

citizenship to possess, enjoy, transmit, and inherit real property in the same manner as citizens. Aliens not eligible to citizenship may acquire, possess, enjoy, and transfer real property, or any interest therein, in the manner and to the extent permitted by any treaty existing between the Government of the United States and the nation of which such alien is a citizen, and not otherwise. In other words, such an alien, if not permitted by treaty, may not own, transmit or inherit real property in the state of California, and such property if held in violation of the act is subject to confiscation to the state. Section 7 of the act provides: "Nothing in this act shall be construed as a limitation upon the power of the state to enact laws with respect to the acquisition, holding, or disposal by aliens of real property in this state."

The treaty with Japan of 1911 provided that: "The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel and reside in the territories of the other, to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses, and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects submitting themselves to the laws and regulations there established."

The question raised, which has received such wide discussion by publicists and journalists, is whether a state may, in violation of a treaty between the United States and a foreign power, regulate the ownership of real estate within its borders by citizens of such foreign country.

I shall not stop to discuss the question of whether the treaty with Japan does give to her citizens within the United States the right to own real estate. It gives them the right to carry on trade, to own houses, manufactories, warehouses, and shops, and to lease land for residential and commercial purposes. If citizens of Japan have any right to own real estate in California, it is difficult to see how this law takes away such right, because it provides in substance that such aliens may acquire, possess, enjoy,