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

LEGATION OF THE
UNITED STATES OF AMERICA

No. 26. Bangkok, January 27, 1934.

Subject: Acquisition of land in Siam by American citizens.

Division of
FAR EASTERN AFFAIRS
FEB 17 1934
Department of State

CONFIDENTIAL

FEB 16 34

TREATY DIVISION
APR 3 - 1934
DEPARTMENT OF STATE

892.5211/20

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Assistant Secretary of State
MAR 28 1934
MR. SAYRE

FILED
FEB 8 - 1935

The Honorable

The Secretary of State,

Washington, D. C.

Sir:

I have the honor to refer to my telegram No. 2, of January 15, 1934, 4 p.m., bringing to the attention of the Department the difficulty now being encountered by the Legation in obtaining from the Siamese Government permission for American citizens to acquire real property in Siam. Because there is no provision in the treaty between the United States and Siam for American citizens to purchase land in Siam, application for permission in each case must be made by the Legation to the Siamese Ministry of Foreign Affairs. This situation

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situation has never presented any difficulty in the past as permission for Americans to acquire land has always been freely and quickly granted.

Two applications for American acquisition of land, the only two applications made to the government now in power, have been pending for more than six months, and it has so far been impossible to obtain any action or even a satisfactory explanation as to the reason for the delay. An application on behalf of the Socony-Vacuum Corporation was made on May 17, 1933, and followed upon on November 17, 1933, and an application on behalf of the American Baptist Mission was made on July 11, 1933, and followed up on November 17, 1933. No acknowledgment was made to any of these notes but the Foreign Minister stated verbally that the matter had to be placed before the State Council and a decision would be given as soon as possible. As already reported to the Department, the heads of ministries are permitted very little freedom of action even in affairs of their own departments, as every question except purely routine matters must be decided by the State Council. The Foreign Minister, Phya Abhibal, has even less power than other ministers, as the real chief of the Foreign Office is Prince Varnvaidya, Siamese Adviser in Foreign Affairs, who being a Prince is barred by the constitution from holding political office.

Until recently it was believed that the delay of the government in replying to the Legation's applications for American acquisition of land was caused merely by

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the slowness of the present government machinery. It now appears, however, that there is a deliberate effort to delay action on the applications and it would therefore be advisable to make an effort to include in the treaty a provision for American acquisition of land in order to avoid difficulties of this nature in the future. Such provisions are included in the treaties between Siam and Great Britain, France, Germany, Italy, and the Netherlands. On January 16, 1934, a note, copy of which is enclosed, was addressed to the Minister for Foreign Affairs requesting a reply to the Legation's earlier notes. The Foreign Minister's reply, dated January 23, 1934, copy enclosed, states that the matter had been held in abeyance to await the return of the American Adviser, Mr. Raymond Stevens, as the constitution promulgated on December 10, 1932, had raised the question as to whether permission for American acquisition of land would require an act of the Assembly. In his previous conversations Phya Abhibal had made no mention of Mr. Stevens and it is not believed that his explanation for the delay is the real one. Furthermore, the last application for permission for American acquisition of land was granted in February 1933, since the promulgation of the constitution. That was before the departure of Mr. Stevens and before the coup d'état of June 20, 1933, which put the present government into power. Prince Varnvaidya, the present Adviser in Foreign Affairs and virtual Foreign Minister, is understood

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Enclosure no.1 to despatch No. 26, dated January 27, 1934, from the Legation at Bangkok.

understood to be antagonistic to the views of Mr. Stevens and it is very likely that his influence has delayed the decision on the present question.

Furthermore, as the Department has been informed (Despatch No. 327, of November 27, 1933 - File No. 800-SIAM), the present State Council as well as the government is dominated by a radical group of young men, among whom there is a feeling that foreign influence is spreading in Siam through foreign advisers and through the fact that most of the business of Siam is conducted by foreigners. There is a desire on the part of this group to check the spread of foreign influence, which they feel has become too great. While this attitude is manifest and may possibly account for the opposition of the government towards granting privileges to foreigners, it is the feeling of a very small minority in Siam and has not as yet greatly affected foreign interests.

In view of this attitude on the part of the group now in power, it would be advisable, in my opinion, to endeavor to obtain for Americans by treaty or agreement the courtesy of the Siamese Government.

Respectfully yours,

James M. Baker

His Excellency
Phya Abhibal Rajamaitri,
His Siamese Majesty's State
Councillor for Foreign Affairs,
Bangkok.

James M. Baker.

Enclosures:
1-2. As stated.

Legation File No. 852/710
Legation File No.852
KFP/hln
AFP/hln

2 carbon copies rec'd in A-G 3/28/34 E.A.K.
2 carbon copies out of A-G 3/30/34 E.A.K.

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Enclosure No.1 to despatch No. 26, dated January 27, 1934, from the Legation at Bangkok.

-COPY-

No.10

Legation of the
United States of America,
Bangkok, January 16, 1934.

Excellency:

I have the honor to remind Your Excellency that the Legation has had no acknowledgment of its notes No. 285, of May 17, 1923, and No. 292, of June 30, 1933, relative to the purchase of a number of pieces of land by the Socony Vacuum Corporation, and No. 294, of July 11, 1933, and No. 321, of November 17, 1933, relative to the desire of the American Baptist Mission to exchange two pieces of lands.

While the Legation is aware that American nationals are not gramted by treaty the right to purchase land, permission for such acquisition has always been freely granted in the past by His Majesty's Government. The fact that no action has been taken upon this Legation's application for permission to acquire land has resulted in considerable inconvenience to the American citizens concerned.

In view of the long time which has elapsed since this matter was first presented to Your Excellency's Government, I would very much appreciate being informed at an early date the attitude of His Majesty's Government toward American ownership of land in order that I might bring this matter to the attention of my Government.

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

JAMES M. BAKER

His Excellency
Phya Abhibal Rajamaitri,
His Siamese Majesty's State
Councillor for Foreign Affairs,
Bangkok

Legation File No.852

KFP/hln

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Enclosure No. 2 to despatch No.25, dated January 27, 1934, from the Legation at Bangkok.

- COPY -

No. C.38/15528

Ministry of Foreign Affairs,
Saranromya Palace,
23rd January, 1934.

Monsieur le Ministre,

I have the honour to acknowledge the receipt of your Excellency's letter of the 16th instant with regard to the application of the Socony Vacuum Corporation for permission to purchase certain pieces of land and to the desire of the American Baptist Mission to exchange two pieces of land.

In this connection on receipt of your Legation's letters No.285 of the 17th May and No. 294 of the 11th July last I did not fail to refer the matter to competent authorities for due investigation and consideration. In the meantime, however, in view of our Constitution, a new question has arisen in regard to the grant of permission for Americans to own land in this country. The question is whether the grant should be in the form of an Act or in what form. As Mr. Stevens was then scheduled to come back and resume his duties as Adviser in Foreign Affairs I thought it would be advisable to postpone the examination of this question until after his return. So the matter was left in abeyance awaiting Mr. Stevens' return. Now that it is certain that Mr. Stevens will not come back, I have asked Prince Varnvaidya to proceed forthwith with the examination of the above question.

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

(Signed) PHYA ABHIBAL RAJAMAITRI

State Councillor for Foreign Affairs.

His Excellency
Monsieur James M. Baker,
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America,
B A N G K O K.