#### 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 secured his release 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. The prompt action of Blair T. Scott in locating Mr. Fay and the Sheriff, and the vigorous efforts of Judge Pipes, were all that kept Mr. Fay from being taken to Wisconsin to be tried in the courts of that state, Mr. Fay returned in excellent health, and apparently none the worse for his forced trip half way across the continent. All day long yesterday he was receiving calls from scores of friends, who expressed their pleasure in learning of his return. Every two or three minutes he would have a call to the telephone to talk with a friend who inquired after his welfare. Mr. Fay expresses the deepest gratitude for the kindly interest that has been taken in his case.

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. After they left Oregon the Sheriff showed Mr. Fay all possible couriesies and gave him no unnecessary trouble. The North Dakota officials treated him with great kindness, and, though neminally under arrest at Mandan, he was allowed to go and come as he pleased.

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. A complaint was sworn out here a week ago charging Dufur with blackmail, and an effort was made to have the man arrested in North Dakota, but Dufur got a hint of what was going on and he left quite suddenly. When Dufur is again located Mr. Fay and his attorney, Judge Pipes, will decide what to do regarding

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 bewilderment occasioned by his unusual sluation Mr. Fay did not think of many sources he might have appealed to for assistance. He thinks that it was at the suggestion of the Portland police department that Sheriff Hess took 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. However that may be, he knows that if the Portland police showed any favors at all, they were not in behalf of protecting a citizen and taxpayer who has maintained a good reputation in this stage for many years. Knowing little of legal proceedings he readily accepted the view that he must go to Wisconsin for trial, when, if he had been informed of his rights by the Portland police, he would have insisted upon a hearing in Oregon first. Knowing that he had many friends in Wisconsin, he did not fear to go there for trial. He had planned before reaching Mandan to send forward dispatches from St. Paul, erranging for legal assistance in his de-

Judge Pipes thinks that the proceedings in this case show a need of an amendment 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 consult with friends and appeal to the courts. In speaking yesterday of the case, its legal bearings, and its interest to the public, Judge Pipes said:

"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 legal rights of one of her own citizens. It does not lessen the wrong that the Governor lessen the wrong that the Governor lesses to blame, and, indeed, his energetic efforts to nullify the fraud show that he feels as keenly as we do the injury to the honor and dignity of this state and its people.

the honor and dignity of this state and its people.

"When I arrived 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 Wieconsin 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 requisition proceedings, on the ground that an intermediate state must give full force and effect to the public acts of a sister state, and that the Governor's revocation was ineffectual out of the ilmits of Oregon. We argued that any court anywhere could at least look into the jurisdictional fact of the status of the accused as a fugitive from justice, and if it found that he was not such a fugitive, could release him as not coming within the class of persons subject to be extradited. We further contended that, in any view, the authority of this Governor was to take the prisoner, not merely to the state line of Oregon, but to Wisconsin, and that, therefore, he beld Mr. Fay all the way to Wisconsin, by virtue of the Oregon Governor's warrant. We cited cases where prisoners had been released because the officer had not proceeded directly to the demanding state. The conclusion we reached was that a revocation of the warrant here necessarily terminated the authority. The court took our view, and overruled the motion to quash the writ, and required the officer to make his return. This being made, on Tuesday another argument was made by Assistant Attorney-General Philbrook for the Wisconsin officer, and Mr. Shaw and mybelf for Mr. Fay, upon a demurrer to the return. This return admitted our allegation that Mr. Fay was not in fact a fugitive from Wisconsin, and also that the Governor of Oregon had revoked his warrant. The Judge adhered to his first view and released Mr. Fay.

"Before I reached the scene of conflict."

"Before I reached the scene of conflict."
Mr. Fay had already won the conflidence and respect of everybody in Mandan and Blamarck. 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. Voss, our local attorneys, is due our success. Mr. Shaw, who appeared with me in the argument was altogether admirable. Sheriff Weeks was

specially considerate.

"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.

celerated his movements homeward.

"This case will probably draw the attention of the Legislature to some remedy for such action as this. Several states have parsed laws regulating the procedute of the Governor in such cases to govern abuses of extraditions, requiring

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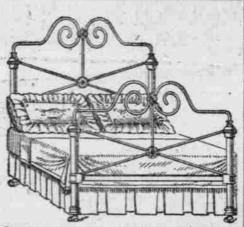
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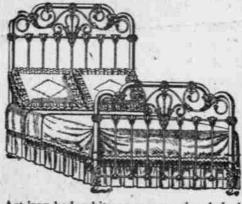
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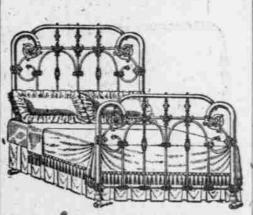


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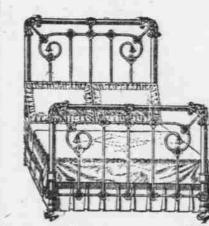


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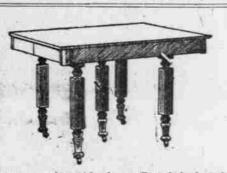


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CASH OR CREDIT

proof of the facts. North Dakota has a law prohibiting a person from being taken out of the state until after 2t hours, thus giving him an opportunity to test in the home court the legality of his detention and deportation. Some law like these will doubtless receive the attention of the Legislature hero. While the whole do power of extradition is drived 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 Govi crnors, upon the representations to them, have determined this and the other essential facts, a more difficult question is the extent of the power of the courts to go behind executive action. A number of 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 fare 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. Soott, particularly, is entitled to the crefit of leading the forces.

"Now I think that is enough You know."

"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."

HOPPICKING TO BEGIN.

Exodus to the Fields is Over-Work

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 compiaint has been made that the haryest hands leave the threshing machines to

take the easier work to be had in the hop-

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 Spetember 15 to 20, so that the employment of a large number of persons at hoppicking 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.

SIGNOR G. FERRARI
The Great Italian Vocal Teacher
Buys a Knabe Grand for
His Studio.

Signor G. Ferrari, formerly of Milan, Italy, but for a number of years located in this city, with studio in the Mulky building, found it necessary, on account of the increased number of pupils attending his conservatory, to install another new plano, and, upon a careful investigation of the merits of the different planos, selected a Knabe Grand as best spited for his work. Signor Ferrari, as well as Mme, Ferrari, has the highest indersements of music critics of Europe and America, and their selection of the Knabo is but another evidence of its superiority over other makes. Signor Ferrari's system of voice training and building is far superior to anything else in this part of the country, and he believes in using only the best planos in connection with his work. He makes a specialty as director of opera, oratorio and church choirs. The Knabe plano enjoys and well deserves the reputation of being the popular artistic plano of the present day. The latest Knabe victory is its selection as official plano in the palaces of the Vatican, Rome, by Pope Leo XIII. For sale only by Portland's oldest and largest high-grade plano-house, the Allen & Gilbert-Ramaker Company, 209-211 First street.

The only remedy in the world that will at once stop itchiness of the skin on any part of the body that is absolutely safe and never failing, is Doan's Ointment, Pree samples at Laue-Davis Drug Company, Thursday, September 11.

Many Will Go to Coast.—Owing to low rate. \$1 for round trip, many Elks will visit the beaches. For particulars, inquire O. R. & N. city ticket office, Third and Washington.

#### BROWNSVILLE WOOLEN MILLS.

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Send your name and address to the Brownsville Woolen Mill Store, 233 Washington street, Portland, Or.

LOW RATES TO COAST.

O. R. & N. Makes \$3 Round Trip During Elks' Carnival, Commenc-

ing Elks' Carnival, Commencing September 1.

In order that visitors and others during
the Elks' Carnival in Portland may be
given an opportunity to visit the coast, the
O. R, & N. has decided to make the low
rate of \$3 for round trip, commencing Monday, September 1, to and including Thursday, September 1. Tickets limited seven
days from date of sale. Tickets will be
interchangeable with other lines. For further particulars call on city ticket office,
Third and Washington streets.



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## The New Arrivals

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