Natural (Native) Born Citizen Defined: Before and After the Fourteenth Amendment

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Author's Note:

Before the Fourteenth Amendment, the governments of the several States were considered separate and distinct sovereignties from each other as well as from the government of the United States. After the Fourteenth Amendment, the governments of the several States are still considered separate and distinct sovereignties from each other as well as from the government of the United States.

Before the Fourteenth Amendment, a native born citizen was a citizen of a State, and a native born citizen of the United States, when aboard. Before the Fourteenth Amendment, an alien or foreigner could become a naturalized citizen of the United States or a naturalized citizen of a State. A naturalized citizen of the United States domiciled in a State, became a citizen of that State; that is, a citizen of the United States AS WELL AS a citizen of a State. A naturalized citizen of a State became also a citizen of the United States; that is, a citizen of a State AS WELL AS a citizen of the United States. Before the Fourteenth Amendment, a naturalized citizen of the United States and a naturalized citizen of a State were also a naturalized citizen of the United States, when aboard.

Citizenship of the United States was established by the Supreme Court in the case of *Dred Scott*. Instead of distinguishing between a citizen of a State, under the constitution and laws of the individual State, and a citizen of a State, under the Constitution and laws of the United States, Chief Justice Tanney, in this case, made a distinction between a citizen of a State, under the constitution and laws of the individual State and a citizen of the United States under the Constitution and laws of the United States. Because of this, citizenship of the United States, became a constitutional reality, instead of being an international status.

After the Fourteenth Amendment, citizenship of a State and citizenship of the United States were held to be separate and distinct by the Supreme Court in the *Slaughterhouse Cases*. That a citizen of a State was separate and distinct from a citizen of a United States.

After the Fourteenth Amendment, a native born citizen is a citizen of a State, and a native born citizen of the several States, when aboard. After the Fourteenth Amendment, an alien or foreigner could become a naturalized citizen of the United

States or a naturalized citizen of a State. A naturalized citizen of the United States residing in a State, becomes a citizen of that State; that is, a citizen of the United States AND a citizen of a State. A naturalized citizen of a State becomes also a citizen of the several States; that is, a citizen of a State AS WELL AS a citizen of the several States. After the Fourteenth Amendment, a naturalized citizen of the United States is a naturalized citizen of the United States, when aboard. After the Fourteenth Amendment, a naturalized citizen of a State is a naturalized citizen of the several States, when aboard.

After the Fourteenth Amendment, a citizen of the United States is one who is born in the United States and not a State. And naturalized in the United States and not naturalized in a State.

Regarding a foreign corporation, it is neither a citizen of the several States under Article IV, Section 2, Clause 1 of the Constitution of the United States (of America) nor a citizen of the United States under Section 1 of the Fourteenth Amendment. A corporation, before the Fourteenth Amendment, was not considered a citizen of a State, under the Constitution. After the Fourteenth Amendment, a corporation is neither considered a citizen of the several States, under Article IV, Section 2, Clause 1 of the Constitution of the United States (of America) nor a citizen of the United States under Section 1 of the Fourteenth Amendment.

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In my article entitled, "Natural (Native) Born Citizen Defined" I concluded the following before the adoption of the Fourteenth Amendment:

> "Therefore, a natural (native) born citizen was a citizen of a State, first, and then a citizen of the United States, entitled under Article IV, Section 2, Clause 1 of the Constitution to 'privileges and immunities of citizens in the several States.' A naturalized citizen was a citizen of the United States, first, and then a citizen of a State, entitled under Article IV, Section 2, Clause 1 of the Constitution to 'privileges and immunities of citizens in the several States.' [new] **[Footnote 1]** The only difference between them, before the 14th Amendment, was that a natural (native) born citizen could be President of the United States of America whereas a naturalized citizen could not be President of the United States of America." [new] **[Footnote 1]**

In support of this there is the following from Justice Story, in his "Commentaries

on the Constitution of the United States" (Before the Fourteenth Amendment):

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> "§1687. The next inquiry growing out of this part of the clause (that is; Article IV, Section 2, Clause 1,) is, who are to be deemed citizens of different states within the meaning of it. Are all persons born within the meaning of it. Are all persons born within a state to be always deemed citizens of that state, notwithstanding any change of domicil; or does their citizenship change with their change of domicil? The answer to this inquiry is equally plain and satisfactory. The constitution having declared, that the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states, every person, who is a citizen of one state, and removes into another, with the intention of taking up his residence and inhabitancy there, becomes *ipso facto* a citizen of the state, where he resides; and he then ceases to be a citizen of the state, from which he has removed his residence. Of course, when he gives up his new residence or domicil, he reacquires the character of the latter. What circumstances shall constitute such a change of residence or domicil, is an inquiry, more properly belonging to a treatise upon public or municipal law, than to commentaries upon constitutional law. In general, however, it may be said, that a removal from one state into another, animo manendi, or with a design of becoming an inhabitant, constitutes a change of domicil, and of course a change of citizenship. But a person, who is a NATIVE citizen of one state, never ceases to be a citizen thereof, until he has acquired a new citizenship elsewhere. Residence in a foreign country has no operation upon his character, as a citizen, although it may, for purposes of trade and commerce, impress him with the character of the country. To change allegiance is one thing; to change inhabitancy is quite another thing. The right and the power are not co-extensive in each case. Every citizen of a state is *ipso facto* a citizen of the United States. (fn)
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> (fn) Rawle on Const. ch. 9 p. 85, 86
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> Willian Rawle, "A View on the Constitution of the United States of America," 1825; chapter 9, page 85, 86.
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According to Justice Story, a citizen of a State, who is a native of the State (as well as a non native of the State), is also a citizen of the United States.

A native born citizen, before the Fourteenth Amendment, was therefore a citizen of a State, first, and then a citizen of the United States. **[Footnote 2]** So one who was a citizen of a State was also a citizen of the United States; that is, a citizen of a State AS WELL AS a citizen of the United States. And one who was a naturalized citizen of the United States could become also a citizen of a State; that is, a citizen of the United States AS WELL AS a citizen of a State.

A naturalized citizen of the United States or of a State, before the Fourteenth Amendment, was one who was not born in the United States or in a State of the Union; that is, a foreigner or alien. A native born citizen of a State, however, was one who was born in a State of the Union. As such not only would such citizen be a citizen of the United States, such citizen would also be a native born citizen of the United States. Therefore, there would be a naturalized citizen of the United States, and also a native born citizen of the United States. **[Footnote 3]** The only difference between them, other than place of birth, was that a native born citizen of the United States could become President of the United States of America, whereas a naturalized citizen of the United States could not become President of the United States of America. **[Footnote 1]**

Before the Fourteenth Amendment, citizenship of a State and citizenship of the United States were considered one in the same. That is, one was considered a citizen of a State AS WELL AS a citizen of the United States. However, after the adoption of the Fourteenth Amendment, they were determined by the Supreme Court of the United States, in the *Slaughterhouse Cases* (1873), to be separate and distinct. **[Footnote 4]** That a citizen of a State was separate and distinct from a citizen of the United States. **[Footnote 5]**

The United States government and the several States governments are separate and distinct sovereignties. **[Footnote 6]** Since the adoption of the Fourteenth Amendment, the United States government and the several States governments have citizens of their own which owe them allegiance. **[Footnote 7]** Both governments have political jurisdiction over their citizens. **[Footnote 8]**

A citizen of a State, as distinguishable from a citizen of the United States **[Footnote 9]**, is entitled to "privileges and immunities of citizens in the several States" under Article IV, Section 2, Clause 1 of the Constitution of the United States (of America). **[Footnote 10]**

A citizen of a State, as distinguishable from a citizen of the United States is now also a citizen of the several States **[Footnote 11]** entitled to all privileges and immunities of such citizenship. **[Footnote 12]** Privileges and immunities of a citizen of the several States are distinguishable from privileges and immunities of a citizen of the United States. **[Footnote 13]**

Therefore, there are two citizens under the Constitution of the United States (of America); a citizen of the United States under Section 1 of the Fourteenth Amendment, and a citizen of the several States under Article IV, Section 2, Clause 1.

Privileges and immunities of a citizen of the United States are located at Section 1, Clause 2 of the Fourteenth Amendment. Privileges and immunities of a citizen of the several States are designated at Article IV, Section 2, Clause 1. **[Footnote 14]**

Both a citizen of the United States and a citizen of the several States are a citizen of a State. A citizen of the United States is so (by residing in a State) under Section 1 of the Fourteenth Amendment. **[Footnote 15]** A citizen of the several States is so under Article IV, Section 2, Clause 1 of the Constitution. **[Footnote 11] [Footnote 12]**

A citizen of the United States is to identified his citizenship in a federal court by averring that he or she is a citizen of the United States and a citizen of a State of the Union. In *Bradwell v. the State of Illinois* (83 U.S. 130, at 138), Justice Miller, writes:

> "The Fourteenth Amendment declares that citizens of the United States are citizens of the state within they reside; therefore the plaintiff was at the time of making her application, a citizen of the United States and a citizen of the State of Illinois."

A citizen of the several States is to state that he is a citizen of a State of the Union.

> "The bill filed in the circuit court by the plaintiff, McQuesten, alleged her to be 'a citizen of the United States and of the State of Massachusetts, and residing at Turner's Falls in said state,' while the defendants, Steigleder and wife, were alleged to be 'citizens of the State of Washington, and residing at the City of Seattle in said state.' Steigleider v. McQuesten: 198 U.S. 141 (1905), *Syllabus*. "The averment in the bill that the parties were citizens of different states was sufficient to make a *prima facie* case of jurisdiction so far as it depended of citizenship." *Opinion*, page 142. **[Footnote 16]**

Therefore, a citizen of the United States and a citizen of the several States, being citizens of a State, can under the Constitution of the United States, at Article III, Section 2, Paragraph 1, Clause 7 (Citizens of different States) **[Footnote 17]**, sue one another if they are a citizen of a different State. They can also sue, as a citizen of a State "foreign States, Citizens or Subjects" under Article III, Section 2, Paragraph 1, Clause 9 (Between a State, or the Citizens thereof, and foreign States, Citizens, or Subjects). **[Footnote 18]**

Footnotes:

1. "We are clearly of opinion therefore, that so far at least as the citizen of this State is concerned, the act cannot apply, because the legislature cannot, directly or

indirectly, for any cause whatsoever, deprive him of his constitutional right to commence, maintain or defend any action or other judicial proceeding.

Here, however, another question is presented. Cannot the statute be made to apply to those who are citizens of other States? The Constitution of the United States seems to settle this question at once. Section 2, Art. IV, declares that 'the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.' We have endeavored to show that the citizens of this State are not affected by this act, and it seems to follow necessarily from the clause just recited that the citizens of the other States are equally exempt.

. . . The clause will not, in our opinion, admit of any such construction. Properly interpreted we are by no means sure that the word 'citizens,' as therein used, means other than citizens of the United States. The main object of the section was to prevent each State from discriminating in favor of its own people, or against those of any other, by securing to each citizen of the government then being formed, (and to none other as we believe) certain fundamental rights, privileges and immunities, wheresoever in the United States he might demand them, and to which individual State soever he might belong. Not absolute equality of rights and privileges with every citizen of each State of the Union, but all such privileges and immunities in any State as are, by the constitution and laws thereof, secured, or extended to her own people of the same class, and otherwise similarly situated. Such an interpretation would, it is confidently believed, furnish an easy and satisfactory solution of many troublesome questions—would afford all the protection needed by the people, and secure every other end sought to be accomplished by the section. But however liberal or confined the interpretation and construction may be, there can no longer be any doubt that it covers the present case; for it has already been decided that among the privileges in which the citizen of every State is secured by this section, that of instituting and maintaining actions of every kind in the courts of every other State is included. *Corfield vs. Coryell*, 4 W. C. C. , 380-81." Davis v. Pierse et. al.: 7 Minn. Rep. 13, at 20 thru 21 (1862).

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A naturalized citizen, before the Fourteenth Amendment, also includes one who was naturalized as a citizen of a State, first, and then a citizen of the United States.

Before the adoption of the Constitution of the United States (of America) on September 17, 1787 (and its taking effect of March 4, 1789), a different State (under the Articles of Confederation) had the right to naturalize:

"(Per Curiam) The defendant was originally a British subject, and by an act of the

Legislature (of New York) was made a naturalized citizen of this State, and must have then, in 1784, taken an oath of allegiance to the State. In 1795, he took an oath of allegiance to the King of Spain, and was appointed by the Spanish King his consul for this State, and has since been appointed Consul-General for the United States. In this situation he claims to be an alien, and, as such, entitled to the privilege of being sued in the Courts of the United States. We are of opinion that he has no title to that privilege; and, without deciding on the general right of expatriation, that he cannot be considered as having devested himself of the character of an American citizen; for he cannot devest himself of that character, without, at least, changing his domicile. While he continues to reside here, we have a right to consider him as a citizen of this State. If a different rule should prevail, it would be in the power of the sovereign of any other nation thus to naturalize any of our citizens; and in the heart of our country to detach them from the allegiance they owe to its government. The motion must be denied." Fish v. Stoughton: 1 N. Y. 558, at 559 (1801).

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After the adoption of the Constitution of the United States (of America), an individual State had the right to naturalize:

"The defendant in error is alleged in the proceedings to be a citizen of the United States, naturalized in Louisiana and residing there. Gassies v. Ballon: 31 U.S (Peters 6) 761, at 762 (1832).

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In this case the defendant, was a naturalized citizen of Louisiana. Note it does not say the defendant was a naturalized citizen of the United States; that is, one who was naturalized in the United States; for example, the District of Columbia. See **[Footnote 7]**; *United States v. Wong Kim Ark* [After the Fourteenth Amendment]. Also, a naturalized citizen of Louisiana is a citizen of that state. As stated in the case: "This is equivalent to an averment that he is a citizen of that state."

In addition, there is also the following:

"(3) The Chief Justice {John Marshall}, at the conclusion of the above opinion, referred to the case of *The Nereide*, [9 Cranch, 388; 3 Con. Rep. Sup. Ct. U.S., 439.] That case was decided at February Term, 1815, and the Chief Justice delivered the opinion of the court. Among other points resolved in that case, it was decided, that a merchant, being a native of, and having a fixed residence, in Buenos Ayres, were he carried on business, did not acquire a foreign commercial character, by occasional visits to a foreign country.

The case of Prentiss, &c. v. Barton's Ex'or., above reported, strikingly resembles the case of *Cooper's Lessee v. Galbraith*, 3 Wash. C. C. R. 546, decided by Judge Washington, in 1819. That was an ejectment for land in the state of Pennsylvania,

and the defendant was a citizen of that state. Cooper, the lessor of the plaintiff, was ***a naturalized citizen of Pennsylvania***, and resided in that state until the year 1816. . . . Judge Washington, in delivering his charge to the jury, said: 'The question of jurisdiction is first to be considered. It is composed of law and fact; and as soon as the latter is ascertained, the question is relieved from every difficulty. Citizenship, when spoken of in the Constitution, in reference to the jurisdiction of the courts of the U.S., means nothing more that *residence*. The citizens of each state, are entitled to all the privileges and immunities of citizens in the several states; but to give jurisdiction to the courts of the U. S., the suit must be between citizens residing in different states, or between a citizen and an alien. {See **[Footnote 16]**; *Hammerstein v. Lyne*}" Reports of Cases Decided by the Honourable John Marshall, Late Chief Justice of the United States in The Circuit Court of the United States, for the District of Virginia and North Carolina: From 1802 to 1833 Inclusive; (1837) John W. Brockenbrough, Counsellor at Law, Philadelphia: James Kay, Jun & Brother, page 395; "Prentiss, Trustee v. Barton's Executors".

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"*In false swearing by a person offering to vote, as to his qualifications when challenged*. (t)

That on, &c., at an annual election held at the town of Porter, in the County of Niagara, for the choice of senator from the eighth senatorial district of the State of New York, one member of assembly and a sheriff for said county and four justices of the peace for the town of Porter, held pursuant to the constitution and laws of the state before the board of inspectors of the said election then sitting at the house of, &c., in the town of Porter, which said board being then and there legally constituted and organized according to law to receive all legal or lawful votes or ballots for said officers to be elected as aforesaid, R. C., &c., appeared before the board and offered his vote or ballots for some or all of said officers, whereupon, before his vote or ballots were given in, he was duly challenged touching his right or legal ability to vote at said election for the said officers or either of them, and on being challenged he was then and there duly sworn and did take his corporal oath before the said board so constituted and sitting as aforesaid, the said board being then and there duly authorized and empowered to administer an oath to the said R. C. in that behalf; and he the said R. C., being then and there sworn by and before said board, and not regarding the laws of the state, &c., did then and there falsely, willfully and corruptly say, depose and swear to and before the board aforesaid, touching his right to vote and his qualifications as a voter at said election for the officers aforesaid, in substance and effect as follows, among other things, that is to say that he the said R.C. was ***a natural born or a naturalized citizen of the State of New York, or one of the United States of America***; whereas in truth and in fact, he the said R. C. was not a ***natural born or naturalized citizen of the State of New York, or one of the United States of America***; and so the jurors aforesaid say that the said R. C. on, &c., did commit willful and corrupt perjury,' &c." Precedents of Indictments and Pleas Adapted to the Use both of the Courts of the United States and those of all

the several States together with Notes on Criminal Pleading and Practice, embracing the English and American Authorities Generally, Second and Revised Edition, (1857); Francis Wharton, Philadelphia: Kay & Brother, #589, page 413.

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"This cause has been heard on demurrer to the bill, which alleges, in substance, that the defendant was born prior to April 6, 1841, at Fishmoyne, in the parish of Down and Inch, and county of Tipperary, Ireland, and was an alien; that he remained there till 18(6)2, when he came to this country, and arrived at New York about May 13th of that year, when over 18 and about 20 years old (Note: 1841 + 20 = 1861, thus 1862, not 1882); that on October 22, 1867, without having made any declaration of intention to become a citizen of the United States, he presented a petition for naturalization to the superior court of the city of New York, . . . that thereupon the required oaths were taken, and a certificate in due form was issued. . . .

. . . But, whatever the fact was, the administration of the oaths and issuing of the certificate showed the satisfaction of the court as to the requirements, constituting a judgment of admission to citizenship, with the force of such a judgment upon the status of the applicant. . . .

The defendant became a citizen of the state of New York, AS WELL AS of the United States." United States v. Gleason: 78 F. Rep. 396 (1897).

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(*Note*: the Fourteenth Amendment was proclaimed in effect on July 28, 1868. See **[Footnote 3]**; *Note*.)

And, there is the following:

"The act of Congress referred to in the first section of the *act of 11th April, 1799* is repealed and supplied by an act passed *14th April, 1802*, which is incorporated in this note for the purpose of connecting the whole law on the subject.

'An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject.

Be in enacted, &c. That any alien being a free white person, may be admitted to become ***a citizen of the United States, or any of them*** {See *Note*}, on the following conditions, and not otherwise:

First, That he shall have declared, on oath or affirmation, before the Supreme, Superior, District or Circuit Court of some one of the states or of the territorial districts of the United States, or a Circuit or District Court of the United States, three

years at least before his admission, that it was, bona fide, his intention to become a citizen of the United States, and to renounce for ever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whereof such alien may, at the time, be a citizen or subject.

Secondly, That he shall, at the time of his application to be admitted, declare on oath or affirmation, before some one of the courts aforesaid, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever, and particularly, by name, the prince, potentate, state, or sovereignty whereof he was before a citizen or subject, which proceedings shall be recorded by the clerk of the court.' " Laws of the Commonwealth of Pennsylvania, From the Fourteenth Day of October, One Thousand Seven Hundred. Republished, Under the Authority of the Legislature with Notes and References, Volume 4, (1810); Philadelphia: John Bioren, page 364.

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(*Note*: So an alien, under this provision, being a free white person, can choose to become either a naturalized citizen of the United States, or a naturalized citizen of a State.)

Therefore, a naturalized citizen, before the Fourteenth Amendment, was a naturalized citizen of the United States, first, and then a citizen of a State, if residing in a State of the Union, or a naturalized citizen of a State, first, and then a citizen of the United States. Stating it another way, a naturalized citizen, before the Fourteenth Amendment, was both a naturalized citizen of the United States and a naturalized citizen of a State.

"A naturalized citizen is indeed made a citizen under an act of Congress, but the act does not proceed to give, to regulate, or to prescribe his capacities. He becomes a member of the society, possessing all the rights of a native citizen, and standing, in the view of the constitution, on the footing of a native. The constitution does not authorize Congress to enlarge or abridge those rights. The simple power of the national Legislature, is to prescribe a uniform rule of naturalization, and the exercise of this power exhausts it, so far as respects the individual. The constitution then takes him up, and, among other rights, extends to him the capacity of suing in the Courts of the United States, precisely under the same circumstances under which a native might sue. He is distinguishable in nothing from a native citizen, except so far as the constitution makes the distinction." Osborn v. Bank of the United States: 22 U.S. (Wheat. 9) 738, at 827 thru 828 (1824)

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"This was a contest between Charles H. Scott and Paul Strobach, as to the right to

the office of sheriff of said county. . . . The grounds of contest, as specified, were: 1st, that Strobach was ineligible to the office of sheriff, because, at the time of the election, and also at the time when he received his commission as sheriff, he was a member of the General Assembly; 2d, that he was ineligible to said office, because he was by birth an alien, and had never been naturalized, and had not declared his intention to become a citizen of the United States; 3d, that a certificate of naturalization which he had procured from the City Court of Montgomery, on the 11th October, 1867, and which was made an exhibit to the statement of contest, was procured by fraud, and its recitals were not true in fact. . . . .

. . . An alien, naturalized, becomes entitled to all the privileges and immunities of the native born." Scott v. Strobach: 49 Ala. 477, at pages 478, 490 (1873)

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"A naturalized citizen of the United States or a native citizen of any other state of the union, domiciled in Virginia, being entitled to all the privileges of a citizen of this state, is a citizen." *Syllabus*, Commonwealth v. Towles: 5 Leigh 743 (1835).

"In the case of a naturalized alien, as well as in the case of an individual born out of this commonwealth in some other of the United States, the privileges and immunities of citizenship, implied in naturalization, and expressly declared in the constitution, must be complete under the federal laws, -- without requiring any aid, or admitting the interference, of any state law. . . . It is obvious, that the privileges and immunities of the naturalized citizen and of the citizen of each state, are exactly the same, under the constitution of the United States art. 4 §2, and the naturalized citizen, and the native citizen of North Carolina, would be both equally entitled to them, whatever they are, in the state of Virginia." *Opinion*, Commonwealth v. Towles: 5 Leigh 743, at 748 thru 749 (1835).

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2. ". . . [I]n examining the form of our government, it might be correctly said that there is no such thing as a citizen of the United States. But constant usage – arising from convenience, and perhaps necessity, and dating from the formation of the Confederacy – has given substantial existence to the idea which the term conveys. A citizen of any one of the States of the Union, is held to be, and called a citizen of the United States, although technically and abstractly there is no such thing. To conceive a citizen of the United States who is not a citizen of some one of the States, is totally foreign to the idea, and inconsistent with the proper construction and common understanding of the expression as used in the Constitution, which must be deduced from its various other provisions. " Ex parte Frank Knowles: 5 Cal. 300, at 302 (1885).

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3. "And be it further enacted, That all naturalized citizens of the United States, while in foreign states, shall be entitled to, and shall received from this government, the same protection of persons and property that is accorded to native born citizens (of the United States) in like situations and circumstances." Section 2 of *An Act concerning the Rights of American Citizens in foreign States, dated July 27, 1868*; 15 Statutes at Large 224 (see *Note*)

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"In regard to the protection of our citizens in their rights at home and abroad, we have no law which divides them into classes or makes any difference whatever between them. A native and a naturalized American may therefore go forth with equal security over every sea and through every land under heaven, including the country in which the latter was born." Right of Expatriation, 9 *Opinions of the Attorney General* 360 (1859); from The American Journal of International Law, Volume 3, page 882 (1909).

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Note: this Act of Congress was passed one day before the Fourteenth Amendment was proclaimed in effect by William H. Seward, Secretary of State of the United States, on July 28, 1868 in (Presidential) Proclamation no. 13, 15 Statutes at Large 708.

http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=015/llsl015.db&recNum=741

"The Fourteenth Amendment which was finally adopted July 28, 1868." Holden v. Hardy: 169 U.S. 375, at 382 (1918).

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"On July 28, 1868, the secretary of state proclaimed that the fourteenth article of amendments to the constitution of the United States had been ratified by three-fourths of the states of the Union." United States v. Lackey: 99 F. Rep. 952, at 995 (1900).

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4. ". . . Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it . . . .

It is quite clear, then, that there is a citizenship of the United States, and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual. . . . .

Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizen of the State, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause (first section, second clause) under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the (Fourteenth) amendment." Slaughterhouse Cases: 83 (16 Wall.) 36, at 74 (1873).

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5. "The act was considered in *Johnson v. United States*, 160 U.S. 546, 16 Sup. Ct. 377, and we there held that a person who was not a citizen of the United States at the time of an alleged appropriation of his property by a tribe of Indians was not entitled to maintain an action in the Court of Claims under the act in question. There was not in that case, however, any assertion that the claimant was ***a citizen of a State, as distinguished from a citizen of the United States***. . . . [U]ndoubtedly in a purely technical and abstract sense citizenship of one of the States may not include citizenship of the United States . . . Unquestionably, in the general and common acceptation, a citizen of the State is considered as synonymous with citizen of the United States, and the one is therefore treated as expressive of the other. This flows from the fact that the one is normally and usually the other, and where such is not the case it is purely exceptional and uncommon." United States v. Northwestern Express, Stage & Transportation Company: 164 U.S. 686, 688 (1897).

http://books.google.com/books?id=xOQGAAAAYAAJ&pg=PA688#v=onepage&q=&f=false

In addition,

". . . The defendant is not ***a citizen of the United States nor of the state of Indiana***. . . .

The defendant, therefore, has no right of removal on the ground of diversity of citizenship between herself and the plaintiff, for the reason that she is ***not a citizen either of the United States or of any state of the Union***." Paul v. Chilsoquie: 70 F. Rep. 401, at 402 (1895)

http://books.google.com/books?id=1JoKAAAAYAAJ&pg=RA1-PA402#v=onepage&q=&f=false

"No person who is capable of inheriting shall be deprived of the inheritance by reason of any of his ancestors having been aliens. Aliens may hold, possess, and enjoy lands, tenements, and hereditaments within this state, either by descent, devise, gift, or purchase, as fully as any ***citizen of the United States or of this state*** may do. Effective Date: 10-01-1953" Ohio Revised Code, Section 2105.16

http://codes.ohio.gov/orc/2105

"Effective Date: 1-1-32" *States' Laws on Race and Color: Studies in the Legal History of the South*, Pauli Murray, republished 1997 by the University of Georgia Press.

http://books.google.com/books?id=L8LsCifv10IC&lpg=PP1&pg=PA352#v=onepage&q=&f=false

"The factory inspector shall enforce all the provisions of this article. . . .

If complaint is made to the factory inspector that any person contracting with the state or a municipal corporation for the performance of any public work fails to comply with or evades the provisions of this article respecting the payment of the prevailing rate of wages, the requirements of hours of labor or the employment of ***citizens of the United States or the state of New York***, the factory inspector shall, if he finds such complaints to be well founded, present evidence of such non-compliance to the officer, department, or board having charge of such work. Such officer, department or board shall thereupon take the proper proceedings to revoke the contract of the person failing to comply with or evading such provisions." Laws and Ordinances Relating to Buildings in Greater New York, citing Section 2 of Chapter 192 of the Laws of 1899 of the State of New York, pages 530 thru 531.

http://books.google.com/books?id=UqsNAAAAYAAJ&pg=PA530#v=onepage&q=&f=false

"Appellant's contention is that the statute quoted is an unconstitutional interference with the right of ***a citizen of the United States, or a citizen of the state***, to acquire and protect property." State of South Dakota v. Pollock: 175 N.W. 557, at 558 (1919).

http://books.google.com/books?id=cio8AAAAIAAJ&pg=PA558#v=onepage&q=&f=false

". . . The respondent Elina A. Skarderud is concededly ***not a citizen of North Dakota, nor of the United States***." Moody v. Hagen (Tax Commission, Intervener): 162 N.W. 704, at 706 (1917).

http://books.google.com/books?id=7Q88AAAAIAAJ&pg=PA706#v=onepage&q=&f=false

"It was made to appear on the hearing, by undisputed evidence, that the petitioner was a Japanese and ***not a citizen of the United States or the state of California***." In

Re Tetsubumi Yano's Estate: 206 P. Rep. 995, at 997 *per curiam* (1922).

http://books.google.com/books?id=Qf0KAAAAYAAJ&pg=PA997#v=onepage&q=&f=false

"In *Crowley v. Christensen*, 137 U. S. 86, the Supreme Court of the United States, through Mr. Justice Field, said:

'The sale of such liquors in this way has therefore been, at all times, by the courts of every state, considered as the proper subject of legislative regulation. . . . It is a question of public expediency and public morality, and not of federal law. The police power of the state is fully competent to regulate the business—to mitigate its evils, or to suppress it entirely. There is no inherent right in a citizen to thus sell intoxicating liquors by retail; it is not a privilege of a ***citizen of the state or of a citizen of the United States***." McClure v. Topf & Wright: 166 S.W. Rep. 174, at 175 (1914).

http://books.google.com/books?id=WH07AAAAIAAJ&pg=PA175#v=onepage&q=&f=false

"A property owner who, in good faith, makes real property in this state his permanent home is entitled to homestead tax exemption, notwithstanding he is ***not a citizen of the United States or of this State***. (*Smith v. Voight*, 28 So. 2d 426 (Fla. 1946)). Florida Administrative Code, Section 12D-7007(2).

http://www.bcpa.net/Forms/FAC-Ch12D-7.pdf

DeQuervain v. Desquin: 927 So. 2d 232, at 234 thru 235 (2006).

http://uniset.ca/other/cs6/927So2d232.html

Attorney General of Florida, Advisory Legal Opinion, AGO 2005-55, Dated: November 9, 2005.

http://www.myfloridalegal.com/ago.nsf/Opinions/44E1DCE5273DE959852570B40052B1C6

See also Attorney General of Florida, Advisory Legal Opinion, AGO 61-148, Dated: September 19, 1961:

"You state in your letter that at the present time, tax assessors of the various counties in this state are confronted with the question of whether they should grant homestead tax exemption claims of citizens of Cuba who are residing in Florida without permanent visas, not through any fault of their own but by reason of the poor political conditions existing in Cuba. Under s. 7, Art. X, State Const., 'every person who has the legal title or beneficial title in equity to real property in this state and who resides thereon and in good faith makes the same his or her permanent home . . . shall be entitled to an exemption taxation. . . .' Said s. 7, Art. X, was amended in 1938. Prior to the amendment that section provided that 'there shall be exempted from all taxation . . . to every head of a family who is a citizen

and resides in the state of Florida' his homestead as defined by said section. It seems evident by comparison of the above constitutional provisions that a material change was made in the constitutional provision by the 1938 amendment. The prior constitutional provision required residence and citizenship; the present provision requires residence and the making of the property one's permanent home. A property owner may be entitled to homestead tax exemption notwithstanding he may be a ***citizen of another state or country***, so long as he resides permanently in this state (Smith v. Voight, 158 Fla. 366, 28 So.2d 426).

https://taxlaw.state.fl.us/view.aspx?id=225893&file=pta_ago&format=3&banner=Property%20Tax%20Oversight%20-%20Attorney%20General%20Opinions

And see Attorney General of Florida, Advisory Legal Opinion, AGO 70-028, Dated: April 14, 1970:

"In AGO 39-10, Jan. 19, 1939, Biennial Report of the Attorney General, 1939-1940 p. 438, it was held that minors, aliens, and any other person who held the legal or beneficial title in equity to real property in this state were entitled to homestead exemption and that citizenship was not the test. In Smith v. Voight, 28 So.2d 426 (Fla. 1946) it was held that not even ***United States citizenship*** was required in order to obtain homestead exemption."

https://taxlaw.state.fl.us/view.aspx?id=376610&file=pta_ago&format=3&banner=Property%20Tax%20Oversight%20-%20Attorney%20General%20Opinions

6. ". . . [T]he question submitted to the General Court is substantially this: Could Congress Constitutionally give to a State Court, jurisdiction over this case, or can such Court be authorized by an Act of Congress to take cognizance thereof?

The very statement of the question points out its extreme delicacy, and great importance. It involves the great Constitutional rights and powers of the General Government, as well as the rights, Sovereignty, and Independence of the respective State Governments. It calls upon this Court, to mark the limits which separate them from each other, and to make a decision, which may possibly put at issue, upon a great Constitutional point, the Legislature of the United States, and the Supreme Criminal Tribunal of one of the States. . . .

But, before that is done, it will be necessary to lay down, and explain, certain principles upon which it is founded. First, it is believed that the Judicial power of any State, or Nation, forms an important part of its Sovereignty, and consists in a right to expound its Laws, to apply them to the various transactions of human affairs as they arise, and to superintend and enforce their execution. And that whosoever is authorized to perform these functions to any extent, has, of necessity, to the same extent, the Judicial power of that State or Nation which authorized him to do so.

Secondly, that the Judiciary of one separate and distinct Sovereignty cannot of itself assume, nor can another separate and distinct Sovereignty either authorize, or coerce it to exercise the Judicial powers of such other separate and distinct Sovereignty. . . .

. . . [T]hat the Government of the United States, although it by no means possesses the entire Sovereignty of this vast Empire, (the great residuum thereof still remaining with the States respectively,) is nevertheless, as to all the purposes for which it was created, and as to all the powers vested therein, unless where it is otherwise provided by the Constitution, completely Sovereign. And that its Sovereignty is an entirely separate and distinct from the Sovereignty of the respective States, as the Sovereignty of one of those States is separate and distinct from the other. So that, (unless as before excepted,) it cannot exercise the powers which belong to the State Governments, nor can any State Government exercise the powers which belong to it." Jackson v. Rose: 2 Va. Cas. 34 (1814) [*Before the Fourteenth Amendment*]

http://press-pubs.uchicago.edu/founders/documents/a3_2_1s59.html

"The general government, and the States, although both exist within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other, within their respective spheres. The former in its appropriate sphere is supreme; but the States within the limits of their powers not granted, or, in the language of the tenth amendment, 'reserved,' are as independent of the general government as that government within its sphere is independent of the States." Collector v. Day: 78 U.S. (Wall. 11) 113, at 124 (1870). [*After the Fourteenth Amendment*]

http://books.google.com/books?id=zMEGAAAAYAAJ&pg=PA124#v=onepage&q=&f=false

Also:

"In applying the dual sovereignty doctrine, then, the crucial determination is whether the two entities that seek successively to prosecute a defendant for the same course of conduct can be termed separate sovereigns. . . . Thus, the Court has uniformly held that the States are separate sovereigns with respect to the Federal Government. . . .

The States are no less sovereign with respect to each other than they are with respect to the Federal Government. The powers to undertake criminal prosecutions derive from separate and independent sources of power and authority originally belonging to them before admission to the Union and preserved to them by the Tenth Amendment." Heath v State of Alabama: 474 U.S. 82, at 88 thru 89 (1985). [*After the Fourteenth Amendment*]

http://www.loislaw.com/advsrny/doclink.htp?alias=USCASE&cite=474+U.S.+82

7. "We have in our political system a government of the United States and a government of each of the several States. Each one of these governments is distinct from the others, and each has citizens of its own who owe it allegiance, and whose rights, within its jurisdiction, it must protect." United States v. Cruikshank: 92 U.S. 542, at 549 (1875).

http://books.google.com/books?id=PGwUAAAAYAAJ&pg=RA2-PA549#v=onepage&q=&f=false

In addition, the government of the United States and the government of each of the several States have subjects. A subject of the United States, is also referred to as a national, and is a citizen of a territory or possession of the United States government. A subject of a State, is also spoken of as a "citizen" of a State. Such person is usually an alien granted privileges and immunities under the constitution and laws of an individual State. However, such person is a citizen of a State, under the constitution of a State, but not a citizen of a State, under the Constitution of the United States (of America):

"8. A State, by its laws passed since the adoption of the Constitution, may put a foreigner or any other description of persons upon a footing with its own citizens, as to all the rights and privileges enjoyed by them within its dominion and by its laws. But that will not make him a citizen of the United States, nor entitle him to sue in its courts, nor to any of the privileges and immunities of a citizen in another State." *Syllabus*, Dred Scott v. Sanford: 60 U.S. 393, at 394.

"In discussing this question, we must not confound the rights of citizenship which a State may confer within its own limits, and the rights of citizenship as a member of the Union. It does not by any means follow, because he has all the rights and privileges of a citizen of a State, that he must be a citizen of the United States. He may have all of the rights and privileges of the citizen of a State, and yet not be entitled to the rights and privileges of a citizen in any other State. For, previous to the adoption of the Constitution of the United States, every State had the undoubted right to confer on whomsoever it pleased the character of citizen, and to endow him with all its rights. But this character, of course was confined to the boundaries of the State, and gave him no rights or privileges in other States beyond those secured to him by the laws of nations and the comity of States. Nor have the several States surrendered the power of conferring these rights and privileges by adopting the Constitution of the United States. Each State may still confer them upon an alien, or anyone it thinks proper, or upon any class or description of persons, yet he would not be a citizen in the sense in which that word is used in the Constitution of the United States, nor entitled to sue as such in one of its courts, nor to the privileges and immunities of a citizen in the other States. The rights which he would acquire would be restricted to the State which gave them. The Constitution has conferred on Congress the right to establish an uniform rule of naturalization, and this right is evidently exclusive, and has always been held by this court to be so. Consequently,

no State, since the adoption of the Constitution, can by naturalizing an alien invest him with the rights and privileges secured to a citizen of a State under the Federal Government, although, so far as the State alone was concerned, he would undoubtedly be entitled to the rights of a citizen, and clothed with all the rights and immunities which the Constitution and laws of the State attached to that character.

It is very clear, therefore, that no State can, ***by any act or law of its own***, passed since the adoption of the Constitution, introduce a new member into the political community created by the Constitution of the United States. It cannot make him a member of this community by making him a member of its own. And for the same reason it cannot introduce any person or description of persons, who were not intended to be embraced in this new political family, which the Constitution brought into existence, but were intended to be excluded from it." *Opinion*, Dred Scott v. Sanford: 60 U.S. 393, at pages 405 thru 406.

http://books.google.com/books?id=-CQ3AAAAIAAJ&pg=RA3-PA405#v=onepage&q=&f=false

"The power, granted to Congress by the Constitution, 'to establish an uniform rule of naturalization,' was long ago adjudged by this court to be vested exclusively in Congress. *Chirac v. Chirac* (1817) 2 Wheat. 259. For many years after the establishment of the original Constitution, and until two years after the adoption of the Fourteenth Amendment, Congress never authorized the naturalization of any one but 'free white persons.' Acts March 26, 1790, c. 3, and January 29, 1795, c. 20; 1 Stat. 103, 414; April 14, 1802, c. 28, and March 26, 1804, c. 47; 2 Stat. 153, 292; March 22, 1816, c. 32; 3 Stat. 258; May 26, 1824, c. 186, and May 24, 1828, c. 116; 4 Stat. 69, 310. By the treaty between the United States and China, made July 28, 1868, and promulgated February 5, 1870, it was provided that 'nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.' 16 Stat. 740. By the act of July 14, 1870, c. 254, § 7, for the first time, the naturalization laws were 'extended to aliens of African nativity and to persons of African descent.' 16 Stat. 256. This extension, as embodied in the Revised Statutes, took the form of providing that those laws should 'apply to aliens [being free white persons, and to aliens] of African nativity and to persons of African descent;' and it was amended by the act of February 18, 1875, c. 80, by inserting the words above printed in brackets. Rev. St. (2d ed.) § 2169; (18 Stat. 318). Those statutes were held, by the Circuit Court of the United States in California, not to embrace Chinese aliens. *In re Ah Yup*, (1878) 5 Sawyer 155. And by the act of May 6, 1882, c. 126, § 14, it was expressly enacted that, 'hereafter ***no state court or court of the United States*** shall admit Chinese to citizenship.' 22 Stat. 61." United States v. Wong Kim Ark: 169 U.S. 649, at 701 thru 702 (1898).

http://books.google.com/books?id=4-sGAAAAYAAJ&pg=PA701#v=onepage&q=&f=false

8. "... As in case of the authority of the United States over its absent citizens (*Blackmer v. United States*, 284 U.S. 421), the authority of a State over one of its citizens is not terminated by the mere fact of his absence from the state." Milliken v. Meyer: 311 U.S. 457, at 463 (1940).

http://www.loislaw.com/advsrny/doclink.htp?alias=USCASE&cite=311+U.S.+457

9. A citizen of the United States can become also a citizen of a State by residing in a State of the Union. As such a citizen of the United States, would be a citizen of the United States AND a citizen of a State, and this would be under Section 1 of the Fourteenth Amendment:

"The Fourteenth Amendment declares that citizens of the United States are citizens of the state within they reside; therefore the plaintiff was at the time of making her application, a citizen of the United States AND a citizen of the State of Illinois.

We do not here mean to say that there may not be a temporary residence in one State, with intent to return to another, which will not create citizenship in the former. But the plaintiff states nothing to take her case out of the definition of citizenship of a State as defined by the first section of the fourteenth amendment." Bradwell v. the State of Illinois: 83 U.S. 130, at 138 (1873).

http://books.google.com/books?id=DkgFAAAAYAAJ&pg=PA138#v=onepage&q=&f=false

"Section 2: The Supreme Court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to the decision of a case. No person shall be eligible to the office of chief justice of associate justice of the Supreme Court unless he be at the time of his election ***a citizen of the United States AND of this State***, and unless he shall have attained the age of thirty years, and shall have been a practicing lawyer or a judge of a court in this State, or such lawyer and judge together, at least seven years."

"Section 5: The Court of Appeals shall consist of three judges, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to a decision of said court. They shall be elected by the qualified voters of the State at a general election. They shall be ***citizens of the United States AND of this State***, shall have arrived at the age of thirty years at the time of election, each shall have been a practicing lawyer, or a judge of a court in this State, or such lawyer and judge together for at least seven years." Article V, Sections 2 & 5 Constitution of the State of Texas (1876).

http://tarlton.law.utexas.edu/constitutions/text/IART05.html

10. "As applied to a citizen of another State, or to a citizen of the United States residing in another State, a state law forbidding sale of convict made goods does not violate the privileges and immunities clauses of Art. IV, Sec. 2 and the Fourteenth Amendment of the Federal Constitution if it applies also and equally to the citizens of the State that enacted it." (*Syllabus*) Whitfield v. State of Ohio: 297 U.S. 431 [1936]

"The court below proceeded upon the assumption that petitioner was a citizen of the United States; and his status in that regard is not questioned. The effect of the privileges and immunities clause of the Fourteenth Amendment, as applied to the facts of the present case, is to deny the power of Ohio to impose restraints upon citizens of the United States resident in Alabama in respect of the disposition of goods within Ohio, if like restraints are not imposed upon citizens resident in Ohio.

The effect of the similar clause found in the Fourth Article of the Constitution (section 2), as applied to these facts, would be the same, since that clause is directed against discrimination by a state in favor of its own citizens and against the citizens of other states. *Slaughterhouse Cases* (Live-Stock Dealers' & Butchers' Ass'n v. Crescent City Live-Stock Landing & Slaughter-House Co.), Fed.Cas. No. 8,408, 1 Woods 21, 28; *Bradwell v. State of Illinois*, 16 Wall. 130, 138." (*Opinion*) Whitfield v. State of Ohio: 297 U.S. 431, 437 [1936].

http://www.loislaw.com/advsrny/doclink.htp?alias=USCASE&cite=297+U.S.+431

". . . This court in *Commonwealth v. Towles*, 5 Leigh 743, expressly decided that a person born in another state of this Union is entitled to all the rights and privileges of this state." Hannon v. Hounihan: 12 S.E. 157, at 158 (1888); 85 Va. 429.

http://books.google.com/books?id=Tyg8AAAAIAAJ&dq=editions%3ALCCN39018283&lr=&pg=PA158#v=onepage&q=&f=false

(*Note to this case*: Section 1, Clause 1 of the Fourteenth Amendment states:

> "All persons born . . . in the United States, are a citizen of the United States and of the State wherein they reside."

It does not state:

> "All persons born . . . in a State, are a citizen of the United States and of the State wherein they reside.")

In addition, Section 1, Clause 1 of the Fourteenth Amendment reads:

> "All persons . . . naturalized in the United States, are a citizen of the United States and of the State wherein they reside."

> Compare to the following from Justice Story, in his "Commentaries on the Constitution of the United States" (1833) [Before the Fourteenth Amendment], where he writes "§1688. And a person, who is a naturalized citizen of the United States, by a like residence in any state in the Union, becomes ipso facto a citizen of that state."

http://books.google.com/books?id=1CATAAAAYAAJ&dq=editions%3AOCLC4573134&lr=&pg=PA566#v=onepage&q=&f=false

> Thus, a naturalized citizen of the United States was also a citizen of a State; that is, a citizen of the United States AS WELL AS a citizen of a State. It is to be added that a naturalized citizen of the United States, before the Fourteenth Amendment, was entitled to privileges and immunities of citizens in the several States, under Article IV, Section 2, Clause 1 of the Constitution. **[Footnote 1]** while a naturalized citizen of the United States, after the Fourteenth Amendment, is entitled to privileges and immunities of citizens in the several States, under Section 1, Clause 2 of the Fourteenth Amendment **[Footnote 9]**; *Bradwell v. State of Illinois*, and **[Footnote 10]**; *Whitfield v. State of Ohio*.

It does not state:

> "All persons . . . naturalized in a State, are a citizen of the United States and of the State wherein they reside."
>
> Thus, a person naturalized in a State, is a naturalized citizen of a State AS WELL AS a citizen of the United States, **[Footnote 1]** before the Fourteenth Amendment, and is now a naturalized citizen of a State AS WELL AS a citizen of the several States, after the Fourteenth Amendment **[Footnote 6]**, **[Footnote 1]**; *Scott v. Strobach*, **[Footnote 11]**; *Cole v. Cunningham* and **Footnote 12]**; *Harris v. Balk*.

Therefore, since the Fourteenth Amendment, a person naturalized in a court of the United States is now a naturalized citizen of the United States while a person naturalized in a court of a State is now a naturalized citizen of a State. **[Footnote 1]**; *Laws of the Commonwealth of Pennsylvania, From the Fourteenth Day of October, One Thousand Seven Hundred. Republished, Under the Authority of the Legislature with Notes and References*, Volume 4, (1810); Philadelphia: John Bioren, page 364. In addition, the power of naturalization has changed. Before and after the Fourteenth Amendment, it was a power vested in Congress, which was exercised by both the United States and the several States. However, after the Fourteenth Amendment, it is now to be a concurrent power to be exercised by both the Congress and the several State Legislators. The rule of naturalization is still retained by Congress:

> "The question, now agitated, depends upon another question; whether the State of Pennsylvania, since the 26th of March 1790 (when the act of Congress was passed) has a right to naturalize an alien? And this must

receive its answer from the solution of a third question; whether, according to the constitution of the United States, the authority to naturalize is exclusive, or concurrent? We are of opinion, then, that the States, individually, still enjoy a concurrent authority upon this subject; but that their individual authority cannot be exercised, so as to contravene the rule established by the authority of the Union." Collet v. Collet(Penn.): 2 U.S. (Dallas 2) 294, at 296 (1792). [*Before the Fourteenth Amendment*]

http://books.google.com/books?id=qHI-AAAAYAAJ&dq=editions%3ALCCN01026074&lr=&pg=PA296#v=onepage&q=&f=false

(old English)

http://supreme.justia.com/us/2/294/case.html

See also **[Footnote 7]**; *United States v. Wong Kim Ark* [After the Fourteenth Amendment]. Also:

"This provision, it will be observed, recognizes the supreme authority of the United States in the matter of naturalization. The transforming of an alien into a citizen of the United States can only be accomplished in accordance with the naturalized law enacted by the national Congress. To secure uniformity in the laws admitting aliens to citizenship and to avoid the conflict that might arise if the states had authority to prescribe the conditions of admission, it was provided in the federal Constitution that Congress should have the power to establish a uniform rule of naturalization. U.S. Constitution, art. 1, §8. The power so vested is exclusive in Congress and cannot be exercised by any of the states, and no privilege that a state may confer by its Constitution or statutes can convert a foreigner into a American citizen. Chirac v. Chirac, 2 Wheat 259, 4 L. Ed. 234; Lanz v. Randall, 4 Dill. 425, Fed. Cas. No. 8080. A constitutional provision of a state which invades the federal domain would be without effect. Nationalization is a national right, and, while a state may confer certain rights and privileges upon an alien resident in the state, it can confer none which contravenes the national authority." State ex rel. Brewster v. Covell: 175 P. Rep 989, at 990 (1918); 103 Kan. 754. [*After the Fourteenth Amendment*]

http://books.google.com/books?id=RgALAAAAYAAJ&pg=PA990#v=onepage&q=&f=false

"The Federal Government has broad constitutional powers in determining what aliens shall be admitted to the United States, the period they may remain, regulation of their conduct before naturalization, and the terms and conditions of their naturalization. See *Hines v. Davidowitz*, 312 U.S. 52, 66 (1941). Under the Constitution, the States are granted no such powers; they can neither add to nor take from the conditions lawfully imposed by Congress upon admission, naturalization, and residence of aliens ***in the United States or the several States***." Toll v. Moreno: 458 U.S. 1, at 11

(1982); Graham v. Department of Public Welfare: 403 U.S. 365, at 377, 378 (1971); Takahashi v. Fish and Game Commission: 334 U.S. 410, at 419 (1948). [*After the Fourteenth Amendment*]

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http://www.loislaw.com/advsrny/doclink.htp?alias=USCASE&cite=403+U.S.+365

http://www.loislaw.com/advsrny/doclink.htp?alias=USCASE&cite=334+U.S.+410

> "Our primary function is to determine whether, under the circumstances of this particular case, Pennsylvania's law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress. And in that determination, it is of importance that this legislation is in a field which affects international relations, the one aspect of our government that from the first has been most generally conceded imperatively to demand broad national authority. Any ***concurrent*** state power that may exist is restricted to the narrowest of limits." Hines v. Davidowitz: 312 U.S. 52 , at 67 thru 68 (1941).

http://www.loislaw.com/advsrny/doclink.htp?alias=USCASE&cite=312+U.S.+52

11. "The intention of section 2, Article IV (of the Constitution), was to confer on the citizens of the several States a general citizenship, and to communicate all the privileges and immunities which the citizens of the same State would be entitled to under the like circumstances, and this includes the right to institute actions." Cole v. Cunningham: 133 U.S. 107, at 113 thru 114 (1890).

http://books.google.com/books?id=oGYUAAAAYAAJ&pg=PA113#v=onepage&q=&f=false

12. "There can be no doubt that Balk, as a citizen of the State of North Carolina, had the right to sue Harris in Maryland to recover the debt which Harris owed him. Being a citizen of North Carolina, he was entitled to all the privileges and immunities of citizens of the several States, one of which is the right to institute actions in the courts of another State." Harris v. Balk: 198 U.S. 215, at 223 (1905).

http://books.google.com/books?id=ceIGAAAAYAAJ&pg=PA223#v=onepage&q=&f=false

"In the *Slaughter House Cases*, 16 Wall. 36, 76, in defining the privileges and immunities of citizens of the several States, this is quoted from the opinion of Mr. Justice Washington in *Corfield v. Coryell*, 4 Wash. Cir. Ct. 371, 380." Hodges v. United States: 203 U.S. 1, at page 15 (1906).

http://books.google.com/books?id=HuEGAAAAYAAJ&pg=PA15#v=onepage&q=&f=false

13. "We think this distinction and its explicit recognition in this [the Fourteenth] Amendment of great weight in this argument, because the next paragraph of this same section (first section, second clause), which is the one mainly relied on by the plaintiffs in error, speaks only ***of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several states***. The argument, however, in favor of the plaintiffs, rests wholly on the assumption that the citizenship is the same and the privileges and immunities guaranteed by the clause are the same." Slaughterhouse Cases: 83 (16 Wall.) 36, at 74 (1873).

http://books.google.com/books?id=DkgFAAAAYAAJ&pg=PA74#v=onepage&q=&f=false

"Because the ordinance and specifications, under which the paving in this case was done, require the contractor to employ only bona fide resident citizens of the city of New Orleans as laborers on the work, it is contended, on behalf on the plaintiff in error, that thereby ***citizens of the State of Louisiana, and of each and every State and the inhabitants thereof, are deprived of their privileges and immunities under article 4, sec. 2, and under the Fourteenth Amendment to the Constitution of the United States***. It is said that such an ordinance deprives every person, not a bona fide resident of the city of New Orleans, of the right to labor on the contemplated improvements, and also is prejudicial to the property owners, because, by restricting the number of workmen, the price of the work is increased.

Such questions are of the gravest possible importance, and, if and when actually presented, would demand most careful consideration; but we are not now called upon to determine them.

In so far as the provisions of the city ordinance may be claimed to affect the rights and privileges of citizens of Louisiana and of the other States, the plaintiff in error is in no position to raise the question. It is not alleged, nor does it appear, that he is one of the laborers excluded by the ordinance from employment, or that he occupies any representative relation to them. Apparently he is one of the preferred class of resident citizens of the city of New Orleans." Chadwick v. Kelley: 187 U.S. 540, at 546 (1903).

http://books.google.com/books?id=bdkGAAAAYAAJ&pg=PA546#v=onepage&q=&f=false

"Consequently, one who is created a citizen of the United States, is certainly not made a citizen of any particular State. It follows, that as it is only the citizens of the State who are entitled to all privileges and immunities of citizens of the several States, . . . , then a distinction both in name and privileges is made to exist between citizens of the United States, ex vi termini, and citizens of the respective (several) States." Ex parte Frank Knowles: 5 Cal. 300, at page 304 (1855). [*Before the Fourteenth Amendment*]

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14. Privileges and immunities of a citizen of a State are to be found with the constitution and laws of the individual State:

"... Whatever may be the scope of section 2 of article IV -- and we need not, in this case enter upon a consideration of the general question -- the Constitution of the United States does not make the privileges and immunities enjoyed by the citizens of one State under the constitution and laws of that State, the measure of the privileges and immunities to be enjoyed, as of right, by a citizen of another State under its constitution and laws." McKane v. Durston: 153 U.S. 684, at 687 (1894).

http://books.google.com/books?id=mmkUAAAAYAAJ&pg=PA687#v=onepage&q=&f=false

15. "The Fourteenth Amendment declares that citizens of the United States are citizens of the state within they reside; therefore the plaintiff was at the time of making her application, a citizen of the United States and a citizen of the State of Illinois.

We do not here mean to say that there may not be a temporary residence in one State, with intent to return to another, which will not create citizenship in the former. But the plaintiff states nothing to take her case out of the definition of citizenship of a State as defined by the first section of the fourteenth amendment." Bradwell v. the State of Illinois: 83 U.S. 130, at 138 (1873).

http://books.google.com/books?id=DkgFAAAAYAAJ&pg=PA138#v=onepage&q=&f=false

16. A citizen of the several States should state that he or she is a citizen of a State (of the Union) AS WELL AS a citizen of the several States. **[Footnote 11]**; *Cole v. Cunningham*. However, in *Hammerstein v. Lyne* (200 F. Rep. 165), the court states:

"(2) In *Cooper v. Galbraith*, No. 3193, 6 Fed. Cas. 473, Mr. Justice Washington said:

> 'Citizenship, when spoken of in the Constitution in reference to the jurisdiction of the courts of the United States, means nothing more than residence. The citizens of each state are entitled to all the privileges and immunities of citizens in the several states; but to give jurisdiction to the court of the United States, the suit must be between citizens residing in difference states, or between a citizen and an alien.'

Of course, the residence here spoken of means permanent residence animo manendi. This appears from his language used in *Butler v. Farnsworth*, No. 2240, 4

Fed. Cas. 902, wherein he says:

> 'In order to give jurisdiction to the courts of the United States, the citizenship of the party must be founded on a change of domicile and permanent residence in the state to which he may have removed from another state. Mere residence is prima facie evidence of such change, although, when it is explained and shown to have been temporary purposes, the presumption is destroyed.'

Further discussing the question here involved, the learned Justice says:

> 'With respect to the immunities which the rights of citizenship can confer, the citizen of one state is to be considered as a citizen of each and every other state in the Union. {See *Note a*} But the privilege of suing in the tribunals of the nation cannot possibly depend upon the fact of GENERAL CITIZENSHIP {See *Note b*}, because, if it did, the jurisdiction of those tribunals would extend to every case where citizens were parties, since a citizen of Pennsylvania, suing a citizen of the same state, might truly allege that he is himself a citizen of any other state, and that the defendant is a citizen of the state in which the suit is brought. Or every case, in which citizens are parties, might, by the same course of argument be excluded, since, it being equally true that a citizen of new Jersey, who is plaintiff, is also a citizen of Pennsylvania, the Pennsylvania defendant might plead that the plaintiff and defendant are citizens of the same state. It is plain, therefore, that citizenship, in relation to the federal judiciary, cannot be that which has just been referred to, but must be of that kind which identifies the party with some particular state, of which he is a member. The theory of this provision in the Constitution is the danger of partiality in the state tribunals, where the suit is between a member of the political family, where the suit is instituted, and a stranger. Citizens, in reference to federal jurisdiction, are mentioned as in opposition to each other. It is a citizen of one state, and a citizen of another state in which the suit is brought, which can never be explained by a GENERAL CITIZENSHIP, which confounds all distinction, and admits of no opposition. The only rational construction of the Constitution, in relation to federal jurisdiction, is to limit it to cases where the suit is between the resident citizens of different states, or where an alien is a party.' "
> Hammerstein v. Lyne: 200 F. Rep. 165, 168 thru 169 (1912). {See *Note c*}

http://books.google.com/books?id=wXw4AAAAIAAJ&pg=PA168#v=onepage&q=&f=false

http://books.google.com/books?id=8nQaAAAAYAAJ&pg=PA96#v=onepage&q=&f=false

> *Note a*: A citizen of a State is not the same as a citizen of the several States. A citizen of a State, before the Fourteenth Amendment, was not a citizen of the several States. Article IV, Section 2, Clause 1 of the Constitution stated:

"The citizens of each State shall be entitled to all privileges and immunities of citizens **IN** the several States."

It did not state:

"The citizens of each State shall be entitled to all privileges and immunities of citizens **OF** the several States."

Since a citizen of a State was not entitled to all privileges and immunities of citizens OF the several States, before the Fourteenth Amendment, then a citizen of a State was not a citizen of the several States.

One was a citizen "of " the several states, before the Fourteenth Amendment, in the sense that he or she was eligible to be a citizen in all the States of the Union, under Article IV, Section 2, Clause 1 of the Constitution. So a citizen of the several States did not exist before the Fourteenth Amendment.

In addition [Before the Fourteenth Amendment]:

"The Constitution of the United States gives the courts of the Union jurisdiction over controversies arising 'between citizens of different states,' [Art. III. Sect. II. 1.] and the judicial act gives this Court jurisdiction, 'where the suit is between a citizen of the state where the suit is brought, and a citizen of another state.'

The Constitution, as well as the law, clearly contemplates a distinction between citizens of different states; and although the 4th article declares, that 'the citizens of each state, shall be entitled to all privileges, and immunities of citizens in the several states,' yet they cannot be, in the sense of the judicial article, or of the judicial act, ***citizens of the several states***." Reports of Cases Decided by the Honourable John Marshall, Late Chief Justice of the United States in The Circuit Court of the United States, for the District of Virginia and North Carolina: From 1802 to 1833 Inclusive; (1837) John W. Brockenbrough, Counsellor at Law, Philadelphia: James Kay, Jun & Brother, page 390 thru 391; "Prentiss, Trustee v. Barton's Executors".

http://books.google.com/books?id=mjK3AAAAIAAJ&pg=PA390#v=onepage&q=&f=false

"The object of the convention in introducing this clause into the constitution, was to invest the citizens of the different states with the general rights of citizenship; that they should not be foreigners, but citizens. To go thus far was essentially necessary to the very existence of a federate government, and in reality was no more than had been provided for by the first confederation in the fourth article. . . .

> The expressions, however, of the fourth article convey no such idea. It does not declare that 'the citizens of each state shall be entitled to all privileges and immunities of the citizens **OF** the several states.' Had such been the language of the constitution, it might, with more plausibility, have been contended that this act of assembly was in violation of it; but such are not the expressions of the article; it only says that 'The citizens of the several states shall be entitled to all privileges and immunities of citizens **IN** the several states.' Thereby designing to give them the rights of citizenship, and not to put all the citizens of the United States upon a level." Campbell v. Morris: 3 Mary. Rep. 535, at 565 [*Opinion of Chase, J. and Duvall, J.* p. 561] Md. (1797); 3 Harr. & McH., 535 Md. 1797.

http://books.google.com/books?id=m1dGAAAAYAAJ&dq=editions%3ANYPL33433006871960&pg=PA565#v=onepage&q=&f=false

> *Note b*: A citizen of the several States is a citizen of every State of the Union. This citizenship is a "general citizenship" as stated in *Cole v. Cunningham* **[Footnote 11]**. A citizen of the United States, is not a citizen of a State. A citizen of the United States can become also a citizen of a State by residing in a State of the Union; that is, a citizen of the United States AND a citizen of a State. A citizen of the United States is also not a citizen of the several States. **[Footnote 13]**; *Slaughterhouse Cases*.

> *Note c*: In this case, the court was not aware of *Cole v. Cunningham* **[Footnote 11]** and *Hodges v. United States* **[Footnote 12]**, for if it was, the court would have concluded that Felice Lyne, the defendant, was a citizen of the several States and not a citizen of the United States. In addition, the court's citing and quoting to *Marks v. Marks*, on page 169 needs to be modified because of the Fourteenth Amendment. The case is presented as follows:

> "To constitute citizenship of a state in relation to the Judiciary Act requires, first, residence within such state; and, second, an intention that such residence shall be permanent. In this sense, state citizenship means the same thing as domicile in its general acceptation. The act of residence does not alone constitute the domicile of a party, but it is the fact of residence, accompanied by an intention of remaining, which constitutes domicile. The distinction between domicile and mere residence may be shortly put as that between residence animo manendi and residence animo revertendi."

Another way, then, would be for one to state that he is a citizen of the several States, domiciled in the State of; for example, Louisiana. In addition, for one who is a citizen of the United States, he or she can state that he or she is a citizen of the

United States residing in the State of; for example, Georgia. The term, residing, should be used, for a citizen of the United States, as the Fourteenth Amendment, at Section 1 provides: "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**."

Still another way would be for a citizen of the several States to aver that he or she is a citizen of the State of; for example, Delaware, under Article IV, Section 2, Clause 1 of the Constitution of the United States (of America). While a citizen of the United States can state that he or she is a citizen of; for example, Maryland, under Section 1 of the Fourteenth Amendment.

17. "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; --to all Cases between Citizens of different States." Article III, Section 2, Paragraph 1, Clause 7 Constitution of the United States (of America

18. "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; --to all Cases between a State, or the Citizens thereof, and foreign States, Citizens or Subjects." Article III, Section 2, Paragraph 1, Clause 9 Constitution of the United States (of America).

It is to be noted that a foreign corporation is neither a citizen of the several States under Article IV, Section 2, Clause 1 nor a citizen of the United States under Section 1 of the Fourteenth Amendment:

"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, 831 (1908).

http://books.google.com/books?id=hjs8AAAAIAAJ&dq=editions%3ALCCN42012503&lr=&pg=PA831#v=onepage&q=&f=false

"Taxation of Foreign Corporations—Discriminating Against Them.

—The law, as laid down in the principal case, upon the right of a state to impose a tax upon a foreign corporation, as a condition upon which it may enter within its borders and do business there, is well settled, and is strictly in accordance with nearly all the cases which have ever touched upon this question. That a foreign corporation is not a citizen with the meaning of the federal constitution guaranteeing to the citizens of each state the enjoyment of all the privileges and immunities of citizens of the several states, is equally well settled." *Note 1* to Phoenix Insurance Company v. Commonwealth of Kentucky: 96 Am. Dec. 331, at 338 (1868).

http://books.google.com/books?id=fBY8AAAAIAAJ&pg=PA338#v=onepage&q=&f=false

"It has been long settled that a foreign corporation is not a citizen within the meaning of the privileges and immunities clause of the federal constitution. *Paul v. Virginia*, 8 Wall. (U. S.) 168 (1868); *Ducat v. Chicago*, 10 Wall. (U. S.) 410 (1870). Virginia Law Review, Volume 8, November 1921, "Recent Decisions", page 538.

http://books.google.com/books?id=PgxLAAAAYAAJ&pg=PA538#v=onepage&q=&f=false

"In this connection it may be observed that foreign corporations cannot claim the protection of the prohibition of the United States Constitution against denying to citizens of any State the privileges and immunities of citizens of the several States. (**fn 4**)

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(**fn 4**) Paul v. Virginia, 8 Wall. (U. S.) 161." A Treatise on the Incorporation and Organization of Corporations, Third Edition, (1908), Thomas Gold Frost, LL.D., Ph.D., Boston: Little, Brown, and Company, page 181.

http://books.google.com/books?id=-nk9AAAAIAAJ&pg=PA181#v=onepage&q=&f=false

"It is well to notice in conclusion that the clause granting to citizens of each State all the privileges and immunities of citizens of the several States has no application to foreign corporations; and terms of admission, however onerous, may be exacted of them. *Paul v. Virginia*, 8 Wall. 168; *People v. Fire Association of Philadelphia*, 92 N. Y. 311; S.C., 1 Am. & Eng. Corp. Cas. 1." American and English Corporation Cases, (1887), Adelbert Hamilton, Northport: Edward Thompson, page 456, at 473, *Graffty v. City of Rushvile* (Indiana) 1886.

http://books.google.com/books?id=0xG5AAAAIAAJ&pg=PA473#v=onepage&q=&f=false

"5. Constitutional Law (§207*)—"Citizen" of States—Corporations.

A foreign corporation is not a citizen with Const. U.S. art. 4, §2, providing that the citizens of each state shall be entitled to all the privileges and immunities of the

several states." *Syllabus*, State ex rel. Atlantic Horse Insurance Company v. Blake: 144 S.W. Rep. 1094 (1912).

"We hold, however, that as relator has no right to admission into the state which the statute violates, it is not in position to challenge the validity of the statute. Nor can relator invoke the aid of section 2, article 4, of the Constitution of the United States, which provides that 'the citizens of each state shall be entitled to all the privileges and immunities of citizens of the several states'; nor the aid of the fourteenth amendment, which forbids a state to 'deny to any person within its jurisdiction the equal protection of its laws.' A corporation is not a citizen within the meaning of the above constitutional provision; nor is relator, although a 'person,' within the jurisdiction of the state. *Paul v. Virginia*, 8 Wall. 168, 19 L. Ed. 357; Blake v. McClung, 172 U. S. s239, 19 Sup. Ct. 165, 43 L. Ed. 432." *Opinion*, State ex rel. Atlantic Horse Insurance Company v. Blake: 144 S.W. Rep. 1094, at 1096 (1912).

http://books.google.com/books?id=VFELAAAAYAAJ&pg=PA1094#v=onepage&q=&f=false

"Sec. 364. **Foreign corporations not citizens**.—The constitution of the United States provides that 'the citizens of each state shall be entitled to all privileges and immunities of citizens of the several states.' (**fn 2**) Is a corporation within the meaning of this provision a citizen, and entitled to all the rights and the remedies of a natural person in a state other than the one where it was created and has a legal existence? This question has been settled by various adjudications, and we have already stated that a state had the power to prohibit foreign corporations from doing any business in the state, or of regulating the business, or of prohibiting it from suing in its courts. And it has been repeatedly held that corporations were not citizens within the foregoing constitutional provision, so as to entitle them to all the rights and privileges of natural persons.

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(**fn 2**) §2, art. 4." A Treatise on the Law of Private Corporations, (1877), George W. Field, Albany: John D. Parsons, Jr., page 398.

http://books.google.com/books?id=Jnk9AAAAIAAJ&pg=PA398#v=onepage&q=&f=false

"2. Executors and Administrators—Foreign Corporations

A foreign corporation, though a person, under Statutory Construction Law, §5 (Laws 1892, p. 1487, c. 677), is not a citizen, with the provision of the United States Constitution that citizens of each state shall be entitled to the privileges and immunities of citizens of the several states." *Syllabus*, In re Avery's Estate: 92 N. Y. Supp. 974 (1904); 45 Misc. Rep. 529.

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Also, it is to be noted that a corporation is neither a citizen of the several States under Article IV, Section 2, Clause 1 nor a citizen of the United States under Section 1 of the Fourteenth Amendment:

[Before the Fourteenth Amendment]

"The jurisdiction of this Court being limited, as far as respects the character of the parties in this case, 'to controversies between citizens of different states,' both parties must be citizens to come within the description.

That invisible, intangible, and artificial being, that mere legal entity, a corporation aggregate, is certainly not a citizen, and consequently cannot sue or be sued in the courts of the United States." Bank of the United States v. Deveaux: 9 U.S. (5 Cranch) 61, at 86 (1809).

http://books.google.com/books?id=8bwGAAAAYAAJ&pg=PA86#v=onepage&q=&f=false

"The Court having, in the case of *Bank of the United States v. Deveaux*, 9 U. S. 61, decided that the right of a corporation to litigate in the courts of the United States depended upon the character (as to citizenship) of the members which compose the body corporate, and that body corporate as such cannot be a citizen within the meaning of the Constitution, reversed the judgment for want of jurisdiction in the court below." Hope Insurance Company of Providence v. Boardman: 9 U.S. (5 Cranch) 57, at 61 (1809).

http://books.google.com/books?id=8bwGAAAAYAAJ&pg=PA61#v=onepage&q=&f=false

"§ 1689. A corporation, as such, is not a citizen of a state in the sense of the constitution." Commentaries on the Constitution of the United States, Volume III; (1833); Justice Story, L.L. D.; Boston: Hilliard, Gray, and Company, page 566.

http://books.google.com/books?id=1CATAAAAYAAJ&dq=editions%3AOCLC4573134&lr=&pg=PA566#v=onepage&q=&f=fals

[After the Fourteenth Amendment]

"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://books.google.com/books?id=-bwGAAAAYAAJ&pg=PA178#v=onepage&q=&f=false

"And (in *Paul v. Virginia*, 8 Wall. 168) it was also decided that a corporation did not have the rights of its personal members, and could not invoke that provision of Section 2, Article IV, of the Constitution of the United States, which gave to the citizens of each state the privileges and immunities of citizens of the several states. See also *Pembina Mining Co. v. Pennsylvania,* 125 U.S. 181*; Ducat v. Chicago*, 10 Wall. 410. And it has since been held in *Blake v. McClung,* 172 U.S. 239*,* and in *Orient Insurance Company v. Daggs,* 172 U.S. 557*,* that the prohibitive words of the Fourteenth Amendment have no broader application in that respect." Waters-Pierce Oil Company v. Texas: 177 U.S. 28, 45 (1900).

http://books.google.com/books?id=qOAGAAAAYAAJ&pg=PA45#v=onepage&q=&f=false

"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*, 48 111. 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, 811 (1905).

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

"**5754. Corporations not entitled to privileges and immunities of citizens of the several states and of the United States**. A corporation is not a citizen within the meaning of section 2 of Article IV of the Federal Constitution providing that the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states nor of section 1 of the Fourteenth Amendment to the Federal Constitution providing that no state shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States, and it is held that such provisions do not entitle a corporation created by one state to exercise its special privileges in other states without their consent, or prevent a state from excluding foreign corporations from doing business or holding property within its limits, or from imposing conditions in permitting them to do so." Cyclopedia of the Law of Private Corporations, (1919), William Meade Fletcher, Chicago: Callaghan and Company, page 9450.

http://books.google.com/books?id=ayowAAAAYAAJ&pg=PA9450#v=onepage&q=&f=false

Compare to **[Footnote 13]**; *Chadwich v. Kelley*. Also see, **[Footnote 18]**; *Bank of the United States v. Deveaux* and *Hope Insurance Company of Providence v. Boardman*, corporations [Before the Fourteenth Amendment].

"A corporation is not a citizen within the meaning of the constitutional provision which declares that the citizens of each state shall be entitled to all the privileges and immunities of citizens of the several states. (**fn 3**)

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(**fn 3**) at page 311:

'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. Virginia*, 8 Wall. 168." Courts and their Jurisdiction, A Treatise on the Jurisdiction of the Courts of the Present Day, How Such Jurisdiction is Conferred, and the Means of Acquiring and Losing It, (1894), John D. Works, Cincinnati: The Robert Clarke Company, pages 310, 311.

http://books.google.com/books?id=E25DAAAAIAAJ&pg=PA310#v=onepage&q=&f=false

"174. Are corporations regarded as citizens within the meaning of Art IV Sec 2 of the Federal Constitution, and, as such, entitled to the privileges and immunities of citizens of the several states?

A. No.—*Paul v. Virginia*, 8 Wall. 168, 19 L. Ed. 357." Jones' Quizzer, Consisting of North Carolina Supreme Court Questions and Answers; From September Term,

1898 to August Term, 1920, (1921), Gilmer A. Jones, Solicitor 20th Judicial District, Franklin: Gilmer A Jones, page 33.

http://books.google.com/books?id=dRUaAAAAYAAJ&pg=PA33#v=onepage&q=&f=false

"It has been held that a corporation does not have the rights of its personal members and cannot invoke the provision of Article IV, Section 2, of the Federal Constitution, which gives to the citizens of each state the privileges and immunities of citizens of the several states. *Pembina Mining Co. v. Pa*., 125 U.S. 181." Public Documents of the State of Wisconsin: Being the Reports of the Various State Officers, Departments and Institutions, for the Fiscal Term ending June 30, 1906, Volume 1, (1907), Madison: Democrat Printing Company, State Printer, "Opinions of the Attorney General of Wisconsin, June 9, 1906", page 758, at page 760.

http://books.google.com/books?id=k-oaAQAAIAAJ&pg=PA758#v=onepage&q=&f=false

". . . But it is a settled principle of constitutional law that a corporation is not a citizen within the meaning of that clause of the constitution of the United States which declares that 'the citizens of each state shall be entitled to all privileges and immunities of citizens of the several states.' 10 Cyc., 150; *Ducat v. Chicago*, 48 Ill., 172; *Tatem v. Wright*, 23 N. J. Law, 429; *Ducat v. Chicago*, 10 Wall., 410." Humphreys v. State of Ohio: 70 Ohio 67, at 86 (1904).

http://books.google.com/books?id=0_oLAAAAYAAJ&pg=PA86#v=onepage&q=&f=false

". . . In a word, their position is this: They concede they say, that a state may exclude a foreign corporation altogether from its limits, but, if it does admit it to do business, then all the conditions imposed as the price of admission instantly vanish by virtue of the constitutional guaranty of all 'the privileges and immunities of citizens of the several states.' The premise is fatal to the conclusion reached. Corporations are not citizens within the meaning of the clause of the Constitution invoked by defendant." Daggs v. Orient Insurance Company of Hartford, Connecticut: 35 Law. Rep. Ann. 227, at 230 (1896).

http://books.google.com/books?id=DKIKAAAAYAAJ&pg=PA230#v=onepage&q=&f=false