

FOREIGN COUNTRIES: Section 442.580, RSMo 1959, does not  
FORFEITURES: prohibit a foreign government from  
ALIENS: acquiring, holding, or owning real estate  
REAL ESTATE: in the State of Missouri.

OPINION NO. 359

November 18, 1964

Honorable John M. Dalton  
Governor, State of Missouri  
Executive Office  
Jefferson City, Missouri



Dear Governor Dalton:

This opinion is being rendered in response to the request in your letter of October 9, 1964. The question involved is contained in the letter to you dated October 6, 1964, from Mr. J. Edward Lyerly, Deputy Legal Adviser, Department of State, which reads:

"There is enclosed a copy of a note from the Embassy of Belgium concerning the desire of that Government to purchase property in Kansas City, Missouri, for use as the residence of the Belgian Consul General.

"The Embassy requests the advice of the Department regarding the right of the Belgian Government to purchase property in Missouri for the purpose stated. The Embassy states that it is aware that Section 442580 of the Missouri statutes prohibits aliens from acquiring and holding real estate in Missouri except as provided by treaty, but that it is under the impression that this statute does not apply to foreign governments.

"It would be appreciated if you would furnish the Department information on which to base its reply to the question raised by the Embassy. For your information, there is not in force between the United States and Belgium any treaty containing provisions relating to the acquisition of land in the United States by the Belgian Government, or by the United States in Belgium. It may be of interest that the Belgian Embassy recently inquired of the Department concerning

the right of the Belgian Government to purchase a residence for its Consul General at Chicago, Illinois, in view of the prohibition in Illinois law against the acquisition by aliens of real estate in Illinois. (Ill. Rev. Stat. 1959, chap. 6, paras. 1 and 2.) The Department replied that in a letter to the Secretary of State dated April 13, 1960, the Attorney General of Illinois stated there was no prohibition in Illinois law against a foreign nation acquiring or holding title to real estate situated in that State, and that the Aliens Act appertained to individuals or persons, not to foreign states or countries."

Section 442.580, RSMo 1959, is entitled:

"Unlawful for aliens or corporations of foreign countries to acquire or own real estate, when".

This section provides:

"It shall be unlawful for any person or persons not citizens of the United States, or who have not lawfully declared their intention to become such citizens, or for any corporation not created by or under the laws of the United States or of some state or territory of the United States, to hereafter acquire, hold or own real estate so hereafter acquired, or any interest therein, in this state, except such as may be acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts; provided, that the prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to the citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty, shall continue to exist so long as such treaties are in force, and no longer."

It should be noted that this section, when referring to those coming within its prohibitions, uses the words "aliens, corporations, person or persons not citizens of the United States,

citizens and subjects of foreign countries." Nowhere does the statute expressly or by implication include a foreign country or a foreign state within its prohibitions.

In 3 C.J.S., Section 1, page 523, an alien is defined as:

" . . . a person who owes allegiance to a foreign government or who does not owe allegiance to the government whose relationship to such person is in question."

In 20 C.J.S., page 1299, foreign country is defined as:

"A country exclusively within the sovereignty of a foreign nation, and without the sovereignty of the United States."

Further, in 48 C.J.S., Section 4, page 3, it is stated that:

"A [foreign] state is a sovereign political unity; a body politic possessing sovereignty."

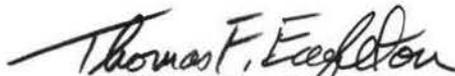
The distinction between the sovereign foreign country and the citizen of the foreign country is readily apparent. We see no reason to believe that the Missouri Legislature was not aware of the distinction when Section 442.580 was enacted. When the Missouri Legislature spoke of "aliens, corporations, person or persons not citizens of the United States, citizens and subjects of foreign countries," there is no reason to doubt that it meant the prohibitions of Section 442.580 to apply to foreign citizens alone and not to foreign sovereign countries. The words such as alien, person, and citizen could be given effect to include a foreign country only by straining them beyond their natural meaning and contrary to the indications of the context of the statute.

#### CONCLUSION

It is, therefore, the opinion of this office that Section 442.580, RSMo 1959, does not prohibit a foreign government from acquiring, holding, or owning real estate in the State of Missouri.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Gary A. Tatlow.

Yours very truly,

  
THOMAS F. EAGLETON  
Attorney General