

* Natural Person = human being = legal entity

Legal entities are a conception of man; they are known in legalese as legal fictions.

The creation of a civil or legal person out of a thing, the investiture of a chattel with toga civilis, may be an achievement of the imperial power, but it is beyond the compass of an American congress. Congress must first emancipate the slave, before it can endow him with the rights of a citizen under the constitution, or impose upon him the responsibilities of a legal person, or compel him to pay money, or part with liberty. *United States v. Amy*, 24 Fed.Cas. 792, 794 #14,445 (1859).

* The creation of a legal person also creates responsibilities and liabilities for this new legal person... responsibilities and liabilities due to a nation/country which is also a legal entity.

28 USC Subsection 1251 - Original jurisdiction (a) The Supreme Court shall have original and exclusive jurisdiction of all controversies between two or more States. (b) The Supreme Court shall have original but not exclusive jurisdiction of: (1) All actions or proceedings to which ambassadors, other public ministers, consuls, or vice consuls of foreign states are parties; (2) All controversies between the United States and a State; (3) All actions or proceedings by a State against the citizens of another State or against aliens.

1879, Terms and Phrases Vol. II.

STATE, n. (Intentionally in all caps.) 1. A body of people united under a district government; an organized community; a government a united people, during authority from consent of the members, not form a superior government. In this definition is contemplated the use of the word in general public law, and without reference to the association which have gathered around it in America. In this more general use, it is not very distinctly distinguishable from nation, except that the latter presents more definitely the idea of independence and equality among other nations. State is quite distinguishable from the terms empire and kingdom (and from republic (q.v), in one of its senses), in that they imply something as to the form of government, which state does not. It has much the same
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meaning as “commonwealth,” and as “republic,” in its more general sense. State is, moreover, used sometimes so as to pint more to the body of people considered as united under one distinct government, and sometimes more to the government considered as maintained by and ruling a distinct people, and sometimes more to the territory which a distinct people inhabit. It embodies the combined ideas of people, territory, and government, - one being sometimes prominent, sometimes another. It is distinguished from city, municipality or permission of a superior national government. This is not implied in designating a state; if there is any superior government erected, which controls a. State, the fact must be learned independently: it is not suggested by the term. 2. In American constitutional law, the word state has gathered associations which are not to be considered as changing its meaning as a term, but deserve distinct notice. The supreme court has defined it, in the sense in which it ordinarily occurs in the constitution, as meaning a political community of free citizens living in a territory of defined boundaries, and organized under a government authorized and limited by a written constitution, adopted but he will of the people; but in the clause of the constitution which provides that the United States all guarantee to every state in the Union a republican form of government, and shall protect each

of them from invasion, the term state is used to express the idea of a people or political community, as distinguished from the government. *Texas v. White*, 7 Wall. 700. It designates, moreover, a member of the Union; and does not, when accurately used, include a territory, though organized, or the District of Columbia, or even the organized Indian tribes; though by special provision, and to save repetition in a particular statute, the territories and the District of Columbia may be allowed to be understood where only "state" is mentioned. A state must be a member of the Union. It is not enough to be an organized political body within the limits of the Union. *Scott v. Jones*, 5 How. 343, 377; *Cherokee Nation v. Georgia*, 5 Pet. 1, 18. Territories are not states, within the meaning of the judiciary act of Sept. 24, 1789. *Scott v. Jones*, 5 How. 343. The term state, when used the constitution of the United States, is confined to members of the confederacy, and does not include territories. *Seton v. Hanham*, R. M. Charl. 374. The exception in the Alabama statute of limitations, that where the debtor is absent from the state at the time of the cause of action accrues, suit may be brought "after his return into the state," means after his return within the jurisdiction fo the state, where the process of the courts of the state will run. A removal to the Indian nation, where the process of the courts of Alabama did not run, was held not to be a return within the state, although within its territorial limits, in *Smith v. Bond*, 8 Ala. 386. Provisions of a state constitution prohibiting the state from engaging in words of internal improvement, do not forbid authorizing taxation to pay municipal bonds in aid of railroads, because it is well settled that such prohibitions restrict the state as an entirely only, and do not bind the various municipalities within the state. *Talcott v. Township of Pine Grove*, 1 Bench & Bar, N.S. 50. The phrase, out of any particular state, was construed to mean out of "any one of the United States," in *United States v. Pirates*, 5 Wheat. 184.

Texas: Birth Certificate: Birth Registration Handbook.

Registration Requirements:

-Birth Certificate is an individual's basic claim and proof of citizenship. Is proof of citizenship to be qualified to work "in this country." (nation)

A Certificate of Birth (VS-111) must be filled within five (5) days of the date of birth for every live birth in Texas [HSC Subsection 192.003(d)]. The Certificate of Birth should be registered with the State of Texas - Vital Statistics Unit through the Texas Electronic Registration (TER) system. Persons responsible for registering births will need to sign up for TER and will receive a user ID and password. To sign up for TER go to www.texasvsu.org.

The Texas Administrative Code (TAC) defines a "live birth" as the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such separation, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached; each product of such a birth is considered live born [25 TAC subsection 181.1918)] A Certificate of Birth must be filed for all live births regardless of length of gestation or chance of survival.

(Note: where does it say "human" live birth and not "animal" live birth.)

Should the infant die after being determined a live birth, a Certificate of Death (VS-113) must also be filed. For instructions on completing a Certificate of Death see the Handbook on Death Registration. Medical Examiners' and Coroners' Handbook on Death ... www.cdc.gov/nchs/data/misc/hb_me.pdf Death Registration ... The Vital Statistics Registration System in the United States ... This handbook is designed to acquaint medical examiners and coroners

Register a death - [GOV.UK www.gov.uk/register-a-death](http://www.gov.uk/register-a-death)

Find out how to register a death in the UK or abroad. If the person died on a foreign ship or aircraft, you must register the death in the country the ship or ...

UNITED STATES 1945 - Centers for Disease Control and Prevention
www.cdc.gov/nchs/data/vsus/vsus_1945_1.pdf

UNITED STATES 1945 ... Births and deaths: United States, each State and county, ... population coverage of the death-registration States is

Death certificate - Wikipedia en.wikipedia.org/wiki/Death_registration

In the United States, certificates issued to the general public for deaths after 1990 may in some states be redacted to erase the specific cause of death (in cases ...

United States Death Records Search Directory publicrecords.onlinesearches.com/United-States-Death... United States Death Records ... Search United States public records by category Search public records in other states. Search ... Sex Offender Registration;

CURRENTSTATUS OF FETAL DEATH REGISTRATION UNITED STATES
ajph.aphapublications.org/doi/pdfplus/10.2105/AJPH.56.10...

STATUS OF FETAL DEATH REGISTRATION months) which, as may be seen from Figure 1, is more nearly equivalent to ten lunar months than nine lunar months.

(Note: he is the legal term for he or she, so why in this instance do they use “it”?)

Natural born citizen. Persons who are born within the jurisdiction of a national government, i.e., in its territorial limits, or those born of citizens temporarily residing abroad. See Jus soli; Naturalization clause.

Private law. That portion of the law which defines, regulates, enforces, and administers relationships among individuals [used as a verb], associations, and corporations. As used in contradistinction to public law, the term means all that part of the law which is administered between citizen and citizen, or which is concerned with the definition, regulation, and enforcement of rights in cases where both the person in whom the right inheres and the person upon whom the obligation is incident are private individuals. See also Private bill; Special law. Compare Public law.

Natural-born subject. In English law, one born within the dominions, or rather within the allegiance, of the king of England. Governed by the British Nationality Act, 1981, and the Immigration Act, 1971.
Naturalized citizen. One who, being an alien by birth, has received U.C. citizenship under naturalization laws. 8 U.S.C.A. SubSection 1421 et. seq.

People. A state; as the people of the state of New York. A nation in its collective and political capacity. The aggregate or mass of the individuals who constitute the state. *Loi How v. Nagle*, C.C.A.Cal., 13

F.2d 80, 81. In a more restricted sense, and as generally used in constitutional law, the entire body of those citizens of a state or nation who are invested with political power for political purposes. See also Citizen; Person.

Evidence of U.S. Citizenship on Form S-5, Instructions, page 2. In general, you must provide your U.S. Birth Certificate or U.S. passport. Other documents you may provide are a Consular Report of Birth, Certificate of Citizenship, or Certificate of Naturalization.

Dictionary of Terms and Phrases used in American or English Jurisdiction, By Benj. Vaughan Abbott.

Citizen. A person (soul and body/corp) who owes allegiance (an oath of allegiance, such as that Public officials take) to, and may claim reciprocal protection from, a government; one who is a member of a nation,(requires a membership) or of the body politic (requires an allegiance) of a sovereign state (see definition of state).

Citizenship: the status of a member of the state or nation; the relation of allegiance and protection between individuals and their country. The terms appear drawn from the political condition in ancient times, when the city was the leading type of governmental organization; when the free inhabitant or corporate member of a powerful and wealthy municipality enjoyed a status at home to which power, influence, and privilege were attached; and received, when traveling abroad, a protection and respect, which were accorded to him in view of his membership in the city of his birth or acquired residence, and were proportioned to the rank and power of that city among the cities of the world. Citizen was the natural expression in which to couch one's claim of immunity or favor abroad, or of authority or privilege at home, when it was founded upon membership in a city. Hence also come some secondary uses of the term; for in the vernacular it has been used as meaning resident of a city, in contrast with countryman; and so it is not deemed amiss to say, with reference to quelling a riot, that the military fired upon the citizens, meaning upon civilians, persons who were not soldiers. In American constitutional jurisprudence, however, the use of the two words is frequent and peculiar. The definitions given above are submitted as stating the inherent meanings of the terms, the original and necessary notions which they involve, though they have been used in so many different connections, and for purposes so various, that they have acquired associations and collateral significations which are inconsistent and perplexing. Several ideas are often associated with them, which ought to be discriminated. 1. Descent or inheritance is not an element in these terms. Birth, indeed, is the prime avenue to the status; but this is not upon any view that it is a rank or degree which the child inherits from the father. If the child is born a citizen, that condition originates from the circumstances attending his birth; it is not derived by descent, but arises from the principle, fundamental to national government, that the people born within a country are the primary members of the body politic, and constitute the natural members of the nation. 10 Op. Att.-Gen. 382. Apparent exceptions, as where the citizenship of a father is imputed to a child born abroad, are not real ones; the status not acquired upon any theory of descent (although the act of 1855 does use, inadvertently, we think, the word descent in this connection):it is impressed upon the child directly, by the law, in view of political considerations which incline government to recognize citizenship, notwithstanding foreign birth, and without prescribing such conditions as are imposed on naturalization. Just as government does give citizenship to those who will apply for it under naturalization laws, it might give it to all who remove within its territory, and no idea of descent would arise in either case; and so the gift does not involve that idea in the cases of children of American parentage but of foreign birth. 2. Age, or majority, is not involved. The most important political rights are not, indeed, acquired, until the age of twenty-one; but it is not the possession of these which constitutes citizenship, nor is citizenship in abeyance, while they are. The

child is, from his birth at least (whether also during the months of his recognized legal existence before birth is a minute question upon which we have not space to enter), a citizen, invested with the relation of allegiance and protection, though postponed, during minority, from exercise of powers which the law reserves for adults. 3. Sex, again, does not enter into these terms. Women are citizens as fully and truly as men. If the conditions on which citizenship is acquired by foreign-born women are, in some cases of detail, different from those which apply to men, this makes no difference in the meaning of the term when it applies to them; nor does a recognition of woman's citizenship involve a grant of political rights, such as are, indeed, usually conferred only upon citizens, but do not inhere in that status. See *United States v. Anthony*, 11 Blatchf. 200; *Minor v. Happersett*, 21 Wall. 162; *United States v. Reese*, 92 Id. 214; *Spencer v. Board of Registration*, 1 McArthur, 169. 4. Race, again, seems not an element. The course of decisions prior to the abolition of slavery did discern in negro parentage, independent of enslavement, a disqualification from citizenship. *Dred Scott v. Sanford*, 19 How. 393; *State v. Ambrose*, 1 Meigs, 331; 1 Op. Att.-Gen. 506; *Marshall v. Donovan*, 10 Bush, 681; but this position was nearly abandoned before the fourteenth amendment to the constitution, and is wholly untenable since. The decisions adverse to the citizenship of Indians (*McKay v. Campbell*, 5 Am. L. T. Rep. 407; *Kawahoo v. Adams*, 1 Dill. 344; 7 Op. Att.-Gen. 746) appear founded on the peculiarities of the tribal condition, and to rest upon the fact that children born to members of Indian tribes, though born within territory over which the United States government holds sway, are not born within the allegiance of the United States; or (to accommodate the phraseology to the language of the fourteenth amendment), though born within the United States, they are not born subject to the jurisdiction thereof. We do not find any explicit authority that a child born, within the settled regions of the United States, to Indian parents who have previously abandoned the tribal relation, and are dwelling under and as ordinary subjects of the government, may not, since the amendment, claim the status of a native-born citizen. 5. Right to cooperate in government is not a constituent. The right to vote, indeed, is not generally conferred upon persons who are not citizens; upon the other hand, it is not extended to all who are. It may be, and is, restricted by many conditions founded on age and sex, on length of residence to a state or district, on compliance with registration laws, and others, which are wholly aside from citizenship. Eligibility to office is not in any respect a test; many offices are not open to all citizens, but qualifications of age, local residence, and sometimes of special learning, are superadded; and many offices may be held by those who are not citizens. See *Van Valkenburg v. Brown*, 43 Cal. 43; 10 Op. Att.-Gen. 382, 387; and, contra, *White v. Clements*, 39 Ga. 282; *Amy v. Smith*, 1 Litt. 326. 6 Rights of property are not involved. From the earliest times, in England, indeed, alienage, if unrelieved by statute, has involved the disability to inherit or hold lands; and this doctrine has prevailed in the states, in virtue of their general adherence to the common law. But legislative interference to relieve the disability has not been uncommon, and has been exercised, both by special acts and general laws, without the idea that citizenship was thereby given. Acts enabling aliens to hold lands do not involve citizenship. And the doctrine, when accurately stated, is a doctrine of disability of aliens; not of a privilege or capacity of citizens. These negative explanations will somewhat exhibit the true sense of the terms in question. They present simply and purely the idea of a relation between an individual and a government, constituted either by birth under conditions defined by law, or by naturalization, and involving the right of government to claim allegiance and political support from the individual, and the right of the individual to receive governmental protection from the sovereign power. This protection, be it added, is not limited to the protection of the person and property, which the municipal law endeavors to secure to all dwellers in the territory, but national protection, recognition of the individual, in the face of foreign nations, as a member of the state, and assertion of his security and rights abroad as well as at home. Another aspect is not less important: that which regards the rules for determining what persons are citizens. In one sense, the answer to this question constitutes a definition of citizen. Prominent among the authorities on this point is the fourteenth amendment to the national constitution, declaring that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States,

and of the state wherein they reside.” This appears, at first sight, as if it were intended as an exhaustive delineation of the persons who are citizens, so that no person not included in the description can be deemed to be one. And this effect has sometimes been imputed to it. We think, however, it ought not to be so understood. The language does not imply this. All persons born, etc. are citizens: this does not logically import that there may not be other persons who are also citizens. The purposes of the description of the persons who are citizens, so that no person not included in the description can be deemed to be one. And this effect has sometimes been imputed to it. We think, however, it ought not to be so understood. The language does not imply this. All persons born, etc. are citizens: this does not logically import that there may not be other persons who are also citizens. The purposes of the amendment do not indicate an intention to limit the term or exclude any class of persons. The results of the war had developed a general desire to protect, by national authority, the newly emancipated negroes in some just and uniform measure of civil rights. The thirteenth amendment had secured their liberty; but its effect was impaired in several of the former slave states by enactments restricting the rights and capacities of negroes on the mere ground of their race; and it was to meet a wide-spread evil of this nature that the fourteenth amendment was agitated and adopted. That provision sought to enlarge the class of citizens; to make citizenship distinctly national, and bring it under the protection of national law; to establish that negro parentage should be no bar to the citizenship of a person of American birth. *Van Valkenburg v. Brown*, 43 Cal 43; see also *McKay v. Campbell*, 5 Am. L. T. Rep. 407, 414. There had long been rules and statutes which accorded citizenship to some persons not born within the United States, and not naturalized; but to abrogate these was no part of the national purpose in the amendment; nor was the attention of the people drawn to them as an abuse to be abolished. Again, the subsequent legislation of congress is not consistent with the idea that the amendment is a definition of who are citizens. Since its adoption, congress has re-enacted (Rev. Stat. subsection 1992, 1995) provisions of former laws asserting citizenship; and these, so far as they are broader than the amendment, should be taken into view as still operative. The important provisions are, that all persons born in the United States, excluding Indians not taxed (act of April 9, 1866); all children heretofore born, or hereafter born, out of the United States, whose fathers were, or may be at the time of their birth, citizens thereof, except children of fathers who never resided in the United States (acts of April 14, 1802, and Feb. 10, 1855); and any woman married to a citizen (act of Feb. 10, 1855), -are declared citizens. These persons must be, we think, still included in the terms. we think, still included in the term. Nor do we find any reason to consider that any rule of common law which may have been before the amendment operative as establishing citizenship without the condition of native birth is abrogated by that enactment. There is a distinction between citizens under the state and under the national governments. The American people have organized a dual government, - a government of independent states for domestic affairs, a government of the Union for national concerns; and the idea of citizenship under these two governments is as distinct as are the governments themselves. *United States v. Cruikshank*, 92 U.C. 542. There may well be a citizen of the United States who is not a citizen of any state. Inhabitants of the District of Columbia, or of the territories, and some cases of persons born abroad, but within the allegiance of the federal government, may be particularized. The fourteenth amendment seems not to abolish this distinction: it declares that persons shall be citizens of the state where they reside; but if one has no legal residence in any state, this clause can have no operation; yet his citizenship of the United States must be deemed unaffected. It is not so easy to state any case of a person who would be deemed a citizen of a state, yet not of the Union. But if citizenship can, since the fourteenth amendment, be forfeited, as unquestionably it might be, if a loss of citizenship may be imposed by statute as a penalty for an offense (*Gotcheus v. Matheson*, 58 Barb. 152; 40 How. Pr. 97; Rev. Stat. subsection 1996), it would seem that, under possible legislation, a person convicted under an act of congress imposing disfranchisement might cease to be a citizen of the Union; yet, because the offense was against the United States alone, or because there was no corresponding penal law in his state, he might be deemed to continue a citizen of the state. These suggestions explain that the two citizenships

are distinct; in nature, though, generally and presumably, they are united in each individual. The apparent recognition of corporations as being citizens within the constitutional grant, which extends the judicial power to controversies between citizens of different states, deserves a mention. A corporation is not within the term citizen, in its ordinary exception; yet a suit to which a corporation is a party has been brought, by repeated and settled decisions, within this clause; and this has given rise to loose expressions in the books, to the effect that a corporation is a citizen within the constitutional clause. yet we do not understand that the cases deliberately take this ground. The doctrine, when carefully examined, is, that an action in which the corporation appears by its corporate name is to be regarded as brought by or against citizens of the state which created it. Where a corporation is created by the laws of a state, the legal presumption is that its members are citizens of the state in which alone the corporate body has a legal existence; and hence a suit by or against a corporation, in its corporate name, must be presumed to be a suit by or against citizens of the state which created the corporate body; and no averment or evidence to the contrary is admissible for the purpose of withdrawing the suit from the jurisdiction of the United States. *Ohio, etc. R.R. Co. v. Wheeler*, 1 Black, 296. The suit in the corporate name is, in the contemplation of the law, the suit of the individuals who by legal presumption are considered as composing it; that is to say, the suit of citizens of the state by whose law it is created. Earlier decisions went upon the ground of looking to the actual citizenship of members of the corporation; but the later cases have overruled that doctrine, and established the jurisdiction on the ground of a conclusive presumption. But the point is, not that corporations are citizens, but that when a corporation is plaintiff or defendant in a suit, the controversy - this is the controlling word in the constitution - is with its members; and these are presumed to be citizens of the state of its creation. *Muller v. Dows*, 94 U.C. 444. Citizen and inhabitant are not synonymous. One may be a citizen of a state without being an inhabitant, or an inhabitant without being a citizen. *Quimby v. DUncan*, 4 Harr. (del.) 383. Citizens, in Ind. Const. Art. 1, section 23, -declaring that privileges which shall not equally belong to all citizens shall not be granted, -includes only white male citizens of the United States, of the age of twenty-one years, and white males of foreign birth, of like age, who have declared their intention, under the act of congress, to become citizens of the United States, and have resided in this state six months. *Thomason v. State*, 15 ind. 449. Citizen, as used in the homestead law, means a resident of a town or county, and carries no implication of political or civil privileges. *McKenzie v. Murphy*, 24 Ark. 155. Citizen is sometimes used as synonymous with resident; as in a statute authorizing funds to be distributed among the religious societies of a township. *State v. Trustees of Section 29*, 11 Ohio, 24. The Texas act, exempting certain property of every citizen from execution, is not confined to native-born and naturalized citizens, but extends to all inhabitants of the state, married or single. *Cobbs v. Coleman*, 14 Tex. 594. In my opinion, the constitution uses the word citizen only to express the political quality of the individual in his relations to the nation; to declare that he is a member of the body politic, and bound to it by the reciprocal obligation of allegiance on one side, and protection on the other. And I have no knowledge of any other kind of political citizenship, higher or lower, state or national, or of any other sense in which the word has been used in the constitution, or can be used properly in the laws of the United States. The phrase "a citizen of the United States," without addition or qualification, means neither more nor less than a member of the nation. *Opin. of Atty.-Gen. Bates, on Citizenship*, 10 Op. Att.-Gen. 382, 388. Every person born in the country is, at the moment of birth, prima facie a citizen; and he who would deny it must take upon himself the burden of proving some great disfranchisement strong enough to override the "natural-born" right, as recognized by the constitution in terms of the most simple and comprehensive, and without any reference to race or color, or any other accidental circumstance. That nativity furnishes the rule, both of duty and of right, as between the individual and the government, is a historical and a political truth, universally accepted. So strongly was congress impressed with the fact that the child takes its political status in the nation where it is born, that it was found necessary to pass a law to prevent the alienage of children of known fellow-citizens who happen to be born in foreign countries; viz., the act of Feb. 10, 1855 (10 Stat. at L. 604).

Ib., 394, 396. The word citizens is not used of the subjects of a monarchial government. The term involves an idea not enjoyed by subjects.~the inherent right to partake in the government. The republicans of the old world were cities, and citizens anciently signified inhabitants of cities. The people of modern republics were, in course of time, called citizens, for the simple and obvious reason that their relation to the state was like the relation of citizens to the city; they were a part of its sovereignty; were entitled to its privileges, its rights, immunities, and franchises. In this ancient use, relating to municipal corporations, citizen meant strictly one who possessed inalienably all the rights, civil, political, and religious, enjoyed by any one in the city; for the city itself, being only a corporation, could not by its by-laws infringe or qualify those rights, since they were given by the charter. When, however, the word came to be used of the people of a state, who were themselves, being bound by no charter, may, by affirmative enactment, qualify, restrain, and restrict the rights of citizens. The word citizen, then, means, presumptively, a person in the enjoyment of all political rights; but it does not so necessarily import his, that the employment of it in a constitutional description debars the legislature from restricting the political rights of any of the persons embraced by the description. *White v. Clements*, 39 Ga. 232, 260; see also *Amy v. Smith*, 1 Litt. 326; *Thomasson v. State*, 15 Ind. 449. Domicile in a foreign country does not affect the fact of citizenship, nor work a forfeiture of political rights. When the territory and government of a kingdom pass to and become merged in the territory and government of another nation, all of its subjects pass also. The tie which binds them is not bodily presence, but allegiance. *Brown v. United States*, 5 Ct. of Cl. 571. Inasmuch as the Indian tribes within the territory of the United States are independent political communities, a child born in one of such tribes is not a citizen of the United States, although born within its territories. *McKay v. Campbell*, 5 Am. L. T. Rep. 407; *Kawahoo v. Adams*, 1 Dill. 344. He is not a citizen, but a domestic subject. Opin. of Atty.-Gen. Cushing, on Relation of Indians, 7 Op. Att.-Gen. 746. The words, "citizens" and "people of the United States" are synonymous terms. But a free negro of the African race, whose ancestors were brought to this country and sold as slaves, is not a citizen within the original meaning of the constitution of the United States. *Dred Scott v. Sandford*, 19 How. 393. Persons, although of African descent, born free within the jurisdiction and allegiance of the United States, are citizens of the United States. They may, indeed, not be privileged to vote or hold office, by the laws of the states where they reside; but these privileges are not essential to the character of a citizen. Allegiance on the part of the individual, and the duty of protection on the part of

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the government, constitute citizenship under the constitution. *Smith v. Moody*, 26 Ind. 299. All persons born in the allegiance of the United States are natural-born citizens. Birth and allegiance go together. Such is the rule of the common law. There are two exceptions, and only two, to the universality of its application. The children of ambassadors are, in theory, born in the allegiance of the powers the ambassadors represent; and slaves, in legal contemplation, are property, and not persons. The common law has made no distinction on account of race or color. Free persons of color, born within the allegiance of the United States are citizens, and have always been entitled to be so regarded. *United States v. Rhodes*, 1 Abb. U.S. 28, 40; 1 Am. L. T. U.S. Cts. 22. Free men of color born within the United States are citizens of the United States, and are not disqualified, by negro blood, from becoming masters of vessels engaged in the coasting trade, although the acts of congress confine that privilege to citizens. Opin. of Atty.-Gen. Bates, on Citizenship, 10 Op. Att.-Gen. 382; and see Opin. of Atty.-Gen. Legare, 4 Op. Att.-Gen. 147. Negroes born within the United States are by the amendments to the constitution, citizens. *United States v. Canter*, 2 Bond, 389. Citizen has relative applications, which modify its sense in given cases. In its highest political sense, it signifies the persons who

constitute the political society. It is not confined to persons enjoying the right of suffrage; and, on the other hand, a person may be an elector without being a citizen. And the mere fact of birth within the territorial limits of the United States does not constitute one a citizen. *Opin. of Atty.-Gen. Cushing, on Relation of INdians*, 7 *Op. Att.-Gen.* 746. American citizenship does not necessarily depend upon nor co-exist with the legal capacity to hold office, or the right of suffrage. The several states, in exercising the power to define who may vote or hold office, act independently, and their power is only limited by their own prudence and discretion. hence these faculties of voting and holding office are not uniform in the different states, but are made to depend on a variety of facts, purely discretionary; such as age, sex, race, color, property, residence. No person in the United States did ever exercise the right of suffrage in virtue of the naked, unassisted fact of citizenship. In every instance the right depends upon some additional fact and cumulative qualification. *Opin. of Atty. -Gen. Bates, on Citizenship*, 10 *Op. Att.-Gen.* 382, 387. Citizenship does not involve the right to vote and hold office. All the States have withheld suffrage from some classes of citizens, and some have granted it to persons who were not citizens. An error on this subject has arisen from confounding political with civil rights. The latter constitute the citizen, while the former are not necessary ingredients. A citizen is one who owes the government allegiance, service, and money by way of taxation, and to whom the government in turn guarantees liberty and personal rights. *Van Valkenburg v. Brown*, 43 *Cal.* 43. Compare *Live-Stock, etc. Assoc. v. Crescent City, etc. Co.*, 1 *Abb. U.S.* 388. White persons born within the limits and jurisdiction of the United States, or naturalized, do not owe their citizenship to the recent constitutional amendments. The purpose of the fourteenth amendment was chiefly to confer citizenship upon the negroes, they having been adjudged (19 *How.* 393) not citizens, though natives and free born. *Van Valkenburg v. Brown*, 43 *Cal.* 43. The meaning of the fourteenth amendment, all persons born in the United States and subject to the jurisdiction thereof, is, born both in the United States and subject to the jurisdiction; born in the United States, and born subject or not; born in the United States, and afterwards becoming subject. One born within the territory, but not within the allegiance, is not a citizen, because he is afterwards brought within the jurisdiction. *McKay v. Campbell*, 5 *Am. L. T. Rep.* 407. By the common law, a subject travelling abroad on public or private business, with the express or implied license of his sovereign, is under that sovereign's protection; and, consequently, both he and his children born while so traveling owe allegiance to and are citizens of the native country of their father. The length of the father's residence abroad is not material, so that it was, in intention and in fact, temporary, not perpetual. And whether the mother was a citizen or not is unimportant: the status of the child is determined by that of the

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father. *Ludlam v. Ludlam*, 31 *Barb.* 486; *Davis v. Hall*, 1 *Nott & M.* 292; *Lasportas v. De la Motta*, 10 *Rich. Eq.* 38. An individual whose father appears to have been a resident in this country, and to have married, and had children born here, is presumed to be a citizen, although he himself was born subsequently to his father's removal to a foreign country, there being nothing else to show his father to have been an alien. *Campbell v. Wallace*, 12 *N.H.* 362; s.p. *Sbanks v Dunpont*, 3 *Pet.* 242. Under the act of April 14, 1802, ch. 288, Section 4, the children of persons duly naturalized under any of the laws of the United States, being under the age of twenty-one years at the time of their parents being so naturalized, are, if dwelling within the United States, to be considered as citizens of the United States. *Campbell v. Gordon*, 6 *Cranch*, 176. Although a state, but 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, 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. *Dred Scott v. Sandford*, 19 *How.* 393. There is in

our political system a government of each of the several states, and a government of the United States. Each is distinct from the others, and has citizens of its own, who owe it allegiance, and whose rights, within its jurisdiction, it must protect. The same person may be at the same time a citizen of the United States and a citizen of a state; but his rights, within its jurisdiction, it must protect. The same person may be at the same time a citizen of the United States and a citizen of a state; but his rights of citizenship under one of these governments will be different from those he has under the other. The government of the United States, although it is, within the scope of its powers, supreme and beyond the states, can neither grant nor secure to its citizens rights or privileges which are not expressly or by implication placed under its jurisdiction. All that cannot be so granted or secured are left to the exclusive protection of the states. *United States v. Cruikshank*, 92 U.S. (2 Otto) 542. A citizen of the United States owes his first and highest allegiance to the general government, and not to the state of which he may be a citizen. A declaration of war, or the commencement of actual hostilities, between two States, ipso facto dissolves the partnership relation existing between citizens of the hostile states. *Planters' Bank v. St. John*, 1 Woods, 585. Within the acts of congress relating to suits between citizens of different states in the circuit courts, and removal of causes, a man is in general deemed to be a citizen of the state of his domicile. *Gassies v. Ballou*, 6 Pet. 761; *Case v. Clarke*, 5 Mas. 70; *Fisk v. Chicago*, etc. R. R. Co., 53 Barb. 472; 3 Abb. Pr. N. S. 453. But one may be a citizen of one state, within the meaning of the act providing for the removal of a cause, and yet be a resident of another state. *Darst v. Bates*, 51 Ill. 430. Corporations are citizens, within the meaning of the clause of the constitution for the United States which extends the judicial power of the courts of the United States to controversies between the citizens of different states; and they are citizens only of the state or sovereignty that created them. *Western Union Telegraph Co. v. Dickinson*, 40 Ind. 444. A corporation aggregate is not considered as a citizen, or entitled to the privileges of a citizen, except, perhaps, for the purpose of giving jurisdiction to the federal courts, for which a corporation may be considered a citizen of the state by which it is incorporated. *Tatem v. Wright*, 23 N.J. L. 429. A corporation is not per se a citizen within the meaning of section 3 of the constitution of the United States. *Wheeden v. R. R. Co.*, 2 Phila. 23. An incorporated company is not within the meaning of that clause of the constitution for the United States which secures to the citizens of each state all the privileges and immunities of citizens of the several states. *People v. Imlay*, 20 Barb. 68; *Paul v. Virginia*, 8 Wal. 168; *Ducat v. Chicago*. 48 Ill. 172. The term citizens of a state, as used in the constitution, applies only to natural persons, members of the body politic, owing allegiance to the state, and not to artificial persons created by the legislature, and possessing only the attributes which the legislature has prescribed. *Paul v. Virginia*, 8 Wall. 168. An incorporated company is not a citizen of the United States, nor is it a person within the meaning of section 1 of the fourteenth to the constitution. *Ins. Co. v. New Orleans*, 1 Woods, 85.

Person. The person consists of both soul and body; and the phrase, the removal of such person, in a

law relating to residence, means, the removal of the soul and body in life, and not the withdrawal of the former from the latter merely. *Tute v. James*, 46 Vt. 60. Persons are divided by law into natural and artificial. Natural persons are such

as; [1.] the God of nature formed us;

[2] artificial are such as are created and devised by human laws, for the purposes of society and government, which are called corporations or bodies politic.

1 Bl. Com. 123. Person, used in the singular, may well mean one or more, and should be read "person or persons." *People v. Croton Aqueduct Board*, 5 Abb. Pr., 315.

Person may be used as inclusive of states; but as ordinarily employed, and where the context does not indicate an intent to include them, they are not embraced. The Alabama Certificates, 12 Op. Att. Gen. 176; Taxation of State Railroads, Id. 217.

The provision of the New York statute of wills, authorizing devises to be made to any person capable by law of holding real estate, does not include a state or a nation. The testamentary capacity given by said statute extends only to devises to natural persons and to such corporations as are authorized by the law of the state to take by devise. Matter of Fox. 52 N.Y. 530; United States v. Fox, 94, U.S. 315.

The state is within the statute relating to frauds on persons. Martin v. State, 24 Tex. 61.

The United States is a person, within the meaning of the Kansas act, which makes it an offense for any person to cut down, injure, or destroy, or take or remove, any tree, timber, rails, or wood, "standing, being, or growing on the land of any other person," etc. State v. Herold, 9 Kan. 194.

In support of a general rule that "person" or "persons" may freely be construed to include corporations, wherever the context and general purpose admits, see Beaston v Farmer's Bank of Delaware, 12 Pet. 102, 134; McIntire v. Preston, 10 Ill. 48; St.

Michael's Church v. Connolly, Bright 121; State v. Nashville University, 4 Humph. 157; People v. May, 27 Barb. 238; Cary v. Marston, 56 Id. 27; United States Tel. Co v. Western Union Tel. Co., Id. 46. For doubts of our exceptions to such rule, see State v. Cincinnati Fertilizer Co., 24 Ohio St. 611; Coddington v. Havens, 8 N.J. eq. 590.

Even in absence of a statutory definition to that effect, "person" should be construed to include a corporation, unless it appears to have been used in a more limited sense. (such as a noun or verb). Re Oregon Bulletin, etc. Co., 13 Bankr. Req. 199; Planters, etc. Bank v. Andrews, 8 Port. 404.

Blacks Law Sixth Edition.

Alien. n. A foreign born person who has not qualified as a citizen of the country; but an alien is a person within the meaning of the Fourteenth Amendment due process clause of the U.S. Constitution to same extent as a citizen. Galvan v. Press, 347 U.S. 522, 74 S.Ct. 737, 742, 98 L.Ed. 911. Any person not a citizen or national of the United States. 8 U.S.C.A. subsection 1101. See also Resident alien.

Blacks Law 6th Edition.

Corporate. Belonging to a corporation; as a corporate name. Incorporated; as a corporate body.

Corporate citizenship. Corporate status in the state of incorporation, though a foreign corporation is not a citizen for purposes of the Privileges and Immunities Clause (U.S. Const., Art. IV, subsection 2) Bank of Augusta v. Earle, 38 U.S. (13 Pet.) 519, 10 L.Ed. 274.

Corporate domicile. The domicile of a corporation is the state of its incorporation.

Corporate entity. The distinct status of a corporation which sets its existence apart from the status of its shareholders; its capacity to have a name of its own, to sue and be sued in its own name as well as the right to buy, sell, lease and mortgage its property in its own name.

Corporate name. When a corporation is formed, state statutes require that such be given a name and

such name is kept on record with the proper state authority (e.g. Secretary of States office). Only by and under such name may the corporation sue or be sued and do all legal acts.

Corporation. An artificial person or legal entity created by or under the authority of the laws of a state. An association of persons created by statute as a legal entity. The law treats the corporation itself as a person which can sue and be sued. The corporation is distinct from the individuals who comprise it (shareholders). The corporation survives the death of its investors, as the shares can usually be transferred. Such entity subsists as a body politic under a special denomination, which is regarded in law as having a personality and existence distinct from that of its several members, and which is, by the same authority, vested with the capacity of continuous succession, irrespective of changes in its membership, either in perpetuity or for a limited term of years, and of acting as a unit or single individual in matters relating to the common purpose of the association, within the scope of the power and authorities conferred upon such bodies by law. *Dartmouth College v. Woodward*, 17 U.S. (4Wheat.) 518, 636, 657, 4 L.Ed. 629; *U.S. v. Trinidad Coal Co.*, 137 U.S. 160, 11 S.Ct. 57, 34 L.Ed. 640.

See also Affiliate company; Brother-sister corporation; Charitable corporations, etc. Classification.

According to the accepted definitions and rules, corporations are classified as follows:

Public and private. A public corporation is one created by the state for political purposes to act as an agency in the administration of civil government, generally within a particular territory or subdivision of the state, and usually invested, for that purpose with subordinate and local powers of legislation; such as a county, city, town, or school district. These are sometimes called "political corporations."

Private corporations are those founded by and composed of private individuals, for private purposes, as distinguished from governmental purposes, and having no political or governmental franchises or duties.

The true distinction between public and private corporations is that the former are organized for governmental purposes, the latter not. The term "public" has sometimes been applied to corporations of which the government owned the entire stock, as in the case of a state bank. But bearing in mind that "public" is here equivalent to "political," it will be apparent that this is a misnomer. Again the fact that the business operations of a corporation may directly and very extensively affect the general public (as in the case of a railroad company or a bank or an insurance company) is no reason for calling it a public corporation. If organized by private persons for their own advantage, -or even if organized for the benefit of the public generally as in the case of a free public hospital or other charitable institutions, -it is none the less a private corporation if it does not possess governmental powers or functions. The uses may in a sense be called "public," but the corporation is "private," as much so as if the franchises were vested in a single person. *Dartmouth College v. Woodward*, 17 U.S. (4 Wheat.) 526, 4 L.Ed. 629. It is to be observed, however, that those corporations which serve the public or contribute to the comfort and convenience of the general public, though owned and managed by private interests, are now denominated "public-service corporations." See *infra*. Another distinction between public and private corporations is that the former are not voluntary associations (as the latter are) and that there is no contractual relation between the government and a public corporation or between the individuals who compose it.

While the above are strict distinctions between "public" and "private" corporations, in common usage the term "public" corporation is frequently used to distinguish a business corporation whose shares are

traded and among the general public as opposed to a “private” (or “close” corporation) whose shares are not so traded.

**From Bobbie Kenneth Townsend, It Shocks the Conscience. “Our study group found out that the Administrative Code, Section 79.31 - in 2003 and before - states only All Capital Letters, in a name, will be recognized as a corporation. After 2003, the legislature tried to get tricky, by stating that all Capital Letters, “or” All Lower letters, would be recognized as a corporation. Notice it does NOT say, Upper case with lower case letters will be recognized as a corporation. The recognition of a corporation is by one (all caps), or the other (all lower case), and NOT both. Does a email address have all lower letters?”

Blacks Law 6th

Individual. As a noun, this term denotes a single person as distinguished from a group or class, and

also, very commonly a private or natural person as distinguished from a partnership, corporation, or association; but it is said that this restrictive signification is not necessarily inherent in the word, and that it may, in proper cases, include artificial persons. See also Person. As an adjective, "individual" means pertaining or belonging to, or characteristic of, one single person, either in opposition to a firm, association, or corporation, or considered in his relation thereto.

Individual - Noun: real person, Adjective: corporation.

Individual as a noun is the real person, as an adjective is the corporation.

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The American Political Dictionary, Jack C. Plano, Milton Greenberg, Western Michigan University, Holt, Rinehart and Winston, New York, Chicago, San Francisco, Toronto, London. July 1966

Judiciary Act of 1789. A law passed by the first Congress to establish the federal court system. The Act determined the organization and jurisdiction of the courts. Over the years, the Judiciary Act has undergone numerous changes, adding and deleting courts, changing jurisdiction of courts, establishing rules of procedure, and providing for a variety of court officers and employees. The last major revision

of the law took place in 1948. *Significance: The Judiciary Act of 1789 and its subsequent amendments demonstrate congressional authority over federal court organization, jurisdiction, and procedure. The only constitutional limit placed on the Congress is that a Supreme Court must exist with specified original jurisdiction. A portion of the Judiciary Act of 1789 was declared unconstitutional in the famous case of *Marbury v. Madison*, 1 Cranch 137 (1803), because, in it, the Congress had unconstitutionally added to the original jurisdiction of the Supreme Court. Recent changes of significance include the Act of 1925, which authorized the Supreme Court to issue writs of certiorari, and the 1948 provision which changed the name of the circuit courts of appeals to, simply "courts of appeals."

JURISPRUDENCE

JURISPRUDENCE, John W. Salmond, Solicitor-General for New Zealand, Fourth Edition, London, Stevens and Haynes, Bell Yard, Temple Bar, 1913

"The will of the state no longer receives implicit obedience from those that are subject to its jurisdiction."

"Non-resident aliens, on the other hand, possess no title of membership, and stand together outside the body politic. They are not within the power and jurisdiction of the state; they owe no obedience to the laws, nor fidelity to the government; it is not for them or in their interests that the state exists." 1. Speaking generally, we may say that the terms subject and citizen are synonymous. Subjects and citizens are alike those whose relation to the state is personal and not merely territorial, permanent and not merely temporary. This equivalence, however, is not absolute. For in the first place, the term subject is commonly limited to monarchical forms of government, while the term citizen is more specially applicable in the case of republics. A British subject becomes by naturalisation a citizen of the United States of America or France. In the second place, the term citizen brings into prominence the rights and privileges of the status, rather than its correlative obligations, while the reverse is the case with the term subject. Finally it is to be noticed that the term subject is capable of a different and wider application, in which it includes all members of the body politic, whether they are citizens (i.e. subjects *stricto sensu*) or resident aliens. All such persons are subjects, as being subject to the power of the state and its jurisdiction, and as owing to it at least temporarily, fidelity and obedience. Thus it has been said: "Every alien coming into a British colony becomes temporarily a subject of the Crown - bound by, subject to, and entitled to the benefit of the laws which affect all British Subjects." *Low v Routledge*, 1 Ch. App. at p. 47. See also *Jefferys v. Roosey*, 4 H.L. C. 815. So in *Hale's Pleas of the Crown*, I. 542, it is said: "Though the statute speaks of the king's subjects, it extends to aliens...for though they are not the king's natural born subjects, they are the king's subjects when in England by a local allegiance." (Page 100)

"Subjects alone remain within the power and jurisdiction of the Crown, even when they are outside its dominions."

Unless Congress through United States law "expressly" grants to the Secretary the authority to Act outside "the District of Columbia" (the "WHERE"), any non-specific and general authority dealing with "WHO" has authority or "WHAT" authority is given to a particular office attached to the seat of government is to be construed as limited to and restricted to "the District of Columbia, and NOT ELSEWHERE," pursuant to 4 USC § 72.

ALIEN:

The War Powers of the General Government. Who Made The War. THE Status of the Citizens of the Seceded States Defined. Congress Has no Power to Confiscate Slaves or other Private Property. The Opinion of John Quincy Adams and Charles Sumner Refuted. The Right to Capture All Property Used for Insurrectionary Purposes. The right to Suspend the Writ of Habeas Corpus and Arrest the Enemy in Every Part of the National Territory. The Duty of Allegiance and Protection, By Anna Ella Carroll, of Maryland. 1861.

To avoid the constitutional difficulties which stand opposed to any general confiscation of Southern property, another plan has been suggested, but one even more chimerical than those already considered. And this is put forth a solemn declaration by Congress that the people of the seceded States are alien enemies; and then to treat them in accordance with such declaration.”

“Now, the first objection to this plan is, that it proposes to recognize the very fact which the secessionists are waging war to establish, and which we are denying under arms before all the world, namely, that the so-called seceded States have de jure the political character of foreign powers. Because, there can be no alien enemies, unless they be the subjects of foreign powers. Hence, if the United States, by its legislation concede this fact, all the other nations of the earth would be justified in the immediate acknowledgment of the Confederate States as an independent government. We cannot expect, on the part of other nations, a refusal to admit what we ourselves see fit to proclaim in the most public and formal manner, and especially when it is their desire and interest to make the admission even against our strenuous opposition.”

“But an equally fatal objection is, that it would not give the supposed power of confiscation. Because, as we have already seen, the usages of civilized warfare will not allow us to touch the mere private property of even alien enemies. We could not do it, without denying, at once, our humanity and civilization, and taking a voluntary relapse into barbarism.”

“Moreover, there is a third objection still more decisive, and that is, that the act of confiscation, in a legal point of view, would be a mere nullity. Because, as soon as the war shall terminate with the restoration of the Union, the traitors themselves must necessarily have the right to sue in the courts for the recovery of their property; and no plea can be imagined by which they could be barred. For, certainly, no one will pretend that they could be treated as alien enemies after the overthrow of the revolutionary powers. “

“And, therefore, at the end of the war, all their rights would stand again on the basis of the Constitution, and with no power in our system to divest them by any other means than a regular conviction and sentence under the guarantee of constitutional forms.”

“The Constitution expressly declares that “no person shall be deprived of life, liberty, or property, without due process of law.”

“And hence, Congress can have no authority to take away a man’s property by legislative action, any more than to take away his liberty, or his life. Any deprivation of either must be in pursuance of a judicial determination founded upon proper legal process.”

“It is true, that during the continuance of the war, and so long as the rebels maintain their attitude of open hostility to the Government, the latter may, for the time, treat them as alien enemies, de facto, for belligerent purposes; and consequently may prevent them from using even their private property in any manner to aid in the movement of the insurrectionary forces. But this right of prevention in the Government is one strictly appertaining to the military power. It is one of the rights incidental to martial law. Hence, it is one to be exercised by the President, or his subordinate military agents, and not at all by Congress. It is also perfectly in aid of the rebellion, is but temporary, and, since it is a power

springing out of the war, it must necessarily expire with the war. It is a mere power to prevent property from being used in a hostile manner against the Government, and not any power to divest or transfer titles.”

“Again, the citizen of a State, by force of the Constitution, is virtually a citizen of every other State in the Union. ut the act of secession obliterates this precious privilege also, and leaves its victim an alien to one half of the Federal territory, perhaps to the