

Sec. 2—Interstate Comity**Cl. 1—State Citizenship: Privileges and Immunities**

the value of the real estate owned by the corporation.²²³ Occasional or accidental inequality to a nonresident taxpayer is not sufficient to defeat a scheme of taxation whose operation is generally equitable.²²⁴ In an early case the Court brushed aside as frivolous the contention that a state violated this clause by subjecting one of its own citizens to a property tax on a debt due from a nonresident secured by real estate situated where the debtor resided.²²⁵

Clause 2. A person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

INTERSTATE RENDITION**Duty to Surrender Fugitives From Justice**

Although this provision is not in its nature self-executing, and there is no express grant to Congress of power to carry it into effect, that body passed a law shortly after the Constitution was adopted, imposing upon the governor of each state the duty to deliver up fugitives from justice found in such state.²²⁶ The Supreme Court has accepted this contemporaneous construction as establishing the validity of this legislation.²²⁷ The duty to surrender is not absolute and unqualified; if the laws of the state to which the fugitive has fled have been put in force against him, and he is imprisoned there,

²²³ *Travellers' Ins. Co. v. Connecticut*, 185 U.S. 364, 371 (1902).

²²⁴ *Maxwell v. Bugbee*, 250 U.S. 525 (1919).

²²⁵ *Kirtland v. Hotchkiss*, 100 U.S. 491, 499 (1879). *Cf.* *Colgate v. Harvey*, 296 U.S. 404 (1935), in which discriminatory taxation of bank deposits outside the state owned by a citizen of the state was held to infringe a privilege of national citizenship, in contravention of the Fourteenth Amendment. *Colgate v. Harvey* was overruled by *Madden v. Kentucky*, 309 U.S. 83, 93 (1940).

²²⁶ 1 Stat. 302 (1793), 18 U.S.C. § 3182. The Act requires rendition of fugitives at the request of a demanding "Territory," as well as of a State, thus extending beyond the terms of the clause. In *New York ex rel. Kopel v. Bingham*, 211 U.S. 468 (1909), the Court held that the legislative extension was permissible under the territorial clause. *See Puerto Rico v. Branstad*, 483 U.S. 219, 229–230 (1987).

²²⁷ *Roberts v. Reilly*, 116 U.S. 80, 94 (1885). *See also Innes v. Tobin*, 240 U.S. 127 (1916). Justice Story wrote: "[T]he natural, if not the necessary conclusion is, that the national government, in the absence of all positive provisions to the contrary, is bound, through its own proper departments, legislative, judicial, or executive, as the case may require, to carry into effect all the rights and duties imposed upon it by the Constitution"; and again, "it has, on various occasions, exercised powers which were necessary and proper as means to carry into effect rights expressly given, and duties expressly enjoined thereby." *Prigg v. Pennsylvania*, 41 U.S. (16 Pet.) 539, 616, 618–19 (1842).