

N° 161.

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**ÉTATS-UNIS D'AMÉRIQUE  
ET SIAM**

Traité revisant les traités actuellement en vigueur, signé à Washington le 16 décembre 1920.

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**UNITED STATES OF AMERICA  
AND SIAM**

Treaty revising existing treaties, signed at Washington, December 16, 1920.

NO. 161. — TREATY BETWEEN THE UNITED STATES OF AMERICA AND SIAM REVISING EXISTING TREATIES, SIGNED AT WASHINGTON, DECEMBER 16, 1920.

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*Texte officiel anglais et traduction française communiqués par le Ministre de Siam à Paris.  
L'enregistrement de ce traité a eu lieu le 8 septembre 1921.*

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HIS MAJESTY THE KING OF SIAM and the PRESIDENT OF THE UNITED STATES OF AMERICA being desirous of strengthening the relations of amity and good understanding which happily exist between the two States, and being convinced that this cannot be better accomplished than by revising the treaties hitherto existing between the two countries, have resolved to complete such revision, based upon the principles of equity and mutual benefit, and for that purpose have named as their plenipotentiaries, that is to say :

HIS MAJESTY THE KING OF SIAM :

PHYA PRABHA KARAVONGSE, Envoy Extraordinary and Minister Plenipotentiary of Siam to the United States ;

THE PRESIDENT OF THE UNITED STATES OF AMERICA :

Norman H. DAVIS, Acting Secretary of State of the United States ;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following articles.

*Article 1.*

There shall be constant peace and perpetual friendship between the Kingdom of Siam and the United States of America. The subjects or citizens of each of the High Contracting Parties shall have liberty to enter, travel and reside in the territories of the other, to carry on trade, wholesale and retail, to engage in religious, educational and charitable work, to own or lease and occupy houses, manufactories, warehouses and shops, to employ agents of their choice, to lease land for residential, commercial, religious and charitable purposes and for use as cemeteries, and generally to do anything incident to or necessary for trade upon the same terms as native subjects or citizens, submitting themselves to the laws and regulations there established.

They shall not be compelled, under any pretext whatever, to pay any internal charges or taxes other or higher than those that are or may be paid by native subjects or citizens.

The subjects or citizens of each of the High Contracting Parties shall receive, in the territories of the other, the most constant protection and security for their persons and property, and

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<sup>1</sup> L'échange de ratifications a eu lieu à Bangkok le 1<sup>er</sup> septembre 1921.

shall enjoy in this respect the same rights and privileges as are or may be granted to native subjects or citizens, on their submitting themselves to the conditions imposed upon the native subjects or citizens.

They shall, however, be exempt in the territories of the other from compulsory military service, either on land or sea, in the regular force or in the National Guard or in the militia ; from all contributions imposed in lieu of personal military service ; and all forced loans or military exactions or contributions.

The subjects and citizens of both of the High Contracting Parties shall enjoy in the territories and possessions of the High Contracting Parties entire liberty of conscience, and, subject to the laws, ordinances and regulations, shall enjoy the right of private or public exercise of their worship.

#### *Article 2.*

The dwellings, warehouses, manufactories and shops and all other property of the subjects and citizens of each of the High Contracting Parties in the territories of the other, and all premises appertaining thereto used for purposes of residence or commerce, shall be respected. It shall not be allowable to proceed to make a domiciliary visit to, or a search of, any such buildings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws, ordinances or regulations for nationals.

#### *Article 3.*

There shall be reciprocally full and entire freedom of commerce and navigation between the territories and possessions of the two High Contracting Parties.

The subjects and citizens of either of the High Contracting Parties shall have liberty freely and securely to come with their ships' cargoes to all places, ports and rivers in the territories of the other, which are or hereafter may be opened to foreign commerce and navigation ; except as regards spirituous, distilled or fermented drinks or alcoholic liquors or alcohol, and opium and the derivatives thereof and cocaine, heroin and other narcotic drugs, included within the scope of the International Opium Convention<sup>1</sup> signed at the Hague, January 23, 1912, and arms and ammunitions, the trade in all of which may, subject to the principle of most-favored nation treatment, be regulated and restricted at will by each of the High Contracting Parties within its territories and possessions, the sale and resale, by any person or organisation whatsoever, of goods which are the produce or manufacture of one of the High Contracting Parties, within the territories and possessions of the other, shall be exempt from all governmental restrictions and limitations designed or operating to create or maintain any monopoly or "farm" for the profit either of the Government or of a private individual or organization.

#### *Article 4.*

The subjects or citizens of each of the High Contracting Parties shall have free access to the courts of justice of the other in pursuit and defence of their rights ; they shall be at liberty, equally with the native subjects or citizens, and with the subjects or citizens of the most favored nation, to choose and employ lawyers advocates and representatives to pursue and defend their rights before such courts. There shall be no conditions or requirements imposed upon American citizens in connection with such access to the Courts of Justice in Siam, which do not apply to native subjects or citizens or to the subjects or citizens of the most favored nation.

<sup>1</sup> British and Foreign State Papers, vol. 105, page 490.

*Article 5.*

Limited-liability and other companies and associations already or hereafter to be organized in accordance with the laws of either High Contracting Party and domiciled in the territories of such party, are authorised, in the territories of the other, to exercise their rights and appear in the courts either as plaintiffs or defendants subject to the law of such other Party.

There shall be no conditions or requirements imposed upon American corporations, companies or associations, in connection with such access to the Courts of Justice in Siam, which do not apply to such native corporations, companies or associations, or to the corporations, companies or associations of the most favoured nation.

*Article 6.*

The subjects or citizens of each of the High Contracting Parties shall enjoy in the territories and possessions of the other a perfect equality of treatment with native subjects or citizens and with subjects or citizens of the most favoured nation, in all that relates to transit duties, warehousing, bounties, facilities, and the examination and appraisal of merchandise.

*Article 7.*

The United States of America recognises that the principle of national autonomy should apply to the Kingdom of Siam in all that pertains to the rates of duty on importations and exportations of merchandise, drawbacks, and transit and all other taxes and impositions; and subject to the condition of equality of treatment with other nations in these respects, the United States of America agrees to assent to increases by Siam in its tariff to rates higher than those established by existing treaties, — on the further conditions however, that all other nations entitled to claim special tariff treatment in Siam assent to such increases freely and without the requirement of any compensatory benefit or privilege.

*Article 8.*

In all that concerns the entering, clearing, stationing, loading and unloading of vessels in the ports, basins, docks, roadsteads, harbors, or rivers of the two countries, no privilege shall be granted to vessels of the other country; the intention of the High Contracting Parties being that in these respects the vessels of each shall receive the treatment accorded to vessels of the most favoured nation.

*Article 9.*

The coasting trade of both the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the laws, ordinances and regulations of Siam and the United States of America, respectively. It is, however, understood that Siamese subjects or citizens in the territories and possessions of the United States of America and citizens of the United States of America in the territories and possessions of His Majesty the King of Siam shall enjoy in this respect the rights which are, or may be, granted under such laws, ordinances, and regulations to the subjects or citizens of other nations.

*Article 10.*

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

If any vessel of war or merchant vessel of one of the High Contracting Parties should run aground or be wrecked upon the coasts of the other, the local authorities shall give prompt notice of the occurrence, to the Consular Officer residing in the District, or the to nearest Consular Officer of the other Power.

Such stranded or wrecked ship or vessel and all parts thereof, and all furniture and appurtenances belonging thereto, and all goods and merchandise saved therefrom, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents, when claimed by them.

If such owners or agents are not on the spot, the aforesaid property or proceeds from the sale thereof and the papers found on board the vessel shall be delivered to the proper Consular Officer of the High Contracting Party whose vessel is wrecked or stranded, provided that such Consular Officer shall make claim within the period fixed by the laws, ordinances and regulations of the country in which the wreck or stranding occurred, and such Consular Officers, 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 case of a wreck of a national vessel.

The goods and merchandise saved from the wreck shall be exempt from all duties of the customs unless cleared for consumption, in which case they shall pay ordinary duties.

In the case of a ship or vessel belonging to the subjects or citizens of one of the High Contracting Parties being driven in by stress of weather, run aground, or wrecked in the territories or possessions of the other, the proper Consular Officers of the High Contracting Party to which the vessel belongs, shall, if the owners or their agents are not present, or are present but require it, be authorized to interpose in order to afford the necessary assistance to the subjects or citizens of his State.

*Article 11.*

The vessel of war of each 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 the other nations are accorded access ; they shall there submit to the same regulations and enjoy the same honors, advantages, privileges and exemptions as are now, or may hereafter be conceded to the vessels of war of any other nation.

*Article 12.*

The subjects or citizens of each of the High Contracting Parties shall enjoy in the territories and possessions of the other, upon fulfilment of the formalities prescribed by law, the same protection as native subjects or citizens, or the subjects or citizens of the nation most favoured in these respects, in regard to patents, trade-marks, trade-names, designs and copyrights.

*Article 13.*

Each of the High Contracting Parties may appoint Consuls General, Consuls, Vice-Consuls, and other Consular Officers or Agents to reside in the towns and ports of the territories and possessions of the other where similar officers of the other Powers are permitted to reside.

Such Consular Officers and Agents, however, shall not enter upon their functions until they shall have been approved and permitted by the Government to which they are sent.

They shall be entitled to exercise all the powers, and enjoy all the honors, privileges, exemptions and immunities of every kind which are, or may be, accorded to Consular Officers of the most favored nation.

*Article 14.*

In case of the death of any citizen of the United States of America in Siam or of any subject of Siam in the United States without having in the country of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest Consular Officer of the nation to which the deceased belonged, in order that the necessary information may be immediately forwarded to parties interested.

In the event of any subjects or citizens of either of the High Contracting Parties dying without will or testament, in the territories of the other Contracting Party, the Consul General, Consul, Vice-Consul, or other Consular Officer or Agent, shall, so far as the laws of each country will permit and pending the appointment of an administrator and until letters of administration have been granted, take charge of the personal property left by the deceased for the benefit of his lawful heirs and creditors.

*Article 15.*

It is understood by the High Contracting Parties that the stipulations contained in this treaty do not in any way affect, supersede, or modify any of the laws, ordinances and regulations with regard to trade, naturalization, immigration, police and public security which are in force or which may be enacted in either of the two countries.

*Article 16.*

The present Treaty shall, from the date of the exchange of the ratification thereof, be substituted in place of the Convention of Amity and Commerce<sup>1</sup> concluded at Bangkok on the 20th day of March 1833, of the Treaty of Amity and Commerce<sup>2</sup> concluded at Bangkok on the 29th day of May, 1856 and of the agreement regulating liquor traffic in Siam<sup>3</sup> concluded at Washington on the 14th day of May 1884, and of all arrangements and agreements subsidiary thereto concluded or existing between the High Contracting Parties, and from the same date, such conventions, treaties, arrangements and agreements shall cease to be binding.

*Article 17.*

The present Treaty shall come into effect on the date of the exchange of ratifications and shall remain in force for ten years from that date.

In case neither of the High Contracting Parties should have notified twelve months before the expiration of the said ten years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the High Contracting Parties shall have denounced it.

<sup>1</sup> British and Foreign State Papers, vol. 22, page 590.

<sup>2</sup> " " " " " 46, " 383.

<sup>3</sup> " " " " " 75, " 378.

It is clearly understood, however, that such denunciation shall not have the effect of reviving any of the treaties, conventions, arrangements or agreements mentioned in Article 16 hereof.

*Article 18.*

This Treaty shall be ratified and the ratification thereof shall be exchanged, either at Bangkok or Washington, as soon as possible.

In Witness Whereof, the respective Plenipotentiaries have signed the present Treaty and have thereunto affixed their seals.

Done in duplicate, in the English language, at Washington, the sixteenth day of the ninth month in the two thousand four hundred and sixty-third year of the Buddhist Era, corresponding to the sixteenth day of December in the nineteen hundred and twentieth year of Christian Era

(Signed) PRABHA KARAVONGSE (seal).

(Signed) NORMAN H. DAVIS (seal.)

Copie certifiée conforme  
par le Chancelier de la Legation Royale de Siam  
Paris, le 9 septembre 1921.

(Signed) RHUN BIRAJ BISDARA,  
*le secrétaire de la Légation.*

ANNEX.

PROTOCOL CONCERNING JURISDICTION APPLICABLE  
IN THE KINGDOM OF SIAM TO AMERICAN CITIZENS AND OTHER ENTITLED  
TO THE PROTECTION OF THE UNITED STATES.

At the moment of proceeding this day to the signature of the new Treaty of Friendship, Commerce and Navigation between the Kingdom of Siam and the United States, the Plenipotentiaries of the two High Contracting Parties have agreed as follows :

*Article 1.*

The system of jurisdiction heretofore established in Siam for citizens of the United States and the privileges exemptions and immunities now enjoyed by the citizens of the United States in Siam as a part of or appurtenant to the said system shall absolutely cease and determine on that date of the exchange of ratifications of the above-mentioned Treaty and thereafter all citizens of the United States and persons, corporations, companies, and associations entitled to its protection in Siam shall be subject to the jurisdiction of the Siamese Courts.

*Article 2.*

Until the promulgation and putting into force of all the Siamese Codes, namely, the Penal Code, the Civil and Commercial Codes, the Codes of Procedure and the Law for the Organisation of Courts and for a period of five years thereafter, but no longer, the United States, through its Diplomatic and Consular Officials in Siam, whenever in its discretion it deems it proper so to do in the interest of justice, by means of a written requisition addressed to the judge or judges of the Court in which such case is pending, may evoke any case pending in any Siamese Court, except

the Supreme or Dika Court, in which an American citizen or person, corporation, company or association entitled to the protection of the United States, is defendant or accused.

Such case shall then be transferred to the said Diplomatic or Consular Official for adjudication and the jurisdiction of the Siamese Court over such case shall thereupon cease. Any case so evoked shall be disposed of by said Diplomatic or Consular Official in accordance with the laws of the United States properly applicable, except that as to all matters coming within the scope of Codes or Laws of the Kingdom of Siam regularly promulgated and in force, the texts of which have been communicated to the American Legation in Bangkok, the rights and liabilities of the parties shall be determined by Siamese law.

For the purpose of trying such cases and of executing any judgments which may be rendered therein, the jurisdiction of the American Diplomatic and Consular Officials in Siam is continued.

Should the United States perceive, within a reasonable time after the promulgation of the said Codes, any objection to said Codes, namely, the Penal Code, the Civil and Commercial Codes, the Codes of Procedure and the Law for Organisation of Courts, the Siamese Government will endeavour to meet such objections.

#### Article 3.

Appeals by citizens of the United States or by persons, corporations, companies or associations entitled to its protection, from judgments of Courts of First Instance in cases to which they may be parties, shall be adjudged by the Court of Appeal at Bangkok.

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

A citizen of the United States or a person, corporation, company or association entitled to its protection, who is 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.

#### Article 4.

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

(a) All cases in which action shall be taken subsequently to the date of the exchange of ratifications of the above-mentioned Treaty, shall be entered and decided in the Siamese Courts, whether the cause of action arose before or after the date of said exchange of ratifications.

(b) All cases pending before the American Diplomatic and Consular Officials in Siam on said date shall take their usual course before such officials until such cases have been finally disposed of, and the jurisdiction of the American Diplomatic and Consular Officials shall remain in full force for this purpose.

In connection with any case coming before the American Diplomatic or Consular Officials under clause (b) of article 4, or which may be evoked by said Officials under Article 2, the Siamese authorities shall upon request by such Diplomatic or Consular Officials lend their assistance in all matters pertaining to the case.

In Witness Whereof the undersigned Plenipotentiaries have hereto signed their names and affixed their seals, the sixteenth day of the ninth month in the two thousand four hundred and sixty-third year of the Buddhist Era, corresponding to the sixteenth day of December in the nineteen hundred and twentieth year of the Christian Era.

(Seal) (Signed :) PRABHA KARAVONGSE.

(Seal) (Signed :) NORMAN H. DAVIS.