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## POPULAR TALKS ON THE LAW

### The United States, California and Japan.

[By Walter K. Towers, A. B., J. D. of the Michigan bar.]

The wide publicity given to the proposal of the commonwealth of California to bar the Japanese from ownership of real estate in that state, the ineffectual protests of the executive heads of the United States and Japan, brings before us the complex form of our government. We all know that there is a national government and a state government. We have been told that the United States is supreme—yet as to just how far it is supreme is a matter that is not altogether clear to most of us. How is it that the state of California may pass a law denying to Japanese the right to own land within the state when the national government may have—though we have no evidence that congress has—entirely different wishes about the matter?

The field of government is divided between the United States and the state. The United States has the powers given under the constitution which we have read and re-read as it appears in the back of school histories. The powers and capabilities given the United States under that wonderful document are the only powers it possesses. It has no others. It has no natural, inherent powers. Congress may legislate only concerning the matters of which the constitution gives the national government control. The federal courts have jurisdiction only of questions involving the United States constitution, its laws or treaties. The constitution gives to the United States the entire treaty-making power and bars the individual states from the realm of international relations.

As to all matters which the federal government does not exclusively control under the constitution, the state has complete and sovereign powers. The state is possessed of all the powers of government not denied it by the federal constitution. Thus we have two governments, each supreme within its sphere. When the two authorities come into conflict the state authority must yield, for the federal power is supreme in so far as it reaches. But in matters of which the federal government is given no control under the constitution, the state's power is complete. Generally the state has complete power to regulate its internal affairs. And so it is that we find the state prescribing who may own real property within its borders. Every state by its laws prescribes who may hold land.

One restraint that is placed upon the state is by the provision of the constitution that the treaties of the federal government stand upon the same plane as the laws of congress—they are the supreme law of the land, and if any provision in a state constitution or law is inconsistent with a federal enactment the measure of the state must give way. The state in making its laws must have regard for the treaties which the United States has negotiated with foreign countries. California was free to enact any measure she saw fit concerning the ownership of land so long as no provision of a treaty was contravened.

California's avowed purpose was to discriminate against the Japanese, who had begun to settle in that state in large numbers, acquiring the ownership of farm lands. With the Californians it is a vital question—a question of the kind of a man who is to be your neighbor and

the kind of children who are to go to school with your children. California did not wish to bar all aliens from owning land, for that would drive out foreign capitalists who are assisting in the material development of the state's vast natural resources. The discrimination in the bill originally proposed was found in the phrase "aliens ineligible to citizenship," which aroused such strong protest from President Wilson and the state department as being offensive to a friendly nation. This distinction is the one which the United States has itself enacted into its laws governing who may become citizens. The right to become a United States citizen by naturalization is limited to "aliens," being free white persons, and to aliens of African nativity and to persons of African descent.

Thus, generally speaking, only members of the European races may become citizens of the United States. The courts do not view the Jap as a white man. The son of a German father and a Japanese mother was recently denied the right of citizenship. Chinese, Philipinos and members of other of the yellow or brown races have repeatedly been denied citizenship under the federal law.

When the state says that "aliens ineligible for citizenship" may not own land it takes advantage of the distinction in the federal law, and it means that members of all but the white and black races are barred. Other states than California already have such measures. The alien land law of Washington provides that "any alien, except such as by the laws of the United States are incapable of becoming citizens of the United States may acquire and hold land," etc. The state of Arizona in 1912 enacted that "no person not eligible to become a citizen of the United States shall acquire title to any land or real property," etc. Other states restrict all aliens generally. The federal constitution contains a provision which prevents a state from barring the citizens of other states within the United States, for that document requires that there be no discrimination against citizens of other states within the United States.

The Webb act, which California substituted for the measure earlier proposed, drops the phrase "ineligible to citizenship," yet preserves the same distinction and arrives at the same end in very much the same way, still relying upon the discriminations made by the federal law of citizenship. Under it all aliens eligible to citizenship may acquire and hold land in the same manner as citizens of the United States. All other aliens may acquire land and hold land "in the manner and to the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the nation or country of which such alien is a citizen or subject."

Fortunately for California's purpose of barring Orientals from ownership of land, the existing treaty with Japan does not extend to Japanese the right to own agricultural land. Under the terms of the treaty Japanese subjects are permitted to own "houses and land for residential purposes, factories, manufactories and shops." Another clause permits them to "lease lands for residential and commercial purposes." But the treaty does not extend to them the rights of acquir-

### Up In the Air Over Zeppelin IV; Down In Cells With Militants



Photos by American Press Association.

THESE interesting pictures tell their own story of two important news events abroad. The airship is the Zeppelin IV, the German dirigible which stirred up a fuss by getting out of order and out of bounds. It came down at Luneville, France, near the German border, on the French military grounds, and war talk immediately broke out. This incident must have pleased the war manipulators in Germany if recent allegations are correct. The other illustration shows the suttage arsenal captured by the London police. These are the implements of war which the "votes for women" agitators used in burning letters in the street mail boxes, cutting telegraph and telephone wires and in setting fires.

## Stockmen Hold Important Meeting

### By-Laws Have Been Drafted by Committee and Preparations for the Big Sale Next Month are Well Under Way

A meeting of the newly-formed Big Hole Basin Stockmen's Association was held in Wisdom last Saturday night, when affairs pertaining to the forthcoming sale were thoroughly discussed. A committee, consisting of Messrs. E. N. Jones, Wm. Montgomery, C. H. Strowbridge, C. E. Miller and O. B. Canfield, was appointed to select and negotiate the purchase of land upon which to erect sales yards and empowered to secure material and have yards immediately constructed.

This committee has since purchased 10 acres of land from Joe Arnold north of town on the west side of the road and work will begin at once. The committee has also secured an option on 25 additional acres at \$25 per acre.

A committee, comprised of Messrs. O. B. Canfield, Chas. L. Lawrence and W. A. Armitage, has drafted a set of by-laws which will be acted upon at the next meeting of the association on June 7.

ing farming land within the United States and so the state of California is not required, by law, to give them any greater powers.

This is how California may pass a law that affects the relations of the entire country with a foreign nation, without the consent of the whole. (Copyright, 1912, by Walter K. Towers.)

### Excelsior Club.

One of the most pleasant meetings of the above named club was held last Saturday afternoon at Sunny Slope with Mrs. W. A. Armitage, the president of the organization. The members made the drive in autos chauffeured by C. H. Strowbridge, J. T. Armitage, Dick Shanklin and Mrs. J. T. Armitage, all of whom were guests at the delightful hot dinner served by the hostess. The feature of the afternoon's session was a paper on "Music" by Miss Charlotte Wold. After dinner several musical selections were rendered by Mrs. H. S. Armitage and Miss Wold. The next meeting will be held on Saturday, June 6th, at one of the Jackson hotels, when Mrs. Frank Hustad will entertain. The club is taking up a course of study of the "State Laws of Montana," and Miss Cornelia will be responsible for the first paper appertaining to that subject.

### Prof. Dean to Lecture

Prof. Dean, principal of the Wisdom public schools, will deliver a lecture on "Socialism" at Jackson on Saturday night, May 31, admission to which will be free. Prof. Dean has made a deep study of this subject, and his lecture will be both interesting and instructive. After the lecture a dance will be held.

## JOLTS FROM PARK-TO-PARK ROAD JACKSON

Items From Up The Valley Sent In By Our Special Correspondent

The regular issue of THE BREEZE will be out today, and I am here ready to "jolt" and "spout" and say: Mr. Engineer of the Rip Saw now don't get gay, or I will hand you some more in a self-convincing way that may shatter your timbers and dull your saw, and cause your temper to wag your jaw. And ah! but say—

The little burg appears to be quite busy. Ranchers are in daily after supplies, repairs, blacksmithing, etc., while others are moving cattle in all directions. We also note many transients and business men from the outer world. Ranchers are making extensive repairs on water ditches, several large canals are under construction and we hear occasional reports "short of hands."

Woody Bros and John Jackson have well under way a very extensive and expensive reclamation undertaking. They have completed several miles of a canal, 8 feet wide on bottom, two feet deep on lower side, with 6-inch pitch on bottom to upper side. The greater part of the work now completed has been in solid rock, and is being performed by Alfred Jefferson, under contract at the rate of \$14.50 per rod, together with supplies. This canal is taken from the head waters of Warm Spring creek. It will be over 16 miles long and will irrigate the high hillsides and bench land east and north of Jackson.

Another baby girl has been enrolled to make happier the family of Jules Wenger. Mother and infant are getting along nicely and the Jackson school district, with the continued increase of per capita, will forever flourish without special tax.

It is very seldom that we see the Big Hole Rip Saw in this end of the valley, unless someone with a sample copy notes some red-hot blatancy or inuendo harangued at some of our most worthy citizens, such being the case upon one of our townsmen receiving a sample of the last issue, wherein he read the article relative to Frank Frazier, buyer for the Seattle firm of Frye. Upon reading the ridiculous accusation aloud, the comments were various and laughable, some contending that a man who would give vent to his jealousy in such form must be a damphool, but "Jolts" fully realized that the poor, verbose unfortunate was not to be blamed, as any man that will permit himself to hate, imprecate and presage against, not only the editor of the "rival sheet," but anyone else that might write a few light articles and happenings of the week for THE BREEZES, or directly or indirectly patronize that paper, is laboring under a peculiar form of insanity—a form of jealousy and hatred that would make him a dangerous person to form an acquaintance with. When he has finished such writings he sits down with a manner of great importance and believes that he has done something to be proud of, but if he did not know, the more knowing public in general are sorry for him, while he has impressed no one but himself with his harangues of jealousy. "Jolts" notes that his last letter was not written in exact accordance with the high ideals of this learned critic, and further, that liquor dealers would not be permitted to correspond for the Rip Saw and clean themselves of pollution in his sacred columns. (Continued on local page)

Commercial Club to Hold a Meeting at the County Seat on June 7th

Frank Hazelbaker, secretary of the Beaverhead Commercial Club, telephones in to us that a meeting to devise ways and means of assisting in the building the proposed park-to-park road will be held in Dillon on Saturday, June 7.



F. A. Hazelbaker Sec'y Beaverhead Commercial Club

The club urges upon all who are interested in the proposed road to attend this meeting. Steps will probably be taken at that time to arrange for the soliciting of subscriptions from the citizens of the county. The Forest Service has promised to do its share, as have also the Beaverhead county commissioners, and it remains for the residents to do theirs.

The Big Hole basin is especially interested in the project, and we hope a large number of our ranchers will endeavor to attend the meeting.

### Jahnke Sells Steers

A. F. Jahnke, the butcher, last Tuesday morning started out four carloads of beef cattle to the Portblatancy or inuendo harangued at some of our most worthy citizens, finished beef, this is the first, we believe, that has ever been made from this station; and, as an industry, the enterprise may be considered as entirely new. It marks an epoch in the cattle business for Lemhi county. Previous to this shipment, the custom has been to drive all steers to the Big Hole basin, or to some other point, to be fed and shaped up for beef. But Mr. Jahnke knows the feeding business himself, and he has given this prime lot of cattle special attention, fattening them upon the nulli secundus products of Lemhi farms, and turning them over to the commission men, ready for killers.

It is a notable event, considered in an industrial light; because it means the proper appropriation of local resources, and also the exclusion of at least one or two of the middle men who have ever had a dig at the profits of our chief range product. Here the hay is the best in the world, and yet the hay-producer does not always know what he shall do with his crop. He sells his cattle to the first buyer that comes along, and usually holds a lot of first class hay over till next year, for want of a satisfactory market. Let him feed, fatten and finish his beef on the ground, in his own fields, and his business will prove far more profitable, while the fertility of his soil is increasing, and not depreciating.

There were 117 head in this shipment. They were consigned to P. L. Giles of Portland, and Mr. Giles was here to receive and accompany them on the journey. (Continued on local page)