

**Frick Vs. Webb**

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**Court :** US Supreme Court

**Decided On :** Nov-19-1923

**Appeal No. :** 263 U.S. 326

**Appellant :** Frick

**Respondent :** Webb

**Judgement :**

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U.S. Supreme Court Frick v. Webb, 263 U.S. 326 (1923)

**Frick v. Webb**

**No. 111**

**Argued April 23, 24, 1923**

**Decided November 19, 1923**

**263 U.S. 326**

*APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES*

*FOR THE NORTHERN DISTRICT OF CALIFORNIA*

## SYLLABUS

Section 3 of the California Alien Land Law, permitting aliens ineligible to citizenship to

"acquire shares of stock in any . . . corporation that is or may be authorized to acquire, possess, enjoy or convey agricultural land, in the manner and to the extent and for the purposes prescribed by any treaty . . . and not otherwise,"

renders illegal a contract between a citizen of the state and a Japanese alien for sale by the one to the other of shares in such a corporation, and is consistent with the treaty between the United States and Japan and the due process and equal protection clauses of the Fourteenth Amendment . P. [263 U. S. 333](#) . See *Porterfield v. Webb* and *Webb v. O'Brien, ante*, pp. [263 U. S. 225](#) , [263 U. S. 313](#) .

281 F. 407 affirmed.

Appeal from an order of the district court refusing an interlocutory injunction in a suit to restrain officials of the State of California from enforcing the California Alien Land Law.

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MR. JUSTICE BUTLER delivered the opinion of the Court.

This is a suit brought by the appellants to enjoin the above-named Attorney General and district attorney

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from enforcing the California Alien Land Law, [\\*](#) submitted by the initiative and approved by the electors, November 2, 1920, on the grounds that it is in conflict with the due process and equal protection clauses of the Fourteenth Amendment and with the treaty between the United States and Japan.

Appellants are residents of California. Frick is a citizen of the United States and of California. Satow was born in Japan, of Japanese parents, and is a subject of the Emperor of Japan. Frick is the owner of 28 shares of the capital stock of the Merced Farm Company, a corporation organized under the laws of California, that owns 2,200 acres of farm land in that state. Frick desires to sell the shares to Satow, and Satow desires to buy them. By the complaint it is alleged in substance that the appellees have threatened to and will enforce the act against appellants if Frick sells such stock to Satow, and will institute proceedings to escheat such shares to the state as provided in the act; that, but for the provisions of the act and such threats, Frick would sell and Satow would buy the stock. And it is averred that the act is so drastic and the penalties attached to its violation are so great that appellees are deterred from carrying out the sale, and that, unless the court shall determine its validity in this suit, appellants will be compelled to submit to it whether valid or invalid.

Appellants applied for an interlocutory injunction to restrain appellees during the pendency of the suit from instituting any proceeding to enforce the act against appellants. The application was heard by three judges, as provided in 266 of the Judicial Code. The motion was denied, and the case is here on appeal from that order.

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In *Porterfield v. Webb*, ante, [263 U. S. 225](#) , and *Webb v. O'Brien*, decided this day, ante, [263 U. S. 313](#) , we held that the act does not conflict with the Fourteenth Amendment or with the treaty between the United States and Japan. In the case first mentioned, we held that the act prohibits the leasing of agricultural land by citizens of the United States to a Japanese alien, and in the latter that it prohibits the making of a cropping contract between a citizen and a Japanese alien.

The treaty does not grant permission to the citizens of subjects of either of the parties in the territories of the other to own, lease, use, or have the benefit of lands

for agricultural purposes, and, when read in the light of the circumstances and negotiations leading up to its consummation, the language shows that the parties respectively intended to withhold a treaty grant of that privilege. *Terrace v. Thompson*, ante, [263 U. S. 197](#) ; *Same v. Same*, 274 F. 841, 844, 845. The applicable provision of 3 of the act is: hereafter, all ineligible aliens

"may . . . acquire shares of stock in any . . . corporation that is or may be authorized to acquire, possess, enjoy or convey agricultural land, in the manner and to the extent and for the purposes prescribed by any treaty . . . , and not otherwise."

The provisions of the act were framed and intended for general application and to limit the privileges of all ineligible aliens in respect of agricultural lands to those prescribed by treaty between the United States and the nation or country of which such alien is a citizen or subject. The state has power, and the act evidences its purpose, to deny to ineligible aliens permission to own, lease, use, or have the benefit of lands within its borders for agricultural purposes. *Webb v. O'Brien*, *supra*.

"As the state has the power . . . to prohibit, it may adopt such measures as are reasonably appropriate or needful to render exercise of that power effective."

*Crane v. Campbell*, [245 U. S. 304](#) , [245 U. S. 307](#) , and

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cases cited; *Hebe Co. v. Shaw*, [248 U. S. 297](#) , [248 U. S. 303](#) . It may forbid indirect as well as direct ownership and control of agricultural land by ineligible aliens. The right "to carry on trade" given by the treaty does not give the privilege to acquire the stock above described. To read the treaty to permit ineligible aliens to acquire such stock would be inconsistent with the intention and purpose of the parties. We hold that the provision of 3 above referred to does not conflict with the Fourteenth Amendment or with the treaty.

*The order appealed from is affirmed.*

MR. JUSTICE Mc REYNOLDS and MR. JUSTICE BRANDEIS think there is no justiciable question involved, and that the case should have been dismissed on that ground.

MR. JUSTICE SUTHERLAND took no part in the consideration or decision of this case.

\* The substance of the portions of the act which are material in this case is printed in the margin of *Webb v. O'Brien*, decided this day *ante*, [263 U. S. 319](#) .

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