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Popular Talks on Law

WHEN IS A CONTRACT? By WALTER K. TOWERS, A.B., J.D., of the Michigan Bar

tance operates and the agreement be-

argeement. Ebson wrote to Watson,

ment to be the subject of contract.

Notice of Sale of Real Estate.

Notice is hereby given, that in pur-

RUFUS C. ARNE,

Administrator.

COUNTY.

H. Arne, Deceased.

You may need some help about your fore it has been accepted. This is stable and write to John Jones, "I what John Wagner endeavored to do. offer you \$30 a month and board, room He wrote to Maioney, offering to sell and washing if you will come to work to him one hundred barrels of salt at On a Hot Day His Torrid Rays Will for me on the first of next month, and \$1.00. The letter reached Maloney on will agree to continue with me for a May 2. Maloney wrote accepting the year." John Jones replies, "I accept offer on May 2. On May 2 Wagner your offer, and will be on hand May had mailed a letter withdrawing the

You may have been out of town, and comes complete at the moment when the bus to be driven up town, or to true in all cases where the acceptance to cause great structures to move. your home. Perhaps you step into a is dispatched by the agency which the grocery and pick up a loaf of bread person making the offer used to transfrom a pile on the counter.

In each of these cases you have en- purpose of the formation of the con-You are bound to employ John Jones does not operate until it has been deand Sam Smith, and to pay them the livered, and so, Maloney having mailed agreed price for the services per- his acceptance before the withdrawal vices he has rendered you, and to the Silence cannot be made to give con-

Thus it may be recognized that mak- "I will sell you my horse for \$100, and ng a contract is not necessarily the if I do not hear from you to the consolemn signing of a formidable docu- trary I will understand that you want ment, but may be accomplished in the her." Even though Watson received the letter and made a received most informal of ways. Contracts the letter and made no reply, Ebson varied form, but the everyday sort of your home under such circumstances a contract is a comparatively simple that you understand that they are not affair and it is far from difficult to samples but are offered for sale by a master the principles that govern its merchant, and you receive and utilize formation. A contract is an agree- them, the courts are likely to hold that has been reached there is no contract, have used. and when this agreement has been arrived at there is a contract, always be intended to create and capable of of the matter is a meeting of the not legal relations. Walter McQuillan minds. Every contract, in its last bought a horse for \$100, and agreed to analysis, comes down to a question pay \$25 more "if the horse was lucky and an affirmative answer. "Will you

> and wrote to Willard Barton offering you advertise that you will pay \$5.00 the property was a bargain at that offer, searches out Bruno and returns the cool of the night. price, but he concluded that he would him, has accepted your offer and com-\$900 for the place. Fox declined and general business, as an advertisement Barton then wrote stating that he ac- or notice that you are to open a grotime, Fox had found several people there sell butter, fresh eggs, etc., is who wanted his farm and decided that not such an offer that it may be acthan \$1,000. Barton endeavored to agreement. force Fox to sell the farm to him for \$1,000, claiming that the contract had been completed when he accepted the offer as made to him, the necessary written evidence being furnished by the letters signed by the parties. But the court refused to enforce Barton's claim, ruling that when Barton had made the counter proposal of \$900 he was closed. had declined the offer at \$1,000, which

Thus it becomes apparent that the offer must be unequivocally accepted if a contract is to result. The acceptance IN THE COUNTY COURT OF THE must also be unconditional if an agreement is to result that will bind the person making the offer. If Barton In the matter of the Estate of William had replied that he would accept Fox's offer, provided that Fox would build a new line fence, the legal effect would suance of an order of the County Court have been exactly similar.

James Engle was a grain dealer and third day of April. A. D. 1913, in the wired to Albert Smith, "Offer two matter of the Estate of William H. thousand bushels corn at thirty." The Arne, deceased, the undersigned, duly it has been reported as much as two message was delivered the same day, appointed, qualified and acting adminiments out of plumb. the fifth. It was over twenty-four istrator of said estate will sell at prihours before Smith dispatched his tele- vate sale for cash in hand and accordgram accepting the offer. In the ing to law the following real property meantime the market had jumped and belonging to said estate and all of the Engle refused to ship the grain. Smith right, title and interest of said declaimed a binding contract, but the ceased therein towit: court supported Engle, ruling that the Beginning in Sec. 28, Tp. 20 SR. 3 offer had lapsed because of Smith's West, at a point whence corner No. 3, failure to accept within a reasonable of county survey No. 1420 bears South,

Thus we notice another rule of this running thence South, 65 degrees and branch of contracts, which is that 50 min. East, 317 feet, thence North, 18 offers will lapse if not accepted within degrees and 40 min. East, 266.5 feet, a reasonable time. What is a reason- thence North, 65 degrees and 50 min. able time depends upon the circum- West, 2911 feet, thence South 24 destances of the case. A few hours may grees and 10 feet West, 265 feet to be a reasonable time if the negotiations are being carried on by telegraph acres of land, in Lane County, Oregon. whose price is fluctuating rapidly. Henry McFarland's First Addition to and the subject matter is a commodity Several days may be allowed if the the City of Cottage Grove, Lane mails are used and no fluctuation is in- County, State of Oregon. volved. The situation might be such Said sale will commence on Monday, that a matter of weeks would be a the 26th day of May, 1913, at Cottage

One who has made a simple offer land is sold. may always withdraw at any time beHEAT OF THE SUN

Old Sol Has a Strong Pull at the Capitol In Washington.

SWAYS THE MAMMOTH DOME.

Drag the Massive Iron Structure Way Out of Plumb-Turns the Same Trick With Washington Monument.

offer; but he was bound by contract, the enormous amount of heat that the Perhaps you have a tree in your front which had become complete. This was sun sends off into space. The earth yard that you desire cut down. You so because the acceptance was mailed gets only a very small portion of it. call Sam Smith across the street and before the withdrawal of the offer was The head of a pin placed twenty feet say, "Sam, I'll give you five dollars received. Thus we arrive at the gist away from an electric light gets to cut this tree down. "All right," of "When is a contract?" The accep- in proportion to the light on the surrounding walls of a room about what they will be. on arriving at your station, step into the acceptance is dispatched. This is tion the earth does get is great enough the earth gets of the sun's light and heat radiated into space. Yet that por-

In fact, all stone or metal buildings are constantly changing their positions mit it, and thus made his agent for the under the bot rays of the sun. The great dome of the capitol building at tered into a legally binding contract. tract. But a withdrawal of an offer Washington is the largest surface of cast iron in the world, and the effect of the continuous heat of a hot summer day can best be appreciated, says Harformed. You must pay the driver of was received, the contract became this mammoth mass really sways back and forth under the scorching rays ungrocer a reasonable price for the losf sent in the formation of a contractual statue of Freedom describes an ellipse the diameter of which on a hot day varies from four to eight inches.

The giant plinth base of the dome resting on the roof of the old sandstone building, measures 136 feet on a side. The greatest diameter of the affect us at every step of our daily could not hold him, as no agreement whole iron structure is 218 feet high lives; we are constantly entering into had been completed. But if groceries, from the old capitol's roof to the base them. They are of infinite variety and or milk, or any goods are delivered at of Freedom on the apex. The cast iron covering this surface is made in thin sheets, offering a good conductor for the heat, which swells even the bolts and beams of the inside before the sun has made its circuit.

ment; it is a legally enforceable agree- you have accepted an implied offer for fers most from the heat, being exposment. But the basis of all contracts is the sale of the goods, and are bound to ed longer to the sun, which passes the agreement. Until the agreement pay a reasonable amount for what you south of the zenith while on its journey from the east to the west. If the To create a contract, an offer must metal were exposed to a constant heating the result of the continuation provided that such formalities as the creating legal relations. If Willie very hot days might prove disastrous. law may prvovide for that particular Smith offered to take Winnie Jones to but as it is little if any permanent inkind of contract have been complied the theater, and she accepted no con- jury is done, since the iron returns with. Lawyers say that the essence tract would result. Such are social, regularly to its normal position as the cool night comes on.

But what seems more remarkable is the fact that marble is also changed in volume so perceptibly by the sunlight for him." Such conditions are too unmow my lawn for a quarter?" you ask certain and too impossible of ascertain- ington monument sways back and forth in the sun on a hot day. The tract is complete. There has been this While an offer must be accepted by a outer surface being of hard marble the meeting of the minds. Further, there definite person, it need not be made to expansion is much greater than it would be had granite instead of mar-Allan Fox wished to sell his farm made by notice or advertisement. If ble been used. On a hot summer day the sharp aluminium apex that crowns the obelisk points to a position at least it to him for \$1,000. Barton liked the to the person who returns your dog four inches north of normal, but alproposition well enough, knowing that Bruno to you, the man who reads your ways returns to its proper position in

From the extreme top of the monutry to buy it for a still lower price be- pleted a contract that binds you to pay ment inside a long pipe line runs perfore he agreed to pay \$1,000. He rc- him \$5.00. But a mere statement of pendicularly to the bottom, leading to plied to Fox, saying that he would give general intention, or solicitation of a small closet behind the elevator. This contains a long pendulum, whose bob hangs in a vessel of mercury, which prevents its oscillation. Two cepted his offer at \$1,000. But, by this cery in the Post Office block and will stationary transits with highly magnifying lenses are focussed directly upon the suspended wire, and through he could probably secure even more cepted by any one to form a contractual these each quiver of the monument is detected, being magnified on a fine scale graduated to thousandths of an

Other formalities may be required to make an offer and acceptance a legally Every morning at 10 o'clock a stateenforceable contract in some cases -as ment of this plummet line is taken a writing in contracts with reference and reported to the war department. to real estate-but the agreement is and it was by this means that the effect which the sun's rays have on the the first and most important step, and huge white shaft was discovered. This the time of acceptance fixes the imporplumb bob, of course, was placed in tant question as to when the contract the monument for the purpose of de tecting any settling it might undergo. (Copyright, 1913, by Walter K. Towers.) and, although the great weight of its mass has pressed the ground for many decades, it has settled only a slight

fraction of an inch in one corner. This seems extraordinary when it is STATE OF OREGON FOR LANE realized that its weight of 81,720 tons rests on a foundation only 1261/2 feet square and 38 feet deep from a height almost fifteen times that of the depth. The whole rests on the sandy bank of the Potomac river, with the enormous pressure of five tons to the square of Lane County, Oregon, made on the foot. Not only does the sun's heat sway the big obelisk, but at times, when a stiff winter gale was blowing.

> Misery Ahead, "More tough luck." whispered his

> "Well, what now?" he muttered. "You know Miss Green never sings without ber music?

"Well, she's brought her music."-Detroit Free Press.

The Point of View. "Say, pa, what is the difference between a visit and a visitation?" Fond Parent-A visit, my boy, is when you

and a visitation is when your Grandmother Jones comes to see us .- New York Times. These Boys. Howard - Hasn't Bachelor waited rather long before choosing a wife?

go to see your Grandmother Jones,

A proper secrecy is the only mystery of able men. Mystery is the only secreey of weak and cunning ones.

Coward-Bless you, no! He's only had

a marrying income since he was sixty.



The Brightest Boys at School

Are those who are given carefully prepared food at home

If you want your boy or girl to be strong physically and mentally, you must give them the proper kind of food-the nourishing, strength-building kind.

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Sperry Flour Co., Tacoma

of ideas among farmers as well as April, 1913. among the students of the agricultural M27-M1 department of the Harney County high | school. One of its objects is to secure IN THE COUNTY COURT OF THE for Harney County the benefit of the farm demonstration work provided for by the last session of the legislature.

"The Shop" Where Good Printing is Done-The Sentinel.

Notice for Publication. United States Land Office. Roseburg, Oregon March 11, 1913.

Minnesota, on 29th day of July, 1909, Congress, approved July 1, 1898 (30 and the settlement thereof. Stat. 597, 620) as extended by the Act Dated this the 29th day of March, A. of Congress approved May 17, 1906, the D. 1913. NEt NWt. SWt NWt, NWt NEt Sec. 14, Tp. 23 S., R. 2 West, W. M.

Any and all persons claiming ad- a3-m1

An agricultural club has been formed versely the land described, or desiring at Burns, the first organization of the to object because of the mineral charkind in that part of Oregon. The club acter of the land, or for any other reawill discuss agricultural subjects, en- son, to the disposal to applicant, should courage modern farming methods and file their afficavits of protest in this afford an opportunity for the exchange office, on or before the 26th day of B. F. JONES. Register.

> STATE OF OREGON IN AND FOR LANE COUNTY.

In the matter of the estate of Alver H. Nowell, deceased.

Notice of Final Settlement. Notice is hereby given, that the undersigned, administrator of the estate

of Alver H. Nowell, deceased, has filed in the County Court of Lane County, Notice is hereby given that the State of Oregon, his final account as Northern Pacific Railway Company such administrator of said estate and whose post office address is St. Paul, that Tuesday, the 6th day of May, 1913, at the hour of 10 o'clock a. m., has filed in this office its application to se- been fixed by said court as the time for lect under the provisions of the Act of hearing of objections to said report,

WILLIAM LANE, Administrator of the estate of Alver H. Nowell, deceased.

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