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EDITORIALS

WASHINGTON LETTER.

Every blunder in a statute
is a gilt edged invitation to
a law suit.

A typical example of one
of these invitations, so nu-
merous in practically every
important statute passed by
the Democratic Congress, oc-
curs in Section B of the "war
tax" law. It threatens to vi-
tiate the effectiveness of the
entire schedule.

That provision declares
that "perfumery, COSMET-
ICS, and other similar arti-
cles," shall be taxed. What
are "cosmetics?" The term
is general, not specific. It is
not defined in the law, and
the question of what shall be
termed a "cosmetic" has been
plunged into doubt, which
the courts only can finally
clear up. A suit is now pend-
ing to determine it.

From the earliest days of
attempts to enforce this
schedule, there has been con-
tinual confusion. Many
manufacturers of articles of
this character resisted the
tax, declaring that their goods
were not "cosmetics." Re-
venue collectors were at sea,
and conflicting rulings from
Washington as to specific
articles merely added to the
confusion, delay and expense
of administration.

The Internal Revenue
Office finally tried to settle
the difficulty by ruling that
manufacturers of certain dis-
puted products would be ex-
empt from taxation if they
changed their advertising.

The levying of the tax was
thus made to depend, not up-
on the product itself, but up-
on the way it was advertised,
virtually resolving a portion
Schedule B of the "war tax"
law into a special tax upon
advertising rather than upon
the goods under discussion
when Congress enacted the
statute.

It is elementary in law that
"interpretation of a law shall
not usurp the function of
legislation." This principle
has been violated in the ad-
ministration of the "war tax"
law. The Democratic Con-
gress named two conflicting
dates as to the time of sched-
ule B should take effect, and
the Internal Revenue Office
by an arbitrary ruling had to
determine what Congress in-
tended.

The courts may decide that
the same thing has happened
in the rulings as to the tax
on "cosmetics." In any
event the history of this por-
tion of the "war tax" law has
served to emphasize the stay-
only methods employed by
the Democratic Congress.

The Thinking Power

By WILLIAM BLAKEMAN

Something over a hundred years ago,
when Europe was making one of those
advances in new lines of thought
which have marked different stages of
intellectual development, when a crop
of great French thinkers—Voltaire and
others—were attracting attention, a
wealthy Parisian lady conceived in
some degree those ideas intended for
the amelioration of women that are in
vogue during the present day.

Mme. Drivaux did not follow the
lines of the present movement, where-
in women contend for equality with
men. Her idea was that women were
capable of higher intellectual develop-
ment than men from the fact that they
are made of finer texture. Her plan
was to utilize the brute force of men
by making it subservient to the supe-
rior intellectual faculties of women.

Mme. Drivaux, who possessed an
enormous fortune, purchased an island
in the Mediterranean sea, upon which
she proposed to carry out her idea. She
had no difficulty in founding her col-
ony. Some of her colonists were of
noble birth; others were commoners,
but all were intellectual. She called
for men volunteers who must join with
a full understanding that the women
were to do the thinking, the men to
serve as protectors.

Mme. Drivaux's idea in separating
her colonists from the rest of the world
was that she might make an absolutely
fresh start, untrammelled by existing
institutions, laws, customs. But a per-
fect shaking off of the present in order
to inaugurate a new future is very dif-
ficult. A weak spot in the founder's
purpose was that among the hundred
women she took with her there were
three each of whom was loved by a
man. These men, unwilling to part
with those they loved, enrolled them-
selves among the masculine force who
were to do the fighting and laborers.
Thus at the very outset did the canker-
worm get into the roots of the tree that
Mme. Drivaux had planted with so
much thought, trouble and expense.

Mme. Drivaux had enlisted every
man colonist herself, taking care that
he was not opposed to her scheme or
unwilling to accept the direction of the
women, looking to his muscles rather
than his brain for his share of the
work. But these three "misbegotten
knaves," who had joined for the pur-
pose of getting possession of the women
they loved, deceived her by being
the loudest in their advocacy of her
plan and their promises to be obedient
and patient laborers and soldiers.

Marriage was not forbidden in the
colony, but every man who married
was obliged to promise that he would
obey his wife. Moreover, he was
obliged to agree to be a hewer of wood
and a drawer of water, looking to his
wife for guidance like an obedient hus-
band.

Now, the three marplots who had
joined the colony were much put out
at having to leave Paris for a consid-
erable time in order to save for them-
selves the women they loved. Even
on the voyage they put their heads to-
gether to devise a plan for being re-
venged on the colonists for the sacri-
fice they were obliged to make. Nat-
urally it was easy for them to get con-
trol of the other men colonists, for the
latter being content to let the women
do their thinking were not disposed
to think for themselves; consequently,
associating with men who were dis-
posed to lead them, they naturally fol-
lowed.

Now, it so happened that soon after
the colony was established a ship stop-
ped at the island loaded with a fierce
band of Arabs from the African coast,
bent on plunder. Mme. Drivaux called
upon the men to attack the invaders
and drive them away. Jules Champ-
inois, one of the three men who had
been plotting against the success of
the colonial scheme, said:

"We are ready to drive these men
away, but we would be pleased if you
would give us a plan of attack. It is
our part to do the fighting, but your
part to tell us how. Shall we take the
offensive or act upon the defensive?
Shall we use guns or shall we rely on
our bayonets?"

Mme. Drivaux looked scornfully on
M. Champinois, stamped her foot and
told him to drive the rascals away
without asking any further questions.

The women who were about their
chief were much frightened.
"This colony is organized," continued
the men's spokesman, "on the plan that
you women do the thinking and we
men the work and the fighting. Our
portion of the good things we have is
for doing these alone. It is not just
that we should be called upon to think
and fight. If we must do both we can't
see wherein you are superior to us, and
we call upon you to surrender the lead-
ership in our favor."

The Arabs were stealing up on these
poor women while the men were stand-
ing idle.

"We shall be murdered!" "Cowards!"
Do your duty!"

These expressions on the further ap-
proach of the enemy gave place to "For
heaven's sake save us and you may
have everything!"

"Resign the thinking power or per-
ish!" cried Champinois.

"We resign!" replied a hundred voices.

"Follow me!" and, turning, he led
the men against the enemy, who ran to
their ships and sailed away.

The next day after a triple wedding
the colony broke up and returned to
France.

A FIGHT IN THE CLOUDS

By F. A. MITCHEL

Interlaken is a good central point
for tourists to make short trips visit-
ing Swiss places of interest. Perhaps
the most interesting of all these trips
is to take a train at Interlaken for
Grindelwald, thence up the steep side
of a mountain to Scheidegg.

When I made this trip the railway
from Scheidegg to the top of the Jung-
frau was just begun. In the car ac-
cending from Grindelwald was a young
American with two guides who was
intending to ascend the Jungfrau from
Scheidegg. He was a quiet, inof-
fensive fellow, but the fact that he
carried an ice ax indicated that he was
a climber. A Frenchman with a waxed
mustache and a goatee proportion-
ately small seemed disposed to gibe him.
Webster, the American, kept his tem-
per, but, being quicker at repartee, got
the better of him and set the car
laughing at him. This made the
Frenchman, whose name was Du
Pierre, angry, and he insulted Webster.
Since they were sitting opposite each
other Webster reached forth his hand
and slapped the other's cheek.

Every one expected a fight, but since
we were climbing at an angle of some-
thing like forty degrees no one relished
the prospect of having one. We could
not blame Webster for resenting an
insult at the moment rather than hav-
ing it pass into something more seri-
ous. Nevertheless, the affair did pass
into something more serious. The
Frenchman, landing Webster his card,
said:

"This is no place for an altercation."
Of course that meant a challenge.
But when or where the end of the af-
fair would be reached no one knew,
and few cared. When we reached
Scheidegg I, being a fellow countryman
of Webster's, he called upon me, ask-
ing me to go to Du Pierre and make
an effort to settle the matter. Before
doing so I learned from a man who had
witnessed the fracas in the car that
the Frenchman was a celebrated Paris
duelist. I had therefore very little
hope of securing an adjustment, and
that hope was extinguished as soon as
I met the Frenchman's representative.
He informed me that such an insult
as he had received unavenged would
ruin his reputation at home. He could
not afford even to accept an apology.

Webster turned out to be a sheep
raider in the heart of the Rocky moun-
tains and used to high altitudes. He
directed me to accept Du Pierre's chal-
lenge. By the code Webster was en-
titled to the choice of weapons and the
terms of the fight. He directed me to
make the following provisions: One of
the principals was to go to a point on
the road a mile down toward Lauter-
brunnen, the other remaining at Schei-
deg. Each was to be armed with a re-
volver, two chambers loaded. At an
appointed hour they were to advance
and begin firing whenever they chose
to do so. The road leaving Scheidegg
is not at first steep, and it made little
difference which of the two won the
Scheidegg end.

Du Pierre, who supposed he would
fight under terms to which he had been
accustomed, was indignant at such an
innovation, but since I assured him
that Webster would only fight him on
the terms offered he was obliged either
to go back to Paris having had his face
slapped without having wiped out the
insult or accept the situation.

The matter was kept perfectly quiet.
Those who had witnessed the fracas
in the car were tourists and scattered
in all directions. Consequently when
one went out the next morning as the
sun was casting its first beams on the
surrounding peaks there was no one
present except the principals, their sec-
onds and a surgeon who was stopping
at one of the hotels. Du Pierre won
the toss and chose to move out from
Scheidegg. Two shots were given each
man, and Webster and I went down
the incline for a mile, waiting there
for the time for the duelists to start.

I started him on the incline, and he
advanced slowly up the road. The
two men could see each other for near-
ly the whole distance. When they
were a quarter of a mile apart the
Frenchman, halting, took deliberate
aim and fired. The ball fell on the
road some distance from the American.

I now saw the meaning of Webster's
tactics. Having lived in a mountain-
ous country, he realized how much
nearer objects appeared through the
air than they were. Du Pierre had
supposed he had his enemy within
range when he was not. I could see
that he was surprised that his shot had
not taken effect, but I doubt if he
knew the reason.

Webster now had two shots to his
enemy's one, but showed no sign of
firing. They continued to advance for
perhaps a hundred feet when Webster
suddenly raised his weapon. Du Pierre
at once raised his and fired. Web-
ster lowered his pistol. A spent ball
struck him in the leg, but did no se-
rious damage.

This ended the fight, for the French-
man had used both his shots, while the
American had used neither of his, and
the latter had no intention of shooting
an unarmed enemy. Indeed, he had
planned the affair to result exactly as
it had resulted. Handing his weapon
to me, he walked up the road, lifted his
hat as he passed Du Pierre and pro-
ceeded to the station. An hour later,
with his guides, he started for the sum-
mit of the Jungfrau and made the
first successful ascent of that season.
As for the Frenchman, he went back
to Paris disgusted with Americans and
what he called their Yankee tricks.

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C. Heidtman.

NOTICE FOR PUBLICATION

Department of The Interior,
U. S. Land Office The Dalles, Ore.
May 27, 1915

Notice is hereby given that William
I. Wilson whose post-office address is
Spray, Oregon, did on the 11th day
of February, 1915, file in this office
sworn statement and application No.
014481 to purchase the NW 1/4 NW 1/4
Section 12, Township 10 south, range
24 east, willamette meridian, and the
timber thereon, under the provisions
of the act of June 3, 1878, and acts
amendatory, known as the "Timber
and Stone Law," at such value as
might be fixed by appraisal, and
that, pursuant to such application,
the land and timber thereon have
been appraised \$120, the timber esti-
mated 140,000 board feet at 50 cents
per M., and the land \$50; that said
applicant will offer final proof in sup-
port of his application and sworn
statement on the 20th day of August,
1915, before David E. Baxter, U. S.
Commissioner, at Spray, Oregon.

Any person is at liberty to protest
this purchase before entry, or initiate
a contest at any time before patent
issues, by filing a corroborated affi-
davit in this office, alleging facts
which would defeat the entry.

H. Frank Woodcock, Register.
6 17 8 19

NOTICE FOR PUBLICATION

Department of The Interior,
U. S. Land Office, at The Dalles,
Oregon, June 7, 1915.

Notice is hereby given that
Charles L. Lillie Jr. of Fossil, Ore-
gon, who on Dec. 6th, 1911, made
Homestead Entry No. 09552, and on
March 19, 1915 made additional Hom-
estead Entry No. 014628 for Lots 3, 4,
Sec. 19, W 1/2 NW 1/4 Sec. 29, N 1/2 NE 1/4,
NE 1/4 NW 1/4 and Lot 1 Sec. 30, Tp. 8
South, Range 23 E., Willamette Mer-
idian, has filed notice of intention to make
final three year proof, to establish
claim to the land above described, be-
fore Scott Sasser, County Clerk, at
Fossil Oregon, on the 17th day of
July, 1915.

Claimant names as witnesses:
Jerry T. Vickers, Lester C. Beeson,
Eugene R. Jones and Arthur C. Beeson
all of Fossil, Oregon.
H. FRANK WOODCOCK, Register.
6 10 7 15—

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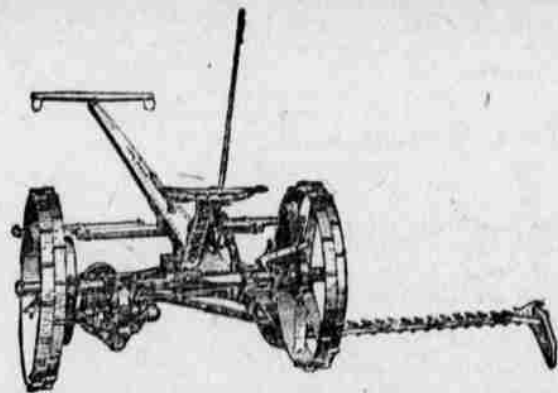
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