

There is, as your Honor is aware, a vast variety of cases in which relief under the writ of habeas corpus can only be sought in the authorized tribunals of the State Government; while there are others in which it can be afforded by the courts of the United States alone; and yet a third class, in which either may act without encroaching upon the authority of the other. But to undertake in this discussion to draw the line which limits the jurisdiction of the two Governments in such cases generally, or to explore the territory in which their organized agencies may act concurrently, would not only be an idle display of legal reading, but an unnecessary waste of time.

The Federal Constitution provides that the judicial power of the United States shall extend to all cases in law or equity arising under that Constitution, or the laws and treaties made by their authority; and Congress has by law conferred upon this Court the power to issue writs of habeas corpus in all cases falling within the purview of that provision, which may occur within the territorial limits of its jurisdiction. It is enough, therefore, for the purposes of this contention, to say that, unless the facts presented in the case under consideration bring it within that category, the Court has no power to grant the relief sought.

WHAT THEN ARE THE FACTS?

It appears from the jailer's return, and it is not controverted, that each of the prisoners at the bar was indicted at the September term, 1882, of the Circuit Court for Pike county, Kentucky, in three cases, for the crime of willful and deliberate murder, alleged to have been committed by them in that county; that bench warrants for their apprehension to answer these indictments were issued and placed in the hands of the Sheriff, who, by virtue thereof, arrested them in that county and delivered them, together with copies of the warrants under which they were arrested, to the jailer; that the jailer, as was his duty, received and confined them in the jail of the county where they were held by him in custody in obedience to the mandates of those warrants, where they were found when your Honor's writ was served upon him.

THE CAPTURE IN WEST VIRGINIA.

It is alleged, however, and the fact is not disputed, that they were violently seized, without legal process, in the State of West Virginia, where they were domiciled, and brought by force, and against their will, into the State of Kentucky, and that the Governor of West Virginia has demanded that the Governor of Kentucky shall release