

見 Ewing ニ運動ヲ開始セシメ同人及同人ノ配下ニテ昨午議會ニ於テ上院付書記タリシ W. T. Elwell ノ兩名ニテ極力運動シ歐洲資本及歐洲移民招徠ノ為州内市街地所有ヲ外国人ニ許ス必要アリトノ趣旨ニテ「シヤトル」「タコマ」「スポケーン」各市ノ土地周旋業者団体ヲシテ本案賛成ノ決議ヲ通過セシメ又当州各地新聞特ニ「シヤトル」及「タコマ」諸新聞ニ有利ナル実業家ノ会見談及有利ナル社説ヲ掲ゲシメ又新聞紙トシテ公然反对シタルモノ極メテ少ク之ヲ要スルニ新聞ノ操縦ニ於テハ大体成効シタリト認メラルルニ係ラズ選挙ノ結果ハ約一ニ対スル三ノ割合ニテ否決セラレ候否決ノ動機ハ東洋人特ニ日本人ニ利益ヲ与フルヲ欲セザルガ為ニシテ右ハ拙電中報告致置タルガ更ニ斯ノ如キ多数ヲ以テ否決セラレタル原因ハ左ノ通りニ有之候

抑モ本案ガ前議會ニ於テ通過シタル最後ノ形ニテハ華州在留ノ外国人ニ Municipal Corporations 内ニ存在スル土地ヲ所有スルヲ許ス趣規定シ居レルガ右ノ Municipal Corporation ノ文句ハ当州高等法院ノ判決例ニヨレバ City 若クハ County ヲ指ス由ニテ已ニ County 内ノ土地所有ヲ許ストセハ州内外国人ノ所有シ得サル地面ナキコトトナリ

## 連合会ノ決議報告ノ件

当華州「ノースヤキマ」ニ於テ農業者同盟、州農談会、州労働同盟、直接立法同盟等ノ連合会開会ノ次第ハ十月三日付通公第二四三号ヲ以テ大略報告ニ及ヒ置候処其後同会ニ於テハ来千九百十四年ノ選挙ニ提出セラルヘキ利害關係アル諸法案ヲ討議シ尚同選挙ノ準備ノ為メニ常設本部ヲ設置シ今後運動ニ着手スヘキ趣ニ有之候而シテ同会ニ於テノ決議中「千九百十三年ノ議會ニ於テ可決シテ人民ノ投票ニ諮ヘル外国人土地所有法案ハ是レ外国人ノ無制限土地所有ノ門戸ヲ開カントスルモノニシテ其不利ナル結果ハ既ニ加州ノ経験ニヨリ明示セラレタルモノナルヲ以テ本会ハ之ヲ否認ス」ノ項ハ最モ注目スヘキ事項ト存セラレ候

右及報告候 敬具  
通知先 在米大使

## 二「アリゾナ」州關係

五一二 四月十七日 牧野外務大臣ヨリ  
在米国珍田大使宛 (電報)

「アリゾナ」州ノ排日的土地法ニ付問合ノ件

五 加州以外ノ外国人土地法案 (二) 五二 五二三

折角前議會ニ於テ東洋人特ニ日本人ガ農業地ヲ所有スルコトヲ防キ置キタル積リノ同案ガ右ノ目的ヲ達セサルモノナリトノ説一部法律家ノ間ヨリ發表セラレタルカ為ニ有之若シ右ノ Municipal Corporation ノ文句ニシテ市街地以外ノ土地ヲ包含スルカ如キ解釈ノ余地ナカリシナランニハ少クトモ斯ノ如キ多数ヲ以テ否決セラルルコトナカリシナラント被察候而シテ今回一般投票ノ結果ハタダニ邦人農業者ノ競争ヲ恐レ居ル田舎ニ於テノミナラズ都会ニ於テモ亦大多数ヲ以テ本案ニ反对ノ意ヲ表シ候

此段報告申進候

本信写送付先 在米大使

五一一 十月七日 在シアトル高橋領事ヨリ  
牧野外務大臣宛

華州農業組合連合会外国人ノ土地所有ニ関スル  
憲法修正案ニ反对決議ノ件

通公第二五〇号 (十月二十一日接受)

大正二年十月七日

在シヤトル

領事 高橋 清 一 (印)  
外務大臣男爵 牧野伸顯 殿

## 第六九号

新聞電報ニ依レバ昨年「アリゾナ」州ニ於テ目下加州議會ニ懸案中ノ土地案ト略同様ノ法律制定セラレシモ未ダ施行セラレザル趣右事実御取調ノ上電報アリタシ

五一三 四月十九日 在米国珍田大使ヨリ  
牧野外務大臣宛 (電報)

アリゾナ州ノ土地法内容ニ関シ回答ノ件

## 第八〇号

貴電第六九号ニ関シ「アリゾナ」ニ於テハ米国民又ハ米国民タルノ意志ヲ表示セサル者ハ鉱業用以外ノ土地ヲ所有スルヲ得サル旨并ニ帰化権ナキ外国人ハ五ヶ年以上借地ヲ禁止セラル、旨ヲ定メタル法律昨年五月十八日附ニテ制定セラレ居ルコトハ事実ナルモ該法律ハ未タ実施セラレサルモノナリトノ点ハ差当リ当館ニ於テハ突止メ難キニ付在桑港総領事代理ニ移牒シ同地ニ於テ之ヲ確ムルコトヲ得ハ直接閣下ニ電報スル様取計置キタリ

五一四 四月二十一日 在桑港沼野総領事代理ヨリ  
牧野外務大臣宛 (電報)

アリゾナ州ノ土地法ニ関シ報告ノ件

第八七号

大使へ左ノ通り

貴電第三五号ニ関シ Arizona Secretary of State ニ問合セタルニ同州ニハ当州州会ニ於ケル土地案類似ノ法律昨年五月十八日制定ノ儘現存ストノ回報アリタリ同法未タ施行セラレス云々トハ今日迄適用セラレタル「ケース」ナカリシニ付之ヲ誤伝シタルナラン

五一五 四月二十七日 在桑港沼野総領事代理ヨリ  
牧野外務大臣宛 (電報)

アリゾナ州土地法施行期日ニ関スル件

第二二〇号

往電第八七号ノ件「アリゾナ」憲法第一條第一項ニ州会ヲ通過シタル法律ハ referendum petition ノ機會ヲ与フル為州会ノ閉会ヨリ九十日經過後施行セラルトノ規定アリ大使へ電報ス

vent person ineligible citizenship from leasing real property not exceeding five years, provided further

this chapter not prevent holders aliens or non-residents of aliens real property interest therein heretofore hereafter acquired from holding valid title in enforcement liens nor prevent such alien from enforcing lien judgement for debt existing hereafter created nor from becoming purchaser for enforcing debt judgement nor from preventing alien widows heirs or not declared intention become citizens from holding lands by inheritance but they shall be sold within five years in default such real estate shall escheat State, this chapter not construed prevent ownership land mining purposes.

Numano

五一七 五月六日 牧野外務大臣ヨリ  
在桑港沼野総領事代理宛 (電報)

アリゾナ州下院通過ノ土地法案ニ付問合ノ件

第四〇号

貴電第一六七号「アリゾナ」州土地案ハ昨年制定セラレタ

五 加州以外ノ外国入土地法案 (二) 五一七 五一八

五一六 五月五日 在桑港沼野総領事代理ヨリ  
牧野外務大臣宛 (電報)

アリゾナ州土地法修正案下院通過ノ件

別電 同日沼野総領事代理發牧野外務大臣宛別電

アリゾナ州土地法修正案要領

第一六七号

「アリゾナ」州土地案ハ五月五日朝二十一对十一ニテ下院通過其原文要領別電ノ通其十二字目以下二十二字目迄「コーポレーション」ニ関スル規定ハ往電第八七号ノ法律ニ対シ今回新ニ挿入ノ字句ナリ

(別電)

五月五日沼野総領事代理發牧野外務大臣宛電報

アリゾナ州土地法修正案要領

No person other than citizen or declared intention become such and no corporation more than thirty percent whose stock owned by former shall hereafter acquire land interest therein, excepting mineral lands or lands for working reduction thereof provided no person ineligible citizenship acquire land real property except hereinafter provided, provided further this chapter not pre-

ル土地法ニ対シ今般改正案提出セラレタル儀ナリヤ

五一八 五月六日 在桑港沼野総領事代理ヨリ  
牧野外務大臣宛 (電報)

アリゾナ州下院通過ノ土地法案ニ付回答ノ件

第一六八号

往電第一六七号「アリゾナ」土地案ハ御尋越ノ通昨年制定セラレタル土地法ニ対スル改正案ナリ

五一九 五月十一日 在米田珍大使ヨリ  
牧野外務大臣宛 (電報)

アリゾナ州修正土地法案ニ関シテハ単ニ非公式

ニ中央政府ノ注意喚起ニ止メタキ件

第一四四号

「アリゾナ」ノ修正外国入土地法案及去ル五月五日同案カ同州議會下院通過ノ次第ハ沼野代理ノ電報ニテ御承知ノ通ナルカ同州日本人会ヨリモ今回右ニ対シ抗議方本使迄願出タル処右修正ハ土地ニ関シ權利ヲ獲得シ得サル会社ノ規定ヲ既成法文中ニ挿入セントスルニ過キス而シテ既成法律中

五一九

五 加州以外ノ外国人土地法案 (二) 五二〇

ニハ帰化権ナキ外国人云々ノ語アルモ全文ヲ通読スルトキハ帰化権ヲ有スル外国人ト雖帰化ノ意志ヲ表明セサル限ハ土地ニ関スル權利ヲ認メサルモノト解セラレ而シテ從來中央政府ハ帰化ノ意志ヲ表明セルモノニ市民ト同一ノ權利ヲ与フルモ之ヲ以テ外国人ニ対スル偏頗ノ待遇ト認ムルヲ得ストノ解釈ヲ採ル次第ナルカ故ニ此中央政府ノ見地ヨリセハ加州土地法案トハ趣ヲ異ニスル所アリ且同州ハ客年二月十四日迄ハ「テリトリ」ニ止マリ即チ外国人土地所有權ニ制限ヲ加ヘタル一般合衆國法制ノ適用ヲ受ケタルモノニシテ右既成法律ハ同州「ステート」ニ編入セラレタル後僅々三ヶ月ヲ經テ制定セラレタルモノナルカ故ニ實際日本人ニシテ完全ナル土地所有權ヲ獲得シ居ルモノハ殆ント無之ト思考ス素ヨリ前記中央政府ノ見解事實上日本人ニ対スル偏頗ノ結果トナリ主義トシテ我ニ於テ満足シ難キ次第ハ本使ノ再三國務長官ニ指摘シタル所ナリト雖此際「アリゾナ」問題ヲモ提起スルトキハ愈々事態ヲ複雑ナラシメ加州問題解決振ニ影響ヲ及ホス虞アルニ付右「アリゾナ」立法ニ対スル抗議ハ暫ク差控ヘ本件ニ付テハ只非公式的ニ中央政府ノ注意ヲ喚起スルニ止メ之ニ関スル意見ハ当分

五二一 五月十四日 在米國珍田大使ヨリ  
牧野外務大臣宛(電報)

アリゾナ州土地法修正案ニ関シ國務長官ハ非公  
式申入ノ件

第一五一号  
貴電第一〇七号末段「アリゾナ」問題ニ関シ五月十三日往電第一四四号ノ趣意ニ遵ヒ國務長官ハ半公信ヲ送付シタリ全文郵送ス

註1 二四六文書  
2 五一九文書

五二二 五月十四日 在米國珍田大使ヨリ  
牧野外務大臣宛

アリゾナ州土地法及其修正案ニ関シ差当リ意見  
留保ノ旨國務長官ハ非公式ニ申入ノ件

附屬書 五月十三日附珍田大使発ブライアン國務長官  
宛書翰写  
右非公式申入ノ件

機密公第二二三号 (六月七日接受)

大正二年五月十四日

五 加州以外ノ外国人土地法案 (二) 五二一 五二二

五〇四

留保スル旨ヲ通告シ置クヲ適當ト思考ス  
何分ノ義御電訓ヲ請フ

五二〇 五月十三日 在桑港沼野總領事代理ヨリ  
牧野外務大臣宛(電報)

アリゾナ州修正土地法案ニ関スル上院修正ニ付  
報告ノ件

第一七九号

五月十二日夜「アリゾナ」州会上院ハ曩ニ下院ヨリ廻附ノ外国人土地法ニ修正ヲ加ヘ帰化権ナキ外国人ナル字句ヲ削除シテ一般外国人ニ適用スルモノトシ又本法ハ existing treaty ニ抵触スル解釈ヲ許サストノ一句ヲ加ヘタリ尚當館取調ニ依レハ「フェニックス」附近ニ於ケル日本人ノ土地所有者四名百七十八「エーカー」借地人二十六名現今借地二千八百十「エーカー」ナリ

在米

特命全權大使子爵 珍 田 捨 己(印)  
外務大臣男爵 牧野伸顯 殿

「アリゾナ」州修正外人土地法案ニ関シ本月十三日意見留保ノ半公信ヲ國務長官ニ送付シタル次第ハ往電第一五一号ノ通りニシテ該半公信ハ別紙写ノ通りニ有之候條委曲ハ右ニテ御承知相成度此段申進候 敬具

(附屬書)

五月十三日附珍田大使発ブライアン國務長官宛書翰写  
アリゾナ州土地法及同修正案ニ関シ意見留保ノ  
旨非公式申入ノ件

IMPERIAL JAPANESE EMBASSY  
Washington

May 13, 1913.

Dear Mr. Secretary:

It is reported that the Arizona Legislature has passed a measure to amend the existing law respecting alien land tenure. It seems to be the object of the amendment in question that the restrictions imposed by the Arizona law of 1912

五〇五

五 加州以外ノ外國人土地法案 (一) 五二四 五二四

upon aliens acquiring any land or title thereto or interest therein shall be made equally applicable in case of any corporation, more than thirty per cent of whose stock is owned by persons other than citizens of the United States or who have declared their intention to become such. Sincerely desiring to avoid further complication of the situation already created by the California land bill, I am disposed to withhold for the present a discussion on the proposed Amendment or on the existing law to be thus amended. In view, however, of possible misapprehensions which have already found expression, from time to time, in the utterances reported to have been made by a certain section of public men in this country, I may be permitted to declare that my Government cannot well afford to have their present attitude of reserve in this instance, cited against them as an acquiescence in the fairness or legality of the Arizona enactment already existing or actually proposed on the subject.

Believe me,

Dear Mr. Secretary,

五二四 五月十六日 在桑港沼野総領事代理ヨリ  
牧野外務大臣宛(電報)

アリゾナ州外國人土地所有法案全文電報ノ件

第一八四号

貴電第四五号「アリゾナ」州会通過外國人土地所有法案ノ  
House Bill thirtyfour Chapter three ニシテ Chapter  
three 全文左ノ如

No person other than citizen of United States or who has declared his intention to become such, and no corporation more than thirty per cent of whose stock is owned by persons other than citizens of United States or who have declared their intention to become such, shall hereafter acquire any land or title thereto or interest therein other than mineral lands or such as may be necessary for actual working of mines and reduction of products thereof, provided that no alien shall acquire title to any land or real property within this state except as hereinafter provided, further that this Chapter shall not prevent alien from leasing any land or real property within this state for period of not exceeding five years and provided

五 加州以外ノ外國人土地法案 (一) 五二四

五〇六

Very sincerely yours,  
(signed) Viscount Chinda.  
Honorable W. J. Bryan,  
Etc., etc., etc.

五二四 五月十四日 在桑港沼野総領事代理ヨリ  
牧野外務大臣宛(電報)

アリゾナ州上院修正ノ土地法案下院通過ノ上  
知事ヘ回付ノ件

第一八一号

拙電第一七九号外國人土地案ニ関シ「アリゾナ」州会下院  
ハ十三日夜上院ノ修正ニ同意シ同案ハ右ニテ両院ヲ通過シ  
タルヲ以テ即時知事ノ手許ニ廻付サレタリ

五二四 五月十五日 牧野外務大臣ヨリ  
在桑港沼野総領事代理宛(電報)

アリゾナ州外國人土地法案全文電報方ノ件

第四五号

貴電第一八一号「アリゾナ」州会通過外國人土地法案全文  
電報ノ件

further that this Chapter shall not prevent holders whether aliens or nonresidents of liens upon real estate or any interest therein heretofore or hereafter acquired from holding or taking valid title to real estate in enforcement of such liens, nor shall it prevent any such aliens from enforcing any lien or judgement for any debt or liability now existing or which may be hereafter created nor from becoming purchaser at any sale made for purpose of collecting or enforcing collection of such debt or judgement, not preventing widows or heirs who are aliens or who have not declared their intention to become citizens of United States from holding lands by inheritance but all lands acquired as aforesaid shall be sold within five years after title thereto shall be perfected in such alien, and in default of such sale within such time, title of such real estate shall revert and escheat to state of Arizona, and any person who has under his declaration to become citizen acquired title to or right to possession of lands in this state and who fails to complete his citizenship shall be subject provisions of this Chapter relating to aliens.

五〇六

Provisions of this Chapter shall not be construed in any way to prevent or interfere with ownership of mining land or land necessary for working of mines or reduction of products thereof nor shall provisions of this Chapter be so construed as to conflict in any manner with any rights existing under and by virtue of any treaty of United States with any other country.

五二六 五月十六日 在桑港沼野総領事代理ヨリ  
牧野外務大臣宛(電報)

アリゾナ州外国入土地所有改正法ニ知事  
署名ノ件

第一八六号

Arizona Land Bill signed by Governor Friday Morning.

Numano

ニ面接陳情シタル処知事ハ我意ハ之ヲ諒トスルモ此上ハ同情者(其数千百以上ノ由)ノ署名ヲ得テ「レファレンダム」ヲ提起シ同法ノ施行ヲ猶豫セシムルヨリ外ナキコトヲ諭旨シタル趣ニテ同会ハ「レファレンダム」ノ運動ヲナスヘキ旨報告シ来レルカ同州土地法ニ関シテハ加州問題モアリ事態ノ複雑ヲ避クル為右ニ関スル我意見ヲ留保シタル今日ナルノミナラス新法ハ旧法ニ比シ我ニ有利ナルニ之ヲ「レファレンダム」ニ依リ停止スルコトハ其不利明白ナルニ付右日本人会ノ運動ハ直ニ中止スル様伝達シタリ  
大使ヘ電報ス

五二九 六月五日 在桑港沼野総領事代理ヨリ  
牧野外務大臣宛

アリゾナ州内日本人所有地ニ関シ報告ノ件

附屬書一 沼野総領事代理発田大使宛電報第二〇三

号パラフレーズ

二 アリゾナ州日本人会調査ノ同州本邦人土地所有者表

三 「ウェップ」弁護士意見書

機密公第一八号 (六月三十日接受)

五 加州以外ノ外国入土地法案 (二) 五二九

五二七 五月十七日 在桑港沼野総領事代理ヨリ  
牧野外務大臣宛(電報)  
アリゾナ州修正土地法ノ成立ニ関スル新聞報道  
報告ノ件

第一八七号

当地新聞ニ依レハ「アリゾナ」知事ハ今回ノ土地法ヲ外国人一般ニ適用スル様修正シタルハ中央政府ノ希望ニ副ハン為メナリト言明セル由又同地日本人ハ知事ヲシテ此ノ法案ヲ Veto セシメント運動シタルモ遂ニ成功セサリシコト及同法制定ノタメ日本人ノ被ムル不利益ハ殆ント挙クルニ足ラサルモ多数墨西哥人土地所有者ノ利益ヲ害スルコト渺ナカラサルヲ以テ彼等ハ之レヲ帰化権ナキ外人ノミニ限ラント極力運動シタルモ遂ニ其ノ目的ヲ達セサリキ故ニ或ハ墨西哥政府ヨリ抗議ヲ受クルニ至ルヘシ云々ノ報道アリ

五二八 五月二十三日 在桑港沼野総領事代理ヨリ  
牧野外務大臣宛(電報)

アリゾナ州日本人会ノ同州修正土地法阻止運動  
ヲ中止セシメタル件

第一九七号

「アリゾナ」日本人会ニ於テハ同州土地案ニ対シ同州知事

大正二年六月五日

在桑港

総領事代理 沼野 安太郎(印)  
外務大臣男爵 牧野 伸顯殿

「アリゾナ」州ニ於ケル本邦人所有地及借地ニ関シテハ去ル五月十三日往電第一七九号ヲ以テ其口数面積等及報告候ト同時ニ大使ヘモ同文報告致置候処大使ヨリ右本邦人所有地ニ関シ「アリゾナ」ニ於テハ州法制定前ト雖モ米國領地法ニ依リ外国人ノ土地所有權ニ制限アリシ筈ナルニ現ニ日本人ノ所有スル土地ハ如何ニシテ取得シタルモノナルヤトノ問合有之候ニ付取調ノ上別紙甲号電信解訳ノ通り回答致置候ト同時ニ別紙乙号「アリゾナ」日本人会報告書及ビ別紙丙号「ウェップ」弁護士意見書写各宅通及御送附置候間右ニ御承知相成度此段申進候 敬具

附屬書類

甲号 大使宛往電第二〇三号パラフレーズ 宅

乙号 「アリゾナ」日本人会報告書 宅

丙号 「ウェップ」弁護士意見書 宅

計

三通

## (附屬書一)

甲号

大使宛往電第二〇三号パラフレーズ

「アリゾナ」日本人会ノ調査ニ依レバ同州ニ於ケル日本人土地所有者ハ一九一〇年四月ヨリ一九一二年四月迄ノ間ニ正式手續ニ依リ其土地ヲ購買シタルモノナリトノコトナルカ当方法律家ノ調査ニ依ルニ右ノ内 Territory 当時取得

## (附屬書二)

乙号

アリゾナ州本邦人士地所有者表

(アリゾナ州日本人会調査)

県名	氏名	買収年月日	払方法	地目	地積	地券有無	登記有無	摘要
沖繩	西銘 徳太	千九百十一年八月八日	全額払	耕地	拾 英加	デイド獲得	済	正式ニ買得 全額払済
愛媛	芳ノ内 好松	千九百十一年八月八日	部分払	耕地	貳拾五英加	獲得セズ		正式売買法 ニヨリ部分 払ニテ獲得 ス
鹿児島	小倉 岩吉	千九百十一年十月	部分払	耕地	貳拾參英加	獲得セズ		同 上
広島	石川 三一	共同	部分払	耕地	貳拾參英加	獲得セズ		同 上
鹿児島	牛山 熊太郎	千九百十一年	同上	同上	八十英加	同 上		同 上
大分	田中 郎子	千九百十一年四月	全額払	宅地	三ロツ	デイド獲得	済	正式ニ買得 全額払済
同上	同上	千九百十二年二月	部分払	宅地	二ロツ	獲得セズ		正式買収
神奈川	菅谷 兼吉	千九百十一年四月	全額払	宅地	二ロツ	デイド獲得	済	正式払済
大分	田中 郎子	千九百十一年四月	全額払	金鉱山	一クレーム	同 上	済	同 上
熊本	大森 豊記	千九百十一年	全額払	油坑	同 上	済	同 上	同 上
愛媛	土井 平市	千九百十二年四月	部分払	耕地	三拾五英加	獲得セズ		未 済

## (附屬書三)

丙号

「ウエップ」弁護士意見書

(Copy)

Earl H. Webb.

Attorney At law

745 Mills Bldg.

San Francisco.

June 4th, 1913.

Hon. Y. Numano,

Consul General of Japan,

221 Sanmome Street,

San Francisco.

Dear Sir:

I have been asked the following question:—

五 加州以外ノ外国入土地法案 (二) 五二九

ノ分ハ一八九七年三月二日制定合衆国法 (Page 1168, Supplement 1911, United States Compiled Statutes 1910)ニ依リ外国人ト雖モ (一) Bona fide resident ナル場合 (二) 目的物タル土地カ宅地又ハ鉱業用地ナル場合ニハ Territoryニ於テモ土地ヲ所有シ得ルモノナルニ付此規定ニヨリ取得シタルモノト存ス

“What are the rights of Japanese residents in Arizona who held real estate at the time Arizona became a state.” In reply thereto I beg to refer you to the act of March 2nd, 1897, as it appears at page 1168 in the supplement of 1911 to the United States Compiled Statutes of 1901. It is there provided that no alien or person who is not a citizen of the United States or who has not declared his intention to become a citizen, shall hold title to or own any land in any of the territories of the United States, except in the following particulars:—

First. Where the right is granted to aliens by treaty stipulations the alien can hold land so long as said treaties are in force.

Second. It does not apply to land owned by aliens in any of the territories, provided said lands

were acquired on or before March 3rd, 1897.

Third. Nor does it apply to any alien who shall become a bona fide resident of the United States or shall have declared his intention to become a citizen of the United States, but in case the resident alien shall cease to be a bona fide resident he shall have ten years from the time he ceases to be such resident in which to dispose of his land. This act does not prevent persons, not citizen, from acquiring and holding lots or parcels of land in cities, towns or villages or in mines or mining claims in any of the territories.

Fourth. This act shall not prevent aliens from acquiring lands or interest therein by inheritance or in the ordinary course of justice in collecting debts nor through the enforcement of liens, etc., but all land so acquired must be sold within ten years.

The above language rather intimates that if the land is acquired by inheritance the alien may not be required to dispose of it within ten years, but if acquired through legal proceedings, as for instance, the foreclosure of a mortgage, then the

It appears from the above law that Japanese aliens who were living in Arizona prior to the time it became a state were entitled to acquire land in said territory only in the following ways:—

First, provided they were bona fide residents; (second) by acquiring title through Court proceedings in the foreclosure of liens or in the collection of debts; (third) by inheritance; and (fourth,) in any way authorized by treaty stipulations existing between the government of Japan and the United States.

It further appears from said law that any alien not a citizen, could hold title to lots or parcels of land in cities, towns or villages and could hold interests in mines and mining claims.

Trusting I have fully answered the question presented to me, I remain,

Yours very truly

Earl. H. Webb (sign)

四三〇 七月七日 在桑港沼野総領事代理ヨリ  
牧野外務大臣宛

アリゾナ州土地法認證謄本写送付ノ件

附屬書 右認證謄本写

五 加州以外ノ外國人土地法案 (二) 四三〇

alien who purchases the land at the foreclosure proceedings would be required to dispose of the property within ten years.

From the above it appears that those Japanese aliens residing in Arizona and owing real estate at the time Arizona became a state were legally entitled to hold said property.

"Residence is defined to be the abiding or dwelling in a place for some continuance of time." There must be a settled, fixed abode or intention to remain permanently for business or other purposes to constitute a residence. Residence has been defined to be the place where a person's habitation is fixed without any present intention of removing therefrom.

If a man has a family, it is presumed that his residence is the place where his family has its abode and whenever he locates his family in any permanent residence or place it is presumed that he has chosen that place as his own residence.

President Taft issued his proclamation on February 14th, 1912, declaring that Arizona had become a state.

機密公第三三三號

(七月二十九日接受)

大正二年七月七日

在桑港

総領事代理 沼野安太郎 (印)

外務大臣男爵 牧野伸顯 殿

過般「アリゾナ」州々會ヲ通過シタル同州土地法ノ既報ノ通り五月十六日知事ノ署名ヲ經來ル八月一日ヨリ実施ノ筈ニ候就テハ正確ナル謄本入手方ニ付キ同州々務長官宛請求致候処追テ Session Law ノ発刊セラルル迄印刷ニ付セラレザル旨回答ニ接シ候ニ付不得巳州務長官ノ證明ヲ經タル Typewriter copy ヲ請求シ今般右入手致候ニ付写一通及御送付候間御査閱相成度此段申進候 敬具

(附屬書)

アリゾナ州務長官ニ依ル同州土地法ノ認證謄本写

STATE OF ARIZONA

OFFICE OF THE SECRETARY

UNITED STATES OF AMERICA, } ss.  
STATE OF ARIZONA.

I, SIDNEY P. OSBORN, Secretary of State do

hereby certify that the within is a true and complete transcript of House Bill No. 34, of the Third Special Session of the First Legislature of the State of Arizona, entitled:

“An Act to Prescribe Rules Governing Estates in Real Property, the Rights of Parties to lease Real Property, and to Restrict Aliens in the Right to Lease, Acquire, and Hold Real Estate, and to Prescribe the Manner of Preserving Possessory Rights”, as is shown by the original now on file in this office.

IN WITNESS WHEREOF, I have  
(Seal of the hereunto set my hand and affixed  
Secretary, my official seal. Done at Phoenix,  
Arizona.) the Capitol this Twenty Seventh  
day of June, A.D. 1913.

SIDNEY P. OSBORN,  
Secretary of State.

H.B. No. 34.

#### AN ACT

### TO PRESCRIBE RULES GOVERNING ESTATES IN REAL PROPERTY, THE RIGHTS

any devise, gift, grant or other conveyance heretofore made or hereafter to be made, or by any other means whatsoever, such person or persons, instead of becoming seized thereof in fee-tail, shall be deemed and adjudged to be seized thereof as an allodium.

Sec. 4. Where lands, tenements, or hereditaments heretofore have been devised, granted or otherwise conveyed by a tenant in tail and the person or persons to whom such devise, grant or other conveyance hath been made, his, her, or their heirs or assigns hath or have, from the time such devise took effect, or from the time such grant or other conveyance was made to the day of passing this Chapter, been in the uninterrupted possession of such lands, tenements, or hereditaments and claiming and holding the same under or by virtue of such devise, grant or other conveyance, they shall be deemed as good, legal and effectual, to all intents and purposes, as if such tenant in tail had, at the time of making such devise, grant or other conveyance, been seized of such lands, tenements, or hereditaments allodially,

OF PARTIES TO LEASE REAL PROPERTY, AND TO RESTRICT ALIENS IN THE RIGHT TO LEASE, ACQUIRE, AND HOLD REAL ESTATE, AND TO PRESCRIBE THE MANNER OF PRESERVING POSSESSORY RIGHTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

#### TITLE

#### CHAPTER I.

#### REAL PROPERTY.

Sec. 1. Estates in lands are divided into estates of inheritance, estates for life, estates for years, and estates at will and by sufferance.

Sec. 2. Every estate of inheritance shall continue to be termed a fee-simple or fee, and every such estate when not defeasible or conditional shall be a fee-simple absolute or an absolute fee.

Sec.3. In all cases where any person or persons would, if this Chapter had not been passed, at any time hereafter become seized in fee-tail of any lands, tenements or hereditaments by virtue of

any law to the contrary hereof notwithstanding.

Sec. 5. Estates of inheritance and for life shall be denominated estates of freehold; estates for years shall be denominated chattels real; and estates at will or by sufferance shall be chattel interests but shall not be liable as such to sale on execution.

Sec. 6. An estate for the life of a third person, whether limited to heirs otherwise, shall be deemed a freehold only during the life of the grantee or devisee, but after his death it shall be deemed a chattel real.

Sec. 7. Estates, as respects the time of their enjoyment, are divided into estates in possession and estates in expectancy.

Sec. 8. An estate in possession is where the owner has an immediate right to the possession of the land; an estate in expectancy is where the right to the possession is postponed to a future period.

Sec. 9. Estates in expectancy are divided into:

- (1) Estates commencing at a future day, denominated future estates; and
- (2) Reversions.



Sec. 10. A future estate is an estate limited to commence in possession at a future day, either without the intervention of a precedent estate or on the determination, by lapse of time or otherwise, of a precedent estate created at the same time.

Sec. 11. When a future estate is dependent upon a precedent estates it may be termed a remainder, and may be created and transferred by that name.

Sec. 12. A reversion is the residue of an estate left in the grantor of his heirs, or in the heirs of a testator, commencing in possession on the determination of a particular estate granted or devised.

Sec. 13. Future estates are either vested or contingent. They are vested when there is a person in being who would have immediate right to the possession of the lands upon the ceasing of the intermediate or precedent estate. They are contingent whilst the person to whom, or the event upon which, they are limited to take effect remains uncertain.

Sec. 14. Every future estate shall be void in its creation which shall suspend the absolute power

Sec. 17. Successive estates for life shall not be limited unless to persons in being at the creation thereof; and when a remainder shall be limited on more than two successive estates for life, all the life estates subsequent to those of the two persons first entitled thereto shall be void, and upon the death of those persons the remainder shall take effect in the same manner as if no other life estate had been created.

Sec. 18. No remainder shall be created upon an estate for the life of any other person or persons than the grantee or devisee of such estate unless remainder be in fee; nor shall any remainder be created upon such an estate in a term of years unless it be for the whole residue of the term.

Sec. 19. When a remainder shall be created upon any such estate, and more than two persons shall be named as the persons during whose lives the estate shall continue, the remainder shall take effect upon the death of the two persons first named, in the same manner as if no other lives had been introduced.

of alienation for a longer period than is prescribed in this chapter; such power of alienation is suspended when there are no persons in being by whom an absolute fee in possession can be conveyed.

Sec. 15. The absolute power of alienation shall not be suspended by any limitation or condition whatever for a longer period than during the continuance of two lives in being at the creation of the estate, and twenty one years thereafter, except when real estate is given, granted or devised to literary or charitable corporations which shall have been organized under the laws of this State, for their sole use and benefit, or to any cemetery corporation, society or association, and except also in the single case mentioned in the next section.

Sec. 16. A contingent remainder in fee may be created on a prior remainder in fee, to take effect in the event that the person to whom the first remainder is limited shall die under the age of twenty one years or upon any contingency by which the estate of such persons may be determined before they attain their full age.

Sec. 20. A contingent remainder shall not be created on a term for years unless the nature of the contingency upon which it is limited be such that the remainder must vest in interest during the continuance of not more than two lives in being at the creation of such remainder or upon the termination thereof.

Sec. 21. No estate for life shall be limited as a remainder on a term of years except to a person in being at the creation of such estate.

Sec. 22. When a remainder shall be limited to take effect on the death of any person without heirs or heirs of his body, or without issue, the words "heirs" or "issue" shall be construed to mean heirs or issue living at the death of the person named as ancestor.

Sec. 23. All the provisions in this chapter contained, relative to future estate, shall be construed to apply to limitations of chattels real as well as freehold estates, so that the absolute ownership of a term of years shall not be suspended for a longer period than the absolute power of alienation can be suspended in respect to a fee.

Sec. 24. Subject to the rules established in the preceding sections of this chapter a freehold estate, as well as a chattel real, may be created to commence at a future day; an estate for life may be created in a term of years and a remainder limited thereon.

Sec. 25. Two or more future estates may also be created to take effect in the alternative, so that if the first in order should fail to vest the next in succession shall be substituted for it and take effect accordingly.

Sec. 26. No future estate, otherwise valid, shall be void on the ground of the probability or improbability of the contingency on which it is limited to take effect.

Sec. 27. A remainder may be limited on a contingency which, in case it should happen, will operate to abridge or determine the precedent estate; and every such remainder shall be construed a conditional limitation and shall have the same effect as such a limitation would have by law.

Sec. 28. When a remainder shall be limited to the heirs or heirs of the body to whom a life es-

by any destruction of such precedent estate by disseizin, forfeiture, surrender, merger or otherwise.

Sec. 33. The last preceding section shall not be construed to prevent an expectant estate from being defeated in any manner or by any act or means which the party creating such estate shall, in the creation thereof, have provided or authorized; nor shall an expectant estate thus liable to be defeated, be, on that ground, adjudged void in its creation.

Sec. 34. No remainder valid in its creation shall be defeated by the determination of the precedent estate before the happening of the contingency on which the remainder is limited to take effect; but should such contingency afterward happen, the remainder shall take effect in the same manner and to the same extent as if the precedent estate had continued to the same period.

Sec. 35. Expectant estates are descendible, devisable and alienable in the same manner as estates in possession.

Sec. 36. Disposition of the rents and profits of

tate in the same premises shall be given the persons who, on the termination of the life estate, shall be the heirs, or heirs of the body of such tenant for life, shall be entitled to take as purchasers by virtue of the remainder so limited to them.

Sec. 29. When a remainder on an estate for life or for years shall not be limited on a contingency defeating or avoiding such precedent estate, it shall be construed as intended to take effect only on the death of the first taker or the expiration by lapse of time of such term of years.

Sec. 30. When a future estate shall be limited to heirs, or issue, or children, posthumous children shall be entitled to take in the same manner as if born before the death of the parents.

Sec. 31. A future estate depending on the contingency of the death of any persons without heirs or issue, or children, shall be defeated by the birth of posthumous child of such person capable of taking by descent.

Sec. 32. No expectant estate can be defeated or barred by any alienation or other act of the owner of the intermediate or precedent estate, nor

lands, to accrue and be received at any time subsequent to the execution of the instrument creating such disposition, shall be governed by the rules established in this chapter in relation to future estates in land.

Sec. 37. An accumulation of rents and profits of real estate for the benefit of one or more persons may be directed by any will or deed, sufficient to pass real estate, as follows:

1. If such accumulation be directed to commence on the creation of the estate out of which the rents and profits are to arise, it must be made for the benefit of one or more minors then in being and terminate at the expiration of their minority.

2. If such accumulation be directed to commence at any time subsequent to the creation of the estate out of which the rents and profits are to arise, it shall commence within the time in this chapter permitted for the vesting of future estates, and during the minority of the persons for whose benefit it is directed, and shall terminate at the expiration of such minority.

3. For the sole benefit of a literary or charitable corporation which shall have been organized under the laws of this State, but such accumulation must terminate upon the expiration of twenty one years from the time when the same shall be directed to commence.

Sec. 38. If in either of the cases mentioned in the last preceding section the direction for such accumulation shall be for a longer time than is therein prescribed or than during the minority of the persons intended to be benefited thereby, it shall be void as to such additional time, and all directions for the accumulation of rents and profits of real estate, except such as are herein allowed, shall be void.

Sec. 39. When such rents and profits are directed to be accumulated for the benefit of infants entitled to the expectant estate, and such shall be destitute of other sufficient means of support and education, the Superior Court, upon the application of their guardian may direct a suitable sum out of such rents and profits to be applied to their maintenance and education.

trust, or made to executors, or to husband and wife.

Sec. 45. When any conditions annexed to a grant or conveyance of land are merely nominal and evince no intention of actual and substantial benefit to the party to whom or in whose favor they are to be performed, they may be wholly disregarded, and a failure to perform the same shall in no case operate as a forfeiture of the lands conveyed subject thereto.

## CHAPTER II.

### LANDLORD AND TENANT

Sec. 46. When any person enters into the possession of real property under a lawful lease, he shall not, while so in possession, deny the title of his landlord in an action brought by such landlord, or any person claiming under him to recover possession of the property; but such estoppel shall not apply to any lessees who, at and prior to the lease, is in possession of the premises under a claim of title adverse or hostile to that of the lessor.

Sec. 40. When in consequence of a valid limitation of an expectant estate, there shall be a suspension of the power of alienation or of the ownership, during the continuance of which the rents and profits shall be undisposed of and no valid directions for their accumulation is given, such rents and profits shall belong to the person presumptively entitled to the next eventual estate.

Sec. 41. The delivery of the grant where an expectant estate is created by grant, and where it is created by devise, the death of the testator, shall be deemed the time of the creation of the estate.

Sec. 42. All expectant estates, except such as are enumerated and defined in this chapter, are abolished.

Sec. 43. All grants and devises of land made to two or more persons, except as provided in the following sections, shall be construed to create estates in common, and not in joint tenancy, unless expressly declared to be in joint tenancy.

Sec. 44. The preceding section shall not apply to mortgages, nor to devises, or grants made in

Sec. 47. Every person in possession of land out of which any rent is due, whether it was originally demised in fee, or for any other estate of freehold or for any term of years, shall be liable for the amount or proportion of rent due from the land in his possession, although it be only a part of the land originally demised. Such rent may be recovered in a civil action, and the deed, demise, or other instrument showing the provisions of the lease, may be used in evidence by either party to prove the amount due from the defendant. Nothing herein contained shall deprive landlords of any other legal remedy for the recovery of rent, whether secured to them by their leases or provided by law.

Sec. 48. The lessee or occupant of any building which, without fault or neglect on his part, is destroyed, or is so injured by the elements or any other cause as to be untenable or unfit for occupancy, is not liable thereafter to pay rent to the lessor or owner thereof, unless otherwise expressly provided by written agreement; and the lessee or occupant may thereupon quit and surrender possession of such premises.

Sec. 49. In all cases of tenancy from year to year, said tenancy shall terminate at the end of each year, unless a written permission shall be given for said tenant to remain for a longer period, and in every such case permission so given shall specify the date which said tenant shall or may remain, and such tenancy shall expire at the dates specified in said written permission. Any lease from month to month shall be terminated by the landlord giving at least ten days' previous notice of the termination of such lease; in cases of non-payment of rent no notice shall be required; any tenant who holds possession of property against the will of his landlord, except as in cases herein provided, shall not be considered in any court or in any action to be a tenant at sufferance or at will in said premises, and that when the tenancy is for a certain period and the time expires by the terms of the lease, the tenant shall then be bound to surrender possession, and no notice to quit or demand of possession shall be necessary with a term lease, as used in this chapter, which includes letting, whether by verbal or written agreement.

inafter provided; and provided, further, that this chapter shall not prevent an alien from leasing any land or real property within this State for a period not exceeding five years; and, provided further, that this chapter shall not prevent the holder (whether aliens or non-residents) of liens upon real estate, or any interest therein heretofore or hereafter acquired from holding or taking a valid title to the real estate in the enforcement of such lien; nor shall it prevent any such alien from enforcing any lien or judgment for any debt or liability now existing, or which may hereafter be created, nor from becoming a purchaser at any sale made for the purpose of collecting or enforcing the collection of such debt or judgment, not preventing widows or heirs who are aliens, or who have not declared their intention to become citizens of the United States, from holding lands by inheritance; but all lands acquired as aforesaid shall be sold within five years after the title there-to shall be perfected in such alien, and in default of such sale within such time the title to such real estate shall revert and escheat to the State of

Sec. 50. When the lessee or tenant of any real estate, or any interest therein, holds over and retains possession thereof after expiration of the term of the lease, without express contract with the owner, such holding over shall not operate to renew the lease for the term of the former lease, but in every such case, the tenancy shall be deemed from month to month.

### CHAPTER III.

#### ALIEN OWNERSHIP OF REAL PROPERTY.

Sec. 51. No person, other than a citizen of the United States, or who has declared his intention to become such, and no corporation, more than thirty per cent of whose stock is owned by persons other than citizens of the United States, or who have declared their intention to become such, shall hereafter acquire any land, or title thereto, or interest therein, other than mineral lands, or such as may be necessary for the actual working of mines and the reduction of products thereof; provided, that no alien shall acquire title to any land or real property within this State, except as here-

Arizona; and any person who has, under his declaration to become a citizen, acquired the title to, or the right to possession of lands in this State, and who fails to complete his citizenship, shall be subject to all the provisions of this chapter relating to aliens. The provisions of this chapter shall not be construed in any way to prevent or interfere with the ownership of mining lands, or land necessary for the working of mines and the reduction of the products thereof; nor shall the provisions of this chapter be so construed as to conflict in any manner with any rights existing under and by virtue of any treaty of the United States with any other country.

### CHAPTER IV.

#### POSSESSORY RIGHTS.

Sec. 52. All persons who have heretofore or may hereafter settle upon, cultivate or improve a tract of land in this State, with a view of acquiring title thereto under existing laws of the United States, shall be protected in the peaceable possession and quiet enjoyment of such tract of land,

with all the improvements thereon, and all the wood, timber, soil and materials growing and being thereon, to the extent of one hundred and sixty acres in compact form, if unsurveyed, according to the cardinal points, and, if surveyed, by the United States, then according to the lines of said survey, so as to include such improvements.

Sec. 53. Every such claimant must so distinctly mark the boundaries of his claim that it may be easily traced and shall accurately describe the same in a written notice, under oath, showing the time when the location was made, with the description, and that it does not contain more than one hundred and sixty acres. Such notice must be recorded, in the office of the County Recorder of the county wherein the claim is situated, in a book to be kept for that purpose.

Sec. 54. No person shall hold more than one such claim at the same time.

Sec. 55. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 56. This Act shall take effect and be in force from and after the first day of October, 1913.

### 三 「アイダホ」州關係

五三一 三月三日 在ポートランド井田領事ヨリ  
牧野外務大臣宛 (電報)

外國人ニ土地所有權ヲ又東洋人ニ鉱業權ヲ与フ

ル法案「アイダホ」州下院通過ノ件

### 第五号

「アイダホ」州会下院議員 Shattuck ハ州会ニ現行州法第二六〇九條及二六一〇條ヲ廃止シ外國人 (東洋人ヲ含ム) ノ土地所有權ヲ許シ尚ホ東洋人ニ鉱業權ヲ附与スベキ法案ヲ提出シ下院ヲ通過シタリ同氏ハ引キ続キ尽力中ニシテ日本人ヲ使用スル製糖会社ハ極力応援シツ、アリ上院通過ハ困難ナルモノ、如ク其成行キニ関シ目下注意中ナリ

五三二 三月十五日 在ポートランド井田領事ヨリ  
牧野外務大臣宛 (電報)

外國人ニ土地所有權ヲ又東洋人ニ鉱業權ヲ与フ

ル法案アイダホ州上院通過ノ件

### 第六号

往電第五号「アイダホ」州會議員 Shattuck 提出ニ係ル現行州法二六〇九條及二六一〇條ヲ削除シ外國人及東洋人ノ

五 加州以外ノ外國人土地法案 (三) 五三一 五三二

Passed the Senate Amended May 12, 1913, by a vote of 12 ayes, 4 noes, 1 absent, 2 excused.

M.G. Cunniff,

President of the Senate.

May 7, 1913, read third time in full and passed the House by following vote: 21 ayes, 11 nays,—absent, 3 excused.

H.H. Linney,

Speaker of the House.

May 13, 1913, Senate Amendments concurred in by the following vote: 20 ayes, 9 nays, 3 absent, 3 excused.

H.H. Linney,

Speaker of the House.

Approved May 16, 1913.

Geo. W. P. Hunt,

Governor of Arizona.

土地所有權其他ニ関スル制限ヲ一切撤廃スル案ハ本月八日上院ヲ通過セリ尚知事ハ同案ニ署名セサルモ製糖会社ノ代人ヨリノ内報ニ依レハ知事ハ同案ヲ承認スル意見ナリト云フ

右大使ヘモ電報セリ

五三三 三月二十日 在ポートランド井田領事ヨリ  
牧野外務大臣宛 (電報)

外國人ニ土地所有權ヲ又東洋人ニ鉱業權ヲ与フ

ル法案ニアイダホ州知事署名ノ件

### 第七号

往電第六号「アイダホ」州会下院議員 Shattuck ノ提出セル法案ハ曩ニ両院通過ノトコロ昨十九日州知事ノ署名ヲ了シタルヲ以テ州法改正ノ要件ヲ具備スルコト、ナレリ同案ハ州会閉会後六十日即来ル五月十日法律トナリ直チニ効力ヲ生スヘク実施ト同時ニ在留邦人ハ土地所有權鉱業權等ニ関シ合衆国臣民ト同一ノ權能ヲ有スルニ至ルモノナリ

右大使ヘ電報セリ

五三三

五二五