prosecutions commenced in state courts exercising authority within the same territorial limits, where the accused claims that he is held in custody in violation of the constitution of the United States. The injunction to hear the case summarily, and thereupon to dispose of the party as law and justice require, does not deprive the court of discretion as to the time and mode in which it will exert the powers conferred upon it. That discretion should be exercised in the light of the relations existing, under our system of government, between the judicial tribunals of the Union and of the states; and in recognition of the fact that the public good requires that those relations be not disturbed by unnecessary conflict between courts equally bound to guard and protect rights secured by the constitution."

The principles as thus announced have been followed by the supreme court in a great number of cases. Ex parte Fonda, 117 U. S. 516, 6 Sup. Ct. 848; In re Duncan, 139 U. S. 449, 11 Sup. Ct. 573; In re Wood, 140 U. S. 278, 11 Sup. Ct. 738; In re Jugiro, 140 U. S. 291, 11 Sup. Ct. 770; Cook v. Hart, 146 U. S. 183, 13 Sup. Ct. 40; In re Frederich, 149 U. S. 70, 13 Sup. Ct. 793; New York v. Eno, 155 U. S. 89, 15 Sup. Ct. 30; Pepke v. Cronan, 155 U. S. 100, 15 Sup. Ct. 34; Bergemann v. Backer, 157 U. S. 655, 15 Sup. Ct. 727; Whitten v. Tomlinson, 160 U. S. 231, 16 Sup. Ct. 297. In the case last cited the court reviewed at length many of the authorities upon this subject, and it was there held that, as a general rule, the United States courts should not assume in advance that the petitioner could not obtain all the protection to which he might be entitled in the state courts. In that case the petitioner, a citizen of Massachusetts, was arrested and extradited from the state of Massachusetts upon a warrant issued by the governor of that state on application of the governor of Connecticut, upon the ground that the petitioner had been indicted for murder in the state of Connecticut; and the petition, among other things, alleged that no indictment was ever found against him by any grand jury sitting at any time within the state of Connecticut, and that the pretended indictment was found by mistake or misconception of the grand jury, and was not their true finding, and that petitioner was not, at the time of his extradition from Massachusetts, a fugitive from justice from the state of Connecticut. The court, in passing upon these questions, said:

"Such matters are proper subjects of inquiry in the courts of the state, but afford no ground for interposition by the courts of the United States by writ of habeas corpus. In re Wood, 140 U. S. 278, 11 Sup. Ct. 738; In re Wilson, 140 U. S. 575, 11 Sup. Ct. 870. * * * A warrant of extradition of the governor of a state, issued upon the requisition of the governor of another state, accompanied by a copy of an indictment, is prima facie evidence, at least, that the accused had been indicted, and was a fugitive from justice, and, when the court in which the indictment was found has jurisdiction of the offense (which there is nothing in this case to impugn), is sufficient to make it the duty of the courts of the United States to decline interposition by writ of habeas corpus, and to leave the question of the lawfulness of the detention of the prisoner in the state in which he was indicted, to be inquired into and determined, in the first instance, by the courts of the state, which are empowered and obliged, equally with the courts of the United States, to recognize and uphold the supremacy of the constitution and laws of the United States. Robb v. Connolly, 111 U. S. 624, 4 Sup. Ct. 544; Ex parte Reggel, 114 U. S. 642, 5 Sup. Ct. 1148; Roberts v. Reilly, 116 U. S. 80, 6 Sup. Ct. 291; Cook v. Hart, 146 U. S. 183, 13 Sup. Ct. 40; Pearce v. Texas, 155 U. S. 311, 15 Sup. Ct. 116."

In the present case only questions of fact are presented: (1) Whether the petitioner was examined by physicians, as required by law; (2)

whether the commitment, by virtue of which the petitioner is held, regular upon its face, is a forgery, and was procured by fraud and collusion; (3) whether petitioner is now sane, and for that reason entitled to his discharge. The determination of these questions is exclusively within the jurisdiction of the state courts. A brief reference to some of the exceptional and urgent cases where the courts of the United States have interposed by writs of habeas corpus and discharged prisoners who were held in custody under the state authority will clearly show that this case does not fall within the exceptional class. In Re Loney, 134 U. S. 372, 10 Sup. Ct. 584, a person arrested by order of a magistrate of the state, for perjury in testimony given in the case of a contested congressional election, was discharged on habeas corpus because a charge of such perjury was within the exclusive cognizance of the courts of the United States, and to permit it to be prosecuted in the state courts would greatly impede and embarrass the administration of justice in the national tribunals. In Re Neagle, 135 U. S. 1, 10 Sup. Ct. 658, a deputy marshal of the United States, charged, under the constitution and laws of the United States, with the duty of guarding and protecting a judge of a court of the United States, was discharged on habeas corpus by the circuit court on the charge of homicide for the reason that the offense was committed in the performance of those duties. And in Ex parte Royall and New York v. Eno, supra, it was recognized that in cases of urgency, such as those of prisoners in custody by authority of a state for any act done, or omitted to be done, in pursuance of a law of the United States, or other process of the courts of the United States, or otherwise, involving the authority and operations of the general government, or its relations with foreign nations, the courts of the United States could interpose by writ of habeas corpus. The distinction between such cases and the one under consideration is too clear to require any further discussion. Writ denied.

In re KRUG.

(Circuit Court, D. Washington, N. D. March 10, 1897.)

1. HABEAS CORPUS.
   Where it appears plainly as matter of law, on the facts alleged, that issuance of the writ would be an unwarranted interference by the federal court with the execution of the state laws, the court will not issue the writ. And, before issuing a writ to interfere with the execution of state laws, the court should properly inquire into the facts, or require them to be set forth in the application, so that the court can see that there is a proper case to be investigated in this manner.

2. SAME.
   After a conviction by a state court of competent jurisdiction, the federal court has the power, and it is its duty, to interfere by writ of habeas corpus when the petitioner shows that he is being deprived of his liberty in violation of the constitution and laws of the United States.

3. SAME—DUE PROCESS OF LAW.
   The constitution of the United States does not attempt in any way to say how the state shall regulate its procedure in criminal cases in enforcing its own laws. There is therefore no deprivation of liberty without due process of law by a proceeding that is in conformity with the state law,