

De Bernalis, 11 *Com. Law Rep.* 475; *The Society, &c. v. New Haven*, 8 *Wheat.* 482; *Agnew v. The Bank of Gettysburg*, 2 *H. & G.* 479.

But a corporation cannot, on the ground of its foreign origin, or on the ground of its being an artificial creature of a different State from that of which the opposite party is a citizen, be allowed to sue or be sued in the Federal Courts; because the jurisdiction given to those Courts, founded on the character of the litigants, is put upon the foot of their being natural persons, integral members of society, who are citizens of different States. Corporations, therefore, cannot be qualified to sue in those Courts upon that ground, otherwise than by looking, according to a most latitudinous construction of the Federal Constitution, to the natural character and citizenship of all the individuals of which the artificial body is composed. *Hepburn & Dundas v. Ellzey*, 2 *Cran.* 445; *Bank U. S. Deveaux*, 5 *Cran.* 90; *The Corporation of New Orleans v. Winter*, 1 *Wheat.* 91; *U. S. Bank v. Planters' Bank*, 9 *Wheat.* 911; *ante* 109, note (g). *Nor is there any provision in the Constitution of the Union which confers jurisdiction upon the Federal Courts in any **148** case where a body politic is a party; because of its having been concurrently incorporated by two or more States. The Chesapeake and Ohio Canal Company has been incorporated by the governments of the District of Columbia, and those of the States of Virginia, Pennsylvania, and Maryland; and now holds, or may hold, much immovable property, which must be subject to the exclusive jurisdiction of each of them.

It necessarily follows, that this body politic, must, for the purposes of justice, be treated as a separate corporation by the Courts of justice of each government, from which it has derived its being; that is, as a domestic legal entity to the extent of the government under which the Court acts, and as a foreign corporation so far as regards the other sources of its existence; that although the direct and strict merits of its title to the immovable property it holds, under the other governments of its origin, cannot be determined in any of the Courts of this Republic; yet, that the body politic itself may, because of its being found here, be restrained from wasting its funds, or expending them for any other than corporate purposes anywhere, in violation of the delegated authority with which it has been clothed; that, so far as regards the title to its immovable property, where it becomes necessary to restrain the making of any excavation, or erection upon it, or to obtain redress for any injury done to it, the Courts of justice under whose jurisdiction it lies must have exclusive cognizance of the matter; and that, in all other cases, they must have concurrent jurisdiction. *Drybutter v. Bartholomew*, 2 *P. Will.* 128, note.

The dam, the erection of which is complained of, is to be extended entirely across the River Potomac; and therefore, one part of it must rest upon the territory of Maryland and the other upon that