

Legal Index: Citizenship Under The United States Constitution Since The Adoption Of The 14th Amendment

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This legal index does not constitute legal advice. If advice is needed the services of a legal professional should be sought.

Fourteenth Amendment, adopted on July 28, 1868

“The Fourteenth Amendment which was finally adopted July 28, 1868.” Holden v. Hardy: 169 U.S. 375, at 382 (1918).

<http://books.google.com/books?id=4-sGAAAYAAJ&pg=PA382#v=onepage&q=&f=false>

“On July 28, 1868, the secretary of state proclaimed that the fourteenth article of amendments to the constitution of the United States had been ratified by three-fourths of the states of the Union.” United States v. Lackey: 99 F. Rep. 952, at 995 (1900).

<http://books.google.com/books?id=Slc4AAAAIAAJ&pg=PA955#v=onepage&q=&f=false>

Slaughterhouse Cases, 1873

Privileges and immunities of a citizen of the United States

Privileges and immunities of a citizen of a State

Privileges and immunities of a citizen of the several States

”. . . Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it

It is quite clear, then, that there is a citizenship of the United States, and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual. . . .

Of the *privileges and immunities of the citizen of the United States*, and of the *privileges and immunities of the citizen of the State*, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause (first section, second clause) under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the (Fourteenth) amendment. . . .” Slaughterhouse Cases: 83 (16 Wall.) 36, at 74 (1873).

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“We think this distinction and its explicit recognition in this [the Fourteenth] Amendment of great weight in this argument, because the next paragraph of this same section (first section, second clause), which is the one mainly relied on by the plaintiffs in error, speaks only of *privileges and immunities of citizens of the United States*, and does not speak of those (*privileges and immunities*) of citizens of the several states. The argument, however, in favor of the plaintiffs, rests wholly on the assumption that the citizenship is the same and the privileges and immunities guaranteed by the clause are the same. . . .

Fortunately we are not without judicial construction of this clause of the Constitution (Article IV, Section 2, Clause 1). The first and leading case of the subject is that of *Corfield v. Coryell*, decided by Mr. Justice Washington in the Circuit Court for the District of Pennsylvania in 1823.

‘The inquiry,’ he says ‘is, what are the privileges and immunities of citizens of the several states? . . .

This definition of the privileges and immunities of citizens of the states is adopted in the main by this court in the recent case of *Ward v. The State of Maryland*.” Slaughterhouse Cases: 83 (16 Wall.) 36, at 74, 76 (1873).

<http://books.google.com/books?id=DkgFAAAAYAAJ&pg=PA74#v=onepage&q=&f=false>

Citizen of a State, recognized

Article IV, Section 2, Clause 1

“The *Citizens of each State* shall be entitled to all Privileges and Immunities of Citizens **IN and OF** the several States.”

“To this petition the defendants demurred on the grounds, first, that §§ 4058 and 4059 are in conflict with Section 8, Article 1 of the Constitution of the United States, in that the legislature of Iowa undertakes to regulate and interfere with interstate commerce; and second, that the sections are in conflict with Section 2 of Article 4 of the Constitution of the United States *relative to the privileges and immunities of citizens of the several States*.

. . . Thereupon, on motion of the plaintiff, it was ordered that the points of disagreement be certified to this court; and upon this certificate (fn 1) the case has been heard.

(fn 1) The questions certified were as follows:

1 st. Is §4059 of the Code of Iowa repugnant to and in conflict with the provisions of Sec. 8 of Article 1 of the Constitution of the United States relative to the regulation of commerce among the several States and by reason thereof unconstitutional?

2 nd. Is §4059 of the Code of Iowa repugnant to or in conflict with Sec. 2 of Article 4 of the Constitution of the United States *relative to the privileges and immunities of citizens in the several States* and by reason thereof unconstitutional?” *Statement of the Case, Kimmish v. Ball*: 129 U.S. 217, at 218 thru 219 (1889).

<http://books.google.com/books?id=5sIGAAAYAAJ&pg=PA218#v=onepage&q&f=false>

”The case is, therefore, reduced to this, whether the State may not provide that whoever permits diseased cattle in his possession to run at large within its limits shall be liable for any damages caused by the spread of the disease occasioned thereby; and upon that we do not entertain the slightest doubt. Our answer, therefore, to the first question upon which the judges below differed is in the negative, that the section in question is not unconstitutional by reason of any conflict with the commercial clause of the Constitution.

As to the second question, our answer is also in the negative. There is no denial of any rights and privileges to citizens of other States which are accorded to citizens of Iowa. No one can allow diseased cattle to run at large in Iowa without being held responsible for the damages caused by the spread of disease thereby; and the clause of the Constitution declaring that the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States does not give non-resident citizens of Iowa any greater privileges and immunities in that State than her own citizens there enjoy. So

far as liability is concerned for the act mentioned, *citizens of other States and citizens of Iowa stand upon the same footing*. *Paul v. Virginia*, 8 Wall. 168.” *Opinion, Kimmish v. Ball*: 129 U.S. 217, at 222 (1889).

<http://books.google.com/books?id=5sIGAAAAYAAJ&pg=PA222#v=onepage&q&f=false>

(Regarding this clause, refer to my work “Shall be entitled to all Privileges and Immunities of citizens IN and OF the several States”. Dan Goodman, 2010.)

Section 1, Clause 1 of the Fourteenth Amendment

”All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

http://www.archives.gov/exhibits/charters/constitution_amendments_11-27.html

Privileges and immunities of a citizen of a State, meaning, state constitution and laws

“... Whatever may be the scope of section 2 of article IV — and we need not, in this case enter upon a consideration of the general question — the Constitution of the United States does not make the privileges and immunities enjoyed by the citizens of one State under the constitution and laws of that State, the measure of the privileges and immunities to be enjoyed, as of right, by a citizen of another State under its constitution and laws.” *McKane v. Durston*: 153 U.S. 684, at 687 (1894).

<http://books.google.com/books?id=mmkUAAAAYAAJ&pg=PA687#v=onepage&q=&f=false>

Citizen of the United States, recognized

Section 1 of the Fourteenth Amendment

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are *citizens of the United States* and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of *citizens of the United States*; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

http://www.archives.gov/exhibits/charters/constitution_amendments_11-27.html

Privileges and immunities of a citizen of the United States, recognized

Section 1, Clause 2 of the Fourteenth Amendment

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.”

http://www.archives.gov/exhibits/charters/constitution_amendments_11-27.html

Citizen of the United States can become also a citizen of a State, under Section 1, Clause 1 of the Fourteenth Amendment

“The question is presented in this case, whether, since the adoption of the fourteenth amendment, a woman, who is a citizen of the United States **AND** the State of Missouri, is a voter in that State, notwithstanding the provision of the constitution and laws of the State, which confine the right of suffrage to men alone. . . .

There is no doubt that women may be citizens. They are persons, and by the fourteenth amendment ‘all persons born or naturalized in the United States and subject to the jurisdiction thereof ‘ are expressly declared to be ‘citizens of the United States **AND** of the State wherein they reside.’ “ Minor v. Happersett: 88 U.S. (21 Wall.) 162, at 165 (1874).

<http://books.google.com/books?id=IEsGAAAAYAAJ&pg=PA165#v=onepage&q&f=false>

“The Fourteenth Amendment declares that citizens of the United States are citizens of the state within they reside; therefore the plaintiff was at the time of making her application, a citizen of the United States **AND** a citizen of the State of Illinois.

We do not here mean to say that there may not be a temporary residence in one State, with intent to return to another, which will not create citizenship in the former. But the plaintiff states nothing to take her case out of the definition of citizenship of a State as defined by the first section of the fourteenth amendment.” Bradwell v. State of Illinois: 83 U.S. 130, at 138 (1873).

<http://books.google.com/books?id=DkgFAAAAYAAJ&pg=PA138#v=onepage&q=&f=false>

Citizen of a State, under Article IV, Section 2, Clause 1, is a citizen of the several States (general citizenship)

“The intention of section 2, Article IV (of the Constitution), was to confer on the ***citizens of the several States a general citizenship.***” Cole v. Cunningham: 133 U.S. 107, 113 thru 114 (1890).

<http://books.google.com/books?id=oGYUAAAAYAAJ&pg=PA113#v=onepage&q=&f=false>

reaffirmed, *Maxwell v Dow*

“In speaking of the meaning of the phrase ‘***privileges and immunities of citizens of the several States,***’ under section second, article fourth, of the Constitution, it was said by the present Chief Justice, in *Cole v. Cunningham*, 133 U.S. 107, that the intention was ‘to confer on the ***citizens of the several States a GENERAL CITIZENSHIP,*** and to communicate all the privileges and immunities which the citizens of the same State would be entitled to under the like circumstances, and this includes the right to institute actions.’ “ Maxwell v. Dow: 176 U.S. 581, at 592 (1900).

<http://books.google.com/books?id=8toGAAAAYAAJ&pg=PA592#v=onepage&q&f=false>

Citizen of a State, under Article IV, Section 2, Clause 1 is entitled to privileges and immunities of a citizen of the several States

“There can be no doubt that Balk, as a citizen of the State of North Carolina, had the right to sue Harris in Maryland to recover the debt which Harris owed him. ***Being a citizen of North Carolina, he was entitled to all the privileges and immunities of citizens of the several States,*** one of which is the right to institute actions in the courts of another State.” Harris v. Balk: 198 U.S. 215, at 223 (1905).

<http://books.google.com/books?id=ceIGAAAAYAAJ&pg=PA223#v=onepage&q=&f=false>

"It has never been supposed that regulations of that character materially interfered with the enjoyment by ***citizens of each state of the privileges and immunities secured by the constitution to citizens of the several States.*** The constitution forbids only such legislation affecting citizens of the respective states as will substantially or practically put a citizen of one state in a condition of alienage when he is within or when he removes to another state, or when asserting in another state the rights that commonly appertain to those who are part of the political community known as the People of the United States, by and for whom the government of the Union was ordained and established." Blake v. McClung: 172 U.S. 239, 256 thru 257 (1898).

<http://books.google.com/books?id=G2oUAAAAYAAJ&pg=PA256#v=onepage&q&f=false>

reaffirmed, *Canadian Northern Railroad Company v. Eggen*

“From very early in our history, requirements have been imposed upon non-residents in many, perhaps in all, of the States as a condition of resorting to their courts, which have not been imposed upon resident citizens. For instance, security for costs has very generally been required of a non-resident, but not of a resident citizen, and a non-resident’s property in many States may be attached under conditions which would not justify the attaching of a resident citizen’s property. This court has said of such requirements:

‘Such a regulation of the internal affairs of a State cannot reasonably be characterized as hostile to the fundamental rights of citizens of other States. . . . It has never been supposed that regulations of that character materially interfered with the enjoyment by *citizens of each State of the privileges and immunities secured by the Constitution to citizens of the several States.*’ *Blake v. McClung*, 172 U.S. 239, 256.” *Canadian Northern Railroad Company v. Eggen*: 252 U.S. 553, at 561 thru 562 (1920).

<http://books.google.com/books?id=yekGAAAYAAJ&pg=PA561#v=onepage&q&f=false>

Citizen of the United States, citizen of the several States, distinguished

“1. Right of transit through the State guaranteed to citizens by constitution.—Under constitutional provisions, both State and Federal, every *citizen of the United States and of the several States of the Union* has, as an attribute of personal liberty, the right of free egress from, and transit through the State, unless restrained by due course of law; and this right is subject only to such legislative regulations as may be imposed by the exercise of the police power of the State, or as may remotely affect it in the legitimate exercise of the power of State taxation.” *Syllabus, Joseph v. Randolph*: 45 Ala. 2d. 253, at 253 (1882).

“The question presented for decision is a constitutional one, involving the validity of an act of the General Assembly of this State

It is insisted, among other things, that the plain intent and natural effect of this statute is to tax, by indirection, the constitutional right of the citizen to have free egress, at all seasonable times, by emigration from the State. If this view be correct, it is clear that the validity of the act can not be sustained.

There can be no denial of the general proposition that every *citizen of the United States, and every citizen of each State of the Union*, as an attribute of personal liberty, has the right, ordinarily, of free transit from, or through the territory of any State. This freedom of egress or ingress is guaranteed to all by the clearest implications of the

Federal, as well as of the State constitution. It has been said that even in England, whence our system of jurisprudence was derived, the right to personal liberty did not depend on any express statute, but ‘it was the birthright of every freeman.’ – Cooley’s Const. Lim. 342. This right was said by Sir William Blackstone to consist in ‘the power of locomotion, of changing situation, or of moving one’s person to whatsoever place one’s inclination may direct, without imprisonment or restraint, unless by due process of law.’ – 1 Bl. Com. 134. For its summary vindication when illegally molested, the writ of habeas corpus had its origin, and was established with magna charta. – Hurd on Habeas Corpus. 143.

This liberty of inter-state transit, thus based on the assertion of personal liberty, is referable to many clauses of the Federal constitution. In *Ward v. Maryland*, 12 Wall. 418, 430 [20 L. Ed. 449], it was classed by Mr. Justice Clifford as **one of ‘the privileges and immunities of the citizens of the several States,’ guaranteed to the citizens of each State by Art. IV., Sec. 2 of the constitution of the United States.** In the *Passenger Cases*, 7 How. (U. S.) 283 [12 L. Ed. 702], it was recognized by a majority of the Supreme Court of the United States as a right protected by the commercial clause of the Federal constitution from hostile State legislation, and its existence was admitted by all, and denied by none. Mr. Justice Wayne said that no State had the right ‘to tax a foreigner or person for coming into one of the United States.’ ‘That,’ he continued, ‘would be a tax or revenue act, in the nature of a regulation of commerce acting upon navigation,’ and as such he thought it violative of the Federal constitution. – *Passenger Cases*, 7 How. (U. S.) 420 [12 L. Ed. 702]. In *Crandall v. State of Nevada*, 6 Wall. 35 [18 L. Ed. 744, 745], the entire court concurred in the view, that a capitation tax of one dollar, imposed by the legislature of Nevada upon every person leaving the State, as a passenger by railroad, stage-coach or other mode of conveyance, was unconstitutional and void. The reason was, that it infringed the **unquestionable right of every citizen (of the United States)** to have free ingress and egress, to and from and through the States and Territories composing a common general government—a right fully recognized by all the judges as having an undoubted existence, although they differed as to the particular ground upon which it could be rested.—Rorer on Inter-State Law, 315.

The right of every citizen, or person to enjoy free egress from, or transit through the State, is, in our opinion, an undoubted constitutional right.” *Opinion, Joseph v. Randolph*: 45 Ala. 2d. 253, at 253, 255 thru 256 (1882).

<http://books.google.com/books?id=egsOAQAAMAAJ&pg=PA253#v=onepage&q&f=false>

:

“Williams was arrested upon a warrant charging him with ‘the offense of acting as emigrant agent without a license.’ He made application to the judge of the superior court of the Ocmulgee circuit for a writ of habeas corpus, alleging that the warrant under which he was arrested charged him with a violation of that provision of the general tax act of 1898 which imposed ‘upon each emigrant agent, or employer or employe of such agents, doing business in this state, the sum of five hundred dollars for each county in which

such business is conducted.’ Acts 1898, p. 24. He further alleged that the law which he was charged with having violated was in conflict with certain provisions of the constitutions of the United States and of the state of Georgia, enumerating in the application the various clauses of which the act was alleged to be violative

Is the law (the general tax act of 1898) a regulation or restriction of intercourse among the citizens of this state and those of other states? Under this branch of commerce the states are prohibited from passing any law which either restricts the free passage of the ***citizens of the United States*** through the several states, or which undertakes to regulate or restrict free communication between the ***citizens of the several states***. A tax on the right of a citizen to leave the state, or on the right of a citizen of another state to come into the state, is a regulation of interstate commerce, and void. *Crandall v. Nevada*, 6 Wall. 35, 18 L.Ed. 744; *Henderson v. Mayor*, etc., 92 U.S. 259, 23 L.Ed. 543; *People v. Compagnie Generale Transatlantique*, 107 U.S. 59, 2 Sup. Ct. 87, 27 L.Ed. 383; *Passenger Cases*, 7 How. 282, 12 L.Ed. 702. Nor can a state pass a law which attempts to regulate or restrict communication between the ***citizens of different states***. *Telegraph Co. v. Pendleton*, 122 U.S. 347, 7 Sup. Ct. 1126, 30 L.Ed. 1187; *Pensacola Tel. Co. v. W. U. Tel. Co.*, 96 U.S. 1, 24 L.Ed. 708. But the law under consideration in the present case neither regulates nor restricts the right of citizens of this state to leave its territory at will, nor to hold free communication with the citizens of other states.” Williams v. Fears: 35 S.E. 699, at 699, 701 (1900).

<http://books.google.com/books?id=DhwLAAAAYAAJ&pg=PA701#v=onepage&q&f=false>

Privileges and immunities of the United States, privileges and immunities of a citizen of the several States, distinguished

“We think this distinction and its explicit recognition in this [the Fourteenth] Amendment of great weight in this argument, because the next paragraph of this same section (first section, second clause), which is the one mainly relied on by the plaintiffs in error, speaks only of ***privileges and immunities of citizens of the United States***, and does not speak of those (***privileges and immunities***) of ***citizens of the several states***. The argument, however, in favor of the plaintiffs, rests wholly on the assumption that the citizenship is the same and the privileges and immunities guaranteed by the clause are the same.” Slaughterhouse Cases: 83 (16 Wall.) 36, at 74 (1873).

<http://books.google.com/books?id=DkgFAAAAAYAAJ&pg=PA74#v=onepage&q=&f=false>

“ . . . The ***privileges and immunities of citizens of the United States*** protected by the fourteenth amendment, are privileges and immunities arising out of the nature and essential character of the federal Government, and granted or secured by the Constitution.’ *Duncan v. Missouri* (1904) 152 U.S. 377, 14 Sup. Ct. 570, 38 L. Ed. 485; *Slaughter House Cases*, 16 Wall. 36, 21 L. Ed. 394.

The provisions of section 2, art. 4, of the federal Constitution, that citizens of each state shall be entitled to ***privileges and immunities of citizens of the several states***, are held to be synonymous with rights of the citizens. *Corfield v. Coryell*, supra. This section is akin to the provision of section 1 of the fourteenth amendment, as respects privileges and immunities, but the former is held not to make the privileges and immunities (the rights) enjoyed by citizens of the several states the measure of the privileges and immunities (the rights) to be enjoyed as of right, by a citizen of another state, under its Constitution and laws. *McKane v. Durston*, 153 U.S. 684, 14 Sup. Ct. 913, 38 L. Ed. 867. This rule necessarily classifies citizens in their rights to the extent that a citizen of one state when in another state must be governed by the same rules which apply to the citizens of that state as to matters which are of the domestic concern of the state. *Cole v. Cunningham*, 133 U.S. 107, 10 Sup. Ct. 269, 33 L. Ed. 538; *People v. Gallagher*, 93 N.Y. 438, 45 Am. Rep. 232; *Butchers' Union v. Crescent City, Mo.*, 111 U.S. 746, 4 Sup. Ct. 652, 28 L. Ed. 585; *Ex parte Kinney*, 14 Fed. Cas. 602; *Douglas v. Stephens*, 1 Del. Ch. 465." *Strange v. Board of Commission*: 91 N.E. 242, at 246 (1910).

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Privileges and immunities of a citizen of the United States, defined

". . . Postponing an inquiry in regard to this last objection until we have examined the other, ***we proceed to inquire what are the privileges and immunities of a citizen of the United States*** which no State can abridge? . . .

It is conceded that there are certain privileges or immunities possessed by a citizen of the United States because of his citizenship, and that they cannot be abridged by any action of the States. . . .

In the *Slaughterhouse* cases, 16 Wall. 36, the subject of the privileges or immunities of citizens of the United States, as distinguished from those of a particular State, was treated by Mr. Justice Miller in delivering the opinion of the court. He stated that the argument in favor of the plaintiffs, claiming that the ordinance of the city of New Orleans was invalid, rested wholly on the assumption that the citizenship is the same and the privileges and immunities guaranteed by the Fourteenth Amendment are the same as to ***citizens of the United States*** and ***citizens of the several States***. This he showed to be not well founded; that there was a ***citizenship of the United States*** and a ***citizenship of the States***, which were distinct from each other, depending upon different characteristics and circumstances in the individual. . . .

He then proceeded to inquire as to the meaning of the words 'privileges and immunities' as used in the amendment, and said that the first occurrence of the phrase in our constitutional history is found to be in the fourth article of the old confederation, in which it was declared:

'that the better to secure and perpetuate mutual friendship and intercourse among the

people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several States, and the people of each State shall have free ingress and egress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively.'

A provision corresponding to this he found in the Constitution of the United States in section 2 of the fourth article, wherein it is provided that 'the citizens of each State shall be entitled to all the privileges and immunities of *citizens of the several States*.' What those privileges were is not defined in the Constitution, but the justice said there could be but little question that the purpose of both those provisions was the same, and that the privileges and immunities intended were the same in each. He then referred to the case of *Corfield v. Coryell*, decided by Mr. Justice Washington in the Circuit Court for the District of Pennsylvania in 1823, 4 Washington C.C. 371, where the question of the meaning of this clause in the Constitution was raised. Answering the question what were the *privileges and immunities of citizens of the several States*, Mr. Justice Washington said in that case:

'We feel no hesitation in confining these expressions to those privileges and immunities which are in their nature fundamental; which belong of right to the citizens of all free governments, and which have at all times been enjoyed by citizens of the several States which compose this Union from the time of their becoming free, independent and sovereign. What these fundamental principles are it would be more tedious than difficult to enumerate. They may, however, be all comprehended under the following general heads: Protection by the government; . . . The enjoyment of life and liberty with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety, subject, nevertheless, to such restraints as the government may prescribe for the general good of the whole. . . .'

If the rights granted by the Louisiana legislature did not infringe upon the *privileges or immunities of citizens of the United States*, the question arose as to what such privileges were, and in enumerating some of them, without assuming to state them all, it was said that a citizen of the United States, as such, had the right to come to the seat of government to assert claims or transact business, to seek the protection of the government or to share its offices; he had the right of free access to its seaports, its various offices throughout the country, and to the courts of justice in the several States; to demand the care and protection of the General Government over his life, liberty and property when on the high seas or within the jurisdiction of a foreign government; the right, with others, to peaceably assemble and petition for a redress of grievances; the right to the writ of habeas corpus, and to use the navigable waters of the United States, however they may penetrate the territory of the several States; also all rights secured to our citizens by treaties with foreign nations; the right to become citizens of any State in the Union by a bona fide residence therein, with the same rights as other citizens of that State, and the rights secured to him by the Thirteenth and Fifteenth amendments to the Constitution. . . .

The definition of the words 'privileges and immunities,' as given by Mr. Justice Washington, was adopted in substance in *Paul v. Virginia*, 8 Wall. 168, 180, and in *Ward v. Maryland*, 12 Wall. 418, 430. These rights, it is said in the *Slaughterhouse* cases, have always been held to be the class of rights which the State Governments were created to establish and secure. . . .

In speaking of the meaning of the phrase '**privileges and immunities of citizens of the several States**' under section second, article fourth of the Constitution, it was said by the present Chief Justice, in *Cole v. Cunningham*, 133 U.S. 107, that the intention was to confer on the **citizens of the several States a general citizenship**, and to communicate all the privileges and immunities which the citizens of the same State would be entitled to under the like circumstances, and this includes the right to institute actions.' . . .

These cases show the meaning which the courts have attached to the expression, as used in the fourth article of the Constitution, and the argument is not labored which gives the same meaning to it when used in the Fourteenth Amendment.

That the primary reason for that amendment was to secure the full enjoyment of liberty to the colored race is not denied, yet it is not restricted to that purpose, and it applies to everyone, white or black, that comes within its provisions. But, as said in the *Slaughterhouse* cases, the protection of the **citizen (of the United States)** in his rights as a **citizen of the State** still remains with the State. . . .

So it was held in the oyster planting case, *McCready v. Virginia*, 94 U.S. 391, that the right which the people of that State acquired to appropriate its tidewaters and the beds therein for taking and cultivating fish was but a regulation of the use, by the people, of their common property, and the right thus acquired did not come from their citizenship alone, but from their citizenship and property combined. It was, therefore, a property right, and not a mere privilege or immunity of citizenship, and, for that reason, the citizen of one State was not invested by the Constitution of the United States with any interest in the common property of the citizens of another State.

This was a decision under another section of the Constitution (section second of article fourth) from the one under discussion, and it gives to the **citizens of each State all privileges and immunities of citizens of the several States**, but it is cited for the purpose of showing that, where the privilege or immunity does not rest alone upon citizenship, a citizen of another State does not participate therein.

In this case, the privilege or immunity claimed does not rest upon the individual by virtue of his national citizenship, and hence is not protected by a clause which simply prohibits the abridgment of the **privileges or immunities of citizens of the United States**. Those are not distinctly privileges or immunities of such citizenship, where everyone has the same as against the Federal Government, whether citizen or not.

The Fourteenth Amendment, it must be remembered, did not add to those privileges or immunities." Maxwell v. Dow: 176 U.S. 581, at 586, 587, 588, 590, 591, 592, 594, 596 (1900).

<http://books.google.com/books?id=8toGAAAAYAAJ&pg=PA586#v=onepage&q&f=false>

Privileges and immunities of a citizen of the several States, defined

“Fortunately we are not without judicial construction of this clause of the Constitution (Article IV, Section 2, Clause 1). The first and leading case of the subject is that of *Corfield v. Coryell*, decided by Mr. Justice Washington in the Circuit Court for the District of Pennsylvania in 1823.

‘The inquiry,’ he says ‘is, what are the privileges and immunities of citizens of the several states? We feel no hesitation in confining these expressions to those privileges and immunities which are fundamental; which belong of right to the citizens of all free governments, and which have at all times been enjoyed by citizens of the several States which compose this Union, from the time of their becoming free, independent, and sovereign. What these fundamental principles are, it would be more tedious than difficult to enumerate. They may all, however, be comprehended under the following general heads: protection by the government, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety, subject, nevertheless, to such restraints as the government may prescribe for the general good of the whole.’”

This definition of the privileges and immunities of citizens of the states is adopted in the main by this court in the recent case of *Ward v. The State of Maryland*.” Slaughterhouse Cases: 83 (16 Wall.) 36, at 74, 76 (1873).

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reaffirmed, *Hodges v. United States*

“In the *Slaughter House Cases*, 16 Wall. 36, 76, in defining the privileges and immunities of citizens of the several States (under Article IV, Section 2, Clause 1 of the Constitution), this is quoted from the opinion of Mr. Justice Washington in *Corfield v. Coryell*, 4 Wash. Cir. Ct. 371, 380.” Hodges v. United States: 203 U.S. 1, at 15 (1906).

<http://books.google.com/books?id=HuEGAAAAYAAJ&pg=PA15#v=onepage&q=&f=false>

Privileges and immunities of a citizen of the United States, meaning, United States Constitution and laws

“ . . . [T]he privileges and immunities of citizens of the United States protected by the Fourteenth Amendment are privileges and immunities arising out of the nature and essential character of the Federal government, and granted or secured by the Constitution.” Duncan v. State of Missouri: 152 U.S. 377, 382 (1894).

<http://books.google.com/books?id=ZGkUAAAAYAAJ&pg=PA382#v=onepage&q&f=false>

“The objection that the acts abridge the privileges and immunities of citizens of the United States, within the meaning of the [Fourteenth] amendment, is not pressed, and plainly is untenable. As has been pointed out repeatedly, the privileges and immunities referred to in the amendment are only such as owe their existence to the federal government, its national character, its Constitution, or its laws. *Maxwell v. Bugbee*, 250 U.S. 525, 537-538, and cases cited.” Owney v. Morgan: 256 U.S. 94, at 112-113 (1921).

<http://books.google.com/books?id=1v0xAAAAIAAJ&pg=PA112#v=onepage&q&f=false>

Privileges and immunities of a citizen of the several States, meaning

“In speaking of the meaning of the phrase ‘*privileges and immunities of citizens of the several States*,’ under section second, article fourth, of the Constitution, it was said by the present Chief Justice, in *Cole v. Cunningham*, 133 U.S. 107, that the intention was ‘to confer on the *citizens of the several States a general citizenship*, and to communicate all the privileges and immunities which the citizens of the same State would be entitled to under the like circumstances, and this includes the right to institute actions.’ “ Maxwell v. Dow: 176 U.S. 581, at 592 (1900).

<http://books.google.com/books?id=8toGAAAAYAAJ&pg=PA592#v=onepage&q&f=false>

Common privileges and immunities of a citizen of the United States

Section 1, Clause 2 of the Fourteenth Amendment

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.”

http://www.archives.gov/exhibits/charters/constitution_amendments_11-27.html

“2. As applied to *a citizen of another State, or to a citizen of the United States residing in another State*, a state law forbidding sale of convict-made goods does not violate the privileges and immunities clause of Art. IV, § 2 and the [privileges or immunities clause of the] Fourteenth Amendment of the Federal Constitution, if it applies

also and equally to the citizens of the State that enacted it. P. 437.” *Syllabus*, Whitfield v. State of Ohio: 297 U.S. 431 (1936).

“1. *The court below proceeded upon the assumption that petitioner was a citizen of the United States; and his status in that regard is not questioned. The effect of the privileges [and] or immunities clause of the Fourteenth Amendment, as applied to the facts of the present case, is to deny the power of Ohio to impose restraints upon citizens of the United States resident in Alabama in respect of the disposition of goods within Ohio, if like restraints are not imposed upon citizens resident in Ohio.* The effect of the similar clause found in the Fourth Article of the Constitution, as applied to these facts, would be the same, since that clause is directed against discrimination by a state in favor of its own citizens and against the citizens of other states. *Slaughter-House Cases*, 16 Wall. 36, 1 Woods 21, 28; *Bradwell v. State*, 16 Wall. 130, 138.” *Opinion*, Whitfield v. State of Ohio: 297 U.S. 431, at 437 (1936).

<http://supreme.justia.com/us/297/431/> (Syllabus)

http://scholar.google.com/scholar_case?case=13866319457277062642 (Opinion)

Fundamental privileges and immunities of a citizen of the several States

Article IV, Section 2, Clause 1

“The Citizens of each State shall be entitled to all ***Privileges and Immunities of Citizens*** in and ***of the several States***.”

(Regarding this clause, refer to my work “Shall be entitled to all Privileges and Immunities of citizens IN and OF the several States”. Dan Goodman, 2010.)

“Fortunately we are not without judicial construction of this clause of the Constitution (Article IV, Section 2, Clause 1). The first and leading case of the subject is that of *Corfield v. Coryell*, decided by Mr. Justice Washington in the Circuit Court for the District of Pennsylvania in 1823.

‘The inquiry,’ he says ‘is, what are the privileges and immunities of citizens of the several states? We feel no hesitation in confining these expressions to those privileges and immunities which are fundamental; which belong of right to the citizens of all free governments, and which have at all times been enjoyed by citizens of the several States which compose this Union, from the time of their becoming free, independent, and sovereign. What these fundamental principles are, it would be more tedious than difficult to enumerate. They may all, however,

be comprehended under the following general heads: protection by the government, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety, subject, nevertheless, to such restraints as the government may prescribe for the general good of the whole.”

This definition of the privileges and immunities of citizens of the states is adopted in the main by this court in the recent case of *Ward v. The State of Maryland*.” Slaughterhouse Cases: 83 (16 Wall.) 36, at 74, 76 (1873).

<http://books.google.com/books?id=DkgFAAAAYAAJ&pg=PA74#v=onepage&q=&f=false>

reaffirmed, *Hodges v. United States*

“In the *Slaughter House Cases*, 16 Wall. 36, 76, in defining the privileges and immunities of citizens of the several States, this is quoted from the opinion of Mr. Justice Washington in *Corfield v. Coryell*, 4 Wash. Cir. Ct. 371, 380.” Hodges v. United States: 203 U.S. 1, at 15 (1906).

<http://books.google.com/books?id=HuEGAAAYAAJ&pg=PA15#v=onepage&q=&f=false>

Commercial privileges of a citizen of the several States

“It this were not so, it is easy to perceive how the power of Congress to regulate commerce with foreign nations and among the several States could be practically annulled, and ***the equality of commercial privileges secured by the Federal Constitution TO CITIZENS OF THE SEVERAL STATES be materially abridged and impaired.***” Guy v. City of Baltimore: 100 U.S. 434, 439-440 (1879); reaffirmed, I.M. Darnell & Son Company v. City of Memphis: 208 U.S. 113, 121 (1908).

<http://books.google.com/books?id=kBc3AAAAIAAJ&pg=PA439#v=onepage&q&f=false>

<http://books.google.com/books?id=O-AGAAAYAAJ&pg=PA121#v=onepage&q&f=false>

“The power of a State to make reasonable and natural classifications for purposes of taxation is clear and not questioned; but neither under form of classification nor otherwise can any State enforce taxing laws which in their practical operation ***materially abridge or impair the equality of commercial privileges secured by the Federal Constitution TO CITIZENS OF THE SEVERAL STATES.***” Chalker v. Birmingham & N.W. Railroad Company: 249 U.S. 522, 526-527 (1919).

<http://books.google.com/books?id=6-gGAAAYAAJ&pg=PA526#v=onepage&q&f=false>

Common privileges of a citizen of a State under Article IV, Section 2, Clause 1

” . . . [T]hose privileges and immunities which are common to the citizens in the latter States under their constitution and laws by virtue of their being citizens.” Paul v. State of Virginia: 75 U.S. 168, at 180 (1868).

<http://books.google.com/books?id=-bwGAAAAYAAJ&pg=PA180#v=onepage&q&f=false>

Special Privileges of a citizen of a State (Article IV, Section 2, Clause 1)

"Special privileges enjoyed by citizens in their own States are not secured in other States by this provision (Article IV, Section 2, Clause 1). It was not intended by the provision to give to the laws of one State any operation in other States. They can have no such operation, except by the permission, express or implied, of those States. The special privileges which they confer must, therefore, be enjoyed at home, unless the assent of other States to their enjoyment therein be given." Paul v State of Virginia: 75 U.S. 168, 180-181 (1868).

<http://books.google.com/books?id=-bwGAAAAYAAJ&pg=PA180#v=onepage&q&f=false>

Also, *McCready v. State of Virginia*: (94 US 391, at 395, 1876).

“Following, then, this salutary rule, and looking only to the particular right which is here asserted, we think we may safely hold that the citizens of one State are not invested by this clause of the Constitution with any interest in the common property of the citizens of another State. If Virginia had by law provided for the sale of its once vast public domain, and a division of the proceeds among its own people, no one, we venture to say, would contend that the citizens of other States had a constitutional right to the enjoyment of this privilege of Virginia citizenship. Neither if, instead of selling, the State had appropriated the same property to be used as a common by its people for the purposes of agriculture, could the citizens of other States avail themselves of such a privilege. And the reason is obvious: the right thus granted is not a privilege or immunity of general but of special citizenship. It does not ‘belong of right to the citizens of all free governments,’ but only to the citizens of Virginia, on account of the peculiar circumstances in which they are placed. They, and they alone, owned the property to be sold or used, and they alone had the power to dispose of it as they saw fit. They owned it, not by virtue of citizenship merely, but of ***citizenship and domicile united***; that is to say, by virtue of a citizenship confined to that particular locality.” McCready v. State of Virginia: 94 U.S. 391, at 395 thru 396 (1876).

<http://books.google.com/books?id=Wb4GAAAAYAAJ&pg=PA395#v=onepage&q&f=false>

Right to travel, citizen of the United States

See the case *Crandall v. State of Nevada* (73 U.S. (6 Wall) 35, 1868)

http://scholar.google.com/scholar_case?case=1583639400005024936

“1. Right of transit through the State guaranteed to citizens by constitution.—Under constitutional provisions, both State and Federal, every ***citizen of the United States and of the several States of the Union*** has, as an attribute of personal liberty, the right of free egress from, and transit through the State, unless restrained by due course of law; and this right is subject only to such legislative regulations as may be imposed by the exercise of the police power of the State, or as may remotely affect it in the legitimate exercise of the power of State taxation.” *Syllabus, Joseph v. Randolph*: 45 Ala. 2d. 253, at 253 (1882).

“The question presented for decision is a constitutional one, involving the validity of an act of the General Assembly of this State

It is insisted, among other things, that the plain intent and natural effect of this statute is to tax, by indirection, the constitutional right of the citizen to have free egress, at all seasonable times, by emigration from the State. If this view be correct, it is clear that the validity of the act can not be sustained.

There can be no denial of the general proposition that every ***citizen of the United States, and every citizen of each State of the Union***, as an attribute of personal liberty, has the right, ordinarily, of free transit from, or through the territory of any State. This freedom of egress or ingress is guaranteed to all by the clearest implications of the Federal, as well as of the State constitution. It has been said that even in England, whence our system of jurisprudence was derived, the right to personal liberty did not depend on any express statute, but ‘it was the birthright of every freeman.’ – Cooley’s Const. Lim. 342. This right was said by Sir William Blackstone to consist in ‘the power of locomotion, of changing situation, or of moving one’s person to whatsoever place one’s inclination may direct, without imprisonment or restraint, unless by due process of law.’ – 1 Bl. Com. 134. For its summary vindication when illegally molested, the writ of habeas corpus had its origin, and was established with magna charta. – Hurd on Habeas Corpus. 143.

This liberty of inter-state transit, thus based on the assertion of personal liberty, is referable to many clauses of the Federal constitution. In *Ward v. Maryland*, 12 Wall. 418, 430 [20 L. Ed. 449], it was classed by Mr. Justice Clifford as ***one of ‘the privileges and immunities of the citizens of the several States,’ guaranteed to the citizens of each State by Art. IV., Sec. 2 of the constitution of the United States.*** In the *Passenger Cases*, 7 How. (U. S.) 283 [12 L. Ed. 702], it was recognized by a majority of the Supreme Court of the United States as a right protected by the commercial clause of the Federal constitution from hostile State legislation, and its existence was admitted by all,

and denied by none. Mr. Justice Wayne said that no State had the right ‘to tax a foreigner or person for coming into one of the United States.’ ‘That,’ he continued, ‘would be a tax or revenue act, in the nature of a regulation of commerce acting upon navigation,’ and as such he thought it violative of the Federal constitution. – *Passenger Cases*, 7 How. (U. S.) 420 [12 L. Ed. 702]. In *Crandall v. State of Nevada*, 6 Wall. 35 [18 L. Ed. 744, 745], the entire court concurred in the view, that a capitation tax of one dollar, imposed by the legislature of Nevada upon every person leaving the State, as a passenger by railroad, stage-coach or other mode of conveyance, was unconstitutional and void. The reason was, that it infringed the ***unquestionable right of every citizen (of the United States)*** to have free ingress and egress, to and from and through the States and Territories composing a common general government—a right fully recognized by all the judges as having an undoubted existence, although they differed as to the particular ground upon which it could be rested.—Rorer on Inter-State Law, 315.

The right of every citizen, or person to enjoy free egress from, or transit through the State, is, in our opinion, an undoubted constitutional right.” *Opinion, Joseph v. Randolph*: 45 Ala. 2d. 253, at 253, 255 thru 256 (1882).

<http://books.google.com/books?id=egsOAQAAMAAJ&pg=PA253#v=onepage&q&f=false>

Right to travel, citizen of the several States

See the case *United States v. Wheeler*: (254 U.S. 281, 1920).

<http://books.google.com/books?id=DuoGAAAAYAAJ&pg=PA281#v=onepage&q&f=false>

“1. Right of transit through the State guaranteed to citizens by constitution.—Under constitutional provisions, both State and Federal, every ***citizen of the United States and of the several States of the Union*** has, as an attribute of personal liberty, the right of free egress from, and transit through the State, unless restrained by due course of law; and this right is subject only to such legislative regulations as may be imposed by the exercise of the police power of the State, or as may remotely affect it in the legitimate exercise of the power of State taxation.” *Syllabus, Joseph v. Randolph*: 45 Ala. 2d. 253, at 253 (1882).

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There can be no denial of the general proposition that every ***citizen of the United***

States, and every citizen of each State of the Union, as an attribute of personal liberty, has the right, ordinarily, of free transit from, or through the territory of any State. This freedom of egress or ingress is guaranteed to all by the clearest implications of the Federal, as well as of the State constitution. It has been said that even in England, whence our system of jurisprudence was derived, the right to personal liberty did not depend on any express statute, but ‘it was the birthright of every freeman.’ – Cooley’s Const. Lim. 342. This right was said by Sir William Blackstone to consist in ‘the power of locomotion, of changing situation, or of moving one’s person to whatsoever place one’s inclination may direct, without imprisonment or restraint, unless by due process of law.’ – 1 Bl. Com. 134. For its summary vindication when illegally molested, the writ of habeas corpus had its origin, and was established with magna charta. – Hurd on Habeas Corpus. 143.

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<http://books.google.com/books?id=egsOAQAAMAAJ&pg=PA253#v=onepage&q&f=false>

Citizen of the United States can become also a citizen of a State, under Section 1, Clause 1 of the Fourteenth Amendment, by becoming an actual (bona fide) resident, and not a domiciliary, in a State of the Union

”Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must *reside* within the State to make him a citizen of it. (p. 74)

One of these privileges is conferred by the very article (Fourteenth Amendment) under consideration. It is that a citizen of the United States can, of his own volition, become a citizen of any State of the Union by a *bond fide residence* therein, with the same rights as other citizens of that State. (p. 80)” Slaughterhouse Cases: 83 U.S. (16 Wall.) 36, at 74, 80 (1873).

<http://books.google.com/books?id=DkgFAAAAYAAJ&pg=PA74#v=onepage&q&f=false>

<http://books.google.com/books?id=DkgFAAAAYAAJ&pg=PA80#v=onepage&q&f=false>

“That *all persons RESIDENT in this state, born in the United States, or naturalized*, or who shall have legally declared their intention to become citizens of the United States, *are hereby declared citizens of the State of Alabama*, possessing equal civil and political rights.” (Declaration of Rights) Article I, Section 2 Constitution of the State of Alabama of 1875.

Note: This provision is not in the current constitution of the State of Alabama.

http://www.legislature.state.al.us/misc/history/constitutions/1875/1875_1.html

“The first count charged the accused with conspiring, in violation of § 19 of the Criminal Code, to injure, oppress, threaten, or intimidate 221 named persons, *alleged to be citizens of the United States RESIDING in Arizona*, of rights or privileges secured to them by the Constitution or laws of the United States.” United States v. Wheeler: 254 U.S. 281, at 292 (1920).

<http://books.google.com/books?id=DuoGAAAYAAJ&pg=PA292#v=onepage&q&f=false>

“2. As applied to *a citizen of another State, or to a citizen of the United States RESIDING in another State*, a state law forbidding sale of convict-made goods does not violate the privileges and immunities clause of Art. IV, § 2 and the [privileges or immunities clause of the] Fourteenth Amendment of the Federal Constitution, if it applies also and equally to the citizens of the State that enacted it. P. 437.” *Syllabus, Whitfield v. State of Ohio*: 297 U.S. 431 (1936).

“1. The court below proceeded upon the assumption that petitioner was a citizen of the United States; and his status in that regard is not questioned. The effect of the privileges [and] or immunities clause of the Fourteenth Amendment, as applied to the facts of the present case, is to deny the power of Ohio to impose restraints upon *citizens of the United States RESIDENT in Alabama* in respect of the disposition of goods

within Ohio, if like restraints are not imposed upon citizens resident in Ohio. The effect of the similar clause found in the Fourth Article of the Constitution, as applied to these facts, would be the same, since that clause is directed against ***discrimination by a state in favor of its own citizens and against the citizens of other states***. *Slaughter-House Cases*, 16 Wall. 36, 1 Woods 21, 28; *Bradwell v. State*, 16 Wall. 130, 138.” *Opinion*, *Whitfield v. State of Ohio*: 297 U.S. 431, at 437 (1936).

<http://supreme.justia.com/us/297/431/> (Syllabus)

http://scholar.google.com/scholar_case?case=13866319457277062642 (Opinion)

“As to who are citizens of the State. The Fourteenth Amendment to the Constitution of the United States provides that –

‘All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside.’

Therefore when a person who is a ***citizen of the United States*** by birth or naturalization, comes to this State and resides here he is a citizen of this State. . . .

Where a ***citizen of another State*** comes to this State and resides in some town for a temporary purpose, though such stay be protracted, he does not thereby become a citizen of this State. *Easterly v. Goodwin*, 35 Conn., 286.

With such a person, his residence here must be in the sense of making it a home which he has no present intention of abandoning. I think that it must be a domiciliary residence.” The Residence of a Male Citizen, Opinions of the Attorney-General; State of Connecticut; Hartford, February 1, 1909; Report of the Tax Commissioner for Biennial Period 1909 and 1910, pages 52 thru 53.

<http://books.google.com/books?id=Eb9JAAAAMAAJ&pg=PA52#v=onepage&q&f=false>

Citizen of a State, under Article IV, Section 2, Clause 1, is a citizen of the several States when on the high seas

“Action to have a certain marriage between plaintiff and defendant declared valid and binding upon the parties. A second amended complaint alleged: That on August 2, 1897, defendant was a minor of the age of 15 years and 10 months, and that her father, one A. C. Thomson, was her natural and only guardian. Plaintiff was of the age of 21 years and 10 months, and ***both plaintiff and defendant were citizens and residents of Los Angeles county, Cal.*** On said day plaintiff and defendant, at Long Beach, on the

coast of California, boarded a certain fishing and pleasure schooner, of 17 tons burden, called the 'J. Willey,' duly licensed under the laws of the United States, of which W. L. Pierson was captain, and was enrolled as master thereof, and had full charge of said vessel. Said vessel proceeded to a point on the high seas about nine miles from the nearest point from the boundary of the state and of the United States. The parties then and there agreed, in the presence of said Pierson, to become husband and wife, and the said Pierson performed the ceremony of marriage, and, among other things, they promised in his presence to take each other for husband and wife, and he pronounced them husband and wife. Neither party had the consent of the father or mother or guardian of defendant to said marriage. . . .

Appellant contends (1) that the marriage is valid because performed upon the high seas; and (2) that it would have been valid if performed within this state, because there is no law expressly declaring it to be void. Respondent presents the case upon two propositions, claiming (1) that no valid marriage can be contracted in this state, except in compliance with the prescribed forms of the laws of this state, and contract a valid marriage.

Sections 4082, 4290, 722, Rev. St. U.S., are cited by appellant as recognizing marriages at sea and before foreign consuls, and that section 722 declares the common law as to marriage to be in force on the high seas on board American vessels. We have carefully examined the statutes referred to, and do not find that they give the slightest support to appellant's claim. The law of the sea, as it may relate to the marriage of citizens of the United States domiciled in California, cannot be referred to the common law of England, any more than it can to the law of France or Spain, or any other foreign country. ***We can find no law of congress, and none has been pointed out by appellant, in which the general government has undertaken or assumed to legislate generally upon the subject of marriage on the sea. Nor, indeed, can we find in the grant of powers to the general government by the several states, as expressed in the national constitution, any provision by which congress is empowered to declare what shall constitute a valid marriage between citizens of the several states upon the sea,*** either within or without the conventional three-mile limit of the shore of any state; and clearly does no such power rest in congress to regulate marriages on land, except in the District of Columbia and the territories of the United States, or where is power of exclusive jurisdiction. We must look elsewhere than to the acts of congress for the law governing the case in hand." Norman v. Norman: 54 Pac. Rep. 143, 143 thru 144 (1898).

<http://books.google.com/books?id=-QwLAAAYAAJ&pg=PA143#v=onepage&q&f=false>

Note:: " . . . [I]t is certain that the Constitution of the United States confers no power whatever upon the government of the United States to regulate marriage in the States or its dissolution." Andrews v. Andrews: 188 U.S. 14, at 32 (1903).

<http://books.google.com/books?id=Gd4GAAAYAAJ&pg=PA32#v=onepage&q&f=false>

Citizen of a State, under Article IV, Section 2, Clause 1, is a citizen of the several States when aboard

See the case of *Hilton v. Guyot* (159 U.S. 113, 1895):

Regarding this case, refer to my work “A Citizen of a State is a Citizen of the several States when abroad”.

From the “United States Naval Institute Proceedings”, Volume 45, No. 7, July 1919, at page 1790 thru 1791 there is the following:

<http://books.google.com/books?id=kEELP3wiHvAC&pg=PA1790#v=onepage&q&f=false>

“Merchant Marine . . .

The ***nationality*** of those shipped as officers (excluding masters) and men (counting repeated shipments) before United States Shipping Commissioners, as returned to the Bureau of Navigation, Department of Commerce, was as follows for 1914 and 1919:

<u>Nationality</u>	<u>1914</u>	<u>1919</u>
Others	11,442	38,811

Those classed as “others” are mainly from the countries of South America, ***citizens of the several states*** which have been created by the war, and Swiss shipping as stewards.—*U.S. Bulletin*, 9/8.”

This report of the **Nationality of Crews** can be seen for the years 1907 through 1922, inclusive, at these links:

<http://books.google.com/books?id=8y0pAAAAYAAJ&pg=PA38#v=onepage&q&f=false>

<http://books.google.com/books?id=oC4pAAAAYAAJ&pg=PA14#v=onepage&q&f=false>
(on page 15)

As can be seen “Others” appears in all of them under Nationality.

Article IV, Section 2, Clause 1 of the Constitution relates to citizenship of the several States

“The intention of section 2, Article IV (of the Constitution), was to confer on the ***citizens of the several States a general citizenship***.” Cole v. Cunningham: 133 U.S. 107,

113 thru 114 (1890).

<http://books.google.com/books?id=oGYUAAAAYAAJ&pg=PA113#v=onepage&q=&f=false>

“The general views we have expressed are sustained by *Kimmish v. Ball*, 129 U.S. 217, 220, 222. That case involved the validity of section 4059 of the Iowa Code providing, in respect of Texas cattle that had not been wintered at least one winter north of the southern boundary of Missouri or Kansas, that ‘if any person now or hereafter has in his possession, in this State, any such Texas cattle, he shall be liable for any damages that may accrue from allowing said cattle to run at large, and thereby spreading the disease among other cattle known as the Texas fever, and shall be punished as is prescribed in the preceding section.’ It was contended that that section was in conflict with the power of Congress to regulate commerce among the States, as well as with ***section 2 of Article 4 of the Constitution of the United States relating to the privileges and immunities of citizens of the several States.***” *Missouri, Kansas and Texas Railway Company v. Haber*: 169 U.S. 613, at 630 thru 631 (1898).

<http://books.google.com/books?id=4-sGAAAAYAAJ&pg=PA630#v=onepage&q&f=false>

“In speaking of the meaning of the phrase ‘***privileges and immunities of citizens of the several States,***’ under section second, article fourth, of the Constitution, it was said by the present Chief Justice, in *Cole v. Cunningham*, 133 U.S. 107, that the intention was ‘to confer on the ***citizens of the several States a general citizenship***, and to communicate all the privileges and immunities which the citizens of the same State would be entitled to under the like circumstances, and this includes the right to institute actions.’ “ *Maxwell v. Dow*: 176 U.S. 581, at 592 (1900).

<http://books.google.com/books?id=8toGAAAAYAAJ&pg=PA592#v=onepage&q&f=false>

“In the *Slaughter House Cases*, 16 Wall. 36, 76, in defining the ***privileges and immunities of citizens of the several States*** (under Article IV, Section 2, Clause 1 of the Constitution), this is quoted from the opinion of Mr. Justice Washington in *Corfield v. Coryell*, 4 Wash. Cir. Ct. 371, 380.” *Hodges v. United States*: 203 U.S. 1, at 15 (1906).

<http://books.google.com/books?id=HuEGAAAAYAAJ&pg=PA15#v=onepage&q=&f=false>

Readings (online)

1. “See for yourself, A citizen of a State, under Article IV, Section 2, Clause 1 of the Constitution”, Dan Goodman, 2012.

2. “See for yourself, Two citizens in the country of the United States”; Dan Goodman, 2012.
3. “Yes a citizen of a State is also a citizen of the several States”, Dan Goodman, 2011.
4. “Rule of International Law: Two citizens in the nation of the United States”, Dan Goodman, 2012.
5. “The Fourteenth Amendment’s effects on Citizenship under the Constitution of the United States and under International Law”, Dan Goodman. 2012.
6. ”Shall be entitled to all Privileges and Immunities of citizens IN and OF the several States”. Dan Goodman, 2010.
7. “A Citizen of a State is a Citizen of the several States when abroad”, Dan Goodman, 2012.
8. “Yes a citizen of the United States cannot be domiciled in a State”, Dan Goodman, 2011.
9. The Slaughterhouse Cases Articles; “Mistake in the Syllabus”; Dan Goodman, 2008.

End