

Washington in the Circuit Court for the District of Pennsylvania in 1823. Hodges v. United States: 203 U.S. 1, at page 15 (1906).

<http://supreme.justia.com/us/203/1/case.html#15>

d. Privileges and immunities of a citizen of the United States are distinct from privileges and immunities of a citizen of the several States. For those relating to a citizen of the United States, see Duncan v. State of Missouri, 152 U.S. 377, at page 382 (1894).

<http://supreme.justia.com/us/152/377/case.html#382>

e. "Before its adoption the Constitution of the United States did not in terms prescribe who should be citizens of the United States or of the several States, yet there were necessarily such citizens without such provision." Minor v. Happersett: 88 U.S. 162, at page 165 (1874).

<http://supreme.justia.com/us/88/162/case.html#165>

f. "So it was held in the oyster planting case, *McCready v. Virginia*, 94 U.S. 391, that the right which the people of that State acquired to appropriate its tidewaters and the beds therein for taking and cultivating fish was but a regulation of the use, by the people, of their common property, and the right thus acquired did not come from their citizenship alone, but from their citizenship and property combined. It was, therefore, a property right, and not a mere privilege or immunity of citizenship, and, for that reason, the citizen of one State was not invested by the Constitution of the United States with any interest in the common property of the citizens of another State.

This was a decision under another section of the Constitution (section second of article fourth) from the one under discussion (Fourteenth Amendment, section 1), and it gives to the citizens of each State all privileges and immunities of citizens OF the several States, but it is cited for the purpose of showing that, where the privilege or immunity does not rest alone upon citizenship, a citizen of another State does not participate therein." Maxwell v. Dow: 176 U.S. 581, at page 596 (1900).

<http://supreme.justia.com/us/176/581/case.html#596>

g. A corporation is not a 'citizen' within Const. U. S. art. 4,

§2, providing that the "citizens of each state shall be entitled to all the privileges and immunities of citizens OF the several states," nor within the Fourteenth Amendment, §1. providing that "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside, and that no state shall abridge the privileges or immunities of citizens of the United States."

g1. "The rights now attempted to be asserted are those which arise out of citizenship. It is true, apart from any statute showing an intent to include a corporation as a citizen, that corporations are considered as citizens for some purposes, principally for the purpose of determining jurisdiction of the Federal courts, *Swiss National Ins. Co. Ltd. v. Miller*, 267 U.S. 42, 46, *Puerto Rico v. Russell & Co.* 288 U.S. 476, 479-480; but it is settled that a corporation is not a citizen within the meaning of the Constitution of the United States, art. 4, Section 2, which provides that citizens of each State shall be entitled to all the privileges and immunities of citizens OF the several States, *Attorney General v. Electric Storage Battery Co.* 188 Mass. 239, *Arizona Commercial Mining Co. v. Iron Cap Copper Co.* 236 Mass. 185, *Waters-Pierce Oil Co. v. Texas*, 177 U.S. 28, 45, *Hemphill v. Orloff*, 277 U.S. 537, nor within Section 1 of the Fourteenth Amendment which prohibits a State from enforcing any law which shall abridge the privileges or immunities of citizens of the United States. *Bowe v. Secretary of the Commonwealth*, 320 Mass. 230, 251. *Western Turf Association v. Greenberg*, 204 U.S. 359, 363. *Asbury Hospital v. Cass County*, 326 U.S. 207." *Pilgrim Real Estate, Incorporated v. Boston, Superintendent of Police*: 330 Mass. 250, at 252 (1953).

<http://masscases.com/cases/sjc/330/330mass250.html>

g2. "Section 1770b has been several times considered by this court, and upheld to the full extent of its terms. It is enacted under the undoubted power of every state to impose conditions in absolute discretion upon granting the privilege of doing business in this state to any foreign corporation. *Paul v. Virginia*, 8 Wall. (U. S.) 168, 19 L. Ed. 357; *Chicago T. & T. Co. v. Bashford*, 120 Wis. 281, 97 N. W. 940. That power is not restrained by section 2, art. 4, of the federal Constitution, providing that the citizens of each state shall be entitled to all the privileges and immunities of citizens OF the several states, nor by section 1, Amend. 14, to that Constitution, providing that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, because foreign corporations are not citizens. *Paul v.*

Virginia, supra; *Chicago T. & T. Co. v. Bashford*, supra." Loverin & Browne Company v. Travis: 115 N.W. 829, at page 831 (1908).

<http://books.google.com/books?id=hjs8AAAAIAAJ&pg=PA829#v=onepage&q=&f=false>

g3. "It has frequently been declared to be a well-established principle of constitutional law that a corporation is not a 'citizen,' within the meaning of the first clause of section 2 of article 4 of the Constitution of the United States, which declares the citizens of each state shall be entitled to all privileges and immunities of citizens OF the several states. *Ducat v. City of Chicago*, 48 Ill. 172, 95 Am. Dec. 529; *Same v. Same*, 10 Wall. 410, 19 L. Ed. 972; 10 Cyc. 150; *Tatem v. Wright*, 23 N. J. Law, 429; *Pembina Con. Silver Mining Co. v. Pennsylvania*, 125 U. S. 181, 8 Sup. Ct. 737, 31 L. Ed. 650; *Humphreys v. State (Ohio)*, 70 N. E. 957. . . . [The first sentence of the first section of said fourteenth amendment] declares that all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States. The subsequent declaration, preserving unabridged the privileges and immunities of citizens of the United States, has reference only to the natural persons declared to be citizens by the preceding sentence. . . . A corporation is a mere creature of the local law whereby it has its existence. It is not a citizen of the United States, and has no right, because of its chartered powers, to exercise corporate power beyond the territorial limits of the state which created it." In Re Speed's Estate: 74 N.E. 809, at page 811 (1905).

<http://books.google.com/books?id=3AELAAAAYAAJ&pg=PA811#v=onepage&q=&f=false>

g4. "It has been repeatedly held, by the supreme court of the United States, that corporations were not citizens of the several states in such sense as to bring them within the protection of that clause in the constitution of the United States (section 2, article IV), which declares that 'the citizens of each state shall be entitled to all the privileges and immunities of citizens OF the several states;' *Bank of Augusta v. Earle*, 13 Peters, 586; *Paul v. Virginia*, 8 Wallace, 177.

Are corporations citizens of the United States within the meaning of the constitutional provision now under consideration? It is claimed in argument that, before the adoption of the 14th amendment, to be a citizen of the United States, it was necessary to become a citizen of one of the states, but that since the 14th amendment this is reversed, and that citizenship in a state is the result and consequence of the condition of citizenship of the United States.

Admitting this view to be correct, we do not see its bearing upon the question in issue. Who are citizens of the United States, within the meaning of the 14th amendment, we think is clearly settled by the terms of the amendment itself. 'All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.' No words could make it clearer that citizens of the United States, within the meaning of this article, must be natural, and not artificial persons; for a corporation cannot be said to be born, nor can it be naturalized. I am clear, therefore, that a corporate body is not a citizen of the United States as that term is used in the 14th amendment." The Insurance Company v. The City of New Orleans: 1 5th. Jud. Cir. 85, at pages 87 thru 88 (1870).

<http://books.google.com/books?id=jjW3AAAAIAAJ&pg=PA87#v=onepage&q=&f=false>

g5. "But in no case which has come under our observation, either in the State or Federal courts, has a corporation been considered a citizen within the meaning of that provision of the Constitution which declares that the citizens of each State shall be entitled to all the privileges and immunities of citizens OF the several States." Paul v. State of Virginia: 75 U.S. 168, at page 178 (1868).

<http://supreme.justia.com/us/75/168/case.html#178>

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(Usage)

I am a citizen of the several States, domiciled in the State of California.

I am a citizen of the several States and not a citizen of the United States.

Cite as: "Citizen of the several States (legally defined)" Dan Goodman, at the Minuteman Page (<http://mhkeehn.tripod.com>)

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