

Treaty of Friendship, Commerce, and Navigation

between

Siam and Denmark*

Signed at Bangkok, May 21, 1858**

[Ratifications exchanged at Bangkok, September 15, 1859.]

Their Majesties, Phra Bard Somdetch Phra Paramendr Maha Mongkut Phra Chom Klao Chao Yu Hua, the first King of Siam, and Phra Bard Somdetch Phra Pawarendr Ramesr, Mahiswaresr Phra Pin Klau Chao Yu Hua, the second King of Siam and His Majesty Frederick VII., King of Denmark, of the Vandals and Goths, Duke of Schleswig Holstein, Stormarn, the Dithmarshes, Lauenburg and Oldenburg;

Desiring to facilitate and extend their relations of good understanding and trade, between their respective subjects, have resolved to conclude a Treaty of Friendship, Commerce and Navigation, based on the common interests of both countries, and have therefore, to that end, named their Plenipotentiaries; that is to say,

Their Majesties the first and second Kings of Siam, have named His Royal Highness Krom Hluang Wongsā Dhiraj Snidh, his Lordship Chau Phaya Sri Suriy Wongse Samant Bongs Bisuddhe Maha Purus Ratnedom Samuha Phra Kralahome (the Prime Minister), his Lordship Chaw Phaya Rawe Wongs Maha Kosadhiputi (the Minister for Foreign Affairs), his Lordship Chau Phaya Yomaraj (the Lord Mayor of the City of Bangkok), his Excellency Phaya Wora Bongse Bibadhne (Superintendent of the Royal Private Ministers);

And his Majesty the King of Denmark has named John Jarvie, Esquire, Consul of Denmark for Singapore, 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 be constant peace and perpetual friendship between their Majesties the first and second Kings of Siam, their heirs and successors on the one part, and his Majesty the King of Denmark, his heirs and successors on the other part, as well as between the subjects of both States, without exception of persons and places.

The subjects of each shall enjoy in the country of the other full and entire protection for their persons and property, agreeably to the established laws.

* Ibid., p. 29.

** Signed also in the Danish and German languages.

There shall be full and entire freedom of commerce and navigation, for the subjects and vessels of the two High Contracting Powers, in every portion of their respective territories, where trade or navigation is actually allowed, or may hereafter be allowed to the subjects or vessels of the most favoured nation.

Danish ships of war shall render friendly aid and assistance to such Siamese vessels as they may meet on the high seas, so far as can be done in accordance with international law, and all Danish Consuls residing at ports visited by Siamese, shall also afford them such friendly aid as may be permitted by the laws of the respective countries, in which the Consuls reside.

ARTICLE II

The two High Contracting Powers recognise reciprocally the right to establish and appoint, in the ports and the towns of their respective States, Consuls and Consular Agents; and that these officers shall enjoy the same privileges, immunities, powers and exemptions, as are or may be enjoyed by those of the most favoured nation. Such Consuls or Consular Agents, however, shall not begin to exercise their functions, until they shall have received the exequatur of the Local Government. Danish Consuls or Consular Agents in Siam shall be at liberty to hoist their national flag over their Consulates.

The Danish Consul or Consular Agent in Siam shall have the interests of all the Danish subjects in or coming to Siam, under his protection, regulation, and control. He shall himself conform to all the provisions of this Treaty, and enforce the observance of the same by Danish subjects. He shall also promulgate and give due effect to all rules and regulations, which are now, or may hereafter be enacted, for the government of Danish subjects in Siam, the conduct of their business, and their due observance of the laws of Siam.

Should the Consul or Consular Agent be absent, Danish subjects visiting or residing in Siam may have recourse to the intervention of a Consul of a friendly nation, or they may address themselves directly to the local authorities, and the said authorities shall take means to secure to such Danish subjects, all the benefits of the present Treaty.

ARTICLE III

Danish subjects visiting or residing in Siam shall be allowed the free exercise of their religious belief and worship, and be at liberty to build churches, in such convenient localities as shall be consented to by the Siamese authorities, and such consent shall not be withheld, without sufficient reason being assigned.

ARTICLE IV

Danish subjects wishing to reside in the Kingdom of Siam must be registered at the Consulate of Denmark, a copy of which registration to be furnished to the Siamese authorities. Whenever a Danish subject shall have recourse to the Siamese authorities, his petition or claim must be first submitted to the Consul of Denmark, and if the petition

or claim appear to the Consul to be reasonable, and written with propriety, he shall forward it, or otherwise modify its contents. The Siamese on their part, when they shall have to address themselves to the Consulate of Denmark, shall follow a similar course, in first addressing themselves to the Siamese authorities, who shall act in like manner.

ARTICLE V

Danish subjects who shall reside in a permanent manner in Siam, shall for the present do so only in the City of Bangkok, or within a limit defined by the following boundaries, viz.:

1. On the North:— By the Bang Putsa Canal from its mouth on the Chau Phya River, to the old city walls of Lobpury, and a straight line from Lobpury to the landing place of Tha Phrangam, near to the town of Saraburi, on the River Pasak.

2. On the East:— By a straight line drawn from the landing place of Tha Phrangam, to the junction of the Klongkut Canal with the Bangpakong River; the Bangpakong River from the junction of the Klongkut Canal, to its mouth; and the coast from the mouth of the Bangpakong River to the Island of Srimaharajah, to such distance inland as can be reached, within 24 hours' journey, from Bangkok.

3. On the South:— By the Island of Srimaharajah and the Islands of Se-Chang on the east side of the gulf, and the city walls of Petchaburi on the west side.

4. On the West:— By the western coast of the gulf to the mouth of the Meklong River, to such a distance inland as can be reached within 24 hours' journey from Bangkok. The Meklong River, from its mouth, to the city walls of Rajpuri. A straight line from the city walls of Rajpuri to the town of Suphanapuri; and a straight line from Suphanapuri to the mouth of the Bangputsa Canal, on the Chau Phya River.

But Danish subjects may reside beyond these boundaries, on obtaining permission to do so from the Siamese authorities.

All Danish subjects are at liberty to travel throughout the entire Kingdom of Siam, and to trade by buying and selling merchandise, not being contraband, from and to whomsoever they shall think proper; this privilege being in no way whatever affected by any farm or exclusive right of sale and purchase.

ARTICLE VI

The Siamese Government will place no restrictions upon the employment by Danish subjects of Siamese subjects, in any capacity whatever. But whenever a Siamese subject belongs or owes service to some particular master, the servant who engages himself to a Danish subject, without the consent of his master, may be reclaimed by him, and the Siamese Government will not enforce an agreement for services, between a Danish subject and any Siamese in his employment, unless made with the knowledge and consent of the master.

If Siamese in the employment of a Danish subject offend against the laws of Siam, or if any Siamese having so offended, or desiring to desert, take refuge with a Danish subject in Siam, they shall be searched for, and, upon proof of their guilt or desertion, they shall be delivered up by the Consul to the Siamese authorities.

ARTICLE VII

Danish subjects shall not be detained against their will in the Kingdom of Siam, unless the Siamese authorities shall prove to the Consul of Denmark that there are lawful reasons for such detention.

Within the boundaries fixed by Article V of this Treaty, Danish subjects shall be at liberty to travel without hindrance or delays of any kind whatsoever, provided they have a passport signed by the Consul or Consular Agent of Denmark, containing in Siamese characters their names, profession, and identity, and countersigned by the competent Siamese authority.

Should they wish to go beyond the said limit and travel in the interior of the Kingdom of Siam, they shall procure for themselves a passport, which shall be delivered to them on the request of the Consul or Consular Agent by the Siamese authorities, and such passport shall not be refused in any instance, except with concurrence of the Danish Consul or Consular Agent.

ARTICLE VIII

Danish subjects may purchase land or plantations, and may take on lease or let land and plantations, and may hire, buy or build houses, within the boundaries specified by Article V, with this exception and limitation only, that the power to purchase lands in the city of Bangkok, or within four British statute miles from its walls, shall be confined to those who shall have resided in Siam for 10 years, or who shall obtain a special licence from the Siamese Government. In order to obtain possession of such property, the Danish subject shall in the first place, make application through the Consul to the Siamese Government, and the Siamese Government shall name an officer who, along with the Consul (having satisfied themselves of the honest intentions of the applicant), shall adjust and settle upon equitable terms the amount of the purchase money, and shall make out and fix the boundaries of the property. The Siamese Government shall then convey the property to the Danish purchaser, and such property shall thereupon be under the protection of the governor of the district, and of the particular local authorities; the said purchaser shall conform, in ordinary matters, to any just direction to be given to him by them, and he shall be subject to the same taxation as that levied on Siamese subjects. But if, through negligence, the want of capital, or other causes, a Danish subject shall fail to commence the cultivation or improvement of the lands so acquired within a term of 3

years from the date of receiving possession thereof, the Siamese Government shall have the power of resuming the property upon returning to the Danish subject the purchase money paid by him for the same.

Danish subjects shall be at liberty to search for and open mines in any part of Siam; and, on a proper exposition being furnished to the Consul, he, in conjunction with the Siamese authorities, shall arrange such suitable conditions and terms as shall admit of the mines being worked. Danish subjects shall also be permitted to engage in and carry on any description of manufacture in Siam (the same not being contrary to law), upon like reasonable conditions and terms, arranged between the Consul and the Siamese authorities.

ARTICLE IX

When a Danish subject, residing permanently or temporarily in the Kingdom of Siam, shall have any subject of complaint or any claim to make against a Siamese, he shall first submit his grievances to the Consul of Denmark, who after having examined the affair shall endeavour to settle it amicably. In the same manner, when a Siamese shall have to complain against a Danish subject, the Consul shall hear the complaint, and try to make an amicable settlement; but if in such cases this is impossible, the Consul shall apply to a competent Siamese functionary, and both, after having together examined the affair, shall decide thereon according to equity.

ARTICLE X

Should a Danish subject be charged with any grave crime in the Kingdom of Siam, he shall be arrested by the local authorities, and be punished by the Consul according to the laws of Denmark, or be transmitted by him to Denmark, to receive punishment on being found guilty. Should a Danish subject commit any minor offence or misdemeanour in Siam, he shall in like manner be arrested by the Siamese authorities, and, on proof of his guilt, the Consul will punish him, either by deportation or pecuniary mulct. If a Siamese be guilty of any crime or offence against a Danish subject, the offender shall be arrested by the local authorities, and made over to the severity of the laws of the kingdom.

ARTICLE XI

Should any act of piracy be committed on Danish vessels on the coast or in the vicinity of the Kingdom of Siam, the authorities of the nearest place, on being informed of the same, shall afford every assistance in the capture of the pirates, and recovery of the stolen property, which shall be delivered to the Consul for restoration to the owners. The same course shall be followed by the Siamese authorities in all acts of pillage and robbery committed on the property of Danish subjects on shore. The Siamese Government shall

not be held responsible for stolen property belonging to Danish subjects, when it is proved that every means in their power have been used for its recovery, and the same conditions shall apply equally to Siamese subjects and property, under the control of the Danish Government.

ARTICLE XII

On the Danish Consul sending a written application to the Siamese authorities he shall receive from them every aid and support in detecting and arresting Danish sailors or subjects, or other individuals under the protection of the Danish flag. On the requisition of the Danish Consul, he shall also receive from the Siamese authorities every aid and assistance, and such a force as may be necessary to enable him to give due effect to his authority over Danish subjects, and to enforce discipline among Danish shipping in Siam. In like manner, should a Siamese, guilty of desertion or any other crime, take refuge in the house of a Danish subject, or on board a Danish vessel, the local authorities shall address themselves to the Consul of Denmark, and he shall, on proof of the culpability of the accused, immediately authorise his arrest. All concealment and connivance shall be carefully avoided by both parties.

ARTICLE XIII

Should a Danish subject engaged in business in the Kingdom of Siam become bankrupt, the Consul of Denmark shall take possession of all his goods, in order that the same may be distributed rateably amongst his creditors; and the Consul shall neglect no means to seize, on behalf of the creditors, all the goods the said bankrupt may possess in other countries, and the Consul shall have the aid of the Siamese authorities for the purpose. And, in like manner, the Siamese authorities shall adjudicate and administer the effects of Siamese subjects who may become bankrupt in their commercial transactions with Danish subjects.

ARTICLE XIV

Should a Siamese subject refuse or evade the payment of a debt to a Danish subject, the Siamese authorities shall afford the creditor every aid and facility to recover all that is due to him. In like manner, the Consul of Denmark shall give every assistance to Siamese subjects to recover debts which may be due to them by Danish subjects.

ARTICLE XV

The goods and property of any Danish subject who may die in the Kingdom of Siam, or of any Siamese subject who may die in Denmark, shall be delivered to the executor of his will, or (in case of intestacy) to the Consul or Consular Agent, to be dealt with according to the laws of the nation to which the deceased belonged.

ARTICLE XVI

Danish ships of war shall be at liberty to enter the river and anchor at Paknam, but they must inform the Siamese authorities of their intention of going up to Bangkok, and have an understanding with the said authorities concerning the place where they are to anchor.

ARTICLE XVII

Should a Danish vessel in distress enter into a Siamese port, the local authorities shall give every facility for her being repaired and revictualled, so that she may be enabled to continue her voyage. Should a Danish vessel be wrecked on the coast of the Kingdom of Siam, the Siamese authorities of the nearest place, being informed thereof, shall immediately give all assistance to the crew, shall supply their wants, and take all measures necessary for the salvage and protection of the vessel and cargo, and shall afterwards inform the Consul of Denmark of what has been done by the said authorities, in order that the Consul, together with the competent Siamese authority, may take steps for sending the crew to their homes, and for preserving and disposing of the wreck and cargo, and adjusting any legal claims thereon.

ARTICLE XVIII

By paying the duties of importation and exportation, as after mentioned, Danish vessels and their cargoes shall be free in Siamese ports of all taxes of tonnage, pilotage, anchorage and of any other tax whatever, either on their arrival or on their departure. Danish vessels shall enjoy all privileges and immunities which are, or shall be, granted to junks and to Siamese vessels themselves, as well as to the vessels of the most favoured nation.

ARTICLE XIX

The duties to be levied on merchandise imported by Danish vessels into the Kingdom of Siam, shall not exceed 3 per cent. on their value. They shall be paid in kind or in money, at the choice of the importers. If the importer cannot agree with the Siamese officer as to the value of the imported merchandise, a reference shall be made to the Consul of Denmark and a competent Siamese functionary, who, after having each called in for consultation one or two merchants as advisers, if they shall think it necessary, shall settle the difference according to justice.

After the payment of the said import duty of 3 per cent, the merchandise may be sold by wholesale or retail, free of any other tax or charge whatsoever. Should merchandise be landed and not sold, and be again shipped for exportation, the whole of the duties paid on them shall be reimbursed. No duty shall be levied on any cargo not sold. And no further duty, tax or charge shall be imposed or levied on such imported merchandise when it has passed into the hands of Siamese purchasers.

ARTICLE XX

The duties to be levied on Siamese produce, either before or at the time of shipment, shall be according to the tariff, annexed to the present Treaty. Every article of produce subject by the tariff to duties of exportation shall be free of any duty of transit, or any other duty in any part of the Kingdom; and all Siamese produce which shall have been already taxed either for transit, or for any other cause, shall be no more taxed either under the tariff hereto annexed, or in any way whatever before or at the time of shipment.

The Siamese Government reserves to itself the right, at any time hereafter, to impose a single tax or duty upon any article which is, or may become a production of Siam, and which is not specified in the annexed tariff, or at present subject, either directly or indirectly, to a Governmental charge of any kind, but the Siamese Government agrees that the said tax or duty, if levied, shall be just and reasonable.

ARTICLE XXI

By paying the duties above mentioned, which shall not be increased in future, Danish subjects shall be free to import into the Kingdom of Siam, from Danish and foreign ports, and likewise to export for all destinations any merchandise which shall not be, on the day of the signing of the present Treaty, the object of a formal prohibition or of a special monopoly. The Siamese Government reserve to themselves, however, the right of prohibiting the exportation of salt, rice or fish, whenever they shall think that there is reason to apprehend a dearth in the country. But the prohibition, which must be published one month before being enforced, shall not have any effect on the fulfilment of contracts made *bonâ fide* before the publication of such prohibition. Danish merchants, however, shall inform the Siamese authorities of any purchases they may have made previously to the prohibition. Specie, provisions and personal effects may be imported and exported, free of duty. Should the Siamese Government hereafter reduce the duties on merchandise, imported or exported, by Siamese or any other vessels, the benefit of this reduction shall be immediately applied to similar produce imported or exported by Danish vessels.

ARTICLE XXII

The Consul of Denmark shall see that Danish merchants and shipmasters conform themselves to the regulations annexed to the present Treaty, and the Siamese authorities shall aid him to that end. All fines levied for infractions of the present Treaty shall belong to the Siamese Government.

ARTICLE XXIII

The Danish Government and Danish subjects shall 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 XXIV

After the lapse of 12 years from the date of the ratification of this Treaty, upon the desire of either of the High Contracting Parties, and on 12 months' notice thereof, this Treaty, together with the Tariff and regulations hereunto annexed, and those that may hereafter be introduced, shall be subject to revision by Commissioners to be appointed on both sides for the purpose, with power to make such alterations, additions, and amendments as experience may prove to be desirable.

ARTICLE XXV

This Treaty, executed in English, as the language of communication between the two High Contracting Powers, and of which Treaty a translation in the Siamese character is appended, shall take effect immediately, and the ratification of the same shall be exchanged at Bangkok, within 18 months from the date thereof.

In witness whereof the above-named Plenipotentiaries have signed and sealed the present Treaty in triplicate, at Bangkok, on the 21st day of May, in the year 1858 of the Christian era, corresponding with the 9th waxing day of the 7th moon of the 1220th year of the Siamese civil era.

(Signatures and Seals of the 5 Siamese Plenipotentiaries.)

(L.S.) J. JARVIE.

General Regulations under which Danish Trade is to be conducted in Siam.

REGULATION I

The master of every Danish 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 guns and ammunition as directed in the foregoing regulation, will be sent back to Paknam to comply with its provisions, and will be liable to a fine not exceeding 800 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 a Danish vessel shall have cast anchor at Bangkok, the master, unless a holiday should intervene, will within 24 hours after arrival, proceed to the Danish Consulate, and there deposit his ship's papers, bills of lading, &c., together with a true manifest of his import cargo, and upon the Consul 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 not exceeding 400 ticals; but he will be allowed to correct, within 24 hours after delivery of it to the Consul, any mistake he may discover in his manifest without incurring any penalty.

REGULATION IV

A Danish 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 a penalty not exceeding 800 ticals, and confiscation of the goods so smuggled or discharged.

REGULATION V

As soon as a Danish 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 Danish 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

All Custom-House officers shall carry a badge, by which they can be distinguished when acting officially, and only two Custom-House officers shall be allowed on board a Danish vessel at one time, unless a greater number should be required to effect the seizure of smuggled goods.

(Signatures and seals of the 5 Siamese Plenipotentiaries.)

(L.S.) J. JARVIE.

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	Phais	
1	Ivory	10	..	..	..	Per picul.
2	Gamboge	6	..	..	..	"
3	Rhinoceros horns	50	..	..	..	"
4	Cardamums, best	14	..	..	..	"
5	" bastard	6	..	..	..	"
6	Dried mussels	1	..	..	..	"
7	Pelicans' quills	2	2	..	..	"
8	Betel nut, dried	1	..	..	..	"
9	Krachi wood .. .. .	..	2	..	..	"
10	Sharks' fins, white	6	..	..	..	"
11	" black	3	..	..	..	"
12	Lukkrabau seed .. .. .	..	2	..	..	"
13	Peacocks' tails	10	..	..	..	Per 100 tails.
14	Buffalo and cow bones .. .. .	..	..	..	3	Per picul.
15	Rhinoceros hides .. .. .	..	2	..	..	"
16	Hide cuttings .. .. .	..	1	..	..	"
17	Turtle shells	1	..	..	..	"
18	Soft	1	..	..	..	"
19	Bêche de mer	3	..	..	..	"
20	Fish maws	3	..	..	..	"
21	Birds' nests, uncleaned	20 per cent.	..	..	..	"
22	Kingfishers' feathers	6	..	..	..	Per 100.
23	Cutch .. .. .	..	2	..	..	Per picul.
24	Beyché seed (nux vomica) .. .. .	..	2	..	..	"
25	Pungtarai seed .. .. .	..	2	..	..	"
26	Gum benjamin	4	..	..	..	"
27	Angrai bark .. .. .	..	2	..	..	"
28	Agilla wood	2	..	..	..	"
29	Ray skins	3	..	..	..	"
30	Old deers' horns .. .. .	..	1	..	..	"
31	Soft, or young ditto	10 per cent.	..	..	..	"
32	Deer hides, fine	8	..	..	..	Per 100 hides.
33	" common	3	..	..	..	"
34	Deer sinews	4	..	..	..	Per picul.
35	Buffalo and cow hides	1	..	..	..	"
36	Elephants' bones	1	..	..	..	"
37	Tigers' bones	5	..	..	..	"
38	Buffalo horns .. .. .	..	1	..	..	"
39	Elephants' hides .. .. .	..	1	..	..	"
40	Tigers' skins .. .. .	..	1	..	..	Per skin.
41	Armadillo skins	4	..	..	..	Per picul.
42	Sticklac	1	1	..	..	"
43	Hemp	1	2	..	..	"
44	Dried fish, <i>Plaheng</i>	1	2	..	..	"
45	" <i>Plasaliit</i>	1	..	..	..	"
46	Sapan wood .. .. .	..	2	1	..	"
47	Salt meat	2	..	..	..	"
48	Mangrove bark .. .. .	..	1	..	..	"
49	Rosewood .. .. .	..	2	..	..	"
50	Ebony	1	1	..	..	"
51	Rice	4	..	..	..	Per koyan.
52	Paddy	2	..	..	..	"

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	Phais	
53	Sugar, white .. .. .	..	2	..	..	Per picul.
54	„ red .. .. .	..	1	..	..	„
55	Cotton, clean and uncleaned	10 per cent.				„
56	Pepper	1	..	..	..
57	Salt-fish, <i>Platu</i>	1	..	..	..	Per 10,000 fish.
58	Beans and peas	One-twelfth.				
59	Dried prawns	One-twelfth.				
60	Tilseed	One-twelfth.				
61	Silk, raw	One-twelfth.				
62	Bees'-wax	One-fifteenth.				
63	Tallow	1	..	..	..	Per picul.
64	Salt	6	..	..	..	Per koyan.
65	Tobacco	1	2	..	..	Per 1000 bndls.

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.

SECTION IV

Munitons of wan are prohibited, unless sold to the Siamese authorities, or with their consent.

[Signatures and Seals of the 5 Siamese Plenipotentiaries.]

(L.S.) J. JARVIE.