

Primary Source Collection #3: *Treaties between Siam and Britain*



Introduction

Below are three treaties negotiated by Siamese and British officials from 1826 to 1909—an era that marked the onset of “high” imperialism. In them, one can see the evolving power dynamics and priorities of the British and Siamese authorities. Siam, which would later become Thailand, as well as its negotiating partner in the treaties below, Britain, avoided colonization during the era of high imperialism. However, Siam sacrificed its sovereignty and territorial integrity to maintain its independence. While Siam dialogued with Britain to demarcate its western borders, it also negotiated with France, which continued to expand its colonial claims in Indochina. Siamese negotiators attempted to leverage Britain against France, while France and Britain also negotiated with one another in mind.

PRIMARY SOURCES

TREATY BETWEEN THE KING OF
SIAM AND GREAT BRITAIN, 1826

TREATY OF FRIENDSHIP, 1855

TREATY BETWEEN THE UNITED
KINGDOM AND SIAM, 1909

While the 1826 treaty between Siam and Britain was relatively neutral for both parties, the 1855 and 1909 treaties could be considered “unequal treaties” because they highly favored one party, Britain. The British introduced elements in those later treaties that they had pioneered in negotiations elsewhere, such as in China after the Opium War. They adopted a measure known as extraterritoriality that gave all British subjects something akin to diplomatic immunity, or freedom from prosecution under local courts, when traveling or living in Siam. The British negotiators also secured a most-favored-nation clause, which granted them any concessions negotiated by another foreign power with Siam. Treaties were colonial tools hiding under the guise of open negotiation and agency. Treaties also brought permanence, setting the terms for disputes over territory that continue all the way to this day. See the dispute over the territory of Kedah (spelled Queda in several treaties), for instance, which belongs to the former British colony of Malaysia despite historical Siamese and Thai claims.



Map of Siam during the reign of King Rama V

Discussion Questions:

- What are the main provisions of these treaties? How did the terms evolve to favor Britain more and more over time?
- For each treaty: describe the relationship between Britain and Siam. Was it equal? Was it respectful?
- What is citizenship or nationality? What benefits does it contain? When did citizenship begin to matter for Siamese and British subjects in Siam?
- How did the drafters of the treaty attempt to negotiate a treaty that would benefit them most? What provisions would you push for if you were negotiating the treaty?

King Mongkut of Siam at center with British officials





***First Anglo-Burmese War, in
which Siam initially supported the British***

Primary Source 1:

Treaty Between the King of Siam and Great Britain, June 20, 1826 (Burney Treaty)

Article I

The English and Siamese engage in friendship, love and affection, with mutual truth, sincerity, and candor. The Siamese must not meditate or commit evil, so as to molest the English in any manner. The English must not meditate or commit evil, so as to molest the Siamese in any manner. The Siamese must not go and molest, attack, disturb, seize, or take any place, territory, or boundary belonging to the English in any Country subject to the English. The English must not go and molest, attack, disturb, seize, or take any place, territory, or boundary belonging to the Siamese in any Country subject to the Siamese. The Siamese shall settle every matter within the Siamese boundaries, according to their own will and customs.

Article II

Should any place or Country subject to the English do anything that may offend the Siamese, the Siamese shall not go and injure such place or Country, but first report the matter to the English, who will examine into it with truth and sincerity; and if the fault lie with the English, the English shall punish according to the fault.* Should any place or Country subject to the Siamese do anything that may offend the English, the English shall not go and injure such place or Country, but first report the matter to the Siamese, who will examine into it with truth and sincerity; and if the fault lie with the Siamese, the Siamese shall punish according to the fault....

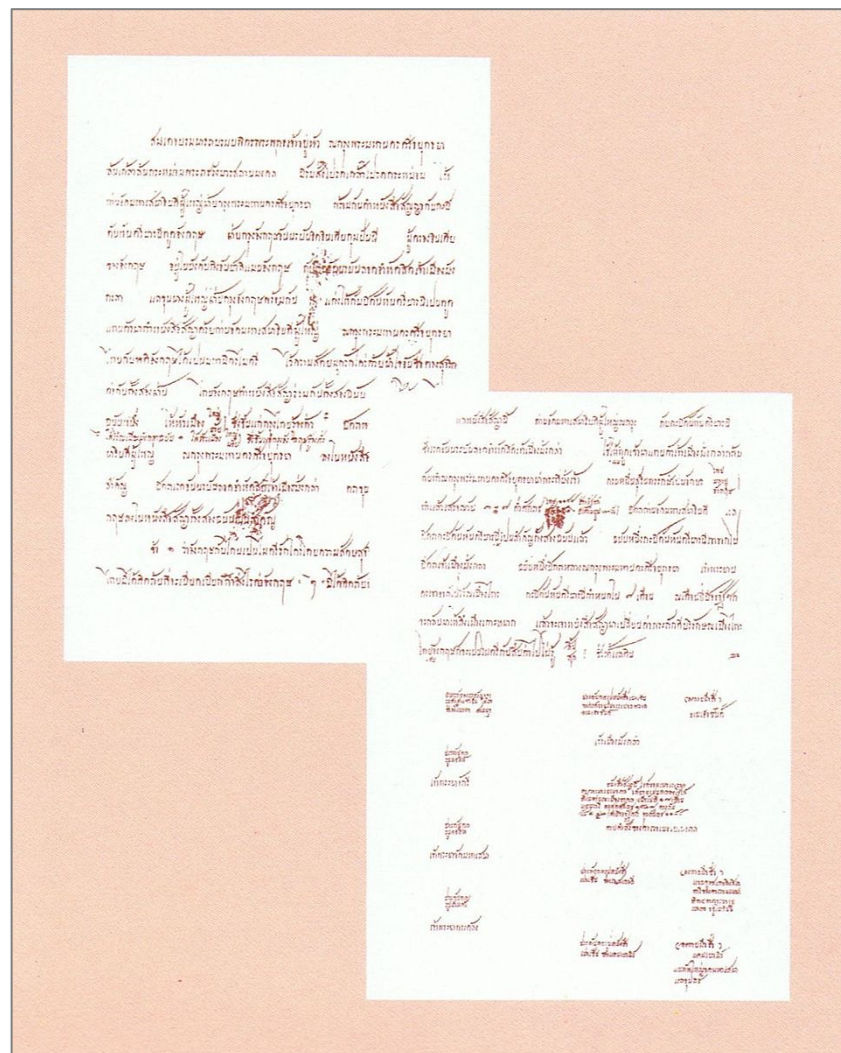
* This provision sounds relatively straightforward but pay attention to later treaties which remove this provision and call instead for extraterritoriality, or a type of diplomatic immunity for all British citizens in Siam.

Article III

In places and Countries belonging to the Siamese and English, lying near their mutual borders, whether to the east, west, north, or south, if the English entertain a doubt as to any boundary that has not been ascertained, the Chief on the side of the English must send a Letter with some men and people from his frontier posts, to go and inquire from the nearest Siamese Chief, who shall depute some of his Officers and people from his frontier posts to go with the men belonging to the English Chief, and point out and settle the mutual boundaries, so that they may be ascertained on both sides in a friendly manner.† If a Siamese Chief entertain a doubt as to any boundary that has not been ascertained, the Chief on the side of the Siamese must send a Letter with some men and people from his frontier post, to go and inquire from the nearest English Chief, who shall depute some of his Officers and people from his frontier post, to go with men belonging to the Siamese Chief, and point out and settle the mutual boundaries, so that they may be ascertained on both sides in a friendly manner.

Article V

The English and Siamese having concluded a Treaty, establishing a sincere friendship between them, merchants, subject to the English, and their ships, junks, and boats, may have intercourse and trade with any Siamese Country which has much merchandize; and the Siamese will aid and protect them, and permit them to buy and sell with facility. Merchants, subject to the Siamese, and their boats, junks, and ships, may have intercourse and trade with any English Country; and the English will aid and protect them, and permit them to buy and sell with facility. The Siamese desiring to go to an English Country, or the English desiring to go to a Siamese Country, must conform to the customs of the place or Country, on either side; should they be ignorant of the customs, the Siamese or English Officers must explain them....



Thai copy of the Borney Treaty

† In other words, if there was a territorial dispute, officials should consult local elders to find out where the border was. This type of resolution would change, of course, after the Siamese and British adopted new mapping techniques.

**Portrait of Siamese leader King
Nangkiao (Rama III)**

Article X

The English and Siamese mutually agree, that there shall be an unrestricted trade between them in the English Countries of Prince of Wales' Island, Malacca, and Singapore, and the Siamese Countries of Ligore, Merdilony, Singora, Patam, Junkceylon, Queda [Kedah], and other Siamese Provinces. Asiatic merchants of the English Countries, not being Burmese, Peguers, or descendants of Europeans, shall be allowed to trade freely overland, and by means of the rivers. Asiatic merchants, not being Burmese, Peguers, or descendants of Europeans, desiring to enter into and trade with the Siamese Dominions, from the Countries of Mergni, Tavoy, Tenasserim, and Ye, which are now subject to the English, will be allowed to do so freely, overland and by water, upon the English furnishing them with proper certificates; but merchants are forbidden to bring opium, which is positively a contraband article in the Territories of Siam; and should a merchant introduce any, the Governor shall seize, burn, and destroy the whole of it. †



Article XIII

The Siamese engage to the English that the Siamese shall remain in Queda [Kedah], and take proper care of that Country and of its people....[§] The English engage to the Siamese, that the English do not desire to take possession of Queda, that they will not attack nor disturb it, nor permit the former Governor of Queda, or any of his followers, to attack, disturb, or injure in any manner, the Territory of Queda, or any other Territory subject to Siam....

The Siamese and English will form a friendship that be perpetuated, that shall know no end or interruptions as long as heaven and earth appear.

Source: "Treaty between the King of Siam and Great Britain," June 20, 1826, Wikisource, accessed June 12, 2022. https://en.wikisource.org/wiki/Burney_Treaty



Henry Burney, agent of the British East India Company

† China would also ban the transport and sale of opium in their country only to be met with British military action during the Opium War of 1840-1842.

§ Queda, more commonly known as Kedah, which is now part of Malaysia, would eventually become a British Protectorate in 1909. It remained a semi-independent sultanate and vassal state of Siam for the remainder of the nineteenth century.

Primary Source 2:

Treaty of Friendship Between Siam and Great Britain, April 18, 1855 (Bowring Treaty)

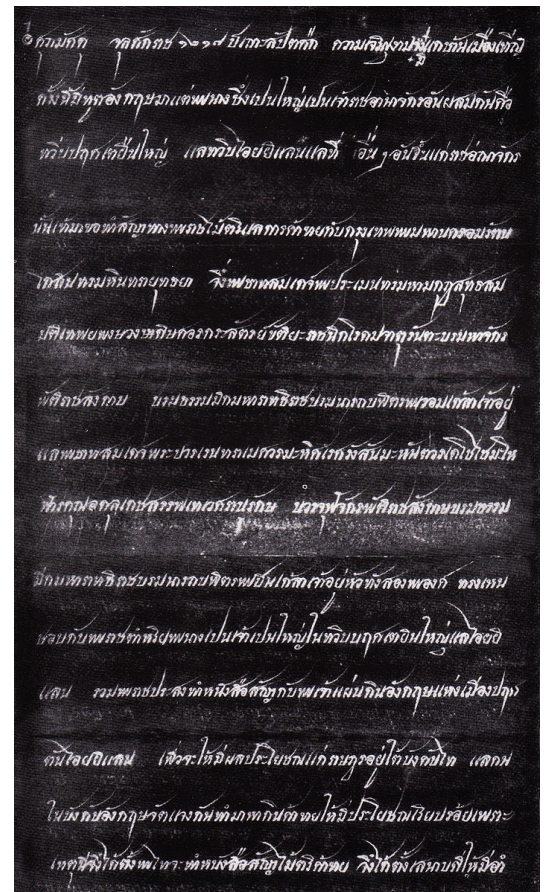
Article I

There shall henceforward be perpetual peace and friendship between Their Majesties the First and Second Kings of Siam and their successors, and Her Majesty the Queen of Great Britain and Ireland, and her successors. All British subjects 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; and all Siamese subjects going to an English country shall receive from the British Government the same complete protection and assistance that shall be granted to British subjects by the Government of Siam.

Article II

The interests of all British subjects coming to Siam shall be placed under the regulation and control of a Consul, who will be appointed to reside at Bangkok. He will himself conform to, and will enforce the observance by British subjects of all the provisions of this Treaty, and such of the former Treaty negotiated by Captain Burney in 1826 as shall still remain in operation. He shall also give effect to all rules or regulations that are now or may hereafter be enacted for the government of British subjects in Siam, the conduct of their trade, and for the prevention of violations of the laws of Siam. Any disputes arising between Siamese and British 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 English offenders, by the Consul, according to English 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 subjects of Her Britannic Majesty.

**Thai version of the Bowring Treaty,
written on Thai black books**



* Contrast this provision with the Article II of the 1826 Burney Treaty between Siam and Britain. The provision in this treaty, which is similar to diplomatic immunity today, is sometimes referred to as extraterritoriality. According to this article, British citizens were no longer subject to the King of Siam, but to the British Consul. If a British subject committed a crime in Siam, they had to report to the British Consul, even if that crime was committed against a Siamese subject. The Treaty of Nanking (Nanjing), which ended the Opium War between Britain and China in 1842, established the precedent for this type of article.



King Rama IV, Mongkut, 1851

Article III

If Siamese, in the employ of British subjects, offend against the laws of their country, or if any Siamese having so offended or desiring to desert, take refuge with a British subject 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 British 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 British Consul on his requisition. Chinese, not able to prove themselves to be British subjects, shall not be considered as such by the British Consul, nor be entitled to his protection.

Article IV

British subjects are permitted to trade freely in all the seaports of Siam, but may reside permanently only at Bangkok, or within the limits assigned by this Treaty....


King Rama IV, Mongkut's signature

Article V

All British subjects intending to reside in Siam shall be registered at the British Consulate. They shall not go out to sea, nor proceed beyond the limits assigned by this Treaty for the residence of British subjects, without passport from the Siamese authorities, to be applied for by the British Consul; nor shall they leave Siam if the Siamese authorities show to the British Consul that legitimate objections exist to their quitting the country. But within the limits appointed under the preceding Article, British subjects are at liberty to travel to and from under the protection of a pass, to be furnished them by the British Consul, and counter-sealed by the proper Siamese officer, stating, in the Siamese character, their names, calling, and description....

Article VI

All British subjects visiting or residing in Siam shall be allowed the free exercise of the Christian religion, and liberty to build churches in such localities as shall be consented by the Siamese authorities. The Siamese Government will place no restrictions upon the employment by the English or Siamese subjects as servants, or in any other capacity....

Article VIII

The measurement duty hitherto paid by British vessels trading to Bangkok, under the treaty of 1826, shall be abolished from the date of this Treaty coming into operation, and British shipping and trade will thenceforth be only subject to the payment of import and export duties on the goods landed or shipped....

[‡] China would also ban the transport and sale of opium in their country only to be met with British military action during the Opium War of 1840-1842.

[§] Queda, more commonly known as Kedah, which is now part of Malaysia, would eventually become a British Protectorate in 1909. It remained a semi-independent sultanate and vassal state of Siam for the remainder of the nineteenth century. 7

**Sir John Bowring, negotiator of
the 1855 Bowring Treaty**



Opium shall 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 re-exported, and no import or duty shall be levied thereon.† Any infringement of this regulation shall subject the opium to seizure and confiscation...

English 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 British shipping shall enjoy all the privileges now exercised by, or which hereafter may be granted to, Siamese or Chinese vessels or junks.

British subjects 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.

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



Article X

The British Government and its subjects 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 or subjects of any other nation.‡

Source: "Treaty of Friendship and Commerce between Siam and Great Britain," April 18, 1855, Wikisource, accessed June 12, 2022.

https://en.wikisource.org/wiki/Treaty_of_friendship_and_commerce_between_Great_Britain_and_Siam

**Arrival of the King of Siam, Mongkut,
at the Temple of Sleeping Idol**

† The duty-free export of opium likewise draws from provisions from the Treaty of Nanking. See, footnote #5 for more information.

‡ This type of provision was what is known as a "most-favored nation" clause. It means that if any other country signed a treaty with Siam that was beneficial for that country, then Britain would also gain those privileges. In this instance, the British hoped to gain the same trading privileges that China owned at the time.

Primary Source 3:

Treaty Between the United Kingdom and Siam, March 10, 1909

Article I

The Siamese Government transfers to the British Government all rights of suzerainty, protection, administration, and control whatsoever which they possess over the States of Kelaman, Tringgann, Kedah, Perlis, and adjacent islands. The frontiers of these territories are delineated by the Boundary Protocol annexed hereto.*

Article II

The transfer provided for in the preceding Article shall take place within thirty days after the ratification of this Treaty.

Article III

A mixed Commission, composed of Siamese and British officials and officers, shall be appointed within six months after the date of ratification of this Treaty, and shall be charged with the delimitation of the new frontier. The work of the Commission shall be commenced as soon as the season permits, and shall be carried out in accordance with the Boundary Protocol annexed hereto.†

Subjects of His Majesty the King of Siam residing within the territory described in Article I who desire to preserve their Siamese nationality will, during a period of six months after the ratification of the present Treaty, be allowed to do so if they become domiciled in the Siamese dominions.‡ His Britannic Majesty's Government undertake that they shall be at liberty to retain their immovable property within the territory described in Article I.

It is understood that, in accordance with the usual customs where a change of suzerainty takes place, any Concessions within the territories described in Article I hereof to individuals or Companies, granted by or with the approval of the Siamese Government, and recognized by them as still in force on the date of the signature of the Treaty, will be recognized by the Government of His Britannic Majesty.

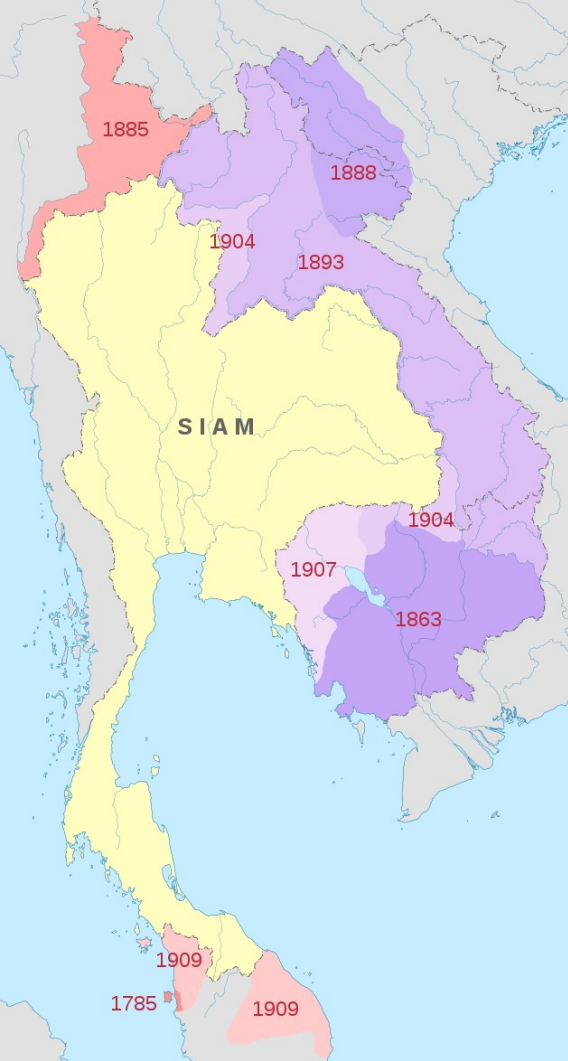


Portrait of Chulalongkorn (King Rama V)

* Contrast this article with articles X and XIII of the 1826 Burney Treaty. Siam withdrew their claim to many vassal states under the new arrangement.

† Contrast this article with article III of the 1826 Burney Treaty.

‡ In other words, you would have to leave your home to retain your citizenship!



Map of Siam, showing territorial cessions

Article V.

The jurisdiction of the Siamese International Courts, established by Article VIII of the Treaty of the 3rd September, 1883, shall, under the conditions defined in the Jurisdiction Protocol annexed hereto, be extended to all British subjects in Siam registered at the British Consulates before the date of the present Treaty.

This system shall come to an end, and the jurisdiction of the International Courts shall be transferred to the ordinary Siamese Courts after the promulgation and coming into force of the Siamese codes, namely, the Penal Code, the Civil and Commercial Codes, the Codes of Procedure, and the Law for organization of Courts.[§]

All other British subjects in Siam shall be subject to the jurisdiction of the ordinary Siamese Courts under the conditions defined in the Jurisdiction Protocol.

Article VI

British subjects shall enjoy throughout the whole extent of Siam the rights and privileges enjoyed by the natives of the country, notably the right of property, the right of residence and travel.

They and their property shall be subject to all taxes and services, but these shall not be other or higher than the taxes and services which are or may be imposed by law on Siamese subjects. It is particularly understood that the limitation in the Agreement of the 20th September, 1900, by which the taxation of land shall not exceed that on similar land in Lower Burma, is hereby removed.

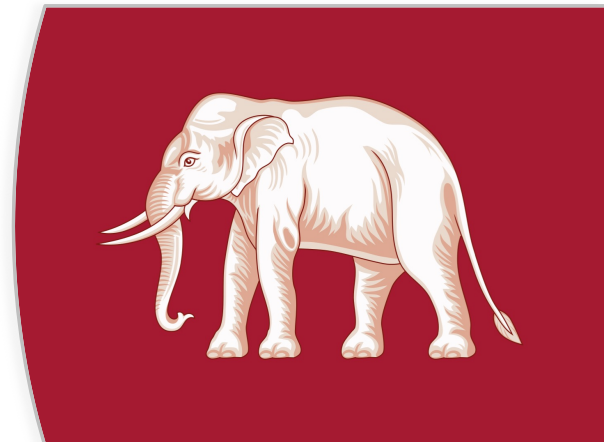
British subjects in Siam shall be exempt from all military service, either in the army or navy, and from all forced loans or military exactions or contributions.

Article VII

The provisions of all Treaties, Agreements, and Conventions between Great Britain and Siam, not modified by the present Treaty, remain in full force.

Source: "Treaty Between the United Kingdom and Siam," March 10, 1909, Wikisource, accessed June 12, 2022.

[https://en.wikisource.org/wiki/Treaty_between_the_United_Kingdom_and_Siam_\(1909\)](https://en.wikisource.org/wiki/Treaty_between_the_United_Kingdom_and_Siam_(1909))



Flag of Siam, 1855-1916

[§] This was a promise to end extraterritoriality as defined in the Bowring Treaty of 1855, but only after Siamese courts reached British "standards."

Image Citations:

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Map of Thailand during the reign of King Rama V, prior to the RS112 incident, CC BY-SA 4.0, Shuuranattha "Caphtain" Ashvajayajita,
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King Mongkut (center), British party (standing), and royal officials (kneeling) viewing a solar eclipse on August 18, 1868, Public Domain,
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May 1824 Amphibious Assault by by Company forces on Rangoon, 19th c, by J. Moore, Public Domain,
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Thai version of the Treaty of Friendship and Commerce between the Kingdom of Siam and the British Empire, April 18, 1855, Public Domain,
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King Mognut (Rama IV) of Siam Signature, 1857, in Sir John Bowring, The Kingdom and People of Siam: With a Narrative of the Mission to That Country in 1855 (Volume 1), Public Domain,
[https://en.wikipedia.org/wiki/File:King_Mongkut_\(Rama_IV\)_of_Siam_Signature_\(English\).svg](https://en.wikipedia.org/wiki/File:King_Mongkut_(Rama_IV)_of_Siam_Signature_(English).svg)

Page 8:

Portrait of Sir John Bowring, by John King, 1826, National Portrait Gallery, Public Domain,
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Arrival of the King of Siam at the Temple of Sleeping Idol, October 16, 1865, CC BY-SA 4.0, Wellcome Images,
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King Chulalongkorn or Rama V, before 1910, Public Domain,
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Page 10:

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