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REVIEW OF RECENT DECISIONS

BANKS—CONSTITUTIONAL RIGHTS NOT INFRINGED BY REQUIRING UNCLAIMED DEPOSITS TO BE TURNED OVER TO STATE.

Security Savings Bank v. California, U. S. Sup., Adv. Ops. Dec. 15, 1923:

A State statute provided that if a bank account has not been added to or drawn upon by the depositor for more than twenty years, and no one claiming the money, has, within that period, filed with the bank any notice showing his present residence, and the bank's president or managing officer does not know that the depositor is alive, then the bank shall, upon entry of a judgment establishing those facts, in a suit brought by the attorney general in which personal service is had upon the bank and service has been made upon the depositor by publication for four weeks, notice requiring all persons other than the named defendants to appear and show cause why the deposit involved should not be deposited with the State treasurer or pay said deposit over to the State Treasurer. In a proceeding by the State under said statute, held:

The contract of deposit does not give a bank a tontine right to retain the money in the event it is not called for by the depositor.

The liability of a State bank for unclaimed deposits is intangible property within the State, over which the State has the same dominion as it has over tangible property.

No right of the bank under the Federal Constitution is infringed by the State's requiring it to turn over to it deposits which have remained unclaimed for a long time, and it is immaterial whether the State will receive the money merely as depositary or take it as an escheat.

Such a proceeding is not one *in personam* so far as it concerns the depositor, within the rule governing service of process in actions *in personam.* Sufficient seizure of the res and notice to claimants to protect the bank, are effected by providing for personal service of notice on the bank and publication of summons to depositors, and of notice to all other claimants.

CONFLICT OF LAWS—STATE AND FEDERAL—STATE STATUTE REQUIRING LEASES, INVALID BY ACT OF CONGRESS, TO BE CONSIDERED TENANCIES AT WILL HELD INVALID.

Bunch v. Cole, U. S. Sup., Adv. Ops. Dec. 15, 1923:

Action by Bunch, an Indian allottee of land, to recover for a wrongful occupancy of his land. By Federal statute an adult allottee could lease his homestead for not exceeding one year, and the surplus land allotted to him for not exceeding five years, without any approval of the lease, but could not

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lease for longer periods without the approval of the Secretary of the Interior; and any lease not permitted by the restrictions was to be absolutely void. The allottee made leases of his lands, without approval of the Secretary of the Interior, to take effect six months later, at the expiration of an existing lease. A State statute required leases of Indian land made invalid by act of Congress, to be treated as tenancies at will for purpose of determining compensation which an allottee could recover from the lessee for use of the land.

Held, the leases made by Bunch to take effect in the future were absolutely void under the act of Congress, and that the State statute giving to them the effect of tenancies at will was invalid because in conflict with the act of Congress.

CONSTITUTIONAL LAW—STATUTE DENYING ALIEN RIGHT TO OWN LAND DOES NOT DEPRIVE HIM OF PROPERTY WITHOUT DUE PROCESS OR DENY EQUAL PROTECTION OF THE LAWS.

Terrace v. Thompson (U. S. Sup.), Adv. Ops. Dec. 1, 1923, p. 35:

This suit is brought against the attorney-general of the State of Washington to enjoin him from enforcing the anti-alien land law of that State. By the terms of that law, aliens who have not made a bona fide declaration of an intention to become citizens of the United States are not permitted to own or lease land for agricultural purposes, and citizens of the United States who knowingly make conveyances or leases to such aliens are deemed guilty of a high misdemeanor.

It is alleged that the statute is in conflict with the due process and equal protection clauses of the 14th Amendment, and with the treaty between the United States and Japan (37 Stat. at L. 1504). The court held:

That the 14th Amendment does not take from the States the right to make police regulations, and that a State may make reasonable classification of citizens and aliens for the purpose of legislation.

That each State has, in the absence of a treaty provision to the contrary, power to deny aliens the right to own land within its borders.

That State legislation applying alike and equally to all aliens, withholding from them such a right, does not amount to an arbitrary deprivation of liberty or property without due process of law.

That the classification of the statute, allowing aliens who have declared an intention to become citizens the right to hold land, and denying such right to those aliens who have not made such declaration does not violate the constitutional provision guaranteeing equal protection of the laws.

That no right to own or lease agricultural land is conferred by a treaty that the subject may lease land for residential or commercial purposes.

Porterfield v. Webb (U. S. Sup.), Adv. Ops. Dec. 1, 1923:

Suit against the attorney-general of the State of California to enjoin the enforcement of the Alien Land Law of that State.

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