

Counsel for Parties.

to citizens of other States. *Kimmish v. Ball*, 129 U. S. 217, 222.

The principle is universal that legislation, whether by Congress or by a State, must be taken to be valid, unless the contrary is made clearly to appear; and as the contrary does not so appear, the statute of Colorado is to be taken as a constitutional exercise of the power of the State.

Perceiving no error in the judgment to the prejudice of the plaintiff under the Constitution of the United States, the judgment is

Affirmed.

MR. JUSTICE BREWER dissented from the opinion and judgment of the court.

REID v. JONES.

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

No. 147. Argued October 24, 1902.—Decided December 1, 1902.

One convicted in a State court for an alleged violation of the criminal statutes of the State, and who contends that he is held in violation of the Constitution of the United States, must ordinarily first take his case to the highest court of the State, in which the judgment could be reviewed, and thence bring it, if unsuccessful there, to this court by writ of error.

THE case is stated in the opinion of the court.

Mr. John H. Denison and *Mr. William M. Springer* for appellant.

Mr. Frederic D. McKenney for appellee. *Mr. Charles C. Post*, attorney general of the State of Colorado, was with him on the brief.

Opinion of the Court.

MR. JUSTICE HARLAN delivered the opinion of the court.

After the appellant Reid had been convicted and sentenced, as shown in the case just decided, he was arrested upon a *mitimus* sued out by the State. He immediately obtained a writ of *habeas corpus* from the Circuit Court of the United States for the District of Colorado. But that court, upon hearing, remanded the prisoner to the custody of the State authorities, and dismissed his application to be discharged. He thereupon prayed and was allowed an appeal to this court.

The merits of this case have been fully considered in case No. 269, *Reid v. Colorado*, ante, 137. But if this had not been, we should dismiss the present appeal; for, one convicted in a State court for an alleged violation of the criminal statutes of the State, and who contends that he is held in violation of the Constitution of the United States, must ordinarily first take his case to the highest court of the State, in which the judgment could be reviewed, and thence bring it, if unsuccessful there, to this court by writ of error; that only in certain exceptional cases, of which the present is not one, will a Circuit Court of the United States, or this court upon appeal from a Circuit Court, intervene by writ of *habeas corpus* in advance of the final action by the highest court of the State. *Ex parte Royall*, 117 U. S. 241, 251; *New York v. Eno*, 155 U. S. 89; *Minnesota v. Brundage*, 180 U. S. 499, 502, and authorities cited.

The judgment is

Affirmed.