

1-1-1944

Aliens and Persons of Ineligible Ancestry

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Aliens and Persons of Ineligible Ancestry California Initiative 1944-a-1 (1944).
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File: 1944-a-1

~~STATEMENT~~

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE ELECTORS

ALIENS and PERSONS OF INELIGIBLE ANCESTRY. Initiative. Amends Alien Property Initiative Act of 1920 as amended. Prohibits persons ineligible to citizenship and persons of Japanese ancestry or other ancestry ineligible to citizenship under United States naturalization laws who owe any foreign allegiance from acquiring, possession, leasing, enjoying, chartering or transferring real property or watercraft or any interest therein. Property acquired contrary to act escheats to State. Regulates burden of proof of defendant's eligibility in cases under act. Engaging in prohibited transactions with ineligible aliens or persons of designated ancestry declared penal offense. Makes annual appropriation for enforcement of act.

STATE OF CALIFORNIA,
County (or City and County) of..... } ss.

To the Honorable Secretary of State of the State of California:

We, the undersigned, registered and qualified electors of the State of California, residents of the County ~~(or City and County)~~ of

....., present to the Secretary of State this petition and hereby propose a law to read as hereinafter set forth in full and petition that the same be submitted to the electors of the State of California, at the next succeeding general election occurring subsequent to one hundred and thirty days (130) days after the presentation of this petition, or at any special election called by the Governor in his discretion prior to such general election.

The Title and full text of said proposed act is as follows:

An act to amend "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, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by initiative and approved by electors November 2, 1920, Stats. 1921, lxxxiii; amended by Stats. 1923, p. 1020, by Stats. 1927, p. 880 and Stats. 1943, p. 2999.

The people of the State of California do enact as follows:

Section 1. Section 7 of the act referred to in the title hereof is amended to read:

Any Real Property in fee acquired in violation of the provisions of this act by an alien mentioned in Section Two of this act, or by any company, association or corporation mentioned in Section Three of this act, or by any person of Japanese ancestry or other ancestry ineligible to citizenship under the naturalization laws of the United States who owes any allegiance to any Foreign Government, Emperor, Prince or Potentate, shall escheat as of the date of such acquiring, to and become and remain the property of the State of California. The Attorney General or the District Attorney of the proper county shall institute proceedings to have the escheat of such real property adjudged and enforced in the manner provided by section four hundred seventy-four 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, as of the date of such acquisition in violation of the provisions of this act. 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 acquired shall remain the property of such creditor acquiring the same in such manner. No alien, company, association or corporation, mentioned in section two or section three hereof or person of Japanese ancestry or other ancestry ineligible to citizenship under the naturalization laws of the United States who owes any allegiance to any Foreign Government, Prince or Potentate shall hold for a longer period than six months in possession of any real property acquired in the enforcement of or in satisfaction of a mortgage or other lien hereafter made or acquired in good faith to secure a debt.

Section 2. Section 8 of the said act is amended to read:

Whenever any watercraft or any right or interest in watercraft or any leasehold or other interest in real property, including cropping contracts which are hereby declared to constitute an interest in real property, but excluding interests in real property covered by Section 7 of this act, is hereafter created by any landlord or owner and acquired by any alien mentioned in Section 2 of this act, or any company, association or corporation mentioned in Section 3 of this act, or by any person of Japanese ancestry or other ancestry ineligible to citizenship under the naturalization laws of the United States who owes any allegiance to any Foreign Government, Emperor, Prince or Potentate in violation of the provisions of this act, then and in such event the ownership and/or interest of such person, company, association or corporation in the watercraft or real property and all of the right, title and interest of any such landlord or owner who has not acted in good faith after reasonable investigation shall escheat to the State of California as of the date of the creation and acquiring in violation of the provisions of this act. The Attorney General or the District Attorney of the proper county shall institute proceedings against both such landlord or such owner and such person, company, association or corporation to have such escheat adjudged and enforced in the same manner as is provided in Section 7 of this act. In the event that the interest of such landlord or owner is an interest less than the whole or fee, then in such proceedings the court shall determine the value of all of the right, title and interest of such landlord or owner, if any, and such person, company, association or corporation, as of the date of such acquisition in violation of the provisions of this act, and enter judgment for the State for the amount thereof together with costs. Thereupon the court shall order the sale of the right, title and interest of such landlord or owner and such person, company, association, or corporation as provided in Section 1271 of the Code of Civil Procedure. Upon the confirmation of such sale the court shall fix and determine the total costs and expenses of the county in which the case is tried in preparing and prosecuting such escheat cause and same shall thereupon be repaid to said County out of the proceeds of the sale and the balance shall be paid into the State Treasury.

The provisions of this section shall not apply to any watercraft or real property, hereafter acquired in the enforcement or satisfaction of any lien now existing upon or interest in such property so long as such watercraft or real property so acquired shall remain the property of the person, company, association or corporation acquiring the same in such manner. No alien, mentioned in Section 2 of this act, or any person of Japanese ancestry or other ancestry ineligible to citizenship under the naturalization laws of the United States who owes any allegiance to any Foreign Government, Emperor, Prince or Potentate, company or association, or corporation mentioned in Section 3 of this act shall hold for a longer period than six months possession of any land or watercraft or interest in either, acquired in the enforcement of or in satisfaction of a mortgage or other lien hereafter made or acquired in good faith to secure a debt.

The provisions of this section shall not operate to divest any bona fide interest of any person, firm, corporation or association, which is acquired in good faith and for value and not in violation of this act prior to the filing of a notice of lis pendens in connection with an action for escheat under the provisions of this act.

Any share of stock or the interest of any member in a company, association or corporation hereafter acquired in violation of the provisions of section 3 of this act shall escheat to the State of California as of the date of such acquiring, and it is hereby declared that any such share of stock or the interest of any member in such a company, association or corporation so acquired in violation of the provisions of Section 3 of this act is an interest in real property. Such escheat shall be adjudged and enforced in the same manner as is provided in this section for the escheat of a leasehold or other interest in real property.

Section 3. Section 9a of the said act is amended to read:

Section 3. In any action or proceeding, civil or criminal, by the State of California, or the people thereof, under any of the provisions of this act, when the proof introduced by the State, or the people thereof, establishes the acquisition, possession, enjoyment, use, cultivation, occupation, or transferring of real property or any interest therein, or the having in whole or in part of the beneficial use thereof by any defendant or any of such fact, and the complaint, indictment or information alleges the alienage and ineligibility to United States citizenship or the Japanese ancestry or other ancestry ineligible to citizenship under the naturalization laws of the United States and allegiance to any Foreign Government, Emperor, Prince or Potentate of such defendant, the burden of proving citizenship or eligibility to citizenship or lack of Japanese ancestry or other ancestry ineligible to citizenship under the naturalization laws of the United States and allegiance to any Foreign Government, Emperor, Prince or Potentate shall thereupon devolve upon such defendant.

Section 3. Section 9b of the said act is amended to read:

In any action or proceedings, civil or criminal, by the State of California, or the people thereof, under any of the provisions of this act, when the complaint, indictment, or information alleges the alienage, ineligibility to United States citizenship or the Japanese ancestry or other ancestry ineligible to citizenship under the naturalization laws of the United States and allegiance to any foreign government, Emperor, Prince or Potentate of any defendant, proof by the state, or the people thereof, of the acquisition, possession, leasing enjoyment, use, cultivation, occupation, or transferring of real property or any interest therein, or the having in whole or in part the beneficial use thereof by such defendant, or of any such facts, and in addition proof that such defendant, is a member of a race ineligible to citizenship under the naturalization laws of the United States, shall create a prima facie presumption of the ineligibility to citizenship and allegiance to a Foreign Government, Emperor, Prince or Potentate of such defendant, the burden of proving citizenship or eligibility to citizenship or lack of Japanese ancestry or other ancestry ineligible to citizenship under the naturalization laws of the United States and allegiance to any Foreign Government, Emperor, Prince or Potentate as a defense to any such action or proceeding shall thereupon devolve upon such defendant.

Section 4. Section 9c is added to said act, to read:

Section 9c. Ownership of real property by persons of ancestry ineligible to citizenship. Notwithstanding any other provision of this act no person of Japanese ancestry or other ancestry not eligible to citizenship under the naturalization laws of the United States who owes any allegiance to any Foreign Government, Emperor, Prince or Potentate shall acquire, possess, lease or transfer real property, or any interest therein, in this state.

Section 5. Section 9d is added to said act, to read:

Section 9d. Ownership of watercraft by persons of ancestry inelible to citizenship. No person of Japanese ancestry or of other ancestry not eligible to citizenship under the naturalization laws of the United States who owes any allegiance to any Foreign Government, Emperor, Prince or Potentate shall acquire, possess, lease, charter, enjoy or transfer any watercraft, or any interest therein, in this state.

Section 6. Section 9e is added to said act, to read:

citizenship under the naturalization laws of the United States who owes any allegiance to any Foreign Government, Emperor, Prince or Potentate shall acquire, possess, lease, charter, enjoy or transfer any watercraft, or any interest therein, in this state.

Section 6. Section 9e is added to said act, to read:

Section 9e. *Transfer of real property or watercraft to persons of ancestry ineligible to citizenship.* No person shall sell, give, transfer, assign, lease, charter, loan any real property or any watercraft, or any interest in any real property or watercraft, to any person of Japanese ancestry or of other ancestry not eligible to citizenship under the naturalization laws of the United States who owes any allegiance to any Foreign Government, Emperor, Prince or Potentate.

Section 7. Section 13 is added to said act, to read:

Section 13. *Enforcement.* The Attorney General shall appoint and employ such number of deputies, clerks, stenographers, and investigators as may be reasonable necessary to enforce the provisions of this act.

Section 8. Section 14 is added to said act, to read:

Section 14. *Appropriation for expenses of enforcement.* There is hereby appropriated to the Attorney General out of the unappropriated reserve funds of the state the sum of one hundred thousand dollars per year to defray the expense of enforcing the provisions of this act, and paying the salaries of such deputies, clerks, stenographers and investigators as the Attorney General may appoint and employ for such purpose. All funds not used for the enforcement of this act shall be returned to the general fund.

NAME OF SIGNER	PLACE OF RESIDENCE		Date of Signing	Ele Pre
	Street and Number	City or Town		

FILED
 In the office of the Secretary of State
 of the State of California
 JUN 9 - 1944
 FRANK M. JORDAN, Secretary of State
 By *[Signature]* Deputy

STATE OF CALIFORNIA }
 COUNTY (OR CITY AND COUNTY) OF } ss.

....., being first duly sworn, on his oath states: I am, and during all the time while soliciting signatures as hereinafter set forth was, a qualified and registered elector of the above named County (or City and County) of and the State of California; I am the person who circulated the attached and foregoing section of the Initiative petition of which said section is a part and who solicited the signatures to the said section; I have circulated said section in the County (or City and County) of, State of California; all the signatures to the attached section were made in my presence and upon the date shown after each signature and were solicited by me within the above named County (or City and County) of; the signatures were taken between May 24, 1944 and 1944, and to the best of my knowledge and belief such signature to said section is the genuine signature of the person whose name it purports to be.

Residence Address
 Registered Address

Subscribed and sworn to before me this day of, 1944.

Notary Public or other officer authorized to administer oaths under the laws of the State of California.

IMPORTANT— PLEASE READ

Be sure you read the instructions on the reverse side of the petition. If you would like more Blank Petitions fill in the following:

Have your friends sign the petition as quickly as you can just as they are registered. Please send me more petitions.

DELAY MEANS FAILURE— My name is