

TO TEST LAND LAW

OAKLAND MAN TO LEASE SOME PROPERTY TO JAPANESE.

1903 Anti-Alien Measure Also to Be Given Hearing on Constitutionality.

By Associated Press.

SAN FRANCISCO, Saturday, Nov. 6. —Announcement that he intended to test the anti-alien property measure voted by the state Tuesday, by leasing a parcel of land to a Japanese after the law has been proclaimed by the secretary of state, was made here today by John P. Irish of Oakland, who wrote the ballot argument against the law.

In order to give the parties an opportunity to go to a higher court to test the constitutionality of the California anti-alien land law of 1903, Judge Robert S. Bean dismissed in the United States District Court yesterday a suit brought by Robert H. S. Strahan of New York to force completion of a sale of ten acres of land to a Japanese.

The defendants, Howard G. Hanvey of Burlingame and his wife, Virginia Hanvey, refused to make the sale on the ground that after the deal had started they discovered that the principal for whom Strahan was acting was a Japanese and the sale therefore illegal. Strahan moved to strike out their answer on the ground that the law was unconstitutional and in violation of the treaty of 1911, but Judge Bean refused several days ago to entertain this motion and ordered the case to proceed to trial.

Yesterday he dismissed the case on a stipulation of facts that the land actually was to be sold to a Japanese if the sale was completed.
