

N° 1055.

FRANCE ET SIAM

Traité d'amitié, de commerce et de navigation, et deux Protocoles y afférents, signés à Paris, le 14 février 1925.

FRANCE AND SIAM

Treaty of Friendship, Commerce and Navigation, and two Protocols relating thereto, signed at Paris, February 14, 1925.

¹ TRADUCTION. — TRANSLATION.No. 1055. — TREATY ² OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN FRANCE AND SIAM, SIGNED AT PARIS, FEBRUARY 14, 1925.

French official text communicated by the Siamese Chargé d'Affaires in Paris. The registration of this Treaty took place January 15, 1926.

HIS MAJESTY THE KING OF SIAM and the PRESIDENT OF THE FRENCH REPUBLIC, being equally desirous of developing the relations of friendship and co-operation already happily established between the two States and being convinced that this object cannot be better attained than by a revision of the treaties previously concluded between the two countries, have resolved to undertake this revision in a spirit of equity for the mutual advantage of both Parties, and have appointed for this purpose as their Plenipotentiaries ;

HIS MAJESTY THE KING OF SIAM :

His Highness Prince CHAROON, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Siam at Paris ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

M. Edouard HERRIOT, President of the Council of Ministers, Minister for Foreign Affairs ;

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

Article 1.

There shall be constant peace and perpetual friendship between the French Republic and the Kingdom of Siam.

Article 2.

The High Contracting Parties confirm and reciprocally guarantee to respect the frontiers established between their territories by virtue of and in conformity with the provisions of former agreements and maintained by Article 27 of the present Treaty.

They undertake not to maintain in their respective territories, along the Mekong frontier, other armed forces than the police forces necessary for the maintenance of public order and safety, and to do this in accordance with conditions and over an area similar in principle on both sides, which shall be fixed by the Convention or by one of the supplementary agreements provided for in Article 26 of the present Treaty.

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, January 12, 1926.

In conformity with the principles laid down in the Covenant of the League of Nations, they agree that in the event of disputes arising between them in the future which cannot be settled by friendly arrangement and through the diplomatic channel, they will submit any such disputes to one or more arbitrators selected by themselves or, failing arbitration, to the Permanent Court of International Justice. The dispute shall in this event be brought before the Court by agreement between the two Parties or, if the Parties are unable to agree, by a request on the part of one of them.

Nevertheless, as regards disputes affecting the provisions of former agreements referred to in the second paragraph of Article 27 mentioned above, the application of the stipulation contained in the preceding paragraph shall only be obligatory after the conclusion of the negotiations provided for in the second paragraph of Article 26 of the present Treaty.

Article 3.

The nationals of each of the High Contracting Parties shall have full liberty, together with their families, to enter any part of the territory of the other Party, to travel, stay, and reside there, and to leave it ; they shall, provided that they conform to the laws of the country, be assured while in such territory of permanent care and protection, both in respect of their persons and their property, in the same way as nationals, subject to the observance and enforcement of the police regulations with regard to foreigners.

The nationals of each of the High Contracting Parties may, in any part of the territory of the other Party, pursue their legitimate callings and all lawful occupations, engage in commerce or industry, and carry on wholesale or retail trade in all products and articles forming the subject of lawful commerce, either personally or through representatives and either alone or in association with foreigners or nationals. They may employ in their service in any capacity such persons as they deem fit. They may within such territory, on the conditions laid down by local legislation, acquire and obtain complete ownership over, occupy, sell or transmit by succession, by testament, by gift or in any other manner, and rent or lease, any immovable property, whether built over or not, destined for habitation or for any lawful usage, commercial, industrial, agricultural or other, subject to the stipulations laid down in the interests of national safety in respect of certain areas or localities by the laws concerning the stay and establishment of foreigners. They may within such territory acquire, possess, and transmit by succession, by testament, by gift or in any other manner, goods, securities and movable property of all kinds.

Article 4.

The nationals of each of the High Contracting Parties shall enjoy throughout the territory of the other Party complete liberty of conscience. They may build and own churches, engage in the private or public exercise of their religion, establish and maintain cemeteries according to their religious customs and found educational institutions and religious and charitable works and hospitals, provided that they conform to the laws, decrees and regulations of the country.

Article 5.

The nationals of each of the High Contracting Parties shall have free access to the tribunals and courts of justice of the other Party of all the degrees of jurisdiction established by law, both for the enforcement and defence of their rights. No security or deposit of whatever description which is not exacted in the same circumstances from the nationals of the country may, on the ground that they are foreigners or that they do not possess a domicile or place of residence in the country, be required of nationals of either of the High Contracting Parties who appear as plaintiffs or interveners before the courts of the other Party.

The same rule shall apply in respect of the payment required of plaintiffs or interveners in order to guarantee the costs of legal proceedings.

They shall enjoy the same liberty as nationals in the choice and employment of lawyers, solicitors, advocates and other agents chosen to act as their legal representatives.

Article 6.

The nationals of each of the High Contracting Parties shall not be subjected in the territory of the other Party to duties, charges or taxes of whatever description other or higher than those which are now, or which may hereafter be, levied upon nationals. This stipulation shall not prevent the levying either of the so-called "sojourn" charges or of the charges connected with police formalities, it being understood that the nationals of the two States shall enjoy in this respect most-favoured-nation treatment.

Article 7.

The nationals of each of the High Contracting Parties shall be exempt in the territory of the other Party from all compulsory military service in the regular army, or in the national guard or militia, and from all personal military liability. They shall not be required to pay any charge imposed in lieu of personal military service. They shall be exempt from any forced loan or extraordinary contribution raised in time of war. They shall, subject to the application of the laws, decrees and regulations mentioned in Article 25 of the present Treaty, not be liable to any military requisition or obligation whatsoever.

Article 8.

Companies of all kinds, civil, commercial, industrial, financial and insurance, constituted in accordance with the laws of one of the two countries, whose headquarters are situated within the jurisdiction of the authorities of one of the said countries, are authorised, together with their associated companies, branches and agencies, to establish themselves in the territory of the other country and, provided that they conform to the laws of the latter country, to exercise their rights and to carry on their business there.

They shall be entitled to acquire, possess or rent in the said territory the premises necessary for their operations and their working, subject to the stipulations laid down in the interests of national safety in respect of certain areas or localities by the laws concerning the stay and establishment of foreigners. As regards their constitution, their powers and the right to appear in court, they shall be treated there according to the provisions of their national legislation. They may appear before the courts of the country either as plaintiffs or as defendants. They shall not be subjected to any duties, charges, taxes or fiscal levies or dues of any description, other or higher than those which are or which may hereafter be imposed upon companies of the country or of any other nationality. As regards taxes based upon capital, income or profits, companies, together with their associated companies, branches and agencies, shall only be taxed in the country in question, according to the nature of the impost, in respect of that portion of their assets which is invested there, of the property which they possess there, of the securities which are kept there, of the profits which they make there or of the business which they transact there.

The provisions of the present article shall apply to industrial or commercial establishments belonging to private individuals.

Article 9.

Dwellings, warehouses, storerooms, factories and shops belonging to nationals of either of the High Contracting Parties in the territory of the other Party, together with all premises connected

therewith and employed either for residential purposes or for trade, shall be respected. It shall not be allowable to make domiciliary visits to, or a search of, such buildings or premises, or to examine or inspect books, papers or accounts, except upon the conditions and in accordance with the forms prescribed by the laws, decrees and regulations applicable to nationals or, subject to Article 25, paragraph 2, of the present Treaty, to the nationals of the most-favoured nation.

Article 10.

Each of the High Contracting Parties shall be entitled to appoint consuls-general, consuls, vice-consuls and consular agents to reside in the towns and ports of the other Party in which it may think it desirable to appoint them. The High Contracting Parties, however, reserve the right to specify the places which they consider it desirable to except from this arrangement, provided that such exception is also applied in the case of all other Powers.

Nevertheless, the said consuls-general, consuls, vice-consuls and consular agents shall not enter upon their duties until they have obtained the approval of the Government of the country to which they are sent, and such Government must furnish them without delay and without charge with an *exequatur* ensuring them the right to exercise their functions without let or hindrance.

They shall be entitled to exercise all the powers and attributions and to enjoy all the honours, privileges, exemptions and immunities which are generally recognised by international law, or which are accorded by the Government in question to the consular officers of the most-favoured nation.

Article 11.

If a French national dies and leaves property in Siam, or a Siamese subject dies and leaves property in France, and the persons entitled to succeed are unknown, absent, incapable or unrepresented, the consular officers concerned shall be entitled to demand the placing and the removal of seals on all the furniture, effects and papers of the deceased. They may themselves undertake the winding-up of the estate or appoint a receiver for the purpose. In all cases in which any dispute arises, it shall be settled by the competent tribunals of the country in which the property is situated. Consular intervention shall not be permitted if it is discovered that there are no persons of the nationality of the consular officer entitled to succeed.

If nationals of one of the High Contracting Parties who are absent, incapable or unrepresented are interested in a succession opened in the territory of the other Party, the consular officers concerned shall, if the deceased is not a national of their country, be entitled to demand the placing of seals on all the furniture, effects and papers of the deceased, to be present when the inventory is made, and to cause to be appointed by the competent local authority a receiver of the estate, chosen upon their recommendation from among the persons designated by law or by custom for the purpose. They shall be entitled to require the receiver to communicate to them full information with regard to the winding-up of the estate. They shall not be permitted to intervene if all the persons entitled to succeed of the same nationality as themselves are present or are represented.

If the nationals of either of the High Contracting Parties are interested in the estate of a national of a third Power, the provisions of the preceding paragraph shall not affect the rights granted by the local Government to the consular officers of the State to which the deceased belonged.

Article 12.

There shall be complete freedom of commerce and navigation on both sides between the territories of the High Contracting Parties.

The nationals of either country shall be entitled to proceed freely and in complete security with their vessels and cargoes to all the places, ports and rivers in the territory of the other which

are or which may in future be open to foreign navigation and commerce ; and they shall enjoy in respect of their persons and their transactions, provided that they conform to the local laws and regulations, the same rights, favours, privileges, immunities and exemptions in regard to navigation and commerce as nationals themselves, or, subject to the stipulation contained in the second paragraph of Article 25 of the present Treaty, as the nationals of the most-favoured nation.

They shall also enjoy the same treatment as regards the transport by rail of their persons, their effects and their goods.

Article 13.

In the territory of each of the High Contracting Parties the nationals of the other Party may, like nationals, in accordance with Article 3 of the present Treaty, carry on any kind of business, establish any industry, set up any factory, undertake any mining research or enterprise, as well as any agricultural or forestry enterprise, on the conditions fixed by the laws, decrees and regulations of the country. They shall, moreover, be accorded in these various domains most-favoured-nation treatment, subject to the stipulation contained in the second paragraph of Article 25 of the present Treaty.

Article 14.

The High Contracting Parties declare that it is not at present their intention to grant any fiscal concessions or any monopolies other than those at present in force in their respective territories. In the event of either of them desiring to grant a new fiscal concession or a new monopoly, it will discuss the matter in advance with the other Party, in order that such measure may cause as little prejudice as possible to the commercial relations between the two countries.

In any case, no import or export restriction or prohibition may be established which is not also applicable to other nations.

Article 15.

France recognises in principle the autonomy of Siam, both in customs and in fiscal matters.

The Royal Government will therefore be free to establish import and export customs duties, drawbacks, warehouse charges and any similar charges which it thinks fit ; it will therefore have the right to raise the tariffs fixed by the agreements hitherto in force. It will, however, only be able to exercise effectively this right to raise tariffs in relation to France if all the other Powers which are entitled to claim the application of the system in force by virtue of former agreements consent to the same concession without demanding special advantages or privileges in return.

The provisions of this article shall, notwithstanding Article 26 of the present Treaty, apply from now onwards to French colonies and possessions and to countries placed under French protectorate or mandate in the same manner as to France herself.

Article 16.

In connection with the preceding article, the nationals of each of the High Contracting Parties shall enjoy within the territory of the other Party, as regards the establishment of transit and warehouse charges, the grant of any bounties or facilities and the examination and appraisalment of goods, the same treatment in every way as nationals of the country concerned or as nationals of the most-favoured nation.

With regard to customs duties, the present system shall be replaced by a new system established by a customs convention which the two Governments declare their willingness to negotiate whenever either of them makes a request to that effect.

Until the coming into force of the said customs convention, the most favourable treatment shall continue to be accorded to all goods to which it is applied by either State under the present system.

The special system instituted by the Agreement¹ of May 23, 1883, with regard to the importation into and the sale in Siam of wines and spirits, may form the subject of a *modus vivendi* designed to prolong the duration thereof until the coming into force of the said customs convention. In the absence of such a *modus vivendi* most-favoured-nation treatment shall apply.

Article 17.

Goods of all kinds originating in the territory of one of the High Contracting Parties and imported into the territory of the other Party may not be subjected to excise, octroi or consumption duties, levied on behalf of the State, communes or corporations, higher than those which are or which may in future be imposed upon similar products of national origin or, failing such products, upon those of the most-favoured nation.

Article 18.

In the ports, rivers and territorial waters of the High Contracting Parties, vessels flying the French flag and vessels flying the Siamese flag, together with their crews, passengers and cargoes, shall be treated on a footing of absolute equality in relation to each other and in relation to vessels flying the flag of any other nation, both as regards the payment of the general and special charges imposed upon commerce and navigation and as regards the entry and departure of the vessels, their stationing, loading and unloading, customs operations and in general all the formalities and regulations to which merchant vessels and their crews and cargoes may be subjected. This reciprocal equality of treatment shall apply, whatever the place from which the vessels or the goods transported may come or the place to which they may be sent.

No investigation or visits other than the ordinary visits of the customs officials, the health authorities and the officials responsible for ensuring the safety of maritime navigation may in any case be carried out or made on board unless the consular officer of the State to which the vessel belongs has been informed accordingly in advance or, in cases of urgency, is so informed at the time of the search.

Article 19.

Apart from the provisions of the preceding article, the vessels engaged in a regular postal service and flying the flag of one of the High Contracting Parties shall enjoy in the ports, rivers and territorial waters of the other Party the same facilities, privileges and immunities as are granted to similar vessels of the most-favoured nation.

Article 20.

An exception to the preceding provisions shall be made in regard to the coasting trade, the régime of which remains subject to the respective laws of the High Contracting Parties. It is nevertheless understood that French nationals in Siam and Siamese nationals in France shall enjoy in this respect the rights and privileges which are or which may in future be accorded in pursuance of these laws to nationals of the most-favoured nation.

¹ British and Foreign State Papers, Vol. 71, page 718.

Article 21.

The warships of each of the High Contracting Parties may enter all the ports and other places belonging to the other Party, access to which is accorded to the ships of any other nation, and may stay and execute repairs there. They shall be subjected to the same regulations and shall enjoy the same honours, advantages, privileges and immunities as those which are or which may be granted to the warships of any other nation.

Article 22.

Any warship or merchant vessel of either of the High Contracting Parties which is compelled by stress of weather or by any other misadventure to seek refuge in a port of the other Party shall be entitled to carry out repairs there, to obtain the necessary stores and to put to sea again without paying any charges other than those which national vessels would be called upon to pay. Nevertheless, in the event of the captain of a merchant vessel finding it necessary, in order to meet expenditure in this connection, to sell the whole or part of his cargo, he shall be required to comply with the regulations and tariffs in force in the place where he has had to stop.

In the event of a warship or merchant vessel belonging to either of the High Contracting Parties being stranded or wrecked on the coasts of the other Party, the local authorities shall immediately advise the consular officer of the Party concerned within whose area the stranding or wreck has taken place, or its nearest consular officer.

If a vessel has been stranded or wrecked all the wreckage of the vessel and its accessories, all equipment belonging to it and all effects or goods which are salvaged from it, including everything which has been thrown into the sea, or the yield of the said objects if sold, together with all the papers found on board, shall be handed over to their owners or to the representatives of the latter at their request. If the owners or their representatives are not present, the balance of the above-mentioned property or the yield of the sale thereof, after payment of the salvage expenses, together with the papers found on board, shall be handed over to the competent consular officer of the High Contracting Party to which the stranded or wrecked vessel belongs, on condition that such consular officer makes a request to that effect within the time-limit fixed by the laws, decrees and regulations of the country in which the vessel has been wrecked or stranded. In any case, such consular officer or the owners or their representatives shall only be responsible for the expenditure incurred in the preservation of the property, together with the expenses occasioned by the salvage operations and any others which national vessels would have been liable for in similar circumstances.

The goods and merchandise saved from the wreck shall be exempt from all customs duties unless they are placed upon the market of the country concerned ; in this case they shall be liable to the ordinary duties.

In the event of a vessel seeking refuge or being wrecked or stranded, the consular officer of the State to which the vessel in question belongs shall, in the absence of the owners or their representatives, or, if the latter are present, at their request, be entitled to intervene with a view to assuring the necessary relief to the nationals of the State in question.

Article 23.

The consular officers of each of the High Contracting Parties may, subject in Siam to the jurisdictional régime applicable in each case, cause to be arrested and sent back either on board ship or to their own country, the seamen or any other person forming part in any capacity of the crews of warships or merchant vessels of their nation who have deserted in the territory of the other Party.

For this purpose they must apply in writing to the competent local authorities and prove, by producing the ship's papers or the muster-roll, or, failing these documents, an authentic extract therefrom, that the persons claimed were in fact members of the crew.

If an application is put forward in this manner with the necessary proofs, the deserters must be handed over.

Further, every help and assistance shall be accorded to the said consular officers with a view to the discovery and arrest of such deserters. The latter shall be imprisoned in the country and detained there on the written request, and at the expense of the consular authority, until they are sent back to the vessel or until an opportunity arises of repatriating them. If, however, such an occasion does not arise within two months from the date of arrest or if the cost of their detention is not regularly paid, the said deserters shall, subject to three days' notice in advance to the consular officer, be released and may not be arrested again for the same cause.

If, a deserter has committed some crime or offence on land, the local authority may postpone handing him over until the courts have given judgment and until such judgment has been fully executed.

The High Contracting Parties agree that seamen or other members of the crew who are subjects of the country in which they have deserted shall be excepted from the provisions of the present article.

Article 24.

The High Contracting Parties recognise that it is to the interest of the two countries reciprocally to guarantee their natural or manufactured products against any unfair competition and to protect appellations of origin. They agree subsequently to conclude an agreement with regard to the measures to be taken for this purpose.

In addition, the Siamese Government undertakes to bring its laws, as soon as these become applicable to the nationals of all foreign Powers, into harmony with the principles of the International Convention¹ of Paris of March 20, 1883, for the protection of industrial property, revised² at Washington on June 2, 1911, of the Agreement³ of Madrid of April 14, 1891, concerning the international registration of trade-marks, revised⁴ at Washington on June 2, 1911, of the Agreement⁵ of Madrid of April 14, 1891, concerning the suppression of false indications of origin on goods, revised⁶ at Washington on June 2, 1911, of the International Convention⁷ of Berne of September 9, 1886, for the protection of literary and artistic works, revised⁸ at Berlin on November 13, 1908, and completed by the additional Protocol⁹ signed at Berne on March 20, 1914. As soon as this work of adaptation has been effected, the Siamese Government will adhere to these diplomatic instruments.

It is understood that in any event nationals of each of the High Contracting Parties shall enjoy in these matters in the territory of the other Party the same protection as the nationals of the country concerned or the nationals of the most favoured-nation.

Article 25.

The provisions of the present Treaty shall not affect, replace or modify in any way the laws, decrees and regulations with regard to public order and security, sanitary control, naturalisation and immigration which are or which may be in force in either of the two countries.

Further, they shall not be interpreted as affecting the autonomy which the present Treaty confers on Siam in customs, fiscal and jurisdictional matters.

¹ British and Foreign State Papers, Vol. 74, page 44.

² British and Foreign State Papers, Vol. 104, page 116.

³ British and Foreign State Papers, Vol. 96, page 839.

⁴ British and Foreign State Papers, Vol. 108, page 404.

⁵ British and Foreign State Papers, Vol. 96, page 337.

⁶ British and Foreign State Papers, Vol. 104, page 137.

⁷ British and Foreign State Papers, Vol. 77, page 22.

⁸ British and Foreign State Papers, Vol. 102, page 619.

⁹ British and Foreign State Papers, Vol. 107, page 353.

Article 26.

The provisions of the present Treaty may be subsequently extended in whole or in part to French colonies and possessions and to countries placed under French protectorate or mandate by a declaration agreed upon between the two Governments. In the meantime Siamese nationals shall enjoy in the said colonies, possessions and countries, with the exception of Indo-China, the same rights, privileges and immunities as those which have hitherto been accorded to them by virtue of the Treaty¹ of August 15, 1856 ; the régime at present in force shall also be maintained in respect of nationals of these colonies, possessions and countries, with the exception of Indo-China subject to the provisions of Article 15 of the present Treaty and of those of the Jurisdictional Protocol annexed hereto.

With reference more particularly to French Indo-China, a special convention will be negotiated as rapidly as possible together with supplementary agreements dealing especially with the questions referred to in the Protocol annexed to the present Treaty and with the regulation of relations between French Indo-China and Siam. Pending the application of this Convention and of the agreements supplementing it in the matter in question, Siamese nationals in Indo-China shall enjoy the same rights, privileges and immunities as those which they have hitherto enjoyed by virtue of the regulations at present in force, the status of Indo-Chinese subjects and French protected persons in Siam being governed by Article 27 of the present Treaty. With regard to customs matters, Siam shall be entitled in Indo-China and Indo-China in Siam, pending the application of the agreement provided for in paragraph 4 of the annexed Protocol relating to Indo-China, to the most favourable treatment in respect of the goods to which such treatment is accorded on both sides under the present régime.

Article 27.

The present Treaty shall, as from the date of the exchange of ratifications, and subject to the provisions of Articles 15 and 26, replace the Treaty of Friendship, Commerce and Navigation concluded at Bangkok on August 15, 1856. It shall also annul as from the same date the other treaties, conventions and agreements concluded between France and Siam with the exception, however, of the clauses regarding the definition and delimitation of the frontiers, contained in the Treaty² of October 3, 1893, the Convention³ of February 13, 1904, the Treaty⁴ of March 23, 1907, and the Protocol annexed thereto, and the exercise of the right of French protection in Siam (Articles 10 and 11 of the Convention of 1904), as well as of all the provisions affecting French Indo-China which are compatible with the stipulations of the present Treaty and of the Protocols annexed thereto, and more particularly of Articles 2 and 3 of the aforementioned Treaty of October 3, 1893. With special reference to the status of Asiatic subjects and French-protected persons in Siam, the clauses of the Treaty of March 23, 1907, and of the Jurisdictional Protocol thereto, shall be replaced by Articles 3, 4, 5, 6 and 7 of the present Treaty and by the Jurisdictional Protocol thereto.

As regards the provisions affecting French Indo-China, other than the clauses relating to the definition and delimitation of frontiers and to the exercise of the right of French protection in Siam, the High Contracting Parties mutually recognise the right of each of them to propose and discuss their maintenance, modification or suppression on the occasion of the negotiation of the special Convention and the supplementary agreements provided for in the preceding article, subject to the condition that nothing in the present Treaty may be used in support of any claim to limit such discussion or to interfere with the solutions to be adopted. They further agree that the reservation with regard to the régime of the Mekong formulated in paragraph 2 of the Protocol annexed hereto relative to Indo-China does not imply the abandonment on their part of their respective opinions with regard to the interpretation of Article 1 of the Treaty of October 3, 1893, and does not prohibit them from discussing all questions raised by the said interpretation.

¹ British and Foreign State Papers, Vol. 47, page 993.

² British and Foreign State Papers, Vol. 87, page 187.

³ British and Foreign State Papers, Vol. 97, page 961.

⁴ British and Foreign State Papers, Vol. 100, page 1028.

Article 28.

The present Treaty shall take effect on the day of the exchange of ratifications and shall remain in force for a period of ten years from that date.

If, twelve months before the expiration of this period of ten years, neither of the High Contracting Parties has notified to the other Party its intention to put an end to this Treaty, the said Treaty shall continue to be valid until the expiration of one year from the date on which one or other of the High Contracting Parties shall have denounced it.

Nevertheless it is expressly understood that such denunciation shall not have the effect of bringing into force again any of the stipulations which have been repealed either by former agreements or by the present Treaty.

Article 29.

The present Treaty shall be ratified and the ratifications shall be exchanged either at Paris or at Bangkok as soon as possible.

IN FAITH WHEREOF the respective Plenipotentiaries have signed the present Treaty and have affixed their seals thereto.

Done in duplicate in French at Paris on the fourteenth day of the month of February in the one thousand nine hundred and twenty-fifth year of the Christian era, corresponding to the fourteenth day of the eleventh month of the two thousand four hundred and sixty-seventh year of the Buddhist era.

(Signed) CHAROON.

(Signed) HERRIOT.

PROTOCOL

CONCERNING THE SPECIAL CONVENTION AND THE SUPPLEMENTARY AGREEMENTS DESIGNED TO REGULATE THE RELATIONS BETWEEN SIAM AND FRENCH INDO-CHINA.

On the occasion of the signing this day of the new Treaty of Friendship, Commerce and Navigation concluded between the KINGDOM OF SIAM and the FRENCH REPUBLIC, the Plenipotentiaries of the High Contracting Parties, having regard to the provisions of Article 26 of the said Treaty, in which it is laid down, with reference more particularly to French Indo-China, that a special convention and supplementary agreements shall be negotiated as speedily as possible, have decided by common agreement that the said convention and the said agreements shall deal especially with the following questions, the enumeration of which is not exhaustive, the High Contracting Parties reserving the right to examine in the course of the proposed negotiations any questions which they may consider to be likely to affect the relations between Siam and French Indo-China :

I. Status of Siamese nationals in Indo-China.

II. Navigation on the Mekong and legal status of the river, subject to the provisions of the clause contained in Article 1 of the Treaty of October 3, 1893 ;

III. Organisation of a permanent Franco-Siamese High Commission for the Mekong.

IV. Commercial and customs agreement to be concluded in accordance with the provisions of Article 15 of the present Treaty, such agreement to be applicable to all the charges and facilities mentioned in Articles 16 and 17 of the said Treaty and to include any stipulations for the regulation and protection of commerce across the land frontier common to Siam and to Indo-China.

In faith whereof the respective Plenipotentiaries have signed the present Protocol and have affixed their seals thereto.

Done in duplicate in French at Paris on the fourteenth day of the month of February of the one thousand nine hundred and twenty-fifth year of the Christian era, corresponding to the fourteenth day of the eleventh month of the two thousand four hundred and sixty-seventh year of the Buddhist era.

(Signed) CHAROON.

(Signed) HERRIOT.

PROTOCOL

CONCERNING THE JURISDICTION APPLICABLE TO FRENCH NATIONALS (CITIZENS, SUBJECTS AND PROTECTED PERSONS) IN THE KINGDOM OF SIAM ANNEXED TO THE TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION OF FEBRUARY 14, 1925.

On the occasion of the signing this day of the new Treaty of Friendship, Commerce and Navigation concluded between the KINGDOM OF SIAM and the FRENCH REPUBLIC, the Plenipotentiaries of the two High Contracting Parties, with a view to the definite regulation, to the mutual satisfaction of the two countries, of the question of the jurisdiction applicable to French nationals (citizens, subjects and protected persons) in the Kingdom of Siam, have agreed as follows :

Article 1.

Until the date on which the Siamese codes, viz. the Civil and Commercial Code, the Penal Code, the Code of Civil Procedure, the Code of Penal Procedure and the Law for the Organisation of the Courts have all come into force, French citizens shall, throughout the territory of the Kingdom of Siam, be justiciable in accordance with the stipulations contained in Article 4 of the present Protocol, by the special so-called International Courts previously instituted.

After that date they shall be justiciable by the ordinary Siamese Courts, subject to the exercise by French diplomatic and consular agents in Siam during a period of five years from the said date of the right of evocation defined in Article 5 of the present Protocol.

Article 2.

Until the date on which the Siamese codes hereinbefore enumerated have all come into force, Asiatic French subjects and protected persons residing in the provinces of Udorn and Isarn, whatever the date of their registration at the French Consulates in Siam may be, together with Asiatic French subjects and protected persons residing outside the said provinces and registered at the French Consulates in Siam before March 23, 1907, the date of the signature of the last Treaty concluded between France and Siam, shall be justiciable by the International Courts on the conditions laid down in Article 4 of the present Protocol.

After that date they shall be justiciable by the ordinary Siamese Courts.

Article 3.

Asiatic French subjects and protected persons residing outside the provinces of Udorn and Isarn, and registered at the French Consulates in Siam after March 23, 1907, together with

non-Asiatic French subjects and protected persons, shall be justiciable by the ordinary Siamese Courts, and the right of evocation defined in Article 5 of the present Protocol may not be exercised in their favour.

Article 4.

The jurisdiction of the International Courts which are to be established wherever the proper administration of justice so requires by agreement between the Minister of the French Republic at Bangkok and the Siamese Minister for Foreign Affairs shall be exercised as follows :

(1) The competence of the International Courts shall apply, on the conditions laid down in Articles 1 and 2, in the case of civil matters to all civil and commercial proceedings in which French nationals are involved either as plaintiffs or as defendants, and in penal matters to offences of any kind committed by or to the prejudice of French nationals.

(2) At the original hearing of a case the French Consul at Bangkok or the French Consul or Vice-consul concerned residing within the Kingdom shall be entitled to be present during any proceedings in which a French national is a party or to be represented at such proceedings by a duly authorised delegate and to submit any observations which seem to him desirable in the interests of justice.

(3) Appeals against judgments rendered by the international courts shall be heard by the Court of Appeal at Bangkok.

Until the coming into force of the above-mentioned Codes, Clause V of the Franco-Siamese Protocol of March 23, 1907, shall be maintained and shall apply to French citizens, subjects and protected persons.

(4) At the original hearing of all cases coming within the jurisdiction of the international courts in which the defendant or the accused is a French national, French diplomatic and consular agents may exercise the right of evocation defined in Article 5 of the present Protocol.

(5) As regards all cases heard in the first instance by the international courts and subsequently brought before the Court of Appeal at Bangkok, a final appeal shall lie from the judgments of the latter Court. The grounds of appeal shall be absence of competence, abuse of authority and generally any violation of the law. The appeal shall be heard by the Supreme Court of Siam or " San Dika ".

Article 5.

The right of evocation granted to French diplomatic and consular agents whether in matters coming within the jurisdiction of the international courts under the terms of paragraph 4 of Article 4 or in matters coming within the jurisdiction of the ordinary Siamese courts under the terms of Article 1 of the present Protocol, shall be exercised as follows :

(1) At the original hearing of any case, whether civil or penal, in which the defendant or the accused is a French citizen, subject or protected person, the French Minister or Chargé d'Affaires in Siam, having been duly informed of the progress of the proceedings, may, if he considers it desirable in the interests of justice, evoke the case at any stage of the proceedings through the intermediary of the French Consul at Bangkok or of the French Consuls or Vice-consuls within the Kingdom by means of a written requisition addressed to the court in which such case is pending.

(2) Such case having been evoked as provided for above shall be transferred to the French Consular Court, which, from the moment when the requisition is transmitted, shall alone be competent and which the Siamese authorities shall be bound to assist in every way.

The case shall be adjudicated upon in accordance with French law. Nevertheless, Siamese law shall remain applicable if and in so far as the question at issue has formed the subject of provisions contained in the Siamese codes, laws and regulations, regularly promulgated, put in force and duly communicated to the French Legation at Bangkok.

Article 6.

Until the date on which the exercise of the right of evocation comes to an end, namely, five years after the coming into force of the Siamese Codes enumerated above, any French national involved as defendant or accused in proceedings which have been begun in a country district may ask for the removal of the case from the jurisdiction of the competent court. If this request is granted by the local judicial authority, the case shall be heard either at Bangkok or on the spot by the judges of the court which would have been competent to hear it at Bangkok. Notification of such a request shall be made to the French Consul or Vice-consul.

Article 7.

Whatever the tribunal which takes cognisance of a civil or penal action may be, the claim of absence of competence based upon the rules laid down in the present Protocol must be put forward before any defence relating to the merits of the case.

Article 8.

Until the date on which the Siamese Codes mentioned above are all in force, the Siamese Government shall continue to communicate to the French Legation in Siam all newly promulgated laws and regulations and shall endeavour to take into account any observations submitted to it within a reasonable period by the said Legation with regard to such texts.

Article 9.

The provisions of the present Protocol shall apply alike to individuals and to legal persons, companies and associations regularly constituted according to French law.

Article 10.

With a view to facilitating the application of the present Protocol the following transitional provisions shall be applied :

(1) Any case within the competence either of the international courts or of the ordinary Siamese courts by virtue of the stipulations of the present Protocol shall, if the proceedings have not been commenced before the coming into force of the said Protocol, be heard by the said international courts or the said ordinary Siamese courts even if the facts which gave rise to the case took place before the said date.

(2) Any case which is pending at the said date before the French Consular Court shall remain within the competence of such court, which shall continue to deal with it until the end of the procedure and to which the Siamese authorities shall continue to give their assistance. The execution of the judgments rendered or the orders made in respect of such a case shall, however, be pursued, according to the circumstances, before the international courts or before the ordinary Siamese courts.

Article II.

The present Protocol shall come into force on the date of the exchange of the ratifications of the Treaty to which it is annexed.

In faith whereof the respective Plenipotentiaries have signed the present Protocol and have fixed their seals thereto.

Done in duplicate in French at Paris on the fourteenth day of the month of February of the one thousand nine hundred and twenty-fifth year of the Christian era, corresponding to the fourteenth day of the eleventh month of the two thousand four hundred and sixty-seventh year of the Buddhist era.

(Signed) CHAROON.

(Signed) HERRIOT.