

What Is The Law?

This column is prepared as a public service by the College of Law, Willamette University, Salem, to explain basic legal principles, not to provide legal advice. The reader is cautioned not to apply these cases to his own problems without an attorney's advice, for differing facts may change the outcome.

AGENT USED
The Pacific Department Store is anxious to acquire land owned by Mr. Thomas to build a new store. Suspecting that Thomas would ask an exorbitant price if he finds out who wants the land, the company hires an agent. The agent, Mr. Andrews, is to purchase the land without disclosing that he is working for the company.

After the sale agreement is made, Thomas discovers that Andrews was acting for the company; Thomas then wants out but the company holds him to the contract.

In general, one who makes a contract with an agent of undisclosed principal (the Pacific Department Store in this case) is liable to the principal on the contract. If, however, Andrews claimed during the negotiations that he was not acting for any principal, Thomas could rescind the contract.

No Instance
In the Pacific Department Store case there is no instance that Andrews actually said that he was acting on his own account. It might be argued, of course, that the mere nondisclosure of his agency by Andrews was misrepresentation by inference, and Thomas could therefore rescind the contract.

On the other hand, if the company merely fears that Thomas might not deal with him but there is no previous relationship between the company and Thomas which makes such fear reasonable, the failure of Andrews to disclose his agency would not entitle Thomas to rescind.

The objective of having an agent act in this case was to get the land for a lower price than would have been possible had the company gone to try to purchase the land. This type of dealing is an accepted method in this country and an established rule of the bargaining game.

In Growth Path
Most people who sell property within the growth path of a city must surely realize that sooner or later the land will be in demand for commercial purposes and it would be against the custom of business transactions to hold that the mere nondisclosure of the fact that the company was the real purchaser is to be construed as fraud.

But even though there might have been misrepresentation by Andrews when dealing with Thomas which would enable Thomas to rescind, still Thomas could hold the company to the contract and make them pay the amount agreed upon.

Court Records

DISTRICT COURT
Lonnie A. Dickens, racing, \$55.
Alfred W. Williams, no operator's license, \$10.
Vern C. Dawty, operating while license suspended, \$105.
Gerald R. Barry, no operator's license, \$10.
Russell O. Sherrill, no operator's license, \$10.
Charles N. Langan, failure to transfer title, \$10.

CIRCUIT COURT
Nadine Louise Nelson vs. Virgil Nelson, divorce decree.
Pauline Hatfield vs. Glenn Richard Hatfield, divorce complaint.
Luis E. Medina vs. Laurena F. Medina, divorce complaint.
Lillian Dutton vs. Gay William Dutton, divorce decree.
Lillian Knight vs. Richard J. Knight, divorce decree.

MARRIAGE LICENSE APPLICATIONS
Raymond Earl Bailey, 180 N. 1st St., Ashland, and Glencis Alice Felling, 144 Oak Grove rd., Medford.
George Robert Jones, Cottonwood, Calif., and Nadine Elizabeth Carpenter, Redding, Calif.
William J. Bowers, 4888 South Pacific highway, and Audrey Elizabeth Keene St. Arnold, no address given.
George Albert Zuspahn Jr., Roseburg, and Gwendolyn Ortega Ludwig, 27 Chestnut st., Medford.

Grazing Charges To Be Unchanged

Washington - (UPI) - The Interior Department said Saturday the grazing fee charges for use of the federal range would remain unchanged during 1960.
This is 22 cents per animal unit a month. A steer or cow is counted as one animal unit, a horse as two units. Five sheep make one unit.

There are more than 18,000 stockmen who graze nearly eight million head of livestock on about 161 million acres in the federal rangeland states of Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Oregon and California.



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ENCHANTED ISLE fancy

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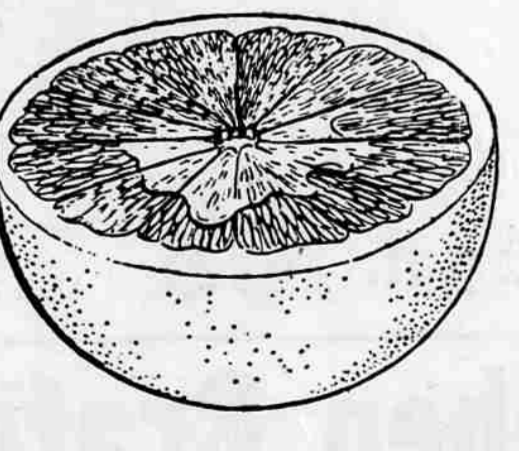
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