

MR. FAY SAFE HOME

Adventure With Wisconsin Officers Is at an End.

FRIENDS GREET HIM WARMLY

Judge Pipes Sets Forth the Need of Legislative Action to Prevent Similar Occurrences in Future.

C. L. Fay and Judge M. L. Pipes returned yesterday morning from Mandan, N. D., where Mr. Fay was released from the custody of Sheriff Hess, of Wisconsin. It was two weeks last night since Fay was arrested in Portland on the false representation that he was a fugitive from Wisconsin.

When seen at his office yesterday Mr. Fay said that he has no complaint to make against Sheriff Hess, who took him away. He knows that the Sheriff did no more than make an effort to take his prisoner to Wisconsin without encountering the obstacle of habeas corpus proceedings.

It is against Dufur, the man who caused his arrest, and against the police department of Portland, that Mr. Fay has a grievance. Whether he will bring criminal charges against Dufur he has not yet decided.

Mr. Fay does not charge that the Portland police deprived him of an opportunity to confer with his friends and attorneys. They gave him the use of the telephone at police headquarters for three hours, but for some reason he was unable to find Judge Pipes, and in the meantime he was being held in the boat down to Kalama at 10 o'clock in the evening instead of waiting for the train two hours later or remaining in Portland over Sunday.

Judge Pipes thinks that the proceedings in this case show a need of legislation to the extradition laws in this state so as to provide that no man shall be taken out of the state until he has had ample time to confer with friends and appeal to the courts.

"If this were Major Fay's private grievance only, I would not trouble you with it. But it is a public wrong. The State of Oregon has been abused. By a fraud perpetrated on her executive, she has been led to do violence to the rights of one of her own citizens. It does not lessen the wrong that the Governor is not to blame, and, indeed, his energetic efforts to nullify the law show that he feels as keenly as we do the injury to the honor and dignity of this state and its people.

When arriving at Mandan early Saturday morning I found Major Fay at the station. Although nominally in the custody of Sheriff Weeks, of Mandan, he was entirely free to go where he chose. Mr. Dufur, the Wisconsin complainant, was on hand at 2 o'clock, and made an exhaustive argument against the court's jurisdiction to inquire into the legality of the revocation proceedings, on the ground that an extradition state might give full force and effect to the public acts of a sister state, and that the Governor's revocation was ineffectual under the limits of Oregon. We argued that any court anywhere could act on the public acts of a sister state, and that the Governor's revocation was ineffectual under the limits of Oregon.

"Before I reached the scene of conflict, Mr. Fay had already won the confidence and respect of everybody in Mandan and Bismarck. His treatment was everything that could be desired. I was shown every courtesy by the court and officers, including the able Assistant Attorney-General. To the swift and accurate work of Mr. Shaw and Mr. Tom, our local attorneys, is due our success. Mr. Shaw, who appeared with me in the argument, was especially commendable.

"Mr. Dufur went away Saturday night, and did not stay upon the order of his going. The warrant to the Bismarck Sheriff for him is supposed to have accelerated his movements homeward. "This case will probably draw the attention of the Legislature to some remedy for such action as this. Several states have passed laws regulating the procedure of the Governor in such cases to prevent abuses of extraditions, requiring

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Advertisement for furniture featuring various beds, tables, and stoves with prices and descriptions. Includes items like 'Fancy shape, tall, white iron bed, very ornamental \$12.50' and 'A steel cook stove, drop oven door, asbestos lined, cast top. All the advantages of a steel range, only \$22.50'.

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proof of the facts. North Dakota has a law prohibiting a person from being taken out of the state until after 24 hours, thus giving him an opportunity to test in the home court the legality of his detention and deportation. Some law like this will doubtless receive the attention of the Legislature here. While the whole power of extradition is derived from the Federal Constitution and laws, acts regulating its exercise, not in conflict with the paramount law, have been upheld. "No case like this has ever occurred, so far as the reports of courts show. It has been repeatedly held that a person not a fugitive cannot be legally extradited. It is equally well settled that there must have been an actual, and not merely a constructive, presence in and flight from the demanding state. But when the Govt courts have held that the court of the surrendering state may examine fully into the facts, and, if found that the requisition was made upon false statements, may discharge the prisoner. The decisions, however, are not harmonious. It has also been decided by a Federal court in Minnesota that a court of an intermediate state has no jurisdiction in the premises. It has also been held, without conflict, that the Governor may revoke his warrant. But the effect of such revocation without his state is an entirely new question. I am confident that, upon principle, the North Dakota court was correct. "I think it is due to say that Major Fay's friends here helped by their copious wires to fortify the moral influence of our case in Mandan and Bismarck. It is due to their energy and intelligence that we were able to detain Major Fay this side of Wisconsin and prevent the consummation of a bold and reckless outrage. Mr. Blair T. Scott, particularly, is entitled to the credit of leading the forces. "Now, I think that is enough. You know I don't usually discuss my law cases in the papers, and I yield in this only because it is of the utmost public importance. One word more: It is deemed important that a man in trouble shall have a good lawyer. It is infinitely more important to a lawyer that he shall have a good client. And that I have in this case. To him is the most credit."

take the easier work to be had in the hop-yard. Picking has been going on in some yards for three or four days, and it is reported that a few are nearly half through. The end of this week will see the crop more than half gathered, and in another week the pickers will be returning to their homes. The yield of hops is reported lighter in some places than was expected, that is, the yards are not yielding as many boxes of hops per acre as it was thought they would. As the hops contain less moisture this year than usual, they will yield more pounds of dried hops per box and there will probably be no disappointment in the total number of bales. S. P. Kimball, the Polk County prunegrower, says that prunes will not be ready to pick before September 15 to 20, so that the employment of a large number of persons at hopping will not conflict with the engagement of people to gather fruit. Many of those who work in the hopyards can find work in the orchards afterward if they so desire. There is no fear that there will be a scarcity of prune-pickers.

Advertisement for Brownsville Woollen Mills, featuring 'NO PAIN! NO GAS!' and 'FELLOWS' brand products. Includes a list of items like '30 Cents Pound Hoffman House Java and Mocha Coffee' and '15 Cents Pound Best Fresh Roast Costa Rica Coffee'.

Advertisement for New York Dental Parlors, featuring 'NO PLATES REQUIRED' and 'FELLOWS' brand products. Includes a list of items like '30 Cents Pound Hoffman House Java and Mocha Coffee' and '15 Cents Pound Best Fresh Roast Costa Rica Coffee'.

Advertisement for Silverfield's, featuring 'The New Arrivals' and 'WHERE TO BUY FURS - SILVERFIELD'S OF COURSE.' Includes a list of items like 'Set of Teeth \$5.00' and 'Gold Filling \$1.00'.

HOPPING TO BEGIN. Exodus to the Fields is Over-Work Will Start Monday. The exodus to the hopyards of the Willamette Valley is over, and on Monday picking will be going on in every hopyard in the state. The crowds taken away from Portland yesterday were not near so large as on previous days, the pickers going yesterday numbering only about 500. No reports have been received of a scarcity of pickers except in a few cases where the yards are too small to be attractive to people who like the associations of large crowds. In some places complaint has been made that the harvest hands leave the threshing machines to

ITCHINESS OF THE SKIN AND ECZEMA. The only remedy in the world that will at once stop itching of the skin on any part of the body that is absolutely safe and never failing, is Doan's Ointment. Free samples at Lase-Davis Drug Company, Thursday, September 11. Many Will Go to Coast.-Owing to low rates for round trip, many Elks will visit the beaches. For particulars, inquire at O. R. & N. city ticket office, Third and Washington.