

and transfer real estate in the manner and to the extent and for the purposes prescribed by any treaty.

But the question has been squarely raised by the declaration of the legislature of California which was intended and understood by the public generally to mean that California claimed such right notwithstanding any treaty provisions with the federal government.

Arizona has adopted an alien land law more drastic than that of California; but this likewise provides that it shall not be so construed as to conflict in any manner with any treaty of the United States.

In Washington a constitutional amendment has been submitted to the people providing in substance that if a resident alien becomes a non-resident for nine years his real property shall be vested in the common school fund.

The laws of these latter states have not attracted attention, but the passage of this law by the legislature of California and the public discussion which followed have raised a question which may disturb the amicable relations heretofore existing between the United States and Japan—a question of vital importance to our nation in its relation with foreign governments.

I am convinced that there can be no serious doubt that the federal government may, by treaty, define the status of a foreign citizen within the states, the places where he may travel, the business in which he may engage, the property he may own, both real and personal, and the devolution of such property upon his death; that such a treaty constitutes the supreme law of the land; and that a state law contravening such a treaty is void and will be so declared by the courts in a suitable action.

These propositions have been established by the laws and usages of all civilized nations, by the history of the times, by the opinions of the statesmen who framed our Constitution, by the provisions of the Constitution, by the universal practice of making such treaties from the days of the Confederation, and, lastly, by the repeated decisions of the Supreme Court of the United States and of many other courts during a period of more than one hundred years. And yet, notwithstanding this array of