

EXPLAINS LAW ON RATIFICATIONS OF ACTS OF AGENTS

Attorney A. G. Thompson's Last Week's Lecture Before Y. M. C. A. Class Deals With Important Points.

Rescinding, repudiating and ratifying the acts of an agent was the subject of last week's lecture by Attorney A. G. Thompson before the Y. M. C. A. real estate class.

Mr. Thompson's lecture was in part as follows: "It is not every act of the duly authorized agent which binds the principal. The agent may act outside the scope of his authority, or may misrepresent the facts to his principal, or act as the agent also of the other party, or deal fraudulently with his principal. In either of these events, the acts of the agent would not necessarily bind the principal and while they would not always be void as to the principal they would be at least voidable and the principal could rescind, repudiate or revoke them.

"If the agent is given authority to sell for \$50 per acre and he finds a purchaser who is willing to pay that amount and enters into a written contract then goes to his principal and represents that \$40 per acre is the best price that can be obtained, this securing the principal's assent to the sale for \$40 per acre, and appropriating to his own use the difference, the agent would have defrauded the principal, whereupon the principal would have the right to rescind the contract of sale unless the positions of the parties had been materially changed.

"Or if A, the agent, represented to B, the principal, that the best price at which certain land could be bought was \$50 per acre and induce B to enter into a contract to purchase at that price when in fact A was buying for \$40 per acre, intending to appropriate to his own use the difference, B could rescind the contract on the ground of fraud and demand back the money already paid on the contract.

"Should the purchaser wish to repudiate the contract to purchase on the ground that the agent in regard to the received commission from the seller or has secretly acted as his agent, he can do so, but he must act promptly and make restitution as far as possible. The principal also has a right to repudiate a contract to purchase or sell land where the same is made subject to his approval. In the event of repudiation the agent has failed to earn his commission and can not collect the same. But where the principal takes no steps to repudiate a contract made by the agent and accepts the benefits thereunder, he ratifies the contract and is liable to the third party for a breach thereof if he afterwards refuses to carry out the contract.

"On Ratification. "In taking up the subject of ratification, we must get clearly in mind the status of our state in regard to ratifying and selling of real estate. The statute says: 'In the following cases the agreement is void unless the same or some note or memorandum thereof, expressing the consideration, be in writing subscribed by the party to be charged or by his lawfully authorized agent: 7—an agreement concerning real property made by an agent of the party sought to be charged, unless the authority of the agent be in writing; 8—an agreement subscribed by an agent to the taking effect of this act (June 9, 1909) authorizing or employing an agent or broker to sell or purchase real estate for compensation or a commission.'

"The great majority of the decisions of the supreme courts of the different states on the subject of ratification do not consider the law as laid down by our statutes. Most of the states have no statute requiring an agent's authority to enter into an agreement concerning the sale of real property to be in writing.

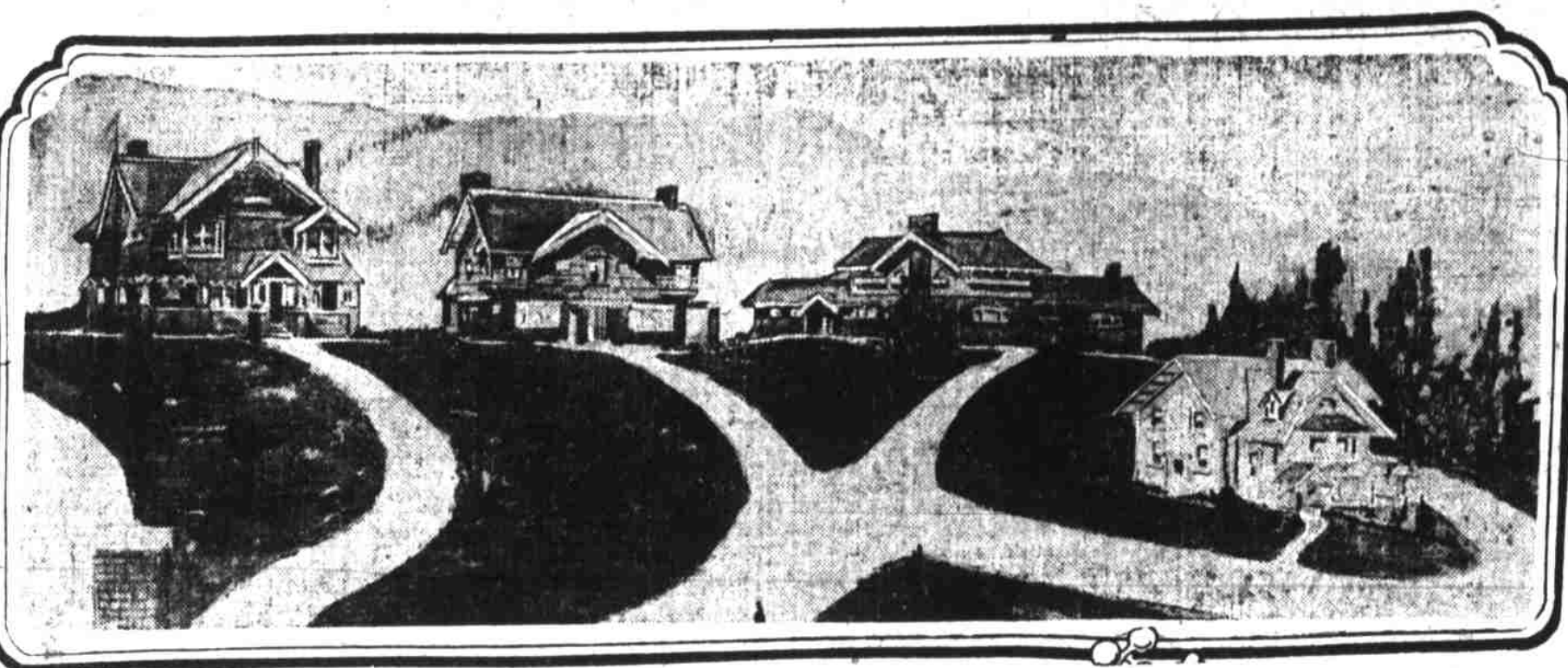
"Our neighbor states of California and Washington have statutes requiring the authority of an agent to buy and sell real estate for another to be in writing, but have not the statute requiring the agent's authority to enter into a contract for the sale of real estate to be in writing. The supreme courts of both those states have decided that an oral authorization given to the agent to enter into a contract for the sale or purchase of real estate for the principal is sufficient, although if the agent has no written authority to buy or sell for the principal he can not collect a commission. In these states the oral authorization to enter into a contract to buy or sell the property given by the principal to the agent is sufficient. But from the wording of the statute of our state the supreme court of Oregon will not follow the decisions as laid down in California and Washington.

"Then if the agent in Oregon enters into a contract for the sale of real property and has not the proper written authority from the principal, the principal can not ratify his acts so that he will receive the benefits therefrom except in writing unless an element of equitable estoppel exists.

"Must Be in Writing. "As a general rule, then, the ratification of the unauthorized acts of the agent in entering into a contract for the sale of real property must be in writing. A proper ratification of the unauthorized acts of the agent will bind a third party with whom the agent was dealing unless the third party has rescinded before the ratification. As for example, if the principal constitutes A his agent, giving him authority to sell his real property, but no written authority to enter into a contract for the sale of said property, A finds a buyer and enters into a written contract for the sale of the property with C. The buyer, B, learning of this, and wishing to consummate the deal, properly ratifies in writing the acts of A. The contract would then be binding on both B and C. But suppose C had informed A before B had had a chance to ratify that he would not go ahead with the deal. B could not ratify. This would have no effect on C, and he would not be bound.

"Cutoff Road to Goldendale. (Special Dispatch to The Journal.) Klickitat, Wash., May 12.—William Morginson, western Klickitat's commissioner, has just finished an inspection of the proposed road from Appleton via Klickitat direct to Goldendale. He reports the route feasible. Construction of the proposed road will cut out a day's drive from White Salmon to Goldendale, and will put Canas Prairie by wagon road nearer Goldendale.

Four Handsome Dwellings Planned For Upper Drive on Portland Heights



Plans are being prepared in the offices of Clark & Bristow, architects, for four unusually handsome and attractive residences that are to be erected this summer on a double block facing the upper drive on Portland Heights. The entire site, containing 17 lots, is to be landscaped and parked, retaining walls and hard surface driveways and walks put in and such other improvements made as will make the property one of the handsomest sites for a group of private residences in Portland.

On the extreme left of the picture is the perspective of the proposed new home of E. S. Muckley. As designed, it has strong leaning toward the early English domestic. It has a brick and stucco exterior and is to be finished in native Pacific coast woods. Its estimated cost is \$2000.

\$8000 Residence. Adjoining the grounds of the Muckley home to the proposed new residence of Mrs. Carl Brown. This house is designed in modern German architecture, with tapestry brick and shingle exterior. It will contain eight large rooms, reception hall, outside sleeping quarters, pergola terrace and small entry porch. The living rooms will be finished in white enamel. Its estimated cost is \$8000.

Third in the upper tier is a drawing in marble and tile, swimming pool in native Pacific coast woods. Its estimated cost is \$2000.

Extending on both sides from the main body of the house are two wings including a patio or open court yard. Art modeled tile is to be lavishly used in the floors of the dining, living and sun rooms. Bathrooms are to be done

of what is to be the elegant new home of Mrs. Emma Burton. In architecture this house may be said to be of bungalow type along Japanese lines. It is to be of brick construction and will contain 15 rooms, besides numerous small apartments. In addition, the basement will contain besides the usual heating plant and laundry, a billiard room, gymnasium and swimming pool.

Concealed Lighting Effect. On the extreme right is the architect's drawing of the home to be erected by R. E. Bristow. It is of the Craftsman type of architecture. It will have nine large rooms, besides billiard room and sun parlor. The estimated cost of the improvement is \$8000.

Although a resident of Portland but a new head of the local office of the R. G. Dunn company, has purchased one of the finest residence sites on Council Crest and will soon improve it with a magnificent home. Mr. Young bought the M. B. Wakeman property, in Council Crest Park, for which he paid \$7500. This site overlooks nearly all of Portland and the Tualatin valley and commands a fine view as it is to be had from the hills west of the city. Mr. Young plans to build there a modern \$6000 or \$8000 residence within the next few months.

For every ton of gold in circulation, there are 15 tons of silver.

250 PERMITS TO BUILD ISSUED IN 10 DAYS OF MAY

Month Starts Off in Record Breaking Manner—Total Value Estimated, \$612,385—New Structures.

May starts off in building operations in a record breaking manner. During the first 10 days of the month, there were issued 250 permits with a total estimated valuation of \$612,385. The total volume of permits issued in May, 1910, was 688, having a value of \$1,802,425. If the remainder of the present month holds up as well as the first 10 days has, the record of one year ago will be passed.

There were two important building announcements last week and a large number of lesser projects came to light. The most important development in the building line involves a new seven story mercantile building to be erected on the northeast corner of West Park and Alder streets by the Woodard & Clarke Drug company. A member of that firm stated that construction would begin some time later in the year and that the building would cost from \$30,000 to \$100,000.

Another interesting piece of the week's news is the announcement that negotiations are pending for a 50-year lease on the property known as the Bishop Scott Academy, which adjoins the Trinity church property on the south and has a frontage of 260 feet on both Ninth and Tenth streets and Trinity Place.

Wilcox Building. This property is to be taken over, so it is reported, by a syndicate of local capitalists who plan to improve it with four large modern family apartment houses.

The steel frame work on the Wilcox building was finished last week and work is now under way putting in the concrete floors. The Stone & Webster Construction company, contractors on this building, are required under the contract to complete it within eight months and are to have the ground floor ready for tenants by August 1. Manager Brayton for the Stone-Webster Co., estimates that he is now about two weeks ahead on the building.

There has probably never been a time in the history of Portland when big building operations have attracted the interest that is now being taken in the erection of the Wilcox building. The crowd that gathers at the corner of Sixth and Washington streets to watch the progress of this structure is so dense at times that a policeman has to be on hand to keep a passage-way open on Sixth street.

Fireproof School. Architect Ellis F. Lawrence has completed plans for a fireproof school building of reinforced concrete construction to be erected by the school board at East Thirty-ninth and Hancock street. This will be the first fireproof, reinforced concrete school house to be erected in Portland. The plans call for a six-room structure with accommodations for 300 pupils but the house is so designed that two additional units of six rooms each may be erected when required.

A permit was taken out last week by J. Maves for a four-story brick apartment house to be erected at the corner of Eleventh and Stark. The estimated cost of the building is \$50,000.

Construction Naval Zeppelin Trench has taken out a permit for a three-story concrete synagogue to be erected at the southeast corner of Sixth and Hill streets at a cost of \$20,000.

Residence construction as is shown by the permit record of the week continues at high water mark, permits of between \$5 and 90 new dwelling houses having been issued since last Monday morning. Fully two-thirds of the permits issued provided for houses to cost between \$2000 and \$3000.

List of Dwellings. The following is a list of the more expensive dwellings permitted during the week: Herman Moller, two story frame, East Twenty-fifth between East Clay street and Hawthorne avenue. L. Schumil, two story frame, East Thirty-first street between Tibbets and Brooklyn, \$5000. C. E. Saunders, two story frame, Brazeo, between East Twenty-fifth and East Twenty-sixth, \$5000. Mrs. Lydia Leabo, one story cottage, Spruce near Birch street, \$3000. Mrs. I. B. Hodnett, one story cottage, Spruce and Birch streets, \$3000. Mrs. Ida Carline, 1 1/2 story cottage,

Section 14th road and Leva avenue, \$2000. R. M. Davidson, two story frame, East Thirtieth between Knott and Brazeo, \$4000.

John Lundgren, two story frame, East Twelfth between Boise and Cora, \$3000. R. E. Peters, one and one half story cottage, East Sixteenth street near Almsworth, \$3000.

I. E. Fenton, one and one half story cottage, Clackamas near East Thirty-third, \$3000.

Helma Pierce, two story frame, Borthwick between Mason and Skidmore, \$3000.

W. E. Love, two story frame, Mallory avenue between Emerson and Sumner, \$3500.

Oscar Olson, two story frame, East Ninth street between Tillamook and Thompson, \$3000.

REAL ESTATE OPERATOR LOCATES IN PORTLAND

Edmund K. Lower, formerly a real estate operator in Minneapolis, Minn., has become a resident of Portland and has joined the force of Keasey, Humason & Jeffery. The Minneapolis Journal of a recent date quotes Mr. Lower as follows: "After traveling over the entire Pacific coast, I am so thoroughly impressed with the magnificent opportunities that the coast offers for advancement in the real estate field that I have decided to locate out here. The grandeur of the climate, the fertility of the soil, the energy of the people and the exceptional advantages and resources of the whole country combine to make it the greatest opportunity ever known to real estate men."

POLK DIRECTORY GIVES ABERDEEN 15,715 PEOPLE

(Special Dispatch to The Journal.) Aberdeen, Wash., May 12.—According to the new directory being compiled by R. L. Polk & Co., Aberdeen has a population of 15,715, against 13,650 given it by the federal census of 1910. It was felt at the time of the federal census that an injustice was done this city, but the protest sent to Washington had no effect.

With a heating value two-thirds that of coal, a fuel has been made by German scientists from sand, the refuse vegetable matter that fills the river Nile in the Soudan.

TELLS PRUNE MEN NOT TO SELL AT PRESENT VALUES

Growers Have-Nothing to Gain and Stand to Lose Big Sum by Contracting Crops Now, It Is Said.

Sounding a warning to the prune growers of Oregon and Washington against contracting their prunes at this early date, James M. French, one of the largest prune growers in southern Washington, says that prune growers who are contracting their pack at the present prices stand to lose a big sum of money. He believes that prunes are now selling for a much lower price than they will bring next fall and warns growers that they have everything to lose and nothing to gain by contracting to sell their crops to the dealers at the prices prevailing now.

"This is the first season in 10 or 12 years," said Mr. French, "that there have not been holdovers, amounting to millions of pounds of prunes of unsold stock of the previous year. Everything is sold. At the present time there are no prunes in the hands of either the growers or the packers, everything having been sold several months ago. Heretofore this holdover stock has been in the way of the new crop and was placed on the market just ahead of the new crop and naturally the holders of the old stock being anxious to dispose of it before the new crop came in, always sold at a very low price and consequently established the price of the new crop."

"There being no old stock in our way this year, we are in a position to make the price ourselves and hold until we get it. Again the prune crop of California is reported to be not more than two thirds of a crop this year, and California being a very large producer of prunes, which are a month or six weeks ahead of ours, has always been another cause for our not being able to hold and demand higher prices for our product."

Italian Prunes in Demand. "Then again the increasing demand for our Italian prune, caused by the high class methods we have adopted for the past few years in placing them on the market, has made this prune a special favorite, and consequently in greater demand than heretofore."

"Another reason why our prune should bring good prices for the coming eight or 10 years at least, is because of the high class methods we have adopted for the past few years in placing them on the market, has made this prune a special favorite, and consequently in greater demand than heretofore."

cause of the low prices we have been obliged to sell for in past years, hundreds of growers have neglected their orchards, in fact have grubbed up their trees until the acreage in prunes is only about two thirds what it was a few years ago."

PURCHASES HOME IN COUNCIL CREST PARK

Although a resident of Portland but a new head of the local office of the R. G. Dunn company, has purchased one of the finest residence sites on Council Crest and will soon improve it with a magnificent home. Mr. Young bought the M. B. Wakeman property, in Council Crest Park, for which he paid \$7500. This site overlooks nearly all of Portland and the Tualatin valley and commands a fine view as it is to be had from the hills west of the city. Mr. Young plans to build there a modern \$6000 or \$8000 residence within the next few months.

For every ton of gold in circulation, there are 15 tons of silver.

SINGS PRAISES OF APPLE INDUSTRY IN HOOD RIVER

Eastern Author Calls It Safe and Sane Occupation; One-Fifth of Growers Said to Be College Men.

The Hood River valley is praised in the current issue of Collier's Weekly by Arthur Ruhl, widely known author, who says it "the label on a box of fruit on a New York fruit stand that first attracted him to Hood River." His article, which is illustrated with pictures of scenic wonders in the famous valley and of one of the pretty bungalows with which the valley abounds, is in part as follows:

Hood River has the great advantage of a small, compact area and a population most of whom are interested in the same thing. The growers consult and advise each other. They talk, eat and sleep apples. Organization was much easier in this homogeneous little community than it has been elsewhere. It is so thorough that about 90 per cent of the fruit shipped is sent out by the association.

"The cost of land and the intelligence required for success bring naturally to such a place the fit and the capable. There are about 600 growers—the population of the whole valley, including the town, is about 6000—and of these 600, between 200 and 300 have producing orchards. The others are getting under way. About a fifth are college men, and there is a university club with graduates at Harvard, Yale, Princeton, Michigan, Cornell, Amherst, Williams, Dartmouth, Brown and other institutions.

Sane and Healthy Life. "And it is rather a pleasant future toward which these young men are working. In another five or ten years their loans will be repaid and their orchards ready to produce. There will be a simple matter to run down for a day or two to see a play and get a taste of city life again. From Portland the Willamette valley opens southward, and with a automobile all the California wonderland will be within touring distance. If profits remain what they are now a winter vacation in the east ought to be possible to most of them. And meanwhile they will have had the satisfaction of living a sane and healthy life and producing something in return for the living the world gives them, both beautiful and useful."

"The Hood River valley is a sheltered, sunny pocket in the Cascades, four or five miles wide and about 20 miles long, extending south from the foothills of the Columbia river to Mount Hood. The little river itself runs down from the mountain's melted snows into the broad Columbia, and the orchard lands lie on either slope of its lower course. The valley proper lies mostly at an altitude of about 600 feet; above this, beginning ten or twelve miles inward, is the upper valley. In whose timber the smooth, cultivated acres of the apple growers are gradually eating their way. These uplands climb for ten or twelve miles further up to an altitude of 2,000 feet, which is probably about as far as frost will permit the orchards to go.

Plenty of Water. The river furnishes plenty of water for irrigation when necessary. It is quite possible to do without irrigation at all, but a certain amount is generally used toward the end of the season when the apples are ripening. Even when the surface soil seems dry as wood-ashes, so much moisture has been retained from the spring rains by continuous cultivating that damp earth can always be found a few inches underneath.

In short, here are those manageable conditions which help the irrigation farmer without the dust and oppressive dryness of regions actually arid. The rains stop in July and from then on the days are dry and crystal-clear until the fruit is picked. Mount Hood, at one end of the valley, and Mount Adams, across the Columbia, at the other end, send down from their snow roofs at night the cool air which the fruit needs, and from July until November the blushing apples receive the sun, as the poetess of Hood River has put it in her book: "And all immodest, long for her hook."

Journal Want Ads bring results.

GAINS IN LAND VALUES SHOWN

U. S. Government Issues Report Covering Conditions in Few States.

The census department of the United States government has just published a chart of a few states showing the increase in land values since 1900. They throw considerable light on the much-talked-of dangerous inflation in land values, including both farm and city. The following are the official figures published by the census department so far: Idaho, 818 per cent; Montana, 394 per cent; South Dakota, 376 per cent; North Dakota, 321 per cent; Colorado, 300 per cent; Oregon, 262 per cent; Nebraska, 231 per cent; Kansas, 188 per cent; Nevada, 168 per cent; Iowa, 123 per cent; Missouri, 107 per cent. The average increase in all these states is 200 per cent since 1900.

It will be seen that Oregon is well down in the list of this small list published. Idaho's increase being nearly twice that of this state, while Montana, Colorado, both western states, show heavy increases over Oregon, while even such states as North and South Dakota run practically 100 per cent higher. In the last 10 years is shown for California predicted that when the increase for Oregon and Washington, the increase of Oregon land will be the smallest on the coast. Oregon's small increase, compared with the balance of the states shown in the table, should quiet the talk of many pessimists and calamity howlers who have been attempting to show that land values in Oregon are too highly inflated.

ley, in whose timber the smooth, cultivated acres of the apple growers are gradually eating their way. These uplands climb for ten or twelve miles further up to an altitude of 2,000 feet, which is probably about as far as frost will permit the orchards to go.

Plenty of Water. The river furnishes plenty of water for irrigation when necessary. It is quite possible to do without irrigation at all, but a certain amount is generally used toward the end of the season when the apples are ripening. Even when the surface soil seems dry as wood-ashes, so much moisture has been retained from the spring rains by continuous cultivating that damp earth can always be found a few inches underneath.

In short, here are those manageable conditions which help the irrigation farmer without the dust and oppressive dryness of regions actually arid. The rains stop in July and from then on the days are dry and crystal-clear until the fruit is picked. Mount Hood, at one end of the valley, and Mount Adams, across the Columbia, at the other end, send down from their snow roofs at night the cool air which the fruit needs, and from July until November the blushing apples receive the sun, as the poetess of Hood River has put it in her book: "And all immodest, long for her hook."

Journal Want Ads bring results.

A Business Proposition to the Business Men of Portland from a Business Corporation MOSIER VIEW

The largest single orchard tract in the Mid-Columbia section, twelve miles from Hood River, situated in the beautiful Mosier Hills, is now divided into five, ten and twenty-acre orchards.

One hundred thousand dollars worth of this property sold to some of Portland's shrewdest investors since opening day, April 16—less than one month

WHY? WHY? WHY? Ask the Man Who Bought

We furnish YOU the best proven apple land in the world-famous HOOD RIVER-MOSIER district. We plant the finest varieties of standard apple trees, conceded by the best known experts in the Hood River district to be the best stock ever used for the purpose.

We cultivate and bring it into bearing through a period of five years under the superintendency of the most expert developing organization in the business.

We sell it at a price and terms that enable you to acquire an orchard by a small payment down and extremely small monthly payments, which cannot seriously affect your needs from your present income, nor need it interfere with your business or profession.

A savings bank that pays bountiful interest, providing you a safe, sure and permanent income from Mother Nature's generous storehouse in a spot favored by the Creator to a greater degree than any other place on earth, in all the essential things which make happy homes in prosperous communities, amidst scenes of indescribable grandeur.

It is to our mutual interest to meet, face to face, so call on us, or phone us, or write us and arrange an interview.

Hood River Orchard Land Company (Capital \$500,000) 906-907-908-909 Yeon Building

Phones Main 1450 A-6598 Devlin & Firebaugh Selling Agents

PROTECTION ACCURACY SPEED SIMPLICITY ECONOMY CONVENIENCE

... are assured you when you use

CERTIFICATES OF TITLE

in your real estate transactions

TITLE AND TRUST COMPANY

ASSETS OVER \$275,000.00

Lewis Building N. E. Cor. 4th and Oak