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OCTOBER TERM, 1903.

SNOWDEN v. HUGHES ET AL.

CERTIORARI TO THE CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

No. 27. Argued December 12, 1903.—Decided January 27, 1904.

1. Adoption of a complaint in the federal district court, to which case the defendants, members of a state board acting as such but in violation of state law, by their failure and refusal to answer correctly the requisites of a subpoena, deprived the complainant of jurisdiction and entitled to a representative in the state assembly. Held insufficient to state a cause of action under the Fourteenth Amendment or the Civil Rights Act of 1871. Pp. 3, 13.

2. The privileges and immunities clause of the Fourteenth Amendment does not protect rights derived solely from the relationship of the citizen and his State established by state law. P. 1.

3. The right to become a candidate for state office is not a right of privilege protected by the privileges and immunities clause. P. 7.

4. The refusal denied by state action of a right to a state judicial office is not a denial of a right of property or of liberty secured by the privileges clause of the Fourteenth Amendment. P. 7.

5. The action of the state board, though to be regarded as state action, did not deny the equal protection of the laws as violation of the Fourteenth Amendment. P. 7.

6. That a statute requires official action discriminating between a successful and an unsuccessful applicant, the required action is not a denial of equal protection, since the distinction be-

