

fully therein for discussion of the advantages and opportunities offered by such act was a privilege and immunity of a United States citizen, and, in *Edwards v. California*,<sup>30</sup> four Justices were prepared to rely on the clause.<sup>31</sup> In many other respects, however, claims based on this clause have been rejected.<sup>32</sup>

<sup>30</sup> 314 U.S. 160, 177–83 (1941).

<sup>31</sup> See also *Oregon v. Mitchell*, 400 U.S. 112, 149 (1970) (Justice Douglas); id. at 285–87 (Justices Stewart and Blackmun and Chief Justice Burger).

<sup>32</sup> *E.g.*, *Holden v. Hardy*, 169 U.S. 366, 380 (1898) (statute limiting hours of labor in mines); *Williams v. Fears*, 179 U.S. 270, 274 (1900) (statute taxing the business of hiring persons to labor outside the state); *Wilmington Mining Co. v. Fulton*, 205 U.S. 60, 73 (1907) (statute requiring employment of only licensed mine managers and examiners and imposing liability on the mine owner for failure to furnish a reasonably safe place for workmen); *Heim v. McCall*, 239 U.S. 175 (1915); *Crane v. New York*, 239 U.S. 195 (1915) (statute restricting employment on state public works to citizens of the United States, with a preference to citizens of the state); *Missouri Pacific Ry. v. Castle*, 224 U.S. 541 (1912) (statute making railroads liable to employees for injuries caused by negligence of fellow servants and abolishing the defense of contributory negligence); *Western Union Tel. Co. v. Milling Co.*, 218 U.S. 406 (1910) (statute prohibiting a stipulation against liability for negligence in delivery of interstate telegraph messages); *Bradwell v. Illinois*, 83 U.S. (16 Wall.) 130, 139 (1873); *In re Lockwood*, 154 U.S. 116 (1894) (refusal of state court to license a woman to practice law); *Kirtland v. Hotchkiss*, 100 U.S. 491, 499 (1879) (law taxing a debt owed a resident citizen by a resident of another state and secured by mortgage of land in the debtor's state); *Bartemeyer v. Iowa*, 85 U.S. (18 Wall.) 129 (1874); *Mugler v. Kansas*, 123 U.S. 623 (1887); *Crowley v. Christensen*, 137 U.S. 86, 91 (1890); *Giozza v. Tiernan*, 148 U.S. 657 (1893) (statutes regulating the manufacture and sale of intoxicating liquors); *In re Kemmler*, 136 U.S. 436 (1890) (statute regulating the method of capital punishment); *Minor v. Happersett*, 88 U.S. (21 Wall.) 162 (1875) (statute regulating the franchise to male citizens); *Pope v. Williams*, 193 U.S. 621 (1904) (statute requiring persons coming into a state to make a declaration of intention to become citizens and residents thereof before being permitted to register as voters); *Ferry v. Spokane, P. & S. Ry.*, 258 U.S. 314 (1922) (statute restricting dower, in case wife at time of husband's death is a nonresident, to lands of which he died seized); *Walker v. Sauvinet*, 92 U.S. 90 (1876) (statute restricting right to jury trial in civil suits at common law); *Presser v. Illinois*, 116 U.S. 252, 267 (1886) (statute restricting drilling or parading in any city by any body of men without license of the governor); *Maxwell v. Dow*, 176 U.S. 581, 596, 597–98 (1900) (provision for prosecution upon information, and for a jury (except in capital cases) of eight persons); *New York ex rel. Bryant v. Zimmerman*, 278 U.S. 63, 71 (1928) (statute penalizing the becoming or remaining a member of any oathbound association—other than benevolent orders, and the like—with knowledge that the association has failed to file its constitution and membership lists); *Palko v. Connecticut*, 302 U.S. 319 (1937) (statute allowing a state to appeal in criminal cases for errors of law and to retry the accused); *Breedlove v. Suttles*, 302 U.S. 277 (1937) (statute making the payment of poll taxes a prerequisite to the right to vote); *Madden v. Kentucky*, 309 U.S. 83, 92–93 (1940), (overruling *Colgate v. Harvey*, 296 U.S. 404, 430 (1935)) (statute whereby deposits in banks outside the state are taxed at 50¢ per \$100); *Snowden v. Hughes*, 321 U.S. 1 (1944) (the right to become a candidate for state office is a privilege of state citizenship, not national citizenship); *MacDougall v. Green*, 335 U.S. 281 (1948) (Illinois Election Code requirement that a petition to form and nominate candidates for a new political party be signed by at least 200 voters from each of at least 50 of the 102 counties in the State, notwithstanding that 52% of the voters reside in only one county and 87% in the 49 most populous counties); *New York v. O'Neill*, 359 U.S. 1 (1959) (Uniform Reciprocal State Law to secure attendance of witnesses from within or without a state in criminal proceedings); *James v. Valtierra*, 402 U.S. 137 (1971)