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In The Valley

# BIG HOLE BREEZES.

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## JOLTS FROM JACKSON

Items From Up The Valley Sent In By Our Special Correspondent

Miss Edith Green, sister of Mrs. H. F. Boyer, will visit at the home of the latter during the coming summer. Miss Edith comes well remembered by a host of friends, made during a visit of the past year, and will receive a hearty welcome. A brighter smile than usual adorns the countenance of Manager "Ikey" Boyer, as he has found that he has someone that is as fond as he enjoys taking care of "dat leetle poy."

Our hustling road supervisor, Jake Neidt, has been doing considerable permanent and effective work on the road near Jackson. This work is thoroughly inspected three times each week by Highway Promoter and Good Roads Inspector A. T. Barry, and woe to the man that hauls his gravel in the wrong place.

The editor of this paper saw Inspector Barry in Butte last week and the mad pace he was traveling over the rough spots and high places didn't seem to bother him at all.

H. V. McCormick, a western mining promoter, has secured a 60-day option on several promising gold quartz claims in the Miner Creek district, from local parties that have been operating in that locality for several years. Mr. McCormick was in Jackson during the early part of May, negotiating for the properties, and then went to Butte, returning last week to complete the deal. He is very much inclined to secrecy at the present time, but admits that New York capitalists, whom he represents, are going to operate the property and that within 90 days active work in preparing the property for mining will commence.

The Bell hotel has again changed hands, M. D. Jardine and Howard Boyer having purchased the entire establishment. The business is now conducted under the name of the new proprietors. As both of them have a host of friends and are business men of sterling quality, there should be no reason why they should not prosper in the new enterprise.

The Jackson-Dillon daily stage is making the through trip regularly and arrives in Jackson each night heavily loaded with passengers and freight. They evidently have learned that a daily stage can get the business over a tri-weekly.

"Ikey" Boyer says that everything is running smoothly at the hotel. Just wait, "Ikey," until the cook goes on the warpath and throws the stove lids through the window and you have to sit on the smoke hole until Mose finds the lids.

Myrl Enderly should be entitled to a Carnegie medal for donning the first straw hat of the season, if he brought all this good sunshine.

Miss Edith Green, sister of Mrs. H. F. Boyer, has accepted a position in the J. P. Lossi store as bookkeeper and general accountant for the postoffice and telephone departments. One of our young ranchers said: "Her bright smile will make a large account much easier to pay."

I promised not to mention the "frog front" vest any more, so I won't say anything about it, but, say, it's a "daisy."

Roy Spencer and father, were in the first of the week with the new Cadillac. She's a beauty and can skin the mud holes.



### News Snapshots Of the Week

About 250 coast artillerymen left Fort Slocum, N. Y., for Honolulu, via San Francisco, as part of the movement to increase the Pacific garrisons. Essad Pasha, who proclaimed himself king of Arabia following the surrender of Beirut, was assassinated. Princess Victoria Louise, only daughter of the emperor of Germany, was married in Berlin to Prince Ernst August of Cumberland after King George, the czar and other European notables had arrived. B. Sanders Walker, Jr., the Macon (Ga.) banker, died after a week's fight against sure death from poisoning. Miss Dolorita O'Gorman, daughter of United States Senator O'Gorman of New York, married John A. Maher. Mrs. Frederic Schoff of Philadelphia presided at the annual meeting of the National Mothers' Congress at Boston and urged a nation-wide campaign for the establishment of probation commissions.

Chas. ("Horse") Smith, agent for the Butte Post, paid us a visit last evening, and as a newsagent he is a "humdinger." He never fails to make a sale and get the money, and if you can dodge him you can beat me.

Andy Johnson has been employed in the blacksmith shop by John Marriott. Andy is one of the best mechanics in the state, having learned the trade in its every branch. With the efficient work of Mr. Marriott this will insure the many patrons the very best work that is possible to be obtained in a small shop.

The lecture delivered by Prof. Dean of Wisdom, on Saturday night, was very well attended and the dance given after the lecture was continued until a late hour. The professor is a learned man and classic scholar, and while his scholastic discourse was more than appreciated by the few, the majority found his remarks on evolution of man, the physical basis of mind, morals, class struggles, etc., somewhat too deep, especially when their best girls were waiting to dance.

I did intend to boost a little for the Park-to-Park road, but being a man of very few words, I will cease boosting until next issue.

### Montana Company Flourishing

The Montana Livestock & Casualty Co., one of the Treasure State's native concerns, is doing a flourishing business, according to District Manager, who was here from Dillon this week. The company is receiving many applications from stockmen all over the state, and its attractive contract for protection against fire and lightning is in especial demand. The many stockholders of the company residing in the Big Hole basin will be pleased to hear of the company's success.

### Stockyards at Divide

The following Helena dispatch to the Butte Miner will be welcomed by those of our ranchers who want to see stockyards placed in at Divide:

Within 60 days after Geoffrey Lavell donates the land for the site, as he has agreed to do, the Oregon Short Line must build stockyards at Divide with a capacity of 5,000 head, according to an order of the railroad commission. Heretofore much of the stock has been driven to Anaconda and shipped from there. Testimony taken at the hearing was to the effect that 10,000 head of cattle are fed in the Big Hole basin, which would be shipped over the company's line and that the average revenue last year to the railroad was \$2,560.

## POPULAR TALKS ON THE LAW

### The Law of Growing Crops

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

John Skinner planted a row of apple trees on his own land, some six feet from the boundary line. The trees flourished and eventually the branches extended over Neighbor Wilder's property and the roots, being no respecters of legal titles, pushed across under Wilder's soil. In a fall of big fruit crops the sight of so much fine fruit hanging above his property aroused Wilder. He bethought himself of the principle of law that a man's property extends indefinitely upward and indefinitely downward, got his ladder, and leaning it against the branches above his own property, picked the fruit that dangled there. He kept entirely on and over his own land in harvesting the fruit.

Skinner sued Wilder for unlawfully taking his apples and recovered damages. The court ruled that though the apples dangled over Wilder's land they grew on a tree the main trunk of which was exclusively and entirely on Skinner's land, that it was Skinner's tree and all of the fruit on it Skinner's property. It was Wilder's right to keep limbs from extending over his property by cutting them off, but he had no right to take any of Skinner's property because it extended past his line.

In cases where trees are planted on the boundary or so close that the main limbs extend directly into the other parcel of land, the general rule is that the owners of the adjoining lands are proprietors of the tree as tenants in common and so must share its produce. If either should injure the tree the other may have his remedy against him.

Generally speaking, whatever is attached to the earth is real property and so remains as long as it is so attached. This applies to grains and grasses as well as to the fruit upon trees and bushes. This should always be kept in mind in selling cultivated lands of any kind. All crops growing thereon, being a part of the realty, will pass under the deed to the new purchaser, unless they are specifically reserved. In some jurisdictions certain annual crops may be reserved orally, but it is always best, and usually absolutely necessary, that the reservation be a written clause in the conveyance. Crops that are unharvested at the time of a mortgage sale, being still attached to the land, are realty and pass to the

purchaser under the mortgage sale. So, too, one who recovers land by ejectment secures all the growing crops attached to the land, as in view of the law they are part of it and so pass to the successful claimant of title.

When you lease land have an eye to the title of your landlord, or you may lose your crop while it is still growing. You secure no better rights than the man from whom you lease and if there is a mortgage due and he does not pay it the land may be sold and the growing crops pass to the purchaser. So, too, the landlord might not have good title and a successful claimant in ejectment would also oust you.

Langdon Cummings owned forty acres on the River Road. The land was heavily mortgaged and Cummings was troubled with a load of other debts. Saulson, a large, unsecured creditor, secured a judgment against Cummings and sought to enforce it by levy. Cummings had a fine patch of blackberries and another of wheat. Both the berries and the wheat were levied upon. The levy upon the berries was defeated, that upon the wheat allowed. The reason was that the levy was effective only against personally and the court regarded berries as realty but wheat as personally, and this though both were still attached to the soil.

Though all crops are realty as long as they remain physically attached to the land for certain purposes, as pointed out above, there are other points of view from which certain crops are regarded as personally and others as realty. This important distinction is the one the law draws between what it refers to as fructes naturales and fructes industriales; and it matters not to the law that the fruit grower feels that his are rather the products of industry than of nature. But the law provides a different classification for those crops which are produced annually year after year from the same root, as the fruits of trees, vines and bushes and grasses. Crops, on the other hand, that result from annual planting, fertilizing and cultivation, are regarded as different. The former are fructes naturales and are viewed as real property at all times. The latter are fructes industriales, or emblements, and while realty so that they pass with the land when title is transferred, they are viewed as personal property in regard to matters of sale, levy, etc. It is to be

borne in mind that the former class, fructes naturales, become personal property as soon as they are detached from the realty by cutting or harvesting.

Emblements, the annual, cultivated crops, being regarded as personal property for purposes of sale, may be transferred by oral sale as they stand in the fields, while a writing is generally required in the transfer of fructes naturales. Emblements being realty may be levied on as such. If harvested before a mortgage sale is consummated they are not transferred with the property under mortgage sale.

One who wrongfully or carelessly damages the growing crop of another is legally liable to make good the loss in damages. The owner of the growing crop may always vindicate his right that it be not injured. If the crop be totally destroyed the damages are the value of the crop at the time and place it was destroyed. Partial damage is estimated upon the same basis. The owner of the crop may not take as the measure of damages what he expected to get for the crop when it was all ripe and harvested. The law doesn't encourage counting one's chickens before they are hatched. Neither may the wrongdoer escape by paying merely the cost expended upon the crop to the time of injury. The evidence of those familiar with crops and conditions is secured and the damage based on the value of the crop at the time and place it was injured—how much the owner could have sold it for as it stood at the time.

Many disputes arise between landlord and tenant about crops. If a tenant pays a cash rent for the land upon which he grows his crops and plants only crops which mature before the term ends—no difficulty occurs. The tenant owns the crop produced. But if a tenant for a definite term plants crops which mature after the end of that term, he is generally not entitled to return after the end of his term and claim the crop, though a few states have a different rule. Generally if the term is uncertain as to time the tenant cannot know that any crop will ripen before the term may be terminated and he is allowed to secure all crops which have been planted, returning to care for them after the term shall have been unexpectedly ended. The statutes of some states give to the landlord a lien on the crops of his tenant for the rent due.

One who occupies and farms the farm of another upon the shares becomes his tenant and the crops produced are their common property. If no fixed time has been set for dividing the shares division is due when the crop is harvested. In

## HORSE SALE IN DILLON

Late Spring Sale to be Held at the County Seat Starting June 9th

Chas. A. Smith, better known as "Horse" Smith, the best booster Beaverhead county ever had, was in Wisdom this week endeavoring to induce a big delegation of our ranchers to attend his horse sale in Dillon, commencing next Monday, and putting in a good word on the sale for the Butte Daily Post, which is now running a daily page of Dillon news.

Mr. Smith was disappointed at not finding any announcements of his sale in this neck of the woods, and desires to state in the columns of THE BREEZES that our ranchers are cordially invited to both buy and sell at the coming sale. He assures them that the treatment accorded them will be first-class in every respect. Buyers from all over the Northwest will be in attendance and he believes this sale will be the best ever held under his management. A number of government buyers, in search of cavalry and artillery horses, are expected to be present.

Our reporter had quite a long talk with Mr. Smith, who has always something of interest to impart to his listener. (The word listener is correct, for Smith always does all the talking, excepting, he says, "when Bob Jones is around.") He recently returned from Seattle, where he sold a carload of horses that caused the horseman out there to sit up and take notice. There were 18 animals in the bunch, and there wasn't a horse dealer or contractor in the big coast city who saw the animals but declared them to be the best shipment ever brought into Seattle.

Smith is continually insisting that we should raise a better class of horses in Beaverhead county. "Let the grade horses go and go after the blooded animals. It costs just as much to raise jays as good horses, so why not raise the latter." He practices what he preaches and that reminds us of a pretty good story on him. Two horsemen were driving along a road, when they noticed a fine bunch of horses grazing in a field. "Whose are they?" inquired the first speaker. "They belong to 'Horse' Smith," replied his companion. Soon they spotted a still finer bunch farther along the road and in answer to the same query came the reply, "They also belong to Smith." Still another bunch of Smith's animals was admired, and finally they came across the finest bunch of horses they had ever seen. "Whose are they? Do they belong to Smith, too?" "No, they belong to J. E. Morse." "J. E. Morse! Well, I'll be darned! Say! how in h— did he get 'em away from Smith?"

### Wisdom Will Celebrate

A meeting to make arrangements for a Fourth of July celebration in Wisdom will be held in Ellis hall, Sunday afternoon at 2.30. Arrangements will also be made at this meeting to re-organize the baseball club. Let's all attend and give Wisdom the biggest and best celebration in her history.

the case of a season cropper who simply comes upon the acreage to cultivate it, not living upon the premises or occupying them, the crops are at all times the property of the landlord and the cropper has no transferable interest in them until the landlord's claims have been satisfied. (Copyright, 1913, by Walter K. Towers.)