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Opinion of the Court.

habeas corpus successively of the Supreme Court of the State and of the Circuit Court of the United States. He should not have been dismissed from court, and the action of the Circuit Court in so doing should be reversed.

I also dissent in Nos. 250, 251, 265, 266 and 267. (See p. 222, *post.*)

MOYER v. NICHOLS.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR
THE DISTRICT OF IDAHO.

No. 250. Argued October 10, 11, 1906.—Decided December 3, 1906.

Pettibone v. Nichols, *ante* p. 192 followed; 85 Pac. Rep. 897, 902, affirmed.

THE facts are stated in the opinion.

Mr. Edmund F. Richardson and *Mr. Clarence S. Darrow*, with whom *Mr. John H. Murphy* was on the brief, for appellants.

Mr. James H. Hawley, with whom *Mr. W. E. Borah* was on the brief, for appellee.

MR. JUSTICE HARLAN delivered the opinion of the court.

This case does not differ, in principle or in its facts, from *Pettibone v. Nichols*, just decided. Moyer was also charged with the murder of Steunenberg, and was arrested in Colorado, upon the warrant of the Governor of that State, and taken to Idaho, and delivered to its authorities. He was embraced in the same indictment with Pettibone, and was held in custody for trial under that indictment. He sued out a writ of *habeas corpus* from the Supreme Court of Idaho, but the writ was

dismissed by that court, *Ex parte Moyer*, 85 Pac. 897, and a writ of error has been prosecuted to this court. That is case No. 266 on our present docket. He then sued out a writ of *habeas corpus* from the Circuit Court of the United States, and his discharge being refused by the court, he prosecuted the present appeal.

For the reason stated in *Pettibone's* case, the final order is

Affirmed.

MR. JUSTICE MCKENNA dissents.

The final order of the Circuit Court of the United States for Idaho, in *Haywood v. Nichols*, No. 251, on appeal, is affirmed on the authority of *Pettibone v. Nichols*, ante, p. 192, from which, as to the facts or the questions involved, it does not differ. The orders in *Pettibone v. Whitney*, No. 265, *Morey v. Whitney*, No. 266, and *Haywood v. Whitney*, No. 267—each of which cases is here upon writ of error to the Supreme Court of Idaho—involve the same questions as those determined in *Pettibone v. Nichols*, and by agreement is to depend upon the judgment in that case, must also be affirmed.

It is so ordered.

MR. JUSTICE MCKENNA dissents.

APPLEYARD v. MASSACHUSETTS.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR
THE DISTRICT OF MASSACHUSETTS.

No. 115. Submitted November 16, 1906.—Decided December 3, 1906.

The constitutional provision relating to fugitives from justice is in the nature of a treaty stipulation entered into for the purpose of securing a prompt and efficient administration of the criminal laws of the several States and its faithful and vigorous enforcement is vital to their harmony and welfare; and while a State should protect its people against illegal action, Federal courts should be equally careful that the provision be not so narrowly interpreted as to enable those who have offended the laws of one State to find a permanent asylum in another.

A person charged by indictment, or affidavit before a magistrate, within a State with the commission of a crime covered by its laws and who leaves the State, no matter for what purpose nor under what belief, becomes