## OWNER MAY RELET ABANDONED PREMISES

Rental to Be Applied to Credit of First Tenant.

HIGH COURT CASES CITED

Landlord Permitted to Re-enter Property to Prevent Waste and Deterioration.

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

When a tenant vacates and abandon leased premises, may the landlord take possession thereof and still hold the tenant to the terms of the written lease? And under the same circum-

lease? And under the same circumstances, may the landlord relet the premises to another and not thereby release the tenant from further obligations to pay rent?

These questions are answered in the affirmative by the supreme court of the state of Oregon in the cases of Meagher versus Ellers Music House (84 Ore. 23, 164 Pac. 272) and Brown versus Clarke (22 Ore. 556, 30 Pac. 430). In the Meagher case, the tenant had leased certain premises for a four-year term. During the second year of his lease, he rentoved from the premises and left the keys at the landlord's place of business in the latter's absence. As soon as the landlord learned that the tenant had so left the keys he that the tenant had so left the keys he notified him that the premises were still at his disposition.

Tenant to Pay Rent.

When the tenant refused to take charge of the leased premises, the landlord rented the same to a third party "temporarily" and with an express understanding that if the former tenant returned, the premises were to be delivered to him at once. The ten-ant insisted that the act of the landlord if he had left the rooms vacant with-out attempting to relet them. Relet-ting the primises under the above cir-cumstances was in reality for the ten-ant's benefit, since his liability under the lease was reduced by whatever ex-tent rentals were paid on the relettent rentals were paid on the relet-ting. In passing upon the matter our supreme court said:

If the landlord had done nothing the lesser would nevertheless have been liable for the full rental, even though the premiers had remained vacant; and the lesses should not complain if the landlord did his best to minimize his liability.

It is to be remembered, however, that if the landlord repossesses him-

liability of the first tenant was at an

In Bowen versus Clarke, above cited. there was a surrender of keys by the tenent and a reletting by the landlord to another tenant. At the time the keys were surrendered the landlord told the tenant he would not release the tenant but would hold the premises for rent and that the keys were subject to the tenant's order. Under these circumstances the court clearly these circumstances the court clearly expresses the rights of the landlord in the following language:

Effect Rests on Intention.

It is therefore manifest that the court bought to attach entirely too much importance to the delivery of the keys of the building to the plaintiff, the landlerd, and his attempt to relet the premises. The legal effect of these acts depends very much with what intent the keys were delivered to the plaintiff, and with what intent and for what purpose he accepted the same. The defendants hast abandoned the premises at that time, and no doubt were anxious to surrender the same, but they could not, without the plaintiff's coment, relieve them solves from liability under the lease. \* . The plaintiff. Is a prudent landlord, was not bound to refuse to care for his premises, nor was he bound to accept another as his terant who was not satisfactory to him. \* . He was the owner, and had the right to accept the lease. \* . If the plaintiff had accepted a new tenant, as the authorities seem to hold he might have done therefore the lease. \* . If the plaintiff had accepted a new tenant, as the authorities seem to hold he might have done is therefore manifest that the coun caring for his property, without waiving his rights under the lease. \* \* fit he plaint iff had accepted a new lemant, as the authorities crem to held he might have done, without effecting a surrender of the premises, he was not bound to do so. (Respinity Property of the was not bound to do so. (Respinity Property of the measure of his recovery would be the difference between the two sums (Winant v. Hines, 14 Daly, 187). But there was manifestly no legal duty resting on the plaintiff to rolet the premises. He had the defendants as his tenants under a valid defendants as his tenants under a valid aver plaintiff to rolet the premises. He had the defendants as his tenants under a valid lease, and we know of no law that would enable them, without the consent of the visintiff, to repudlate their contract, and to exact a release from the plaintiff, and to exact a release from the plaintiff.

From the foregoing it is clear that

Small Farms Change Hands and

Home-Seekers Plentiful.

CHEHALIS, Wash. July 26.—(Special.)—The first contract for the new macadam road between Newport and Corvailis recently, with numerous inquiries from people looking for homes. Intensified development of berry growing incident to the great increase in the output of the Chehalis cannery has had much to do with the buying that is taking place. the Chehalis cannery has had much to vey is made and plans and specifica-do with the buying that is taking place, tions prepared,

Among the recent deals are the sale anong the recent deals are the Sais of 13 acres on Newaukum hill by A. E Welcott to Emil Becher of Snohomish George Barkley sold 40 acres on New-aukum hill to Ernest Campbell of Se-attle. Albert Leek, formerly of Cheattle. Albert Leek, formerly of Che-halis but of recent years a resident of Raymond, where he has been in busi-ness, has purchased 10 acres of the Getz place just east of Chehalis and will build a home and improve the property at once. E. W. Davis of Silver Creek has purchased the J. L. Pinatad place there, 126 acres, for \$16,060. These sales in addition to the 60-acre berry farm of V. O. Wallace on Claquato hill to Frederick Blost of Puyallup for \$14,000.

BEND PAVING IS PETITIONED Cement Sidewalks and Hard-Surface

Streets Are Proposed.

BEND, Or., July 26.—(Special.)—A covement for Bend's first hard-surface Entire Project to Be Completed in movement for Bend's first hard-surface pavement was started here yesterday when property owners on two of the chief residence streets started petitions for concrete or bituilithic pavements with concrete curbs and walks. It was

iculty in obtaining the required num per of signatures. Five blocks are included in the peti-Five blocks are included in the petition, which 4 sks that the improvements be made under the Bancroft bonding act. At present the chief thoroughact. At present the chief thoroughact. At present the chief thoroughact are surfaced with a rate that is astonishing the building are at the Cozy Camp. Gien F. Bel

declared that there would be little dif-

## IS MAKING RECORD

Livestock Exhibit Buildings Grow Like Magic on Site.

PAVILIONS READY

Time for Annual Show of Pure-Blood Cattle.

An outstanding record for rapid build-

Napoul, Neb., are registered at the Hiff House. Mr. and Mrs. E. E. Russel and daugh-Neb., are registered at the er, Mary Elizabeth, Mr. and Mrs. Tharles Stanton and daughter, Mr. and Mrs. Edwin L. Knopp and Mrs. J. D. Knopp are recent arrivals from Port-

C. D. Frazer and wife of Portland are Dr. and Mrs. Emil Enna and daughter, Elien, of Portland, are being entertained by Mr. and Mrs. C. R. Young at their Bay Beach home. Dr. Enna is president of the Society of the Oregon omposers.

Composers.

Mr. and Mrs. George W. Gardner motored over from Fall City Sunday and are visiting friends.

Mr. and Mrs. J. W. Tibbels of Oberland. Kan., have located here permanently. They have as their guest Miss McCleary also from Oberland.

Mr. and Mrs. L. W. Williams have as their gueste Mrs. Otto Wellander and son Holt of San Francisco, Cal.

as their guests Mrs. Otto Wellande and son Holt of San Francisco, Cal They are the wife and son of Captair Otto Wellander, superintendent of th 12th coast guard district. They will leave shortly for an extended visit is

Portland.
Mr. and Mrs. J. A. Soesbe and sons o Portland and Mr. and Mrs. Arthur Soeshe of Oregon City arrived Sunday for their summer outing. Mr. and Mrs. George W. Smith of

HERE IS THE PERSPECTIVE DRAWING OF THE NEW HOME HERE OF THE KING EIGHT.



PLAN FOR BUILDING FOR RUBIN MOTOR CAR COMPANY, TO BE BUILT AT ONCE AT BROADWAY AND HON

in so relecting the premises released him from his obligation to pay rent. This, our supreme court denied, and held that upon the abandonment of the premises by the tenant, the landlord would have been within his rights to the head both the property. Houghtaling & Dougan are the architects. Modeled after type now in vogue in the east for motor car buildings, a new \$20,000 brick and stone building is to rise at once for the Rubin Motor Car company, agents here for the King Eight, at Broadway and Hoyt streets. The salesroom will occupy the Broadway front of the building, and on the Hoyt-street side will be the entrance to the service department. The building will be of one story and is being built by the Holman Transfer company, owner of

cinders, and the same material is to be

## KLAMATH BUILDING RAPID

THIRTY-ONE PERMITS ISSUED SINCE FEBRUARY 1.

MARSHFIELD, Or., July 26.—(Spe-From the foregoing it is clear that when a tenant abandons leased premises the landlord may, without prejudice, accept the keys, and re-enter the premises for the purpose of preventing waste and deterioration and may even relet the property provided he does so for the tenant's bease. In the event of a reletting, rents collected are to be credited to tenant's account and the tenant may be held for any deficiency that may exist.

LEWIS REAL ESTATE MOVING

MARSHFIELD, Or., July 26.—(Special.)—The city of Powers, in the city which is divided by the south fork of the Coquille river and suffered a great inconvenience since it was established a few years ago, is to have a bridge across the river at a convenient size that will eliminate a ford one mile below the city, where all the vehicle traffic must cross. The contractor, R. G. Perham is constructing the concrete piers for the bridge and it should be in place late this fail. The bridge is beling financed by the county and will be among the best in this section.

Road to Newport to Be Macadam.

committee and those "doubting Thom-ases" among the city's livestock en-thusiasts who have been stoutly main-Colonel E. Hofer and son, "Larry," aining that the big structure, which is to cover 7½ acres, could not possibly be finished in time for the Pacific International's annual show in November.

"The huge building is already more than 50 per cent complete," said Chairman Frank Robertson yesterday, "and is far in advance of the calendar schedule which which was correlly manned out in is far in advance of the calendar sched-ule which was carefully mapped out in making the plans. There is now no doubt that it will be entirely completed by November 1, giving us a lieway of more than two weeks for detail equip-ment before our big show opens on November 17. Superintendent George L. Buckler, who is in charge of construc-tion, is pushing the work with all pos-sible speed and the vast amount of made-in-Oregon material being used is handled in a way that is the last word in efficiency.

weeks. The west and south sides of the big brick amphitheater are now up and next week work will begin on the immense truss structure for the roof and interior of the big pavillon that will seat \$800 people and have an addi-

### MANY PEOPLE AT BEACHES

(Continued From Page 9.) over from Philomath Saturday. Mr. Mooreland returned this week. Miss Marjorie Forbis of Dilley, Or., who Mrs. E. T. Wohlheter and Vera, Mrs. Sara Jorden, Rose M. and Louise S. few days. Motoring in from Gearhart during the week were Mr. and Mrs. D. T. Honeyman, Mr. and Mrs. C. H. Lewis and Mrs. Mrs. Mrs. Mrs. Knauff, Mrs. S. H. Elliott, Mrs. Lester Martin, Miss Vera Murkust.

otored to Salem Monday after a short ojourn.

Mrs. Margaret Mulkey arrived from Corvaliis Tuesday and is visiting her daughter, Mrs. W. P. Minor. Mrs. J. L. Hicks and Mrs. R. Lacey arrived from Portland Wednesday.

Guests from Butte, Mont, are Miss Frances Russel, Miss Theodora K. Rus-sel and Miss Agnes Davis. They were joined on Wednesday by their cousin, Miss Marjorie Forbis of Dilley. Or., who

Mr. Wilkins, brother of A. E. Wilkins of Newport, returned to Galt, Canada, after several week's visit R. M. Aline arrived Wednesday from

ew days.

Motoring in from Gearhart during Mr. and Mrs. D. T.

0 Piano News Pianos Going Higher. Our Mid-Summer 2 Clearance Sale offers the last opportunity to buy at former and lower prices than will prevail on the new stock of Pianos and Player Pianos arriving. Big Buying Works Both Ways-for You and for Us USED PLAYER
PIANOS

\$500 Singer .... \$495

550 Steger..... 595

Following up our purchase of 15 carloads—300—1917 and 1918 Model Planos and Player-Planos, sold during past males, comes our new purchase of 12 more carloads—250 Planos and Player-Planos, therefore, we must close out the remaining stock as per the following inventory, and for that purpose are making prices and terms that will sell them now before arrival of new purchase. Buy now; prices are going higher. Principally high-rade planes, which, lot seiling rapidly at 1500 to \$455, will new 151 at prices of cheap-lot gell at prices of cheap-lot gell at prices of cheap-

Frincipally high-grade planes, which, not selling rapidly at \$500 to \$650, will now sell at prices of cheap-er grades. These planes have all of the up-to-date improvements, 50% more tone and efficiency. PLAYER PIANOS 1 Artemis. . 3656 \$435 1 Thompson. 756 495 1 Singer. . 960 595 1 Reed & Son 500 635 2 Steger. . . 1150 795 3-1919 MODELS GRAND PIANOS 1 Steger.... \$950 \$695 1 Steger.... 1050 797 1 Steger.... 1300 975 2-1918 MODEL 99% New 6RAND PIANOS 1 Steger...\$1050 8765 1 Steger... 1300 845 USED ORCHESTRA including music. 28-1918 MODELS 28-1918 MODELS
15 sends one home, then 18, 510 or 512 monthly.

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Every plano or player-plano purchased carries with it the Schwan Pisno Co. guarantee of satisfaction, as also the usual guarantee from each manufacturer of these new musical instruments.

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college friends, Jarvis Cromwell and brothers came out when hours off shift Howard Coxe of New York, and John gave them an opportunity. Winterstee of Philadelphia. They re-

winterace of Financian.

They returned to Ecola Monday.

Mrs. Hubert Morell of Acme, Wash, and Miss M. Butler of Multnomah.

Or., are at the beach for the week.

Mrs. Sydney G. Babson of Hood River.

The citied of the control of the con

Annual Event to Be Held at Columbia Beach Saturday.

Portland's annual bathing girls' parade, in which fair mermaids of the local swimming places will compete for honors of the Columbia and Willamette rivers, will be held at Columbia beach next Saturday afternoon, August 2. Under different ruling established this

Miss Viola Lawson of Freemont,
N. D.: William Brown and wife, Vancouver, Wash.; T. Sloan, Scattle. Wash.,
and Rev. and Mrs. George P. Tibbis of

J. A. Minott, and three of the latter's carry in the day and husbands and breach of divine law.

Many Visit Arrah Wanna.

Week-end grrivals at Arrah Wanns

Declared, Are Needed to Provide for Newcomers, the fenant and in effect repudiates the fenant and in e

ago purchased the corner in questior and has a tract 112x126 feet, on which he expects shortly to commence the erection of a modern building. The new structure will have six storerooms and the present frame building will be torn down to make room for the brick

Plans outlined for the second floor contemplate a number of office rooms, with a large public hall, which can be used for all public purposes. Chebalis being at this time without a place capa-ble of seating a large crowd.

Several weeks' rest.

Mrs. M. Knauff, Mrs. S. H. Elliott, Mrs. Lester Martin, Miss Vera Murhurt and Miss Tevis were visitors over the week end, bringing Mrs. A. A. Tevis and Mrs. C. C. Mitchell of Fort Worth, family of Salem are occupying their cottage at Seal Rocks.

C. A. Kirkpatrick and daughter arrived from Portland Tuesday.

Mrs. M. Knauff, Mrs. S. H. Elliott, Mr. and Mrs. S. C. Tevis of Portland, and Mrs. S. C. Tevis of Portland, and Mrs. A. A. Tevis and Mrs. G. Mitchell of Fort Worth, family of Salem are occupying their cottage at Seal Rocks.

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Ben Reed find Sherman Hall, Jr., were been supproval of these beauty experts, among whom is at least one public official.

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To PPENISH, Wash. July 26.—(Spector they will be permitted to appear on the beach. In that way costumes and two contracts and two contracts and two contracts and two contracts and the part of the provided the part of t

In Iceland whistling is forbidden as

## CHINESE FEELING IS

MISSIONARY AT PAO TING FU TELLS ABOUT JAPAN.

Lecturing Against Aggression and Preaching Patriotism.

Youths Quit Schools to Go About

In a letter to her parents, Mr. and Mrs. F. A. Breck, 384 East Forty-second street North, Grace M. Breck, who is doing missionary work in Pao Ting Fu, North China, throws some interesting light on the feelings of the Chinese students concerning the aggressions of Japan in that country.

Miss Breck states that the feeling

against Japan has been running pretty high, and that many of the boys' schools in various parts of the country have discontinued their classes, the students going about lecturing and trying in every possible way to bring before their people the matter of Japan's wrongs to China, and their protest that the peace conference did not insist on the unconditional return of Shantung by Japan. Even the youths of the by Japan. Even the youths of the grammar schools are joining the schol-ars of the high schools and colleges in this publicity work, and the example and information furnished by these young patriots is having tremendous ef-

fect on the people in general, accord-ing to Miss Breck.

While their brothers are circulating literature and their elders are boy-cotting things Japanese, the little girls of China are not letting their patriotr, Miss ism languish as is illustrated by a story which Miss Breck quotes from the which Miss Breck quotes from the Webb, Peking an examination in geography was held, and one of the requirements was to draw a map of Asia. One of the ism languish as is Illustrated by girls asked the teacher in a casual way if it was necessary to draw all the little islands on the coast of Asia. The teacher replied in the negative, and the Brits, I result was that not a single girl in the class included Japan in the map of

First Yacht at Honolulu.

HONOLULU, T. H., July 15 .- (Spacial.)—The first pleasure yacht to drop anchor in Honolulu harbor since the declaration of war was the schooner yacht Invader, which arrived here a few days ago after a voyage of 12,000 miles from New York by way of the

Panama canal. The fast little vessel was commanded The fast little vessel was commanded by Captain C. Redstrom of San Fran-cisco, It is owned by Captain John Barneson of San Francisco. His guests were C. W. Cook of Vancouver, B. C.; James L. Laidlaw of New York and Spokane; B. Anderson of San Francisco and Captain James Gibson of Seattle The party will probably visit the orient pefore returning to the coast.

Persons not vaccinated are not peritted to vote in Norway.

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