

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 abandons leased premises, the landlord takes possession thereof and still holds the tenant to the terms of the written 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 in the case of Meagher versus Ellers Music House (81 Ore. 23, 164 Pac. 273) and Brown versus Clark (22 Ore. 620, 36 Pac. 209).

In the Meagher case, the tenant had leased certain premises for a four-year term. During the second year of his lease, he vacated 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 left the keys he notified him that the premises were still at his disposition.

When the tenant refused to take charge of the leased premises, the landlord relet the same to a third party "temporarily" and with an express understanding that the tenant, when he returned, the premises were to be delivered to him at once. The tenant insisted that the act of the landlord in so reletting the premises released him from his obligation to pay rent. This, our supreme court denied, and held that the landlord's reletting of the premises under the above circumstances was in reality for the tenant's benefit and that the tenant's lease was reduced by whatever extent rentals were paid on the reletting. In passing upon the matter our supreme court said:

If the landlord had done nothing the lessee would nevertheless have been liable for the full rent, even though the premises had remained in the hands of the tenant should not complain if the landlord did his best to minimize the damage.

It is to be remembered, however, that if the landlord repossesses himself of the leased premises "as of his former estate" that is to say, if the landlord, by re-letting the premises, is not to be bound by the lease with the tenant and if the tenant, upon the lease, then the tenant is forthwith released from the payment of all rent subsequently accruing. The lease is then considered as having been annulled by the mutual agreement of the parties. Meagher versus Ellers Music House (81 Ore. 23, 164 Pac. 273).

In Boven versus Clarke, above cited, there was a surrender of keys by the tenant and a reletting by the landlord to another tenant. But the original landlord subsequently relet the premises to another tenant and delivered possession of the premises to that tenant. The original landlord, in so doing, was held to have accepted the surrender of keys by the tenant, and the liability of the first tenant was at an end.

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Effect Rests on Intention. It is therefore manifest that the court tends to attach entirely too much importance to the delivery of the keys, and the liability of the first tenant is at an end.

LEWIS REAL ESTATE MOVING

Small Farms Change Hands and Home-Seekers Plentiful.

CHEHALIS, Wash., July 26.—(Special.)—There has been considerable activity in small farms near Chehalis 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 canners has had much to do with the buying that is taking place.

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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 HOYT STREETS.

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 Ruben Motor Car company, agents here for the King Eight, at Broadway and Hoyt streets. The building 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 the property. Houghtaling & Dougan are the architects.

KLAMATH BUILDING RAPID

THIRTY-ONE PERMITS ISSUED SINCE FEBRUARY 1.

One Hundred More Buildings, It Is Declared, Are Needed to Provide for Newcomers.

KLAMATH FALLS, Or., July 26.—(Special.)—Work has begun on the construction of a new concrete and brick hospital at the corner of Pine and Third streets for Dr. Warren E. Hunt at an approximate cost of \$23,000. The new building will be constructed along the most modern lines. There will be three stories, including room and kitchen on the third floor.

A new modern brick garage will be started in a few days at the corner of Third and Main streets, on property recently purchased by R. D. McCullom, of Frank Ward. The building will be 65x120 and will be occupied by Hoagland & McCullom, the latter a nephew of the owner.

Building activity greets the eye in Klamath Falls on every hand. Half a dozen modern buildings are now going up in the center of the business district. Thirty-one building permits have been issued since the first of February and most of these buildings have been started or completed. Even with these, really men declare that 100 new buildings are needed to take care of the newly arrived and constantly arriving newcomers.

HOP PRICES ARE SOARING

PUYALLUP GROWERS EXPECT 65-CENT MARK SOON.

Crop Sold on Contract at 18 to 27 Cents Now Said to Be Worth 40 to 45 Cents.

TACOMA, Wash., July 25.—(Special.)—Notwithstanding the fact that the liquor business has been abolished by law in the United States, Puyallup valley farmers will make more from their hops this year than at any time since 1882. This year they sold their hops on contract for 18 to 27 cents a pound, but they are being sold now at 40 and 45 cents and men in the market predict that the price will go to 55 cents.

A large share of the hops are sold on contract or purchased after harvesting by English firms and shipped to Germany, where they are being bought by English firms, but it is said that a large part of the Puyallup crop will find its way to Germany, war has devastated the hop crop there and German brewers are anxious to get hops at any price. That is said to be the reason for the constantly rising market.

Powers to Get Bridge.

MARSHFIELD, Or., July 26.—(Special.)—The city of Powers, in the southern part of the county, 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 site that will eliminate a ford one mile below the city, where all the vehicle traffic has to be carried by pack animals. Mr. and Mrs. F. J. Morrison and family have arranged from Dallas for several weeks' rest.

MANY PEOPLE AT BEACHES

(Continued From Page 2.) over from Tillamook Saturday. Mr. Mooreland returned this week.

Mr. and Mrs. T. Wohlert and Vera, Mrs. Sara Jordan, Rose M. and Louise S. Ains, who are being courted by R. G. Kirkpatrick and daughter arrived from Portland Tuesday.

Mr. and Mrs. W. L. Lawson and family have arrived from Dallas for several weeks' rest.

Miss Viola Lawson of Fremont, N. D., with her mother and wife, Van-der-Vaugh, and her sister, Mrs. W. L. Lawson, and Mrs. George P. Tibbels of

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Piano News

Pianos Going Higher. Our Mid-Summer 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

Following up our purchase of 15 carloads—200—1917 and 1918 Model Pianos and Player-Pianos, sold during past sales, comes our new purchase of 12 more carloads—250 Pianos and Player-Pianos, 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 purchases. Buy now! Prices are going higher.

Principally high-grade pianos, which, not selling rapidly at present, are being sold at prices of cheap pianos. These pianos have all of the modern improvements, 200 for tone and efficiency.

2-1918 MODEL 6-1918 MODEL 6-1918 MODEL

1 Steiger... \$100 7-1918 MODEL 1 Steiger... \$100

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