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Biesinger & Co., of San Francisco whose ad. appears in the Examiner, have appointed J. A. Morris, of Plush, their agent at that place, who will buy hides and pelts. 48-49

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## CRIME IN LAW'S NAME

### The Kidnaping of Moyer, Haywood and Pettibone.

### JUSTICE M'KENNA'S OPINION.

Dissent From the Decision of the United States Supreme Court—Declares the Miners Were Deprived of Their Rights Under the Constitution.

At an hour when honest men sleep, the sovereign powers of the states of Colorado and Idaho forcibly tore Moyer, Haywood and Pettibone from their homes in Denver and, without allowing them the privilege of consulting attorneys or their friends and comrades or of communicating with their families, and on a militia guarded train specially procured and in waiting for the purpose, railroaded them to Idaho and there incarcerated them in a penitentiary as if they were condemned criminals. Through their friends and attorneys they applied for a writ of habeas corpus, which in everyday language means simply an order to the sheriff to show a just cause why a prisoner is held in custody. This was denied them by the Idaho courts, when they applied to the United States district court, only to be again denied the constitutional rights of an accused citizen. They then appealed to the United States supreme court, which also decided against them.

But one supreme judge, Mr. Justice McKenna, dissented with his fellow judges and handed down what is known as a dissenting opinion—that is, in this case one in favor of the petitioners. Here is Justice McKenna's opinion:

I am constrained to dissent from the opinion and judgment of the court. The principle announced, as I understand it, is that a circuit court of the United States, when asked upon habeas corpus to discharge a person held in actual custody by a state for trial in one of its courts under an indictment charging a crime against its laws, cannot properly take into account the methods whereby the state obtained such custody.

In other words, and to illustrate the principle by the light of the facts in this case (facts, I mean, as alleged, and which we must assume to be true for the purpose of our discussion), that the officers of one state may falsely represent that a person was personally present in the state and committed a crime there and had fled from its justice, may arrest such person and take him from another state, the officers of the latter knowing of the false accusation and compelling in and adding its purpose, thereby depriving him of an opportunity to appeal to the courts, and that such person cannot invoke the rights guaranteed to him by the constitution and statutes of the United States in the state to which he is taken. And this, it is said, is supported by the cases of *Ex parte Hilditch* (119 U. S. 439) and *Mahan versus Justice* (127 U. S. 709). These cases, extreme as they are, do not justify, in my judgment, the conclusions deduced from them. In neither case was the state the actor in the wrongs that brought within its confines the accused person. It is not a distinction without a difference, another form of the crime of kidnaping distinguished only from that committed by an individual by circumstances. If a state may send to one within her borders and upon whom her process is served, I will not inquire how you came here; I must execute my laws and remit you to proceedings against those who have wronged you—may she so plead against her own accused? May she claim that by mere physical presence within her borders an accused person is within her jurisdiction deprived of his constitutional rights, though he has been brought there by her violence?

And constitutional rights the accused in this case certainly did have, and valuable ones. The foundation of extradition between the states is that the accused should be a fugitive from justice from the demanding state, and he may challenge the fact by habeas corpus immediately upon arrest. If he refute the fact he cannot be removed (*Hoyt versus Cochran* (115 U. S. 592)) and the right to resist removal is not a right of asylum. To call it so in the state where the accused is in jeopardy, it is the right to be free from molestation. It is the right of personal liberty in its most complete sense, and this right was vindicated in *Hoyt versus Cochran* and the notion of a constructive presence in a state and a constructive flight from a constructive presence rejected.

The decision illustrates at once the value of the right and the value of the means to enforce the right. It is to be hoped that our criminal jurisprudence will not need for its efficient administration the destruction of either the right of the accused to enforce it, or the asylum in the case at bar, as I view it, brings perilously near both results. Is this exaggeration? What are the facts in the case at bar as alleged in the petition, and which it is conceded must be assumed to be true? The complaint, which was the foundation of the extradition proceedings, charged against the accused the crime of murder on the 20th of December, 1896, at Caldwell in the county of Cass, state of Idaho, by killing one Frank Steinhilber by throwing an explosive bomb at and against his person. The accused avers in his petition that he had not been "in the state of Idaho in any way, shape or form for a period of more than ten years" prior to the acts of which he complained and that the governor of Idaho knew accused had not been in the state the day the murder was committed "nor at any time near that day."

A conspiracy is alleged between the governor of the state of Idaho and his advisers and that the governor of the state of Colorado took part in the conspiracy, the purpose of which was "to avoid the constitution of the United States and the act of congress made in pursuance thereof and to prevent the accused from asserting his constitutional right under clause 2, section 2, of article 4 of the constitution of the United States and the act made pursuant thereof." The manner in which the alleged conspiracy had been executed was set out in detail. It was in effect that the agent of the state of Idaho arrived in Denver Thursday, Feb. 15, 1896, but he was arrested between him and the officers of Colorado that the arrest of the accused should not be made until some time

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There is two ways to tell a good cigar: one is to buy it, pay your money and smoke it. But the better way is to know that it is an Eagle or a Mountain Rose, which is absolute proof of its genuineness. Made and for sale by A. Storkman, at the cigar factory. if

We are now prepared to sell several tracts of land at prices that will startle you, especially if you are acquainted with the location. We have land all the way from \$1.50 per acre up to \$15; unimproved or improved, to suit the purchaser. Lake County Examiner.

See a sample of the Pacific monthly at this office, and you will not hesitate to pay \$2.50 for a year's subscription to The Examiner and that valuable Magazine published in Portland. if

Farmers, have your butter wrappers printed at The Examiner office, instead of sending away for them. You keep your money at home, and patronize them that patronize you, besides, you see what you are getting and don't have to pay for it if it doesn't suit you. if

If any subscriber of the Examiner wishes to subscribe for "Tom Watson's Magazine," we will accept \$1.50 from them, write the letter, buy the postal order and send for the magazine to any address. There is but one price on "Tom Watson's Magazine," and we do not club with it, but as a matter of accommodation to subscribers to the Examiner we can get them the magazine without any trouble or risk to them for the regular price. if

CASPER'S

### TIMBER LAND NOTICE

Lakeview, Oregon, March 2, 1907.

Notice is hereby given that in compliance with the provisions of the act of Congress of June 3, 1878, entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada and Washington Territory," as extended to all the Public Land States by act of August 4, 1892, Charles E. Hadley, of Klamath Falls, County of Klamath State of Oregon, has this day filed in this office his sworn statement No. 1344, for the purchase of the SE 1/4 SW 1/4, SE 1/4 NE 1/4, SW 1/4 NE 1/4, E. W. M., and will offer proof to show that the land sought is more valuable for its timber or stone than for agricultural purposes, and to establish his claim to said land before the Clerk of Klamath Co. Ore., at his office at Klamath Falls, Ore., on Tuesday, the 4th day of June, 1907. He names as witnesses:

C. K. Brandenberg, of Klamath Falls Ore., C. H. McCumber, of Dairy Ore., C. H. Dowberry and Frank H. Hill of Klamath Falls Ore.

Any and all persons claiming adversely the above described lands are requested to file their claims in this office on or before said 4th day of June, 1907.

J. N. Watson, Register.

### How's This?

We offer One Hundred Dollars Reward for any case of Catarrh that cannot be cured by Hall's Catarrh Cure.

F. J. Cheney & Co., Toledo, O.

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Hall's Catarrh Cure is taken internally, acting directly upon the blood and mucous surfaces of the system. Testimonials sent free. Price 50c per bottle. Sold by all druggists.

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Why not put your property among the number that will be sold as a result of these "ads"?

I will not only sell it—some time—but will be able to sell it quickly. I run a specialist in quick sales. I have the most complete and up to date equipment. I have branch offices throughout the country and a field force of men to find buyers.

I do not handle all lines usually carried by the ordinary real estate agents. I MUST SELL real estate—and lots of it—or go out of business. I can assure you I am not going out of business. On the contrary, I expect to find, at the close of the year, that I have sold twice as many properties as I did the past year, but it will first be necessary for me to "list" more property. I want to list YOURS and SELL it. It doesn't matter whether you have a farm, a home without any land, or a business; it doesn't matter what it is worth, or where it is located. If you will fill out the blank letter of inquiry below and mail it to me today, I will tell you how and why I can quickly convert the property into cash, and will give you my complete plan.

## FREE OF CHARGE

and terms for building it. The information I will give you will be of great value to you, even if you should not sell. You had better write today before you forget it. If you want to buy any kind of a Farm, House, or Business, in any part of the country, tell me your requirements. I will guarantee to fill them promptly and satisfactorily.

### DAVID P. TAFF, the Land Man, 415 Kansas Avenue, Topeka, KANSAS

### TIMBER LAND NOTICE

UNITED STATES LAND OFFICE, LAKEVIEW, OREGON, March 15, 1907.

Notice is hereby given that in compliance with the provisions of the Act of June 3, 1878, entitled "An Act for the sale of timber lands in the States of California, Oregon, Nevada and Washington Territory," as extended to all the Public Land States by act of August 4, 1892, the following persons have this day filed in this office their sworn statements, to-wit:

James M. Curry, of Lakeview, county of Lake, state of Oregon, sworn statement No. 2601, for the purchase of the SE 1/4 Sec. 8, Tp. 37 S., R. 21, E. W. M.

William Smock, of Lakeview, county of Lake, state of Oregon, sworn statement No. 2602, for the purchase of the E 1/2 NE 1/4 Sec. 9 SW 1/4, NW 1/4 & NW 1/4 SW 1/4 Sec. 8, Tp. 37 S., R. 21 E., W. M.

That they will offer proof to show that the land sought is more valuable for its timber or stone than for agricultural purposes and to establish their claims to said land before the Register and Receiver at Lakeview, Oregon, on Friday the 24th day of May, 1907. They name as witnesses:

D. P. Malloy, James M. Curry, Chas. Paxton, Roy M. Chandler and Wm. Smock, all of Lakeview Oregon.

Any and all persons claiming adversely the above described lands are requested to file their claims in this office on or before said 24th day of May, 1907.

J. N. Watson Register.

### EMPLOYERS LIABLE.

#### Domestic Servants in Great Britain to Be Compensated For Injuries.

There is a feature of the British workmen's compensation act which will be in force from July 1, 1907, that shows the thoroughness of the legislation secured through the efforts of the labor members of the recent parliament. Not only does the act provide for the payment of indemnity to mechanics and laborers in cases of damage by accident, but domestic servants are also included in the protected classes.

According to the last census, there are 1,041,154 female domestic servants in Great Britain. The new responsibilities of mistresses and other employers of these servants may be summarized as follows:

In the event of death resulting from an accident the liability of the employer is the payment of three years' wages and an allowance for board, the total sum not to exceed \$150. For temporary disablement one-half the wages and an allowance for board must be paid during the period of incapacity. In the event of permanent disablement the provision is the same as in the case of temporary disablement, even though the person disabled may be incapacitated from work for a lifetime of many years.

The accident insurance companies are adjusting their premium rates on domestic servants to meet the conditions which will exist after the 1st of July next. Another adjustment due to the passage of the act will be the reduction of the insurance premiums from employers instead of from servants.

The premium per employee per annum in the domestic class will probably be \$1.20, although doubtless reductions will be given by some companies mentioned in accordance with the surroundings of employment.—New York Journal.

#### To Aid the Tiring Infants.

And now conservative Missouri has found that it has to wrestle with the child labor problem. There is a state law which when framed was thought to be sufficient to prevent the great evil of child labor. Recently, however, investigation has shown that the law was either not enforced or was inadequate. State Factory Inspector Hillier will have introduced in the legislature this winter a more carefully drawn and drastic bill.

According to the inspector, there are now toiling in the big factories of St. Louis for a mere pittance thousands of little children whose opportunities for education and advancement have been forever sacrificed to the remorseless god of gain.

#### Boat and Shoe Workers.

The receipts and benefits paid by the Boat and Shoe Workers' union for the past year are as follows:

The total receipts for the year of 1906 were \$280,283.61 as against \$204,122 for the year 1905, which shows an increase of \$76,161.61.

Sick and death benefits paid during the year 1906 were \$15,017.79 as against \$94,123.25 paid during the year 1905.

For strike benefits \$12,041.18 was paid, which is a slight increase over the year 1905, when the strike benefits amounted to \$15,477.18.—Shoe Workers' Journal.

#### Important Labor Decision.

Judge Gaskill of the superior court of Boston recently gave one of the most important labor decisions ever heard in Massachusetts. It was that a labor union has a right to fine any member who does not accede to the demand of the union and quit work in an establishment where a strike has been ordered by the union.

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Please send, without cost to me, a plan for finding a cash buyer for my property which consists of.....

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Too late for "Easter Bonnets" but you can be suited in a Sun Bonnet or Summer Hat at Lakeview Merc. Co. For latest styles in Ladies' Suits, Skirts, Coats, Jumper Suits, and Silk Shirt Waists, see Iss May Spider's Sample Book. 14-1M