



California Alien Land Tenure Law

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OFFICIAL DOCUMENTS

CALIFORNIA ALIEN LAND TENURE LAW ¹

An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this state, providing for escheats in certain cases, prescribing the procedure therein, and repealing all acts or parts of acts inconsistent or in conflict herewith.

[Approved May 19, 1913]

The people of the State of California do enact 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.

Sec. 2. All aliens other than those mentioned in section one 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, and may in addition thereto lease lands in this state for agricultural purposes for a term not exceeding three years.

Sec. 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 one 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, and may in

¹ Chap. 113, Statutes of California

addition thereto lease lands in this state for agricultural purposes for a term not exceeding three years.

Sec. 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 such heir or devisee, shall order a sale of said 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.

Sec. 5. Any real property hereafter acquired in fee in violation of the provisions of this act by any alien mentioned in section two of this act, or by any company, association or corporation mentioned in section three 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 eight, part three 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 two and three 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.

Sec. 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 two of this act, or by any company, association or corporation mentioned in section three of this act, shall escheat to the State of California. The attorney general shall institute proceedings to have such escheat adjudged and enforced as provided in section five of this act. In such proceedings the court shall determine and adjudge the value of such leasehold, or other interest in such real property, and enter judgment for the state for the amount thereof together with costs. Thereupon the court shall order a sale of the real property covered by such leasehold, or other interest in the manner provided by section 1271 of the Code of Civil Procedure. Out of the proceeds arising from such sale, the amount of the judgment rendered for the state shall be paid into the state treasury and the balance shall

be deposited with and distributed by the court in accordance with the interest of the parties therein.

Sec. 7. 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.

Sec. 8. All acts and parts of acts inconsistent, or in conflict with the provisions of this act, are hereby repealed.

REGULATIONS OF THE CENTRAL AMERICAN COURT OF JUSTICE ¹

The Central American Court of Justice, by virtue of the power given to it by Article XXVI of the convention concluded for its establishment by the Republics of Costa Rica, Guatemala, Honduras, Nicaragua and Salvador, at the City of Washington, on the twentieth day of December, one thousand, nine hundred and seven, has decided to adopt and does hereby adopt the following Regulations:

CHAPTER FIRST

Character and Organization of the Court

ARTICLE 1

The object of the Central American Court of Justice is to guarantee with its authority, based upon the honor of the States, and within the limits of the powers which have been granted to it, the rights of each of them in their reciprocal relations, and to maintain peace and harmony among them. It is, by its nature, by its attributions and by the character of its jurisdiction, a Permanent Court of International Justice, with power to adjudge and decide, upon petition, all the cases included in its constitutive law. For these purposes it is authorized to establish and manage an office for the transaction of its business and to look after the interests of the said office.

ARTICLE 2

The juridical personality of the court exists in the integrity of its membership, namely, by virtue of the participation of a judge for each one

¹ Translated from the *Anales de la Corte de Justicia Centroamericana*: Vol. I, Nov. 1911, No. 4, pp. 339-353, inc.