

matter where he not only has a constitutional duty to perform, but where he may be assumed to be able to judge of the effect of the legislation upon our relations with other countries. He pointed out the things which seem to him unwise in the bill that has passed the senate. The first words to which he calls attention are "eligible to citizenship," which are as clearly discriminating as the words "ineligible to citizenship," against which he so earnestly advises. In the second paragraph the property rights of those therein described are defined as they are defined in the treaty. He fears that this will raise a question of construction and involve the subject in a lawsuit that may be both irritating and protracted. I have submitted to him the suggestion—but, owing to his absence from Washington just at this time have been unable as yet to secure an answer—that a time limit upon any bill which you pass might reduce to a minimum the unfavorable influence it exerts, if that influence is unfavorable. If, for instance, any bill that you pass dealing with the subject, is limited in its operations to two years—or even four years, but two years would give opportunity for the next legislature to act upon the subject—it would afford an opportunity for diplomatic effort with the hope that the situation could be so improved as to make a re-enactment of the law unnecessary. Assuming that the people of California will be satisfied to reach the end which they desire by methods which will cause the least friction between this and other nations, this suggestion is made for the consideration of those who have yet to act upon the subject. (The suggestion was afterward approved by the president.)

If the legislature is willing to avoid the use of the words "eligible to citizenship" or "ineligible to citizenship" I am authorized to suggest that the line might be drawn at another point, namely, between those whose right to own land is defined by treaty and those whose right to own land is not defined by treaty, the former to be allowed to own according to the terms of the treaty and the latter to be allowed to hold on the same terms that citizens of the United States hold land. But the president desires me to keep before you at all times the fact that he would prefer, if consistent with your views of the state's interests, to have all action deferred for a time sufficient to permit him to employ diplomatic means.

In conclusion, let me recall his preferences as they have been stated to you before:

First—The postponement of action at this time, reminding you again that under your constitution the legislature can be convened at any time to deal with the subject as the necessities of the case may require.

Second—If action is deemed necessary, he would prefer such action as has been taken by the state of Illinois, where no distinction is made between aliens and a liberal time allowed during which an alien can hold land.

Third—If it is deemed necessary to still further restrict the holding of property, he prefers such a law as the District of Columbia now has, where the ownership of real estate is confined to citizens and to those who have declared their intentions of becoming citizens.

Fourth—Whatever the form of the law, he earnestly advises against words intended to draw a distinction between those eligible to citizenship and those ineligible.

Having performed the duty imposed upon me by the chief executive of the nation, my work is done. You have listened patiently and courteously and now the responsibility rests upon you to do what you deem necessary, recognizing, as you doubtless do, that you act not only as the representatives of the state dealing with lands lying within the state, but as the representatives of a state occupying a position among her sister states and sharing with them an interest in and responsibility for international relations.

You are fortunate in this state in having the initiative and referendum. The initiative spurs you on to do that which you believe your people want done, while the referendum empowers those for whom you speak to put their veto upon your acts if you fail to reflect their wishes. It may be assumed, therefore, that if you feel it your duty to enact any legislation on this subject at this time, your people will either manifest their approval by acquiescence or their disapproval by submitting your action to the judgment of the voters by means of the referendum.

I leave you with renewed assurances of the president's friendly concern in the subject with which you are dealing and of my appreciation

of the kind reception which you have accorded me as his spokesman.

SENATOR GATES' REPLY

Senator Gates replied as follows:

"If I may be permitted to speak the sentiments of this legislature at this moment, I beg to convey to the secretary of state of our nation and through him to the chief executive whom we delight to honor and obey in every respect and to every degree which we believe consonant with our duty to our state and with the work entrusted to us upon this coast, I would say that this legislature appreciates to its fullest degree the honor that has been done to this state by the interest shown in the visit of the secretary of state to join with us in an endeavor to write such legislation as shall be for the protection of our state, of our people, of our relations with sister nations of the earth.

"We realize that the visit of the secretary of state upon a mission of this character, traversing the continent from coast to coast to cooperate with us to the end that we are seeking, marks an era in American politics, marks that degree of advance which we believe will be for the benefit of the nation at large and the conduct of public affairs hereafter in that it brings the national government into closer touch with that of the individual states and marks a further advance in making of the states each a closer integral part with the great family of states of which this nation is composed.

"I beg further to express, upon the part of this legislature, our profound appreciation and gratitude for the interest which has been taken by the national government in the problem that confronts the legislature of California, and to assure the secretary of state and the president of the United States that even though we may differ in the phraseology and terms which we may feel necessary to employ in legislation of the kind which is responsible for the visit of the secretary of state, that we do it with the profoundest respect for the opinions of the secretary of state and for those of the president, and if we feel impelled to depart in the slightest degree from the advice of the president, we still do it with the highest respect for the wishes of the chief executive of our nation.

"Speaking finally, I wish to say, and I know that I now express the sentiments of the legislature here, that it is the purpose and desire upon the part of this legislature, insofar as it finds or can find it consonant with the duty it has to perform for the people of this state, to comply with the wishes of the chief executive, and that we thank the president and his secretary of state for the assistance which they have given to us and to express the hope that this visit may be the forerunner of further activities by the national government in assisting the sisterhood of states composing the republic in the discharge of their duties as parts of our great republic.

"Therefore, upon behalf of this legislature, I beg, Mr. Bryan, to express the thanks of the legislature to the president of the United States for his interest and assistance, and to you for the courtesy and kindness with which you have discharged your ambassadorship to the legislature of the state of California."

THE CURTIN RESOLUTION

The Curtin resolution was as follows: Whereas, there are now pending in this legislature certain bills, defining the rights, powers and disabilities of aliens, and of certain companies, associations, and corporations with respect to the ownership of property within the state of California, and

Whereas, the president of the United States has earnestly advised this legislature that the passage of any bill discriminating against any particular nation or nations would embarrass the federal government and to some degree disturb the friendly relations existing between the United States and the nation or nations discriminated against, and

Whereas, it is deemed fit and proper that due respect and consideration be given to the advice of the president of the United States, and that he be permitted to endeavor to accomplish the end and purpose desired by the bills herein mentioned by diplomatic agreement between the United States and said foreign nation or nations, and be it therefore

Resolved, that it is the desire of the people of the state of California expressed hereby that aliens eligible to become citizens of the United States may acquire, possess, enjoy, transmit and inherit real property in this state in the same manner and to the same extent as citizens of the United States, and that all other aliens may

acquire, possess, enjoy and transfer real property in this state in the manner and to the extent and for the purposes prescribed by any treaty now existing between the United States and the nation or country of which such alien is a citizen or subject and not otherwise, and be it further

Resolved, that the people of the state of California do hereby defer to the wishes of the president of the United States and this legislature will not at this session pass the bills advised against, and be it further

Resolved by the people of the state of California represented in senate and assembly jointly, that the president of the United States be and is hereby requested to endeavor to secure such treaty or other agreement from any nation protesting against the passage of the bills under consideration as will effectually accomplish the end and purpose herein mentioned, and be it further

Resolved, that if at any time during the pendency of diplomatic effort the governor of California becomes convinced that the success of such effort is improbable, he is hereby requested to call an extraordinary session of the legislature for the purpose of enacting such a law as the people demand; be it further

Resolved, that the secretary of the senate be and he is hereby directed to forward a copy of these resolutions to the president of the United States.

THE CALIFORNIA BILL

The California anti-alien bill as it passed the legislature, is as follows:

Section 1. All aliens eligible to citizenship under the laws of the United States may acquire, possess, enjoy, transmit and inherit real property, or any interest therein, in this state, in the same manner and to the same extent as citizens of the United States, except as otherwise provided by the laws of this state.

Section 2. All aliens other than those mentioned in section 1 of this act may acquire, possess, enjoy and transfer real property, or any interest therein, in this state, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise.

Section 3. Any company, association or corporation organized under the laws of this or any other state or nation, of which a majority of the members are aliens other than those specified in section 1 of this act, or in which a majority of the issued capital stock is owned by such aliens, may acquire, possess, enjoy and convey real property, or any interest therein, in this state, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the nation or country of which such members or stockholders are citizens or subjects, and not otherwise.

Section 4. Whenever it appears to the court in any probate proceeding that by reason of the provisions of this act any heir or devisee can not take real property in this state which, but for said provisions, said heir or devisee would take as such, the court, instead of ordering a distribution of such real property to be made in the manner provided by law for probate sales of real property, and the proceeds of such sale shall be distributed to such heir or devisee in lieu of such real property.

Section 5. Any real property hereafter acquired in fee in violation of the provisions of this act by any alien mentioned in section 2 of this act, or by any company, association or corporation mentioned in section 3 of this act, shall escheat to and become and remain the property of the state of California. The attorney general shall institute proceedings to have the escheat of such real property adjudged and enforced in the manner provided by section 474 of the Political Code and title 8 part 3, of the Code of Civil Procedure. Upon the entry of final judgment in such proceedings, the title to such real property shall pass to the state of California. The provisions of this section and of sections 2 and 3 of this act shall not apply to any real property hereafter acquired in the enforcement or in satisfaction of any lien now existing upon, or interest in such property, so long as such real property so acquired shall remain the property of the alien, company, association or corporation acquiring the same in such manner.

Section 6. Any leasehold or other interest in real property less than the fee, hereafter acquired in violation of the provisions of this act by any alien mentioned in section 2 of this