BUYER MUST SHARE

Although Fraud Is Never Permissible, Courts Hold That Purchaser Should Make Investigation.

BY W. B. SHIVELY, Chairman Legal Committee Portland Realty Board.

What duty rests upon buyers of real estate to investigate and verify representations of fact made by sellers induce a sale? To what extent must

to induce a saie? To what extent must a buyer rely on a seller's misrepresentations to enable him to reach the sale and recover the purchase money?

With reference to instances when the buyer and seller are dealing "at arms' length," having equal opportunities for investigation and the ability to investigate, the Supreme Court of Oregon has stated the rule, in the case of Reimers versus Brennan, 84 Ore. 53, 164 Pac. 552, as follows:

A purchaser must use reasonable care for his own protection and should not rely blindly upon statements made by a seller, and between parties dealing at arms'-length, where no fiduciary relation exists and no device or srifflee is used to prevent an investigation, it is the general rule that a purchaser must make use of his means of knowledge, and falling to do so he cannot recover on the ground that he was misled by the seller.

And our Supreme Court has held

And our Supreme Court has held that a buyer cannot be permitted to disregard information obtained from sources other than the seller and rely upon an apparent falsehood. A man is bound to make use of his means of information. As stated in Wheelwright versus Vanderbilt, 69 Ore. 326, 138 Pac.

Buyer Should Be On Guard.

mere naked lie—a falsehood—though with the intent to deceive, upon which ity acts and by which nobody is de it is not actionable.

No rule, applicable alike to all cases however, can be laid down, except that it may be generally stated that a duty rests upon the buyer to use his ability and opportunities to prevent a fraud being practiced upon him. Each case is to be determined on its particular

It is well settled, however, that be fore a buyar can obtain any relief through the courts on account of a

77 Ore, 397, 150 Pac. 278. There a tract of Lincoln County land was offered for sale. The seller represented it to contain 30 acres of cleared land, which had theretofore been under cultivation. The buyer, a carpenter, ignorant of farming land and processes. tivation. The buyer, a carpenter, ignorant of farming land and processes, was taken by the seller to look at

ever two years; ferns grow up mighty quick in this county."

Buyer Gets Damages.

The buyer then proposed to go into the ferns and examine the land, when the seller assured him there was no use going through the ferns; that the entitled to be flagship of her class, accentiled to be flagship of her class acc use going through the ferns; that the buyer could rely upon his word. The ferns were very wet at the lime, and, taking defendant's statement as true, the buyer made no further examination of the land thus covered with the tion of the land thus covered with the willamette plant for machinery in-

of the buyer, and said:

In our judgment the litigants in the instant case did not have equal opportunities to know the truth. The statement of the seller of the farm that he buyer could rely upon his word, and that there was no use of his going into wet ferms to examine the land, had a tendency to dissuade him from close inspection. A different case would be presented if in fact the plaintiffs had polyused a generi, knowledge of such lands, and if the defensants had made no statement calculated to gorestall minute in spection. If the defensants spoke at all with a view of influencing the conduct of the plaintiffs, it was their duty to speak the whole truth.

Courts will also creat relief.

has been fraudulently imposed upon. An instance of such an application of the law is found in Sherman vs. Glick 71 Or. 451, 142 Pac. 606.

Whole Burden in Real Estate
Sales Not on Seller.

RÜLE IN LAW IS SET FORTH

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In RESPONSIBILITY

There a widow, 67 years of age, almost without knowledge of real estate values, was prevailed upon to exchange a farm worth \$3000 for \$500 in cash and a house and two lots which were represented to be worth \$2500, but in fact were worth not to exceed \$750. Though it was shown that the widow examined the house and lots, the court held that the parties were not on equal terms, owing to the advanced age and inexperience of the widow; that the representations as to the value of the house and two lots were so gross and glaring as to amount to fraud, justifying a rescission of the sale and a restoration of the parties to their original holdings.

MEMBERSHIP CAMPAIGN IS ON

O. H. Skotheim Conducting Drive to Add Members to Realty Body.

Real estate men associated with the Interstate Realty Association may adopt an insignia. In connection with the campaign for 1000 new members from the Northwestern states and Alberta and British Columbia, it has been proposed that every member of the Interstate Realty Association have prominated on the Realty Association have prominated on the Interstate Realty Association have been proposed that every member of the Interstate Realty Association have prominated on the Interstate Realty Association have been proposed that every member of the Interstate Realty Association have prominated on the Pacific Mail Steamship Company announce that the Champerica and San Francisco, Oct. 26.—(Special.)—Officials of the Pacific Mail Steamship Company announce that the Champerica and San Francisco, Oct. 26.—(Special.)—Officials of the Pacific Mail Steamship Company announce that the Champerica and San Francisco, Oct. 26.—(Special.)—Officials of the Pacific Mail Steamship Company announce that the Champerica and San Francisco.

SAN FRANCISCO. Oct. 26.—(Special.)—Officials of the Pacific Mail Steamship Company announce that the Champerica and San Francisco of the Pacific Mail Steamship Company announce that the Champerica and San Francisco of the P

West Zeda and West Cobalt Successfully Launched.

TONNAGE STEADILY GROWS

Grand Total for Oregon District Yards for 1918 to Date Reported as 537,700.

Pacific Coast Shipping Notes. ASTORIA. Or. Oct. 26.—(Special.)—The pesterday morning from British a shifted today to the Port do she is to discharge 2772 tons of or discharging fuel oil in Astoria and, the lank steamer Captain A. sailed at 8:30 this morning for C

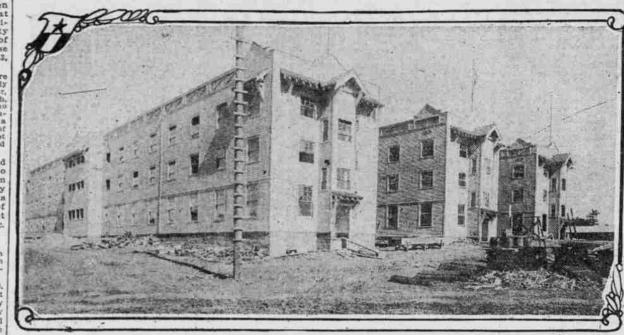
The steam schooner Santiam arrived at 10:35 this morning from San Francisco en route to Portland, where she is to load

boilers.

Bringing freight and passengers for Astoria and Portland, the steamer Rose City arrived at six o'clock this afternoon from San Pedro and San Francisco.

ABERDEEN, Wash., Oct. 28.—(Special.)— Steamer Corliss sailed this afternoon with umber cargo for San Francisco. Captain Strottenberg arrived today to take harge of carrier Dove, replacing Captain Wilson. assigned to steamer Manhattan, Portland, by Emergency Fleet Corporation.

COMFORT OF SHIPBUILDERS AFTER WORKING HOURS INSURED BY MODERN HOTEL, BIG APART-MENT-HOUSE AND NUMBER OF MODERN BUNGALOWS AT VANCOUVER.



VIEW OF HOTEL LIBERTY, ONE WING OF WHICH IS OCCUPIED

business card some characteristic emblem to be recognized by the public as a guarantee of responsible dealings.

O. H. Skotheim, with offices in the Henry building, is conducting a vigorous membership campaign and response that up to the present 5000 communications to representative dealers is the Northwest and Western Camada have gone out from his offices.

"We are working night and day," says Mr. Skotheim, "to carry out our programme for expanding the membership and influence of this wonderful organization by personal appeals.

So the 1918 launchings to date have wooden ships and including hulls floated to the government.

In the same period 66 wood ships have been launched for the Government ment in the Oregon district proper, not including hulls floated at Coos Bay, representing 239,500 tons, while 17 versues account bring the numerous cases of influenza along the numerous case of influenz

ured Course Credited to Ship Built by Northwest Steel.

eeds, and said:
"No one has been living on this for be turned out for the United States

Government This announcement was made by Edward Pape, plant manager of the Wil-lamette Iron & Steel Works, after a check had been made as to the per-

gency Fleet Corporation at Seattle and then turned over to the Pacific Steamship Company.

Tides at Astoria Sunday,

7:31 A. M....7.1 feet|1:02 A. M....0.8 foot 7:12 P. M....7.0 feet|1:02 P. M....5.3 feet

River Forecust.

Captain Clyde F. Parker, formenly on the steamers Rose City and Beaver, on the Portland-California route, who is now a Lieutenant-Commander in the Naval Reserve force, and in command | Pedro.

Built by Northwest Steel.

Built by Northwest Steel.

Naval Reserve force, and in command of arming land and processes, was taken by the seller to look at the land.

They arrived there in the night, and the next morning went to view the premises. The seller pointed out a tract that was grown up with tall ferns and weeds, and said:

"No one has been living on this for "No one has been living on the North Hards the for the Atlantic fleet. Hauting for one of th Townsend, formerly of the Beaver, Training of the men is carried on while the vessel is at sea, and as fast as the best develop proficiency they are as-signed to other vessels. As to the Ger-

man undersea menace, they are referred to as "tin fish."

ASTORIA. Oct. 25.—Arrived at 11:35 A. M.—Steamer Halco, from San Pedro, Sailed at 2:30 P. M.—Steamer Western Plains, for an Atlantic port. Arrived at 2 P. M.—Steamer General Barratier, from Comox.

New Jetty Will Compel Tidal Flow

which built the ship and sent her to the Willametre plant for machinery installation.

The day she entered Puget Sound, where the official trial was held over a measured course off Alki Point, a new 8800-ton ship from Japan, the first time in several seasons, is adequate for all shipping and reports given out by the seller as land ready for the plow was covered with logs and stumps concealed by the weeds and ferns, and that it was utterly unfitted for plowing and could not be made arable, except at great expense.

Upon discovering the fraud, the buyer sought to recover damages. The seller urged to the court that inasmuch as the buyer had had an opportunity to inspect the land but did not, owing to the wetness of the ferns, he must take the consequences of his own neglect.

The court upheld a verdict in favor of the buyer, and said:

In our judgment the litigants in the instance case did not have equal opportunities to know the truth.

The statement of the saler of the farm that his buyer could be defered the learn of the seller of the farm that his buyer could be defered the learn of the plant for machinery installation.

The day she entered Puget Sound, where the official trial was held over at measured course off Alki Point, a new skept ourse off Alki Point, a new skept ourse off Alki Point, a new skept ourse of Alki Point, a new skept ourse of Alki Point, a new skept ourse off Alki Point, a new skept seasons, is adequate for all shipping and reports given out by the port commission declare the least built for the United States by the Nipponese in return for shipments of steel plant for machine in several seasons, is adequate for all shipping and reports given out by the point and summer was 17 feet. Craft plying the real summer was 17 feet. Craft plying the real shipping and reports given out by the point and summer was 17 feet. Craft plying of engineers was discovered in driving the piling for this jetty. Government engineers had believed the bedrock would not permit driving piling, but operations proved the bedrock was only a hard-pan and piling has been driven to a depth of nine feet for the entire distance, laying the foradation for much greater strength in the jetty's resist-

PORTLAND, Oct. 26.—Salled—Steamers Johan Poulsen and Barrington, for San Fran-cisco; steamer Dalsy Mathews, for San

ASTORIA, Oct. 20.—Arrived down at mid-night and sailed at 7:30 A. M.—Steamer Airlie, for San Francisco. Sailed at 8:33 A. M.—Steamer Capt. A. F. Lucas, for San Francisco. Arrived at 10:35 A. M.—Steamer Santiam, from San Pedro.

EUREKA. Oct. 26 - Arrived - French teamer Colonel Driant, from Portland.

SAN FRANCISCO, Oct. 26.—Arrived at 10 A. M.—Steamer Cellie, from Portland, for San Diego. Sailed.—Steamer Cellie, for San Diego. Sailed at 2 P. M.—Steamer Blanden, for Portland?

SAN FRANCISCO, Oct. 23,—Sailed at 4 P. M.—Auxiliary schooner Lassen, for Columbia River.

SAN FRANCISCO, Oct. 26.—Arrived—Steamer Cellio, from Astoria. Sailed—Steamer President, for Victoria.

SEATTLE, Oct. 26 - Arrived - Steamer SEATTLE, Oct. 26. — Arrived — Steamers Clay of Scattle, Catherine, from Southeastern Alaska; Admiral Dewey, from San Diego; Lyman Stewart, from San Francisco. Departed—Steamers Admiral Schley, for San Francisco; Forster, Chimo, for Honolulu; Jeffersen, for Southeastern Alaska; Eastport, for West Coust; Admiral Mayo, for Hongkong; Admiral Watson, for Anchorage. TACOMA, Octo. 26. — Arrived — Steamer Alaska; from Alaska; Japanese steamer Arabta, from Yokohama; steamer West Elmasco, from Seattle; steam schooner Yosemlie, from San Francisco; Salled—Steamers Daca, for San Francisco; Forester, for Seattle; Skagway, for Alaska.

Ashley Ely Waives Exemption.

Inclusion of the name of H. Ashley Ely. 767 Broadway, in the list of registrants called by local board No. 3 to report and make corrections in their questionnaires, was reported yesterday to have been an error. Mr. Ely waived all claim of exemption, and this mase it necessary for his wife to sign the with a view of influencing the conduct of the plaintiffs, it was their duty to speak the whole truth.

The Willamette River at Portland will remain nearly stationary during the next two or three days except as affected by the tide.

Courts will also grant relief where High tides will be about as follows: Sunday, the buyer by reason of gross ignorance, lift health, imbecility or advanced age

Storm Warning Issued.

Small-craft warning was ordered flown vesterday at 11:30 A. M. at all washington and Oregon stations. A moderate storm is reported moving linquents.

TELEPHONE OPERATORS WANTED

Telephone operating offers many advantages to young women who are seeking employment at a good salary with opportunities for advancement.

GOOD PAY TO START WITH

Rapid and frequent increase in salaries.

PERMANENT POSITION

Work is steady and permanent. Many opportunities for advancement.

INTERESTING WORK

Pleasant, clean, fascinating. Associates carefully selected

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Light and well ventilated offices. Comfortable lunch and recreation rooms.

SPECIAL ADVANTAGES

Annual vacation with pay.

Sick Benefits, Death Benefits, Pensions, without cost.

Good Character and Good Health are required. Young women between the ages of 18 and 26 are preferred. Previous experience is not necessary. Our employment office is located on the Sixth Floor, Room 601, in the Telephone Building, Park and Oak Streets, and is open from 8:30 A. M. to 5:30 P. M. We invite you to call at this office and meet Miss Thomas, who will gladly discuss the matter personally with you. An appointment may be made by calling Broadway 12000.

The Pacific Telephone and Telegraph Company

Room 601, Sixth Floor-Park and Oak Sts.

MATH FALLS RACH SOLD

TRAINING AND HE Perchased by the desire of the restrictions he had made as investigation where the days restricted to any relief.

While the days rest some a barge smaller as in the referred are grantled to any relief.

While the days rest some a barge smaller as in the referred are grantled by the courts to revide its specialization, and the referred are grantled by the courts to revide its specialization and the referred are grantled by the courts to revide its specialization and the days restricted to any relief.

While the days rests when a barge smaller by the courts to revide its specialization and the restriction in the proposed and in December 2. F. Magnifer.

While the days rests when a barge smaller by the courts to revide its specialization and the restriction in the state of the restriction of the restriction in the state of the restriction in the Hotel Oregon, has been on the ground for some time and no appointment is to be omitted that would add to the comfort and welfare of guests. The Government is jointly interested in the success of the hotel and rates will be in accordance with Federal requirements. The first guests were admitted Friday night, but with the understanding that charges could not be announced until they had been officially fixed by Uncle Sam.

Somewhat like the Hotel Multnomah in structural design is the Hotel Liberty. There are three wings on each side, extending as though from the center bar of the letter "H," and the ground space occupied is 148 by 262 feet. There are 350 rooms, with steam

firmly, but easily.

Washington at Broadway

heat, hot and cold water, built-in chif-foniers and wardrobes, with many of accommodations whether bachelors or foniers and wardrobes, with many of

north of its big steel shipyard at Vancouver, the formal reception planned to mark the completion of the structure having been abandoned.

Special accommodations have been provided in different parts of the country for shipworkers and men in other industries where housing conditions were inadequate, but the Hotel Liberty stands out as an establishment more spacious and elaborate than most of them, and considering the location and the schedule under which it will be conducted, it is said to be exclusive.

Manager Larrimore, formerly of the many with R. V. Jones combingler of many long and lounging rooms, billiard room and the like are on the ground floor, while the barber shop, laundry, boiler and drying rooms are in the basement. North of the hotel is being erected and partment-house to cover two blocks. conducted, it is said to be exclusive.

Manager Larrimore, formerly of the pany with R. V. Jones, comptroller of Hotel Oregon, has been on the ground the Standifer Corporation, at the head.

Eyeglass Supremacy

Years Have Been Spent in Perfecting This Instrument, Which Measures Astigmatism to an Absolute Mathematical Exactness.

It is my business to help others see. It is a worthy work and I respect; and because I respect it I do my work carefully, conscientiously and

I give the best expert advice and furnish all the different aids to sight eyeglasses and spectacles—both single vision and Kryptok bifocals.

Model glasses, scientifically ground — model adjustments, insuring omfort—model shapes, giving dignity to the face—model clips that hold

In dealing with me you are assured of the best service—the benefit of twenty years specialized effort and the intelligent use of the latest scientific instruments for sight testing, giving the greatest ease and comfort—and at a moderate price.

DR. WHEAT SPECIALIST

Telephone Main 4300

HOTEL LIBERTY IS OPENED

Heat, hot and cold water, built-in chiffoniers and wardrobes, with many of the rooms furnished with two single beds. The structure is three stories in height, and is as near fireproof as a mill-construction building could be made. Every air space is boxed in and wherever opportunity offered firestops have been put in, while an automatic sprinkler system has been installed.

On each floor are 35 shower baths, with a number of tubs also, and as each room is an outside one there is abundant light and air. There will later be exterior decorations, provision being made for a large lawn across the front, while 55 feet of space in the rear and 44 feet on each side of the hotel Liberty, located just north of its big steel shipyard at Vancouver, the formal reception planned to mark the completion of the structure having been abandoned.

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On each floor are 35 shower baths, with a number of tubs also, and as each room is an outside one there is abundant light and air. There will later be exterior decorations, provision being made for a large lawn across the front, while 55 feet of space in the rear and 44 feet on each side of the hotel will be in lawn and shrubs. Two broad streets lead from the hotel to the Standifer plant. The big lobby, reading and lounging rooms, billiard room and the like are on the ground floor, while the harder should be 15 Oregon-built steamers completed during October in addition to two from Aberdeen, sent having been abandoned.

Directory of Prominent Life Insurance Agencies Members of Life Underwriters' Association of Oregon.

Wm. Goldman, General Manager, NATIONAL LIFE OF VERMONT, Oregonian Bidg.

H. G. Colton, Manager.

MASSACHUSETTS MUTUAL LIPE,
Chamber of Commerce Hidg. E. L. Harmon, General Agent, PENN MUTUAL LIFE, Northwestern Bank Bldg.

Horace Mecklem, Manager. NEW ENGLAND MUTUAL LIFE. Northwestern Bank Bldg. H. R. Albee, General Agent NORTHWESTERN MUTUAL LIFE INS. CO. Northwestern Bank Bldg.

Steamboat NESPELEM For Sale

Location-Can be inspected at Taylor-Street Dock, Portland, Oregon.

This new Stern Wheel River Boat, built in 1917, is offered for sale. Capacity 200 tons; equipped with 600-H. P. engines and boilers.

Bids for purchase will be received up to October 31, 1918, at the office of the Secretary, F. W. Anderson, Hutton building, Spokane, Washington.

Do You Want Some Boat Spikes, Bolts Rivets

WE MANUFACTURE MONTHLY 4,800,000 POUNDS

NORTHWEST STEEL CO. Portland, Or.

MARINE REPAIR & CONSTRUC-

Ways and Yard Foot of Albina Ave All Kinds of Skip, Boyt and Barge Repairing. New Work Solicited. MAXN 1046.

TICH CO.