



TREATY SERIES No. 9 (1926)

NOTES

EXCHANGED BETWEEN THE

United Kingdom and Siam

IN CONNECTION WITH THE

General and Commercial Treaties between
the United Kingdom and Siam, signed at
London on July 14, 1925

London, July 14—September 15, 1925

[In continuation of "Treaty Series Nos. 7 and 8 (1926),"
(Cmd. 2642 and 2643).]

PRESENTED BY THE SECRETARY OF STATE FOR FOREIGN
AFFAIRS TO PARLIAMENT BY COMMAND OF HIS MAJESTY

LONDON :

PRINTED & PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses :
Adastral House, Kingsway, London, W.C.2; 28, Abingdon Street, London, S.W.1;
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1926

Price 2d. Net

Cmd. 2644

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Notes exchanged between the United Kingdom and Siam in connection with the General and Commercial Treaties between the United Kingdom and Siam, signed at London on July 14, 1925.

London, July 14-September 15, 1925.

No. 1.

The Siamese Minister to Mr. Austen Chamberlain.

Sir, *Siamese Legation, London, July 14, 1925.*
IN signing this day the general and commercial treaties between Great Britain and Siam,* I have the honour to assure you, by order of my Government, that it is not the present intention of the Royal Siamese Government to impose any new, or increase any existing, export duties on teak, tin or rice.

I have, &c.
PRABHA KARAWONGS.

No. 2.

The Siamese Minister to Mr. Austen Chamberlain.

Sir, *Siamese Legation, London, July 14, 1925.*
I HAVE the honour to inform you that, when the time comes for the termination of the existence of the international or empowered courts, cases then pending before the said courts to which British subjects are parties will take their usual course before the said courts until such cases have been finally disposed of, and the jurisdiction of the said courts will remain in full force for this purpose.

I have, &c.
PRABHA KARAWONGS.

No. 3.

The Siamese Minister to Mr. Austen Chamberlain.

Sir, *Siamese Legation, London, July 14, 1925.*
IN connection with the new treaties recently signed between our two Governments, I have the honour to inform you, by order of my Government, that, in order to protect British interests with respect to non-contentious probate matters under the régime effected by the new treaties, the Royal Siamese Government will be happy, after the ratification of the new treaties, to continue as heretofore the present system of consular probate jurisdiction with respect to non-contentious matters connected with estates of pre-registered British subjects

* Treaty Series Nos. 7 and 8 (1926) (Cmd. 2642 and 2643).
3400 Wt. — 1125 4/26 F.O.P. (14439)

and the present practice by which consular officers deal with non-contentious matters connected with estates of post-registered British subjects in accordance with article 3 of the Treaty of 1856 until such time as a new Siamese law shall be promulgated dealing with the question of succession and probate.

I have the honour to inform you further, that it is the intention of the Royal Siamese Government to proceed with the preparation and promulgation of the new law as soon as possible.

I have, &c.

PRABHA KARAWONGS.

No. 4.

Mr. Austen Chamberlain to the Siamese Minister.

Sir,

Foreign Office, July 14, 1925.

His Majesty's Government are happy to think that, in signing the general and commercial treaties under which Siam obtains full jurisdictional and fiscal autonomy, they have made some contribution towards the free and prosperous development of Siam. Under the jurisdictional head, in particular, they have agreed to the arrangements embodied in the annex to the general treaty, because they are convinced that in the near future nothing short of full autonomy in these matters will be consonant with the position of Siam among civilised nations. Moreover, they feel sure that these arrangements will strengthen the ties that so happily unite the two countries.

2. The existing ties between Siam and Great Britain, are mutually advantageous in a peculiarly high degree by reason of two facts. More than 50,000 Indian British subjects pursue their avocations in Siam and contribute to the prosperity of the country. Furthermore, British trade with Siam is longer established and larger in volume than that of any other country. These facts give to Anglo-Siamese relations an especially close and cordial character which His Majesty's Government are sure that the Siamese Government fully appreciate and share the desire of His Majesty's Government to preserve. His Majesty's Government therefore feel very confident that the Siamese Government are not likely to take any steps calculated to prejudice the British interests arising from these considerations.

3. His Majesty's Government, without wishing to make any suggestion which might constitute an interference in the internal affairs of Siam, or to make the grant of the rights acquired by Siam under the new treaties subject to any conditions or restrictions, feel, nevertheless, in view of the magnitude of the interests involved, that it may be useful to state frankly certain apprehensions which they entertain. They do so at this moment when a new epoch of Siamese progress is beginning, with the object of averting possible future contingencies in which Siamese as well as British interests might suffer. It is possible that by the time the new codes have been promulgated there will not be available, either because the law school established by the Siamese Government has not been fully developed

or for some other reason, a sufficient supply of fully trained Siamese judges to take the places of the present European legal advisers. Moreover, in any case, the fact that the new codes are based on Roman law must somewhat accentuate the difficulties of dealing with the large number of commercial cases involving British interests that come before the courts. The Siamese Government doubtless appreciate this position; and it therefore occurs to His Majesty's Government that they may well wish, should it be necessary in order to avoid possible future injury to the interests common to both countries, for a reasonable time after the coming into force of the various codes, and even, if necessary, after the disappearance of the right of evocation, to continue to employ a reasonable number of European legal advisers, of whom a proportion commensurate with British interests will be of British nationality; to continue to employ them in general in the same posts and in the same judicial capacities as at present, and to arrange that they shall exercise their powers in the same general manner as they have hitherto done (except in so far as the termination of the 1909 treaty may result in their judgments no longer prevailing in the cases provided for under that treaty); to retain the post of judicial adviser, which it will probably be impracticable to fill with a lawyer of other than British nationality; and to employ as a teacher in the law school an English lawyer, preferably a barrister familiar with the Indian codes.

I have, &c.

AUSTEN CHAMBERLAIN.

No. 5.

The Siamese Minister to Mr. Austen Chamberlain.

Sir,
Siamese Legation, London, July 28, 1925.
 THE Royal Siamese Government desire to express their very sincere appreciation for the frank and friendly note of His Britannic Majesty's Government with reference to affairs in Siam under the new régime. The Royal Siamese Government have taken very careful note of the matters set forth in this communication, and they will endeavour, in respect of the several points set out in the letter from His Britannic Majesty's Government, to do everything possible to safeguard British interests in Siam, so far as this can be done without injury to the interests of the Royal Siamese Government.
 In particular, the Royal Siamese Government readily give an assurance that it is their intention not to dispense with the services of European legal advisers upon the ratification of the new treaties, but to continue to employ them until such time after the promulgation of the codes as they may be convinced that the administration of justice by Siamese judges shows the further services of such European advisers to be unnecessary.
 The Royal Siamese Government take this opportunity of reaffirming the principle as to the use of British law in commercial cases where no Siamese law exists. Until the promulgation of the civil and commercial code they intend to continue to act upon this

principle, which was expressed in the following form in the letter of the 19th May, 1909, from Mr. Westengard to Mr. Beckett:—

“Where there is no existing Siamese statute or precedent the Siamese courts administer customary law. The custom in commercial matters where there are foreign communities is generally in accordance with English principles. Therefore, Siamese courts in such cases are guided by English statutes and cases as far as circumstances admit.”

I have, &c.

PRABHA KARAWONGS.

No. 6.

Mr. Austen Chamberlain to the Siamese Minister.

Sir,

Foreign Office, August 5, 1925.

I HAVE the honour to inform you that I have noted with gratification the contents of the three notes complementary to the general and commercial treaties signed on the 14th ultimo between Siam and Great Britain, which you handed to me on that date, and which contain the following assurances: (1) That it is not the present intention of the Siamese Government to impose any new or increase any existing export duties on teak, tin or rice; (2) that, when the time comes for the termination of the existence of the international or empowered courts in Siam, cases then pending before those courts to which British subjects are parties will take their usual course before the courts until such cases have been finally disposed of, and that the jurisdiction of those courts will remain in full force for this purpose; and (3) that the Siamese Government agree to continue, after the ratification of the treaties, the present system of consular probate jurisdiction with respect to non-contentious probate matters until such time as a new Siamese law shall be promulgated dealing with the question of succession and probate, and that it is their intention to proceed with the preparation and promulgation of the new law as soon as possible.

2. I have also the honour to acknowledge the receipt of your note of the 28th ultimo, in reply to the note which I handed to you at the time of signature of the treaties, in which you inform me of the intentions of the Siamese Government in regard to the matters mentioned in my note, in particular the retention of the European judicial advisers, and give an assurance of the continued use of British law in commercial cases until the promulgation of the civil and commercial code.

I have, &c.

AUSTEN CHAMBERLAIN.

No. 7.

*The Siamese Minister to Mr. Austen Chamberlain.**Siamese Legation, London,
August 12, 1925.*

Dear Mr. Chamberlain,

SIR SYDNEY CHAPMAN, of the Board of Trade, has called my attention to the possible ambiguity of the word "tin" as used in my letter to you of the 14th July, 1925, concerning export duties on teak, tin and rice, and has raised the question of whether the assurance contained in this letter covers export duties on tin ore as well as on tin in its other forms.

I have pleasure in informing you that it is the understanding of my Government that the word "tin" as used in this letter covers both tin and tin ore.

Believe me, &c.

PRABHA KARAWONGS.

No. 8.

Mr. Austen Chamberlain to the Siamese Minister.

My dear Minister,

Foreign Office, September 15, 1925.

I THANK you for your letter of the 12th ultimo informing me that it is the understanding of the Siamese Government that the word "tin" used in your note of the 14th July concerning export duties on teak, tin and rice covers both tin and tin ore.

I am bringing this understanding to the attention of Sir Sydney Chapman and the various Government Departments concerned.

Believe me, &c.

AUSTEN CHAMBERLAIN.