

## AMITY AND COMMERCE

*Treaty, with general regulations and tariff of export and import duties, signed at Bangkok May 29, 1856, modifying treaty of March 20, 1833; agreement adding regulation VII signed at Bangkok June 15, 1857*

*Entered into force May 29, 1856*

*Senate advice and consent to ratification of treaty, with an amendment, March 13, 1857*<sup>1</sup>

*Ratified by the President of the United States, with an amendment, March 16, 1857*<sup>1</sup>

*Ratified by Siam June 15, 1857*

*Ratifications exchanged at Bangkok June 15, 1857*

*Proclaimed by the President of the United States August 16, 1858*

*Regulation I modified by agreement of December 17 and 31, 1867*<sup>2</sup>

*Replaced September 1, 1921, by treaty of December 16, 1920*<sup>3</sup>

11 Stat. 683; Treaty Series 322<sup>4</sup>

### TREATY

The President of the United-States of America, and their Majesties Phra-Bard, Somdetch, Phra-Paramendr, Maha, Mongkut, Phra, Chom, Klau, Chau, Yu, Hua, the first King of Siam, and Phra, Bard, Somdetch, Phra,

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<sup>1</sup> The U.S. amendment called for striking out art. 5. The Government of Siam accepted this deletion only after it was agreed (see p. 990) to add the language of art. 5 as regulation VII.

<sup>2</sup> TS 323, *post*, p. 992.

<sup>3</sup> TS 655, *post*, p. 997.

<sup>4</sup> For a detailed study of this treaty and an explanation of a second Senate resolution of advice and consent dated June 15, 1858, see 7 Miller 329.

Pawarendr, Ramesr, Mahiswaresr, Phra, Pin, Klau, Chau, Yu, Hua the Second King of Siam, desiring to establish upon firm and lasting foundations, the relations of peace and friendship existing between the two Countries, and to secure the best interest of their respective citizens and subjects, by encouraging, facilitating and regulating their industry and trade have resolved to conclude a Treaty of Amity and Commerce for this purpose and have therefore named as their Plenipotentiaries that is to say:

The President of the United States, Townsend Harris Esquire of New York, Consul-General of the United States of America for the Empire of Japan,

And their Majesties the First and Second Kings of Siam, His Royal Highness, the Prince Krom Hluang, Wongsa, Dhiraj, Snidh,

His Excellency Somdetch, Chau, Phaya, Param, Maha, Bijai, Neate,

His Excellency Chau, Phaya, Sri, Suriwongse, Samuha, Phra, Kralahom,

His Excellency Chau, Phaya, Rawe, Wongee, Maha, Kosa, Dhipade, the Phra Klang,

His Excellency Chau, Phaya, Yomray, the Lord Mayor.

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

ARTICLE I. There shall henceforward be perpetual peace and friendship, between the United States, and their Majesties the First and Second Kings of Siam and their successors.

All American Citizens coming to Siam, shall receive from the Siamese Government full protection and assistance, to enable them to reside in Siam, in all security, and trade with every facility free from oppression or injury on the part of the Siamese. In as much as Siam has no ships, trading to the Ports of the United States, it is agreed that the ships of war of the United States shall render friendly aid and assistance to such Siamese vessels as they may meet on the high seas, so far as can be done, without a breach of neutrality and all American Consuls, residing at Ports, visited by Siamese vessels, shall also give them such friendly aid, as may be permitted by the laws, of the respective Countries in which they reside.

ARTICLE II. The interests of all American Citizens, coming to Siam, shall be placed under the regulations and control of a Consul, who will be appointed to reside at Bangkok. He will himself conform to and will enforce the observance by American Citizens, of all the provisions of this Treaty, and such of the former Treaty, negotiated by Mr. Edmund Roberts in 1833,<sup>5</sup>

<sup>5</sup> Treaty signed at Bangkok Mar. 20, 1833 (TS 321, *ante*, p. 978).

as shall still remain in operation. He shall also give effect to all rules and regulations as are now or may hereafter be enacted for the government of American Citizens in Siam, the conduct of their trade, and for the prevention of violations of the laws of Siam. Any disputes arising between American Citizens and Siamese Subjects, shall be heard and determined by the Consul in conjunction with the proper Siamese Officers; and criminal offences will be punished in the case of American Offenders, by the Consul, according to American laws, and in the case of Siamese Offenders, by their own laws, through the Siamese Authorities. But the Consul shall not interfere in any matters, referring solely to Siamese, neither will the Siamese Authorities interfere in questions, which only concern the Citizens of the United States.

**ARTICLE III.** If Siamese in the employ of American Citizens, offend against the laws of their country, or if any Siamese having so offended, or desiring to desert, take refuge with American Citizens in Siam, they shall be searched for, and upon proof of their guilt or desertion, shall be delivered up, by the Consul, to the Siamese Authorities. In like manner, any American Offenders, resident or trading in Siam, who may desert, escape to, or hide themselves in Siamese Territory shall be apprehended and delivered over, to the American Consul, on his requisition.

**ARTICLE IV.** American Citizens are permitted to trade freely in all the Sea-ports of Siam, but may reside permanently only at Bangkok, or within the limits assigned by this Treaty.

American Citizens coming to reside at Bangkok, may rent land and buy or build houses, but cannot purchase land within a circuit of two hundred Seng (not more than four Miles English) from the city walls, until they shall have lived in Siam for ten years, or shall obtain special authority from the Siamese Government, to enable them to do so. But with the exception of this limitation, American Residents in Siam, may at any time buy or rent houses, lands or plantations, situated anywhere within a distance of twenty four hours journey from the city of Bangkok, to be computed by the rate at which boats of the country can travel. In order to obtain possession of such lands or houses, it will be necessary that the American Citizens shall, in the first place, make application through the Consul, to the proper Siamese Officer, and the Siamese Officer and the Consul having satisfied themselves of the honest intentions of the Applicant, will assist him in settling, upon equitable terms, the amount of the purchase money, will make out and fix the boundaries of the property, and will convey the same to the American Purchaser, under sealed deeds, whereupon he and his property shall be placed under the protection of the Governor of the District and that of the particular local Authorities: He shall conform in ordinary matters to any just direction given him by them, and will be subject to the same taxation, that is levied on Siamese

Subjects. But if, through negligence, the want of capital, or other cause, an American Citizen should fail to commence the cultivation, or improvements of the lands so acquired, within a term of three years, from the date of receiving possession thereof, the Siamese government shall have the power of resuming the property, upon returning to the American Citizen the purchase money paid by him for the same.

ARTICLE V.<sup>6</sup>

ARTICLE VI. All American Citizens, visiting, or residing, in Siam, shall be allowed the free exercise of their religion; and liberty to build places of worship, in such localities as shall be consented to by the Siamese Authorities. The Siamese Government will place no restriction upon the employment, by the Americans, of Siamese Subjects as servants, or in any other capacity. But wherever a Siamese Subject, belongs or owes service to some particular master, the servant who engages himself to an American Citizen without the consent of his master may be reclaimed by him, and the Siamese Government will not enforce an agreement between an American Citizen and any Siamese in his employ, unless made with the knowledge and consent of the master, who has a right to dispose of the services of the person engaged.

ARTICLE VII. American ships of war may enter the river and anchor at Paknam, but they shall not proceed above Paknam, unless with the consent of the Siamese authorities, which shall be given where it is necessary that a ship, shall go into Dock for repairs. Any American ship of war, conveying to Siam, a public functionary, accredited by the American Government to the Court of Bangkok, shall be allowed to come up to Bangkok, but shall not pass the Forts called Phra-chamit and Pit-pach-nuck, unless expressly permitted to do so by the Siamese Government. But in the absence of an American ship of war, the Siamese Authorities engage to furnish the Consul, with a force sufficient to enable him to give effect to his authority over American Citizens and to enforce discipline among American shipping.

ARTICLE VIII. The measurement duty, hitherto paid, by American vessels, trading to Bangkok, under the Treaty of 1833,<sup>7</sup> shall be abolished from the date of this Treaty coming into operation, and American shipping or trade will thenceforth only be subject to the payment-of Import and Export Duties on the goods landed or shipped. On the articles of Import, the duty shall be three per cent, payable at the option of the Importer, either in kind or money,

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<sup>6</sup> See footnote 1, p. 982.

<sup>7</sup> TS 321, *ante*, p. 979.

calculated upon the market value of the goods. Drawback of the full amount of duty shall be allowed upon goods found unsaleable and reëxported. Should the American Merchant and the Custom house officers disagree as to the value to be set upon imported articles, such disputes shall be referred to the Consul and a proper Siamese Officer, who shall each have the power to call in an equal number of merchants as assessors, not exceeding two, on either side, to assist them in coming to an equitable decision.

Opium may be imported free of duty, but can only be sold to the opium farmer or his agents. In the event of no arrangement being effected with them for the sale of the opium, it shall be reëxported and no impost or duty levied thereon. Any infringement of this regulation shall subject the Opium to seizure and confiscation.

Articles of Export from the time of production to the date of shipment, shall pay one Impost only, whether this be levied under the name of Inland tax, Transit duty or duty on exportation. The tax or duty to be paid on each article of Siamese produce, previous to, or upon exportation, is specified in the Tariff attached to this Treaty; and it is distinctly agreed, that goods or produce, that pay any description of tax in the Interior, shall be exempted from any further payment of duty on exportation. American Merchants are to be allowed to purchase directly from the producer, the articles in which they trade and in like manner to sell their goods directly to the parties, wishing to purchase the same without the interference in either case of any other Person.

The rates of duty laid down in the Tariff attached to this Treaty are those that are now paid upon goods or produce, shipped in Siamese or Chinese vessels or junks; and it is agreed that American Shipping shall enjoy all the privileges now exercised by, or which hereafter may be granted to Siamese or Chinese vessels or junks.

American Citizens will be allowed to build ships in Siam, on obtaining permission to do so from the Siamese authorities.

Whenever a scarcity may be apprehended of Salt, Rice and Fish, the Siamese Government reserve to themselves, the right of prohibiting by public proclamation, the exportation of these articles, giving 30 days (say Thirty days) notice except in case of war.

Bullion or personal effects, may be imported or exported free of charge.

ARTICLE IX. The code of Regulations appended to this Treaty shall be enforced by the Consul with the coöperation of the Siamese Authorities, and they, the said Authorities and Consul shall be enabled to introduce any further Regulations, which may be found necessary in order to give effect to the objects of this Treaty.

All fines and penalties inflicted for infraction of the provisions and regulations of this Treaty shall be paid to the Siamese government.

ARTICLE X. The American Government and its citizens, will be allowed free and equal participation in any privileges that may have been, or may hereafter be granted by the Siamese Government to the Government, Citizens or Subjects of any other nation.

ARTICLE XI. After the lapse of ten years from the date of the ratification of this Treaty, upon the desire of either the American or Siamese Government, and on twelve months notice given by either Party, the present and such portions of the Treaty of 1833, as remain unrevoked by this Treaty, together with the Tariff and Regulations thereunto annexed, or those that may hereafter be introduced, shall be subject to revision by Commissioners, appointed on both sides for this purpose, who will be empowered to decide on and insert therein such amendments as experience shall prove to be desirable.

ARTICLE XII. This Treaty executed in English and Siamese, both versions having the same meaning and intention shall take effect immediately and the ratifications of the same shall be exchanged at Bangkok, within eighteen months from the date thereof.

In witness whereof the abovenamed Plenipotentiaries have signed and sealed the present Treaty in triplicate at Bangkok, on the Twenty Ninth day of May in the Year One Thousand, Eight Hundred and Fifty Six of the Christian Era and of the Independence of the United States the Eightieth, corresponding to the Tenth of the waning Moon of the lunar Month Wesakh or Sixth Month of the Year of the Quadruped Serpent of the Siamese civil Era, One Thousand Two Hundred and Eighteen and the Sixth of the Reign of Their Majesties, the First and Second Kings of Siam.

TOWNSEND HARRIS [SEAL]

[Seals and designations of the five Plenipotentiaries of Siam]

GENERAL REGULATIONS UNDER WHICH AMERICAN TRADE IS TO BE CONDUCTED  
IN SIAM

REGULATION I.<sup>8</sup> The master of every American ship, coming to Bangkok to trade, must either before or after entering the river, as may be found convenient, report the arrival of his vessel at the Custom-house at Paknam, together with the number of his crew and guns, and the Port, from whence he comes. Upon anchoring his vessel at Paknam, he will deliver into the custody of the custom-house Officers all his guns and ammunition, and a custom-house officer, will then be appointed to the vessel, and will proceed in her to Bangkok.

REGULATION II. A vessel passing Paknam, without discharging her

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<sup>8</sup> For a modification of regulation I, see TS 323, *post*, p. 992.

guns and ammunition, as directed in the foregoing regulation, will be sent back to Paknam to comply with its provisions, and will be fined Eight-hundred ticals for having so disobeyed. After delivery of her guns and ammunition she will be permitted to return to Bangkok to trade.

REGULATION III. When an American vessel shall have cast anchor at Bangkok, the master, unless a Sunday should intervene, will, within four and twenty hours after arrival, proceed to the American Consulate and deposit there his ship's papers, bills of lading &c, together with a true manifest of his Import Cargo; and upon the Consul's reporting these particulars to the Custom-house permission to break bulk will at once be given by the latter.

For neglecting so to report his arrival, or for presenting a false manifest, the master will subject himself in each instance to a penalty of four hundred ticals; but he will be allowed to correct within twenty-four hours after delivery of it to the Consul, any mistake he may discover in his manifest, without incurring the above-mentioned penalty.

REGULATION IV. An American vessel breaking bulk, and commencing to discharge before due permission shall be obtained, or smuggling either, when in the river or outside the bar, shall be subject to the penalty of eight-hundred ticals, and confiscation of the goods so smuggled or discharged.

REGULATION V. As soon as an American vessel shall have discharged her Cargo, and completed her outward lading, paid all her duties and delivered a true manifest of her outward cargo to the American Consul, a Siamese port-clearance shall be granted her, on application from the Consul, who, in the absence of any legal impediment to her departure, will then return to the master his ship's papers, and allow the vessel to leave. A custom-house officer will accompany the vessel to Paknam, and on arriving there, she will be inspected by the Custom-house Officers of that station, and will receive from them the guns and ammunition, previously delivered into their charge.

REGULATION VI. The American Plenipotentiary having no knowledge of the Siamese language, the Siamese Government, have agreed that the English text of these Regulations, together with the Treaty of which they form a portion, and the Tariff hereunto annexed, shall be accepted as conveying in every respect their true meaning and intention.

TOWNSEND HARRIS [SEAL]

[Seals and designations of the five Plenipotentiaries of Siam]

#### TARIFF OF EXPORT AND INLAND DUTIES TO BE LEVIED ON ARTICLES OF TRADE

##### SECTION I

The undermentioned articles shall be entirely free from Inland or other Taxes, on production or transit, and shall pay export duty as follows:

	Tical	Salung	Fuang	Hun	
1 Ivory . . . . .	10.	0.	0.	0.	per pecul
2 Gamboge . . . . .	6	0.	0.	0.	"
3 Rhinoceros Horns . . . . .	50	0.	0.	0.	"
4 Cardamums best . . . . .	14.	0.	0.	0.	"
5 ditto bastard . . . . .	6.	0.	0.	0.	"
6 Dried Mussels . . . . .	1.	0.	0.	0.	"
7 Pelican's quills . . . . .	2.	2	0	0	"
8 Betel nut dried . . . . .	1.	0.	0.	0.	"
9 Krachi wood . . . . .	0.	2.	0.	0.	"
10 Shark's fins white . . . . .	6.	0.	0.	0.	"
11 ditto black . . . . .	3.	0.	0.	0.	"
12 Lukkrabau seed . . . . .	0.	2.	0.	0.	"
13 Peacock's tails . . . . .	10.	0.	0.	0.	p. 100 tails
14 Buffalo & Cow bones . . . . .	0.	0.	0.	3	per pecul
15 Rhinoceros hides . . . . .	0.	2.	0.	0.	"
16 Hide Cuttings . . . . .	0.	1.	0.	0.	"
17 Turtle shells . . . . .	1.	0.	0.	0.	"
18 Soft ditto . . . . .	1.	0.	0.	0.	"
19 Bêche de mer . . . . .	3.	0.	0.	0.	"
20 Fish maws . . . . .	3.	0.	0.	0.	"
21 Bird's nests uncleaned . . . . .	20 per cent				
22 Kingfisher's feathers . . . . .	6.	0.	0.	0.	per 100
23 Cutch . . . . .	0.	2.	0.	0.	per pecul
24 Beyché seed (nux vomica) . . . . .	0.	2.	0.	0.	"
25 Pungtarai seed . . . . .	0.	2.	0.	0.	"
26 Gum Benjamin . . . . .	4.	0.	0.	0.	"
27 Angrai bark . . . . .	0.	2.	0.	0.	"
28 Agilla wood . . . . .	2.	0.	0.	0.	per pecul
29 Ray skins . . . . .	3.	0.	0.	0.	"
30 Old deer's horns . . . . .	0.	1.	0.	0.	"
31 Soft or young ditto . . . . .	10 per cent				
32 Deer hides fine . . . . .	8.	0.	0.	0.	per 100 hides
33 ditto common . . . . .	3.	0.	0.	0.	" " "
34 Deer sinews . . . . .	4.	0.	0.	0.	per pecul
35 Buffalo & Cow hides . . . . .	1.	0.	0.	0.	"
36 Elephant's bones . . . . .	1.	0.	0.	0.	"
37 Tiger's bones . . . . .	5.	0.	0.	0.	"
38 Buffalo horns . . . . .	0.	1.	0.	0.	"
39 Elephant's hides . . . . .	0.	1.	0.	0.	"
40 Tiger's skins . . . . .	0.	1.	0.	0.	per skin
41 Armadillo skins . . . . .	4.	0.	0.	0.	per pecul
42 Sticklac . . . . .	1.	1.	0.	0.	"
43 Hemp . . . . .	1.	2.	0.	0.	"
44 Dried fish plaheng . . . . .	1.	2.	0.	0.	"
45 ditto plasalit . . . . .	1.	0.	0.	0.	"
46 Sapan wood . . . . .	0.	2.	1.	0.	"
47 Salt meat . . . . .	2.	0.	0.	0.	"
48 Mangrove bark . . . . .	0.	1.	0.	0.	"
49 Rosewood . . . . .	0.	2.	0.	0.	"
50 Ebony . . . . .	1.	1.	0.	0.	"
51 Rice . . . . .	4.	0.	0.	0	per Koyan

SECTION II

The undermentioned Articles being subject to the Inland or Transit duties, herein named, and which shall not be increased, shall be exempt from Export duty.



	Tical	Salung	Fuang	Hun	
52 Sugar white.....	0.	2.	0.	0	per pecul
53 ditto red.....	0.	1.	0.	0	“
54 Cotton clean & uncleaned ....	10.	Per Cent			
55 Pepper.....	1.	0.	0.	0.	“
56 Salt fish platu.....	1.	0.	0.	0.	per 10,000 fish.
57 Beans and Peas.....	One twelfth				
58 Dried Prawns.....	One twelfth				
59 Tilseed.....	One twelfth				
60 Silk raw.....	One twelfth				
61 Bees'-wax.....	One fifteenth				
62 Tallow.....	1.	0.	0.	0.	per pecul
63 Salt.....	6.	0.	0.	0.	per Koyan
64 Tobacco.....	1.	2.	0.	0.	per 1,000 bundles

## SECTION III

All goods or produce unenumerated in this Tariff shall be free of export duty, and shall only be subject to one Inland Tax or Transit duty, not exceeding the rate now paid.

TOWNSEND HARRIS [SEAL]

[Seals and designations of the five Plenipotentiaries of Siam]

## AGREEMENT ADDING REGULATION VII

Whereas, the Senate of the United States of America has rejected the Fifth Article of the Treaty negotiated by Townsend Harris, Esquire, Special Envoy of the said United States, on the one part, and by His Royal Highness Krom Hluang Wongsa Dhiraj Snidh, His Excellency Somdetch Chau Phaya Param Maha Bijai-neate, &c. &c. His Excellency Chau Phaya Sri Suriwongse Samuha Phra Kralahom, &c. &c., His Excellency Chau Phaya Rawe Wangse, Maha Kosa Dhipude, &c., the Phra-Klang, and His Excellency Chau Phaya Yomraj, &c. the Lord Mayor, Commissioners of their Majesties the First and Second Kings of Siam, on the other part,—which said Treaty was duly signed and sealed at Bangkok, on the twenty-ninth day of May, 1856;—and

Whereas, the regulations prescribed by the said Fifth Article are deemed to be essential to the safety and well-being of citizens of the United States residing or sojourning in Siam, as well as to the good government of the kingdom of Siam;—

Now, therefore, we, the undersigned, by virtue of the powers vested in us by the Ninth Article of the aforesaid Treaty, in the words following, to-wit: “The code of regulations appended to this Treaty shall be enforced by the Consul, with the coöperation of the Siamese authorities; and they, the said authorities and consul, shall be enabled to introduce any further regulations which may be found necessary in order to give effect to the objects of the Treaty”, do enact and ordain that the following clause shall be appended

to the "General Regulations under which American Trade is to be conducted in Siam",—to be numbered "Regulation VII;—which said Regulation shall have the same force and obligation as all the other Regulations appended to the said Treaty:

#### REGULATION VII

All American citizens intending to reside in Siam shall be registered at the American consulate; they shall not go out to sea, nor proceed beyond the limits assigned by the Treaty for the residence of American citizens without a passport from the Siamese authorities, to be applied for by the American consul; nor shall they leave Siam if the Siamese authorities show to the American consul that legitimate objections exist to their quitting the country. But within the limits appointed under Article IV, of the Treaty, American citizens are at liberty to travel to and fro under the protection of a pass to be furnished them by the American consul, and countersealed by the proper Siamese officer, stating in the Siamese character their names, calling, and description. The Siamese officers at the government stations in the interior may at any time call for the production of this pass; and immediately on its being exhibited they must allow the parties to proceed; but it will be their duty to detain those persons who, by travelling without a pass from the consul, render themselves liable to the suspicion of their being deserters, and such detention shall be immediately reported to the consul.

[Seal and designation of the Phra Klang]  
S. MATTOON, *U.S. Consul* [SEAL]