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# Lost Territory? The Cession of Thailand's Southern Dependencies to Britain (1899–1909)

Piyada Chonlaworn

## Abstract

There is a long-standing notion in Thai historiography that Thailand (historically known as Siam) *lost* large parts of her territory to France and Britain as an attempt to avoid military confrontation. But what was the cause of this loss of territory? And more importantly, was it really a loss, or a “surrender” of territory?

This paper examines the historical underpinnings of Thailand's cession of her Malay provinces and dependencies to Britain in the early twentieth century, namely Kedah and its adjacent areas, Perlis, Kelantan and Trengganu. At the same time, it looks at the diplomatic negotiation regarding boundary and territorial concession between the Siamese and British governments, which led to the demarcation of the Siam and British Malaya boundary. This paper argues that Siam's ceded territory was not just the three dependencies, but also included the resource-rich watershed of the Perak River and the strategic Island of Langkawi. More importantly, the southern territory was not something Siam ‘had to’ lose, but ‘happened to’ lose as a result of ad hoc negotiations between a small group of representatives from the Siamese and British government.

## Introduction

It cannot be denied that history plays an important role in shaping a nation's identity and boosts nationalism among its people. Siam (the name of Thailand until 1939) is no exception.<sup>(1)</sup> The main plot of Thai historiography has been produced by royal-nationalist historians throughout the twentieth century, often concerning itself with charismatic kings who saved the country from invasion and annexation by neighboring countries. When Siam's sovereignty was challenged by Western imperialism in the nineteenth century, it was the Thai monarch King Chulalongkorn who saved the country from the impending crisis.<sup>(2)</sup> The ability of the Thai monarchy to employ ‘bamboo diplomacy’ and modernize the country has been told through many mediums such as general books, school textbooks, and so on.

With regards to this historiography, the notion of Thailand *inevitably losing* a large part

of its territory to Western powers as a means to avoid military confrontation and maintain her independence has long existed in Thai collective memory.<sup>(3)</sup> Take a book published in 1970 by the Thai Ministry of Interior as an example, during 1888 and 1909 Thailand lost both banks of the Mekong River a total of four times to France<sup>(4)</sup>, as well as her Malay dependencies in the south, namely Perlis, Kedah, Kelantan and Trengganu to Britain eight times in total.<sup>(5)</sup> According to this text, each time Thailand ceded the territory it was due to either military pressure from France, or as an exchange with other area (see Map 1). The narrative of this loss of territory was mobilized as propaganda by Marshall Phibunsongkram in the 1940s and 1950s as a means to legitimize his regime and boost Thai nationalism. By discrediting the monarchy, as Strate points out, the notion of territorial loss was conceptualized as a ‘national humiliation’. It is therefore the government’s obligation to take back those territories, which they were briefly successful with during the second World War.<sup>(6)</sup>

There are however some arguments against the notion of territorial loss as a ‘national humiliation’. Some studies point out that the Malay provinces and dependencies have never been under Siamese control. They were Siam’s self-claimed territories, so the notion of “losing” them is mistaken. Some even interpreted this historical event as Siam not losing any territory but instead gaining new ones from the agreement with the British.<sup>(7)</sup>

Whatever the argument is, it cannot be denied that Siam’s claim of sovereignty over the Malay states was recognized by the British government throughout the nineteenth century despite colonists’ objection. The narrative of Thailand inevitably losing a large part of its territory to Western powers is therefore still deep-rooted in Thai national historiography.<sup>(8)</sup>

But one might wonder if Thailand surrendered a large part of the country as a means to save its sovereignty. What was the real cause of the loss of territories? While territorial loss has been repeatedly narrated in Thai historiography, historical background of the “losses” is poorly



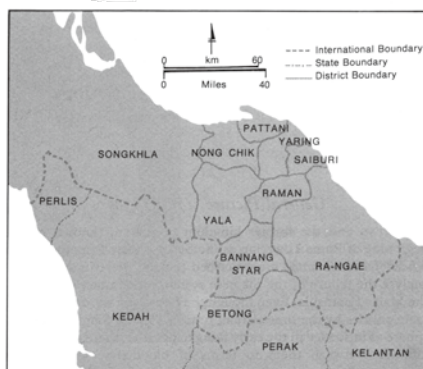
**Map 1 Thailand’s Lost Territory**

Adapted from “Historical map of current Rattanakosin era showing lost territories” in King Chulalongkorn, *Pramūan phrarāichahatthalēkhā Ratchakān thī 5 thī kīeokap phārakit khong Krasūang Mahāthai*. (Vol.1, Bangkok: the Ministry of Interior, 1970). No.1 to 8 represents in order the territories lost to Britain and France.

Lost Territory? The Cession of Thailand's Southern Dependencies to Britain (1899-1909) (Piyada Chonlaworn) explained, or even neglected. In some cases, it was the Thai government who offered the cession of land in the first place. Siamese Malay dependencies (Perlis, Kedah, Kelantan and Trengganu) ceded to Britain in 1909 serve as a good example. This paper examines the historical background of Thailand's cession of her Malay dependencies, making them a part of British Malaya and then Malaysia, and the process of demarcation of the Siamese and British Malaya boundary during 1899 and 1909. Using Thai and British historical archives, it examines the diplomatic negotiation between the Siamese and British government and the reaction of the Siamese cabinet and press at that time regarding the boundary agreement and territory concession.

## 1. Defining the Boundary: Anglo-Siamese Frontier in the Malay Peninsula

The southernmost region of Thailand, comprising the three provinces of Pattani, Yala and Narathiwat, was once known as the kingdom of Patani<sup>(9)</sup> until Siam annexed and divided the kingdom into seven provinces in 1810. The make-up of this region consisted of Patani (or Tani), Nongchik, Yaring, Saiburi, Yala, Ragae (or Legeh) and Raman (or Rahman) (See Map 2). These states were separately governed by their own Malay rulers under the supervision of Siamese (and sometimes Chinese) officials based in Songkhla and later Nakornsrihammarat, which were both important Siamese strongholds in the southern region until 1902.<sup>(10)</sup> Further from the seven provinces situate Perlis, Kedah, Kelantan and Trengganu, all of which were regarded by Siam as her *prathesaraj* or dependencies. These Malay-dominant dependencies were loosely bound with the Siamese court since the Ayutthaya period (A.D 1351–1767) by sending a tribute made of artificial tree and flower called *Bungamas* to Siamese Kings once every three years. Perlis, Kedah, Kelantan and Trengganu enjoyed full authority over their own internal affairs and succession of rulers, or Sultans. Their relations with Siam were sometimes submissive and sometimes resistive depending on geo-political situations in the Malay



Map 2 The *Jet Huamuang* (The Former State of Pattani)

### Map 2 Siamese Malay Provinces (former Patani) and Dependencies

Source: Kobkua Suwannathat-Pian, *Thai-Malay Relations: Traditional Intra-regional Relations from the Seventeenth to the Early Twentieth Centuries*. (Singapore: Oxford University Press, 1988), 60.

Peninsula.<sup>(11)</sup> Between Kedah and Kelantan lies Perak, a large state that fell under British influence and became Britain's protectorate state in 1874. While being independent from each other, these Malay states shared a level of linguistic and cultural similarities as well as a natural border. It does not mean however that they always had friendly relations. Rulers of Raman and Perak had disputes over the boundary and the ownership of tin mines, causing a number of fights in the mid-nineteenth century, while Perak was annexed by her neighbor Kedah in the 1810s.

The inner part of the Malay Peninsula, especially along Raman-Perak and Ragae-Kelantan frontier, were abundant in natural resources like timber, rubber, tin, lead and gold. Tin was found in Kroh Plateau where Klian Intan and Klian Inda possessed major tin mines. Local rulers had long gained a considerable amount of revenue from tin tax, duty, and from operating tin mines or leasing to Chinese *kongsi*. These mines originally belonged to the Sultan of Perak but in the 1820s were seized by Raman. With the increasing demand for tin and gold in the West during the second half of the nineteenth century, English capitalists began aiming to operate mining businesses there by sending a survey expedition to the area. When they found prospects, they often asked for a mining concession or lease from local rulers, and in return paid them a yearly fee.

The political situation in the Malay Peninsula became tense when the British started a Residency system in Perak, Selangor and Negeri Sembilan in 1874, allowing them to get involved in the inner affairs of these states. Straits Settlement government, aiming to assert full control in the Malay Peninsula, did not accept Siam's claim of sovereignty over Kedah, Kelantan, and Trengganu. In 1882 British officials claimed that Siam had encroached upon the northern part of Perak near the Perak Watershed and sent her subjects to collect tax there. Since Raman shared a border with Perak, the Raman-Perak boundary became an issue between the Siamese and British governments that dragged on throughout the 1880s.

The dispute over Perak and Raman boundary did not occur because there was no clear boundary. According to a statement from the Perak people in 1882, the boundaries between Perak and Patani (consisting of Raman, Ragae and Kelantan) were fixed from the source of the Perak River at the mountain range of Gunong Jambul Mrak running north and south. The water that flowed from one side of the mountain entered Patani, and the water from the other side fell into Perak. The boundary between Kedah and Perak was also fixed by ranges of mountain running east and west.<sup>(12)</sup> Around the 1820s, however, the raja or ruler of Raman encroached Perak, seizing Klian Intan, taking control of Ulu Perak or upper Perak and changing the boundary line. Raja of Perak was not able to take it back due to her preoccupation with the ongoing civil war.<sup>(13)</sup>

The Perak-Raman boundary became an issue between Siam and Britain mainly because

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the Strait government wanted to take control of upper Perak due to the area being rich in tin and gold. So, they supported the claim of the people of Perak that tin mines in northern Perak belonged to Perak rulers. To complicate things even further, the ancient boundary was never defined on paper and no map was ever drawn due to the boundary and demographic situation changing every time one state was attacked by another.

On the other hand, Siam refused the accusation that Perak too, with the help of the Strait government, had annexed Kedah back in 1874.<sup>(14)</sup> Consequently, the British government demanded cooperation from the Siamese government to demarcate a borderline between Perak and Raman. They did so by conducting a joint survey in 1883 and came up with a "Memorandum on the Boundary between Perak and the Siamese Province of Rahman" two years later, which marked the ancient boundary, the boundary line after an attack by Raman, and a proposed boundary line by Siam.<sup>(15)</sup>

Colonist officials in the Strait government tried to persuade London to take actions against Siam's encroachment, but Britain did not want to take aggressive measures and because they were preoccupied with their war in Burma, the boundary dispute was suspended for a while. The people of Raman and Perak, however, still accused each other of trespassing on one another's territories. People in Perak; Malays, Chinese and later the British reportedly came to build a road and set up a settlement in Raman's frontier without permission.<sup>(16)</sup>

### **The 1899 Boundary Agreement**

When the Federated Malay State (FMS) was created as a new administration in 1896<sup>(17)</sup>, its government undertook a more aggressive 'forward policy' in the Peninsula. While trying to prevent the influence of other Western powers in the Peninsula, Britain requested Siam to sign an agreement known as the Secret Convention in 1897 which stated, "Siam shall not cede or lease its territory or island south of Bang Tapan district in Ratchaburi province to the third country and shall not give the third country any commercial privilege without the consent of the British government.". On the other hand, the British government agreed to recognize Siamese sovereignty over Kelantan and Trengganu and help Siam resist the land cession in the Malay Peninsula.<sup>(18)</sup>

Despite the asymmetric nature of this convention, Siam agreed to sign it because she wanted Britain to recognize her suzerainty over the Malay dependencies and the seven provinces. And due to the exclusive nature of this convention, it was ratified confidentially between representatives of the two governments, even the governor of the Strait Government had no knowledge of it.<sup>(19)</sup>

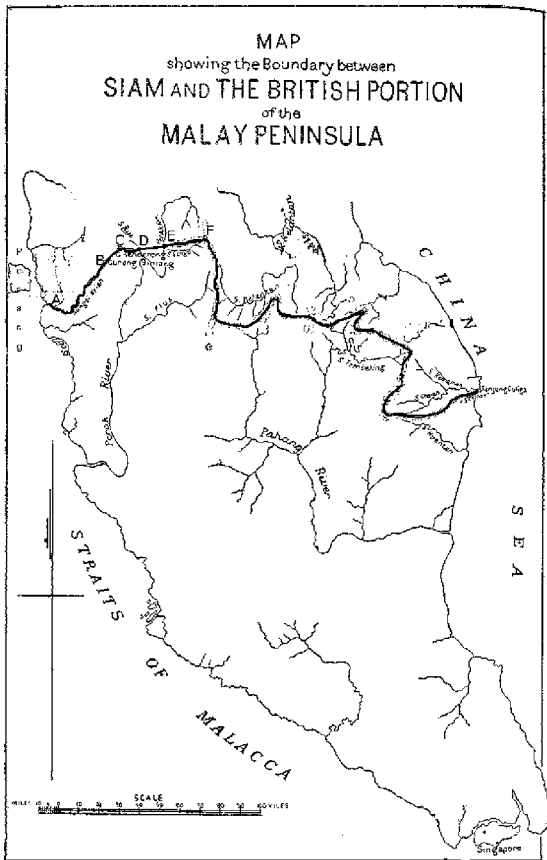
It turned out that the Secret Convention had unexpectedly caused Siam a problem which

would drag on for another ten years as it greatly limited Siam's power to grant of any kind of concession to other countries except Britain. On the other hand, this Convention gave English entrepreneurs opportunities to invest in tin-rich hills in Raman, where Chinese and Malay mines had operated for centuries. By 1905, two English companies; Rahman Hydraulic and Rahman Tin obtained mining concessions at Klian Intan from the Siamese Mines Department.<sup>(20)</sup>

Not long after signing the Convention, Siam and Great Britain agreed to conduct another joint survey along the border area, which was finalized in a boundary agreement on November 27<sup>th</sup> 1899 when it was signed by George Greville, the British consul in Siam

and Prince Devawongse Varoprakar, Siam's Minister of Foreign Affairs. From this agreement, the boundary between Siamese Malay states from the west to the eastern coast of the Malay Peninsula, namely Perlis, Kedah, Raman Kelantan, Trengganu (A to F in Map 3), and British Malaya (Province Wellesley, Perak and Pahang) was drawn using the watershed of the Perak river (see Map 4).<sup>(21)</sup>

The area above the line in Map 3 belonged to Siam while those below the line belonged to British Malaya. By this agreement, it can be said that the boundary between Siam and



**Map 3 The British Malaya and Siam Boundary in 1899**

Adapted from "Map showing the Boundary between Siam and the British Portion of the Malay Peninsula" in Ministry of Foreign Affairs. *Sonthisanya lae Khwamthoklong Tawiphaki rawang Prathetthai kab Tangprathet lae Onkonrawangprathet*. (Vol. 2, Bangkok: Ministry of Foreign Affairs, 1968), 170.

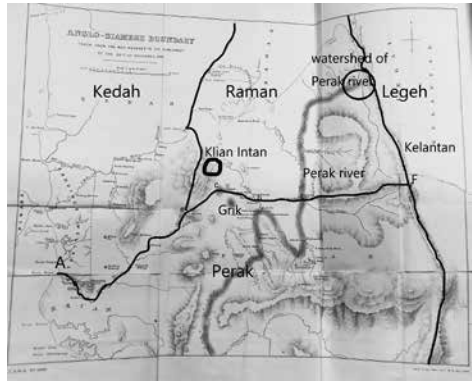
British Malaya, running from the east coast to the west coast of the Malay Peninsula, was marked for the first time.

The draft agreement for this boundary was made under the supervision of Frank Swettenham, the first Resident-General of the Federated Malay States. Swettenham had declined to acknowledge Siam's power over Kedah, Kelantan and Trengganu, but the Ministry of Foreign Affairs in London did not want to jeopardize the relationship with Siam so the Ministry recognized

Siam's power over the three states.<sup>(22)</sup> From this boundary agreement, Raman and the disputed Klian Intan near Kroh Plateau were still in Siam's territory. However, it favored Britain as it pushed the boundary of upper Perak further north to the limits of Kroh plateau. This resulted in the British acquisition of a 720 square mile (or 1,152 square kilometers) swath of land that extended British control over the Perak watershed including a town called Grik (or Gerik) and the surrounding area which was rich with tin and gold.<sup>(23)</sup> (see Map 4) Despite Siam's attempt to save this area in the 1880s, she had to surrender it as a protective measure against British encroachment in Kelantan, Trengganu, and Kedah.

What was Siam's reaction over the delimitation? According to local press, it seemed that people in Siam were not well-informed about the situation down south. Almost three years after the boundary agreement was signed, Siam Free Press reported this matter as follows;

“The work of friendly assimilation and re-organisation under the British flag, is going on apace in the Malay Peninsula...Perak has taken a big slice off Raman (a Siamese province) which is rich in gold, tin and timber which, by the way, are very enticing attributes. **It is curious how we, in Bangkok, are kept in the dark as to what is going out in the Peninsula with regard to Siam** (bold by author). Our Penang contemporary, however, appears to speak with some authority as the following will show: “Recently a boundary dispute with Siam was settled by Perak taking in part of what had been deemed to be the territory of the province of Raman. **This new “territory” of Perak is said to be rich in gold, tin, and timber. The chief town bears the name of Grit** (or



**Map 4 Boundary, Klian Intan and Grik**

Adapted from “Anglo-Siamese Boundary taken from the Map Annexed to the Agreement of the 29<sup>th</sup> November, 1899” (British Archive, FO69/243)



Grik-author). **Chinese are now flocking to it. Tin mining land has already been prospected there with every promise of profit.**" (bold by author)...<sup>(24)</sup>

## 2. The Cession of Siamese Malaya to Britain

After a boundary agreement was made in 1899, the Siamese government must have been relieved that the boundary issue with the British was over. Nobody would expect that there would be another treaty in the next ten years.

Why was the boundary re-demarcated? The re-demarcation was one of the agreements made in the Anglo-Siamese Treaty in 1909 in which Siam agreed to cede Kelantan, Trengganu, Perlis, Kedah, including the southern part of Raman and the Langawi islands to Britain. In return the British agreed to abandon their extraterritorial rights over the British and British Asian subjects residing in Siam, confidentially abolish the 1897 Secret Convention, and give the Siamese government a loan of 4 million pounds to build railways in southern Siam. This Treaty is historically important as it gave birth to the Thai-Malaysian national borderline in later times.

As mentioned before, it is generally understood as Thai public knowledge that Thailand lost a large part of her territory under the pressure of Western imperialism. In the case of eastern and northeastern territories, Siam had to cede to France inevitably following military confrontation when French warships came to the mouth of Chaophraya river in 1893. But in the case of southern territory, when looking at the details of the negotiation, one would find it was Siam who proposed the cession to Britain. Why was that so?

The main reason Siam signed this treaty was due to the urge to eliminate the extra-territorial rights of British subjects in Siam. Since the end of the nineteenth century Siam tried to abolish these rights with foreign countries, starting with Japan in 1898. After ceding what is now eastern Cambodia (namely Battambang, Siem Reap and Srisophon) to the French Indochina government in 1907 and allowing French citizens to buy land outside Bangkok, the extra-territorial rights of French subjects in Siam was abolished.<sup>(25)</sup> Following this precedent, Edward H. Strobel, the American General Advisor to the Siamese Government, was planning to pursue the same policy with the British whose extra-territoriality was a result from the Bowring Treaty of 1855. Another aim was to abrogate the 1897 Convention that undermined Siam's rights in the Malay Peninsula. Strobel proposed the idea of the cession of Kedah, Kelantan and Trengganu to Britain and later to the Siamese government. In his opinion, there was no point keeping these states within the realm since they brought troubles of concession to foreigners and land encroachment mainly from the British and their subjects in British Malaya.<sup>(26)</sup> Despite many attempts to integrate these

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states to Siamese administration, Strobel was convinced that they would never be a part of Siam. The Siamese government itself was not capable of integrating these states due to their lack of budget and manpower. Strobel therefore urged key ministers and King Chulalongkorn to let go of these states and keep inner Malay provinces like Pattani and Raman instead, as he summarized 'better lose arms than losing the whole body in the future'.<sup>(27)</sup> In addition, from his viewpoint, there was a more important issue Siam should consider; the building of railways as an effective means to integrate the country politically and economically. Strobel proposed King Chulalongkorn get the loan for this project from the British government due to their low rates.<sup>(28)</sup>

While Strobel acted as Siam's representative in the negotiation, the key figure on the British side was Ralph Paget, Envoy Extraordinary and Minister Plenipotentiary. In an informal discussion during his trip in London in 1907, Strobel brought up the possibility of ceding the three Malay states to Britain. As Britain had long desired to get ahold of all Malay-speaking areas in the Peninsula, they negotiated further for Setul, Perlis and Patani. The reason for this was due to the first two states previously being a part of Kedah (Monthon Saiburi in Thai), so they too should be ceded, while Patani was regarded as an anti-Siamese Malay state anyway. Siam argued that the population of Setul was mainly Siamese, ethnologically unlike Kedah, and geographically separated from the latter by a range of hills, so Siam strongly objected to ceding Setul.<sup>(29)</sup> Regarding Patani, Siam would never surrender it given its long time status as a Malay province. The question is therefore, whether Siam would cede Perlis. For Britain, Perlis was more desirable than Setul. Nevertheless, Paget further asked for the watershed of the Perak River in southern Raman and Langkawi islands as an exchange for Setul. In his opinion, the two places were in a strategic position; the watershed of the Perak River is in a southern part of Raman, meaning if the British were able to occupy southern Raman, they would be able to control the whole Perak River. On top of that, southern Raman was a tin-rich area, while the Langkawi Islands were an important place as a dock for foreign ships and coal stations. If the British possessed these islands, they could easily eliminate other European influence in the Peninsula.<sup>(30)</sup>

While the negotiations were intensely going on, Strobel died unexpectedly in early 1908, causing the negotiations to come to a halt. His assistant, J. Westengard, became the acting General Advisor and continued the negotiations. Westengard pursued the same policy as his predecessor; the cession of Malay dependencies in exchange with abrogating the 1897 Convention, extra-territorial rights, and obtaining a loan for railway construction.

In the re-opening of the negotiations, Siam agreed to surrender the watershed of the Perak River in Raman and the Langkawi Islands to Britain as an exchange to keep Setul Province.<sup>(31)</sup> To Britain's surprise, it was decided in quite a short time considering Siam's

claim of suzerainty over the Raman and Perak watershed throughout the 1880s. Westengard tried to negotiate for a lower interest rate on the loan from 4% to 3.75 %.<sup>(32)</sup> The British government agreed on the condition that she was involved with the railway construction and administration, but King Chulalongkorn opposed the idea for fear that Britain would insert influence in Siam as the railway would connect Siam and British Malaya. There was a talk within Britain to ask as well for Ragae, another Malay province near Raman, but the idea was aborted, so Britain asked for the southern part of Raman and the Langkawi Islands instead and maintained the interest rate at 4%.<sup>(33)</sup>

It should be noted that the reason Siam responded without delay to the British demand of further cession of land was largely because Siam, under the leadership of the acting General Advisor and Prince Damrong, was desperate to end the political and commercial issues concerning Malay states that escalated in the tin rush era in 1890s.<sup>(34)</sup>

With the acquisition of southern Raman, the British were able to take control of the whole Perak River running north to south of Perak State, including Klian Intan and its adjacent area of over 1,000 square kilometers. Paget believed that, as far as the British government was concerned, obtaining southern Raman was more advantageous than say the eastern territories that the French obtained from Siam in 1907.<sup>(35)</sup> For the Sultan of Perak, the acquisition of Klian Intan meant a victory he finally reclaimed after having lost it to Raman almost a century earlier.<sup>(36)</sup>

Combining the three states Strobel proposed earlier, Siam ceded a total of seven areas; Kedah, Kelantan, Trengganu, Perlis, Southern Raman, Southern Ragae and the Langkawi Islands for a combined total of almost 15,000 square miles (or over 24,000 square kilometers), with a total population of almost 560,000, most of whom were residents of Kelantan. (see Table)

**Table : Territories and number of population Siam ceded to Britain in 1909**

Area	Space (sq.m)	Population (approximately)
Kedah	2,880	139,000*
Perlis	211	N.A
Langkawi island	166	N.A
Lower Raman (including Klian Intan)	1,344	4,443
Lower Ragae	544	N.A
Kelantan	5,331	300,000
Trengganu	4,512	114,895
<b>Total</b>	<b>14,988</b>	<b>558,338</b>

Source: British Archive, FO 881/9513, Mr. Paget to Sir Edward Grey, May 20, 1908.

\* This figure is a total number combined with a population in Perlis.

Following several draft writings and amendments hashing out the details, Siam and the British finally agreed on the terms that constituted the Anglo-Siam Treaty of 1909, which was signed by Paget, the British representative, and Prince Devawongse Varoprakar, his Siamese counterpart. The treaty concerns itself with three issues. First, the cession of the areas mentioned above would become the protectorate states of British Malaya, while a new boundary will be made within six months from the date of the signing of the treaty by a joint committee from both parties. Siamese subjects in the ceded territories were able to maintain Siamese nationalities if they moved to Siam within six months and were still able to maintain ownership of their land that now belonged to British Malaya. Second, regarding British subjects in Siam, the jurisdiction the Consular Courts formerly held over these subjects were suspended. All subjects who were registered prior to the Treaty were amendable to an International Courts, while those registered after the passing of the Treaty were amendable to the ordinary Siamese Courts.<sup>(37)</sup> British subjects residing or doing business in Siam were able to own land, live and travel throughout the country while paying taxes and fees like the Siamese, but were exempt from military service. Third, the government of the Federated Malay State would give a loan to Siam for railway construction with 4 % interest. Lastly, the British agreed to abolish previous treaties as well as the Secret Convention of 1897. The Anglo-Siamese Treaty was ratified by both governments in July of 1909.<sup>(38)</sup>

This Treaty was Siam's attempt to eliminate the judicial rights of British subjects residing or doing business in Siam. However, it was not entirely abolished since there were still many conditions Siam had to comply with. For example, Siam had to set up International Courts in five major cities for both criminal and civil cases.<sup>(39)</sup> And these courts were far from being independent since the consul of foreign subjects were allowed to be involved in the judgement. International Courts consisted of ordinary courts with the addition of the consul of the foreign subject concerned. The consul had the right to sit in court and act as an advisor if he thought necessary, or to stay proceedings and transfer the case by evocation and try it himself. Appeals from the International Courts lied in the ordinary Siamese Appeal Court of Bangkok, but the consul of the foreign subjects involved was to be informed of the proceedings, and all findings were to be signed by two European Judges of Appeal.<sup>(40)</sup>

The British government agreed that British subjects who registered after the ratification of the Treaty, either European or Asian, shall be tried in Siamese court, but if the defendant is a British-born (white British), Siam must appoint a European advisor whose opinion would prevail. If British-born subjects were tried in the case, regardless if they were the defendant or plaintiff, a European legal advisor would be appointed as a judge. The judgement on appeal from either the International Courts or the ordinary Siamese Courts would bear the signature of two European judges.<sup>(41)</sup> Another point stressed by Paget was that Siam had to

appoint an English advisor to the Ministry of Justice.<sup>(42)</sup> From these conditions, it is clear that despite the abolition of extra-territoriality, British-born subjects were still protected and Siam still had no judicial independence. Meanwhile this change had brought feelings of discontentment among British subjects. So, when civil cases occurred, they protested not to go to Siamese court due to their concerns over the country's commercial law.<sup>(43)</sup> It took another 30 years until Siam was able to fully gain judiciary independence.<sup>(44)</sup> Regarding the Secret Convention, even though it was confidentially abrogated, the main condition still existed; that Siam shall not cede or lease territory, docks or coaling stations in the Peninsula to any foreign power or company.<sup>(45)</sup>

What was the reaction of the Malay rulers upon the transfer? Not all rulers were content with it. Sultans of Kelantan and Kedah opposed the concession. The Sultan of Kedah expressed his anger since he was not told about the cession beforehand and did not want to be with the British Malaya for fear of financial sanctions like had taken place in Perak.<sup>(46)</sup> The British were convinced this behavior was due to the Sultan being uncertain about their future rather than it being a result of their loyalty to Siam. The Sultan of Trengganu, on the other hand, was satisfied with the cession since he wanted Trengganu to become Britain's protectorate state long before the Treaty was signed into effect.<sup>(47)</sup> Britain did not seem to be worried about these reactions since, for them, these states by no means belonged to Siam nominally anyway, and the most Siam could do as far as to solving their internal problems was to appoint advisors (of British origin) to these states. Even after the Treaty, Siam did not inform these Sultans directly about the territorial cession but instead let them know through British advisors.<sup>(48)</sup>

### **3. What did Britain and Siam gain from the Treaty?**

For Britain, abandoning the extra-territorial rights of its subjects in Siam had caused a backlash from her government and other European powers, but Paget assured the ministers that the abandon would be carried out gradually while safeguarding the rights of their subjects. Likewise, Chinese and Indian merchants residing in Siam who registered as British subjects prior to the treaty expressed their strong dissatisfaction towards the abolition of the extra-territorial rights, so much so that a petition against the treaty was sent to London.<sup>(49)</sup> For those in Singapore, before the signing of the treaty there was some grievances and doubts to whether it was still worth giving the loan for railway construction to Siam<sup>(50)</sup>, but considering the acquisition of new territories and the benefits the government of FMS would obtain, the news about the Treaty was reportedly received with satisfaction.<sup>(51)</sup>

For British imperialists, the 1909 Anglo-Siamese Treaty marked a big success in

Lost Territory? The Cession of Thailand's Southern Dependencies to Britain (1899-1909) (Piyada Chonlaworn) strengthening its foothold in the inner part of the Malay Peninsula after failing to do so in the previous century. This accomplishment was due to the pragmatism of Paget, combined with geographical knowledge and the local connection of key officials like Frank Swettenham.<sup>(52)</sup> The acquisition of southern Raman enabled the British to control the Perak River. Together with the Krian River in Province Wellesley in the west and the Kelantan River in the east, Britain was able to control the main rivers and water transportation running from the west to the east and from the north to the south in the Malay Peninsula. Even though Britain had to abandon agreements in the Secret Convention, the fact that she acquired Kedah, Kelantan and Trengganu and was able to connect the railway system with Siam allowed an easy way to strengthen and maintain its influence over the Peninsula.<sup>(53)</sup>

What about Siam? Most Thai historians in the past regarded the Anglo-Siamese Treaty as a significant milestone for Thai diplomacy given that it was finally able to untie the unequal treaties with the West, and that it was worth sacrificing some of the territories in exchange for the country's dignity, security and sovereignty. All of which was possible thanks to the King and his assistants like Prince Damrong and Prince Dewavongse.<sup>(54)</sup> The notion of lost territories might be understood as a national humiliation as Strate has pointed out, but it is generally thought better to lose part of the country in order to save the whole, especially when it is a geographically and historically outlying state like Trengganu. Some even viewed Siam's cession of Trengganu as the last demonstration exercising Siam's power over the state.<sup>(55)</sup>

But what was the reaction of the cabinet at that time regarding the signing of the Anglo-Siamese Treaty? There were divided opinions; those who wanted to abolish the extra-territorial rights and the Secret Convention against those who viewed the cession of territory, some provisions of the jurisdiction protocol, and railway agreement as 'distinctively distasteful'.<sup>(56)</sup> The latter must have raised the question; was it worth it to exchange these territories for judicial sovereignty? Practically speaking, territorial concession was a result of a private negotiation initiated by Strobel in 1907. Since then the advisor had worked with British representatives in drafting the agreement while successfully convincing King Chulalongkorn and Prince Damrong of the benefit Siam would gain from the Treaty. Even though Siam would lose over 20,000 sq.km of its territories and a populous of over 500,000 that would go with it, key figures in the decision-making did not seem to regard it as a disadvantage. At first, the King rejected Strobel's idea of getting a loan for railway construction from Britain. However, he was not opposed to Strobel's proposal of the concession, only expressing his worry about public outcry if Siam would let go of Kedah.<sup>(57)</sup>

Two months before the treaty was to be signed, news had spread causing a public stir. Individuals and local press attempted to encourage the idea that Siam got the worst of the

bargain by signing the Anglo-Siamese Treaty.<sup>(58)</sup> The Sultan of Kedah and Kelantan sent a petition opposing the cession. On top of that a group of young military officers, mostly made up of the King's sons, criticized Siam for giving up 'too much' to Britain and were opposed to this deal to the extent that they urged Siam to cancel the Treaty. Prince Damrong was reportedly harshly criticized for letting Britain construct the railway in Siam's territory. These voices undoubtedly made the King hesitate about this decision and led to strained relations with Prince Damrong.<sup>(59)</sup> In a letter to one of his close ministers, the King expressed his regret over the cession.<sup>(60)</sup>

At the same time, foreign press like *The Straits Times* were baffled as to why Siam would *abandon* (Italic by author) to Britain a large piece of rich land in exchange for 'the honor and glory of trying British cases in Siamese courts', since winning back judicial rights would just be a matter of time as it has had been the case with the Japanese.<sup>(61)</sup> However, for Westengard, the negotiation had come too far to amend or cancel. In addition to this, Paget firmly stated that the Treaty should be signed on March 10th before he left for London or it would never be signed at all. Westengard finally obtained the King's sanction 'on the very eve' of Paget's departure and the Treaty was signed as planned.<sup>(62)</sup> Ironically it seems that this historical Treaty was signed in a hurried manner, and was carried out because of the pressure of the General Advisor rather than a careful and thorough discussion within Siam's cabinet.

After the public announcement of the Treaty, W.A Graham, Siam's advisor to Kelantan, remarked that "criticism of this Anglo-Siamese Treaty was practically absent before it was ratified", and that both Britain and Siam seemed to get "the worst of the bargain".<sup>(63)</sup> In Mark's study, he points out that the British acquisition of Siamese Malaya had lacked premeditated strategy on the part of both Siam and Britain, and that the agreement of concession between Strobel and King Chulalongkorn was "only the result of a fortuitous concurrence of circumstances, that is the former's designs coinciding with the latter's desire to find a way out of peninsula problem and solving national inferiority."<sup>(64)</sup> It is a pity that the King did not live long enough to see the abolition of the extraterritorial rights of British subjects in Siam, as he passed away in the following year of the Treaty.

## **Concluding remarks**

As mentioned in the introduction, Thai history in the nineteenth century has been depicted by royalist bureaucrats and nationalist historians as a turbulent time amidst Western colonization. Thai leaders at that time had to, if not forced to, cede a large part of its territory to France and Britain to save the country's sovereignty.

But if we look at the detail about bilateral negotiation concerning the territorial

Lost Territory? The Cession of Thailand's Southern Dependencies to Britain (1899-1909) (Piyada Chonlaworn) concession, especially in the case of the Anglo-Siamese Treaty shown in this paper, we will find that in fact it was Siam who offered the cession of Kedah, Kelantan and Trengganu to Britain in the first place. The reason for this was not because Siam was under strong diplomatic pressure or military occupation like it had with France. It is obvious that Siam's concession of its southern territory was a result of a chain of events, being carried out without much planning and public hearing. These events could most aptly be described as rather ironic considering Siam's attempt to keep these states for many decades, to the extent that it signed the unequal Secret Convention with Britain jeopardizing its relationship with other countries.

So, the question posed here is why did Siam gave up these states so easily? The reason is quite simple; a large part was due to the pressure from General Advisor Strobel and his successor who saw no benefits in keeping the Malay dependencies. Despite backlash and criticism, his proposal was backed by key Ministers in the royal cabinet who strongly desired to win back its judicial authority. Finally, Strobel seemed to have no difficulties getting King Chulalongkorn's approval.

However, despite the trade-off, Siam was not able to gain its judicial independence right away due to the European's distrust in Siamese law. So, the question we should consider here is, did Siam really have to lose its territories in an exchange for their judicial rights and railway construction loan? This paper has demonstrated that Siam's three dependencies were not the only southern territories ceded, but the also there was the resource-rich watershed of the Perak River and the strategically located Langkawi Islands as well. More importantly, the southern territory was not something Siam 'had to' lose, but 'happened to' lose as a result of ad hoc negotiations by a small group of representatives. What if the abolition of extraterritorial rights in Siam was just a matter of time, as foreign media during this period stated?

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#### notes

- (1) This paper uses the term ‘Siam’ when referring to historical events and ‘Thailand’ in its contemporary context.
- (2) Thongchai Winichakul. *Siam mapped: A history of the geobody of a nation*. (Chiang Mai: Silkworm Books, 1994), 160–70. During the past decades, however, there were debates on Thailand’s autonomy. Some historians argue that Thailand’s internal and foreign policies were heavily influenced by Western powers. See more in Benedict Anderson, “The State of

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Thai Studies: Studies of the Thai State," in Eliezer B. Ayal (ed.), *The Study of Thailand: Analyses of Knowledge, Approaches, and Prospects in Anthropology, Art History, Economics, History, and Political Science*, Southeast Asia Series, no.54 (Athen: Ohio University Center for International Studies Southeast Asia Program, 1978); Rachel Harrison and Peter Jackson (eds.), *The Ambiguous Allure of the West: Traces of the Colonial in Thailand* (Hong Kong: Hong Kong University Press, 2010)

- (3) Details of the territorial loss such as the year and the area written in printed sources and websites are somehow slightly different.
- (4) Which are 1) Sipsongchuthai in the north in 1888, 2) the left side of Mekong river (from Luangphrabang and adjacent area in Laos) in 1893, 3) the right side of Mekong river (Manoprai and Champasak) in 1903, 4) Monthon Burapha (Battambang, Srisophon and Siamriap in Cambodia) in 1906 (King Chulalongkorn, *Pramūan phrarātchahatthalēkhā Ratchakān thī 5 thī kēopak phārakit khong Krasūang Mahātthai*. (Vol.1, Bangkok: the Ministry of Interior, 1970), 28–31).
- (5) Which are 1) Penang (by selling) to the English in 1786, 2) Tavoy, Mergui and Tennasarim to Burma in 1793, 3) Siemreap and Phnom Penh to France in 1867, 4) Sip Song Chao Tai (or Sipsongchuthai) to France in 1888, 5) From Luangphrabang to Champasak, known as Laos on the left side of Mekong river, to France in 1888, 6) Xaingabouri, known as Laos on the right side of Mekong river, lost to France in 1904, 7) Sri and Battambang to France in 1907, and 8) Perlis, Kedah, Kelantan and Trengganu to Great Britain in 1909. *Ibid*.
- (6) Shane Strate, *The Lost Territories- Thailand's History of National Humiliation* (Honolulu: University of Hawai'i Press, 2015), 3–5.
- (7) Thanapong Lukhachonchai, *Sia Dindaen Malayu- Prawatsat Chat Chabab Plot Twist*. (The Loss of Malay Territory- the plot twist version of national history) Silapa Watthanatham Chabab Phiset, 2019, 91–2.
- (8) There are a number of websites about the territorial loss. For example, "The loss of territory to France in the reign of King Chulalongkorn during 1868 and 1900" (<http://kanchanapisek.or.th/kp6/sub/book/book.php?book=4&chap=9&page=t4-9-infodetail03.html>. Accessed 21 May (2019); "The loss of territory" (<https://sites.google.com/site/khxmulkhxngrachkalthi5/khxmulkhxngrachkalthi5/kar-seiy-din-daen>.) Accessed 21 May 2019.
- (9) *Patani* is a spelling in Malay accent, often used to point out its historical and ethnic aspect.
- (10) Only for some exceptions when Malay rulers were against Siamese rule, those of Thai origin was appointed as a governor.
- (11) See more in Kobkua Suwannathat-Pian, *Thai-Malay Relations: Traditional Intra-regional Relations from the Seventeenth to the Early Twentieth Centuries*. (Singapore: Oxford University Press, 1988); Chuleeporn Virunha, *Bunga Raja- Prawatsat Chak Kham Boklao*

- Khong Chao Malayu*. (Bangkok: SakSopha 1998), Chapter 5.
- (12) British Archive, FO 881/5085, Inclosure 4 in No.1 “Statement by Syed Alahadin”.
  - (13) British Archive, FO 881/5085, Inclosure 2 in No.15 “Memorandum by Sir Hugh Low on the Question of Rectification of Boundary between “Perak” and the Siamese Province of “Reman” (1884).
  - (14) British Archive, FO 881/5085, Inclosure in No.9 “Chow Phya Bhanuwongse to Mr. Newman” (23 January 1884); Phan-ngam Gothamasan, “The Administration of the Seven Southern Siamese Provinces Or the So-called “Seven Malay States” During the Reign of King Chulalongkorn” Master Thesis, Chulalongkorn University,1976, 91–2.
  - (15) “A Map to illustrate Memorandum on the Boundary between Perak and the Siamese Province of Rahman” by F.St George Caulfield Esq. and Sir Hugh Low K.C.M.G.,1885 (British Archive FO 881/5085)
  - (16) British Archive, FO 881/5053, “Memoranda on the Proposed Rectification of the Boundary between Perak and Siam” 8 May, 1884; Thailand National Archive, Rama 5 Mahathai (R.5 M. 49/68 “Report from Phraya Pholathep to King Chulalongkorn” 22 June R.S 112(1893); Phan-ngam, “The Administration.., 115–7.
  - (17) Consisting of Selangor, Perak, Negri Sembilan and Pahang. While having their own Sultans, these states were under the supervision of British Residents as British Protectorate states which continued until 1946.
  - (18) Foreign Ministry of Thailand, *Sonthisanya lae Khwamthoklong Tawiphaki rawang Prathethai kab Tangprathet lae Onkonrawangprathet*. (Vol. 2, Bangkok:Foreign Ministry, 1968),153; Marks, *The British Acquisition of Siamese Malaya...*, 13–23; Kobkua, *Thai-Malay Relations...*, 138.
  - (19) Kobkua, *Thai-Malay Relations...*, 138.
  - (20) King, “From periphery to center”, 145.
  - (21) Point A to B indicates Kedah-Perak boundary using Krian river to the source of river in Bukit Bintang. Point B to C starts from Bukit Bintang to Gunong Kenderung. Point C to D is from Gunong Kenderung to River Rui. Point D to E starts from Rui river to Jeram Pala near Bukit Tali. Point E to F starts from northern drainage of the River Sengo to the main watershed (British Archive, FO 69/243 “Perak-Raman Boundary (Extradition 1899 to 1902)”.
  - (22) British Archive, FO 881/7270, Draft agreement of Anglo-Siamese boundary, 1899.
  - (23) King, “From periphery to center”, 145–6.
  - (24) British Archive, FO 69/246 “The Siam Free Press”, Oct. 12, 1903.
  - (25) Marks, *The British Acquisition of Siamese Malaya...*, 85.
  - (26) Saichit Hemindra, “The Transfer of the Siamese Suzerainty on Kedah, Kelantan, Trengganu

- Lost Territory? The Cession of Thailand's Southern Dependencies to Britain (1899-1909) (Piyada Chonlaworn) and Perlis", M.A Thesis, Chulalongkorn University, 1964, 312-3; Marks, *The British Acquisition of Siamese Malaya...*, 86-8.
- (27) Thamsook Numnonda, "Negotiations regarding the cession of Siamese Malay States 1907-1909" (*Journal of the Siam Society*, 55-2, 1967), 228-231; British Archive, FO 881/9670, "Annual report 1909".
- (28) British Archive, FO 881/9513, Inclosure in No.2 "Memorandum of Conversation between the King of Siam and Mr.Strobel on November 23, as described by the latter to Mr. Beckett on November 26, 1907".
- (29) British Archive, FO881/9670, "Annual Report 1909", p.7.
- (30) Thamsook, "Negotiations regarding the cession of Siamese Malay States...", 233-4.; British Archive, FO 881/9513, Mr. Paget to Sir Edward Grey, 1 January, 1908.
- (31) British Archive, FO 881/9670, "Siam-Annual Report 1909", p.8.
- (32) British Archive, FO 881/9513, Inclosure 1 in No.24, "Memorandum by Mr. Paget respecting Conversation with Mr. Westengard, January 25, 1908".
- (33) Thamsook, "Negotiations regarding the cession of Siamese Malay States...", 234.
- (34) For example, a diplomatic tension between Siam, Britain and Kelantan occurred after an ex-British officer called Robert Duff was granted a mining concession of a large area from Sultan of Kelantan in 1900. Siam did not approve the concession but with the pressure from British government it had to comply. The so-called Duff concession had led to an inner conflict in Kelantan administration and increased British influence in Kelantan's state affair (Saichit, "The Transfer of the Siamese Suzerainty on Kedah...", chapter 7).
- (35) Ibid., 231-5; British Archive, FO 881/9513, "Further correspondence respecting the affairs of Siam, 1908", p. 28-30.
- (36) E.W. Birch, "My Visit to Klian Intan" (*Journal of the Straits Branch of the Royal Asiatic Society*, 54,1910), 139.
- (37) W.A Graham, *Siam* (Vol. 1, London:Alexander Moring Limited, 1924), 373-4.
- (38) British Archive, FO 881/9671, Treaty between Great Britain and Siam, signed at Bangkok, March 10, 1909, p.39; FO 881/10261, Siam, Annual Report, 1912, p.12-3.
- (39) Two courts in Bangkok, and one each in Chiang Mai, Phuket and Songkhla.
- (40) Graham, *Siam*, 373-4.
- (41) British Archive, FO 881/9671, "Protocol concerning the jurisdiction applicable in the Kingdom of Siam to British subjects and annexed to the treaty dated March 10, 1909".
- (42) British Archive, FO 881/9487X, The Siam Order in Council, 1909.
- (43) British Archive, FO 881/9843, Mr. Peel to Sir Edward Grey, July 27, 1910, p. 33.
- (44) Saichit, "The Transfer of the Siamese Suzerainty ...", 329.
- (45) British Archive, FO 881/9513, "Further correspondence respecting the affairs of Siam,

- 1908”, Ralph Paget to Edward Grey, 27 February, 1908; Marks, *The British Acquisition of Siamese Malaya...*, 93.
- (46) British Archive, FO 881/9670, Siam-Annual Report 1909,p 9; Marks, *The British Acquisition of Siamese Malaya...*, 96.
- (47) British Archive, FO 881/9445, Siam-Annual Report 1908.
- (48) W.A Graham, General Advisor to Kelantan and Hart, General Advisor to Kedah. Siam did not appoint an advisor in Trengganu so she did not inform the Sultan of Trengganu about cession. But he somehow learned about it from other sources.
- (49) “Great Britain and Siam- Criticism of New Treaty in London Times, Rights of British Subjects.”, *The Straits Times*, 6 April 1909, p.7 (<http://eresources.nlb.gov.sg/newspapers/Digitised/Article/straitstimes19090406-1.2.66?ST=1&AT=filter&K=Strait%20Times%20June%208%201908&KA=Strait%20Times%20June%208%201908&DF=&DT=&Display=0&AO=false&NPT=&L=&CTA=&NID=straitstimes&CT=&WC=&YR=1908&QT=strait,times,june,8,1908&oref=article-related>. Accessed 15 August 2019)
- (50) “Anglo-Siamese Treaty- Bangkok View of Alleged Grievances in the Straits”, *The Strait Times*, 7 June 1909, p.7 (<http://eresources.nlb.gov.sg/newspapers/Digitised/Article/straitstimes19090607-1.2.70?ST=1&AT=filter&K=Strait%20Times%20June%208%201908&KA=Strait%20Times%20June%208%201908&DF=&DT=&Display=0&AO=false&NPT=&L=&CTA=&NID=straitstimes&CT=&WC=&YR=1908&QT=strait,times,june,8,1908&oref=article-related>) Accessed August 15, 2019.
- (51) “Great Britain and Siam- Criticism of New Treaty in London Times, Rights of British Subjects”, *The Straits Times*, 6 April 1909, p.7, (<http://eresources.nlb.gov.sg/newspapers/Digitised/Article/straitstimes19090406-1.2.66?ST=1&AT=filter&K=Strait%20Times%20June%208%201908&KA=Strait%20Times%20June%208%201908&DF=&DT=&Display=0&AO=false&NPT=&L=&CTA=&NID=straitstimes&CT=&WC=&YR=1908&QT=strait,times,june,8,1908&oref=article-related>. Accessed 15 Aug. 2019)
- (52) Marks, *The British Acquisition of Siamese Malaya...*,104.
- (53) British Archive, FO 881/9513, Ralph Paget to Sir John Anderson, 27 February 1908.
- (54) Saichit, “The Transfer of the Siamese Suzerainty ...”, 316, 329–20.
- (55) Kobkua Suwannathat-Pian, *Thai-Malay Relations: Traditional Intra-regional Relations from the Seventeenth to the Early Twentieth Centuries*. (Singapore: Oxford University Press, 1988), 148–9.
- (56) British Archive, FO 881/9670, Siam- Annual Report, 1909, p.4.
- (57) British Archive, FO 881/9513, Inclosure in No.2 “Memorandum of Conversation between the King of Siam and Mr.Strobel on November 23, as described by the latter to Mr. Beckett on November 26, 1907”.

- (58) British Archive, FO 881/9879, "Siam-Annual Report 1910", p.1-2.
- (59) Marks, *The British Acquisition of Siamese Malaya...*, 100.
- (60) Thanapong Lukhachonchai, *Sia Dindaen Malayu- Prawatsat Chat Chabab Plot Twist.*, 98.
- (61) "New Siamese Treaty- Suggested Reasons for Siam's Desire for Revision", *The Straits Times*, 8 June 1908, p.7 (<http://eresources.nlb.gov.sg/newspapers/Digitised/Article/straitstimes19080608-1.2.69> Accessed 15 August, 2019).
- (62) British Archive, FO 881/9670, Siam- Annual Report, 1909, p.4.
- (63) Graham, *Siam*, 224-5.
- (64) Marks, *The British Acquisition of Siamese Malaya...*, 93, 105.

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