

JAPANESE IN TEST CASE

HINKLE REFUSES INCORPORATION ARTICLES.

Natives of Nippon Who Claim
Citizenship May Carry Suit to
U. S. Supreme Court.

Capital City Bureau,
The Seattle Times,
905-6 Colorado Building.

OLYMPIA, Saturday, May 7.—Refusal of J. Grant Hinkle, secretary of state, to accept for filing articles of incorporation of the Japanese Real Estate Holding Company of Seattle, will, it is believed, cause a suit in the United States courts to test the federal restrictions barring Japanese from naturalization.

Officers of the company, who tendered the filing, are Takuji Yamashita and Charles Hio Kono, who claim to be naturalized American citizens, although born in Japan. Corwin S. Shank, Seattle attorney, is representing the Japanese company in what is understood here to be an intention to apply shortly to the State Supreme Court for a writ of mandamus compelling the secretary of state to accept the filing. Under a previous decision of the State Supreme Court it is expected that the mandamus application will be refused and appeal can then be taken to the United States Supreme court on a writ of error involving the constitutional right of citizenship. The incorporation filing is refused by the secretary of state on the ground that its incorporators are not American citizens.

Both the Japanese applicants represented in this case were passed as naturalized American citizens by the Pierce County court years ago. Yamashita was a student at the State University Law School, but he was refused application for admission to the bar by the clerk of the Supreme Court on the ground that he was not a citizen. In a previous ruling the State Supreme Court had held that Japanese born in Japan could not be naturalized in this country under federal statutes. The case went no further at that time, but the Pierce County naturalization of an earlier day is now invoked in a prospective test case before the nation's highest court. Under the law a Japanese born in the United States acquires citizenship rights, but not otherwise.

It is understood that all the questions now at issue in Japanese exclusion by this state will be coordinated so far as practicable and presented to the Supreme Court for final ruling as a judicial basis for international immigration negotiations now under way.