

DECISION AFFIRMED IN ALIEN LAND CASE

Supreme Court, Sitting en Banc,
Escheats Property of White
River Gardens to State.

Special to The Times.

OLYMPIA, Wednesday, June 2.—By a divided court sitting en banc and with three judges dissenting, the majority opinion in one of the important alien land cases of King County affirms the original department decision in the case of the state, respondent, against Taka Hirabayashi and wife, respondents, and the White River Gardens, Inc., S. Katsuno and wife, and Yoshijo Katsuno, a minor, and Nora Murphy as guardian of such minor child, appellants, in which the court held that certain lands held by the White River Gardens, Inc., were held in violation of the alien land law and were declared escheated to the state. The affirming decision is a brief per curiam merely adhering to the results reached in the department opinion as reported in 133 Wash., 462.

An extended dissenting opinion is filed by Judge E. M. Parker and concurred in by Judges Main and Askren, which concludes as follows:

"I am of the opinion that the White River Gardens, Inc., has not, at any time since Katsuno caused the transfer to that corporation of his contract interest in the land in part payment of his stock subscription, held title to that contract interest in trust for Katsuno, and that the state has not possessed the right of escheat with reference to the land at any time since Katsuno transferred his 1997 shares of stock of the White River Gardens, Inc., as a gift to his minor daughter, which transfer gave to that corporation full citizenship rights for the purpose of ownership in land in this state."
