

Sec. 2—Interstate Comity

Cl. 1—State Citizenship: Privileges and Immunities

personal rights to which the clause admittedly extends are not in all cases beyond the reach of state legislation which differentiates citizens and noncitizens. Broadly speaking, these rights are held subject to the reasonable exercise by a state of its police power, and the Court has recognized that there are cases in which discrimination against nonresidents may be reasonably resorted to by a state in aid of its own public health, safety and welfare. To that end a state may reserve the right to sell insurance to persons who have resided within the state for a prescribed period of time.²⁰⁰ It may require a nonresident who does business within the state²⁰¹ or who uses the highways of the state²⁰² to consent, expressly or by implication, to service of process on an agent within the state. Without violating this section, a state may limit the dower rights of a nonresident to lands of which the husband died seized while giving a resident dower in all lands held during the marriage,²⁰³ or may leave the rights of nonresident married persons in respect of property within the state to be governed by the laws of their domicile, rather than by the laws it promulgates for its own residents.²⁰⁴ But a state may not give a preference to resident creditors in the administration of the property of an insolvent foreign corporation.²⁰⁵ An act of the Confederate Government, enforced by a state, to sequester a debt owed by one of its residents to a citizen of another state was held to be a flagrant violation of this clause.²⁰⁶

Access to Courts

The right to sue and defend in the courts is one of the highest and most essential privileges of citizenship and must be allowed by each state to the citizens of all other states to the same extent that it is allowed to its own citizens.²⁰⁷ The constitutional requirement is satisfied if the nonresident is given access to the courts of the state upon terms that, in themselves, are reasonable and adequate for the enforcing of any rights he may have, even though they may not be technically the same as those accorded to resident citizens.²⁰⁸ The Supreme Court upheld a state statute of limitations that prevented a nonresident from suing in the state's courts after

²⁰⁰ *La Tourette v. McMaster*, 248 U.S. 465 (1919).

²⁰¹ *Doherty & Co. v. Goodman*, 294 U.S. 623 (1935).

²⁰² *Hess v. Pawloski*, 274 U.S. 352, 356 (1927).

²⁰³ *Ferry v. Spokane, P. & S. Ry.*, 258 U.S. 314 (1922), followed in *Ferry v. Corbett*, 258 U.S. 609 (1922).

²⁰⁴ *Conner v. Elliott*, 59 U.S. (18 How.) 591, 593 (1856).

²⁰⁵ *Blake v. McClung*, 172 U.S. 239, 248 (1898).

²⁰⁶ *Williams v. Bruffy*, 96 U.S. 176, 184 (1878).

²⁰⁷ *Chambers v. Baltimore & O.R.R.*, 207 U.S. 142, 148 (1907); *McKnett v. St. Louis & S.F. Ry.*, 292 U.S. 230, 233 (1934).

²⁰⁸ *Canadian Northern Ry. v. Eggen*, 252 U.S. 553 (1920).