

เรื่อง

อรรถราชทูตสยามขอให้ช่วยเหลือเรียบเรียงข้อความต่าง ๆ กล่าวถึงการดำเนินการยุติธรรม
ในกรุงสยาม ตามคำขอร้องของ นายไฮน์.เอ.เมอร์เจอร์ หมอกฎหมาย

Mr. R. Guyon to H.E. Chao Phya Abhai Raja, Minister of Justice, Presiden of the
Commission of Codification.

14 th. May 1923.

Your Excellency,

I beg to answer to your letter 2nd. inst. Concerning the position, according to the Siamese Law, of a girl of eighteen of age as to her time of majority and power to manage her own property, as submitted by the Ministry of Foreign Affairs upon request of H.E. the Danish Minister.

Up to now, there is no statutory law in Siam concerning the point. Neither is jurisprudence, as far as I know, because of judgments of Courts could hardly have decided what is the age of majority, this being a matter of legislative policy. The practice is that boys or girls are considered of full age and able to manage their own property rather early. There is little doubt that, in the present customs, no body wonders if a girl of 18 years is taken as empowered and able to dispose of herself and her property. However the tendency of the jurisprudence is to reasonably protect her against prejudicial contracts as it appears from a judgment of the Dika Court (No. 185/122) which says that a girl is not bound by her contracts unless and until she has reached the age of twenty: this may be taken in the present conditions as a satisfactory protection.

From the letter of H.E. the Danish Consul, it appears that the deceased Danish subject L.C.N. Gerhardt was probably well acquainted with the Siamese customs in the matter and entirely agreeing with them, as he says expressly in his will that when his foster-daughter will be 18 years old "she shall be allowed to leave the school or convent and be at liberty to dispose over her person and property and to take up her abode or to reside with some of her relatives if she likes".

The will or the testator is very clear and imperative, and, as it is in no way contrary to the public order and customs of this country, it seems that the executor and trustee, which besides is appointed only up to the time when the girl has 18 years of age, has nothing else to do than to comply with the testator's directions.

I am your most faithful servant,
(Signed) R. Guyon.