REPRODUCED AT THE NATIONAL ARCHIVES

DETERMINED TO BE AN ADMINISTRATIVE MARKING
E.O. 12065, Section 6-102
By AI NARS, Date 2-21-96

STANDARD-VACUUM OIL COMPANY
26 BROADWAY
NEW YORK

July 24 1936

CLAUDE A. THOMPSON
GENERAL COUNSEL
L. V. COLLINGS
ASSISTANT GENERAL COUNSEL

DEPARTMENT OF STATE
1936 JUL 18 AM 10 33
DIVISION OF COMMUNICATIONS AND RECORDS

Division of FAR EASTERN AFFAIRS
JUL 18 1936
Department of State

July 17, 1936.

Hon. Stanley K. Hornbeck, Chief
Division of Far Eastern Affairs
State Department
Washington, D.C.

Re: SIAM - Ownership of land by U.S. citizens and corporations.

892.5211/25 26 96 86

892.5211/87

Dear Dr. Hornbeck:

Referring to my letter to you, dated August 21, 1935, and to your reply F E, dated August 29, 1935, I am enclosing you herewith for your information, letter from our General Manager at Hong Kong, dated June 9, 1936, together with the enclosures therein mentioned in which is set forth the developments in Siam since I wrote you nearly a year ago.

I should like very much to have an opportunity to discuss this matter with you, and as I understand that Mr. Baker, the American Minister to Siam, is in the United States, I wonder if it will be possible for you to arrange a conference at your office in Washington some time when Mr. Baker will be able to be present. I plan to be away from my office during the month of August, and will be engaged in other matters up to that time. I should, therefore, prefer to have the conference some time in the early part of September, but if a date in August will be more agreeable to you and Mr. Baker, my assistant, Mr. L.V. Collings, will attend in my place.

I shall appreciate it if you will be good enough to let me know if you can arrange such conference and the date.

Very truly yours,

C.A. Thompson

H

FE FILED JUL 25 1936

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DETER[illegible] TO BE AN
ADMINI[illegible]ATIVE MARKING
E.O. 12065, Section 6-10[illegible]
By AT [illegible] NARS, Date 2-21-[illegible]

New York STANDARD-VACUUM OIL COMPANY No. 230

South China Division
Union Building
Hong Kong

June 9, 1936.

H.E. Schultz
General Manager
Standard-Vacuum Oil Company
New York

Dear Sirs,

From the Minister of Foreign Affairs Department of Lands on to receive at for records of all relating to land by American citi applications be made through the American Minister. The Land Office contended that a mortgage was a Jur Siam act relating to u land title; consequently, our Land and Mortgages to come through the American Minister.

When the matter was presented to this gentleman he maintained that the ability of American citizens and firms to hold real property in Siam could be ascertained only after the general question of their ability to acquire land in Siam had For slightly over three years we have been trying to secure permission to acquire title on two plots of land adjacent to our Bathboonah (Bangkok) installation; these action being required to give us the clearance stipulated under Siam's petroleum enactments. Our original requests were transmitted through the American Minister in Bangkok on the February 4 and May 16, 1933. Meantime, we had arranged with and the Hongkong & Shanghai Banking Corporation to purchase the the sites and hold them for us; it, as a British corporation, American being permitted to purchase land under the British treaty.

In this connection we would refer you to New York letter No. 1965 of November 22, 1935, and to Hongkong letter No. 1816 in May 1936 of February 12, 1936. ion in the United States. Mr. Tower, acting in charge of the Legation, feels himself unable, likewise, to do anything towa In January 1936 we decided that some definite decision should be secured on this case; also, that the ing on matter of the transfer of the title to our main installation and site at Bathboonah (which is held in the name of Standard Oil Co. of New York on the strength of the Crown permission to purchase same in 1905) should be definitely established. To that end, we again asked the American Minister at Bangkok to ted by approach the Minister of Foreign Affairs and to try to get in the desired permission for us. Correspondence has been nt, which exchanged and interviews held meantime with the American Le Ministry, but he maintains that the question of Americans owning land in Siam is still under consideration by the Siam Government and that he is not prepared to take further steps pending the receipt of specific instructions from the Department of State, ing Washington. It is by reason of the general situation regarding frontiers that the American Minister to Siam is reluctant to raise any ope The question of the rights of American citizens and firms to secure and hold mortgages in Siam has also come up in connection with mortgage securities which we have accepted in Siam to the extent of about Ros. 28,000, and which are now held in the name of one of our employees and which we wish to have transferred to us. We first referred the matter to our Bangkok lawyers, Messrs. Baguley & Tooth, who called on the Land Department of the Siam Government during the early part of this year and asked the basis of its objection to the transfer of the mortgages to us. The answer was that by order dated January 17, 1933,

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DETERMINED TO BE AN ADMINISTRATIVE MARKING
E.O. 12065, Section 6-102
By AT NARS, Date 2-21-96

New York -2- No.230

from the Minister of Foreign Affairs, the Department of Lands was forbidden to receive applications for records of all "juristic acts" relating to land by American citizens; except applications be made through the American Minister. The Land Office contended that a mortgage was a juristic act relating to a land title; consequently, our request would have to come through the American Minister. and mortgage rights be presented to the Department of State in Washington through such channels. When the matter was presented to this gentleman he maintained that the ability of American citizens and firms to hold mortgages on real property in Siam could be ascertained only after the general question of their ability to acquire land in Siam had been determined. In other words, he supported the views of the Department of Lands to the effect that a mortgage is a juristic act. From our lawyers' standpoint, this contention is decidedly open to question; but in any case the American Minister was not prepared to present our requests re mortgages to the Minister of Foreign Affairs pending a decision on the ability of American citizens and firms to acquire title to land in Siam. This, in turn, is still under consideration, and the Department of State in Washington has not instructed the American Minister on this point to date.

JRS/LCH

Yours very truly,

The Minister, Mr. James M. Baker, left Bangkok in May 1936 for four months vacation in the United States. Mr. Tower, acting in charge of the Legation, feels himself unable, likewise, to do anything toward pressing our case to the Minister of Foreign Affairs. We are therefore unable to get any further along on these two important questions working from the Bangkok end, and we feel that matters have now reached the point where we are obliged to enlist your assistance.

An interesting and significant development reported by our Bangkok office is that Mr. Baker is said to have with him the text of a proposed new treaty with the Siam Government, which is to be submitted to the Department of State at Washington for their consideration. It is understood further that the rights of Americans to own land in Siam has not been included in the draft of the new treaty, since it is impossible to grant reciprocal rights to Siamese throughout the United States. According to Mr. Tower, it is by reason of the general situation regarding treaties that the American Minister to Siam is reluctant to raise any special case at this time and feels that our requests should await special instructions from the State Department.

In order that you may have as complete data as possible, we attach copies of pertinent correspondence which has been carried on between our Bangkok office and the American Minister; the opinions of our Bangkok lawyers, and letters exchanged

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E.O. 12065, Section 6-102
By AT NARS, Date 2-21-96

REPRODUCED AT THE NATIONAL ARCHIVES

No.230

New York

C O P Y.

Bangkok, January 25, 1926

between our Singapore and Bangkok offices; all of which throw light on the general situation. Under the circumstances/we have presented them we recommend that the subject of our land ownership and mortgage rights be presented to the Department of State in Washington through such channels as you think best. The anticipated presence of the American Minister to Siam in Washington this summer should make it a most advantageous and desirable time to discuss the situation and to secure a favorable decision on the points involved. Also, the fact that Mr. F.D.Tracy will be in New York this summer may be of assistance, since he knows the background of this whole question very well and can undoubtedly furnish you with any further details which may be needed to clarify matters.

In our letters of February 4th and May included in the copies of correspondence attached is a personal letter from the American Minister to Siam to our Bangkok Manager, which we think may be of interest.

Yours very truly,
Standard-Vacuum Oil Company
(Sgd) H.L.Schultz
General Manager.

JRS/LGR

In view of information that has come to hand recently to effect that Americans are not permitted to own land in Siam except possibly under the Land Law of 1901 providing for the sale of land within a limited area in and near the city of Bangkok, and the fact that in this particular plots lie without the area specified in this law, we have decided to ask the Hongkong & Shanghai Banking Corporation to purchase these sites and hold them for us, since they as a British corporation are permitted to purchase land in Siam under the British treaty.

cc Singapore
cc Bangkok

Yours very respectfully,

STANDARD-VACUUM OIL COMPANY

L

S. M. Kirkman, Manager

SMK/CA

DETERMINED TO BE AN ADMINISTRATIVE MARKING
E.O. 12065, Section 6-102
By AT NARS, Date 2-21-96

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Copy.

Copy.

Bangkok, January 23, 1936.

H. E. The American Minister,
H. E. The American Minister,
BANGKOK.
BANGKOK.

Your Excellency,

Your Excellency,

As a matter of record we wish to confirm our verbal advices regarding action taken in respect to certain parcels of land which we advised in our letters of February 4th and May 16th, 1933, that we desired to acquire in the name of the Company.

We wish to confirm our conversation of this morning and to request permission to acquire title to two plots of land located for convenience to enable us to have the clearance required under the petroleum [illegible] in order to give us the clearance required under the petroleum [illegible] our original request was transmitted in our letters of February 4th and May 16th, 1933.

In view of information received to the effect that Americans are not permitted to own land in Siam except possibly under the land law of 1856 providing for ownership within a limited area in and near the city of Bangkok, and the fact that these particular plots lie without the area specified in this law, we have decided to ask the Hongkong & Shanghai Banking Corporation to purchase these sites and hold them for us, since they as a British Corporation are permitted to purchase land in Siam under the British treaty. In consideration for the transfer of this site to our name.

In view of information received to the effect [illegible] subsequent advices, we understand that our [illegible] entered during the Tenth Reign, which came into force in [illegible] indicated that they are [illegible] to the view that Americans [illegible] to local laws. The Company is a Maryland Corporation, which [illegible] by the attached copy of amendment to the Corporation [illegible] to request permission for [illegible] of this site to our name.

Still in effect?

Yours very respectfully
Yours very respectfully
STANDARD-VACUUM OIL COMPANY
STANDARD-VACUUM OIL COMPANY

S. M. Kirkman, Manager
S. M. Kirkman, Manager

SMK/CA
SMK/CA
Encl.
Extract

DETERMINED TO BE AN ADMINISTRATIVE MARKING
E.O. 12065, Section 6-102
By AT NARS, Date 2-21-96

REPRODUCED AT THE NATIONAL ARCHIVES

Copy.

Copy.

D.W. 148

BANGKOK, January 23, 1936.

AN ACT to further amend Chapter 91 of the Revised Code of Delaware, 1915, as amended by Chapter 188 of Volume 32 of the Laws of Delaware, relating to Aliens.

H. E. The American Minister,

Be it enacted by the Senate and House of Representatives of the State of BANGKOK, General Assembly met:

Section 1. That Chapter 188 of Volume 32 of the Laws

Your Excellency,

of the same is hereby repealed.

Section We wish to confirm our conversation of this morning and our inquiry regarding the status of our application for permission to acquire title to two plots of land located adjacent to our Pathhoonah installation which are required in order to give us the clearance required under the petroleum Enactment. 2. RIGHT AND DISPOSAL OF PROPERTY:- All real and personal property situate in the State of Delaware may be taken, Our original request was transmitted in our in letters of February 4th and May 16th, 1933. of Delaware.

3193. From subsequent advices, we understand that our rights to hold land in Siam are governed by the Land Law promulgated during the Fourth Reign, which came into force in 1856. We believe that the Siamese Government has already indicated that they are disposed to the view that Americans may exercise such rights as are granted in the above law provided official evidence can be furnished that Siamese subjects are entitled to hold land in certain States of America according to local laws. Our Company is a Delaware Corporation, which State permits the ownership of land by Siamese Nationals, as evidenced by the attached copy of Amendment to the Corporation and Real Property Laws of the State, as estate and rights as they would have taken if the conveyance had been made to citizens of the Under the circumstances it would be much appreciated if you will kindly call our application to the attention of the Foreign Office and endeavour to obtain permission for the transfer of this site to our name.

C. D. Buck, Governor

Yours very respectfully

STANDARD-VACUUM OIL COMPANY

S.M.Kirkman, Manager

SMK:CA
Encl.
Extract

DETERMINED TO BE AN ADMINISTRATIVE MARKING
E.O. 12065, Section 6-102
By AT NARS, Date 2-21-96

REPRODUCED AT THE NATIONAL ARCHIVES

Copy.

H.B. 128

AN ACT to Further amend Chapter 91 of the Revised Code of Delaware, 1915, as amended by Chapter 188 of Volume 32 of the Laws of Delaware, relating to Aliens.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 188 of Volume 32 of the Laws of Delaware be and the same is hereby repealed.

Section 2. That Chapter 91 of the Revised Code of Delaware, 1915, as amended by Chapter 188 of Volume 32 of the Laws of Delaware, be and the same is hereby further amended to read as follows:

3194. SEC. 1. TITLE AND DISPOSAL OF PROPERTY:- All real and personal property situate in the State of Delaware may be taken, acquired, held and disposed of by an alien in the same manner as by a citizen of the State of Delaware.

3195. SEC. 2. TITLE DERIVED THROUGH ALIEN:- A good title to real and personal property situate in the State of Delaware may be derived through, from or in succession to an alien in the same manner in all respects and through, from or in succession to a citizen of the State of Delaware.

3196. SEC. 3. CONVEYANCE TO OR FROM ALIENS, WHENEVER MADE, VALIDATED, RATIFIED AND CONFIRMED:- All conveyances to or from aliens of real or personal property situate in the State of Delaware, at any time made, are validated, ratified and confirmed; and it is declared that the said conveyances vested in the purchaser or purchasers the same estates and rights as they would have taken if the conveyance had been made between citizens of the State of Delaware.

F.A. Simonton

President Pro Tem of the Senate

Approved April 26, 1934
C. D. Buck, Governor

Approved April 26, 1934

C. D. Buck, Governor

REPRODUCED AT THE NATIONAL ARCHIVES
E.O. 12958, Section 6-103
By AT NARS, Date 2-21-96

Copy.

merica

H. B. 126. 28, 1936.

AN ACT TO AMEND ARTICLE 11 OF CHAPTER 65 of THE REVISED CODE OF DELAWARE RELATING TO FOREIGN CORPORATIONS.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVE OF THE STATE OF DELAWARE IN GENERAL ASSEMBLY MET:

23, 1936,
id

Section 1. That article 11 of Chapter 65 of the Revised Code of the State of Delaware be amended by adding a new paragraph to 2101a, Section 188 thereof, to read as follows:

ledg-

A corporation created by and existing under the laws of the United States or any State or Territory thereof, or under the laws of any foreign State or Nation shall have power to take, acquire, hold and convey lands and interest therein in the State of Delaware in the same manner, to the same extent, and with like effect as if such corporation were created under and existing pursuant to the laws of the State of Delaware.

J. Thomas Robinson
Speaker of the House

W.A. Simonton
President Pro Tem of the Senate

Approved April 24, 1934

C. D. Buck, Governor

DETERMINED TO BE AN ADMINISTRATIVE MARKING
E.O. 12065, Section 6-102
By AT NARS, Date 2-21-96

REPRODUCED AT THE NATIONAL ARCHIVES

7166

COPY

Legation of the United States of America May 30, 1936

Dear Mr. B. 126 28, 1936.

S. M. Kiesow, Manager,
Standard-Vacuum Oil Company.

ACT TO AMEND ARTICLE 11 OF CHAPTER 65 of THE REVISED

E OF DELAWARE RELATING TO FOREIGN CORPORATIONS.

IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVE OF y 23, 1936,
In reference to arrangements which you have already made and
STATE OF DELAWARE IN GENERAL ASSEMBLY MET: ain parcels of
ad which are required to be used in connection with
e business of your company. These lands were the subject
letters from your company to this Legation dated February 4th
d May 14th Section 1. That article 11 of Chapter 65 of the
vised Code of the State of Delaware be amended by adding
new paragraph to 2101a, Section 188 thereof, to read as der acknowledg-
llows: t the parcels of land concerning which you have now
ade a satisfactory arrangement include those referred to in
he letter The corporation created by and existing under the
ws of the United States or any State or Territory thereof,
under the laws of any foreign State or Nation shall have
wer to take, acquire, hold and convey lands and interest
herein in the State of Delaware in the same manner, to the
me extent, and with like effect as if such corporation were, thus
reated under and existing pursuant to the laws of the State
f Delaware. on you wish to acquire. In addition, there is the
uestion, still pending, of your desire to acquire title to
the land occupied by the installation itself in the name of the
ompany as now constituted. Of these three parcels, that
referred to in the letter of May 16, 1935, Thomas Robinson
by the installation itself have been the subject of corres-
pondence between the Legation and the Speaker of the House
affairs but the third parcel does not appear to have been
mentioned hitherto.

W.A. Simonton
President Pro Tem of the Senate.

The whole question of granting land in certain parts of
not provided for by treaty, of owning land in certain parts of
the territory of Siam is now under consideration by the
Siamese Government and has not yet been determined. I shall
not lose sight of the matter, however, and shall be glad to
Approved April 24, 1936 relevant opportunity.

C. D. Buck, Governor

Very truly yours,

Sd/- James B. Baker

DETERMINED TO BE AN ADMINISTRATIVE MARKING
E.O. 12065, Section 6-102
By AT NARS, Date 2-21-96
REPRODUCED AT THE NATIONAL ARCHIVES

7116

COPY

Legation of the United States of America January 30, 1936

Bangkok, Jan. 28, 1936.

Mr. S. M. Kirkman, Manager,
Standard-Vacuum Oil Company,
Bangkok.

Sir:

I have received your two letters dated January 23, 1936, with reference to arrangements which you have already made and those which are still to be made regarding certain parcels of land in Siam which are required to be used in connection with the business of your company. These lands were the subject of letters from your company to this Legation dated February 4th and May 16th, 1933, [illegible] which we desire to acquire in the name of the company. You will note that there are two sites [illegible] It is my understanding from your letters under acknowledgment that the parcels of land concerning which you have now made a satisfactory arrangement include those referred to in the letter from your company of May 16, 1933, ten sites numbers one to seven inclusive, and that the site referred to therein as site number 1 is still pending final disposition. The latter is a parcel of land adjoining your Ratbopnah installation, [illegible] permission from the Crown to purchase same in the year 1906.

It appears from your letter of January 23, 1936, that there is also another parcel of land, adjoining the installation plots which you wish to acquire. In addition, there is the question, still pending, of your desire to acquire title to the land occupied by the installation itself in the name of the company as now constituted. Of these three parcels, that referred to in the letter of May 16, 1933, and that occupied by the installation itself have been the subject of correspondence between the Legation and the Ministry of Foreign Affairs but the third parcel does not appear to have been mentioned hitherto.

The whole question of granting to Americans the privilege, not provided for by treaty, of owning land in certain parts of the territory of Siam is now under consideration by the Siamese Government but has not yet been determined. I shall not lose sight of the matter, however, and shall be glad to return to it at the earliest opportunity.

Very truly yours,

Sd/- James M. Baker

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E.O. 12065, Section 6-102
By AT NARS, Date 2-21-96

REPRODUCED AT THE NATIONAL ARCHIVES

COPY
COPY

Legation of the United States, Bangkok, January 30, 1936

Bangkok, March 4, 1936.

H.E. The American Minister
BANGKOK.

S. M. Kirkman, Esquire,

Your excellency, Standard-Vacuum Oil Company,

We acknowledge receipt of your letter of Jan. 28th and confirm that sites Nos. 2 to 7 in our letter of May 16, 1933, are those which we are having transferred to the Hongkong & Shanghai Banking Corporation.

We attach a plan showing the position in regard to the additional land at Ratboonah which we desire to acquire in the name of the company. You will note that there are two small plots involved, these being covered by Title Deeds Nos. 1998/20/98 and 2032/21/32.

It is also true that we wish to transfer title to our main installation site at Ratboonah to the Standard-Vacuum Oil Company. This site, as you know, is at present held in the name of Standard Oil Company of New York, we having obtained permission from the Crown to purchase same in the year 1905.

The matter of obtaining suitable title to these plots of land is one which our Principals are most anxious to complete and any assistance which you may be able to give us in obtaining permission for completion of the Ratboonah transfers will be greatly appreciated.

Yours very respectfully,

STANDARD-VACUUM OIL COMPANY

Very truly yours,

s/- James N. Baker
S.M. Kirkman, Manager

(A copy of this letter was attached to Bangkok/Singapore SMK/CA D-Desp of Mar. 4, 1936, file 80-X/1.)

Encl.
Sketch

ON NEW YORK

Copy of Mr. Kirkman's letter of March 2, 1936 to the American Minister was not forwarded by Singapore, but evidently this letter was in the nature of a resume of the Bangkok office's findings in connection with their efforts to obtain the transfer of three mortgages accepted as security for refined oil agencies. Copies of Messrs. Maguley & Tooth's letter of Feb. 20, 1934, attached to Singapore/Hongkong letter No. 596 of May 29, 1936 (which will be found later on in the enclosures) evidently applies.

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E.O. 12065, Section 6-102
By AT NARS, Date 2-21-96

REPRODUCED AT THE NATIONAL ARCHIVES

COPY

Legation of the United States of America,

Bangkok, March 4, 1936.

H. E. The American Minister,

S. M. Kirkman, Esquire,

Your Manager, Standard-Vacuum Oil Company,

Bangkok.

Dear Sir:

The receipt is acknowledged of your letter of March 2, 1936* with regard to the obstacles you have encountered in endeavoring to obtain the transfer to the Standard-Vacuum Oil Company of three mortgages held by your employee, Yam Pak Leuk, as mortgagee.

The mortgages relate to three pieces of land owned by your [illegible] selling agent at Ban Pong. [illegible] the part of the Government to complying with our request.

The questions raised by your letter are receiving the most careful attention but since they are of such wide scope some time may elapse before a reply can be made. I shall try, however, to expedite the matter as much as possible.

Very truly yours,

Sd/- James M. Baker

(*Copy of this letter was attached to Bangkok/Singapore R-1541 of Mar. 2, 1936, file 20-X/1.)

NOTE FOR NEW YORK

Copy of Mr. Kirkman's letter of March 2, 1936 to the American Minister was not forwarded by Singapore, but evidently this letter was in the nature of a resume of the Bangkok office's findings in connection with their efforts to obtain the transfer of three mortgages accepted as security for refined oil agencies. Copies of Messrs. Baguley & Tooth's letter of Feb. 20, 1936, attached to Singapore/Hongkong letter No. 596 of May 29, 1936 (which will be found later on in the enclosures) evidently applies.

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REPRODUCED AT THE NATIONAL ARCHIVES

COPY

BANGKOK, April 7, 1936.

Bangkok, April 11, 1936

H. E. The American Minister,
S. M. Kirkman, Esquire,
Manager, B.A.N.G.K.O.K. Oil Company,
Bangkok.

Your Excellency,
Sirs:

We beg to refer you to our letter of January 23rd requesting your kind assistance in obtaining permission from the Foreign Office for the transfer of the two plots of land adjacent to Ratboonah installation held in the name of one of our employees. We would appreciate learning the present status of this proposal since our Principals are very anxious to complete this matter at an early date.

We also refer to your letters of January 23 and March 2nd respectively. At the same time we would appreciate learning whether there has been any development in regard to the question of our Company holding mortgages referred to you in our letter of March 2nd.

We understand that our rights in the above matters are satisfactorily taken care of under the Siamese-American commercial treaty and the land laws of the country and there would appear to be no legitimate objection on the part of the Government to complying with our requests.

I am awaiting specific instructions from the Department of State with regard to these matters and cannot take any further steps in the meantime. You may rest assured, however, that the matter is receiving careful attention by the Department.

Yours very respectfully,
STANDARD-VACUUM OIL COMPANY

S.M.Kirkman, Manager

SMK:CA

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COPY

Legation of the United States of America
BANGKOK, April 17, 1936.

Bangkok, April 11, 1936

H.E. The American Minister
BANGKOK

S. M. Kirkman, Esquire,
Manager, Standard-Vacuum Oil Company,
Bangkok.

Sir:

I have received your letter of April 7, 1936, inquiring as to the present status of (1) your proposal to acquire title of two plots of land adjacent to your Ratboonah installation, held in the name of one of your employees, and of (2) the question of the right of your company to hold mortgages on real property, which were the subjects of your letters to this Legation of January 23 and March 2, 1936, respectively.

With regard to the subject of your letter of January 23, 1936, I can only reiterate what I said in the last paragraph of my letter to you of January 28, 1936. The ability of American firms and individuals to hold mortgages on real property in Siam appears to me to be ascertainable only after the general question of their ability to acquire title to lands in Siam has been determined.

land, and we I am awaiting specific instructions from the Department of State with regard to these matters and am unable to take any further steps in the meantime. You may rest assured, however, that the matter is receiving careful consideration by the Department.

Very truly yours,

/s/ James M. Baker

Chargé d'Affaires ad interim.

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By AT NARS, Date 2-21-96

REPRODUCED AT THE NATIONAL ARCHIVES

BANGKOK, April 17, 1936.

H.E. The American Minister
B A N G K O K.

Your Excellency,

We have to acknowledge receipt of your letter of April 11th touching on the questions raised in our letters of January 23rd and March 2nd, concerning transfer of certain land at Ratboonah and rights of this company to take mortgages on property in Siam.

It was our understanding from your letters of January 28th and March 4th that both of these questions had been referred to the Siam Foreign office here, but we take it from the last paragraph of your letter under reply that this is not the case and that you have communicated with the State Department in Washington in respect to both questions.

In this connection, according to the advice of our lawyers the question of mortgages is not related to the question of title to land and the American Treaties of 1856 and 1921 do not prohibit mortgaging of immovable property to American subjects. If this opinion is correct, there would appear to be a good chance of obtaining satisfaction in regard to mortgages without awaiting a final decision in regard to ownership of land, and we would inquire if the matter could not be taken up by your office direct with the Siam Foreign office with a view to having this important point clarified.

As regards land ownership, it is our understanding that the Siamese Foreign Office is considering this matter from the point of view of American subjects' rights under the land law of Sakaraj 1218 (about 1857) under which we are entitled to acquire the Ratboonah site. This matter appears to be separate and distinct from our efforts to acquire certain plots of land at various interior points which are not covered under the land law above referred to. You will recollect that in these cases the sites have been transferred to the Hongkong & Shanghai Banking Corporation pending the outcome of the negotiations for Treaty revision.

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As our Principals are very much interested in these matters and are pressing us for some definite advice as to the position of the Siamese Government, we would like very much to have something definite in respect to the status of negotiations locally to offer them.

Further to our letter No.R-1704 of April 17, 1936, file 20-X/1-- we attach reply received from the American Minister which indicates that he does not propose to give us any assistance.

Yours very respectfully,
STANDARD-VACUUM OIL COMPANY

S.M.Kirkman, Manager

SMK:CA

As you know, the Minister is leaving next week for the States and in view of his early departure and the attitude indicated in his letters, we propose to let the matter drop until he leaves and then will also discuss the whole question with Mr. Tower who will be acting as Charge' during the Minister's absence.

S. M. Kirkman, Attorney

SMK:CA

Encl.

Copy of letter

DETERMINED TO BE AN
ADMINISTRATIVE MARKING
E.O. 12065, Section 6-102
By AT NARS, Date 7-21-96

REPRODUCED AT THE NATIONAL ARCHIVES

From Bangkok COPY R-1727

To Singapore April 27,1936.

LEGATION OF THE UNITED STATES OF AMERICA
File 20-X/1.

Bangkok, April 25, 1936

Ownership of Land in Siam

Mr. S. M. Kirkman, Manager,
Standard Vacuum Oil Company,
Bangkok.

Sir:

The receipt is acknowledged of your letter of April 17, 1936, relating to the question of ownership of land in Siam by your company. As you know, the Minister is leaving next week for the States and in view of his early departure and the attitude indicated in his letters, we propose to let the matter drop until he leaves and then call and discuss the whole question with Mr. Tower who will be acting as Charge' during the Minister's absence.

Very truly yours,

Sd/- James M. Baker

S. M. Kirkman, Attorney

SMK:CA

Encl.

Copy of letter

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E.O. 12065, Section 6-102
By AT NARS, Date 2-21-96

REPRODUCED AT THE NATIONAL ARCHIVES

COPY

No. 336
29 May 1936

LEGATION OF THE UNITED STATES OF AMERICA

From Singapore
To Hongkong

Bangkok, April 25, 1936

Land & Mortgages, Siam

Mr. S. M. Kirkman, Manager,
Standard-Vacuum Oil Company,
Singapore/Bangkok.

Sir:

I have the honor to acknowledge the receipt of your letter of April 17, 1936, relating to the questions of ownership of land in Siam by your company and of its right to take mortgages thereon. In the absence of the Minister, I am in charge of the Legation during the absence on leave of Mr. Bowers. I have noted the view of your lawyers as stated in your letter that the question of mortgages is not related to the question of title to land but this is a point on which I am not prepared at present to express an opinion. Furthermore, I regret to say that I am not now in a position to state with any degree of definiteness when a final determination of either of these questions may be expected. We are therefore considerably embarrassed as to whether or not we should, should it be necessary to foreclose, be entitled to hold mortgages which have been accepted and registered by Siamese known as Nai Angkura.

Just what our position would be in the event of foreclosure would be purely conjectural, and we trust that it will not be necessary to take such action. We have mortgage securities of four years in Siam, the total amounting to Ticals 80,000, and we think lawyers will agree that this question is of considerable importance. In the meantime, we are not making any more mortgage contracts in Siam and are making every effort to convert this type of security to cash guarantees.

With all due respect to Mr. Tower's opinion, we feel that we are entitled to special consideration, since we are the largest American Company operating in Siam, and also due to the fact that our Company is incorporated in the State of Delaware, which permits nationals of Siam to own land in that State. We therefore recommend that New York's assistance be sought in placing the matter before the State Department in Washington as soon as the opportunity arises.

A.E. Bourne Jr. - Manager

AWB:MWK
Enclo.
cc to Bangkok

Sd/- James M. Baker

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E.O. 12065, Section 6-102
By AT NARS, Date 2-21-96

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AIR MAIL

R-596
29 May 1936.
File 20-X/1. 1936
File 20-X/1

From Bangkok
To Singapore

From Singapore
To Hongkong

Land & Mortgages

In reply to your Land & Mortgages, Siam 20-X/1, we have discussed this matter with Mr. Tower who advises as follows:-

We refer to our R-516 of 4 May 1936 and Bangkok/Singapore letter R-1704 of 17 April 1936 with enclosures.

We now attach copy of Bangkok's R-1522 of February 22, 1936 as well as letter from our Bangkok lawyers No.156 dated February 20, 1936.

At our request, Bangkok has pursued the matter further with Mr. Tower, Acting in charge of the Legation during the Minister's absence, and we now enclose copy of Bangkok's R-1824 of May 26, 1936, from which you will note that nothing further can be accomplished in Bangkok.

Although our lawyers, in their letter dated 20 February 1936, do not agree with the view taken by the Land Department, the fact remains that officially we are not entitled to hold land or mortgages in Siam. We are therefore considerably exercised as to whether or not we should be able to realize anything should it be necessary to foreclose even though such mortgages had been accepted and registered by the local officials known as Nai Amphurs.

Just what our position would be in the event of foreclosure would be purely conjecture, and we trust that it will not be necessary to take such action. We have mortgage securities at four points in Siam, the total amounting to Ticals 28,000, and we think that you will agree that this question is of considerable importance. In the meantime, we are not accepting any more mortgage security in Siam, and are making every effort to convert this type of security to cash guarantees.

With all due respect to Mr. Tower's opinion, we feel that we are entitled to special consideration, since we are the largest American Company operating in Siam, and also due to the fact that our Company is incorporated in the State of Delaware, which permits nationals of Siam to own land in that State. We therefore recommend that New York's assistance be sought in placing the matter before the State Department in Washington as soon as the opportunity offers.

A.W. Bourne Jr. - Manager

AWB:MPN

cc to Bangkok

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E.O. 12065, Section 6-102
By AI NARS, Date 2-21-96

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AIR MAIL

-2-

From: Bangkok
To: Singapore

R-1824
May 26, 1936
File 20-I/1

Land & Mortgages

In reply to your R-1282 of May 19th, file 20-I/1, we have discussed this matter with Mr. Tower who advised as follows:- to raise any special case at this time when the general situation is under consideration.

Mortgages: This question was not referred to the Siamese Foreign Office but to the State Department at Washington. The American Legation at Bangkok, according to Mr. Tower, has standing instructions from the State Department not to take up with the Siamese Government any question on the "rights" of Americans in regard to land matters, but to refer all such matters to Washington.

An exception to this general ruling has been made in requesting the Siamese Government for special permission to buy land in individual cases. Lately no further requests of this nature have been forwarded in view of a general ruling from the Siamese Foreign office that under the present Government there is no one with authority to grant such special privilege.

We discussed the opinion of our lawyers given in their letter No.156 of Feb.20th sent you under cover of our R-1522 of February 22nd file 20-I, and were advised that since the Foreign office, as stated in this letter, contends that "a mortgage is a juristic act pertaining to title to land" the American Legation is unable to approach the Siamese Government under their general instructions.

Ratboonah Property: Mr. Tower confirmed that no further action had been taken in respect to obtaining permission to have this property transferred to the Company's name, since the original application for special permission for the Company to own this land, as the general ruling from the Foreign Office mentioned above is accepted as a refusal of our application.

Mr. Tower does not anticipate that the right to Americans to own land will be provided in the new Treaty since it is impossible to grant reciprocal rights to Siamese throughout the States. He stated that if Americans were granted the privilege for land ownership similar to that enjoyed by certain other nationals, it would probably be by unilateral action by the Siamese Government.

We understand that The American Minister has with him the proposed new treaty for the consideration of the State Department at Washington and also that the necessity for Americans obtaining the right of land ownership has been forcefully placed before the State Department.

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By AT NARS, Date 2-21-96

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R-1824
To Singapore

Bangkok
May 26,1936

From Bangkok Mr. Tower, while confirming that it will be necessary
To to obtain specific instructions from the State Department
before the local office can act, feels that they will be most
reluctant to raise any special case at this time when the
general situation is under consideration.

S.M. Kirkman, Attorney

You will remember that the Embassy at Bangkok
hold on our Bon Pont apartment property in the name of Yau Pak Lamb
to the Company. To date not, we have successful in completing
this transfer, as the land office has taken the view that our right to
hold SHKsCA [illegible] exactly the same as our rights in regard to owning
property. Our lawyers do not agree with this view and have suggested
to obtain permission to accept the transfer of the Bon Pont apartment.
As an analogous case of Chain letter No.158 of February 20th from
which you will note that they are unable to postpone the land title
to accept their view, and that what it is necessary to have the matter
up through the Foreign Office.

We recommend that the matter be placed in the hands of
the American Minister with a request that he approach the Foreign office
and obtain a revision of their ruling in respect to mortgages.

You will also note from Hegwiley & Smith's letter that the
mortgage which we propose taking in support of our cashier's bond is
also involved.

cwd. S.M. Kirkman, Attorney

cc:
O.I. File 9-B

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E.O. 12065, Section 6-102
By AT NARS, Date 2-21-96

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SAIGON

BAGULEY & TOOTH
Advocates & Solicitors

COPY

Bangkok, Siam,
20th February 1936

D:C
Nothing
From Bangkok
To Singapore

R-1522
February 22,1936
Despatch File 26-X/14

Dear Sirs:

Ban Pong Mortgage

With reference to your letters Nos. 14 and 16 of the 11th January and 14th February last respectively, we called at the Land Department and discussed the question of the mortgage held on our Ban Pong agent's property in the name of Yam Pak Leuk, to the Company. We have not, as yet, been successful in completing this transfer, as the Land Office has taken the view that our right to hold mortgages is exactly the same as our rights in regard to owning property. Our lawyers do not agree with this view and have endeavoured to obtain permission to effect the transfer of the Ban Pong mortgage. We now enclose a copy of their letter No.156 of February 20th from which you will note that they are unable to persuade the Land Office to accept their view, and feel that it is necessary to take the matter up through the Foreign Office.

We recommend that the matter be placed in the hands of the American Minister with a request that he approach the Foreign Office and obtain a revision of their ruling in respect to mortgages.

You will also note from Baguley & Tooth's letter that the mortgage which we propose taking in support of our cashier's bond is also involved.

Sgd. S.M. Kirkman, Attorney

c.c. file 9-E

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E.O. 12065, Section 6-102
By AT NARS, Date 2-21-96

C O P Y

BAGULEY & TOOTH
Advocates & Solicitors

Bangkok, Siam,
20th February 1936

D:C
No.156

Messrs. Standard-Vacuum Oil Co.
Bangkok.

Transfer of Mortgages

Dear Sirs:

With reference to your letters Nos. 143 and 146 of the 11th January and 14th February 1936 respectively; we called at the Land Department on the 13th January last and enquired about their objection to the transfer of the mortgages now held in the name of Mr.Yam Pak Leuk into that of yours. We were informed that, by an order contained in a letter dated 17th January 1933 from the Ministry of Foreign Affairs to the Ministry of Interior under which ministry the Department of Land was situate at that time, the Land Department was forbidden to receive application for the record of all juristic acts relating to land by American subjects except applications made by such American subjects through the United States Minister and the Local Foreign Office as it is contended that a mortgage is also a juristic act relating to title to land because in the event of a sales of the mortgaged property by order of the Court, an American mortgagee might obtain a freehold title over the mortgaged property in which case, a question of the validity of the title would arise and cause difficulties.

The present question is how to induce the Department to be reasonable. The rights of American subjects as regards title to land have been dealt with in our letters of the 25th January and 31st May 1935. The present question is not, however, a question of title to land, but a right to mortgage land or accept land as security for debts due. In the American Treaties of 1856 and 1921 there is no prohibition against the mortgaging of immovable property to American subjects. The reason for requiring application for juristic acts relating to mortgages to be made via the American Minister and the Siamese Foreign Office before being dealt with by the Land Department in the ordinary way is, in our opinion, ultra vires. As, in the event stated in that document, if an American citizen purchased the freehold of the mortgaged property at an auction of the same by order of the Court, he would have no better title to such land than is granted to him by law which includes treaty provisions.

A mortgage is defined in section 702 of the Civil and Commercial Code as "a contract whereby a person called the mortgagor assigns a property to another person called the mortgagee as security for the performance of an obligation without delivering the property to the mortgagee"; and under section 711 of the same Code, it is provided that any agreement by which the mortgaged property is to be surrendered to the mortgagee otherwise than in accordance with the provisions concerning enforcement of mortgage is invalid. The provisions of the Code relating to enforcement of mortgage require that, if the debtor fails to perform his obligation within a prescribed time, the mortgagee shall apply to the Court for a judgment ordering the mortgaged property to be seized and sold by auction. There is no such thing as a foreclosure without the

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E.O. 12958, Section 6-1
By AT NARS, Date 2-21-96

order of the Court. We think, therefore, that the requirement of the Foreign Office order referred to above is not only unreasonable, but is a hindrance to the business of American subjects, and is contrary to the spirit of the Treaty of Amity between Siam and the United States. It is for the reasons stated above that all transfers of land to your company are now refused unless the procedure prescribed is followed.

We feel that little benefit may be expected by making such representations to the Land Department as, in matters relating to foreigners, the Land Department is bound by the requirements of the Foreign Office. The only remaining resource is, therefore, diplomatic action limited to the question of mortgage irrespective and regardless of the question of titles to land.

The above also applies to the subject of your letter No.148 dated 20th inst., that is to say, to the proposed mortgage by Nang Kim and Nang Inn to yourselves. We confirm that we hold the Title Deed No.659 and also the Bond Agreement for Tcs.13,000 signed by Nang Vasa referred to in your letter No.148 of 20th February 1936.

We shall be glad to have your further instructions in this matter or to meet and discuss the situation with you at your convenience.

Yours faithfully,

Sd./ Baguley & Tooth

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AIR MAIL

R-1635 "P"
Bangkok, March 28,1936.
File "P"
Bangkok, March 30,1936.

Mr. F. X. Lee, Manager,
Standard-Vacuum Oil Co.
Singapore

Dear Mr. Lee,

In reply to your letter of March 24th advising of your early departure on home leave, permit me to wish you a pleasant voyage and a most enjoyable rest from your duties in Siam.

The American Minister asked the writer to call yesterday and handed him a note advising that he was leaving early in May for a four months vacation at home. When presenting this letter the Minister requested that he be given a reply which would indicate our appreciation of his efforts on our behalf while in Bangkok and satisfaction with his administration.

This request appears most unusual but I do not see how it can be refused gracefully and I am enclosing a rough draft of the letter I propose submitting. I would be appreciate your suggestions by return air mail, since the Minister indicated that he would like to receive my reply as soon as possible.

Very sincerely yours,

Yours truly,

S.M.Kirkman

Mr. James M. Baker
American Minister to Siam,
SUKHOTAI.

Encl. draft of letter.

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ADMINISTRATIVE MARKING
E.O. 12065, Section 6-102
By AT NARS, Date 2-21-96

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DEPARTMENT OF STATE

BY AIR MAIL

DIVISION OF

R-1165-P

Bangkok, March 28, 1936.

File M.P.

Dear Mr. Baker,

Mr. M. Mathieson,
Manager, Standard Vacuum Oil Company,
Bangkok.

In reply to your letter of March 25th advising of your early departure on home leave, permit me to wish you a very pleasant voyage and a most enjoyable rest from your duties in Siam.

I also desire to take this opportunity of thanking you both personally and on behalf of the Company for your valued assistance in our negotiations with the Siamese Government since initiation your arrival in Bangkok. I would particularly mention your sympathetic efforts to obtain favorable action in respect to ownership of adopting land by our Company as well as your very helpful advice in matters of our handling these negotiations. The [illegible] which presumably will continue for some relations with the Minister, time, we feel that the latter as drawn by us is fully justified.

I look forward to your early return and hope that the American community may have the benefit of your presence and assistance for some time to come.

STANDARD-VACUUM OIL COMPANY

Very sincerely yours,

Francis X. Loy, ATTORNEY

FXL:MDW

Mr. James M. Baker
American Minister to Siam,
Bangkok.

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E.O. 12065, Section 6-102
By AT NARS, Date 7-21-96

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BY AIR MAIL

DEPARTMENT OF STATE

DIVISION OF FAR EASTERN AFFAIRS

R-1165-P
Singapore, 31 March, 1936.
File M.P.

Mr. S.M.Kirkman,
Manager, Standard-Vacuum Oil Company,
Bangkok.

Dear Mr. Kirkman:

Referring to your letter R-1635-P of the 28th inst., we have no objection to your sending in the letter you propose.

While we are not at all certain that the American Minister has done everything possible in matters relating to our Company's interests, we do not feel that anything would be gained by adopting any attitude other than that proposed by you. In the interests of our relations with the Minister, which presumably will continue for some time, we feel that the letter as drafted by you is fully justified.

WTT/DLX Yours very truly,

STANDARD-VACUUM OIL COMPANY

FXL/MPN Francis X. Lee, ATTORNEY

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E.O. 12065, Section 6-102
By AT NARS, Date 2-21-96

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July 24 1936

In reply refer to
FE 892.5211/87

My dear Mr. Thompson:

I acknowledge the receipt of your letter of July 17, 1936, suggesting that a conference be arranged in Washington, at a time when Mr. James M. Baker, American Minister to Siam, will be able to be present, in order to discuss the question of the rights of the Standard-Vacuum Oil Company to acquire certain properties in Siam.

I have ascertained that Mr. Baker will be available, in September, for such a conference, given a few days' notice. If possible, I should like to have present at the conference an officer from the office of the Legal Adviser and perhaps Assistant Secretary Sayre. I suggest that you write me again, at your convenience, in September, and that it be understood that upon receipt of word from you

I,

Mr. Claude A. Thompson,
General Counsel,
Standard-Vacuum Oil Company,
26 Broadway,
New York, New York.

892.5211/87

DEPARTMENT OF STATE

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ADMINISTRATIVE MARKING
E.O. 12065, Section 6-102
By AT NARS, Date 2-21-96

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I, or, if I am not here at that time, Mr. Hamilton, then take up the matter of setting a date.

Sincerely yours,

For the Secretary of State:

Stanley K. Hornbeck,
Chief,
Division of Far Eastern Affairs.

A true copy of the original signed letter.

FE:WTT/SKH:DLY
7-24-36

FE

JUL 9 1936 PM
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