

FIVE OPINIONS RENDERED. SUPREME COURT REVERSED ONE LOWER JUDGMENT.

Adjudication of Warehouse Dispute—Two Suits Wherein Illegal Transfer of Property Was Alleged.

SALEM, Dec. 9.—The Supreme Court today handed down five decisions, as follows:

Robert Adamson, respondent, vs. W. J. Martin, Wells, Fargo & Co. and William Frazier, Sheriff of Multnomah County, appellants, from Multnomah County; John B. Cleland, Judge, affirmed. Opinion by Chief Justice.

The plaintiff is a warehouseman in Portland, and previously to April 12, 1899, he received on storage quantities of grain on the account of J. B. Cameron & Co., to whom he issued negotiable warehouse receipts for all that grain.

Prior to the garnishment, unknown to plaintiff, Cameron & Co. had sold and transferred the wheat receipts to bona fide purchasers, who in a short time presented them at the warehouse and received the grain called for.

The decree of the lower court is modified and the deed of conveyance from Craig to his wife is set aside and the sale of the property is ordered to satisfy the plaintiff's demand, subject to the consideration paid by Mrs. Craig.

The following orders were today made in the Supreme Court: Northwest Lumber Company and H. J. Fisher, appellants, vs. E. Tomlinson et al., respondents; ordered, on motion, that respondents have 30 days' additional time in which to file a petition for rehearing.

James F. Watson, trustee, et al., appellants, vs. Columbia River L. & F. Co., Company, defendant, from Clatsop County; affirmed. Opinion by Justice Wolcott.

This is a case wherein the plaintiff, having an unsatisfied decree against H. B. Borthwick, caused several contemptory executions to issue to the Sheriff of different counties.

The opinion holds that the sole question presented is whether an execution may be issued during such period, and depends entirely on the proper construction or rendition of the writ.

"At common law, execution could not issue, unless the judgment was revived through the intervention of a writ of scire facias, which brought in new parties and gave them their day in court.

There is no statutory provision for the issuance of an execution between the death of the decedent and the judgment or order of administration, and hence no such authority exists.

The judgment of the lower court is affirmed. The writ of scire facias is granted, and the execution is set aside.

Jean Baptiste, Emile Garnier et al., appellants, vs. Ira E. Wheeler et al., respondents, from Washington County; T. A. McBride, Judge, affirmed. Opinion by Justice Moore.

This was a suit to set aside a deed as to a part of the real property conveyed thereby, and to subject such part to the payment of a mortgage.

The court found that "three things much concur to protect the title of the purchaser. (1) He must buy without knowledge of bad intent on the part of the vendor; (2) he must be a purchaser for a valuable consideration; and (3) he must have paid the purchase money before he had notice of the fraud."

In passing upon the case, in which the judgment of the lower court is affirmed, the Supreme Court is of the opinion that David did not have any knowledge or notice of his brother's intention to defraud his creditors.

Another Railway Combine. Pennsylvania and Rock Island Said to Be Getting Together.

NEW YORK, Dec. 9.—The Times says: "Financial and railway circles are animated by reports that official announcements are about to be made of important developments along company of interest lines.

W. T. Wright and S. O. Swackhamer, appellants, vs. A. C. Craig and Amelia A. Craig, respondents, from Union County; W. R. Ellis, Judge, reversed. Opinion by Justice Wolcott.

This was a suit to set aside a conveyance of a tract of land having a hotel building thereon, executed by A. C. Craig to his wife on the alleged ground that it was voluntary and made for the purpose of defrauding creditors.

The court found that "three things much concur to protect the title of the purchaser. (1) He must buy without knowledge of bad intent on the part of the vendor; (2) he must be a purchaser for a valuable consideration; and (3) he must have paid the purchase money before he had notice of the fraud."

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BOUGHT TEN SHIPLOADS. PORTLAND EXPORTERS WERE IN THE MARKET LAST WEEK.

Heaviest Movement of the Season in Wheat—Freights Firm and Higher.

Portland exporters bought upwards of 1,000,000 bushels of wheat last Friday and Saturday, and as some of them were short on ships before the last barge loaded with wheat, there was naturally renewed activity in freights.

The Supreme Court holds that, inasmuch as the transfer of the property by Craig to his wife practically rendered him insolvent and without means to discharge his legal obligations, it made a prima facie case of fraud and the burden devolved upon the wife to show that she took the conveyance in entire good faith, without purpose of defrauding the creditors of Craig.

The decree of the lower court is modified and the deed of conveyance from Craig to his wife is set aside and the sale of the property is ordered to satisfy the plaintiff's demand, subject to the consideration paid by Mrs. Craig.

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The judgment of the lower court is affirmed. The writ of scire facias is granted, and the execution is set aside.

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This was a suit to set aside a deed as to a part of the real property conveyed thereby, and to subject such part to the payment of a mortgage.

The court found that "three things much concur to protect the title of the purchaser. (1) He must buy without knowledge of bad intent on the part of the vendor; (2) he must be a purchaser for a valuable consideration; and (3) he must have paid the purchase money before he had notice of the fraud."

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BRITISH STEAMSHIP FORERIC.

The British steamship Foreric, now loading at the Eastern Lumber Company's docks in this city, is a very heavy carrier.

The British ship Foreric, which arrived in Saturday, is still on the free list, and if the strength of the wheat market continues she will probably be a "30-shilling ship."

The British steamship Campania, from Liverpool, low her starboard anchor, and 150 fathoms of chain while trying to anchor outside Sandy Hook during a heavy gale on the night of November 23.

The Norwegian steamer Baccaner, from Bergen, was wrecked on the coast of the island, below Philadelphia, in the forenoon of November 23, during a fog, and was floated with the assistance of a tug.

The German bark Atlanta, from Hamburg, was wrecked, as before reported, on the coast of the island, below Philadelphia, on the night of November 23.

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THERE ARE OTHERS. Boston, New York, Liverpool and Other Ports Have Trouble.

Marine accidents are common wherever there are ships, and this is the season of the year when they are the most plentiful.

Portland, considering its size and prominence as a port, does not suffer worse from these casualties than other ports, although there is a disposition in certain quarters to get out the impression that ships bound to and from this port have more difficulties to contend with than those at other ports.

The decrease in imports equals 5.8 per cent, and that in exports of English and Irish products 7.2 per cent. The coal ship-

ments were less in quantity by \$30,000,000, equaling 14.4 per cent, and in value by \$1,339,637, equaling 37.3 per cent. Coal shipped for the use of steamers shows an increase of 21,800 tons.

Another Overdue Safe. SAN FRANCISCO, Dec. 9.—Another vessel of the overdue fleet has been reported safe. Cable advices from London to the Merchants' Exchange today announced that the British ship Prince Alfred was reported this morning off the English coast.

The vessel was out 211 days from Vancouver for Queenstown, and 50 per cent insurance was offered on her. An hour or so before the news came that she was reported, the rate jumped to 75 per cent.

Victim of a Strange Accident. SEATTLE, Dec. 9.—H. W. Gleason, traveling agent for the Bucien Drug Company, of Chicago, and a resident of San Francisco, was fatally scalded while trying in his stateroom aboard the South steamer Dode Sunday.

The British steamer Campania, from Liverpool, low her starboard anchor, and 150 fathoms of chain while trying to anchor outside Sandy Hook during a heavy gale on the night of November 23.

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Declining English Trade. NEW YORK, Dec. 9.—The London Times, in its financial article, which has been republished in the New York Times, says the trade relations for November are again unsatisfactory, showing decreases in the values of both imports and exports.

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AT THE HOTELS. THE PORTLAND.

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