exist in Bangkok and other parts of Siam where British subjects are to be found in considerable numbers, and hence it follows that the 1855 Treaty is no less unsuitable there than in the northern provinces. A closer examination of this question will indeed show that the Siamese Courts in the capital being indubitably of a higher standard and under more strict supervision than those of the provinces, consequently also more favourable for the security of British subjects, the abandonment of extra-territoriality in the north while insisting on its maintenance in Bangkok, would constitute an anomaly. There appears, furthermore, no satisfactory reason why one section of British subjects should enjoy the privilege of complete British jurisdiction, while others are amenable to the International Courts.

Some modification of the hitherto existing jurisdiction arrangements, to the extent at least of applying the International Court system to every part of Siam, has been felt to be requisite. In connection with any change of the sort, however, beyond the reasons above adduced, various additional factors, such as the desire of British subjects to acquire the right to hold land—a right already acquired by French subjects under the 1907 Franco-Siamese Convention—the codification of Siamese law, and the very creditable and successful efforts made by the Siamese Government to improve the standard of their judicial administration have had to be taken into account. The negotiations, which have terminated in the new Treaty, were commenced some five years ago, and many different proposals have been from time to time discussed without success. The Siamese Government not unnaturally desired the complete abolition of British extra-territoriality, whilst His Majesty's Government were not prepared to entertain the idea of so sweeping a change. The fact, however, that important concessions would have to be made to the Siamese Government respecting extra-territoriality became increasingly apparent, more especially so after the conclusion of the

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Inclosure 6.

Prince Devawongse to Mr. Paget.

M. le Ministre,

Foreign Office, Bangkok, March 10, 1909.

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 Burma and the Straits Settlements.

I avail, &c.
 (Signed) DEVAWONGSE,
Minister for Foreign Affairs.

Inclosure 7.

Mr. Paget to Prince Devawongse.

March 10, 1909.

M. le Ministre,
 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 modification of or 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 shall 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 towards 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 Majesty's Government in this direction.

I wish also to say that the International Courts referred to in section I 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.

(Signed) RALPH PAGET.

Sec. 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.

Sec. 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 legal 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.

Sec. 5. Article 9 of the Treaty of the 3rd September, 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.

Sec. 6. An appeal on a question of law shall lie from the Court of Appeal at Bangkok to the Supreme or Dika Court.

Sec. 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.

Sec. 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) RALPH PAGET.

(Seal)

(Signed) DEVAWONGSE VAROPRAKAR.

(Seal)

Inclosure 3.

Mr. Paget to Prince Devawongse.

M. le Ministre,

March 10, 1909.

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 Monthoon 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, the 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.

(Signed) RALPH PAGET.

Inclosure 4.

Prince Devawongse to Mr. Paget.

M. le Ministre,

Foreign Office, Bangkok, March 10, 1909.

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 Monthoon 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 to be 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, &c.
(Signed) DEVAWONGSE,
Minister for Foreign Affairs.

Inclosure 5.

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.

Sec. 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.

Inclosure 2.

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

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 Puloh 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 Sungai Patani, Sungai Telubin, and Sungai Perak, to a point which is the source of the Sungai Pergau; then leaving the main watershed and going along the watershed separating the waters of the Sungai Pergau from the Sungai Telubin, to the hill called Bukit Jelil or the source of the main stream of the Sungai Golok. Thence the frontier follows the thalweg of the main stream of the Sungai Golok to the sea at a place called Kuala Tabar.

This line will leave the valleys of the Sungai Patani, Sungai Telubin, and Sungai 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 Sungai Golok and its affluents.

The island known as Pulo Langkawi, together with all the islets south of mid-channel between Terntau and Langkawi and all the islands south of Langkawi shall become British. Terntau and the islets to the north of mid-channel 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 Sungai 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.*

2. 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) RALPH PAGET.
(Seal)

(Signed) DEVAWONGSE VAROPRAKAR.
(Seal)

* See Map, facing p. 8.

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 the 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 British 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 the 20th September, 1900, by which the taxation of land shall not exceed that on similar land in Lower Burma, 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 8.

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 10th day of March, in the year 1909.

(Signed)

RALPH PAGET.

(Seal.)

(Signed)

DEVAWONGSE VAROPRAKAR

(Seal.)

Despatch from His Majesty's Minister in Siam, forwarding
a Treaty between Great Britain and Siam, signed at
Bangkok, March 10, 1909, together with an explanatory
Memorandum.

[WITH MAP.]

Mr. Paget to Sir Edward Grey.—(Received April 8.)

Sir, I HAVE the honour to transmit herewith the Treaty and other documents which
were to-day signed by the Minister for Foreign Affairs and myself in duplicate.

Bangkok, March 10, 1909.

I have, &c.

(Signed) RALPH PAGET.

Inclosure 1.

Treaty between Great Britain and Siam, signed at Bangkok, March 10, 1909.

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of
the British Dominions beyond the Seas, Emperor of India, and His Majesty the King
of Siam, 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 Great Britain, Ralph Paget, Esq., his Envoy Extra-
ordinary and Minister Plenipotentiary, &c.;

His Majesty King of Siam, His Royal Highness Prince Devawongse Varoprakar,
Minister for Foreign Affairs, &c.;

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, Tringgann, 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
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 the 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
[549] B 2

明治四十二年八月九日接受

外務省政務局

附屬書類添附

第二課

外務省

第一〇三〇一號

明治四十二年七月十四日

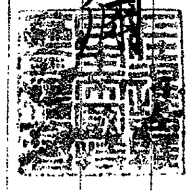
在暹

特命全權公使

吉田作輔

第3門

外務大臣伯爵小村壽太郎殿



英暹條約文並司條約ニ對スル英
國代理公使說明書提出ノ件

本年三月十日當地ニ於テ調印セラレタル英暹
條約概要ニ就テ同月十三日付信第廿四
号ニテ報告致置候處、同條約ニ愈々本

在外公館

月九日英京以西敦ニ於テ批准ノ交換ヲ了セ
シテ以テ當國國外務省ハ當日全文ヲ発表致候
依テ右條約文並ニ所屬文書及同條約ニ關
スル英國代理公使說明書等別紙新開切
抜ヲ以テ及任送付候ニ付、茲午相成
度候敬具

and general arrangements, in Singapore or Burmah. This would take at least one year and in the meantime the present British gaol would continue to be used for any of them who had the misfortune to have to go to prison.

Mr. Soon Kim wanted to know whether all British subjects, whether British born or Asiatic, would be compelled to pay the poll-tax, or capitation tax.

Mr. Beckett said that they would, of course, have to pay any ordinary taxes, the same as the Siamese.

Mr. Soon Kim asked what would be the language used in the Siamese Courts?

Mr. Beckett said that the general language used in the Courts would be the language of the country—Siamese. But the Advisers and many of the Judges understood English, and no doubt proper provision would be made in the way of interpreters.

Mr. Lister said that he would like to know whether the Advisers mentioned in Section 4 of the Protocol concerning Jurisdiction would of necessity be British subjects.

Mr. Beckett said that this was not distinctly specified. But, as they all knew, the Advisers in the Siamese Courts were either British or French. He understood that the English Advisers would sit in the Courts dealing with British subjects.

In reply to a further question he stated that there would be two Courts in Bangkok, one in Chiangmai, one in Singora, and one in Paket. The position of these Courts would be arranged so as to give most convenience to the parties concerned. Those in Bangkok would be at the Ministry of Justice and Talat Noi.

Mr. Soon Kim wanted to know how in case of trouble with the Police or of unlawful detention by them, they should apply for remedy? At present the police were able to themselves issue warrants for arrest.

Mr. Beckett in reply said that in

any cases where the police abused their powers he would be glad if they would come to him. But he did not fear there would be much of this. The Commissioner of Police was an experienced officer in the service of the Indian Government and they might rely on him doing what was right in this matter.

In reply to a question by Mr. Lister as to the general scheme of practice to be observed in the International Courts, Mr. Beckett said that he had discussed the matter with H. R. H. the Minister. In former years a general scheme of practice had been evolved in Chiangmai and he thought that a general scheme of practice would be gradually evolved here to suit the circumstances. As to the procedure in the Courts that, of course, would be Siamese.

In reply to Mr. Lister, Mr. Beckett said that by Article 6 of the Protocol British subjects would have the right to appeal on questions of law, exactly the same privileges as Siamese—to the Dika Court.

Mr. Irvine Simpson said that according to Article 5 of the Treaty they were to be tried by the International Courts. When Siamese subjects were the parties they were tried by Siamese law. What law would be enforced when both the parties were British subjects?

Mr. Beckett said he had already sent a communiqué to the Press upon this subject. All judgments upon commercial and business suits would be founded upon British law. The Siamese Government had assured him officially that the English law and statutes would prevail in all civil suits for the present.

In answer to further questions by Mr. Irvine Simpson, Mr. Beckett said that even in a case between two British subjects the procedure would be Siamese. Judge Buszard would be the Adviser in this Court. As to the language used in these civil cases, he fancied that some of them might be conducted in English. The Siamese Government was careful in appointing to these Courts Judges who had a good knowledge of English.

In reply to another question by Mr. Irvine Simpson as to what taxes were to be paid to the Government under the provisions of Article 6 of the Treaty, Mr. Beckett said they would have to pay just the same as Siamese—what had been called the poll-tax, and other taxes. The scale of taxes in Siam was very light, far lighter than that pertaining in India or French Indo-China. It did not exceed more than 7 or 8 ticals a head per year. It was not the intention of the Siamese Government to put British subjects to any great trouble over these taxes and there was little likelihood of their being greatly increased.

Asked by Mr. Simpson if he had a list of these taxes, Mr. Beckett said he had not but would have one ready for circulation in course of the next few days. There was the poll-tax of about tcs. 6½ a year, the fishery tax, if they wanted to put stakes at the mouths of rivers and fish there (laughter) and things of that sort. As to the "services" mentioned in Article 6 of the Treaty, they were not of much importance. They referred principally to matters of Government transport. He did not think that it was likely that the Siamese Government would exact these from any but their own people.

Mr. G. S. Saunderson (of Ayuthia) wished to know where cases would be tried arising in the provincial towns such as Petchaburi or Ratburi? Would they be tried at Bangkok or at the place where the case arose?

Mr. Beckett said that cases from the provinces would be tried at the nearest and most convenient Court. A case from Ratburi would be tried in Bangkok. It would be impossible for the Government to create special Courts in each of the chief provincial towns as this would mean about 60 judges or advisers and 60 extra British Consuls. The Ministry of Justice and Ministry of the Interior had given instructions that whenever a British subject was arrested the report of his arrest and the facts of the case were to be at once telegraphed to Bangkok.

Mr. Reginald Page put a question as to the marriage law, making it clear that the question was merely a general one. It was:—"A. takes unto himself a Siamese wife, without going through any British ceremony. If he dies intestate, how would his estate be divided?"

Mr. Beckett said that the will would come for probate before the British Consul. If it were non-contentious the Consul would grant probate. If not it would be settled in the Siamese

Mr. Page, again putting a suppositious case, said he wanted to know whether, if a man died intestate, his estate would go to his friends at home?

Mr. Beckett said that the questions were not exactly ones which he could answer. Mr. Page had better read up the Siamese law on the subject and see him again.

Mr. Soon Kim asked Mr. Beckett whether the Dika Court would be able to quash the decisions of European Judges in the International Court? Mr. Beckett answered in the affirmative, pointing out that under its present constitution there were two European judges in the Dika Court.

After a question by Mr. Rose as to how a man stood who had been registered some years ago but had been absent for some time, had been answered by Mr. Beckett to the effect that his registration counted as having been effected prior to the Treaty, Mr. Beckett referred to the difficulties of administration hitherto entailed on the Siamese Government by the extra-territorial system. In both State and municipal affairs they could now enforce their own laws against the Siamese, British and French. This would allow them to have the municipality from which they had hitherto been debarred, as they could have municipal taxation for lighting, water supply and the like.

Mr. Adam proposed a vote of thanks to Mr. Beckett for the trouble he had taken and this was seconded by Mr. L. Blech and carried with acclamation.

The Brito-Siamese Treaty.

Meeting British Subjects.

EXPLANATIONS BY THE BRITISH CHARGE D'AFFAIRES.

In accordance with a notice circulated on Saturday last, Mr. W. R. D. Beckett, British Chargé d'Affaires, this morning met a gathering of British subjects of all classes resident in Siam, to explain the provisions of the new Brito-Siamese Treaty and to give any explanations which might be needed as to its details. There was not a very large attendance, but in addition to members of the Consular Staff we noticed, the Rev. Canon Greenstock, Messrs. W. C. Adam, L. Blech, G. J. Bruce, B. O. Cartwright, J. B. Dunlop, W. W. Fegen, E. Gatenby, H. R. Lister, A. Moore, C. P. Norman, W. Nunn, R. Page, A. Rose, Irvine Simpson, G. S. Saunderson, Kow Soon Kim, J. Sampson, Hok Lee Chang, Ah Fook, Kow Swee Siang, Tan Kok Cheng, Chua Guan Thye, E. H. Houssein, Abdul Kader and about twenty other Indian or Chinese British subjects.

Mr. Beckett, after expressing pleasure at seeing so many present, said the more that came to hear the explanations about the new Treaty in which they were interested the better. After reviewing the history of British negotiations with Siam from Sir John Bowring's time pointing out as he went the methods of settling difficulties and the advantages gained, he pointed out that the large increase of British subjects in Siam, and the stage reached some five years ago seemed to call for fresh arrangements.

Negotiations were then begun, which had not proved very easy, in dealing with the whole question from a Siamese as well as a British point

of view. Five years ago the question of ownership of land was raised. British subjects were anxious to be allowed to buy and sell land, houses, etc. The Siamese proposed as a set-off Britain should abandon her extra-territorial rights. From that, the negotiations which led to the treaty ratified on July 10th last began. He proposed to take those present as far as possible into his confidence in the matter. It was not possible before to inform them as to the progress of negotiations. It was a matter for the Siamese Government to publish or not as they saw fit. The Treaty was published in London on June 12, and ratified there on July 10 last.

He would try and explain a few points regarding jurisdiction and the Protocol that were interesting. It was not their duty to inquire into why certain matters were done. He considered that after they understood the whole matter they would be most satisfied. When negotiations began five years ago Mr. Strobel, on behalf of the Siamese Government, pointed out that the question of British residence in the interior and ownership of property could not be entertained till the British Government agreed to the abolition of extra-territoriality. There was thus an impasse. Then the French Treaty was ratified. That contained certain provisions that the Siamese Government wished to apply to the British. The French allowed complete jurisdiction over their Asiatic protégés. This Britain could not agree to as all her subjects were the same. The people most affected were Asiatics, Shans, Burmese, Indians, Chinese and others. Without explaining all the negotiations, the net result was that in the Treaty just concluded, no distinction was made between these different races. All were equally provided for. They would see that the rights obtained under the Treaty extended to all parts of Siam. It was not necessary now to get passports to go into the interior or to travel anywhere in Siam. They could buy land and build anywhere.

Mr. Beckett went on to quote sections of the Treaty dealing with British subjects' privileges. They were of course now subject to the same taxes and services as the French. The object of Siam was to ultimately have all nations on an equal footing here.

About jurisdiction there was this to be said that since the last treaty great strides had been made in the administration of justice in Siam. He had personally witnessed great improvements. Before there seemed to be no cohesion, to-day there was a homogeneous whole. Before Siam was divided up amongst a lot of feudal chiefs with large powers. Now there was centralisation. They owed a great debt to H. R. H. Prince Damrong, Minister for the Interior and H. R. H. Prince Rajaburi, Minister for Justice, for their great efforts to produce a state

of things that made this Treaty possible. The Minister for Justice had evolved an administration of justice on European lines that deserved the highest praise. These were considerations that weighed much with the British Government. The whole matter had caused Sir Ralph Page, and he, the speaker, much deliberative thought before they had arrived at the few paragraphs they now saw in print. It would be unfair and impolitic if they had folded their arms and said "you will not allow us what you wish unless we abandon extra-territoriality, therefore the present state of things must continue." If looked at fairly the Protocol would be found to be in the best interests of all. There was no fear of the Siamese Government abusing its powers in respect to any class of British subjects.

The British Court ceased to exist from July 10, except to dispose of cases pending. The system of International Courts was now inaugurated, and the same conditions applied in the rest of Siam that had been in vogue in Chiangmai for 25

years with great success. Respecting newcomers, it was only fair that some difference should be made. Old-timers in Siam grown long used to past conditions had certain feelings. The change must be made gradual for them. Newcomers would however be right away in the same position as Siamese subjects with this difference, there would be two European Advisers sitting in any court they had to appear in. In the International Court a British European Adviser would practically be the judge. All British subjects would have these Advisers. In the ordinary Siamese courts of the second category Advisers would also sit. The main difference would be that Siamese law would be applied instead of British law. The Siamese Government had taken over the two Bangkok British Judges, and he, Mr. Beckett, understood from the Minister for Justice that they would be utilised in every way possible to smoothen matters during the transitory period.

He, the speaker, appealed to all British subjects to do all they could to make matters as smooth as possible, not only in the interests of the Siamese Government but in their own interests. They would find the new Treaty as helpful to trade as any of the old ones.

Mr. Soon Kim asked whether the British subjects in Siam would be liable to pay death duties to the British Government?

Mr. Beckett said he was glad that that question had been asked. The estates of deceased British subjects would be attended to by the British Consul as heretofore. If there were contention over the estate it would come for settlement before the International or other Siamese Court.

Mr. Soon Kim asked if under the Treaty all Indian and Chinese British subjects would, if they went to gaol, have to go to Siamese prisons?

Mr. Beckett said that the Minister of Justice had been good enough to take over the present British prison until such time as they could construct one equal to any, in sanitary

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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 myself of this opportunity to renew to Your Royal Highness the assurance of my high consideration,
(Signed) RALPH PAGET.

His Royal Highness
PRINCE DEVAWONGSE VAROPRAKAR
Minister for Foreign Affairs,
Bangkok.

Letter from Prince Devawongse to
Mr. Paget.
Foreign Office,
Bangkok, 10th March, 1909.

Monsieur le Ministre.

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 to be 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 myself of this opportunity to renew to you, Monsieur le Ministre, the assurance of my high consideration.

(Signed) DEVAWONGSE,
Minister for Foreign Affairs.
His Excellency
RALPH PAGET, C. V. O., C. M. G.,

H. B. M. Envoy Extraordinary
and Minister Plenipotentiary
Bangkok.

Letter from Prince Devawongse to
Mr. Paget.

FOREIGN OFFICE,
Bangkok, 10th March, 1909.
Monsieur le Ministre.

With reference to the provision contained in Art. 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 myself of this opportunity to renew to you, Monsieur le Ministre, the assurance of my high consideration.

(Signed) DEVAWONGSE,
Minister for Foreign Affairs.
His Excellency,
RALPH PAGET, C. V. O., C. M. G.,
H. B. M. Envoy Extraordinary
& Minister Plenipotentiary,
Bangkok.

BRITISH LEGATION,
BANGKOK, 10th March, 1909.

MONSIEUR LE MINISTRE,

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 towards 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 Majesty's Government in this direction.

I wish also to say that the International Courts, referred to in section I of the Protocol on Jurisdiction, annexed to the Treaty signed to-day, need not necessarily be Courts specially organised 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 myself of this opportunity to renew to Your Royal Highness the assurance of my high consideration.

(Signed) RALPH PAGET,
His Royal Highness

Prince Devawongse
Varprakar,
Minister for Foreign Affairs,
Bangkok.

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 Tringgann 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 south of that parallel shall remain to Siam.

2.

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.

L. S. (Signed) DEVAWONGSE
VAROPRAKAR.
L. S. RALPH PAGET.

PROTOCOL
CONCERNING THE JURISDICTION APPLICABLE IN THE KINGDOM OF SIAM TO BRITISH SUBJECTS
AND ANNEXED TO
THE TREATY DATED 10TH
MARCH 1909.

SECTION 1.

International Courts shall be established at such places as may seem desirable in the interest 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 3 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 Minister 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 legal adviser shall sit at 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 3rd, 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 communi-

cated 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.

(Continued on page 8.)

(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.

L. S. (Signed) DEVAWONGSE

VORAPRAKAR.

L. S. (Signed) RALPH PAGET.

CORRESPONDENCE.

Letter from Mr. Paget to Prince Devawongse.

BRITISH LEGATION,

Bangkok, 10th March, 1909

MONSIEUR LE MINISTRE,

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.

TREATY.
BETWEEN
SIAM AND GREAT BRITAIN,
signed at Bangkok, 10th March, 1909,
AND
Ratifications exchanged at London,
9th July, 1909.

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 the Commis-

sion 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 Federal 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 8th September 1893, 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 British 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 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 8.

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.

L. S. (Signed) DEVAWONGSE

VORAPRAKAR.

P. S. (Signed) RALPH PAGET.

BOUNDARY PROTOCOL,
ANNEXED TO

THE TREATY DATED 10TH MARCH 1909.

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 Sungei of the 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 Tatar.

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 west 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

明治二十二年八月二十四日接受

管政務局

外務省

第一課

第一課

海

外務省

明治二十二年七月廿三日

在暹

特命全權公使吉田作彌



外務大臣伯島村壽太郎殿

英暹新條約ヲ譲与セラル

英暹新條約の結果英國ニ譲与セラルルマヤ
領ヲケル外三州ノ土地引渡シ過日東兩代表
者間ニテ極テ平穩ノ條約有之而シテ其
主ナル割讓地カルクケルハ本月十五日ヲ以テ

在外公館

正式引渡シ候今其情況ヲ同地ノ通信ニ
據リ記セバ当日午後四時英國政府代表者ナル
シ、エヌ、マックスウエル C. N. Maxwell 及暹國政府代
表者ナル當國財政顧問英人 W. G. G. 及び暹國政府代
表者 W. J. Williamson、両氏各々正装シ
一部隊ノ護衛ノ下ニ飛脚ヲ乘リテバト、ハサー
ケル州海岸ニ面スル要港ニ赴キ此處ニ文武
幕僚ヲ携ヘ侍居ラレタルケル州大守ニ謁見
セリ、ウヰリアムソンハ進テ大守ニ向ヒ新條約ノ締結
及批准アリシト并ニ新國疆線ハ天然ノ恒
常線ニ依ル旨ヲ告知シ候セテ從來ケル州
暹國ニ對スル中心誠ヲ謝シ同時ニ今回離
己ムベカラサルニ至リシヲ遺憾トスル旨ヲ記シタ

暹国内務大臣の口口親王殿下ノ親書ヲ
 披覽シ終テ氏ハマックスウエルヲケル太守ニ紹介
 セリマックスウエルハ同式ヲ駐劄顧問ニ任命スル
 海峽植民地総督ノ信認状ヲ朗讀シ且ツ
 本テ曰ク新紀元ハ満足ト隆盛トニ満々セシ又
 政府カ国家ノ進歩及寧福ヲ企図スルニ方ニテ
 之ヲ助成セントコトヲ熱望スト是ニ於テ三通ノ
 引渡書ハ作成調印セシタリ
 ヘルリス州モ全ク如上ノ公式ニ依リ同日十五日英國
 政府代表者ニシテ向後同州政府顧問官タルベ
 キ、ドス、フロスト氏 Madras Post 暹国政府
 代表者ニシテ從來同州政府顧問官タリシ、
 エュリック氏 Madras Post 間ニ引渡ヲ結了セシタリ

在外公館

又マックスウエル州ノ引渡ハ去ル十五日了シトリンガ州ハ
 来ル廿四日引渡ノ豫定ニ有之候
 右及報告候敬具

第三門

明治二十二年七月廿五日

在道

特准全權公使若田作

外務大臣 伍野小 勲 壽 大 印 啟

新英通條約ニ對スル各地
各新字ノ解説

盤石若新字ノ新英通條約ニ對スル
其新字ノ解説ニ對シテ
此ノ外ニ海外通商條約ニ對スル
在 外 公 館

條約ノ如クハ
ルニ
國人ノ意
ラカ
ニ多
學
業
新
代
新
字
ハ

英暹文海

第一課

第二課

先進強國、信譽の海外に権、
 放蕩の弊を以て、
 此の弊を以て、
 新歩の進歩、
 故、進歩、
 制法の是進歩、
 物、
 國、
 昔、
 民、
 カ、
 廣、
 在 外 公 館

之は、
 新、
 此、
 考、
 附、

新章暹條約ニ関スル某
函知者、高書抄録

白外者、新章約字ヲ編譯シテ一ニ採セ
レトスル物、固ニ知ルモ、老翁ハ予方、唯、
漢典ニ對シ、暹人ノ如ク、何ナル代、漢ヲ
得フ、マルヤ、或レナリ、暹王政府ハ、各約ニ
揚リテ、レタル條、傳ヲ、係、仲、トシ、英王臣
民ニ對シ、方、全ナル、司法權ヲ、獲得セシト
スル、親、ナリ、果シテ、世シ、然ルヤ、極、ナリ、ヤ
能ハ、ナル、如ク、レシテ、金ニ、條、約ヲ、政、策、ニ、
ニ、於、テ、ハ、味、シ、テ、就、ラ、ガ、ル、ニ、似、タリ、

在外公館

新章約、即、五、條、ニ、依、レ、バ、一、ハ、一、三、年、條、約、
切、一、條、ニ、基、キ、譯、意、セ、ラ、レ、タ、ル、暹、王、臣、民、
裁、判、所、及、特、權、ハ、英、王、臣、民、領、事、館、ニ、
歸、セ、ラ、レ、タ、ル、(註、者、ハ、リ、條、約、日、附、書、ニ、
不、臣、民、ノ、上、ニ、擴、張、セ、ラ、レ、タ、リ、) 今、同、條、
之、裁、ク、會、同、セ、レ、カ、オ、ナ、レ、バ、一、ハ、一、三、年、條、
約、ノ、規、定、ヲ、參、考、ス、ル、ヲ、必、要、ト、ス、即、チ、條、
條、約、切、一、條、ニ、依、レ、バ、必、條、裁、判、所、ハ、同、所、
ニ、揚、リ、ラ、レ、タ、ル、條、約、ヲ、條、約、ト、シ、暹、王、臣、民、
ニ、依、リ、英、王、臣、民、ノ、事、件、又、ハ、英、王、臣、民、
ノ、事、件、又、ハ、刑、事、特、權、ノ、事、件、ニ、對、シ、司、
法、權、ヲ、行使、ス、又、切、一、條、ニ、依、レ、バ、英、王、臣、民、
ノ、利、害、ニ、對、シ、條、約、ノ、規、定、ニ、依、リ、英、王、臣、民、

總て、還玉裁お祈り、其玉人の對こ、是轉
 権の有、初し、同裁お祈り、権有、改祈。
 尚、形、日、在、陪、席、ヲ、ア、彼、ト、ス、以、上、に、別
 ヲ、還、玉、か、新、條、約、之、依、り、其、玉、臣、民、之、對、こ
 へ、得、る、裁、お、權、を、合、幅、イ、リ、ト、ス、勿、論、還、玉
 の、其、玉、臣、民、之、對、こ、し、つ、五、法、權、ヲ、有、る、ん
 ナ、ラ、ん、能、り、ト、す、其、權、之、於、て、誰、レ、カ
 還、玉、政府、に、在、る、が、新、條、約、之、依、り、そ、の、變
 更、セ、ら、し、て、之、條、約、セ、ら、し、ん、が、任、意、ニ、レ、ド、ス、
 ナ、ラ、ん、ヤ、條、約、之、還、玉、政府、に、民事、及、商事
 の、場、合、ニ、シ、テ、還、玉、政府、之、對、こ、適、用、セ、ら、ん、
 ナ、ら、ん、が、判、決、例、に、依、り、法、之、カ、適、用、セ、ら、ん、
 之、於、て、チ、ヤ、(註、者、は、有、る、還、玉、政府、が、其、玉、政府、之、
 對、こ、)

在外公館

家、々、に、告知、文、一、節、ニ、**還、玉、裁、お、祈、り、還、玉、**
 裁、之、由、之、に、お、決、例、ナ、シ、テ、協、定、之、に、據、り、條、約、高
 用、ニ、シ、テ、商、條、約、ニ、外、に、其、他、任、意、の、地、市、に、於
 テ、い、短、期、之、裁、お、祈、り、元、則、之、依、り、レ、テ、行、は、ス、
 祈、之、依、り、**還、玉、裁、お、祈、り、高、等、條、約、之、裁、之、裁、玉、**
 其、玉、政府、之、對、こ、判、決、例、之、依、り、レ、テ、行、は、ス、
 本、玉、政府、之、對、こ、判、決、例、之、依、り、レ、テ、行、は、ス、
 還、玉、政府、之、對、こ、判、決、例、及、條、約、之、適
 用、ヲ、認、め、ル、ニ、至、り、レ、テ、行、は、ス、
 然、る、に、其、玉、政府、之、對、こ、判、決、例、及、條、約、之、裁、之、裁、玉、
 裁、之、裁、之、依、り、レ、テ、行、は、ス、
 ナ、リ、已、ニ、去、年、九、月、二十一日、以、テ、還、玉、
新、刑、法、之、實、施、セ、ら、ん、民、法、ノ、刑、事、新、裁、法、

事何裁お祈、決お二封し控許せし場合
 此州人裁お祈又、顧問ヲ必委トセリキ
 以テ以テ置お臣民ニ封シテ權利ヲ伸
 張セシト欲スル事お臣民、位置ハ大ニ
 改善セラシムルモノト謂フコト御シテ一旦
 事お人カ置お裁お祈ニ控テ免レ難キ
 御例ナリキ續テ執行シタリ時ハ毎々、
 御例ニ之アリトスルモ多敷、場合ニ控テ
 事お人カ置お裁お祈ニ至テ他能ナル裁
 お祈、前ニお人カ置お祈ニシテ旧例
 封シ、進歩ト稱セザルヲ得ザルナリ
 之ヲ扱スルニ新例取テリシテ必然取ラ
 トスル可法行政、改良ヲ掲ケテ進國
 在 外 公 館

利益トおスニ非ラカレバ進玉、利得ハ
 實際ニ望テララントラ思ハルニ以テ、
 場合ニ控テ司法如法、改良ニ對シテ
 玉カ如斯キ至大ナル代價ヲ付スル、
 已ハナキニ至リタル根拠ヲ見おスエト、
 困難ナルニ以テリ(記者曰ク、至大ナル代價
 一治外法權、撤去ニ對スルモノナリト)御シテ
 司法制度、改良ニ進玉若シテ之ヲ敢セシ
 ナラシムル何時ニテモ其弊害ニ甚キ且ワ
 外玉ト交渉乃至ニ控引ヲ致セズシテ
 事お人カ置お祈ニシテ御玉カ現
 時ニ控テ爾カラテ為サリシハ、事お政府、
 何見上其條取シタル代價ニ案スル

唯、新疏トシテ提出セラルルニ付、
今以テ、^{山崎}西條ノリヲ指シ、^加フルニ、^羅玉
外務大臣カ情状トシテ、^裁裁御権ニ
係ルニ、^議議定カ、^芳芳四條ニ掲ケラレタ
ル係存、^義義事ニ、^再再在強行、^元元因テ
ラカレ、^又又^知知言、^後後亦、^おおせし以
テ、^統統スルニ、^及及ニテ、^我我者、^羅羅玉大臣
ニ對シ、^同同法ヲ禁シ、^能能ハザルナリ

在外公館

第3門

會書課長

文書課

明治四十一年九月六日接受

淨書校正原

明治四十一年九月六日

日 起 第 一 課

別紙

日 發 達

主任

要旨付

政務局長

明治四十一年九月六日達濟

送第ニニ一

海軍大臣

外務大臣

英暹新條約ニヨリ讓與セラルル

土地引渡ノ件

外務省

英暹新條約ニ依リ讓與セラル

土地引渡

ノ件ニ關シ

在暹吉田公使

ヨリ別紙寫ノ通報告有

之候ニ付爲御參考右茲ニ及御送付候間御

査閱相成度此段申進候也

(大公使統監及都督宛ニ限
リ也ノ代リニ敬具ヲ用ウ)

別紙機密受第一四六一九 號 並 附屬書寫添付ノ事

大臣止

第8

明治三十二年十月廿一日

警務局

附屬書類添付第二類

第二〇五三四

明治三十二年十月廿一日

在置

持中全權公使吉田作博

外務大臣宿對持中全權公使

英暹新條約ニ對スル獨乙ノ觀察下

題スル新聞切抜提出件

本年七月中に表セラルル英暹新條約ノ對スル
内外各種新聞紙、評論中耳ヲ傾ルニ足ル
モノニ對テ其都度報告致シ來候ニ今般
又当地ニ於ケル、英字新聞紙上、英暹新
在外公館

條約ニ對スル獨乙ノ觀察ト題スル支月廿六日刊
行「キヨム」ニモ、ツァツング、論說ヲ轉載致候右ハ
該新聞、性質ヨリシテ又其論旨ヨリシテ一
讀ノ價值アリト被存候ニ、別紙切抜御
参考、茲ニ及提出候此段申進候故具

A GERMAN VIEW OF THE
TREATY.

The *Kölnische Zeitung*, of the 16th ult., contains the following—

In July of this year England concluded with Siam a Treaty which added to the world-embracing empire the four Malay States hitherto under the suzerainty of Siam, States reckoned among the richest in mineral wealth in the Malay Peninsula. To compensate Siam, England has given up her extra-territorial rights and therewith her Consular jurisdiction. For the future, therefore, English subjects as well as those who enjoy English protection will have to pay the poll-tax and the other taxes imposed on Siamese subjects, and to submit themselves to Siamese laws and ordinances. There is something unpleasant about the obligation to pay the poll-tax, since it is imposed only on the lower strata of the people and the immigrant Chinese, while Siamese officers, officials and private individuals with the smallest title are exempt. With wise foresight the English Government has arranged for English advisers to sit in the Siamese Courts of Justice, and they will have the last word in any judgment. For the future, therefore, cases in which British subjects are concerned will continue to be decided by their own judges, the only practical difference being that the Siamese Government will be responsible for the pay of the English Judges. Naturally the Siamese lament the loss of the four States, although they must have become gradually accustomed to these repeated cessions of territory. But in their hearts they are glad that they have been put on a level with Japan, and have been allowed to exercise jurisdiction over Europeans, and what is not to be belittled, that they have been given like control over the people of many colours and tongues who hitherto have claimed the rights of British subjects and often have made themselves markedly disagreeable. Moreover the Siamese hope that other nations with Asiatic subjects will follow the example of England, and if possible that all the Treaty Powers including America will do the same. But from mere idealism or friendship for Siamese political development, which has only been lately discovered by England, one does not surrender valuable rights without some return.

Now the British diplomats, by means of the clause by which no other nation shall be permitted to acquire land or coaling stations up to the boundary of Monthon Rajaburi, have secured practically the whole Malay peninsula, while on the east France advances, in spite of all agreements. There remains, therefore for the remaining nations no prospect of any recompense whatever—and so none for Germany. Germany should consider well before she gives up her extra-territorial rights merely from idealistic reasons or out of flattery to Siam, considering that England and France are dividing the "Siamese booty" between them. At any rate there is no hurry for it does not yet appear whether the two neighbours are willing to allow Siam to exist. One is quite accustomed to the idea that it will not be very long before the whole Malay peninsula will be under the British flag, for there is very little Siamese territory between Malaya and Burma. One also hears that France, notwithstanding all agreements to the contrary, pressed by the Colonial party and stung by England's clever move, is possessed of the idea that the frontier should be drawn up to the Petun river, not very far from Bangkok, and thus cutting off that principal centre of commerce, Korat. Of course these are merely rumours or conjectures but should there be any foundation for them, and it is easily possible that there may be, there will only remain to Siam the Monam valley. England and France being already in possession of the railway lines, can at any time subject Siam to the same fate as Burma. Taking everything into consideration, Germany can gain nothing by giving up her jurisdiction but can actually lose. The experience gained in Japan is not such as to encourage her to a new trial in a country the civilisation of which is, judged from a European standpoint, comparatively young. Apart from that, Germany's reputation does not allow her subjects to be put on the same level as Siamese peasants and Chinese coolies, especially as English advisers have charge of Siamese jurisdiction. The Siamese must also show first that they have something left for Germany, then the latter would submit to her control.

第3門

明治四十三年一月十日接受 主權政務局

の信承ル七御

明治四十三年正月九日

在暹

特命全權公使吉田作彌

外製英大信爵村野太郎殿

暹國境界委員出立件

本年七月九日以前批准立換了セリタル英

暹條約結果暹國政府は過般空軍少

將モムナレンラウカパー Mon Naren Raja 外務省官

吏モム、ケヤク、ヒカル Mon Cho Yekel 両氏ラ境界

委員任命致候事該行、本月二日ヲ以テ

当地ヲ出発彼南高ト同地ニ於テ英國委員

長、ジャクソン天佐 Jackson 會合、普ナル申

有之候

右及報告候致具

在外公館

第三門

第44

参考

REEL No. 1-0346

0551

Mr. Paget to Prince Devawongse.

M. LE MINISTRE,

March 10, 1909.

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 modification of or 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 not as a consideration for which some other return shall 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 towards 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 Majesty's 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

** release the matter shall be treated upon its merits ^{alone} upon, and*

that an ordinary Court is designated as an Internal 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.

RALPH PAGET

ANNEX 4.

Prince Devawongse to Mr. Paget.

Foreign Office, Bangkok,

March 10, 1909.

M. LE MINISTRE,

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

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, &c.

DEVAWONGSE,

Minister for Foreign Affairs.

ANNEX 3.

Mr. Paget to Prince Devawongse.

M. LE MINISTRE, March 10, 1909.

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 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.

x Monthon of Rajaburi, or in any of the islands adjacent to the said

RALPH PAGET.

Prince Devawongse to Mr. Paget.

Foreign Office, Bangkok,

M. LE MINISTRE, March 10, 1909.

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 to be 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, &c.

DEVAWONGSE,
Minister for Foreign Affairs.

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

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

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.

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

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

(L.S.) RALPH PAGET.

(L.S.) DEVAWONGSE VAROPRAKAR.

ANNEX 2.

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

SEC. 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.

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.

3. The right of evocation in the International Courts shall be exercised in accordance with the provisions of Article VIII 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.

4.

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 legal 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.

5. Article IX of the Treaty of the 3rd September, 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

* See Annex 4, page 132.

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 mid-channel between Terutau and Langkawi, and all the islands south of Langkawi shall become British. Terutau and the islets to the north of mid-channel 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.*

(2) 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

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* Map not reproduced.

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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} prince so affected shall be entertained or supported by either.

(3) It shall be the duty of the Boundary Commission, provided for in Article III 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.

(L.S.) RALPH PAGET.

(L.S.) DEVAWONGSE VAROPRAKAR.

VI. 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 the 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.

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

VIII. 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 10th day of March, in the year 1909.

(L.S.) RALPH PAGET.

(L.S.) DEVAWONGSE VAROPRAKAR.

ANNEX 1.

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

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

Kelantan, Tringganu, Kedah, Perlis and adjacent islands. The frontiers of these territories are defined by the Boundary Protocol annexed hereto.*

II. The transfer provided for in the preceding Article shall take place within thirty days after the ratification of this Treaty.

III. 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 the 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 I, 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 I.

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

the

* Annex 1.

the territories described in Article I 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.

IV. 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 I.

V. The jurisdiction of the Siamese International Courts, established by Article VIII of the Treaty of the 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 Organisation of Courts.

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

VI.

† Vol. LXXIV, page 78.

‡ Annex 2.

Ireland, acting by Ralph Paget, Esquire, Envoy Extraordinary and Minister Plenipotentiary, that said Convention of the 6th April, 1897, shall be, and it hereby is, cancelled. The present Agreement shall be as effective as though incorporated into said Treaty of this date, notwithstanding anything contained in said Treaty.

Signed and sealed at Bangkok, in Siam, on this the 10th day of March, 1909.

(L.S.) RALPH PAGET.

(L.S.) DEVAWONGSE VAROPRAKAR.

TREATY AND NOTES between Great Britain and Siam regarding the Cession and Boundaries of the Siamese Malay States, the Jurisdiction of the Siamese Courts, and the Non-Cession, &c., of Siamese Territory. - Signed at Bangkok, March 10, 1909. *

(Ratifications exchanged at London, July 9, 1909.)

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Siam, 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 Great Britain: Ralph Paget, Esq., His Envoy Extraordinary and Minister Plenipotentiary, &c.;

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:-

ART. I. 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,

* "Treaty Series No. 19 (1909)."

(His Majesty the King of Siam: His Royal Highness Prince Devawongse Varoprakar, Minister for Foreign Affairs, &c.:)

agreed upon and concluded the following Articles:-

ART. I. His Majesty the King of Siam engages not to cede or alienate to any other Power any of his rights over any portion of the territories or islands lying to the south of Muong Bang Tapan.

II. Her Britannic Majesty engages on her part to support His Majesty the King of Siam in resisting any attempt by a third Power to acquire dominion or to establish its influence or protectorate in the territories or islands above mentioned.

III. Her Britannic Majesty having engaged by the preceding Article to support His Majesty the King of Siam in resisting any attempt by any third Power to acquire dominion or to establish influence or protectorate in any of the territories or islands above mentioned, His Majesty the King of Siam engages not to grant, cede or let any special privilege or advantage, whether as regards land or trade, within the above specified limits, either to the Government or to the subjects of a third Power without the written consent of the British Government, and Her Britannic Majesty engages to support His Majesty the King of Siam in the execution of this Article.

In witness whereof the above-named Plenipotentiaries have signed and sealed the present Convention, in duplicate, at Bangkok, on the 6th day of April, in the year 1897 of the Christian era.

(L.S.) W. J. ARCHER.

(L.S.) DEVAWONGSE.

AGREEMENT between Great Britain and Siam cancelling the Convention of April 6, 1897, regarding the Non-Alienation of certain parts of the Malay Peninsula.- Signed at Bangkok, March 10, 1909.

WHEREAS on the 6th day of April, 1897,* a Convention was signed at Bangkok between the Governments of His Majesty the King of Siam and His Majesty the King of Great Britain and Ireland; and

Whereas the said Convention dealt with certain matters affecting a portion of the Malay Peninsula; and

Whereas a Treaty has this day been signed between the two Governments, which Treaty also deals with certain matters affecting a portion of the Malay Peninsula; † and

Whereas in the negotiations preceding the execution of the said Treaty it was settled that the Convention above mentioned should be cancelled, but that such cancellation should be by a separate instrument and not in the Treaty itself:

Now, therefore, it is hereby mutually agreed by the Government of His Majesty the King of Siam, acting by His Royal Highness Prince Devawongse Varoprakar, Minister for Foreign Affairs, and by the Government of His Majesty the King of Great Britain and
Ireland,

* See page 124.

† See page 126.

1411

CONVENTION between Great Britain and Siam undertaking on the part of Siam not to Alienate certain Siamese Territories or to Grant Special Facilities without the consent of Great Britain. - Signed at Bangkok, April 6, 1897.*

HER Britannic Majesty having communicated to His Majesty the King of Siam the two first Articles of the Declaration signed between the Governments of Great Britain and France on the 15th day of January, 1896,¹ as giving evidence of England and France's joint solicitude for the security and stability of the Kingdom of Siam, His Majesty the King of Siam and Her Britannic Majesty, being desirous of making further provisions for securing the mutual interests of Siam and Great Britain, have agreed to conclude a Convention for this purpose, and have, therefore, named as their respective Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India: William John Archer, Esquire, Her Majesty's Chargé d'Affaires at Bangkok;

His Majesty the King of Siam: Kromaluang Devawongse Varoprakar, His Majesty's Minister for Foreign Affairs;

Who, after having communicated to each other their respective full powers, and found them to be in good and due form, have

agreed

* Cancelled by Agreement of March 10, 1909. Page 125.

¹ Vol. LXXXVIII, page 13.