Balzac v. Porto Rico, 258 U.S. 298 (1922)

The United States District Court is not a true United States court established under article 3 of the Constitution to administer the judicial power of the United States therein conveyed. It is created by virtue of the sovereign congressional faculty, granted under article 4, § 3, of that instrument, of making all needful rules and regulations respecting the territory belonging to the United States. . . . .The resemblance of its jurisdiction to that of true United States courts, does not change its character as a mere territorial court.

declaration in words of what was before implied in law. Which occasions Sir Edward Coke very justly to observe,11 that "all subjects are equally bounden to their allegiance, as if they had taken the oath; because it is written by the fi[illegible]n their hearts, and the taking of the corporal oath is but an outward decl[illegible]The sanction of an oath, it is true, in case of violation of duty, makes the [illegible]ulated, by superadding perjury to treason; but it does not increase the [illegible]alty; it only strengthens the social tie by uniting it with that of religion.

ALLEGIANCE, both express and implied, is however distinguished by the law into sorts or species, the one natural, the other local; the former being also perpetual, the latter temporary. Natural allegiance is such as is due from all men born within the king's dominions immediately upon their birth.12 For, immediately upon their birth, they are under the king's protection; at a time too, when (during their infancy) they are incapable of protecting themselves. Natural allegiance is therefore a debt of gratitude; which cannot be forfeited, canceled, or altered, by any change of time, place, or circumstance, nor by anything but the united concurrence of the legislature.13 An Englishman who removes to France, or to China, owes the same allegiance to the king to England there as at home, and twenty years hence as well as now. For it is a principle of universal law,14 that the natural-born subject of one prince cannot by any act of his own, no, not by swearing allegiance to another, put off or discharge his natural allegiance to the former: for this natural allegiance was intrinsic, and primitive, and antecedent to the other; and cannot be divested without the concurrent act of that prince to whom it was first due. Indeed the natural-born subject of one prince, to whom he owes allegiance, may be entangled by subjecting himself absolutely to another; but it is his own act that brings him into these straits and difficulties, of owing service to two masters; and it is unreasonable that, by such voluntary act of his own, he should be able at pleasure to unloose those bands, by which he is connected to his natural prince.

LOCAL allegiance is such as is due from an alien, or stranger born, for so long time as he continues within the king's dominion and protection:15 and it ceases, the instant such stranger transfers himself from this kingdom to another. Natural allegiance is therefore perpetual, and local temporary only: and that for this reason, evidently founded upon the nature of government; that allegiance is a debt due from the subject, upon an implied contract with the prince, that so

The new court system for the District of Columbia was headed by a Circuit Court composed of three judges; an Orphan's Court for each county, which dealt with trusts and probate matters; and a United States District Court, staffed by the Chief Judge of the Circuit Court. The Circuit Court had appellate jurisdiction over the justices of the peace and, by error or appeal, over the District Court. The Circuit Court and the District Court each had its own Clerk and Marshal and each county had a Register of Wills.

The Circuit Court's original jurisdiction was broad, encompassing not only most of the authority of a federal circuit court, including its appellate jurisdiction, but also that of a state trial court. Under the new law the Circuit Court's procedures were to conform to whichever state it was sitting in. A litigant who lost in the Circuit Court was entitled to appeal to the U.S. Supreme Court by writ of error or appeal if the matter in dispute exceeded $100 (the amount was raised in 1816 to $1,000).

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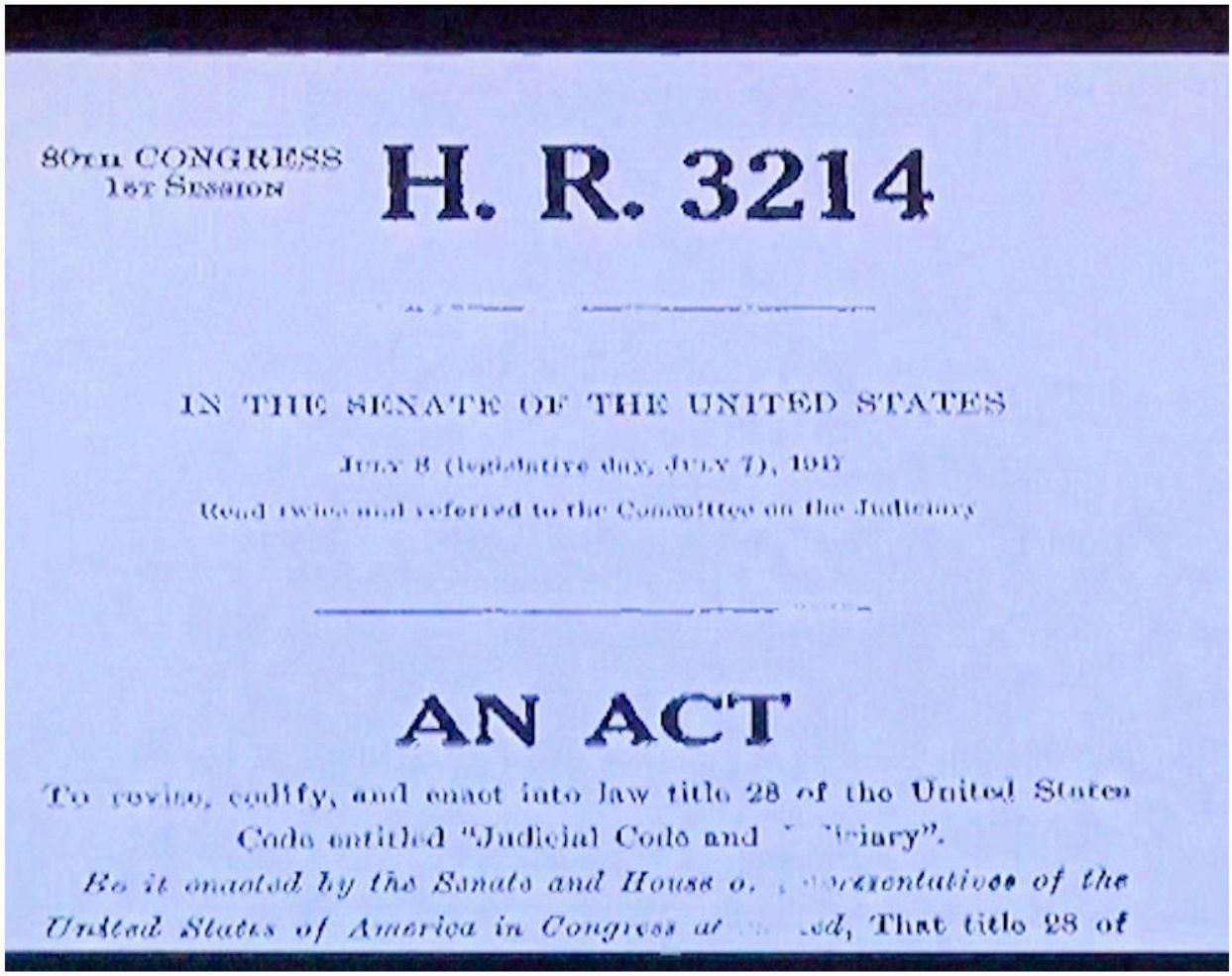
3. On the Act of February 27, 1801, 2 Stat. 103, see 1 D.C. (1 Cranch) v–viii.

4. It was not until May 1802 that Congress chartered a municipal corporation for the City of Washington, providing for a Mayor appointed by the President and a City Council elected by the 325 men eligible to vote. In 1812 Congress provided the city of Washington with a new charter which authorized an elected Mayor and a twenty-person council. There would not be salaried police in the towns themselves until 1842; until then, law enforcement was the work of constables, overseen by the Court.



80TH CONGRESS
1ST SESSION

H. R. 3214

IN THE SENATE OF THE UNITED STATES

JULY 8 (legislative day, JULY 7), 1947

Read twice and referred to the Committee on the Judiciary

AN ACT

To revise, codify, and enact into law title 28 of the United States Code entitled "Judicial Code and [illegible]iary".

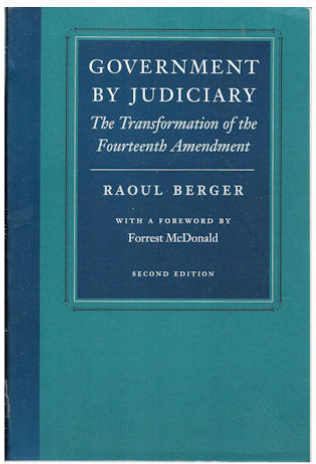
Be it enacted by the Senate and House o[illegible]epresentatives of the United States of America in Congress a[illegible]sembled, That title 28 of

Jones v. Temmer

829 F. Supp 1226, (1993)

and immunities clause of the Fourteenth Amendment with the privileges and immunities clause under Article IV, section 2 of the Constitution.

[9, 10] The privileges and immunities clause of the Fourteenth Amendment protects very few rights because it neither incorporates any of the Bill of Rights nor protects all rights of individual citizens. *See Slaughter-House Cases*, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873). Instead, this provision protects only those rights peculiar to being a citizen of the federal government; it does not protect those rights which relate to state citizenship. *Id.* Accordingly, it is not necessary that plaintiffs have non-resident status in order to bring a claim under the privileges



citizens of the State."[22] George R. Latham of West Virginia understood the Fourteenth Amendment "privileges and immunities of citizens of the United States" to "provide that no State shall make any discrimination in civil rights of citizens of the United States on account of race . . . the 'civil rights bill' which is now a law . . . covers exactly the same ground."[23] So, too, John M. Broomall of Pennsylvania stated, "We propose, first, to give power to the Government . . . to protect its own citizens within the States," a proposition for which the House had "already voted . . . in the civil rights bill."[24] Ephraim R. Eckley of Ohio also stressed the need to provide "security for life, liberty and property to all citizens of all the States."[25] And Senator Howard referred to the privileges and immunities of Article IV, quoted *Corfield* to explain the terms, and stated that these rights "are secured to the citizens solely as a citizen of the United States."[26] Apart from Garrett Davis' abortive attempt to

22. *Globe* 1088.
23. Id. 2883.
24. Id. 2498.
25. Id. 2535.

MR. WINTER: I need to know that to know the nature and cause of the action.

JUDGE BURCHARD: The nature and cause of the action under Washington U.S., law has been explained to you.

MR. WINTER: No, it hasn't, not the venue and the jurisdiction.

JUDGE BURCHARD: I understand you disagree with me. You happen to be wrong about this point, but I understand your right to disagree. Go