



Treaty Series No. 33 (1938)

Treaty of Commerce and Navigation

between His Majesty in respect of the
United Kingdom and
His Majesty the King of Siam

[With Protocol and Exchanges of Notes]

Bangkok, November 23, 1937

[Ratifications exchanged February 19, 1938]

*Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty*

LONDON

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:

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1938

Price 4*d.* net

Cmd. 5731

TREATY OF COMMERCE AND NAVIGATION BETWEEN HIS
MAJESTY IN RESPECT OF THE UNITED KINGDOM AND HIS
MAJESTY THE KING OF SIAM, WITH PROTOCOL AND
EXCHANGES OF NOTES.

Bangkok, November 23, 1937.

[Ratifications exchanged February 19, 1938.]

HIS Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Siam, desiring to facilitate and to regulate by means of a revised treaty their mutual relations of trade and commerce,

Have resolved to conclude a Treaty for this purpose, and have appointed as their plenipotentiaries:—

His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (hereinafter referred to as His Majesty The King and Emperor):

For Great Britain and Northern Ireland:

Sir Josiah Crosby, K.B.E., C.I.E., His Majesty's Envoy Extraordinary and Minister Plenipotentiary in Siam;

His Majesty the King of Siam:

Luang Pradist Manudharm (Pridi Banomyong), His Majesty's Minister for Foreign Affairs;

Who, having communicated their full powers, found in good and due form, have agreed as follows:—

ARTICLE 1.

(1) The subjects of each High Contracting Party shall be entitled—

- (a) to enter, travel and reside in, and to leave the territories of the other High Contracting Party so long as they satisfy and observe the conditions and regulations applicable in such territories to the entry, travel, residence and departure of all foreigners;
- (b) on the same terms and subject to the same laws and regulations as subjects or citizens of the most favoured foreign country to carry on in the territories of the other High Contracting Party their commerce, manufacture, industries, professions and occupations, and to trade in all kinds of merchandise of lawful commerce; to employ agents of their choice; and generally to do everything incident to or necessary for trade.

(2)—(a) The subjects of each High Contracting Party shall be permitted in the territories of the other to acquire, inherit, possess, lease and occupy property, movable or immovable, subject, however, to the right of the latter High Contracting Party—

- (i) to make the acquisition or leasing of immovable property in his territory by foreigners subject to such conditions as are or may be established for reasons of national security or other reasons of public policy;
- (ii) to impose such restrictions as he may think fit in regard to the acquisition of vessels flying his national flag or aircraft on his national register and shares in such ships and aircraft.

In all the matters referred to in this sub-paragraph, the subjects of each High Contracting Party shall receive, in the territories of the other, treatment not less favourable than that accorded to the subjects or citizens of any other foreign country.

(b) The subjects of each High Contracting Party shall be permitted in the territories of the other to dispose by sale, exchange, gift, marriage, testament or in any other manner, of property, movable or immovable, lawfully possessed by them on the same conditions as are or may be established with regard to the subjects of the other High Contracting Party.

(c) Further, they shall be permitted to export their property and their goods in general from the territories of the other High Contracting Party, subject to no other conditions or restrictions and to no other or higher duties than those to which the subjects of that High Contracting Party would be liable in similar circumstances.

(3) The subjects of either High Contracting Party resident in the territories of the other shall not be compelled, under any pretext whatsoever, to pay any duties, taxes, imposts, fees which are substantially taxes, exactions, or contributions of any kind whatever, levied on behalf of any authority whatsoever, other or higher than those which are or may be levied upon the subjects of the other High Contracting Party; and they shall enjoy the same treatment and the same protection at the hands of the fiscal authorities and tribunals as the subjects of the other High Contracting Party.

(4) The subjects of either High Contracting Party, wherever resident, shall not be subjected in the territories of the other to any duties, taxes, imposts, fees which are substantially taxes, exactions or contributions of any kind whatever which are not equally levied upon the subjects or citizens of the most favoured foreign country: they shall enjoy the same treatment and the same protection at the hands of the fiscal authorities and tribunals as the subjects or citizens of the most favoured foreign country.

(5) The subjects of each High Contracting Party shall receive, in the territories of the other, the most constant protection and security for their persons and property, and shall enjoy in this respect the

same rights and privileges as the subjects of the other High Contracting Party, subject to their compliance with the same laws and regulations. They shall, moreover, be exempt, in the territories of the other High Contracting Party, from all compulsory military service either on land or sea or in the air, in the regular forces or in the national guard or in the militia or in the police; from all forms of compulsory manual labour (except in cases of sudden and unexpected occurrences involving great public danger, or where Siamese law gives the option of performing such labour in lieu of the payment of taxes); and from the performance of all judicial administrative and municipal functions whatever, other than those imposed by the laws relating to juries. They shall also be exempted from all contributions, whether in money or in kind, imposed as an equivalent for such service or the performance of such functions, and from all forced loans, whether in money or in kind, or military contributions. They shall in no case be liable to any military or civil requisitions other or greater than such as may be levied on the subjects of the other High Contracting Party, and shall be accorded due payment therefor, which shall in no case be less than the payment accorded in similar circumstances to the subjects of the other High Contracting Party. Furthermore, in all matters relating to military or civil requisitions, the subjects of each High Contracting Party shall not be accorded in the territories of the other less favourable treatment than that which is or may be accorded to the subjects or citizens of the most favoured foreign country.

ARTICLE 2.

The dwellings, warehouses, manufactories and shops, and all other property of the subjects of each High Contracting Party in the territories of the other, and all premises appertaining thereto, used for purposes of residence or commerce, shall be respected. Except under the conditions and with the forms prescribed by the laws and regulations for the subjects of the last-mentioned High Contracting Party, no domiciliary visit shall be instituted and no search of any such buildings or premises be carried out, nor shall books, papers or accounts be examined or inspected.

ARTICLE 3.

(1) There shall be reciprocal freedom of commerce and navigation between the territories of the High Contracting Parties.

(2) Subject to the provisions of Articles 1 (1) (a) and 16, the subjects of each High Contracting Party shall have liberty freely to come with or without their ships and cargoes to all places, ports and rivers in the territories of the other, to which subjects of that High Contracting Party are or may be permitted to come, and shall enjoy the same rights, privileges, liberties, favours, immunities and exemptions in matters of foreign commerce and navigation, as are, or may be, enjoyed by subjects of that High Contracting Party.

ARTICLE 4.

The subjects of each High Contracting Party shall, in the territories of the other, have free access to the Courts of Justice for the prosecution and defence of their rights. They shall be at liberty, equally with subjects or citizens of that other High Contracting Party or of the most favoured foreign country, to choose and employ in all causes and proceedings lawyers, advocates, attorneys, agents and representatives to prosecute and defend their rights before such Courts from among the persons entitled to act as such in those territories. There shall be no condition or requirement imposed upon the subjects of either High Contracting Party in connexion with such access to the Courts of Justice in the territories of the other, which do not apply to the subjects or citizens of the other or of the most favoured foreign country.

ARTICLE 5.

(1) Each High Contracting Party undertakes to place no obstacle in the way of the companies of the other High Contracting Party which may desire to carry on in his territories, whether through the establishment of branches or otherwise, any description of business which the companies of any other foreign country are, or may be, permitted to carry on.

(2) The provisions of Article 1 (1) (b), (2) (a) (b) and (c) and (5), Article 2 and Article 4 of the present Treaty, relative to subjects of the High Contracting Parties, shall equally apply to companies of the High Contracting Parties and shall, for this purpose, be read as though the word "companies" were in every case substituted for the word "subjects" in those provisions.

(3) The companies of each High Contracting Party shall in the territories of the other, so far as concerns duties, taxes, imposts, fees which are substantially taxes, exactions or contributions of any description whatever, levied on behalf of any authority whatsoever, enjoy treatment no less favourable than that accorded to the companies of the other High Contracting Party.

(4) The companies of each High Contracting Party shall enjoy in the territories of the other, in every respect and in all matters, treatment fully as favourable as that accorded to the companies of any other foreign country.

ARTICLE 6.

The subjects and companies of each High Contracting Party shall enjoy, in the territories of the other, a perfect equality of treatment with the subjects and companies of the other in all that relates to import, export and transit duties, royalties and payments in respect of concessions, warehousing, Customs facilities, the examination and appraisement of merchandise, and drawbacks.

ARTICLE 7.

(1) All those facilities and privileges which are set out in the International Convention relating to the Simplification of Customs Formalities, signed at Geneva on the 3rd November, 1923, shall, in his territories, be accorded by each High Contracting Party to the other with respect to the treatment of commercial travellers and samples.

(2) Any further facilities or privileges accorded in his territories by either High Contracting Party to any other foreign country in respect of commercial travellers or samples shall be extended unconditionally to the other High Contracting Party.

ARTICLE 8.

(1) It is agreed that the customs tariffs applicable to articles produced or manufactured in the territories of either High Contracting Party imported into the territories of the other shall be regulated by the laws of the country of importation.

However, (a) articles produced or manufactured in the territories of either High Contracting Party imported into the territories of the other, from whatever place arriving, shall not be subjected to other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country; and

(b) No other or higher duties or charges shall be imposed in the territories of either High Contracting Party on the exportation of any article to the territories of the other than such as are or may be payable on the exportation of the like article to any other foreign country.

(2)—(i) No prohibition or restriction shall be imposed or maintained on the importation into the territories of either High Contracting Party of any article, from whatever place arriving, produced or manufactured in the territories of the other High Contracting Party, which shall not equally extend to the importation of the like articles produced or manufactured in any other foreign country.

(ii) No prohibition or restriction shall be imposed or maintained on the exportation of any article from the territories of either High Contracting Party to the territories of the other which shall not equally extend to the exportation of the like articles to any other foreign country.

(iii) In the event of any form of quantitative limitation being established for the importation or exportation of articles restricted, each of the High Contracting Parties agrees to grant for the importation from or exportation to the territories of the other High Contracting Party an equitable apportionment of the quantity of restricted goods which may be authorised for importation from or exportation to foreign countries.

(iv) Exceptions to the general rule laid down in sub-paragraphs (2) and (ii) of this Article may be made only in the case of—

- (a) prohibitions or restrictions imposed in the interests of public security;
- (b) prohibitions or restrictions regarding traffic in arms, ammunition and implements of war, or, in exceptional circumstances, all other military supplies;
- (c) prohibitions or restrictions imposed for the protection of public health;
- (d) prohibitions or restrictions imposed for the protection of animals or plants, including protection against disease, degeneration or extinction, as well as measures taken against harmful seeds, plants and animals.

(3) The provisions of the present Treaty relating to prohibitions or restrictions of importation and exportation do not apply to the trade in opium and other substances included now or hereafter within the scope of the International Opium Convention signed at Geneva on the 19th February, 1925, or the International Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed at Geneva on the 13th July, 1931, it being understood that such trade shall remain subject to the laws and regulations which are or may at any time be in force in the territories of the respective High Contracting Party.

ARTICLE 9.

Internal duties levied within the territories of either High Contracting Party for the benefit of the State or of organs of local or municipal government, on or in connection with goods produced or manufactured in the territories of the other Party, shall not be other or greater than the duties levied in similar circumstances on or in connection with goods of national origin.

ARTICLE 10.

(1) The subjects and companies of either High Contracting Party shall receive equitable treatment in the territories of the other in respect of any measure of disposal, limitation, restriction or expropriation affecting property, rights and interests legally acquired by them and in respect of compensation for any such measure, and shall not, in respect thereof, be treated less favourably than the subjects and companies respectively of the other Party.

(2) Any prohibitions or restrictions, whether by the creation or maintenance of a monopoly or otherwise, which are, or may hereafter be, imposed in the territories of either High Contracting Party on the importation, purchase and sale of arms and ammunition shall

not be so framed or administered as to prevent the subjects and companies of the other High Contracting Party from obtaining adequate supplies of industrial explosives for use in their industries, it being understood that nothing in this paragraph shall preclude either High Contracting Party from enforcing such reasonable regulations as may be required in the interests of public safety or security.

ARTICLE 11.

The subjects and companies of each High Contracting Party shall have, in the territories of the other, the same rights as subjects or companies of that High Contracting Party in regard to patents for inventions, trade marks, trade names, industrial designs and copy-right in literary and artistic works, provided they observe the conditions and formalities imposed on subjects of the latter High Contracting Party.

ARTICLE 12.

(1) Each High Contracting Party shall prohibit the importation into, and shall provide measures for the seizure on importation into; his territories of any goods bearing words, devices, descriptions or other indications which state or manifestly suggest that the goods have been manufactured in the territories of the other, if such statement or suggestion be false, and shall, moreover, protect imported products from competition through the short reeling of yarns and the false lapping of piece-goods.

(2) The provisions of this Article do not impose any obligation to seize goods in transit.

ARTICLE 13.

(1) In all that relates to navigation and the treatment of shipping, each High Contracting Party undertakes to treat the companies and vessels of the other not less favourably in any respect either in law or in fact than his own companies and vessels or the companies and vessels of any other foreign country. The provisions of this Article relating to vessels apply also to the passengers and cargoes carried therein.

(2) Each High Contracting Party shall permit the importation or exportation of all merchandise which may be legally imported or exported, and also the carriage of passengers from or to their respective territories, upon the vessels of the other; and such vessels, their cargoes and passengers shall enjoy the same privileges as, and shall not be subjected to any other or higher duties or charges than national vessels and their cargoes and passengers or the vessels of any other foreign country and their cargoes and passengers.

ARTICLE 14.

In all that regards the stationing; loading and unloading of vessels in the ports, docks, quays, harbours and roadsteads of their respective territories, the High Contracting Parties shall reciprocally apply the provisions of the Convention and Statute on the International Régime of Maritime Ports, signed at Geneva on the 9th December, 1923.

ARTICLE 15.

In regard to dues, charges and payments of all kinds and of whatever denomination levied on ships, such as tonnage, sanitary, port, quay, harbour, pilotage, lighthouse and quarantine dues or charges, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind, the High Contracting Parties shall reciprocally apply the provisions of the Convention and Statute on the International Régime of Maritime Ports, signed at Geneva on the 9th December, 1923.

ARTICLE 16.

(1) The provisions of this Treaty relating to the mutual concession of national treatment do not apply—

- (a) to the coasting trade of the territories of the High Contracting Parties, or
- (b) to fishing in their territorial and national waters.

(2) Nevertheless, (a) in respect of the coasting trade the subjects and vessels of each High Contracting Party shall enjoy in the territories of the other treatment no less favourable than that accorded to the subjects or citizens or vessels of any other foreign country, and (b) in respect of fisheries, the subjects and vessels of either High Contracting Party, and fish caught by such vessels, shall not be treated less favourably in any respect in the territories and territorial waters of the other Party than the subjects or citizens or vessels of any other foreign country or fish caught by such vessels.

(3) Moreover, in the event of the coasting trade being exclusively reserved in the territories of either High Contracting Party to national vessels, the vessels of the other Party may, nevertheless, proceed from one port to another in such territories either for the purpose of landing the whole or part of their cargoes or passengers brought from abroad, or of taking on board the whole or part of their cargoes or passengers for a foreign destination. Such vessels shall, moreover, if engaged in trading to or from places not within the limits of the coasting trade so reserved, not be prohibited from the carriage

between two ports in the territories of the first High Contracting Party of passengers holding through tickets or merchandise consigned on through Bills of Lading to or from places not within the above-mentioned limits; and while engaged in such carriage, these vessels and their passengers and cargoes shall enjoy the full privileges of this Treaty.

ARTICLE 17.

(1) Any vessel of either High Contracting Party which may be compelled, by stress of weather or by accident, to take shelter in a port of the territories of the other, shall be at liberty to refit therein, to procure all necessary stores and put to sea again, without paying any dues other than such dues as would be payable in a similar case by a national vessel. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

(2) If any vessel of either High Contracting Party shall run aground or be wrecked upon the coast of the territories of the other, such vessel and all parts thereof and all furniture and appurtenances belonging thereto, and all goods and merchandise saved therefrom, including any which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such vessel, shall be given up to the owners of such vessel, goods, merchandise, &c., or to their agents, when claimed by them.

If there are no such owners or agents on the spot, then the vessel, goods, merchandise, &c., referred to shall, in so far as they are the property of a subject or company of the first High Contracting Party, be delivered to the competent Consular Officer of that Party upon being claimed by him within the period fixed by the laws and regulations of the territories of the other High Contracting Party, and such Consular Officer, owners or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of the wreck or stranding of a national vessel.

(3) However, goods and merchandise saved from the wreck or stranding shall be exempt from the payment of any Customs duties unless cleared for internal consumption, in which case they shall pay the ordinary duties.

(4) In the case of a vessel of one of the High Contracting Parties being driven in by stress of weather, run aground or wrecked in the territories of the other, the competent Consular Officer of the former High Contracting Party shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorised to interpose in order to afford the necessary assistance to his fellow-countrymen.

ARTICLE 18.

(1) Each High Contracting Party may appoint Consular Officers of any rank to reside in any towns and ports in the territories of the other, in which such representatives of that High Contracting Party are permitted to reside at the time of the coming into force of this Treaty, or in which such representatives of any other foreign country are or may at any time be permitted to reside. Such Consular Officers shall not, however, enter upon their functions until after they have been approved and recognised in the usual form by the other High Contracting Party.

(2) The Consular Officers of each High Contracting Party shall, subject to reciprocity, enjoy in the territories of the other the same official powers, rights, privileges and exemptions as are, or may be, accorded to similar Officers of the most favoured foreign country.

ARTICLE 19.

In the case of the death of a subject of either High Contracting Party possessing property in the territories of the other and leaving kin but without leaving, in the territories where such property is, any person entitled by the law of his own country to take charge of and administer the estate, the competent Consular Officer of the High Contracting Party to which the deceased subject belongs, shall, upon fulfilment of the necessary formalities, be empowered to take custody of and administer the estate in the manner and under the limitations prescribed by the law of the country in which such estate is situated.

ARTICLE 20.

The provisions of the present Treaty, relative to the treatment accorded to the most favoured foreign country, do not extend—

- (1) to favours which are, or may be granted, in the territories of either High Contracting Party (a) to facilitate frontier traffic with an adjoining country; or (b) in virtue of a Customs Union which has already been, or may hereafter be, concluded with another country;
- (2) to benefits accorded in the territories of either High Contracting Party solely in virtue of an agreement with any other country relating to double taxation; or
- (3) to favours which are, or may be, granted to an adjoining State with regard to the navigation on or use of boundary waterways not navigable from the sea.

ARTICLE 21.

Any dispute that may arise between the High Contracting Parties as to the proper interpretation or application of any of the provisions of the present Treaty shall, at the request of either of them, be referred to the Permanent Court of International Justice, unless in

any particular case the High Contracting Parties agree to submit the dispute to some other tribunal or to dispose of it by some other form of procedure.

ARTICLE 22.

The territories of the High Contracting Parties, to which the present Treaty applies, on the part of His Majesty the King of Siam, are Siam, and on the part of His Majesty the King and Emperor, are Great Britain and Northern Ireland, and any territories in respect of which notification of accession is given under Article 24 or notice of extension is given under Article 23. Any reference in the present Treaty to the territories of the High Contracting Parties shall be deemed to relate to those territories of such High Contracting Parties to which the Treaty applies.

ARTICLE 23.

(1) His Majesty the King and Emperor may through his representative at Bangkok give notice of his desire that the present Treaty shall extend to any of his colonies, overseas territories or protectorates, or to any mandated territory in respect of which the mandate is exercised by his Government in the United Kingdom, and the Treaty shall be extended to any territory specified in such notice as from the date thereof.

(2) After the expiry of a period of five years from the coming into force of the present Treaty, either High Contracting Party may, by giving twelve months' notice, terminate the application of the present Treaty to any territory to which it has been extended under the provisions of the preceding paragraph.

ARTICLE 24.

(1) The High Contracting Parties agree that His Majesty the King and Emperor may by notification given through the diplomatic channel accede to the present Treaty in respect of any Member of the British Commonwealth of Nations whose Government may desire that such accession should be effected. Any such accession shall take effect as from the date of notification thereof.

(2) After the expiry of a period of five years from the coming into force of the present Treaty, either High Contracting Party may, by giving twelve months' notice, terminate the Treaty as regards any country in respect of which notification of accession has been given under paragraph (1) of this Article.

(3) Any notification made under paragraph (1) of this Article may include any dependency or mandated territory administered by the Government of the country in respect of which notification of accession is given; and any notice given under paragraph (2) of this Article shall be applicable to any such dependency or mandated territory which was included in such notification of accession.

ARTICLE 25.

(1) So long as in any territory referred to in Articles 23 and 24, to which the provisions of the present Treaty are not applicable, either by virtue of accession under Article 24 or by notice of extension under Article 23, goods produced or manufactured in Siam are accorded treatment as favourable as that accorded to goods produced or manufactured in any other foreign country, goods produced or manufactured in such territory shall likewise enjoy in Siam treatment as favourable as that accorded to goods produced or manufactured in any other foreign country.

(2) Goods, the produce or manufacture of Palestine, shall not be debarred from the benefits of this Article by reason only of any special Customs privileges which may be accorded in Palestine to goods the produce or manufacture of any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

ARTICLE 26.

The present Treaty shall, from the date of its entry into force, be substituted for the General Treaty and the Treaty of Commerce and Navigation signed at London on the 14th July, 1925, and from this date the said Treaties of 1925 and all arrangements and agreements subsidiary thereto concluded or existing between the High Contracting Parties shall cease to be binding.

Provided, however, that the territorial provisions of the Treaty signed at Bangkok on the 10th March, 1909, and of the annexes thereto, together with all treaty provisions in force on the 4th November, 1937, which fix or delimit the boundary between Siam and British possessions or protectorates, shall remain in force.

ARTICLE 27.

(1) The present Treaty shall be ratified and the ratifications shall be exchanged at Bangkok as soon as possible. It shall come into force immediately on the exchange of ratifications and shall thereafter remain in force during a period of 5 years.

(2) In case neither High Contracting Party shall have given notice to the other 12 months before the expiration of the said period of 5 years, of his intention to terminate the Treaty, it shall remain in force until the expiration of 12 months from the date on which notice of such intention is given.

(3) The termination of the present Treaty shall not have the effect of reviving any treaty arrangement or agreement abrogated by this Treaty or by former treaties between the High Contracting Parties.

(1) "Treaty Series Nos. 7 and 8 (1926)," Cmd. 2642 and 2643.

(2) "Treaty Series No. 19 (1909)," Cd. 4703.

(4) A notice given under paragraph 2 of this Article shall not affect the operation of the Treaty as between Siam and any country or territory in respect of which notification of accession has been given under Article 24.

In witness whereof the undersigned have signed the present Treaty and have affixed thereto their seals.

Done in duplicate at Bangkok this twenty-third day of November in the nineteen hundred and thirty-seventh year of the Christian Era, corresponding to the twenty-third day of the eighth month in the two thousand four hundred and eightieth year of the Buddhist Era.

(L.S.) J. CROSBY.

(L.S.) LUANG PRADIST MANUDHARM.

PROTOCOL.

At the moment of proceeding this day to the signature of, the Treaty of Commerce and Navigation, the Plenipotentiaries of the two High Contracting Parties have agreed as follows:—

1. It is understood that in the said Treaty, of which the present Protocol shall form an integral part:—

- (1) the term “subjects of one (or of the other) High Contracting Party” shall (i) in relation to His Majesty the King of Siam, mean all His Majesty’s subjects; and (ii) in relation to His Majesty The King and Emperor, all the subjects of His Majesty and all persons under His Majesty’s protection;
- (2) the term “vessels of one (or of the other) High Contracting Party” shall (i) in relation to His Majesty the King of Siam, include all ships registered under the laws of Siam; and (ii) in relation to His Majesty The King and Emperor, include all ships registered under the law of any part of the British Commonwealth of Nations, including any territory under the sovereignty, protection, suzerainty or mandate of His Majesty;
- (3) the expression “companies” of any country and the expression “companies of one (or of the other) High Contracting Party” mean all limited liability and other companies, partnerships and associations formed for the purpose of commerce, finance, industry, transport or any other business, and duly constituted in accordance with the laws in force in that country or in the territories of that High Contracting Party, as the case may be; and
- (4) the term “foreign country” means (i) in relation to His Majesty the King of Siam, a country not being a territory under his sovereignty; and (ii) in relation to His Majesty The King and Emperor, a country not being a territory under his sovereignty, protection, suzerainty or mandate.

2. It is understood that in all matters for which national treatment is provided in this Treaty, the subjects, companies and vessels of either High Contracting Party, and goods the produce or manufacture of their territories, shall not be treated by the other less favourably than the subjects or citizens, companies and vessels of any other foreign country, or than goods the produce or manufacture of such country.

3. It is understood that the most-favoured-nation treatment provided for in Article 1 of this Treaty in favour of the subjects of each High Contracting Party is accorded to such subjects whether or not they are resident in the territories of the other High Contracting Party.

4. All the provisions of the present Treaty providing for the grant of the treatment accorded to the most favoured foreign country shall be interpreted as meaning that such treatment shall be accorded simultaneously and unconditionally.

5. It is understood that the term "prohibitions or restrictions imposed for the protection of public health" in Article 8 (2) (iv) (c) includes "prohibitions or restrictions imposed on the importation, exportation, or sale of alcohol or alcoholic beverages."

6. It is understood that the provisions of Article 9 shall not be deemed to preclude either of the High Contracting Parties from charging differing rates of licence fees for the sale of imported spirituous liquors and of spirituous liquors manufactured by or under licence from the State.

7. It is understood that the Treaty of Extradition signed at Bangkok on the 4th March, 1911, and the Arbitration Convention signed at London on the 25th November, 1925, are not included in the term "all arrangements and agreements subsidiary thereto" in Article 26.

8. It is understood that the stipulations contained in this Treaty do not in any way affect, supersede or modify any of the laws and regulations with regard to naturalisation, immigration and public order which are in force or which may be enacted in the territories of either High Contracting Party, provided they do not constitute measures of discrimination particularly directed against the subjects of the other Party.

In witness whereof the undersigned Plenipotentiaries have hereto signed their names and affixed their seals, this twenty-third day of November in the nineteen hundred and thirty-seventh year of the Christian Era, corresponding to the twenty-third day of the eighth month in the two thousand four hundred and eightieth year of the Buddhist Era.

(L.S.) J. CROSBY.

(L.S.) LUANG PRADIST MANUDHARM.

EXCHANGES OF NOTES.

No. 1.

Sir J. Crosby to Luang Pradist Manudharm.

British Legation,

Bangkok, November 23, 1937.

M. le Ministre,

WITH reference to Article 10 of the Treaty of Commerce and Navigation between the United Kingdom and Siam, signed this day, I have the honour to place on record the agreement reached between the Government of the United Kingdom and the Siamese Government, as follows :—

1. In the event of the establishment of a monopoly for the importation, production or sale of a particular commodity for the profit either of the Government or of a private individual or organisation, the Government of the United Kingdom agree that in respect of the foreign purchases of such monopoly the commerce of Siam shall receive fair and equitable treatment. To this end it is agreed that in making its foreign purchases of any product such monopoly will be influenced solely by those considerations, such as price, quality, marketability and terms of sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing such product on the most favourable terms.

2. In the event of the Government of the United Kingdom intending to establish any monopoly, due notice thereof will be given to the Siamese Government.

I avail, &c.

J. CROSBY,

His Majesty's Minister.

No. 2.

Luang Pradist Manudharm to Sir J. Crosby.

Ministry for Foreign Affairs,

Bangkok, November 23, 1937.

M. le Ministre,

WITH reference to Article 10 of the Treaty of Commerce and Navigation between Siam and the United Kingdom, signed this day, I have the honour to place on record the agreement reached between the Siamese Government and the Government of the United Kingdom, as follows :—

1. In the event of the establishment of a monopoly for the importation, production or sale of a particular commodity for the profit either of the Government or of a private individual or organisation, the Siamese Government agree that in respect of the foreign purchases of such monopoly the commerce of the United Kingdom shall receive fair and equitable treatment. To this end it is agreed

that in making its foreign purchases of any product such monopoly will be influenced solely by those considerations, such as price, quality, marketability and terms of sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing such product on the most favourable terms.

2. In the event of the Siamese Government intending to establish any monopoly, due notice thereof will be given to the Government of the United Kingdom.

I avail, &c.

LUANG PRADIST MANUDHARM,
Minister for Foreign Affairs.

No. 3.

Luang Pradist Manudharm to Sir J. Crosby.

*Ministry for Foreign Affairs,
Bangkok, November 23, 1937.*

M. le Ministre,

WITH reference to Article 11 of the Treaty of Commerce and Navigation between Siam and the United Kingdom, signed this day, I have the honour to state, for the information of the Government of the United Kingdom, that the Siamese Government will promulgate and put into operation laws for the protection of inventions and of industrial designs within a period of two years from the coming into force of the said treaty.

I avail, &c.

LUANG PRADIST MANUDHARM,
Minister for Foreign Affairs.

No. 4.

Sir J. Crosby to Luang Pradist Manudharm.

*British Legation,
Bangkok, November 23, 1937.*

Your Excellency,

I HAVE the honour to acknowledge the receipt of your note of the 23rd November and to inform your Excellency that I have taken note of the undertaking contained therein to promulgate and put into operation in Siam laws for the protection of inventions and industrial designs.

I avail, &c.

J. CROSBY,
His Majesty's Minister.

No. 5.

*Sir J. Crosby to Luang Pradist Manudharm.**British Legation,*

M. le Ministre,

Bangkok, November 23, 1937.

I HAVE the honour, upon instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to propose that an engagement in the terms of Article 4 of the Treaty between the United Kingdom and Siam for the Revision of their Mutual Treaty Arrangements, signed at London on the 14th July, 1925,⁽³⁾ be continued in force, as follows:—

“The vessels of war of the high contracting parties may enter, remain and make repairs in those ports and places of the other to which the vessels of war of other nations are accorded access; they shall there submit to the same regulations and enjoy the same honours, advantages, privileges and exemptions as are now or may hereafter be conceded to the vessels of war of any other nation.”

2. I have the honour further to propose that the present note and your Excellency's reply thereto in similar terms shall be regarded as placing on record the agreement arrived at in regard to this matter.

I avail, &c.

J. CROSBY,

His Majesty's Minister.

No. 6.

*Luang Pradist Manudharm to Sir J. Crosby.**Ministry for Foreign Affairs,*

M. le Ministre,

Bangkok, November 23, 1937.

IN reply to your note of to-day's date, I have the honour to accept the proposal therein contained, that an engagement in the terms of Article 4 of the Treaty between Siam and the United Kingdom for the Revision of their Mutual Treaty Arrangements, signed at London on the 14th July, 1925, be continued in force, as follows:—

“The vessels of war of the high contracting parties may enter, remain and make repairs in those ports and places of the other to which the vessels of war of other nations are accorded access; they shall there submit to the same regulations and enjoy the same honours, advantages, privileges and exemptions as are now or may hereafter be conceded to the vessels of war of any other nation.”

⁽³⁾ “Treaty Series No. 7 (1926),” Cmd. 2642.

2. I have the honour also to accept your proposal that your note and the present note in reply thereto shall be regarded as placed on record the agreement arrived at in regard to this matter.

I avail, &c.

LUANG PRADIST MANUDHARM,
Minister for Foreign Affairs.

No. 7.

Sir J. Crosby to Luang Pradist Manudharm.

British Legation,

M. le Ministre,

Bangkok, November 23, 1937.

WITH reference to Article 26 of the Treaty of Commerce and Navigation between the United Kingdom and Siam, signed this day, and following upon the abrogation of the Agreement on the Registration of British Subjects in Siam, signed at Bangkok on the 29th November, 1899,⁽⁴⁾ as extended in accordance with the note dated the 3rd October, 1910, from His Royal Highness the Minister for Foreign Affairs of Siam, to His Britannic Majesty's Minister at Bangkok, I have the honour, upon instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to propose that an agreement shall be concluded between His Majesty's Government in the United Kingdom on the one hand and the Royal Siamese Government on the other hand for the exemption from compulsory service in the Siamese regular forces, the national guard, the militia or the police of persons born in Siam prior to the coming into force of the present Treaty, whose fathers were at the time either British subjects or persons under the protection of His Majesty The King and Emperor, themselves born out of Siam.

2. Should this proposal be acceptable to the Royal Siamese Government, I have the honour further to propose that this note and your Excellency's reply to the above effect shall be regarded as constituting and placing upon record the agreement reached between the two Governments in this matter.

I avail, &c.

J. CROSBY,
His Majesty's Minister.

(4) "Treaty Series No. 16 (1900)," Cd. 258.

No. 8.

*Luang Pradist Manudharm to Sir J. Crosby.**Ministry for Foreign Affairs,**Bangkok, November 23, 1937.*

M. le Ministre,

I HAVE the honour to acknowledge the receipt of your note of to-day's date reading as follows:—

“ With reference to Article 26 of the Treaty of Commerce and Navigation between the United Kingdom and Siam, signed this day, and following upon the abrogation of the Agreement on the Registration of British Subjects in Siam, signed at Bangkok on the 29th November, 1899, as extended in accordance with the note dated the 3rd October, 1910, from His Royal Highness the Minister for Foreign Affairs of Siam to His Britannic Majesty's Minister at Bangkok, I have the honour, upon instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to propose that an agreement shall be concluded between His Majesty's Government in the United Kingdom on the one hand and the Royal Siamese Government on the other hand for the exemption from compulsory service in the Siamese regular forces, the national guard, the militia or the police of persons born in Siam prior to the coming into force of the present Treaty, whose fathers were at the time British subjects or persons under the protection of His Majesty The King and Emperor, themselves born out of Siam.

“ 2. Should this proposal be acceptable to the Royal Siamese Government, I have the honour further to propose that this note and your Excellency's reply to the above effect shall be regarded as constituting and placing upon record the agreement reached between the two Governments in this matter.”

In reply I have the honour to inform you that the Royal Siamese Government agree to the above proposals.

This note and your note under reference shall be regarded as constituting and placing on record the agreement reached in this matter.

I avail, &c.

LUANG PRADIST MANUDHARM,

Minister for Foreign Affairs.

No. 9.

*Luang Pradist Manudharm to Sir J. Crosby.**Ministry for Foreign Affairs,**Bangkok, November 23, 1937.*

M. le Ministre,

WITH reference to Article 1 (2) (a) of the Treaty of Commerce and Navigation between Siam and the United Kingdom, signed this

day, I have the honour to inform your Excellency that so long as the said Treaty remains in force, British subjects and protected persons and companies registered in the territories to which the Treaty applies will be permitted to acquire in Siam immovable property for residential, commercial, industrial, religious and charitable purposes, as well as for use as cemeteries, but the acquisition of lands of the public domain will be reserved for subjects of Siam. In any event, however, rights of any description in any lands which have been, or may be, legally acquired by British subjects and protected persons or by companies registered in the territories to which the Treaty applies will be respected. In the event of any such rights being expropriated, due indemnity will be paid.

I avail, &c.

LUANG PRADIST MANUDHARM,
Minister for Foreign Affairs.

No. 10.

Sir J. Crosby to Luang Pradist Manudharm.

British Legation,

Bangkok, November 23, 1937.

M. le Ministre,

I HAVE the honour to acknowledge the receipt of your Note of to-day's date, which reads as follows:—

“ With reference to Article 1 (2) (a) of the Treaty of Commerce and Navigation between Siam and the United Kingdom, signed this day, I have the honour to inform your Excellency that so long as the said Treaty remains in force British subjects and protected persons and companies registered in the territories to which the Treaty applies will be permitted to acquire in Siam immovable property for residential, commercial, industrial, religious and charitable purposes, as well as for use as cemeteries, but the acquisition of lands of the public domain will be reserved for subjects of Siam. In any event, however, rights of any description in any lands which have been, or may be, legally acquired by British subjects and protected persons or by companies registered in the territories to which the Treaty applies will be respected. In the event of any such rights being expropriated, due indemnity will be paid.”

2. His Majesty's Government in the United Kingdom have taken due note of the statements contained therein.

I avail, &c.

J. CROSBY,

His Majesty's Minister.

No. 11.

Luang Pradist Manudharm to Sir J. Crosby.

Ministry for Foreign Affairs,

Bangkok, November 23, 1937.

M. le Ministre,

WITH reference to the Treaty of Commerce and Navigation between Siam and the United Kingdom, signed this day, I have the honour to inform your Excellency that in the event of the establishment in Siam of—

- (a) prohibitions or restrictions upon articles which, as regards production or trade, are, or may hereafter be, subject within the country to a monopoly exercised by or under the control of the State, or
- (b) prohibitions or restrictions with regard to articles similar to those domestic articles whose internal production, sale or transport is forbidden or similarly restricted by the national law,

the Siamese Government will in these cases interpret the provisions of Article 8 (2) (i) and (ii) as meaning that the United Kingdom and the other territories to which the said Treaty applies will be accorded the same treatment as that accorded to any other foreign country, in so far as the conditions prevailing in the United Kingdom or in the other territories to which the said Treaty applies, respectively, are the same as those which prevail in such foreign countries.

2. I have the honour to request that your Excellency will be so good as to take note of the intentions of the Siamese Government in this respect.

I avail, &c.

LUANG PRADIST MANUDHARM,
Minister for Foreign Affairs.

No. 12.

Sir J. Crosby to Luang Pradist Manudharm.

British Legation,

Bangkok, November 23, 1937.

M. le Ministre,

WITH reference to the Treaty of Commerce and Navigation between the United Kingdom and Siam, signed this day, I have the honour to inform your Excellency that in the event of the establishment in the United Kingdom or in any of the territories to which the said Treaty applies, of—

- (a) prohibitions or restrictions upon articles which, as regards production or trade, are, or may hereafter be, subject within the country to a monopoly exercised by or under the control of the State, or

- (b) prohibitions or restrictions with regard to articles similar to those domestic articles whose internal production, sale or transport is forbidden or similarly restricted by the national law

the Government of the United Kingdom will in these cases interpret the provisions of Article 8 (2) (i) and (ii) as meaning that Siam will be accorded the same treatment as that accorded to any other foreign country, in so far as the conditions prevailing in Siam are the same as those which prevail in such foreign countries.

2. I have the honour to request that your Excellency will be so good as to take note of the intentions of the Government of the United Kingdom in this respect.

I avail, &c.

J. CROSBY,

His Majesty's Minister.