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

892.52/118

892.52/11

LEGATION OF THE UNITED STATES OF AMERICA

Bangkok, April 4, 1935

No. 198

Subject: Policy of the Siamese Government Regarding Purchase of Land by Aliens

BY AIR MAIL

Division of FAR EASTERN AFFAIRS SEP 24 1935 Department of State

FEDERAL BUREAU OF INVESTIGATION RECEIVED APR 20 1935 AM 11 45 DEPARTMENT OF JUSTICE WASHINGTON, D.C. RECORDS SECTION

DEPARTMENT OF STATE NOV 2 1935 A.M.

For Distribution Charts — Grade — For — Decimal Note No. — Page III — In U.S.A.

The Honorable

The Secretary of State

Washington, D.C.

Sir:

I have the honor to transmit herewith correspondence as follows on the subject of purchase of land by Americans in Siam:

1/. (1) A copy of an informal note dated March 5, 1934 from Prince Varnvaidya, Adviser to the Minister of Foreign Affairs of the Siamese Government.

2/. (2) A copy of the Legation's informal reply to the note of Prince Varnvaidya, dated March 27, 1934.

(3)

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3/. (3) A copy of the Legation's note No. 73 of December 17, 1934 to the Ministry of Foreign Affairs.

4/. (4) A copy of note No. C.55/19139 dated February 7, 1935 from the Ministry of Foreign Affairs.

5/. (5) A copy of the Legation's note No. 79 of February 15, 1935 acknowledging receipt of note No. C.55/19139 above-mentioned.

The attention of the Department is invited to my despatch No. 197 of this date which deals in part with the purchase of land by Americans in Siam.

With reference to the enclosed note of February 7th from the Foreign Office, I shall refrain from commenting on the details, as I believe the settlement of the major question as to whether the Department desires formal intercession of the Legation for Americans desiring to acquire land by purchase obviates a consideration of the details of the note. The note closes with the sentence:

> "While His Majesty's Government does not question that Your Excellency's statement is substantially correct, it does desire a formal statement from your Government with regard to the right of the Siamese to own land in the various States of the United States."

It is requested that the Department transmit a reply for delivery to the Foreign Office.

While the explanation of the effect of constitutional government as compared with the earlier form of monarchy in Siam upon the granting of the privilege of land purchase to aliens is an interesting one, the action is in line with a general tendency to suppress the rights and privileges of aliens in Siam which has been manifest since the inception of the regime of

Phya

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By AT NARS, Date 2-21-96

Phya Phahol. It seems possible that such a policy will prove obstructive in many other executive procedures with the fuller evolution of the new government in Siam.

While the language of the enclosed note applies to leases as well as purchases, the treaty clearly indicates that with regard to leases by Americans the restrictions set forth in the enclosed note would not be applicable.

Respectfully,

James M. Baker

James M. Baker,
American Minister

Enclosures:
1. Copy of note from Foreign Office of March 5, 1934.
2. Copy of Legation's reply of March 27, 1934
3. Copy of Legation's note of December 17, 1934 to Ministry of Foreign Affairs
4. Copy of letter from Ministry of Foreign Affairs of February 7, 1935
5. Copy of Legation's reply to Ministry of Foreign Affairs of February 15, 1935

Legation File No. 852

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

Enclosure No. 1 to despatch No. 198 of
April 4, 1935 from the Legation at
Bangkok

Copy of Letter

(SEAL)

Ministry of Foreign Affairs
Saranromya Palace
5th March, 1934.

Dear Mr. Baker,

I have been asked to look into the question of the rights of American citizens to own land in Siam.

I shall be grateful if you will be so good as to let me know whether, since the coming into force of the Treaty of December 16th 1920, a Siamese who is a bona fide resident in U.S.A. has the right to own land under the local Law of the particular State in which he resides.

Yours sincerely,

(SGD) VARNVAIDYA

His Excellency
Monsieur James Marion Baker,
etc., etc., etc.,
BANGKOK

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

Enclosure No. 2 to despatch No. 198 of April 4, 1935 from the Legation at Bangkok

Copy of Letter

Legation of the United States
of America
Bangkok, March 27, 1934

My dear Prince Varnvaidya:

I have received your letter of March 5, 1934, requesting information as to the laws of the United States and the several States regarding alien ownership of land.

As you are doubtless aware, there are no federal laws dealing with this matter, as the rights of aliens are governed by the laws of the States and Territories in which they reside. Some States make a distinction between resident and non-resident aliens, and others grant to aliens the right to acquire land under certain restrictions either as to amount of land acquired or as to method of acquisition.

From the information available in the library of the Legation, it appears that the following thirteen of the forty-eight States and two Territories do not grant to aliens ineligible to citizenship the right to acquire real property except as provided by treaty:

Alaska	Kansas	New Mexico
Arizona	Louisiana	Oregon
California	Minnesota	Washington
Delaware	Missouri	
Idaho	Nebraska	

Of the above thirteen States and Territories, the State of Washington permits aliens to inherit real estate or acquire property in collection of a debt.

The following twenty-eight States and one Territory grant to resident aliens the same rights as to ownership of land as they grant to native citizens:

Alabama	Michigan	Rhode Island
Arkansas	Mississippi	South Dakota
Colorado	Nevada	Tennessee
Connecticut	New Hampshire	Texas
Florida	New Jersey	Utah
Georgia	New York	Vermont
Hawaii	North Carolina	Virginia
Maine	North Dakota	West Virginia
Maryland	Ohio	Wyoming
Massachusetts	Oklahoma	

Of the remaining seven States, Illinois grants rights of ownership of land to aliens but the land must be sold within six years unless the alien acquires American citizenship; Indiana, Iowa and South Carolina limit the amount of land acquired by an alien; the laws of Montana mention only alien ownership of mining property; and Kentucky grants to aliens the same rights as are granted to citizens of Kentucky by the laws of the alien's country.

The above

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By AT NARS, Date 2-21-96

The above information was obtained from a study of publications in the library of the Legation up to 1932. It must be remembered, however, that the legislatures of the different States meet annually, and the laws are therefore subject to frequent change. If there is any further information that you desire, I shall be glad to assist you in any other way that I can.

I am, my dear Prince Varnvaidya,

Very sincerely yours,

JAMES M. BAKER

His Serene Highness
Prince Varnvaidyakara Varavarna,
Adviser of the Ministry of Foreign Affairs
Bangkok

Legation File No. 852
KFP/hln

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

Enclosure No. 3 to despatch No. 198 of April 4, 1935 from the Legation at Bangkok

Copy of Letter

Legation of the
United States of America
Bangkok, December 17, 1934

No. 73

Excellency:

I have the honor to recall to Your Excellency that action upon requests for permission to acquire title to lands in Siam, made by American missionary and commercial organizations to which this Legation has extended its good offices, has now been pending for many months. In order to facilitate reference to the correspondence, there is attached hereto a list of the notes which have passed between the Ministry of Foreign Affairs and the Legation on this subject.

In view of the repeated verbal assurances that the decision of His Majesty's Government with regard to the pending applications for acquiring ownership of lands would be notified to this Legation in the very near future, it is expected that a communication disposing of these matters will be received at an early date.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

JAMES M. BAKER

His Excellency
Phya Phahol Pholphayuha Sena
His Siamese Majesty's State Councillor
for Foreign Affairs
Bangkok

AFT/hln

LIST OF NOTES

From the American Legation to the Ministry of Foreign Affairs:

No. 285 - May 17, 1933
" 292 - June 30, 1933
" 294 - July 11, 1933
" 321 - November 17, 1933
" 322 - November 18, 1933
" 10 - January 16, 1934
No. 13 - January 25, 1934
" 15 - February 17, 1934
" 22 - April 10, 1934
" 38 - August 14, 1934
" 65 - November 15, 1934
" 72 - December 17, 1934

From the Ministry of Foreign Affairs to the American Legation:

No. C.2/3886 - June 9, 1933
" C.38/15528 - January 23, 1934
" C.3/805 - April 16, 1934

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

Enclosure No. 4 to despatch No. 198 of April 4, 1935
from the Legation at Bangkok

Copy of Letter

No. C.55/19139. (SEAL) Ministry of Foreign Affairs
Saranromya Palace
7th February, 1935

Monsieur le Ministre,

I desire to refer to the question of the right of Americans to own land in Siam which was raised by the application of the Socony-Vacuum Corporation to purchase 7 plots of land in various parts of Siam and the request of the American Presbyterian Mission to acquire, by exchange, a plot of land situated in Bangkok.

I desire to express my regret that there has been so long a period of delay in arriving at a decision, but I can assure Your Excellency that this has not been due to negligence on the part of His Majesty's Government.

It was the policy of His Majesty's Government under the old regime to grant, as a matter of courtesy, applications for Americans to acquire land in Siam, although under the Treaty the only right granted is a right to lease land for certain purposes and to own buildings for certain purposes. That policy was possible under the old regime, because His Majesty's decision had the force of law in itself. Under that policy, therefore, it was not necessary for His Majesty's Government to make a legal decision with regard to the rights of Americans to own land either under the provisions of the Treaty or under the provisions of the national Laws.

The situation in Siam has been fundamentally changed by the adoption of the Constitution and the former policy can no longer be continued. This change in policy is not due to any change in the attitude of His Majesty's Government towards the Government of the United States or towards American nationals residing in Siam. It is the inevitable result of the distribution of powers under the Constitution. The legislative power now resides in the Assembly of the People's Representatives, and that body alone has the right or authority to make legal provisions exempting any individual or class of individuals from the application of any national law. Accordingly, the executive branch of His Majesty's Government must decide each question that may arise concerning the ownership of land by an American solely by the provisions of the national law and the provisions of the Treaty. As you are aware, the Treaty, although somewhat vague in its terms, gives no rights to Americans to own land in Siam. There is, however, still in force in Siam a Law promulgated during the Fourth Reign, which came into force in 1856, specifying the limits within which and conditions under which aliens, including Americans, are permitted to buy or lease lands. The pertinent provisions of this Law are as follows:

His Excellency
Monsieur James M. Baker
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America,
BANGKOK

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(1) Aliens who have resided 10 years in Siam may both purchase or lease land within the City of Bangkok and within a radius of 200 sens from the City Wall. The only condition other than period of residence is that the seller should first apply to the Minister and receive his consent.

(2) Aliens without regard to the period of residence may buy or lease land in the area outside the 200 sens radius from the City Wall and within a distance of 24 hours journey by boat. The only condition is that the land owner who desires to sell or lease land must inform the District Officer so that he in turn may inform the proper officials and the Governor in order that they may witness the deed or lease. This area is specifically described in the Act as follows:

> "North: As far as where the Mouth of the Bang Putsah canal joins the River Chao Phya (along the canal) to the walls of Muang Lopburi, and straight on (from Lopburi) to the landing place of Phra Ngam on the Saraburi River;
>
> "East: From the landing place of Phra Ngam to Bang Kanark, where the Klongkut Canal joins the River Bang-pa-Kong, (along the Bang-pa-Kong River) straight to the Mouth of the Bang-pa-Kong River, and straight on to the Island of Srimaharaja.
>
> "South: From the Island of Srimaharaja to the walls of the town of Bejraburi.
>
> "West: From the Gulf of Bejraburi to the mouth of the River at Muang Samuda Songgram, along the River to the walls of the City of Rajburi and straight to Muang Subarnburi and from Subarnburi to the mouth of the Bang Putsah Canal from which the Northern boundary started."

(3) Beyond this 24 hours limit aliens are prohibited from buying or leasing land.

The question now arises whether or not Americans may exercise these limited rights under the old Land Law, or whether they can only exercise such rights as are given by the Treaty.

His Majesty's Government is disposed to hold that Americans may exercise such rights as are given by the Royal Decree of the Fourth Reign, provided official evidence can be furnished that Siamese subjects are entitled to hold land in certain States of America accordingto the local laws. Your Excellency sent to the Foreign Office an informal statement based upon the books contained in the library of the Legation which did show that in the majority of the American States Siamese were permitted to own land. While His Majesty's Government does not question that Your Excellency's Statement is substantially correct, it does desire a

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LEGATION OF THE
UNITED STATES OF AMERICA

Enclosure No. 5 to despatch No. 198 of April 4, 1935
from the Legation at Bangkok

Copy of Letter

Legation of the
United States of America
Bangkok, February 15, 1935

No. 77

formal statement from your Government with regard to the right of the Siamese to own land in the various States of the United States.

I avail myself of this opportunity, Monsieur le Ministre, to renew to Your Excellency the assurance of my highest consideration.

I have the honor to acknowledge the receipt of Your Excellency's note of February 7, 1935, No. C.35/19139, with reference to the question of ownership of land in Siam by Americans.

(SGD) PHYA PHAHOL
State Councillor for Foreign Affairs

After communicating with my government I shall again take up this matter with Your Excellency.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

JAMES L. BAKER

His Excellency
Phya Phahol Pholphayuhe Sena,
His Siamese Majesty's State Councillor
for Foreign Affairs
Bangkok

Legation File no. 852

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LEGATION OF THE
UNITED STATES OF AMERICA

Enclosure No. 5 to despatch No. 198 of April 4, 1935
from the Legation at Bangkok

No. 196 Copy of Letter

Subject: Policy of the Siamese Gov. Regarding Purchase by Aliens

No. 79 Legation of the United States of America
Bangkok, February 15, 1935

BY AIR MAIL

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's note of February 7, 1935, No. C.55/19139, with regard to ownership or leasing of land in Siam by Americans.

After communicating with my Government I shall again take up this matter with Your Excellency.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

JAMES M. BAKER

The Honorable
His Excellency
Phya Phahol Pholphayuha Sena,
His Siamese Majesty's State Councillor
for Foreign Affairs
Bangkok

Sir:

I have the honor to transmit herewith correspondence as follows on the subject of purchase of land by Americans in Siam:

Legation File No. 852

AFT/hln

1/. A copy of an informal note dated March 5, 1934 from Prince Varnvaidya, Adviser to the Minister of Foreign Affairs of the Siamese Government.

2/. A copy of the Legation's informal reply to the note of Prince Varnvaidya, dated March , 1934.

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