

N° 795.

JAPON ET SIAM

Traité de commerce et de navigation
et Protocole, signés à Bangkok, le
10 mars 1924, et Echange de notes
y relatif. Bangkok, les 19 et
24 février et 10 mars 1924.

JAPAN AND SIAM

Treaty of Commerce and Navigation,
and Protocol, signed at Bangkok,
March 10, 1924, and Exchange of
Notes relating thereto. Bangkok,
February 19 and 24, and March
10, 1924.

No. 795. — TREATY¹ OF COMMERCE AND NAVIGATION BETWEEN JAPAN AND SIAM, SIGNED AT BANGKOK, MARCH 10, 1924.

*Texte officiel anglais communiqué par le Chef du Bureau du Japon à la Société des Nations.
L'enregistrement de ces traité, protocole et échange de notes a eu lieu le 2 janvier 1925.*

HIS MAJESTY THE EMPEROR OF JAPAN and HIS MAJESTY THE KING OF SIAM, 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 EMPEROR OF JAPAN :

Chonosuke YADA, Jushii, a Member of the Third Class of the Imperial Order of the Rising Sun, His Envoy Extraordinary and Minister Plenipotentiary at the Seat of the Government of the Kingdom of Siam, and

HIS MAJESTY THE KING OF SIAM :

His Highness Prince TRAIKOS PRABANDH, Knight Grand Cross of the Most Exalted Order of the White Elephant, His Acting Minister for Foreign Affairs ;

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 I.

There shall be constant peace and perpetual friendship between the Empire of Japan and the Kingdom of Siam. The subjects of each of the High Contracting Parties shall have liberty to enter, travel and reside in the territories and possessions of the other, to carry on their commerce and manufacture, to trade in all kinds of merchandise of lawful commerce, 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, industrial, religious, charitable and other lawful purposes and for use as cemeteries, and generally to do anything incident to or necessary for trade upon the same terms as native subjects, 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.

¹ L'échange des ratifications a eu lieu à Bangkok, le 22 décembre 1924.

¹ TRADUCTION. — TRANSLATION.No. 795. — TRAITÉ² DE COMMERCE ET DE NAVIGATION ENTRE LE JAPON ET LE SIAM, SIGNÉ A BANGKOK, LE 10 MARS 1924.

English official text communicated by the Head of the Japanese Bureau accredited to the League of Nations. The registration of this Treaty, Protocol and Exchange of Notes took place January 2, 1925.

SA MAJESTÉ L'EMPEREUR DU JAPON et SA MAJESTÉ LE ROI DE SIAM, désireux de raffermir les liens d'amitié et la bonne entente qui existent heureusement entre les deux Etats, et convaincus qu'ils ne sauraient mieux y parvenir qu'en revisant les Traités conclus jusqu'ici entre les deux pays, ont résolu de procéder à cette revision, suivant le principe de l'équité et conformément à leur intérêt réciproque et ont, à cet effet, désigné pour leurs Plénipotentiaires :

SA MAJESTÉ L'EMPEREUR DU JAPON :

M. Chonosuke YADA, Jushii, membre de troisième classe de l'Ordre impérial du Soleil-Levant, Envoyé extraordinaire et Ministre plénipotentiaire de Sa Majesté au siège du Gouvernement du Royaume de Siam, et

SA MAJESTÉ LE ROI DE SIAM :

Son Altesse le Prince TRAILOS PRABANDH, Chevalier Grand-Croix de l'Ordre suprême de l'Eléphant blanc, Ministre en exercice de Sa Majesté aux Affaires étrangères,

qui, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des dispositions suivantes :

Article I.

Une paix constante et une amitié perpétuelle régneront entre l'Empire du Japon et le Royaume de Siam. Les sujets de chacune des Hautes Parties contractantes auront toute liberté de pénétrer, voyager et résider sur les territoires et possessions de l'autre, d'y exercer leurs négoce et industries, d'y faire le commerce licite de toutes espèces de marchandises, de s'y consacrer à des œuvres religieuses, éducatives et charitables, d'y posséder ou prendre à bail et d'y occuper des maisons, usines, entrepôts et magasins, d'y employer des agents de leur choix, d'y prendre à bail des terrains pour y établir une résidence, un commerce, une industrie, une œuvre religieuse ou charitable, ou pour d'autres buts licites, ou pour s'en servir comme cimetières, et, d'une manière générale, d'y accomplir tout acte découlant de, ou nécessaire à l'exercice d'un commerce, aux mêmes conditions que les nationaux, en se soumettant aux lois et règlements en vigueur dans ces territoires et possessions.

Ils ne pourront être contraints, sous quelque prétexte que ce soit, à payer des droits ou impôts intérieurs autres ou plus élevés que ceux qui sont ou pourront être payés par les nationaux.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Bangkok, December 22, 1924.

The subjects of each of the High Contracting Parties shall receive, in the territories and possessions 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 are or may be granted to native subjects, on their submitting themselves to the conditions imposed upon native subjects.

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

The subjects 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.

In all that relates to industrial pursuits, and to callings and professions, as well as with regard to the acquisition, possession and disposition of property rights of every description, the subjects of either of the High Contracting Parties shall, throughout the whole extent of the territories and possessions of the other, be placed in all respects on the same footing as the subjects or citizens of the most-favoured nation.

Article II.

The dwellings, warehouses, manufactories and shops and all other property of the subjects of each of the High Contracting Parties in the territories and possessions 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 and regulations for native subjects.

Article III.

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 of either of the High Contracting Parties shall have liberty freely and securely to come with their ships and cargoes to all places, ports and rivers in the territories and possessions of the other, which are or may hereafter be opened to foreign commerce and navigation, and, conforming themselves to the laws of the country to which they thus come, shall enjoy the same rights, privileges, liberties, favours, immunities and exemptions in matters of commerce and navigation as are or may be enjoyed by native subjects.

Article IV.

The High Contracting Parties agree not to obstruct mutual commerce between the two countries by the prohibition of or by restrictions placed upon the importation, exportation or transit of any article, subject to the following exceptions, which, however, shall be applicable to all countries alike or to such countries as are subject to the same conditions :

- (1) Prohibitions or restrictions upon munitions of war in extraordinary circumstances ;
- (2) Prohibitions or restrictions for reasons of public safety or public health ;
- (3) Prohibitions or restrictions upon articles which are or may hereafter become the object of Government monopoly ;
- (4) Prohibitions or restrictions for the protection of cattle or useful plants against disease, noxious insects or parasites ;

(5) 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.

Article V.

The subjects 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 native subjects, and with the subjects or citizens of the most-favoured 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 the subjects of either of the High Contracting Parties in connection with such access to the Courts of Justice of the other which do not apply to native subjects or to the subjects or citizens of the most-favoured nation.

Article VI.

Limited liability and other companies and associations, already or hereafter to be organised in accordance with the laws of either High Contracting Party, are authorised in the territories and possessions of the other to exercise their rights and appear in the Courts either as plaintiffs or defendants, subject to the laws of such other Party.

There shall be no conditions or requirements imposed upon corporations, companies or associations organised in accordance with the laws of either High Contracting Party in connection with such access to the Courts of Justice of the other which do not apply to such native corporations, companies or associations or to the corporations, companies or associations of the most-favoured nation.

Article VII.

The subjects 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 and with the subjects or citizens of the most-favoured nation in all that relates to transit duties, warehousing, bounties, facilities, the examination and appraisal of merchandise and drawbacks.

Article VIII.

The Empire of Japan 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, Japan agrees to assent to increases by Siam in its tariff to rates higher than those established by existing Treaties, on the further condition, 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 IX.

No other or higher duties shall be imposed on the importation into the territories and possessions of either of the High Contracting Parties of any article the produce or manufacture of the territories and possessions of the other, from whatever place arriving, than on the like article produced or manufactured in any other foreign country, from whatever place arriving.

No other or higher duties, taxes or charges of any kind shall be imposed in the territories and possessions of either of the High Contracting Parties in respect of any article exported to the territories and possessions of the other, than such as are or may be payable in respect of the like article exported to any other foreign country.

Article X.

All articles which are or may legally be imported into the ports of the territories and possessions of the Empire of Japan in Japanese vessels or vessels of a third Power may likewise be imported into those ports in Siamese vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Japanese vessels or vessels of a third Power ; and, reciprocally, all articles which are or may legally be imported into the ports of the territories and possessions of the Kingdom of Siam in Siamese vessels or vessels of a third Power may likewise be imported into those ports in Japanese vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Siamese vessels or vessels of a third Power. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

In the same manner there shall be perfect equality of treatment in regard to exportation, so that the same internal and export duties shall be paid and the same bounties and drawbacks allowed in the territories and possessions of either of the High Contracting Parties on the exportation of any article which is or may legally be exported therefrom, whether such exportation take place in Japanese or Siamese vessels or vessels of a third Power and whatever may be the port of destination, whether a port of either of the High Contracting Parties or of any third Power.

Article XI.

No duties of tonnage, harbour, pilotage, lighthouse, quarantine or other similar or corresponding duties of whatever nature, or under whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind, shall be imposed in the ports of the territories and possessions of either country upon the vessels of the other country which shall not equally and under the same conditions be imposed in the like cases on national vessels in general or vessels of a third Power. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

Article XII.

In all that concerns the entering, clearing, stationing, loading and unloading of vessels in the ports, basins, docks, roadsteads, harbours or rivers of the two countries, no privilege shall be granted to vessels of a third Power which shall not equally be granted to the 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 the vessels of the most-favoured nation.

Article XIII.

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 Japan and Siam respectively. It is, however, understood that Japanese subjects and vessels in the

territories and possessions of the Kingdom of Siam and Siamese subjects and vessels in the territories and possessions of the Empire of Japan shall enjoy in this respect the rights which are or may be granted under such laws, ordinances and regulations to the subjects, citizens or vessels of other nations.

Article XIV.

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 ship 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 to the 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 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 case of the 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 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 Officer 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 authorised to interpose in order to afford the necessary assistance to the subjects of his State.

Article XV.

The vessels 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 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.

Article XVI.

The subjects 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 the subjects or citizens of the nation most favoured in these respects, in regard to patents, trade-marks, trade-names, designs and copyrights.

Article XVII.

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 other Powers are permitted to reside.

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

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

Article XVIII.

In case of the death of a subject of one of the High Contracting Parties in the territories or possessions of the other 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 necessary information may be immediately forwarded to parties interested.

In case of the death of a subject of one of the High Contracting Parties in the territories or possessions of the other, without leaving at the place of his decease any person entitled by the laws of his country to take charge of and administer the estate, the competent Consular Officer of the State to which the deceased belonged 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 laws of the country in which the property of the deceased is situated.

The foregoing provisions shall also apply in case of a subject of one of the High Contracting Parties dying outside the territories and possessions of the other, but possessing property therein, without leaving any person there entitled to take charge of and administer the estate.

It is understood that in all that concerns the administration of the estates of deceased persons, any right, privilege, favour or immunity which either of the High Contracting Parties has actually granted, or may hereafter grant, to the Consular Officers of any other foreign State shall be extended immediately and unconditionally to the Consular Officers of the other High Contracting Party.

Article XIX.

The present Treaty shall from the seventh day after the exchange of ratifications thereof, be substituted in place of the Treaty¹ of February 25, 1898, and of the Protocol of the same date thereto annexed, and of all arrangements and agreements subsidiary thereto, concluded or existing between the High Contracting Parties, and from the same date such Treaty, Protocol, arrangements and agreements shall cease to be binding.

Article XX.

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

¹ De Martens, Nouveau Recueil Général de Traités, deuxième série, tome XXXIII, page 203.

possessions de l'autre, après avoir rempli les formalités prescrites par la loi, de la même protection en ces matières que les nationaux, ou que les sujets ou citoyens de la nation la plus favorisée.

Article XVII.

Chacune des Hautes Parties contractantes pourra nommer des consuls généraux, consuls, vice-consuls et autres fonctionnaires ou agents consulaires dans les villes et ports des territoires et possessions de l'autre Partie où des fonctionnaires similaires d'autres Puissances sont autorisés à résider.

Toutefois, ces fonctionnaires et agents consulaires n'entreront pas en fonctions avant que leur désignation ait été approuvée et qu'ils aient été admis par le Gouvernement auprès duquel ils sont accrédités.

Ils auront le droit d'exercer tous les pouvoirs et ils jouiront de tous les honneurs, privilèges, exemptions et immunités, de quelque nature que ce soit, qui sont ou pourront être accordés aux fonctionnaires consulaires de la nation la plus favorisée.

Article XVIII.

Au cas où un sujet de l'une des Hautes Parties contractantes serait décédé sur les territoires ou possessions de l'autre, sans laisser, dans son pays, d'héritier connu ou d'exécuteur testamentaire désigné par lui, les autorités locales compétentes informeront sur le champ du décès le fonctionnaire consulaire le plus proche de la nation à laquelle ressortissait le défunt, afin que les renseignements nécessaires puissent être immédiatement transmis aux intéressés.

Au cas où un sujet de l'une des Hautes Parties contractantes serait décédé sur les territoires ou possessions de l'autre, sans laisser au lieu du décès une personne ayant le droit, conformément aux lois du pays du défunt, de se charger du soin et de l'administration des biens de ce dernier, le fonctionnaire consulaire compétent de l'Etat auquel ressortissait le défunt, aura le pouvoir, après l'accomplissement des formalités nécessaires, d'assumer la garde et l'administration des biens de la manière et dans les limites prescrites par les lois du pays dans lequel sont situés les biens du défunt.

La disposition précédente s'appliquera également au cas d'un sujet de l'une des Hautes Parties contractantes qui posséderait des biens sur les territoires et possessions de l'autre, et serait décédé en dehors desdits territoires et possessions, sans y laisser de personne ayant le droit de prendre en charge et d'administrer lesdits biens.

Il est entendu qu'en tout ce qui concerne l'administration des biens des personnes décédées, tous droits, privilèges, faveurs ou immunités que l'une ou l'autre des deux Hautes Parties contractantes a déjà accordés, ou pourra ultérieurement accorder, aux fonctionnaires consulaires d'un autre Etat étranger quelconque, seront étendus immédiatement et inconditionnellement aux fonctionnaires consulaires de l'autre Haute Partie contractante.■

Article XIX.

A dater du septième jour qui suivra l'échange des instruments de ratification du présent Traité, ce dernier se substituera au Traité¹ du 25 février 1898 et le Protocole de même date qui lui est annexé ainsi que tous les arrangements et accords subsidiaires dépendant dudit Traité et conclus ou en vigueur entre les Hautes Parties contractantes et, à partir de la même date lesdits Traité, Protocole, arrangements et accords cesseront d'être obligatoires.

Article XX.

Le présent Traité entrera en vigueur le septième jour qui suivra l'échange des instruments de ratification, et restera en vigueur pendant une période de dix ans, à dater de ce jour.

¹ British and Foreign State Papers. Vol. 90, page 66.

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.

It is clearly understood, however, that such denunciation shall not have the effect of reviving the Treaty, Protocol, arrangements or agreements mentioned in Article XIX hereof.

Article XXI.

This Treaty shall be ratified and the ratifications thereof shall be exchanged either at Tokio or Bangkok as soon as possible.

In witness whereof, the respective Plenipotentiaries have [signed] [the present Treaty and have hereunto affixed their seals.

Done in duplicate, in the English language, at Bangkok, this tenth day of the third month in the thirteenth year of Taisho, corresponding to the tenth day of the twelfth month in the two thousand four hundred and sixty-sixth year of the Buddhist Era and the tenth day of March in the nineteen hundred and twenty-fourth year of the Christian Era

(L. S.) C. YADA.

(L. S.) TRAILOS PRABANDH.

PROTOCOL.

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

Article I.

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

Article II.

Until the promulgation and putting into force of all the Siamese codes, namely, the Penal Code, the Civil and Commercial Code, the Codes of Procedure and the Law for Organisation of Courts, and for a period of five years thereafter but no longer, the Empire of Japan, 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 a Japanese subject or a person, corporation, company or association entitled to the protection of the Empire of Japan is defendant or accused.

Such case shall then be transferred to 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 Empire of Japan 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 Japanese 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 Japanese Diplomatic and Consular Officials in Siam is continued.

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

Article III.

Appeals by the subjects of the Empire of Japan, 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 subject of the Empire of Japan, 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 IV.

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 7th day after 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 7th day after the exchange of ratifications.
- (b) All cases pending before the Japanese 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 Japanese Diplomatic and Consular Officials shall remain in full force for this purpose.

In connection with any case coming before the Japanese Diplomatic and Consular Officials under Clause (b) of Article IV, or which may be evoked by said officials under Article II, 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 hereunto signed their names and affixed their seals.

Done at Bangkok, in duplicate, this tenth day of the third month in the thirteenth year of Taisho, corresponding to the tenth day of the twelfth month in the two thousand four hundred and sixty-sixth year of the Buddhist Era and the tenth day of March in the nineteen hundred and twenty-fourth year of the Christian Era.

(L. S.) C. YADA.

(L. S.) TRAIOS PRABANDH.

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

In the application of the provisions prescribing most-favoured-nation treatment in the Treaty signed this day, as well as in all that concerns commerce, navigation and industry, except as otherwise expressly provided in this Treaty, no discrimination whatever in favour of the Government, nationals or ships of any other country shall be made by either of the two High Contracting Parties against the Government, nationals or ships of the other.]

In witness whereof, the undersigned Plenipotentiaries have hereunto signed their names and affixed their seals.

Done at Bangkok, in duplicate, this tenth day of the third month in the thirteenth year of Taisho, corresponding to the tenth day of the twelfth month in the two thousand four hundred and sixty-sixth year of the Buddhist Era and the tenth day of March in the nineteen hundred and twenty-fourth year of the Christian Era.

(L. S.) C. YADA.

(L. S.) TRAILOS PRABANDH.

EXCHANGE OF NOTES

REGARDING ARTICLE I, ARTICLE XVI OF TREATY AND ARTICLE II OF PROTOCOL.

FOREIGN OFFICE.

BANGKOK, 19 February, 1924.

MONSIEUR LE MINISTRE,

In regard to the rights of Japanese subjects to own land in Siam, as provided for in the Treaty about to be signed between our two Governments, I beg to inform Your Excellency, for communication to your Government, that under the provisions of paragraph 6 of Article I of the proposed Treaty, Japanese subjects shall, in respect to the right of ownership of land and other property throughout the whole extent of Siam, be placed in all respects on the same footing as the subjects of the most-favoured nation. Inasmuch as British subjects under the Anglo-Siamese Treaty¹ of 1909, and French Asiatic subjects and protégés under the Treaty² between Siam and France of 1907, enjoy "the rights and privileges enjoyed by the natives of the country, notably the right of property", under the above-quoted provisions Japanese nationals similarly will be entitled, upon the coming into force of the Treaty, to the right to own land throughout the whole extent of Siam.]

I avail myself of this opportunity, Monsieur le Ministre, to renew to Your Excellency the assurance of my high consideration.

(Signed) TRAILOS,

Acting Minister for Foreign Affairs.

His Excellency

Monsieur Chonosuke YADA,

His Imperial Japanese Majesty's Envoy

Extraordinary and Minister Plenipotentiary,

Bangkok.

¹ De Martens, Nouveau Recueil Général de Traités, troisième série, tome II, page 683.

² De Martens, Nouveau Recueil Général de Traités, troisième série, tome II, page 38.

Au moment de procéder à la signature du nouveau Traité de commerce et de navigation conclu entre l'Empire du Japon et le Royaume de Siam, les Plénipotentiaires des deux Hautes Parties contractantes sont convenus de ce qui suit :

En application des dispositions prévoyant le traitement de la nation la plus favorisée dans le Traité signé ce jour, ainsi que pour tout ce qui concerne le commerce, la navigation et l'industrie, à moins de dispositions contraires expressément formulées dans le dit Traité, aucun traitement différentiel de quelque nature que ce soit ne sera institué en faveur du Gouvernement des ressortissants ou des navires d'aucun autre pays par l'une des deux Parties contractantes, au détriment du Gouvernement des ressortissants ou navires de l'autre Partie.

En foi de quoi, les Plénipotentiaires soussignés ont apposé ci-dessous leurs signatures et leurs sceaux.

Fait à Bangkok, en double expédition, le dixième jour du troisième mois de la treizième année de Taisho, correspondant au dixième jour du douzième mois de la 2466^{ème} année de l'ère bouddhique et au dixième jour du mois de mars de la 1924^{ème} année de l'ère chrétienne.

(L. S.) C. YADA.

(L. S.) TRAIOS PRABANDH.

ÉCHANGE DE NOTES

AU SUJET DES ARTICLES I ET XVI DU TRAITÉ ET DE L'ARTICLE II DU PROTOCOLE.

MINISTÈRE
DES AFFAIRES ÉTRANGÈRES.

BANGKOK, le 19 février 1924.

MONSIEUR LE MINISTRE,

En ce qui concerne les droits des sujets japonais de posséder des terres au Siam, conformément aux dispositions du Traité qui est sur le point d'être signé entre nos deux Gouvernements, j'ai l'honneur de porter à la connaissance de Votre Excellence, aux fins de communication à votre Gouvernement, qu'en vertu des dispositions du paragraphe 6 de l'article I du dit Traité, les sujets japonais doivent, en ce qui concerne le droit de posséder des terres et d'autres biens sur tout le territoire du Siam, être placés, à tous égards, sur le même pied que les ressortissants de la nation la plus favorisée. Attendu que les ressortissants britanniques, en vertu du Traité¹ anglo-siamois de 1909, et les ressortissants et protégés asiatiques français, en vertu du Traité² franco-siamois de 1907, jouissent « des droits et privilèges accordés aux ressortissants siamois et notamment du droit de propriété », les ressortissants japonais, en vertu des dispositions précitées, jouiront également, lors de la mise en vigueur du Traité, du droit de posséder des terres sur tout le territoire du Siam.

Veillez agréer, Monsieur le Ministre, etc.....

(Signé) TRAIOS,

Ministre des Affaires étrangères p. i.

Son Excellence

M. Chonosuke YADA,
Envoyé extraordinaire et
Ministre plénipotentiaire de
l'Empire du Japon, Bangkok.

¹ British and Foreign State Papers. Vol. 102, page 126.

² British and Foreign State Papers. Vol. 100, page 1028.

IMPERIAL JAPANESE LEGATION.

BANGKOK, 24 *February*, 1924.

YOUR HIGHNESS,

I have the honour to acknowledge the receipt of Your Highness' letter of the 19th instant, in which you have been good enough to inform me for communication to my Government that under the provisions of paragraph 6 of Article I of the Treaty about to be signed between our two Governments, Japanese subjects shall, in respect to the right of ownership of land and other property throughout the whole extent of Siam, be placed in all respects on the same footing as the subjects of the most-favoured nation and that, inasmuch as British subjects under the Anglo-Siamese Treaty of 1909 and French Asiatic subjects and protégés under the Treaty between Siam and France of 1907 enjoy "the rights and privileges enjoyed by the natives of the country, notably the right of property", under the above-quoted provisions Japanese nationals similarly will be entitled, upon the coming into force of the Treaty, to the right to own land throughout the whole extent of Siam.

In reply I am glad to inform Your Highness that the communication of Your Highness has proved to be very satisfactory to my Government.

I avail myself of this opportunity to renew to Your Highness the assurance of my high consideration.

(Signed) C. YADA,
Japanese Minister.

His Highness
Prince TRAI DOS PRABANDH,
Acting Minister for Foreign Affairs,
Bangkok.

FOREIGN OFFICE.

BANGKOK, 19 *February*, 1924.

MONSIEUR LE MINISTRE,

In reply to your Government's request for an assurance as to the attitude of my Government in regard to the protection of industrial property and copyright, I have the honour to state for the information of your Government that, in order to give full effect to Article XVI of the proposed Treaty between Siam and Japan, the Siamese Government has the intention to adhere to the International Conventions for the Protection of Industrial Property and Literary and Artistic Works as soon as possible after it has regained the right of jurisdiction over all foreigners, and in taking any measures necessary for the protection of such rights, whether in pursuance of those Conventions or otherwise, it will make no discrimination against the Japanese in favour of any other nation.

I avail myself of this opportunity to renew to you, Monsieur le Ministre, the assurance of my highest consideration.

(Signed) TRAI DOS,
Acting Minister for Foreign Affairs.

His Excellency
Monsieur Chonosuke YADA,
His Imperial Japanese Majesty's Envoy
Extraordinary and Minister Plenipotentiary,
Bangkok.

IMPERIAL JAPANESE LEGATION.

BANGKOK, 24 February, 1924.

YOUR HIGHNESS,

I have the honour to acknowledge the receipt of Your Highness' letter of the 19th instant, in which you have been good enough to inform me for communication to my Government that, in order to give full effect to Article XVI of the proposed Treaty between Japan and Siam, the Siamese Government has the intention to adhere to the International Conventions for the Protection of Industrial Property and Literary and Artistic Works as soon as possible after it has regained the right of jurisdiction over all foreigners, and in taking any measures necessary for the protection of such rights, whether in pursuance of those Conventions or otherwise, it will make no discrimination against the Japanese in favour of any other nation.

I have duly communicated this to my Government and feel very happy to inform Your Highness that the Japanese Government are satisfied with this assurance of the Siamese Government.

I avail myself of this opportunity to renew to Your Highness the assurance of my highest consideration.

(Signed) C. YADA,
Japanese Minister.

His Highness
Prince TRAIOS PRABANDH,
Acting Minister for Foreign Affairs,
Bangkok.

IMPERIAL JAPANESE LEGATION.

BANGKOK, 10 March, 1924.

YOUR HIGHNESS,

In proceeding this day to the signature of the Treaty of Commerce and Navigation between Japan and Siam, I have the honour to communicate herein my understanding concerning the construction of Article II of the Protocol concerning jurisdiction annexed to the said Treaty, *i.e.*, that nothing contained in the second paragraph of the said Article II shall prevent the Courts of Japan from trying in Japan, in accordance with the provisions of the Japanese Penal Code, Japanese subjects who have committed crimes in Siamese territory, even though such subjects have already been tried in Siamese Courts or by Japanese Diplomatic or Consular Officials according to the Siamese Penal Code in cases evoked from the Siamese Courts under the provisions of the said article.

I shall be glad to have this understanding confirmed by Your Highness.

I avail myself of this opportunity to renew to Your Highness the assurance of my highest consideration.

(Signed) C. YADA,
Japanese Minister.

His Highness
Prince TRAIOS PRABANDH,
Acting Minister for Foreign Affairs,
Bangkok.

FOREIGN OFFICE.

BANGKOK, 10th March 1924.

MONSIEUR LE MINISTRE,

I have the honour to acknowledge the receipt of Your Excellency's letter of to-day's date in which, in proceeding this day to the signature of the Treaty of Commerce and Navigation between Siam and Japan, you have been so good as to communicate to me your understanding concerning the construction of Article II of the Protocol concerning jurisdiction annexed to the said Treaty, *i. e.*, that nothing contained in the second paragraph of the said Article II shall prevent the Courts of Japan from trying in Japan, in accordance with the provisions of the Japanese Penal Code, Japanese subjects who have committed crimes in Siamese territory, even though such subjects have already been tried in Siamese Courts or by Japanese Diplomatic or Consular Officials according to the Siamese Penal Code in cases evoked from the Siamese Courts under the provisions of the said article.

In taking note of this communication, I am glad to confirm hereby the above understanding concerning the construction of Article II of the above-mentioned Protocol.

I avail myself of this opportunity, Monsieur le Ministre, to renew to Your Excellency the assurance of my highest consideration.

(Signed) TRAIKOS PRABANDH,
Acting Minister for Foreign Affairs.

His Excellency
Monsieur C. YADA,
His Imperial Japanese Majesty's Envoy
Extraordinary and Minister Plenipotentiary,
Bangkok.
